

1 AN ACT concerning marriage certificates.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The State Finance Act is amended by adding
5 Section 5.545 as follows:

6 (30 ILCS 105/5.545 new)

7 Sec. 5.545. The Affordable Housing Fund.

8 Section 10. The Vital Records Act is amended by changing
9 Section 25 as follows:

10 (410 ILCS 535/25) (from Ch. 111 1/2, par. 73-25)

11 Sec. 25. In accordance with Section 24 of this Act, and
12 the regulations adopted pursuant thereto:

13 (1) The State Registrar of Vital Records shall search
14 the files of birth, death, and fetal death records, upon
15 receipt of a written request and a fee of \$10 from any
16 applicant entitled to such search. A search fee shall not be
17 required for commemorative birth certificates issued by the
18 State Registrar. If, upon search, the record requested is
19 found, the State Registrar shall furnish the applicant one
20 certification of such record, under the seal of such office.
21 If the request is for a certified copy of the record an
22 additional fee of \$5 shall be required. If the request is
23 for a certified copy of a death certificate or a fetal death
24 certificate, an additional fee of \$2 is required. The
25 additional fee shall be deposited into the Death Certificate
26 Surcharge Fund. A further fee of \$2 shall be required for
27 each additional certification or certified copy requested.
28 If the requested record is not found, the State Registrar
29 shall furnish the applicant a certification attesting to that

1 fact, if so requested by the applicant. A further fee of \$2
2 shall be required for each additional certification that no
3 record has been found.

4 Any local registrar or county clerk shall search the
5 files of birth, death and fetal death records, upon receipt
6 of a written request from any applicant entitled to such
7 search. If upon search the record requested is found, such
8 local registrar or county clerk shall furnish the applicant
9 one certification or certified copy of such record, under the
10 seal of such office. If the requested record is not found,
11 the local registrar or county clerk shall furnish the
12 applicant a certification attesting to that fact, if so
13 requested by the applicant. The local registrar or county
14 clerk may charge fees for providing services for which the
15 State Registrar may charge fees under this Section, except
16 that such fees may not exceed the fees charged by the State
17 Registrar.

18 A request to any custodian of vital records for a search
19 of the death record indexes for genealogical research shall
20 require a fee of \$10 per name for a 5 year search. An
21 additional fee of \$1 for each additional year searched shall
22 be required. If the requested record is found, one
23 uncertified copy shall be issued without additional charge.

24 Any fee received by the State Registrar pursuant to this
25 Section which is of an insufficient amount may be returned by
26 the State Registrar upon his recording the receipt of such
27 fee and the reason for its return. The State Registrar is
28 authorized to maintain a 2 signature, revolving checking
29 account with a suitable commercial bank for the purpose of
30 depositing and withdrawing-for-return cash received and
31 determined insufficient for the service requested.

32 (2) The certification of birth may contain only the
33 name, sex, date of birth, and place of birth, of the person
34 to whom it relates, the name, age and birthplace of the

1 parents, and the file number; and none of the other data on
2 the certificate of birth except as authorized under
3 subsection (5) of this Section.

4 (3) The certification of death shall contain only the
5 name, Social Security Number, sex, date of death, and place
6 of death of the person to whom it relates, and file number;
7 and none of the other data on the certificate of death except
8 as authorized under subsection (5) of this Section.

9 (4) Certification or a certified copy of a certificate
10 shall be issued:

11 (a) Upon the order of a court of competent
12 jurisdiction; or

13 (b) In case of a birth certificate, upon the
14 specific written request for a certification or certified
15 copy by the person, if of legal age, by a parent or other
16 legal representative of the person to whom the record of
17 birth relates, or by a person having a genealogical
18 interest; or

19 (c) Upon the specific written request for a
20 certification or certified copy by a department of the
21 state or a municipal corporation or the federal
22 government; or

23 (d) In case of a death or fetal death certificate,
24 upon specific written request for a certified copy by a
25 person, or his duly authorized agent, having a
26 genealogical, personal or property right interest in the
27 record.

28 A genealogical interest shall be a proper purpose with
29 respect to births which occurred not less than 75 years and
30 deaths which occurred not less than 20 years prior to the
31 date of written request. Where the purpose of the request is
32 a genealogical interest, the custodian shall stamp the
33 certification or copy with the words, FOR GENEALOGICAL
34 PURPOSES ONLY.

1 (5) Any certification or certified copy issued pursuant
2 to this Section shall show the date of registration; and
3 copies issued from records marked "delayed," "amended," or
4 "court order" shall be similarly marked and show the
5 effective date.

6 (6) Any certification or certified copy of a certificate
7 issued in accordance with this Section shall be considered as
8 prima facie evidence of the facts therein stated, provided
9 that the evidentiary value of a certificate or record filed
10 more than one year after the event, or a record which has
11 been amended, shall be determined by the judicial or
12 administrative body or official before whom the certificate
13 is offered as evidence.

14 (7) Any certification or certified copy issued pursuant
15 to this Section shall be issued without charge when the
16 record is required by the United States Veterans
17 Administration or by any accredited veterans organization to
18 be used in determining the eligibility of any person to
19 participate in benefits available from such organization.
20 Requests for such copies must be in accordance with Sections
21 1 and 2 of "An Act to provide for the furnishing of copies of
22 public documents to interested parties," approved May 17,
23 1935, as now or hereafter amended.

24 (8) The National Vital Statistics Division, or any
25 agency which may be substituted therefor, may be furnished
26 such copies or data as it may require for national
27 statistics; provided that the State shall be reimbursed for
28 the cost of furnishing such data; and provided further that
29 such data shall not be used for other than statistical
30 purposes by the National Vital Statistics Division, or any
31 agency which may be substituted therefor, unless so
32 authorized by the State Registrar of Vital Records.

33 (9) Federal, State, local, and other public or private
34 agencies may, upon request, be furnished copies or data for

1 statistical purposes upon such terms or conditions as may be
2 prescribed by the Department.

3 (10) The State Registrar of Vital Records, at his
4 discretion and in the interest of promoting registration of
5 births, may issue, without fee, to the parents or guardian of
6 any or every child whose birth has been registered in
7 accordance with the provisions of this Act, a special notice
8 of registration of birth.

9 (11) No person shall prepare or issue any certificate
10 which purports to be an original, certified copy, or
11 certification of a certificate of birth, death, or fetal
12 death, except as authorized in this Act or regulations
13 adopted hereunder.

14 (12) A computer print-out of any record of birth, death
15 or fetal record that may be certified under this Section may
16 be used in place of such certification and such computer
17 print-out shall have the same legal force and effect as a
18 certified copy of the document.

19 (13) The State Registrar may verify from the information
20 contained in the index maintained by the State Registrar the
21 authenticity of information on births, deaths, marriages and
22 dissolution of marriages provided to a federal agency or a
23 public agency of another state by a person seeking benefits
24 or employment from the agency, provided the agency pays a fee
25 of \$10.

26 (14) The State Registrar may issue commemorative birth
27 certificates to persons eligible to receive birth
28 certificates under this Section upon the payment of a fee to
29 be determined by the State Registrar.

30 (15) Upon request and upon the payment of a fee as set
31 forth in this subdivision (15), the State Registrar shall
32 issue an heirloom marriage certificate to the parties to a
33 marriage for which a marriage certificate has been registered
34 with the Office of Vital Records. The heirloom marriage

1 certificate must be in a form consistent with the need to
2 protect the integrity of vital records and must be suitable
3 for display. The heirloom marriage certificate may bear the
4 seal of the State and may be signed by the Governor. The fee
5 for an heirloom marriage certificate shall be determined by
6 the State Registrar and shall include the cost of producing
7 and issuing the heirloom marriage certificate and an
8 additional sum of \$25. The additional \$25 shall be deposited
9 into the Affordable Housing Fund, a special fund that is
10 created in the State treasury. Moneys in the Affordable
11 Housing Fund shall be used, subject to appropriation, solely
12 for grants for affordable housing programs.

13 (Source: P.A. 90-144, eff. 7-23-97; 91-382, eff. 7-30-99.)

14 Section 15. The Illinois Marriage and Dissolution of
15 Marriage Act is amended by changing Section 202 as follows:

16 (750 ILCS 5/202) (from Ch. 40, par. 202)

17 Sec. 202. Marriage License and Marriage Certificate.)

18 (a) The Director of Public Health shall prescribe the form
19 for an application for a marriage license, which shall
20 include the following information:

21 (1) name, sex, occupation, address, social security
22 number, date and place of birth of each party to the proposed
23 marriage;

24 (2) if either party was previously married, his name,
25 and the date, place and court in which the marriage was
26 dissolved or declared invalid or the date and place of death
27 of the former spouse;

28 (3) name and address of the parents or guardian of each
29 party; and

30 (4) whether the parties are related to each other and,
31 if so, their relationship.

32 (a-5) Heirloom marriage certificates shall be issued,

1 upon request, in accordance with Section 25 of the Vital
2 Records Act.

3 (b) The Director of Public Health shall prescribe the
4 forms for the marriage license, the marriage certificate, the
5 heirloom marriage certificate, and, when necessary, the
6 consent to marriage.

7 (Source: P.A. 80-923.)