

333.06 PLEADING FAILURE TO FILE CERTIFICATE; COSTS. If any person or persons conducting a business contrary to the terms of section 3 of this act and sections 333.01 to 333.06 shall, prior, to the filing of the certificate and proof of publication therein prescribed, commence a civil action, including an action to recover possession of real property in any court of this state on account of any contract made by, or transaction had on behalf of the business, the defendant may plead such failure in abatement of the action; and all proceedings had in the action shall thereupon be stayed until the certificate provided for by section 3 of this act and sections 333.01 to 333.06 is duly filed, and the defendant, in case he prevails in the action, shall also be entitled to tax ~~\$\$~~ \$50 costs, in addition to such other statutory costs as ~~are now may be~~ allowed by law, and, in case he does not prevail in the action, shall be entitled to deduct ~~\$\$~~ \$50 from the judgment otherwise recoverable therein and if a judgment for money is not otherwise recoverable therein, he shall be entitled to tax \$50 costs.

Sec. 8. **APPROPRIATION.** The sum of \$63,300 is appropriated from the general fund to the secretary of state for the purpose of this act for the fiscal year ending June 30, 1979. The approved complement of the office of secretary of state is increased by three persons.

Sec. 9. Minnesota Statutes 1976, Sections 333.03 and 333.05 are repealed.

Approved March 28, 1978.

CHAPTER 699-S.F.No.645

[Coded]

An act relating to vital statistics; requiring reporting; establishing registration districts; defining terms; providing penalties; repealing Minnesota Statutes 1976, Sections 144.151 to 144.203; 517.071; 517.08, Subdivisions 2 and 3; and 518.001.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[144.211] CITATION.** Sections 1 to 18 may be cited as the "vital statistics act."

Sec. 2. **[144.212] DEFINITIONS.** Subdivision 1. As used in sections 1 to 18, the following terms have the meanings given:

Subd. 2. "Commissioner" means the commissioner of health.

Subd. 3. "File" means to present a vital record for registration.

Subd. 4. "Final disposition" means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or dead fetus.

Subd. 5. "Registration" means the acceptance of a vital record for filing by a ~~Changes or additions indicated by underline deletions by strikeout~~

registrar of vital statistics.

Subd. 6. "State registrar" means the commissioner of health or his designee.

Subd. 7. "System of vital statistics" includes the registration, collection, preservation, amendment and certification of vital records, the collection of other reports required by sections 1 to 18, and related activities including the tabulation, analysis and publication of vital statistics.

Subd. 8. "Vital record" means certificates or reports of birth, death, marriage, dissolution and annulment, and data related thereto.

Subd. 9. "Vital statistics" means the data derived from certificates and reports of birth, death, fetal death, induced abortion, marriage, dissolution and annulment, and related reports.

Subd. 10. "Local registrar" means an individual designated under section 4, subdivision 1, to perform the duties of a local registrar.

Subd. 11. "Consent to disclosure" means an affidavit filed with the state registrar which sets forth the following information;

- (a) The current name and address of the affiant;
- (b) Any previous name by which the affiant was known;
- (c) The original and adopted names, if known, of the adopted child whose original birth certificate is to be disclosed;
- (d) The place and date of birth of the adopted child;
- (e) The biological relationship of the affiant to the adopted child; and
- (f) The affiant's consent to disclosure of the original unaltered birth certificate of the adopted child.

Sec. 3. [144.213] OFFICE OF VITAL STATISTICS. Subdivision 1. CREATION; STATE REGISTRAR. The commissioner shall establish an office of vital statistics under the supervision of the state registrar. The commissioner shall furnish to local registrars the forms necessary for correct reporting of vital statistics, and shall instruct the local registrars in the collection and compilation of the data. The commissioner shall promulgate rules for the collection, filing, and registering of vital statistics information by state and local registrars, physicians, morticians, and others. Except as otherwise provided in sections 1 to 18, rules previously promulgated by the commissioner relating to the collection, filing and registering of vital statistics shall remain in effect until repealed, modified or superseded by a rule promulgated by the commissioner.

Subd. 2. **GENERAL DUTIES.** The state registrar shall coordinate the work of local
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registrars to maintain a statewide system of vital statistics. The state registrar is responsible for the administration and enforcement of sections 1 to 18, and shall supervise local registrars in the enforcement of sections 1 to 18 and the rules promulgated thereunder.

Subd. 3. **RECORD-KEEPING.** To preserve vital records the state registrar is authorized to prepare typewritten, photographic, electronic or other reproductions of original records and files in the office of vital statistics. The reproductions when certified by the state or local registrar shall be accepted as the original records.

Sec. 4. **[144.214] LOCAL REGISTRARS OF VITAL STATISTICS.** Subdivision 1. **DISTRICTS.** Each county of the state, the city of St. Paul, and the city of Minneapolis, shall constitute the 89 registration districts of the state. The local registrar in each county shall be the clerk of district court in that county. The local registrar in any city which maintains local registration of vital statistics shall be the health officer. In addition, the state registrar may establish registration districts on United States government reservations, and may appoint a local registrar for each registration district so established.

Subd. 2. **FAILURE OF DUTY.** A local registrar who neglects or fails to discharge his duties as provided by sections 1 to 18 may be relieved of his duties as local registrar by the state registrar after notice and hearing. The state registrar may appoint a successor to serve as local registrar. If a local registrar fails to file or transmit birth or death certificates the state registrar shall obtain them by other means.

Subd. 3. **DUTIES.** The local registrar shall examine each certificate of birth and death received by him, pursuant to the rules of the commissioner. If the certificate is complete it shall be registered. The local registrar shall enforce the provisions of sections 1 to 18 and the rules promulgated thereunder within the registration district, and shall promptly report violations of the laws or rules to the state registrar.

Subd. 4. **DESIGNATED MORTICIANS.** The state registrar may designate licensed morticians to receive for filing certificates of death, to issue burial permits, and to issue permits for the transportation of dead bodies or dead fetuses within designated territory. The designated morticians shall perform duties as prescribed by rule of the commissioner.

Sec. 5. **[144.215] BIRTH REGISTRATION.** Subdivision 1. A certificate of birth for each live birth which occurs in this state shall be filed with the local registrar of the district in which the birth occurred, within five days after the birth.

Subd. 2. The commissioner shall establish by rule an orderly mechanism for the registration of births including at least a designation for who must file the birth certificate, a procedure for registering births which occur in moving conveyances, and a provision governing the names of the parent or parents to be entered on the birth certificate.

Subd. 3. In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father shall be entered on the birth certificate. If the order of the court declares the name of the child, it shall also be entered on the birth

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certificate; if the order of the court does not declare the name of the child, then upon the request of both parents in writing, the surname of the child shall be that of the father.

Sec. 6. [144.216] FOUNDLING REGISTRATION. Subdivision 1. Whoever finds a live born infant of unknown parentage shall report within five days to the office of vital statistics such information as the commissioner may by rule require to identify the foundling.

Subd. 2. A report registered under subdivision 1 shall constitute the certificate of birth for the child. If the child is identified and a certificate of birth is found or obtained, the report registered under subdivision 1 shall be confidential pursuant to section 15.162, subdivision 2a, and shall not be disclosed except pursuant to court order.

Sec. 7. [144.217] DELAYED CERTIFICATES OF BIRTH. Subdivision 1. **EVIDENCE REQUIRED FOR FILING.** Before a delayed certificate of birth is registered, the person presenting the delayed certificate for registration shall offer evidence of the facts contained in the certificate, as required by the rules of the commissioner. In the absence of the evidence required, the delayed certificate shall not be registered.

Subd. 2. **COURT PETITION.** If a delayed certificate of birth is rejected under subdivision 1, a person may petition the appropriate court for an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered. The petition shall state:

(a) That the person for whom a delayed certificate of birth is sought was born in this state;

(b) That no certificate of birth can be found in the office of the state or local registrar;

(c) That diligent efforts by the petitioner have failed to obtain the evidence required in subdivision 1;

(d) That the state registrar has refused to register a delayed certificate of birth; and

(e) Other information as may be required by the court.

Subd. 3. **COURT ORDER.** The court shall fix a time and place for a hearing on the petition and shall give the state registrar ten days notice of the hearing. The state registrar may appear and testify in the proceeding. If the court is satisfied from the evidence received at the hearing of the truth of the statements in the petition, the court shall order the registration of the delayed certificate.

Subd. 4. **FILING THE ORDER.** A certified copy of the order shall be filed with the state registrar, who shall forward a copy to the local registrar in the district of birth. Certified copies of the order shall be evidence of the truth of their contents and be admissible as birth certificates.

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Sec. 8. **[144.218] NEW CERTIFICATES OF BIRTH.** Subdivision 1. Upon receipt of a certified copy of an order, decree, or certificate of adoption, the state registrar shall register a supplementary certificate in the new name of the adopted person. The original certificate of birth and the certified copy are confidential pursuant to section 15.162, subdivision 2a, and shall not be disclosed except pursuant to court order or section 144.1761. *Upon the receipt of a certified copy of a court order of annulment of adoption the state registrar shall restore the original certificate to its original place in the file.*

Subd. 2. **ADOPTION OF FOREIGN PERSONS.** In proceedings for the adoption of a person who was born in a foreign country, the court, upon evidence presented by the commissioner of public welfare from information secured at the port of entry, or upon evidence from other reliable sources, may make findings of fact as to the date and place of birth and parentage. Upon receipt of certified copies of the court findings and the order or decree of adoption, the state registrar shall register a birth certificate in the new name of the adopted person. The certified copies of the court findings and the order or decree of adoption are confidential, pursuant to section 15.162, subdivision 2a, and shall not be disclosed except pursuant to court order or section 144.1761. The birth certificate shall state the place of birth as specifically as possible, and that the certificate is not evidence of United States citizenship.

Subd. 3. **SUBSEQUENT MARRIAGE OF NATURAL PARENTS.** If, in cases in which a certificate of birth has been registered pursuant to section 5 and the natural parents of the child marry after the birth of the child, a new certificate of birth shall be registered upon presentation of a certified copy of the marriage certificate of the natural parents, and either an acknowledgment or court adjudication of paternity. The information presented and the original certificate of birth are confidential, pursuant to section 15.162, subdivision 2a, and shall not be disclosed except pursuant to court order.

Subd. 4. **INCOMPLETE AND INCORRECT CERTIFICATES.** If a court finds that a birth certificate is incomplete, inaccurate or false, it may order the registration of a new certificate, and shall set forth the correct information in the order. Upon receipt of the order the state registrar shall register a new certificate containing the findings of the court, and the prior certificate shall be confidential pursuant to section 15.162, subdivision 2a, and shall not be disclosed except pursuant to court order.

Sec. 9. **[144.219] AMENDMENT OF VITAL RECORDS.** *Upon the order of a court of this state, upon the request of a court of another state, or upon the filing of an acknowledgment of paternity with the state registrar or the appropriate court which is not disputed by the mother named on the original birth certificate within a reasonable time after being informed of the filing, a new birth certificate shall be registered consistent with the findings of the court or with the acknowledgment of paternity.*

Sec. 10. **[144.221] DEATH REGISTRATION.** Subdivision 1. A death certificate for each death which occurs in the state shall be filed with the local registrar of the district in which the death occurred or with a mortician appointed pursuant to section 4, subdivision 4, *within five days after death and prior to final disposition.*

Subd. 2. The commissioner of health shall establish in rule an orderly mechanism

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for the registration of deaths including at least a designation for who must file the death certificate, a procedure for the registration of deaths in moving conveyances, and provision to include cause and certification of death and assurance of registration prior to final disposition.

Subd. 3. When circumstances suggest that a death has occurred although a dead body cannot be produced to confirm the fact of death, a death certificate shall not be registered until a court has adjudicated the fact of death. A certified copy of the court finding shall be attached to the death certificate when it is registered.

Sec. 11. **[144.222] REPORTS OF FETAL DEATH.** Each fetal death which occurs in this state shall be reported within five days to the state registrar as prescribed by rule by the commissioner.

Sec. 12. **[144.223] REPORT OF MARRIAGE.** Data relating to certificates of marriage registered shall be reported to the state registrar by the local registrars pursuant to the rules of the board. The information necessary to compile the report shall be furnished by the applicant prior to the issuance of the marriage license. The report shall contain the following information.

A. Personal information on bride and groom:

1. Name;
2. Residence;
3. Date and place of birth;
4. Race;
5. If previously married, how terminated;
6. Signature of applicant and date signed.

B. Information concerning the marriage:

1. Date of marriage;
2. Place of marriage;
3. Civil or religious ceremony.

Sec. 13. **[144.224] REPORTS OF DISSOLUTION AND ANNULMENT OF MARRIAGE.** Each month the clerk of court shall file a report with the state registrar, reporting the dissolutions and annulments of marriage granted by the court in the preceding month. The report shall include the following information:

- a. Name and date of birth of the husband and wife;

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- b. County of decree;
- c. Date of decree;
- d. Signature of the clerk of court; and
- e. Date signed.

Sec. 14. [144.225] DISCLOSURE OF INFORMATION FROM VITAL RECORDS. Subdivision 1. Except as otherwise provided for in this section and section 144.176, information contained in vital records shall be public information. Physical access to vital records shall be subject to the supervision and regulation of state and local registrars and their employees pursuant to rules promulgated by the commissioner in order to protect vital records from loss, mutilation or destruction and to prevent improper disclosure of records which are confidential or private data on individuals, as defined in section 15.162, subdivisions 2a and 5a.

Subd. 2. Disclosure of information pertaining to births out of wedlock or information from which it can be ascertained, shall be made only to the guardian of the person, the person to whom the record pertains when the person is 18 years of age or older, or upon order of a court of competent jurisdiction. The birth and death records of the commissioner of health shall be open to inspection by the commissioner of public welfare and it shall not be necessary for him to obtain an order of the court in order to inspect records or to secure certified copies thereof.

Subd. 3. No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a vital record except as authorized in sections 1 to 18 or the rules of the commissioner.

Subd. 4. The state registrar may permit persons performing medical research access to the information restricted in subdivision 2 if those persons agree in writing not to disclose private data on individuals.

Subd. 5. When a resident of another state is born or dies in this state, the state registrar shall send a report of the birth or death to the state of residence.

Sec. 15. [144.226] FEES. Subdivision 1. The fees for any of the following services shall be in an amount prescribed by rule of the board:

(a) The issuance of a certified copy or certification of a vital record, or a certification that the record cannot be found, provided that a fee shall not be charged for any certified copy required for service in the armed forces or the Merchant Marine of the United States or required in the presentation of claims to the United States Veterans Administration of any state or territory of the United States, or for any copy requested by the commissioner of public welfare for the discharge of his duties relating to state wards. No fee shall be charged for verification of information requested by official agencies of this state, local governments in this state, or the federal government;

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(b) The replacement of a birth certificate;

(c) The filing of a delayed registration of birth or death;

(d) The alteration, correction, or completion of any vital record, provided that no fee shall be charged for an alteration, correction, or completion requested within one year after the filing of the certificate; and

(e) The verification of information from or noncertified copies of vital records. Fees charged shall approximate the costs incurred in searching and copying the records. The fee shall be payable at time of application.

Subd. 2. Fees collected under this section by the state registrar shall be deposited to the general fund.

Sec. 16. [144.227] PENALTIES. Subdivision 1. Whoever intentionally makes any false statement in a certificate, record, or report required to be filed under sections 1 to 18, or in an application for an amendment thereof, or in an application for a certified copy of a vital record, or who supplies false information intending that the information be used in the preparation of any report, record, certificate, or amendment thereof, is guilty of a misdemeanor.

Subd. 2. Any person who, without lawful authority and with the intent to deceive, willfully and knowingly makes, counterfeits, alters, obtains, possesses, uses or sells any certificate, record or report required to be filed under sections 1 to 18, or a certified copy of a certificate, record or report, is guilty of a gross misdemeanor.

Sec. 17. REPEALER. Minnesota Statutes 1976, Sections 144.151; 144.152; 144.153; 144.154; 144.155; 144.156; 144.157; 144.158; 144.159; 144.161; 144.162; 144.163; 144.164; 144.165; 144.166; 144.167; 144.168; 144.169; 144.171; 144.172; 144.173; 144.174; 144.175; 144.176; 144.177; 144.178; 144.181; 144.182; 144.183; 144.191; 144.201; 144.202; 144.203; 144.204; 144.205; 517.071; 517.08, Subdivisions 2 and 3; and 518.001; are repealed.

Sec. 18. EFFECTIVE DATE. This act is effective the day following final enactment.

Approved March 28, 1978.

CHAPTER 700-S.F.No.757

An act relating to transportation; repealing the "Sunday holiday law"; allowing commercial vehicles to operate within 35 miles of cities of the first class on Sundays and legal holidays; amending Minnesota Statutes 1976, Section 221.221; repealing Minnesota Statutes 1976, Sections 221.191, 221.201 and 221.211.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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