

STATE BOARD OF HEALTH: REGISTRATION OF BIRTHS AND DEATHS:

Local registrar cannot issue
certified copies of birth and
death certificates and charge
therefor.

July 28, 1936

E. T. McGaugh, M. D.
State Health Commissioner
State Board of Health
Jefferson City, Missouri



Dear Sir:

This will acknowledge receipt of your letter
requesting an opinion from this office, which reads as
follows:

"Section 9060 Revised Statutes of
Missouri for 1929 provides:

"The state registrar, shall upon
request, furnish any applicant a
certified copy of the record of
any birth or death registered
under provisions of this article,
for the making and certification
of which he shall be entitled to
a fee of fifty cents, to be paid
by the applicant. And any such
copy of the record of a birth or
death, when properly certified by
the state registrar to be a true
copy thereof, shall be prima facie
evidence in all courts and places
of the facts therein stated. For
any search of the files and records,
when no certified copy is made,
the state registrar shall be en-
titled to a fee of fifty cents for
each hour or fractional hour of time
of search, to be paid by the applicant.
And the state registrar shall keep a
true and correct account of all fees
by him received under these pro-
visions, and turn the same over to
the state treasurer.'

"The State Board of Health has promulgated the following regulation pertaining to the above section (page 10 of 'regulations and Instructions Governing the Registration of Births and Deaths and Disposal of Dead Bodies' 1935):

"'No local registrar has the legal right to issue a certified copy of a birth or death certificate, either free or for pay. The state registrar at the central office in Jefferson City has the sole right to issue certified copies of certificates of births or deaths.'

"I desire and will appreciate your opinion on the following questions:

"1. May a local registrar of the State Board of Health issue certified copies of birth or death certificates and make a charge therefor, or is this authority lodged solely in the state registrar?

"2. If a local registrar has such authority, must he account to the State Treasurer for fees received by him?"

It is clear, from a reading of Chapter 52, Article 2, Revised Statutes Missouri 1929, which relates to the registration of births and deaths, that the local registrars and sub-registrars are subordinate to and under the control and supervision of the state registrar of vital statistics.

Section 9058, Revised Statutes Missouri 1929, which specifies the duties of local registrars, requires, among other things, that the local registrar shall make a copy of each birth and death certificate registered by him in a record book of approved form, to be kept and permanently preserved in his office as a local record of such births and deaths and that he shall, on the 10th day

of each month, transmit to the state registrar all original certificates registered by him during the preceding month. Said section reads, in part, as follows:

"* * * He shall also make a complete and accurate copy of each birth and death certificate registered by him in a record book of approved form, to be kept and permanently preserved in his office as the local record of such birth and death, in such manner as directed by the state registrar. And he shall, on the tenth day of each month, transmit to the state registrar all original certificates registered by him during the preceding month.* * *"

Neither the above section nor any other section makes it the duty of or authorizes the local registrar to furnish any person with a certified copy of the record of any birth or death. Furthermore, it would be impossible for the local registrar to give a certified copy of the original birth or death certificate after it has been transferred, as required by law, to the state registrar. All he could do would be to furnish a certified copy of the copy which he is required to make and keep. The statutes do not authorize him to do this or make any charge for so doing. Such a certified copy of a copy would not be admissible as evidence.

22 Corpus Juris, section 948, page 826, reads, in part,

"As a general rule a certified copy of an official copy or other transcript of a record is not admissible in evidence."

On the other hand, under the provisions of Section 9060, Revised Statutes Missouri 1929, quoted in your letter, it is specifically made the duty of the state registrar to furnish, upon request, any applicant a certified copy of the record of any birth or death registered under the provisions of Article 2 of Chapter 52 of the Revised Statutes of Missouri 1929, and such certified copy is prima facie evidence in all courts and places of the facts therein stated. For making and

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certifying to such records the state registrar is entitled to a fee of fifty cents which is to be turned over to the State Treasurer.

CONCLUSION

In view of all the above, it is the opinion of this department that a local registrar does not have the authority to issue certified copies of birth and death certificates and make a charge therefor, and that the authority to issue and charge for certified copies of birth and death certificates is lodged solely in the state registrar.

Yours very truly,

J. E. TAYLOR
Assistant Attorney General

APPROVED:

JOHN W. HOFFMAN, Jr.
(Acting) Attorney General

JET:LC