

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 2165**

5 (By Delegates Iaquinta, Longstreth, Fleischauer,  
6 Jones, Stephens and Azinger)

7 [Passed March 4, 2014; in effect July, 1 2014]

8  
9 AN ACT to amend and reenact §16-5-29 of the Code of West Virginia,  
10 1931, as amended; and to amend and reenact §59-1-10 of said  
11 code, all relating to death certificates of military veterans;  
12 providing for the issuance, without charge in certain  
13 instances, of up to two certified copies of a veteran's death  
14 certificate by the clerk of the county commission if requested  
15 within thirty days of the death of the veteran; providing no  
16 fee may be charged if the death certificate is needed to  
17 obtain state or federal benefits; specifying effective date;  
18 and defining "veteran".

19 *Be it enacted by the Legislature of West Virginia:*

-5-20 of the Code of West Virginia, 1931, as amended, be amended

21 and reenacted; and that §59-1-10 of said code be amended and  
22 reenacted, all to read as follows:

23 **CHAPTER 16. PUBLIC HEALTH.**

24 **ARTICLE 5. VITAL STATISTICS.**

1     **§16-5-29. Fees for copies and searches.**

2           (a) The commissioner shall prescribe the fees to be charged  
3 and collected by the State Registrar for certified copies of  
4 certificates or records, not to exceed \$10 per copy, or for a  
5 search of the files or records when no copy is made: *Provided,*  
6 That the fee may be increased to a maximum of \$12 per copy, at the  
7 discretion of the commissioner, after July 1, 2008.

8           (b) The commissioner may prescribe additional fees for the  
9 priority production or express delivery of certified copies.

10          (c) The State Registrar may furnish certified copies of birth  
11 and death records to state agencies and to organized charities free  
12 of charge when the certificates are needed in presenting claims to  
13 the federal government or to a state for public assistance. The  
14 State Registrar will keep a record of all certificates furnished  
15 pursuant to this subsection.

16          (d) Beginning July 1, 2014, upon request made within thirty  
17 days of the date of death of a veteran, the State Registrar shall  
18 issue without fee no more than a total of two certified copies of  
19 a veteran's death certificate to: (I) A family member or dependent  
20 of the veteran; (ii) the personal representative of the veteran's  
21 estate; or (iii) the funeral director providing funeral services  
22 for the veteran with written permission from the person responsible  
23 for payment of the funeral services or a family member or dependent  
24 of the veteran: *Provided,* That proof of the veteran's military

1 service is furnished at the time of the request. However, as  
2 provided by section twelve-a, article four, chapter fifty-one of  
3 this code, no fee may be charged for a death certificate that is  
4 necessary to obtain benefits from the federal or state government.  
5 As used in this subsection, "veteran" means any person who has  
6 served in the armed forces of the United States, the military  
7 reserve or National Guard and who was not dishonorably discharged.

8 (e) Subject to the provisions set forth in section two,  
9 article two, chapter twelve of this code, there is hereby continued  
10 in the State Treasury a separate account which shall be designated  
11 the vital statistics account.

12 (f) After July 1, 2006, and subject to the provisions set  
13 forth in section two, article two, chapter twelve of this code,  
14 there is established in the State Treasury a separate account which  
15 shall be designated the vital statistics improvement fund. Funds  
16 deposited in this account will be used to modernize and automate  
17 the system of vital statistics in this state and may not be used to  
18 supplant existing funding necessary for the daily operation of the  
19 system of vital statistics. Funds in this account will be retained  
20 in a nonlapsing fund for the improvement of the system of vital  
21 statistics.

22 (g) The commissioner shall deposit \$1 received under the  
23 provisions of this section for each certified copy to the vital  
24 statistics improvement fund and shall deposit \$4 received under the

1 provisions of this section for each certified copy to the General  
2 Revenue Fund account. The commissioner shall deposit the remainder  
3 of all fees received under the provisions of this section for  
4 certified copies and for priority production and express delivery  
5 to the vital statistics account.

6 (h) The commissioner is authorized to expend the moneys  
7 deposited in the vital statistics account in accordance with the  
8 laws of this state as necessary to implement this article. The  
9 Legislature shall appropriate all moneys in the vital statistics  
10 account as part of the annual state budget.

11 (I) The commissioner shall make an annual report to the  
12 Legislature on the vital statistics account, including the previous  
13 fiscal year's expenditures and projected expenditures for the next  
14 fiscal year.

15 **CHAPTER 59. FEES, ALLOWANCES AND COSTS; NEWSPAPERS; LEGAL**  
16 **ADVERTISEMENTS.**

17 **ARTICLE 1. FEES AND ALLOWANCES.**

18 **§59-1-10. Fees to be charged by clerk of county commission.**

19 For the purpose of this section, the word "page" is defined as  
20 being a paper or electronic writing of not more than legal size, 8  
21 1/2" x 14".

22 (a) When a writing is admitted to record, for receiving proof  
23 of acknowledgment thereof, entering an order in connection  
24 therewith, endorsing clerk's certificate of recordation thereon and

1 indexing in a proper index, the clerk of the county commission  
2 shall charge and collect the following fees:

3 (1) Fifteen dollars for a deed of conveyance (with or without  
4 a plat), trust deed, fixture filing or security agreement  
5 concerning real estate lease.

6 (2) Forty dollars for a trustee's report of sale for any  
7 property for which additional information and filing requirements  
8 are required by section eight-a, article one, chapter thirty-eight  
9 of this code. Twenty dollars of each recording fee received  
10 pursuant to this subdivision shall be deposited into the county's  
11 General Revenue Fund and \$20 paid quarterly by the clerk of the  
12 county commission to the West Virginia Housing Development Fund  
13 established in article eighteen, chapter thirty-one of this code.

14 (3) Ten dollars for a financing, continuation, termination or  
15 other statement or writing permitted to be filed under chapter  
16 forty-six of this code.

17 (4) Ten dollars for a plat or map (with no deed of  
18 conveyance).

19 (5) No charge for a service discharge record.

20 (6) Ten dollars for any document or writing other than those  
21 referenced in subdivisions (1), (2), (3), (4) and (5) of this  
22 subsection.

23 (7) One dollar for each additional page for documents or  
24 writings containing more than five pages.

1 For any of the documents admitted to record pursuant to this  
2 subsection, if the clerk of the county commission has the  
3 technology available to receive these documents in electronic form  
4 or other media, the clerk shall set a reasonable fee to record  
5 these writings not to exceed the cost for filing paper documents.

6 (8) Of the fees collected pursuant to subdivision (1),  
7 subsection (a) of this section, \$10 shall be deposited in the  
8 county general fund in accordance with section twenty-eight of this  
9 article and \$1 shall be deposited in the county general fund and  
10 dedicated to the operation of the county clerk's office. Four  
11 dollars of the fees collected pursuant to subdivision (1),  
12 subsection (a) of this section and \$5 of the fees collected  
13 pursuant to subdivision (6), subsection (a) of this section shall  
14 be paid by the county clerk into the State Treasury and deposited  
15 in equal amounts for deposit into the Farmland Protection Fund  
16 created in article twelve, chapter eight-a of this code for the  
17 benefit of the West Virginia Agricultural Land Protection Authority  
18 and into the Outdoor Heritage Conservation Fund created in article  
19 two-g, chapter five-b of this code. The funds deposited in the  
20 State Treasury pursuant to this subdivision may only be used for  
21 costs, excluding personnel costs, associated with purpose of land  
22 conservation, as defined in subsection (f), section seven, article  
23 two-g, chapter five-b of this code.

24 (b) Five dollars for administering any oath other than oaths

1 by officers and employees of the state, political subdivisions of  
2 the state or a public or quasi-public entity of the state or a  
3 political subdivision of the state, taken in his or her official  
4 capacity.

5 (c) Fifty-five dollars for issuance of marriage license and  
6 other duties pertaining to the marriage license (including  
7 preparation of the application, administering the oath,  
8 registering and recording the license, mailing acknowledgment of  
9 minister's return to one of the licensees and notification to a  
10 licensee after sixty days of the nonreceipt of the minister's  
11 return). This fee is reduced to \$35 if the applicants present a  
12 premarital education course completion certificate issued pursuant  
13 to section seven hundred one, article two, chapter forty-eight of  
14 this code, and dated within one year of the application for a  
15 marriage license.

16 (1) One dollar of the marriage license fee received pursuant  
17 to this subsection shall be paid by the county clerk into the State  
18 Treasury as a state registration fee in the same manner that  
19 license taxes are paid into the Treasury under article twelve,  
20 chapter eleven of this code;

21 (2) Fifteen dollars of the marriage license fee received  
22 pursuant to this subsection shall be paid by the county clerk into  
23 the State Treasury for the Family Protection Shelter Support Act in  
24 the same manner that license taxes are paid into the Treasury under

1 article twelve, chapter eleven of this code;

2 (3) Ten dollars of the marriage license fee received pursuant  
3 to this subsection shall be deposited in the Courthouse Facilities  
4 Improvement Fund created by section six, article twenty-six,  
5 chapter twenty-nine of this code; and

6 (4) If a premarital education course completion certificate is  
7 not presented, the county clerk shall, on or before the tenth day  
8 of each month, transmit \$20 of the marriage license fee received  
9 pursuant to this subsection to the State Treasurer for deposit in  
10 the State Treasury as follows:

11 (A) Five dollars to the credit of the Family Protection  
12 Shelter Support Act in the same manner that license taxes are paid  
13 into the treasury under article twelve, chapter eleven of this  
14 code;

15 (B) Five dollars to the credit of the special revenue account,  
16 hereby created, designated the Fund for Civil Legal Services for  
17 Low Income Persons, which shall consist of all gifts, grants,  
18 bequests, transfers, appropriations or other donations or payments  
19 which may be received and administered by the Division of Justice  
20 and Community Services from any governmental entity or unit or any  
21 person, firm, foundation, or corporation for the purposes of this  
22 section, and all interest or other return earned from investment of  
23 the fund. Expenditures from the fund shall be made by the Director  
24 of the Division of Justice and Community Services and shall be

1 limited to grants to nonprofit agencies which provide civil legal  
2 services to low income persons made at his or her discretion. Any  
3 balance in the fund at the end of each fiscal year shall not revert  
4 to the General Revenue Fund but shall remain in the fund and be  
5 expended as provided by this section.

6 (C) Ten dollars to the credit of the Marriage Education Fund  
7 created pursuant to section seven hundred two, article two, chapter  
8 forty-eight of this code.

9 (d) (1) One dollar and fifty cents for a copy of any writing  
10 or document, if it is not otherwise provided for.

11 (2) One dollar for each additional page if the writing or  
12 documents contains more than two pages.

13 (3) One dollar for annexing the seal of the commission or  
14 clerk to any paper.

15 (4) (A) Five dollars for a certified copy of a birth  
16 certificate, death certificate or marriage license, except as  
17 provided by paragraph (B) of this subdivision.

18 (B) Beginning July 1, 2014, upon request made within thirty  
19 days of the date of death of a veteran, the clerk of the county  
20 commission shall issue without fee no more than a total of two  
21 certified copies of a veteran's death certificate to: (i) A family  
22 member or dependent of the veteran; (ii) the personal  
23 representative of the veteran's estate; or (iii) the funeral  
24 director providing funeral services for the veteran with written

1 permission from the person responsible for payment of the funeral  
2 services or a family member or dependent of the veteran: *Provided,*  
3 That proof of the veteran's military service is furnished at the  
4 time of the request. However, as provided by section twelve-a,  
5 article four of this chapter , no fee may be charged for a death  
6 certificate that is necessary to obtain benefits from the federal  
7 or state government. As used in this paragraph, "veteran" means any  
8 person who has served in the armed forces of the United States, the  
9 military reserve or National Guard and who was not dishonorably  
10 discharged.

11 (e) For copies of any record in electronic form or a medium  
12 other than paper, a reasonable fee set by the clerk of the county  
13 commission not to exceed the costs associated with document search  
14 and duplication.