

2017 Regular Session

HOUSE BILL NO. 75

BY REPRESENTATIVE MIGUEZ

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

VITAL STATS/DEATH CERT: Provides with respect to copies of death certificates

1 AN ACT

2 To amend and reenact R.S. 40:41(C), relative to vital records; to provide relative to access
3 to such records; to authorize attorneys to obtain a death certificate for succession
4 purposes under certain circumstances; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:41(C) is hereby amended and reenacted to read as follows:

7 §41. Disclosure of records

8 * * *

9 C.(1) The state registrar shall not permit inspection of the records or issue
10 a certificate, or any part thereof, unless he is satisfied that the applicant ~~thereof~~ is any
11 of the following:

12 (a) The ~~the~~ person named in the certificate;

13 (b) A ~~or is a~~ member of the immediate or surviving family of ~~said person~~;
14 the person named in the certificate.

15 (c) A person ~~or is~~ named in a court proceeding as a member of the immediate
16 or surviving family of ~~said person~~; the person named in the certificate.

17 (d) The ~~or is the~~ beneficiary of an insurance policy or trust.

18 (e) A succession representative.

19 (2)(a) The credentials of an attorney, together with a written declaration of
20 the record in which he is interested and a written declaration or oral statement that

1 he is a legal representative of one of the named parties referenced in Paragraph
2 ~~(C)~~(1) of this Subsection shall constitute sufficient proof of a direct interest in the
3 matter recorded.

4 (b) In addition to the provisions of Subparagraph (a) of this Paragraph, a
5 written declaration by the attorney that he is preparing a small succession pursuant
6 to Code of Civil Procedure Article 3431 et seq. for the deceased person whose death
7 certificate is being requested shall constitute sufficient proof of a direct interest in
8 the matter recorded.

9 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 75 Engrossed 2017 Regular Session Miguez

Abstract: Adds authority of an attorney to obtain a death certificate of a deceased person on whose behalf the attorney is preparing a small succession.

Present law provides that the credentials of an attorney, a written declaration of the record in which he is interested, and a written declaration or oral statement that he is a legal representative of one of the named parties approved to obtain a death certificate, shall constitute sufficient proof of a direct interest in the matter recorded.

Proposed law retains present law and authorizes an attorney to obtain a death certificate of a deceased person on whose behalf the attorney is preparing a small succession.

Present law provides that the state registrar of vital records shall not permit inspection of a death record or issue a death certificate, or any part thereof, unless he is satisfied that the applicant is any of the following:

- (1) The person named in the certificate.
- (2) A member of the immediate or surviving family of the person named in the certificate.
- (3) A person named in a court proceeding as a member of the immediate or surviving family of the person named in the certificate.
- (4) The beneficiary of an insurance policy or trust.

Proposed law retains present law and adds a succession representative as a person to whom the state registrar may permit inspection of a death record, and to whom the registrar may issue a death certificate or any part thereof.

(Amends R.S. 40:41(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Add a succession representative as a person to whom the state registrar may permit inspection of the death record, and to whom the registrar may issue a death certificate or any part thereof.