

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Bill No. 59, Page 27, Section 475.555, Line 5
by inserting after all of said section and line the following:

“[490.660. Sections 490.660 to 490.690 may be cited as "The Uniform Business Records as
Evidence Law".]

[490.670. The term "business" shall include every kind of business, profession, occupation,
calling or operation of institutions, whether carried on for profit or not.]

[490.680. A record of an act, condition or event, shall, insofar as relevant, be competent evidence
if the custodian or other qualified witness testifies to its identity and the mode of its preparation, and if it
was made in the regular course of business, at or near the time of the act, condition or event, and if, in the
opinion of the court, the sources of information, method and time of preparation were such as to justify its
admission.]

[490.690. Sections 490.660 to 490.690 shall be so interpreted and construed as to effectuate its
general purpose to make uniform the law of those states which enact it.]

[490.692. 1. Any records or copies of records reproduced in the ordinary course of business by
any photographic, photostatic, microfilm, microcard, miniature photographic, optical disk imaging, or
other process which accurately reproduces or forms a durable medium for so reproducing the original that
would be admissible under sections 490.660 to 490.690 shall be admissible as a business record, subject
to other substantive or procedural objections, in any court in this state upon the affidavit of the person
who would otherwise provide the prerequisites of sections 490.660 to 490.690, that the records attached to
the affidavit were kept as required by section 490.680.

2. No party shall be permitted to offer such business records into evidence pursuant to this
section unless all other parties to the action have been served with copies of such records and such
affidavit at least seven days prior to the day upon which trial of the cause commences.

3. The affidavit permitted by this section may be in form and content substantially as follows:

THE STATE OF..... COUNTY

OF..... AFFIDAVIT

Before me, the undersigned authority, personally appeared, who, being by me duly
sworn, deposed as follows:

My name is, I am of sound mind, capable of making this affidavit, and personally
acquainted with the facts herein stated:

I am the custodian of the records of Attached hereto are pages of records from

1 These pages of records are kept by in the regular course of business, and it was
2 the regular course of business of for an employee or representative of with knowledge of the
3 act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof
4 to be included in such record; and the record was made at or near the time of the act, event, condition,
5 opinion or diagnosis. The records attached hereto are the original or exact duplicates of the original.

6

7 Affiant

8 In witness whereof I have hereunto subscribed my name and affixed my official seal this
9 day of, 20... ..
10 (Signed)

11 (Seal)]

12
13 490.660. Sections 490.660 to 490.699 may be cited as “The Records of Regularly Conducted
14 Activity as Evidence Law.”

15 490.670. The term “business” includes business, institution, association, profession, occupation
16 and calling of every kind, whether or not conducted for profit.

17 490.680. The following is not excluded by any hearsay rule, even though the declarant is
18 available as a witness: A memorandum, report, record, or data compilation, in any form, of acts, events,
19 conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a
20 person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the
21 regular practice of that business activity to make the memorandum, report, record or data compilation.

22 490.690. Sections 490.660 to 490.699 shall be so interpreted and construed as to effectuate its
23 general purpose to make uniform the law of those states with such laws and/or rules of evidence regarding
24 the admissibility of third party business records.

25 490.692. Extrinsic evidence of authenticity as a condition precedent to admissibility is not
26 required with respect to the original or a duplicate of a record of regularly conducted activity if
27 accompanied by a written certification of its custodian or other qualified person that the record

28 (A) was made at or near the time of the occurrence of the matters set forth by, or from information
29 transmitted by, a person with knowldge of these matters;

30 (B) was kept in the course of the regularly conducted activity; and

31 (C) was made by the regularly conducted activity as a regular practice.

32 The word “certification” as used in this subsection means with respect to a domestic record, a written
33 declaration under oath subject to the penalty of perjury and, with respect to a record maintained or located
34 in a foreign country, or written declaration signed in a country which, if falsely made, would subject the
35 maker to criminal penalty under the laws of the country. A party intending to offer a record into evidence
36 under this paragraph must provide written notice of that intention to all adverse parties, and must make the
37 record and certification available for inspection sufficiently in advance of their offer into evidence to
38 provide an adverse party with a fair opportunity to challenge them.”; and

39
40 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.