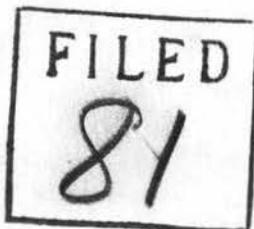


BANKS: Bank records required to be preserved under Section 362.410, RSMo 1949, may be preserved by the methods prescribed in Section 109.120, RSMo 1949.

February 27, 1951



3-5-51

Honorable H. G. Shaffner
Commissioner, Division of Finance
Department of Business and Administration
Jefferson City, Missouri

Dear Sir:

The following opinion is rendered in reply to your recent request reading as follows:

"A number of banks are uncertain about the interpretation of Chapter 109, Public Records, Sections 109.090 through 109.170, Transcribing and Binding, R. S. Missouri, 1949, since in the Banking Laws of Missouri, 1939, we have Section 7987 relating to the preservation of books and records of banks.

"Because of the limited storage space, banks are interested in taking photostatic copies of as many of their records as possible and destroying the original record.

"Will these or any other statutes permit them to destroy the original record and keep in their stead reproduced copies?"

Section 7987, R. S. Missouri, 1939, is now found at Section 362.410, RSMo 1949, and provides:

"Every bank shall preserve all its records of final entry, including cards used under the card system and deposit tickets, for a period of at least six years from the date of making the same or from the date of the last entry thereon."

Honorable H. G. Shaffner

Section 109.120, RSMo 1949, provides:

"The head of any business, industry, profession, occupation or calling, or the head of any state, county or municipal department, commission, bureau or board may cause any or all records kept by such official, department, commission, bureau, board or business to be photographed, microphotographed, photostated or reproduced on film. Such film or reproducing material shall be of durable material and the device used to reproduce such records on such film or material shall be such as to accurately reproduce and perpetuate the original records in all details."

The last section above quoted clearly discloses that the records kept by any business may be reproduced by the methods prescribed therein. No conflict is discovered between said section and Section 362.410, RSMo 1949, requiring banks to maintain certain records for a period of six years.

CONCLUSION

It is the opinion of this department that banks which are required to preserve records for six years under the provisions of Section 362.410, RSMo 1949, may preserve the same by the methods outlined in Section 109.120, RSMo 1949.

Respectfully submitted,

JULIAN L. O'MALLEY
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General.

JLO'M:ba