

* BBS LEGAL GUIDE COMMENTARY: The Uniform Preservation of Private Business Records Act, adopted in 1954 follows. This act, although adopted only in Illinois, Maryland, New Hampshire and Oklahoma, sets a standard for the length of time that business records must be kept. Note that if another statute requires retention for a longer period of time, the longer statute applies. In many instances corporations have made specific policies for record destruction. The "Pack rat" syndrome has come to haunt a few firms, when partial records from many years past come to haunt them. */

Uniform Preservation of Private Business Records Act (1954)

Section 1. Definitions.

As used in this Act:

"Business" includes every kind of private business, profession, occupation, calling or operation of private institutions whether carried on for profit or not.

"Person" means an individual, partnership, corporation, or any other association.

"Records" or "Business Records" includes books of account, vouchers, documents, canceled checks, payrolls, correspondence record of sale, personnel, equipment and production, reports relation to any or all of such records and other business papers.

"Reproduction" means a reproduction or durable medium for making a reproduction obtained by photographic, photostatic, microfilm, microcard, miniature photographic or other process which accurately reproduces or forms a durable medium for so reproducing the original.

Section 2. Period of Preservation.

Unless a specific period is designated by law for their preservation, business records which persons by the laws of this state are required to keep or preserve may be destroyed after the expiration of three years of making such records without constituting an offense under such laws. This section does not apply to minute books of corporation nor to records of sales or other transaction involving weapons, poisons or other dangerous articles or substances capable of use in the commission of crimes.

Section 3. Preservation of reproductions

if in the regular course of business a person makes reproductions of original business records, the preservation of such reproductions constitutes compliance with any laws of this State requiring that business records be kept or preserved.

Section 4. Destruction of Records by State Officers

Nothing in this Act shall be construed to diminish the authority of an officer of this State under existing law to permit the destruction of business records.

Section 5. Uniformity of Interpretation.

This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

Section 6. Short title.

This Act may be cited as the Uniform Preservation of Private Business Records Act.