

HCS HB 1966 -- RECORDS OF ACTIVITY AS EVIDENCE

SPONSOR: Franz (Burlison)

COMMITTEE ACTION: Voted "do pass" by the Committee on General Laws by a vote of 8 to 6.

This substitute renames The Uniform Business Records as Evidence Law to The Records of Regularly Conducted Activity and specifies what documents, if kept in the course of regularly conducted business activity and if it was the regular practice of the business activity to make the documents, are not excluded by any hearsay rule, even when the declarant is available as a witness.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that the bill will modernize a very important rule of evidence in the state and allow for a more streamlined process to allow access to these types of business documents at trial. The bill allows the judge to remain the final authority in determining which evidence is credible and should be admitted.

Testifying for the bill were Representative Burlison; Tim Bosslet, Missouri Creditors Bar, Inc.; Michael Foster, Faber and Brand, LLC; Susan Myers, Metropolitan St. Louis Sewer District; Associated Industries of Missouri; Ford Motor Company; Missouri Collectors Association; Missouri Chamber of Commerce; and Laclede Gas Company.

OPPOSERS: Those who oppose the bill say that there isn't a problem with having these types of records admitted into evidence at trial. The bill will erase years of settled case law with unknown consequences and possible injustice. Those in the business of purchasing debts and attempting to collect on them should bear the costs of proving a document is credible. The debt buying industry does not need restrictions loosened for them.

Testifying against the bill were Dale Irwin; David Angle, Missouri Association of Trial Attorneys; Missouri Republican Attorneys for Civil Justice; James Daher; Missouri Associate Circuit Judge Voluntary Fund; and Bruce DeGroor.

OTHERS: Others testifying on the bill say they were in opposition to similar language in HB 1505 but are not voicing opposition specifically to this bill.

Testifying on the bill was Missouri Bar.