

DEPARTMENT OF REVENUE:
RECORDS:
STATE RECORDS COMMISSION:

The disposition of state records, regardless of pre-existing laws, is now governed by rules and regulations promulgated by the State Records Commission pursuant to Section 109.310, RSMo Supp. 1965, after the effective date of the adoption of such rules and regulations.

OPINION NO. 127

May 9, 1967

Honorable Thomas A. David
Director
Department of Revenue
Jefferson Building
Jefferson City, Missouri



Dear Mr. David:

This is in answer to your request for an opinion of this office regarding the authority of the Director of Revenue to photostat and then destroy the original records and documents referred to in Section 301.360, RSMo 1959, which reads as follows:

"The director of revenue may destroy the following records:

- "(1) All surrendered or assigned certificates of ownership of motor vehicles and trailers after ten years;
- "(2) All applications for transfer of registrations of motor vehicles and trailers and all alphabetical and numerical files of records relating to the registration of motor vehicles and trailers after five years;
- "(3) All applications for drivers licenses after four years;
- "(4) All applications for registration of motor vehicles and dealers after one year;

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"(5) Any other records relating to manufacturer's and dealer's registration of motor vehicles and trailers, which in the discretion of the director of revenue should be destroyed after ten years;

"(6) The applications for registrations of chauffeurs, registered operators and certificates of ownership shall be preserved as permanent records."

In 1965 the legislature enacted Sections 109.200 through 109.310, RSMo Supp. 1965, entitled "The State Records Law". This act created the State Records Commission and authorized it to determine what disposition should be made of the various records and documents of the state. Section 109.310, RSMo Supp. 1965, thereof provides:

"Records shall be destroyed according to the provisions of existing law and administrative regulations until the state records commission promulgates rules and regulations for the destruction of records. All provisions of law and all administrative rules and regulations for the destruction of records are repealed upon the effective date of the rules and regulations for the destruction of records adopted and promulgated by the commission pursuant to sections 109.200 to 109.310."

Thus, it may be seen that regardless of pre-existing laws relating to the destruction of records, this matter is now governed by the State Records Law, and after the promulgation of rules and regulations by the State Records Commission, records may be destroyed only according to the provisions of such rules and regulations. See our Opinion No. 351, issued November 1, 1966, to the Honorable James C. Kirkpatrick, Secretary of State, a copy of which is enclosed herewith. It is our understanding that regulations have been made for the destruction of the records set forth in Section 301.360. You should consult the State Records Commissioner to determine the procedure for the destruction of the particular records about which

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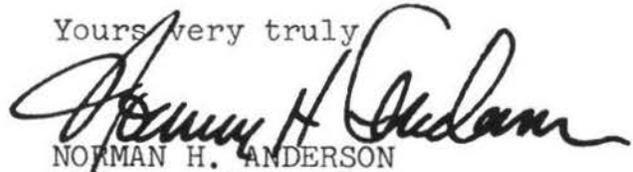
you inquired, and you are no longer bound by the requirements of Section 301.360.

CONCLUSION

The disposition of state records, regardless of pre-existing laws, is now governed by rules and regulations promulgated by the State Records Commission pursuant to Section 109.310, RSMo Supp. 1965, after the effective date of the adoption of such rules and regulations.

The foregoing opinion, which I hereby approve, was prepared by my Assistant John H. Denman.

Yours very truly



NORMAN H. ANDERSON
Attorney General

Enclosure: Opinion No. 351, Kirkpatrick
11-1-66