

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Wilson**

# A Bill

**ACT 566 OF 1995**  
**SENATE BILL 345**

## For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 16-46-101 TO AUTHORIZE  
RECORD KEEPING USING ELECTRONIC IMAGING; AND FOR OTHER  
PURPOSES."

### Subtitle

"TO AUTHORIZE RECORD KEEPING USING  
ELECTRONIC IMAGING"

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 16-46-101 is amended to read as follows:

"16-46-101. Recordation of certain certified copies - Photographic  
copies of business and public records.

(a) (1) The clerk of any court of record may record any certified copy  
of any instrument by attaching the certified copy to his record book so as to  
make the copy be and become a part of the record to the extent that the copy  
cannot be detached, and the copy shall be legally recorded when the attachment  
has been made by the clerk. This subdivision shall apply to plats,  
blueprints, and photostatic copies only.

(2) The county recorders, clerks of courts of record, and any  
public officer whose duty it is to make public records are authorized to use  
and employ an approved system of photographic recording when provided with  
equipment necessary for such method of recording.

(b) (1) If any business, institution, member of a profession or calling,  
or any department or agency of government, in the regular course of business  
or activity has kept or recorded any memorandum, writing, entry, print,  
representation, or combination thereof, of any act, transaction, occurrence,  
or event, and in the regular course of business has caused any or all of the  
same to be recorded, copied, or reproduced by any photographic, photostatic,

1 microfilm, microcard, miniature photographic, optical disk, electronic  
2 imaging, or other process which accurately reproduces or forms a durable  
3 medium for so reproducing the original, the original may be destroyed in the  
4 regular course of business unless its preservation is required by law.

5           (2) The reproduction, when satisfactorily identified, is as  
6 admissible in evidence as the original itself in any judicial or  
7 administrative proceeding whether the original is in existence or not.

8           (3) An enlargement or facsimile of the reproduction is likewise  
9 admissible in evidence if the original reproduction is in existence and  
10 available for inspection under direction of the court.

11           (4) The introduction of a reproduced record, enlargement, or  
12 facsimile does not preclude admission of the original."

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14           SECTION 2. All provisions of this act of a general and permanent nature  
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
16 Revision Commission shall incorporate the same in the Code.

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18           SECTION 3. If any provision of this act or the application thereof to  
19 any person or circumstance is held invalid, such invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

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24           SECTION 4. All laws and parts of laws in conflict with this act are  
25 hereby repealed.

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APPROVED: 3-9-95

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