CHAPTER 5

Public Documents, Records, and Books

ARTICLE 1

Public Documents

**SECTION 19‑5‑10.** Admissibility of certified copies or certified photostatic copies of documents.

 When the original of any instrument, document or other paper is required or authorized by law to be recorded or is kept on file in any public office of the United States or any agency thereof, the State of South Carolina or any agency thereof or any political subdivision of this State and the original of any such paper is required to be kept on file in any such office, is in the possession of any adverse party or has been lost or destroyed, a certified copy of the record of such paper, if it has been recorded, or copy of such paper, certified by the lawful custodian thereof, if it is kept on file in any such office, must be received in evidence in any court of competent jurisdiction in lieu of the original of such paper. A certified photostatic copy of any such paper may be used in lieu of a certified copy thereof, and such certified photostatic copy shall in all respects be treated as a certified copy under the provisions of this section.

HISTORY: 1962 Code Section 26‑101; 1952 Code Section 26‑101; 1942 Code Section 713; 1942 (42) 1451.

**SECTION 19‑5‑20.** Notice required under Section 19‑5‑10.

 In case of possession of such paper by any adverse party or his agent or attorney no such paper shall be received in evidence unless two days' notice shall have been given to such adverse party or his attorney that a certified copy thereof will be offered in evidence unless the original be produced as required in such notice. But the time of giving notice herein to any such adverse party, his agent or attorney, may be lessened by the officer presiding at trial in which such certified copy may be offered.

HISTORY: 1962 Code Section 26‑102; 1952 Code Section 26‑102; 1942 Code Section 713; 1942 (42) 1451.

**SECTION 19‑5‑30.** Admissibility of photostatic or certified copies of certain motor vehicle records.

 Photostatic, optical disk, or certified copies of motor vehicle registration applications, registrations, notices of cancellation, suspensions or revocations, reports of violations, and documents pertaining to the motor vehicle safety responsibility laws of this State, when certified by the director of the Department of Motor Vehicles, or his designee, as true copies of originals, on file with the Department of Motor Vehicles, shall be admissible in any proceedings in any court in like manner as the original thereof.

HISTORY: 1962 Code Section 26‑102.1; 1955 (49) 184; 1993 Act No. 181, Section 278, eff July 1, 1993; 1996 Act No. 459, Section 31, eff June 5, 1996.

**SECTION 19‑5‑40.** Admissibility of certified photographic copy of instrument or record pertaining to business or government when original is lost or destroyed.

 Any certified or authenticated photographic copy of any instrument or record in writing used in or acquired in the conduct of business, or of government, in this State shall, upon certification that the original of such instrument or record has been lost or destroyed, be admitted in evidence in any court in this State as the original of such instrument or record would have been admitted when offered.

HISTORY: 1962 Code Section 26‑103; 1952 Code Section 26‑103; 1948 (45) 2075; 1957 (50) 179.

**SECTION 19‑5‑50.** Evidence of appointment of executors or administrators.

 The judge of probate, on application by the executor or administrator of any deceased person to whom letters testamentary or of administration have been granted, shall furnish a true copy of such order as he may make concerning the probate of the will or granting of administration, certified under his hand, which shall be sufficient evidence of the appointment of such executor or administrator in any such court in this State.

HISTORY: 1962 Code Section 26‑104; 1952 Code Section 26‑104; 1942 Code Section 410; 1932 Code Section 410; Civ. P. '22 Section 366; Civ. C. '12 Section 3954; Civ. C. '02 Section 2850; G. S. 2182; R. S. 2314; 1789 (5) 109; 1839 (11) 62.

**SECTION 19‑5‑60.** Production of instruments required to be recorded as evidence of execution and recording.

 The production, without further or other proof, of the original of any instrument in writing, other than a will, required by law to be recorded shall be prima facie evidence of the execution and recording of such instrument if such instrument shall have been recorded in the manner and place and within the time prescribed by law for recording the same and the recording thereof shall have been certified by the clerk of court or register of deeds.

HISTORY: 1962 Code Section 26‑105; 1952 Code Section 26‑105; 1942 Code Section 723; 1932 Code Section 723; Civ. P. '22 Section 738; Civ. C. '12 Section 4001; Civ. C. '02 Section 2897; 1898 (22) 745; 1900 (23) 347; 1972 (57) 2542.

**SECTION 19‑5‑70.** Applicability of foregoing section when fraud is alleged.

 The provisions of Section 19‑5‑60 shall not apply when any such recorded instrument is assailed or attacked on the ground of fraud in its execution if at least ten days' previous notice in writing of such ground by a pleading or otherwise duly sworn to shall have been given by the party or his attorney so assailing or attacking such instrument to the opposite party or his attorneys.

HISTORY: 1962 Code Section 26‑106; 1952 Code Section 26‑106; 1942 Code Section 724; 1932 Code Section 724; Civ. P. '22 Section 739; Civ. C. '12 Section 4002; Civ. C. '02 Section 2898; 1898 (22) 745.

ARTICLE 3

Foreign Documents

**SECTION 19‑5‑210.** Admissibility of certified copies of grants issued by North Carolina.

 It shall be lawful, in every court of this State, for any party, plaintiff or defendant, to produce in evidence certified copies of grants under the authority of the state of North Carolina; provided, however, that the person or persons so applying to produce an office copy of a grant in evidence swear that the original grant is lost, destroyed or out of his power to produce and that he has not destroyed, mislaid or in any way willingly, previous to that time, put it out of his power to produce the same with an intention to produce an office copy of the same in evidence.

 Nothing herein contained shall be construed to deprive any person in possession of the original grant of any advantage he would have had or derived from possessing the same in case this section had never been passed.

HISTORY: 1962 Code Section 26‑121; 1952 Code Section 26‑121; 1942 Code Section 721; 1932 Code Section 721; Civ. P. '22 Section 736; Civ. C. '12 Section 3999; Civ. C. '02 Section 2895; G. S. 2224; R. S. 2360; 1731 (3) 303; 1906 (5) 459; 1942 (42) 1451.

**SECTION 19‑5‑220.** Proof of various instruments.

 All exemplifications of records, all deeds and bonds or other specialities, all letters of attorney, procuration, or other powers in writing and all testimonials which shall at any time be produced in any of the courts of this State and shall be attested to have been proved, upon oath, under the corporation seal of any mayor or chief officer of any city, borough or town corporate in any foreign state, under the hand of the governor and public seal of any state in the United States or under the notarial seal of any notary public shall be deemed and adjudged good and sufficient in law in any of the courts of judicature in this State, as if the witnesses to such deeds were produced and proved the same viva voce, except as herein otherwise provided.

HISTORY: 1962 Code Section 26‑122; 1952 Code Section 26‑122; 1942 Code Section 725; 1932 Code Section 725; Civ. P. '22 Section 740; Civ. C. '12 Section 4003; Civ. C. '02 Section 2899; G. S. 2226; R. S. 2362; 1721 (7) 176; 1731 (8) 285.

**SECTION 19‑5‑230.** Foreign evidences of debt shall be admissible only on basis of reciprocity.

 No testimonial, probate, certificate or other instrument under the seal of any foreign court of law, notary public or other magistrate or person qualified and empowered to give the same shall be received in the courts of the State as evidence of any debt or demand owing by any person resident within the limits of this State unless it shall appear to the court that testimonials, probates, certificates or other instruments of writing for the purposes aforesaid which shall be issued from any of the courts of this State or by any of the officers thereof authorized and empowered to give the same are received and allowed as evidence in the courts of such foreign country.

HISTORY: 1962 Code Section 26‑123; 1952 Code Section 26‑123; 1942 Code Section 726; 1932 Code Section 726; Civ. P. '22 Section 741; Civ. C. '12 Section 4004; Civ. C. '02 Section 2899; G. S. 2227; R. S. 2363; 1787 (5) 45.

ARTICLE 5

Reports as to Missing Persons

**SECTION 19‑5‑310.** Effect of finding of presumed death under Federal Missing Persons Act.

 A written finding of presumed death made by the Secretary of War, the Secretary of the Navy or other officer or employee of the United States authorized to make such finding, pursuant to the Federal Missing Persons Act (56 Stat. 143, 1092, and P. L. 408, Ch. 371, 2d Sess. 78th Cong.) 50 U.S.C. App. 1001‑1017, as now or hereafter amended, or a duly certified copy of such finding, shall be received in any court, office or other place in this State as prima facie evidence of the death of the person therein found to be dead and the date, circumstances and place of his disappearance.

HISTORY: 1962 Code Section 26‑131; 1952 Code Section 26‑131; 1945 (44) 150.

**SECTION 19‑5‑320.** Effect of report that person is missing, besieged, captured by the enemy or the like.

 An official written report or record, or duly certified copy thereof, that a person is missing, missing in action, interned in a neutral country, beleaguered, besieged or captured by an enemy or is dead or alive, made by any officer or employee of the United States authorized by the act referred to in Section 19‑5‑310 or by any other law of the United States to make the same shall be received in any court, office or other place in this State as prima facie evidence that such person is missing, missing in action, interned in a neutral country, beleaguered, besieged or captured by an enemy or is dead or alive, as the case may be.

HISTORY: 1962 Code Section 26‑132; 1952 Code Section 26‑132; 1945 (44) 150.

**SECTION 19‑5‑330.** Signature of reports or copies shall prima facie be deemed authorized.

 For the purposes of Sections 19‑5‑310 and 19‑5‑320 any finding, report or record, or duly certified copy thereof, purporting to have been signed by such officer or employee of the United States as is described in said sections, shall prima facie be deemed to have been signed and issued by such an officer or employee pursuant to law, and the person signing the same shall prima facie be deemed to have acted within the scope of his authority. If a copy purports to have been certified by a person authorized by law to certify the same such certified copy shall be prima facie evidence of his authority so to certify.

HISTORY: 1962 Code Section 26‑133; 1952 Code Section 26‑133; 1945 (44) 150.

ARTICLE 9

Business Records

**SECTION 19‑5‑510.** Uniform Business Records as Evidence Act.

 The term "business" shall include every kind of business, profession, occupation, calling or operation of institutions, whether carried on for profit or not.

 A record of an act, condition or event shall, insofar as relevant, be competent evidence if the custodian or other qualified witness testifies to its identity and the mode of its preparation, and if it was made in the regular course of business, at or near the time of the act, condition or event and if, in the opinion of the court, the sources of information, method and time of preparation were such as to justify its admission.

 This section may be cited as the Uniform Business Records as Evidence Act.

HISTORY: 1978 Act No. 552 Section 1.

**SECTION 19‑5‑520.** Certified business records.

 In addition to those matters provided by Rule 902, South Carolina Rules of Evidence, extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the following:

 (A) The original or a copy of a domestic record that meets the requirements of Rule 803(6), South Carolina Rules of Evidence, as shown by a certification of the custodian or another qualified person that complies with a state statute or a court rule. Before the trial or hearing, the proponent shall give an adverse party reasonable written notice of the intent to offer the record and shall make the record and certification available for inspection so that the party has a fair opportunity to challenge the record.

 (B) In a civil case, the original or a copy of a foreign record that is certified by the custodian or another qualified person and otherwise meets the requirements of subsection (A), modified as follows: the certification, rather than complying with a state statute or court rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the jurisdiction where the certification is signed. The proponent also shall meet the notice requirements of subsection (A).

HISTORY: 2015 Act No. 4 (S.177), Section 1, eff March 27, 2015.

ARTICLE 11

Photographic Copies

**SECTION 19‑5‑610.** Uniform Photographic Copies of Business and Public Records as Evidence Act.

 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, microfilm, microcard, miniature photographic or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless held in a custodial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile does not preclude admission of the original.

 This section shall be so interpreted and construed as to effectuate its general purpose of making uniform the law of those states which enact or adopt it.

 This section may be cited as the Uniform Photographic Copies of Business and Public Records as Evidence Act.

HISTORY: 1978 Act No. 552 Section 2.