

CHAPTER 18

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 93-1026

BY REPRESENTATIVES Faatz and Shoemaker;
also SENATOR Cassidy.**AN ACT****CONCERNING THE REQUIREMENTS FOR RECORDS OF THE MOTOR VEHICLE DIVISION TO QUALIFY AS EXCEPTIONS TO THE HEARSAY RULE OF EVIDENCE WHEN INTRODUCED AS EVIDENCE IN CERTAIN COLORADO COURTS OF LAW.***Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. 42-2-118 (2) (c) (II), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended, and the said 42-2-118 (2) (c) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

42-2-118. Records to be kept by the department - admission of records in court. (2) (c) (II) In any trial or hearing, all official records and documents of the state of Colorado, as defined in subparagraph (I) of this paragraph (c), ~~attested by the executive director of the department or his deputy and accompanied by a certificate bearing the official seal for the department that the executive director or his deputy has custody of said records or which records and documents each contain a stamp of such attestation and bear the official seal of the department or a stamped or printed facsimile of such seal, including any mechanically or electronically reproduced copy of any such record or document,~~ shall be admissible in all municipal, county, and district courts within the state of Colorado without further foundation, ~~and~~ shall be a statutory ~~exception~~ EXCEPTIONS to rule 802 of the Colorado rules of evidence, and shall constitute prima facie proof of the information contained therein, IF SUCH RECORD OR DOCUMENT IS ACCOMPANIED BY A CERTIFICATE STATING THAT THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S APPOINTEE HAS CUSTODY OF SUCH RECORD OR DOCUMENT AND IS ACCOMPANIED BY AND ATTACHED TO A COVER PAGE WHICH:

(A) SPECIFIES THE NUMBER OF PAGES, EXCLUSIVE OF SUCH COVER PAGE, WHICH CONSTITUTES THE RECORD OR DOCUMENT BEING SUBMITTED; AND

(B) BEARS THE SIGNATURE OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THE EXECUTIVE DIRECTOR'S APPOINTEE ATTESTING TO THE GENUINENESS OF SUCH RECORD OR DOCUMENT; AND

(C) BEARS THE OFFICIAL SEAL OF THE DEPARTMENT OR A STAMPED OR PRINTED FACSIMILE OF SUCH SEAL.

(III) FOR PURPOSES OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), "OFFICIAL RECORDS AND DOCUMENTS" SHALL INCLUDE ANY MECHANICALLY OR ELECTRONICALLY REPRODUCED COPY, PHOTOGRAPH, OR PRINTOUT OF ANY RECORD OR DOCUMENT OR ANY PORTION OF ANY RECORD OR DOCUMENT FILED WITH, MAINTAINED BY, OR PREPARED BY THE DEPARTMENT PURSUANT TO THIS PARAGRAPH (c).

(IV) FOR PURPOSES OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), A RECORD OR DOCUMENT SHALL NOT BE REQUIRED TO INCLUDE EVERY PAGE OF A RECORD OR DOCUMENT FILED WITH, MAINTAINED BY, OR PREPARED BY THE DEPARTMENT PURSUANT TO THIS PARAGRAPH (c) TO BE AN OFFICIAL RECORD OR DOCUMENT, IF SUCH OFFICIAL RECORD OR DOCUMENT INCLUDES ALL OF THOSE PORTIONS OF SUCH RECORD OR DOCUMENT RELEVANT TO THE TRIAL OR HEARING FOR WHICH IT IS PREPARED. THERE SHALL BE A PRESUMPTION THAT SUCH OFFICIAL RECORD OR DOCUMENT CONTAINS ALL THAT IS RELEVANT TO SUCH TRIAL OR HEARING.

SECTION 2. Effective date. This act shall take effect July 1, 1993.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 18, 1993