

1975 S.C. Op. Atty. Gen. 13 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 3929, 1975 WL 22227

Office of the Attorney General

State of South Carolina

Opinion No. 3929

January 10, 1975

***1 Uniform commercial code statements must be reproduced in accordance with Section 1–59 of the Code of Laws prior to any destruction thereof.**

Clerk of Court
Pickens County Court House

Your letter of January 9 to the Attorney General requesting an opinion as to the length of time which you are required to keep Uniform Commercial Code forms on record has been referred to this writer for attention and reply.

Uniform Commercial Code statements are provided for in Part 4 of Title 10.9 of the Code of Laws of South Carolina, 1962, and must be filed with the Clerk of Court or the Secretary of State. They become public records when filed and can be removed only under authority of an act of the legislature and only in the manner and for the purposes designated by law. *66 Am. Jur. 2d., Records and Recording Laws*, Section 10 at page 347. Section 1–59 of the Code of Laws of South Carolina provides for the destruction of public records. Prior to any destruction of the original of any public record it must be microfilmed and the microfilm must be preserved and kept available for examination. Section 10.9–403(3) of the Code relating solely to Uniform Commercial Code statements states in part:

‘* * *. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it.’

It is a general rule that statutes covering the same subject matter must be read together and reconciled and cases supporting this rule can be found in the *South Carolina Digest* under ‘Statutes’, Key 223.

It is our conclusion therefore that prior to the destruction of any Uniform Commercial Code statement it must be reproduced as provided for in Section 1–59 of the Code of Laws and such reproduction must be kept and preserved.

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