**South Carolina General Assembly**

118th Session, 2009-2010

**A132, R138, S21**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hayes

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Introduced in the Senate on January 13, 2009

Introduced in the House on March 25, 2009

Passed by the General Assembly on February 26, 2010

Governor's Action: March 30, 2010, Signed

Summary: Uniform Interstate Depositions and Discovery Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/10/2008 Senate Prefiled

 12/10/2008 Senate Referred to Committee on **Judiciary**

 1/13/2009 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C01-13-09.docx)‑82

 1/13/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C01-13-09.docx)‑82

 1/23/2009 Senate Referred to Subcommittee: L.Martin (ch), Rankin, Hutto, Bright, Davis

 2/11/2009 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C02-11-09.docx)‑26

 2/12/2009 Scrivener's error corrected

 3/17/2009 Senate Committee Amendment Adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C03-17-09.docx)‑14

 3/17/2009 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C03-17-09.docx)‑14

 3/24/2009 Senate Read third time and sent to House [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C03-24-09.docx)‑21

 3/25/2009 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C03-25-09.docx)‑11

 3/25/2009 House Referred to Committee on **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C03-25-09.docx)‑11

 2/17/2010 House Committee report: Favorable **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C02-17-10.docx)‑3

 2/25/2010 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C02-25-10.docx)‑51

 2/25/2010 House Unanimous consent for third reading on next legislative day [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C02-25-10.docx)‑52

 2/26/2010 House Read third time and enrolled [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C02-26-10.docx)‑8

 3/25/2010 Ratified R 138

 3/30/2010 Signed By Governor

 4/1/2010 Effective date See Act for Effective Date

 4/13/2010 Act No. 132

**VERSIONS OF THIS BILL**

[12/10/2008](file:///p%3A%5Cpprever%5C2009-10%5C21_20081210.docx)

[2/11/2009](file:///p%3A%5Cpprever%5C2009-10%5C21_20090211.docx)

[2/12/2009](file:///p%3A%5Cpprever%5C2009-10%5C21_20090212.docx)

[3/17/2009](file:///p%3A%5Cpprever%5C2009-10%5C21_20090317.docx)

[2/17/2010](file:///p%3A%5Cpprever%5C2009-10%5C21_20100217.docx)

(A132, R138, S21)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 47 TO TITLE 15 SO AS TO ENACT THE “UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT”, TO PROVIDE AN EFFICIENT AND INEXPENSIVE PROCEDURE FOR LITIGANTS TO DEPOSE OUT‑OF‑STATE INDIVIDUALS AND FOR THE PRODUCTION OF DISCOVERABLE MATERIALS THAT MAY BE LOCATED OUT OF STATE.**

Be it enacted by the General Assembly of the State of South Carolina:

**Uniform Interstate Depositions and Discovery Act**

SECTION 1. Title 15 of the 1976 Code is amended by adding:

“CHAPTER 47

Uniform Interstate Depositions and Discovery Act

 Section 15‑47‑100. This chapter may be cited as the ‘Uniform Interstate Depositions and Discovery Act’.

 Section 15‑47‑110. As used in this chapter:

 (1) ‘Clerk of court’ means a clerk of court who is duly elected for that county elected in each county pursuant to Section 14‑17‑10 and who is ex officio clerk of the court of general sessions, the family court, and all other courts of record in the county except as may be provided by the law establishing the other courts.

 (2) ‘Foreign jurisdiction’ means a state other than South Carolina.

 (3) ‘Foreign subpoena’ means a subpoena issued under authority of a court of record of a foreign jurisdiction.

 (4) ‘Person’ means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

 (5) ‘State’ means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, federally recognized Indian tribes, or any territory or insular possession subject to the jurisdiction of the United States.

 (6) ‘Subpoena’ means a document, however denominated, issued under authority of a court of record requiring a person to:

 (a) attend and give testimony at a deposition;

 (b) produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person; or

 (c) permit inspection of premises under the control of the person.

 Section 15‑47‑120. (A) To request issuance of a subpoena under this chapter, a party must submit a foreign subpoena to the clerk of court of the county in which discovery is sought to be conducted in this State. A request for the issuance of a subpoena under this chapter does not constitute an appearance in the courts of this State.

 (B) When a party submits a foreign subpoena to a clerk of court in this State, the clerk, in accordance with the rules of court, promptly shall issue a subpoena for service upon the person to which the foreign subpoena is directed. The subpoena must incorporate the terms used in the foreign subpoena and contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

 Section 15‑47‑130. A subpoena issued by a clerk of court under Section 15‑47‑120 must be served in compliance with the applicable rules of court or statutes relating to the service of a subpoena in this State.

 Section 15‑47‑140. When a subpoena issued under Section 15‑47‑120 commands a person to attend and give testimony at a deposition, produce designated books, documents, records, electronically stored information, or tangible items, or permit inspection of premises, the time and place and the manner of the taking of the deposition, the production, or the inspection must comply with the South Carolina Rules of Civil Procedure relating to discovery.

 Section 15‑47‑150. An application to the court for a protective order or to enforce, quash, or modify a subpoena issued by a clerk of court under Section 15‑47‑120 must comply with the applicable rules or statutes of this State and be submitted to the court in the county in which discovery is to be conducted.

 Section 15‑47‑160. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor and applies to requests for discovery in cases pending on that date.

Ratified the 25th day of March, 2010.

Approved the 30th day of March, 2010.

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