

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2195

62nd Legislature
2012 Regular Session

Passed by the House January 23, 2012
Yeas 95 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 2, 2012
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2195** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2195

Passed Legislature - 2012 Regular Session

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Rivers, Pedersen, Rodne, Goodman, and Kelley; by request of Uniform Laws Commission

Prefiled 12/15/11. Read first time 01/09/12. Referred to Committee on Judiciary.

1 AN ACT Relating to the uniform interstate depositions and discovery
2 act; and adding a new chapter to Title 5 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and
5 cited as the uniform interstate depositions and discovery act.

6 NEW SECTION. **Sec. 2.** DEFINITIONS. In this chapter:

7 (1) "Foreign jurisdiction" means a state other than Washington
8 state.

9 (2) "Foreign subpoena" means a subpoena issued under authority of
10 a court of record of a foreign jurisdiction.

11 (3) "Person" means an individual, corporation, business trust,
12 estate, trust, partnership, limited liability company, association,
13 joint venture, public corporation, government, or governmental
14 subdivision, agency or instrumentality, or any other legal or
15 commercial entity.

16 (4) "State" means a state of the United States, the District of
17 Columbia, Puerto Rico, the United States Virgin Islands, a federally

1 recognized Indian tribe, or any territory or insular possession subject
2 to the jurisdiction of the United States.

3 (5) "Subpoena" means a document, however denominated, issued under
4 authority of a court of record requiring a person to:

- 5 (a) Attend and give testimony at a deposition;
- 6 (b) Produce and permit inspection and copying of designated books,
7 documents, records, electronically stored information, or tangible
8 things in the possession, custody, or control of the person; or
- 9 (c) Permit inspection of premises under the control of the person.

10 NEW SECTION. **Sec. 3.** ISSUANCE OF SUBPOENA. (1) To request
11 issuance of a subpoena under this section, a party must submit a
12 foreign subpoena to a clerk of court in the county in which discovery
13 is sought to be conducted in this state. A request for the issuance of
14 a subpoena under this chapter does not constitute an appearance in the
15 courts of Washington state.

16 (2) When a party submits a foreign subpoena to a clerk of court in
17 this state, the clerk, in accordance with that court's procedure, shall
18 promptly issue a subpoena for service upon the person to which the
19 foreign subpoena is directed.

- 20 (3) A subpoena under subsection (2) of this section must:
- 21 (a) Incorporate the terms used in the foreign subpoena; and
 - 22 (b) Contain or be accompanied by the names, addresses, and
23 telephone numbers of all counsel of record in the proceeding to which
24 the subpoena relates and of any party not represented by counsel.

25 NEW SECTION. **Sec. 4.** SERVICE OF SUBPOENA. A subpoena issued by
26 a clerk of court under section 3 of this act must be served in
27 compliance with superior court civil rule (CR) 45.

28 NEW SECTION. **Sec. 5.** DEPOSITION, PRODUCTION, AND INSPECTION.
29 Superior court civil rules (CR) 26 through 37 apply to subpoenas issued
30 under section 3 of this act.

31 NEW SECTION. **Sec. 6.** APPLICATION TO COURT. An application to the
32 court for a protective order or to enforce, quash, or modify a subpoena
33 issued by a clerk of court under section 3 of this act must comply with

1 the rules or statutes of Washington state and be submitted to the court
2 in the county in which discovery is to be conducted.

3 NEW SECTION. **Sec. 7.** UNIFORMITY OF APPLICATION AND CONSTRUCTION.
4 In applying and construing this chapter, consideration must be given to
5 the need to promote uniformity of the law with respect to its subject
6 matter among states that enact this chapter.

7 NEW SECTION. **Sec. 8.** APPLICATION TO PENDING ACTIONS. This
8 chapter applies to requests for discovery in cases pending on the
9 effective date of this act.

10 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
11 a new chapter in Title 5 RCW.

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