

# An Act

ENROLLED HOUSE  
BILL NO. 2229

By: Moore of the House

and

Howard of the Senate

An Act relating to civil procedure; creating the Uniform Interstate Depositions and Discovery Act; defining terms; creating procedures for issuing subpoena; providing for service; requiring compliance with subpoena; providing for application to court; providing uniform application; setting application date; providing for codification; and providing an effective date.

SUBJECT: Civil procedure

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3250 of Title 12, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Uniform Interstate Depositions and Discovery Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3251 of Title 12, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Foreign jurisdiction" means a state other than this state;
2. "Foreign subpoena" means a subpoena issued under authority of a court of record of a foreign jurisdiction;

3. "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;

4. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe or any territory or insular possession subject to the jurisdiction of the United States; and

5. "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 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3252 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. To request issuance of a subpoena under this section, a party must submit a foreign subpoena to a clerk of court in the county in which discovery is sought to be conducted in this state. A request for the issuance of a subpoena under this act 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 that court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

C. A subpoena under subsection B of this section must:

1. Incorporate the terms used in the foreign subpoena; and
2. 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 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3253 of Title 12, unless there is created a duplication in numbering, reads as follows:

A subpoena issued by a clerk of court under Section 3 of this act must be served in compliance with subsection B of Section 2004.1 of Title 12 of the Oklahoma Statutes.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3254 of Title 12, unless there is created a duplication in numbering, reads as follows:

Subsection D of Section 2004.1 of Title 12 of the Oklahoma Statutes shall apply to subpoenas issued under Section 3 of this act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3255 of Title 12, unless there is created a duplication in numbering, reads as follows:

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 3 of this act must comply with the rules or statutes of this state and be submitted to the court in the county in which discovery is to be conducted.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3256 of Title 12, unless there is created a duplication in numbering, reads as follows:

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 states that enact it.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3257 of Title 12, unless there is created a duplication in numbering, reads as follows:

This act applies to requests for discovery in cases pending on November 1, 2021.

SECTION 9. This act shall become effective November 1, 2021.

Passed the House of Representatives the 1st day of March, 2021.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 19th day of April, 2021.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_