

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SENATE BILL 508
RATIFIED BILL**

AN ACT AMENDING RULE 30 OF THE NORTH CAROLINA RULES OF CIVIL
PROCEDURE RELATING TO THE TAKING OF DEPOSITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1A-1, Rule 30 of the Rules of Civil Procedure, reads as rewritten:
"Rule 30. Depositions upon oral examination.

...
(c) Examination and cross-examination; record of examination; oath; declaration; objections. – Examination and cross-examination of witnesses may proceed as permitted at the trial under the provisions of Rule 43(b). The person before whom the deposition is to be taken shall put the deponent on oath and shall personally, or by someone acting under ~~his~~ the person's direction and in ~~his~~ the person's presence, record the testimony of the deponent. If a deponent lacks the government-issued photographic identification necessary for the deponent to be put on oath by the person before whom the deposition is taken, the deponent's testimony may be taken upon the deponent's signing a declaration stating that the deponent's testimony is given under penalty of perjury. The testimony shall be taken stenographically or recorded by any other means ordered in accordance with subsection (b)(4) of this rule. If requested by one of the parties, the testimony shall be transcribed.

...
(f) ~~Certification by person administering the oath;~~ Certification; exhibits; copies. –
(1) The person ~~administering~~ authorized to administer the oath shall certify that the deposition is a true record of the testimony given by the deponent and either that (i) the deponent was duly sworn by him and that the deposition is a true record of the testimony given by the deponent. the person or (ii) the deponent signed a declaration because the oath was not administered. This certificate shall be in writing and accompany the sound-and-visual or sound recording or transcript of the deposition. ~~He~~ The person shall then place the deposition in an envelope or package endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall personally deliver it or mail it by first class mail to the party taking the deposition or ~~his~~ the party's attorney who shall preserve it as the court's copy.

Documents and things produced for inspection during the examination of the deponent shall, upon the request of a party, be marked for identification and annexed to and returned with the deposition, and may be inspected and copied by any party, except that (i) the person producing the materials may substitute copies to be marked for identification, if he affords to all parties fair opportunity to verify the copies by comparison with the originals, and (ii) if the person producing the materials requests their return, the person before whom the deposition is taken shall mark them, give each party an opportunity to inspect and copy them, and return them to the person producing them, and the materials may then be used in the manner as if annexed to and returned



with the deposition. Any party may move for an order that the original be annexed to and returned with the deposition to the court, pending final disposition of the case.

- (2) Upon payment of reasonable charges therefor, the person administering the oath shall furnish a copy of the deposition to any party or to the deponent.
- (3) Repealed by Session Laws 2005-138, s. 3, effective October 1, 2005.

...

(i) Content of declaration; perjury; exhibit. – A declaration signed by a deponent pursuant to this rule shall have the same effect as an affirmation under G.S. 14-209, and a deponent's willful perjury hereunder shall be subject to the same punishment as set forth therein. A declaration signed under this rule shall contain all of the following:

- (1) A heading setting forth information sufficient to identify the matter for which the deposition was taken (including, but not limited to, the jurisdiction, court, district, or division in which the action is filed), the title of the action, and the name of the first party on each side with an appropriate indication of other parties.
- (2) The legal name and the address of the deponent.
- (3) The date of the deposition.
- (4) The following statement in bolded lettering: "Under penalty of perjury, I declare that my testimony is truthful and I acknowledge that a material misstatement of fact made by me while giving my testimony may be grounds for a conviction of perjury under the laws of this State."
- (5) A line for the deponent's signature, along with a line for the deponent to indicate the date when the document was signed.
- (6) Lines for the signatures of two witnesses in whose presence the deponent signed the declaration.

The deponent's declaration shall be attached to the deposition transcript as an exhibit and filed with the transcript. A person's preparation of the declaration does not constitute the unauthorized practice of law."

SECTION 2. This act becomes effective October 1, 2019, and applies to depositions taken on or after that date.

In the General Assembly read three times and ratified this the 11th day of July, 2019.

s/ Carl Ford
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____ .m. this _____ day of _____, 2019