

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE BILL 316  
Committee Substitute Favorable 3/27/07**

Short Title: Amend Civil Procedure Rule 45.

(Public)

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Sponsors:

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Referred to:

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February 22, 2007

A BILL TO BE ENTITLED

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2 AN ACT TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE: (1) TO  
3 ESTABLISH A TIME LIMIT FOR SERVING UPON EACH PARTY TO AN  
4 ACTION A COPY OF A SUBPOENA TO APPEAR OR TO PRODUCE  
5 RECORDS AND (2) TO AUTHORIZE A PARTY TO AN ACTION TO OBJECT  
6 TO A SUBPOENA.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 1A-1, Rule 45(b)(2), reads as rewritten:

9 "(2) Service of copy. – A copy of the subpoena served under subdivision  
10 (1) of this subsection shall also be served upon each party in the  
11 manner prescribed by Rule 5(b). Service on the other parties shall be  
12 made within three business days after the service of the subpoena upon  
13 the person named therein. This subdivision does not apply to  
14 subpoenas issued under G.S. 15A-801 or G.S. 15A-802."

15 **SECTION 2.** G.S. 1A-1, Rule 45, is amended by adding a new subsection to

16 read:

17 "(d1) Opportunity for Inspection of Subpoenaed Matter. – Records, books, papers,  
18 documents, or other tangible things produced in compliance with a subpoena shall not  
19 be admissible in any action or proceeding unless the party serving the subpoena shall,  
20 within five days after the receipt of material produced in compliance with the subpoena,  
21 provide all other parties with accurate copies of the material, or with a reasonable  
22 opportunity to inspect and copy it."

23 **SECTION 3.** This act becomes effective October 1, 2007, and applies to  
24 actions filed on or after that date.