

CHAPTER 172
HB 1489 - FINAL VERSION

2026 SESSION

26-2331
07/09

HOUSE BILL ***1489***

AN ACT relative to interstate depositions and discovery.

SPONSORS: Rep. Lynn, Rock. 17; Rep. Berch, Ches. 6

COMMITTEE: Judiciary

ANALYSIS

This bill makes changes to the appointment of deposition commissioners and the uniform foreign depositions law.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to interstate depositions and discovery.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 172:1 Proceedings in Court; Uniform Foreign Depositions Law. RSA 517-A is repealed and
2 reenacted to read as follows:

3 517-A:1 Short Title. This chapter may be known and cited as the "Uniform Interstate Depositions and
4 Discovery Act".

5 517-A:2 Definitions. In this chapter:

6 I. "Foreign jurisdiction" means a state other than New Hampshire.

7 II. "Foreign subpoena" means a subpoena issued under the authority of a court of record of a
8 foreign jurisdiction.

9 III. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited
10 liability company, association, joint venture, public corporation, government, or governmental subdivision,
11 agency or instrumentality, or any other legal or commercial entity.

12 IV. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United
13 States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to
14 the jurisdiction of the United States, or, for the purposes of RSA 517-A:8 through RSA 517-A:11, a foreign
15 country.

16 V. "Subpoena" means a document, however denominated, issued under the authority of a court
17 of record requiring a person to:

18 (a) Attend and give testimony at a deposition;

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

21 (c) Permit inspection of premises under the control of the person.

22 517-A:3 Issuance of Subpoena.

23 I. To request issuance of a subpoena under this section, a party shall submit a foreign subpoena
24 to the clerk of the superior court in the county in which discovery is sought to be conducted in this state. A
25 request for the issuance of a subpoena under this act shall not constitute an appearance in the courts of
26 this state.

27 II. When a party submits a foreign subpoena to a clerk of court in this state, the clerk, in
28 accordance with that court's procedure, shall promptly issue a subpoena for service upon the person to
29 whom the foreign subpoena is directed.

30 III. A subpoena under paragraph II shall:

31 (a) Incorporate the terms used in the foreign subpoena; and

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1 (b) Contain or be accompanied by the names, addresses, and telephone numbers of all
2 counsel of record in the proceeding to which the subpoena relates and of any party not represented by
3 counsel.

4 517-A:4 Service of Subpoena. A subpoena issued by a clerk of court under RSA 517-A:3 shall be
5 served in compliance with all statutes and court rules governing service of subpoenas in civil actions in
6 the superior courts.

7 517-A:5 Compliance with Subpoena. All provisions of law and court rules regarding the obligation of
8 persons to comply with subpoenas and the remedies available for non-compliance shall apply to
9 subpoenas issued under RSA 517-A:3.

10 517-A:6 Procedure to Enforce, Modify, or Quash Subpoena. An application to the court for a
11 protective order or to enforce, quash, or modify a subpoena issued by a clerk of court under RSA 517-A:3
12 shall comply with the rules or statutes of this state and be submitted to the court in the county in which
13 discovery is to be conducted.

14 517-A:7 Uniformity of Application and Construction. In applying and construing this uniform act,
15 courts shall give due consideration to the need to promote uniformity of the law with respect to its subject
16 matter among states that enact it.

17 517-A:8 Appointment of Commissioner to Take Foreign Depositions.

18 I. The superior court may appoint a suitable person to serve as a commissioner, who may take
19 depositions outside this state for use in causes pending in or returnable to said court.

20 II. No appointment shall be required when discovery is sought in a foreign jurisdiction that has
21 adopted the uniform foreign depositions act, the model uniform interstate depositions and discovery act,
22 or other similar process for obtaining out-of-state discovery and testimony. In such matters, discovery and
23 testimony may be sought pursuant to the manner and process required in the foreign jurisdiction.

24 517-A:9 Procedure for Appointment of Commissioner. After the appointment of a commissioner
25 under RSA 517-A:8, the notice of the time and place of taking depositions before the commissioner, the
26 proceedings in taking such depositions, the certificates to be made by the commissioner, and all other
27 formalities with reference to taking, filing, and using such depositions shall be the same, as far as
28 applicable, to taking depositions in civil causes.

29 517-A:10 Powers of Commissioner. A commissioner appointed under RSA 517-A:8 shall have all the
30 powers conferred by the laws of other states, territories, or foreign countries upon commissioners or other
31 persons authorized to take depositions in said other states, territories, or foreign countries for use in cases
32 pending in this state.

33 517-A:11 Commissioners Appointed by Foreign Jurisdictions. A commissioner or other person
34 appointed by any court of record of any other state, territory, or foreign country, for the purpose of taking
35 depositions in this state for use in causes pending in such court of record, shall have the same powers of
36 procuring the attendance of witnesses to give depositions before the commissioner and of requiring the
37 production of papers and the giving of such depositions as justices of the peace within this state with
38 reference to depositions for use in civil causes pending within the courts of this state.

39 172:2 Repeal. The following are repealed:

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- 1 I. RSA 517:15, relative to the appointment of deposition commissioners.
- 2 II. RSA 517:16, relative to the procedure for appointing deposition commissioners.
- 3 III. RSA 517:17, relative to the powers of deposition commissioners.
- 4 IV. RSA 517:18, relative to foreign deposition commissioners.
- 5 172:3 Applicability. This act shall apply to requests for discovery in cases pending on or after the
- 6 effective date of this act.
- 172:4 Effective Date. This act shall take effect January 1, 2027.

Approved: June 19, 2026
Effective Date: January 01, 2027