

54-7-3 Subpoena -- Witness fees -- Depositions.

- (1)
- (a) The commission and each commissioner may administer oaths, certify to all official acts, and issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents, and other evidence in any inquiry, investigation, hearing, or proceeding in any part of the state.
 - (b)
 - (i) Each witness who appears by order of the commission or a commissioner shall receive the same fees and mileage for his attendance that are allowed by law to a witness in the district court.
 - (ii) The party at whose request the witness is subpoenaed shall pay the witness and mileage fee.
 - (iii) When any witness who has not been required to attend at the request of any party is subpoenaed by the commission, his fees and mileage shall be paid from the funds appropriated for the use of the commission in the same manner as other expenses of the commission are paid.
 - (iv) Any witness subpoenaed, except one whose fees and mileage may be paid from the funds of the commission, may at the time of service, demand the fee to which he is entitled for travel to and from the place at which he is required to appear and one day's attendance.
 - (v) If the witness demands the fees at the time of service and they are not paid at that time, he is not required to attend the hearing.
 - (vi) All fees or mileage to which any witness is entitled under the provisions of this section may be collected by action instituted by the person to whom the fees are payable.
 - (vii) No witness furnished with free transportation receives mileage for the distance he may have traveled.
- (2) The commission or any commissioner or any party may in any investigation before the commission cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for depositions in civil actions in the district courts of this state, and may compel the attendance of witnesses and the production of books, waybills, documents, papers, and accounts.

Amended by Chapter 161, 1987 General Session