

454.280 Individuals who can and cannot take depositions -- Penalty.

- (1) Depositions taken in the Commonwealth that are to be used in its courts shall be taken before:
 - (a) A hearing examiner;
 - (b) A judge, clerk, commissioner, or official reporter of a court;
 - (c) A notary public; or
 - (d) Before other persons and under other circumstances authorized by law.
- (2)
 - (a) A deposition shall not be taken by a person who is:
 1. A party to the action;
 2. A relative, employee, or attorney of one (1) of the parties;
 3. Someone with a financial interest in the action or its outcome; or
 4. A relative, employee, or attorney of someone with a financial interest in the action or its outcome. For the purposes of this subparagraph, "employee" or "relative" shall not include an employee or relative of the attorney of one (1) of the parties.
 - (b) For the purposes of paragraph (a) of this subsection, "employee" includes a person who has a contractual relationship with a person or entity interested in the outcome of the litigation, including anyone who may ultimately be responsible for payment to provide reporting or other court services, and a person who is employed part-time or full-time under contract or otherwise by a person who has a contractual relationship with a party to provide reporting or other court services.
 - (c) If a deposition is taken by a person described in paragraph (a) of this subsection, then that deposition shall be void.
- (3) The provisions of subsections (1) and (2) of this section shall not apply to contracts for court reporting services for the courts, agencies, or instrumentalities of the United States or the Commonwealth.
- (4) Any person who takes a deposition in violation of subsection (2) of this section shall be guilty of a Class B misdemeanor.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 224, sec. 1, effective July 15, 1998.