

South Carolina Administrative Law Court

OFFICE OF MOTOR VEHICLE HEARINGS

SUBPOENA INFORMATION

In accordance with Rule 12 of the Rules of Procedure for the Office of Motor Vehicle Hearings (OMVH Rules), the following information is pertinent to the issuance and service of subpoenas.

ISSUANCE OF SUBPOENAS:

1. Issuance of Subpoenas
 - a. Parties representing themselves must complete the blank subpoena form and return it to the OMVH for signature before service, and
 - b. As officers of the Court, an attorney authorized to practice before the courts of the State of South Carolina may sign and issue a subpoena and
2. Return of Service
 - a. Both attorneys and unrepresented parties must file a copy of the subpoena and the Return of Service form (available under "Forms" on this website) with the OMVH, after service.

SUBPOENAS MAY BE SERVED BY THE FOLLOWING PEOPLE:

NOTE: You may not serve the subpoena yourself except as set out in the mailing or commercial delivery option described below.

1. The sheriff, deputy sheriff, or other law enforcement officer.
2. A person 18 years of age or older who is not a party to the action.
3. Any person by using the mailing or commercial delivery service options below.

SUBPOENAS MAY BE SERVED IN THE FOLLOWING MANNER:

NOTE: The party requesting the subpoena shall be responsible for service and the payment of fees and mileage.

1. By delivering a copy of the subpoena to the person named on the subpoena; or
2. By delivering a copy of the subpoena to an adult who resides in the same household as the witness (such as a spouse or adult child), or to a legal agent of the witness.
3. By registered or certified mail, with return receipt requested and delivery restricted to the addressee. If delivery is refused or return undelivered, service shall be made as in #1 or #2.
4. By commercial delivery service (UPS, FedEx, DHL Express) to the person named in the subpoena. If delivery is refused or return undelivered, service shall be made as in #1 or #2.

WITNESS FEE:

If the subpoena commands a person's attendance as a witness, then a witness fee is required in accordance with Rule 45(b) of the South Carolina Rules of Civil Procedure. Currently, the required witness fee is \$25 per day, plus mileage.