



CHAPTER 97

ARTICLE 1 - WORKERS' COMPENSATION ACT

N.C.G.S. § 97-80.

Rules and regulations; subpoena of witnesses; examination of books and records; depositions; costs.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2016-100, s. 10 — sixteenth act in the lineage	21 September 2026, 03:25 UTC	6ae080326d753328b7705414 - 20ab4ee7c4e95232073c05c0 - 0b481a0494f1c997

§ 97-80(a) The Commission shall adopt rules, in accordance with Article 2A of Chapter 150B of the General Statutes and not inconsistent with this Article, for carrying out the provisions of this Article.

The Commission shall adopt rules establishing processes and procedure to be used under this Article.

Processes, procedure, and discovery under this Article shall be as summary and simple as reasonably may be.

§ 97-80(b) The Commission or any member thereof, or any person deputized by it, shall have the power, for the purpose of this Article, to tax costs against the parties, to administer or cause to have administered oaths, to preserve order at hearings, to compel the attendance and testimony of witnesses, and to compel the production of books, papers, records, and other tangible things.

§ 97-80(c) The Commission may order parties to participate in mediation, under rules substantially similar to those approved by the Supreme Court for use in the Superior Court division, except the Commission shall determine the manner in which payment of the costs of the mediated settlement conference is assessed.

§ 97-80(d)

The Commission may order testimony to be taken by deposition and any party to a proceeding under this Article may, upon application to the Commission, which application shall set forth the materiality of the evidence to be given, cause the depositions of witnesses residing within or without the State to be taken, the costs to be taxed as other costs by Commission. Depositions ordered by the Commission upon application of a party shall be taken after giving the notice and in the manner prescribed by law for depositions in action at law, except that they shall be directed to the Commission, the commissioner, or the deputy commissioner before whom the proceedings may be pending.

§ 97-80(e)

A subpoena may be issued by the Commission and served in accordance with G.S. 1A-1, Rule 45. A party shall not issue a subpoena duces tecum less than 30 days prior to the hearing date except upon prior approval of the Commission. Upon a motion, the Commission may quash a subpoena if it finds that the evidence the production of which is required does not relate to a matter in issue, the subpoena does not describe with sufficient particularity the evidence the production of which is required, or for any other reason sufficient in law the subpoena may be quashed. Each witness who appears in obedience to such subpoena of the Commission shall receive for attendance the fees and mileage for witnesses in civil cases in courts of the county where the hearing is held.

§ 97-80(f)

The Commission may by rule provide for and limit the use of interrogatories and other forms of discovery, including production of books, papers, records, and other tangible things, and it may provide reasonable sanctions for failure to comply with a Commission order compelling discovery.

§ 97-80(g)

The Commission or any member or deputy thereof shall have the same power as a judicial officer pursuant to Chapter 5A of the General Statutes to hold a person in civil contempt, as provided thereunder, for failure to comply with an order of the Commission, Commission member, or deputy. A person held in civil contempt may appeal in the manner provided for appeals pursuant to G.S. 97-85 and G.S. 97-86. The provisions of G.S. 5A-24 shall not apply to appeals pursuant to this subsection.

§ 97-80(h)

The Commission or any member or deputy thereof shall also have the same power as a judicial officer pursuant to Chapter 5A of the General Statutes to punish for criminal contempt, subject to the limitations thereunder, (i) for willful behavior committed during the sitting of the commissioner or deputy commissioner and directly tending to interrupt the proceedings; (ii) for willful disobedience of a lawful order of the

Commission or a member or deputy thereof; or (iii) for willful refusal to be sworn or affirmed as a witness, or, when so sworn or affirmed, willful refusal to answer any legal and proper question when refusal is not legally justified. The Commission or any member or deputy thereof may issue an order of arrest as provided by G.S. 15A-305 when authorized by G.S. 5A-16 in connection with contempt proceedings. When the commissioner or deputy commissioner chooses not to proceed summarily pursuant to G.S. 5A-14, the proceedings shall be before a district court judge, and venue lies throughout the district where the order was issued directing the person charged to appear. To initiate plenary proceedings in district court for indirect criminal contempt, the Commission shall issue and file with the clerk of court an order to appear and show cause pursuant to G.S. 5A-15(a) and, if appropriate, an order for arrest pursuant to G.S. 5A-16(b) and G.S. 15A-305. A person found in criminal contempt may appeal in the manner provided for appeals in criminal actions to the superior court of the district in which the order of contempt was issued, and the appeal is by hearing de novo before a superior court judge.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
16 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

			
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1929	c. 120, s. 54	ENACTED
02	1977	cc. 456, 505	AMENDED
03	1977	1981 (Reg. Sess., 1982), c. 1243, s. 2	AMENDED
04	1993	c. 321, s. 25(b)	AMENDED
05	1993	c. 399, s. 1	AMENDED
06	1993	1993 (Reg. Sess., 1994), c. 679, ss. 5.3, 5.4	AMENDED
07	1995	c. 358, s. 8(a), (b)	AMENDED
08	1995	c. 437, s. 6(a), (b)	AMENDED
09	1995	c. 467, s. 5(a), (b)	AMENDED

10	1995	c. 507, ss. 25.13, 27.8(o)	AMENDED
11	1995	c. 509, s. 48	AMENDED
12	2000	S.L. 2000-140, s. 93.1(a)	AMENDED
13	2001	S.L. 2001-424, s. 12.2(b)	AMENDED
14	2011	S.L. 2011-287, s. 19	AMENDED
15	2013	S.L. 2013-294, s. 6	AMENDED
16	2016	S.L. 2016-100, s. 10	AMENDED

APPARATUS II
9 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 1A-1	(e)	"Commission and served in accordance with"
G.S. 97-85	(g)	"manner provided for appeals pursuant to"
G.S. 97-86	(g)	"appeals pursuant to G.S. 97-85 and"
G.S. 5A-24	(g)	"and G.S. 97-86. The provisions of"
G.S. 15A-305	(h)	"order of arrest as provided by"
G.S. 5A-16	(h)	"by G.S. 15A-305 when authorized by"
G.S. 5A-14	(h)	"not to proceed summarily pursuant to"
G.S. 5A-15(a)	(h)	"appear and show cause pursuant to"
G.S. 5A-16(b)	(h)	"an order for arrest pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 97-80 (2016).

PINPOINT

N.C. Gen. Stat. § 97-80(a) (2016).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1929, c. 120, s. 54; 1977, cc. 456, 505; 1981 (Reg. Sess., 1982), c. 1243, s. 2; 1993, c. 321, s. 25(b); c. 399, s. 1; 1993 (Reg. Sess., 1994), c. 679, ss. 5.3, 5.4; 1995, c. 358, s. 8(a), (b); c. 437, s. 6(a), (b); c. 467, s. 5(a), (b); c. 507, ss. 25.13, 27.8(o); c. 509, s. 48; 2000-140, s. 93.1(a); 2001-424, s. 12.2(b); 2011-287, s. 19; 2013-294, s. 6; 2016-100, s. 10.)

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