

CERTIFIED COURT REPORTING LICENSING ACT

AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael T. Morley

Senate Sponsor: _____

LONG TITLE

General Description:

This bill adds legal videographer as a category of licensure under the Certified Court Reporters Licensing Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ adds certified legal videographer as a category of licensure under the Certified Court Reporters Licensing Act;
- ▶ creates an exemption from being licensed as a court reporter for a person making an audio or video recording, or a transcript of an audio or video recording, if the person does not represent that the recording or transcript is a certified or official verbatim record; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 58-74-102, as last amended by Laws of Utah 2004, Chapter 77

29 58-74-302, as last amended by Laws of Utah 2009, Chapter 183

30 ENACTS:

31 58-74-103, Utah Code Annotated 1953

32 58-74-305, Utah Code Annotated 1953



34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section 58-74-102 is amended to read:

36 **58-74-102. Definitions.**

37 In addition to the definitions in Section 58-1-102, as used in this chapter:

38 (1) "Board" means the Certified Court Reporters Licensing Board created in Section
39 58-74-201.

40 ~~[(3)]~~ (2) "Certified court reporter" means ~~[any]~~ a person who engages in the practice of
41 court reporting who is:

42 (a) a shorthand reporter certified by the National Court Reporters Association; or

43 (b) a voice reporter certified by the National Verbatim Reporters Association.

44 (3) "Certified legal videographer" means a person licensed under this chapter who is
45 engaged in the practice of legal video reporting.

46 ~~[(2)]~~ (4) "Certified shorthand reporter" means ~~[any]~~ a person licensed under this
47 chapter who is engaged in the practice of shorthand reporting.

48 ~~[(4)]~~ (5) "Certified voice reporter" means ~~[any]~~ a person licensed under this chapter
49 who engages in the practice of voice reporting.

50 ~~[(5)]~~ (6) "Official court reporter" means a certified shorthand reporter employed by the
51 courts.

52 ~~[(6)]~~ (7) "Official court transcriber" means a person certified in accordance with rules
53 of the Judicial Council as competent to transcribe into written form an audio or video recording
54 of a court ~~[proceedings]~~ proceeding.

55 ~~[(7)]~~ (8) "Practice of court reporting" means ~~[the]~~ making ~~[of a]~~ an official verbatim
56 record of ~~[any]~~ a trial, legislative public hearing, state agency public hearing, deposition,
57 examination before trial, hearing or proceeding before ~~[any]~~ a grand jury, referee, board,
58 commission, master or arbitrator, or other sworn testimony given under oath.

59 (9) "Practice of legal video reporting" means making an official verbatim record using
 60 videography.

61 [~~(8)~~] (10) "Practice of shorthand reporting" means [~~the practice of~~] making [~~a~~] an
 62 official written verbatim record[;] using symbols or abbreviations.

63 [~~(9)~~] (11) "Practice of voice reporting" means [~~the practice of~~] making [~~a~~] an official
 64 written verbatim record[;] using voice writing.

65 (12) "Videography" means making an official verbatim record using a device that
 66 captures moving images and the spoken word to create a digital video recording.

67 [~~(10)~~] (13) "Voice writing" means [~~the~~] making [~~of a~~] an official written verbatim
 68 record of the spoken word by means of repeating the words of the speaker into a device
 69 [~~capable of either digital~~] that creates an accurate translation into English text [~~or creation of a~~
 70 ~~tape or digital recording~~].

71 [~~(11)~~] (14) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-74-501.

72 [~~(12)~~] (15) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-74-502
 73 and as may be further defined by rule.

74 Section 2. Section **58-74-103** is enacted to read:

75 **58-74-103. Rulemaking.**

76 When exercising rulemaking authority under this chapter, the division shall comply
 77 with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

78 Section 3. Section **58-74-302** is amended to read:

79 **58-74-302. Qualifications for licensure.**

80 (1) [~~Each~~] An applicant for licensure [~~as a certified court reporter~~] under this chapter
 81 shall:

82 (a) be at least 18 years of age;

83 (b) be a citizen of the United States;

84 (c) submit an application in a form prescribed by the division;

85 (d) pay a fee determined by the department under Section 63J-1-504; and

86 [~~(e) possess a high degree of skill and ability in the art of court reporting;~~]

87 [~~(f)~~] (e) produce satisfactory evidence of good moral character[; ~~and~~].

88 (2) In addition to the requirements described in Subsection (1), an applicant for
 89 licensure as a certified court reporter under this chapter shall:

90 (a) possess a high degree of skill and ability in the art of court reporting; and
 91 ~~[(g)]~~ (b) submit evidence that [they have] the applicant has completed and passed the
 92 Registered Professional Reporter Examination of the National Court Reporters Association or
 93 the Certified Verbatim Reporter Examination of the National Verbatim Reporters Association.

94 (3) In addition to the requirements described in Subsection (1), an applicant for
 95 licensure as a certified legal videographer under this chapter shall submit evidence that the
 96 applicant has completed the minimum requirements to be licensed under this chapter as a
 97 certified legal videographer, as established by division rule, after consultation with the board.

98 (4) The minimum requirements described in Subsection (3) shall be designed to, in the
 99 least restrictive manner possible, ensure that the applicant has a knowledge of, and is willing to
 100 follow, standards for videotaped depositions and other official court proceedings.

101 ~~[(2) Any]~~ (5) A person granted a certificate to practice as a certified shorthand reporter
 102 may use the abbreviation "C.S.R." [as long as] if the person's certificate is current and valid.

103 ~~[(3) Any]~~ (6) A person granted a certificate to practice as a certified voice reporter
 104 may use the abbreviation "C.V.R." [as long as] if the person's certificate is current and valid.

105 Section 4. Section **58-74-305** is enacted to read:

106 **58-74-305. Exemptions for licensure.**

107 Unless prohibited by a court, a person may make, or arrange for a person to make, an
 108 audio or video recording, or a written transcription of an audio or video recording, of a
 109 deposition, hearing, or other proceeding, without being licensed under this chapter, if the
 110 person does not represent to another person, party, or a court that the recording or transcription
 111 is a certified or official verbatim record of a deposition, hearing, or other proceeding.

Legislative Review Note
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Office of Legislative Research and General Counsel