

28 (1) A complete record of all proceedings and testimony before the board at the hearing
29 shall be taken by a certified court reporter appointed by the board.

30 (2) If an action is brought to review any decision of the board, a transcript of testimony
31 together with all exhibits or copies [~~thereof~~] introduced and the written request for hearing and
32 other proceedings in the cause shall constitute the record on review; provided, that the board and
33 other parties may stipulate in writing that a specified part of the evidence be certified to the court
34 for judgment and in that case the part of the evidence specified and the stipulation specifying the
35 evidence shall be the record on review.

36 Section 2. Section **26-4-21** is amended to read:

37 **26-4-21. Authority of county attorney or district attorney to subpoena witnesses and**
38 **compel testimony -- Determination if decedent died by unlawful means.**

39 (1) The district attorney or county attorney having criminal jurisdiction may subpoena
40 witnesses and compel testimony concerning the death of any person and have [~~such~~] the testimony
41 reduced to writing under his direction [~~and~~]. He may employ a [~~shorthand~~] certified court reporter
42 for that purpose at the same compensation as is allowed to official court reporters in the district
43 courts. When the testimony has been taken down by the [~~shorthand~~] certified court reporter, a
44 transcript [~~thereof~~], duly certified, shall constitute the deposition of the witness.

45 (2) Upon review of all facts and testimony taken concerning the death of a person, the
46 district attorney or county attorney having criminal jurisdiction shall determine if the decedent died
47 by unlawful means and shall also determine if criminal prosecution shall be instituted.

48 Section 3. Section **54-7-6** is amended to read:

49 **54-7-6. Fees.**

50 (1) The commission shall charge and collect the following fees:

51 (a) for filing applications for certificates of convenience and necessity, \$100 each;

52 (b) for copies of papers and records not required to be certified or otherwise authenticated
53 by the commission, 15 cents for each folio;

54 (c) for certified copies of official documents and orders filed in its office, 20 cents for each
55 folio~~[-and]~~;

56 (d) \$2 for every certificate [~~under~~] with a seal affixed [~~thereto~~];

57 (e) for certifying a copy of any report made by a public utility, \$2;

58 (f) for each certified copy of the annual report of the commission, \$3; and

59 (g) for certified copies of evidence and proceedings before the commission[;]:

60 (i) 50 cents for each folio in the original copy; and

61 (ii) 25 cents for each [~~folio in the~~] carbon [~~copies~~] copy.

62 (2) Fees may not be charged or collected for copies of papers, records, or official
63 documents, except certified copies of evidence and proceedings referred to in this chapter,
64 furnished to public officers for use in their official capacity, or for the annual reports of the
65 commission in the ordinary course of distributions. [~~However, the~~] The commission may fix
66 reasonable charges for publications issued under its authority.

67 (3) All fees charged and collected under this section shall be paid into the [~~treasury of the~~
68 ~~state~~] General Fund to the credit of the funds appropriated for the use of the commission, but fees
69 for certified copies of evidence and proceedings before the commission which are reported by a
70 [~~shorthand~~] certified court reporter may be collected and retained by the official [~~shorthand~~] court
71 reporter of the commission pursuant to rules prescribed by the commission.

72 Section 4. Section **58-74-101** is amended to read:

73 **58-74-101. Title.**

74 This chapter is known as the "Certified [~~Shorthand~~] Court Reporters Licensing Act."

75 Section 5. Section **58-74-102** is amended to read:

76 **58-74-102. Definitions.**

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

78 (1) "Board" means the Certified [~~Shorthand~~] Court Reporters Licensing Board created in
79 Section 58-74-201.

80 (2) "Certified [~~Shorthand~~] Court Reporter" means any person licensed under this chapter
81 who is engaged in the practice of [~~shorthand~~] court reporting.

82 (3) "Official Court Reporter" means a certified [~~shorthand~~] court reporter employed by the
83 courts.

84 [~~(4) "Official Court Transcriber" means a person certified in accordance with rules of the~~
85 ~~Judicial Council as competent to transcribe into written form an audio or video recording of court~~
86 ~~proceedings.]~~

87 [(5)] (4) "Practice of [~~shorthand~~] court reporting" means the practice of making a verbatim
88 record, using symbols or abbreviations, of any trial, proceeding, or hearing before any court, or
89 before any referee, master, board, panel, or commission [~~of this state or its political subdivisions~~].

90 [(6)] (5) "Registered Professional Reporter" means any person who has successfully
91 completed and passed the Registered Professional Reporter Examination of the National Court
92 Reporters Association and holds a certificate from that organization to that effect.

93 [(7)] (6) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-74-501.

94 [(8)] (7) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-74-502 and
95 as may be further defined by rule.

96 Section 6. Section **58-74-201** is amended to read:

97 **58-74-201. Board.**

98 (1) There is created the Certified [~~Shorthand~~] Court Reporters Licensing Board consisting
99 of:

100 (a) four persons licensed in accordance with this chapter and engaged as [~~shorthand~~]
101 certified court reporters within this state continuously for at least five years previous to
102 appointment; and

103 (b) one member of the general public.

104 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

105 (3) The duties and responsibilities of the board shall be in accordance with Sections
106 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent
107 or rotating basis to:

108 (a) assist the division in reviewing complaints concerning the unlawful or unprofessional
109 conduct of a licensee; and

110 (b) advise the division in its investigation of these complaints.

111 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in
112 its investigation may be disqualified from participating with the board when the board serves as
113 a presiding officer of an administrative proceeding concerning the complaint.

114 Section 7. Section **58-74-301** is amended to read:

115 **58-74-301. Licensure required.**

116 (1) A license is required to engage in the practice of [~~shorthand~~] court reporting.

117 (2) The division shall issue to any person who qualifies under this chapter, a license to
118 practice [~~shorthand~~] court reporting.

119 Section 8. Section **58-74-302** is amended to read:

120 **58-74-302. Qualifications for licensure.**

121 (1) Each applicant for licensure as a certified shorthand reporter under this chapter shall:

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

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

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

125 (d) pay a fee determined by the department under [~~Subsection 63-38-3(2)~~] Section
126 63-38-3.2;

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

128 (f) produce satisfactory evidence of good moral character; and

129 (g) submit evidence that they have completed and passed the Registered Professional
130 Reporter Examination of the National Court Reporters Association.

131 (2) Any person granted a certificate to practice as a certified [~~shorthand~~] court reporter
132 shall be known as a certified [~~shorthand~~] court reporter and may use the abbreviation, ["~~C.S.R.~~"]
133 "C.C.R.", as long as their certificate is current and valid.

134 Section 9. Section **58-74-501** is amended to read:

135 **58-74-501. Unlawful conduct.**

136 (1) It is unlawful for any person not licensed in accordance with this chapter to assume the
137 title or use the abbreviation [~~C.S.R.~~] C.C.R. or any other similar words, letters, figures, or
138 abbreviation to indicate that the person using them is a certified [~~shorthand~~] court reporter.

139 (2) Violation of this provision is a class A misdemeanor.

140 Section 10. Section **58-74-502** is amended to read:

141 **58-74-502. Unprofessional conduct.**

142 "Unprofessional conduct" includes:

143 (1) conduct unbecoming a person licensed as a certified [~~shorthand~~] court reporter or
144 which is detrimental to the interests of the public;

145 (2) willful or negligent betrayal or disclosure of confidential information about which the
146 licensee becomes knowledgeable as a result of or incidental to his practice as a licensee;

147 (3) false or deceptive representation of a licensee's skills, competence, capability, or
148 resources as a certified [~~shorthand~~] court reporter;

149 (4) offering, undertaking, or agreeing to undertake an assignment as a certified [~~shorthand~~]
150 court reporter for which the licensee is not qualified, for which the licensee cannot complete the
151 assignment in a timely manner, or for which the licensee does not have the resources to complete

152 the assignment as agreed in a professional manner;

153 (5) the use of any chemical, drug, or alcohol in any unlawful manner or in any manner
154 which negatively affects the ability of the licensee to competently practice as a certified
155 [shorthand] court reporter;

156 (6) willfully and intentionally making any false or fraudulent record in the performance
157 of his duties as a certified [shorthand] court reporter;

158 (7) any conduct contrary to the recognized standards and ethics of the profession of a
159 certified [shorthand] court reporter;

160 (8) gross incompetence in practice as a certified [shorthand] court reporter;

161 (9) violation of any provision of this chapter or rules promulgated to regulate the practice
162 of [shorthand] court reporters;

163 (10) conviction of a felony or any other crime which is considered by the board to
164 represent activity detrimental to the public interest as that interest is reflected in the licensee
165 continuing to practice as a certified [shorthand] court reporter; or

166 (11) attesting to or "signing off" on the transcript of any recorded proceeding unless that
167 proceeding was recorded by that person while physically present at the proceeding or was
168 personally transcribed by that person from an electronically recorded process.

169 Section 11. Section **78-56-102** is amended to read:

170 **78-56-102. Definitions.**

171 As used in this chapter:

172 (1) "Certified [Shorthand] Court Reporter" has the same meaning as in Title 58, Chapter
173 74, Certified [Shorthand] Court Reporters Licensing Act.

174 (2) "Folio" means 100 words. A number expressed as a numeral counts as one word;
175 however, any portion of the last folio is not counted.

176 (3) "Official Court Reporter" means a certified [shorthand] court reporter employed by the
177 courts.

178 (4) "Official Court Transcriber" means a person certified in accordance with rules of the
179 Judicial Council as competent to transcribe into written form an audio or video recording of court
180 proceedings.

181 Section 12. Section **78-56-103** is amended to read:

182 **78-56-103. Appointment of reporters -- Eligibility -- Oath -- Bond -- Action on bond.**

183 (1) A person may not be appointed to the position of official court reporter nor act in the
184 capacity of [a] an official court reporter in any court of record of this state, or before any referee,
185 master, board, or commission of this state without a currently valid license from the Division of
186 Occupational and Professional Licensing as provided in Title 58, Chapter 74, Certified [Shorthand]
187 Court Reporters Licensing Act.

188 (2) Before any official court reporter begins his duties, he shall:

189 (a) take, subscribe, and file the constitutional oath; and

190 (b) give a bond with sufficient surety, conditioned for the faithful performance of his
191 duties, in the sum of \$2,500, or larger sum if ordered by the judge.

192 (3) The bond shall run to the state of Utah, but an action on it may be maintained by any
193 person whose rights are affected by the failure of the official court reporter to perform his official
194 duties.

195 Section 13. Section **78-56-106** is amended to read:

196 **78-56-106. Substitute reporters.**

197 A certified [shorthand] court reporter other than an official court reporter may be assigned
198 temporarily to the duties of an official court reporter in accordance with rules of the Judicial
199 Council.

200 Section 14. Section **78-56-108** is amended to read:

201 **78-56-108. Transcripts and copies -- Fees -- Establishment of Court Reporting**
202 **Technology Account.**

203 (1) (a) (i) The fee for a transcript of a court session, or any part of a court session, shall be
204 80 cents per folio for the initial preparation of the transcript and 20 cents per folio for a copy.

205 (ii) If two or more persons order copies, the fee shall be 30 cents per folio for the first copy
206 furnished each person, and 20 cents per folio for each additional copy furnished each person.

207 (iii) The transcript for an appeal shall be prepared within the time period permitted by the
208 rules of Appellate Procedure.

209 (iv) The fee for a transcript prepared within three business days of the request shall be
210 1-1/2 times the base rate.

211 (v) The fee for a transcript prepared within one business day of the request shall be double
212 the base rate.

213 (b) (i) When a transcript is ordered by the court, the fees shall be paid by the parties to the

214 action in equal proportion or as ordered by the court.

215 (ii) The fee for a transcript in a criminal case in which the defendant is found to be
216 impecunious shall be paid pursuant to Section 77-32-305.

217 (c) There is established within the General Fund a restricted account known as the Court
218 Reporting Technology Account. The clerk of the court shall transfer to the state treasurer for
219 deposit into this account all fees received under this section. The state court administrator may
220 draw upon this account for the purchase, development, and maintenance of court reporting
221 technologies and for other expenses necessary for maintaining a verbatim record of court sessions.

222 (2) The fee for the preparation of a transcript of a court hearing by an official court
223 transcriber other than an official court reporter and the fee for the preparation of the transcript by
224 a certified [shorthand] court reporter of a hearing before any referee, master, board, or commission
225 of this state shall be as provided in Subsection (1)(a), and shall be payable to the person preparing
226 the transcript.

227 Section 15. **Effective date.**

228 This act takes effect on July 1, 2000.

Legislative Review Note
as of 1-24-00 11:24 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel