

## HB0154S01 compared with HB0154

~~deleted text~~ shows text that was in HB0154 but was deleted in HB0154S01.

inserted text shows text that was not in HB0154 but was inserted into HB0154S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Michael T. Morley proposes the following substitute bill:

### CERTIFIED COURT REPORTING LICENSING ACT

#### AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor:** Michael T. Morley

**Senate Sponsor:** \_\_\_\_\_

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#### 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

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does not represent that the recording or transcript is a certified or official verbatim record;

▶ modifies unprofessional conduct provisions to include all licensees under the act;

and

▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

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

**58-74-502**, as last amended by Laws of Utah 2008, Chapter 3

ENACTS:

**58-74-103**, Utah Code Annotated 1953

**58-74-104**, Utah Code Annotated 1953

**58-74-305**, Utah Code Annotated 1953

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

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

#### **58-74-102. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **58-74-103. Rulemaking.**

When exercising rulemaking authority under this chapter, the division shall comply

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with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 3. Section ~~{58-74-302}~~58-74-104 is ~~{amended}~~enacted to read:

### 58-74-104. Official record in a court of law.

(1) Subject to court rules, if a certified court reporter makes an official verbatim record of a proceeding and a certified legal videographer makes an official verbatim record of the same proceeding, the certified court reporter's official verbatim record constitutes the official record of the proceeding in a court of law.

(2) In a court of law, the use and admissibility of a written transcription created from an official verbatim record made using videography shall be determined by court rules.

Section 4. Section 58-74-302 is amended to read:

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

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

- (a) be at least 18 years of age;
- (b) be a citizen of the United States;
- (c) submit an application in a form prescribed by the division;
- (d) pay a fee determined by the department under Section 63J-1-504; and
- ~~[(e) possess a high degree of skill and ability in the art of court reporting;]~~
- ~~[(f)]~~ (e) produce satisfactory evidence of good moral character~~]; and~~.

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

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

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

(4) The minimum requirements described in Subsection (3) shall be designed to, in the least restrictive manner possible, ensure that the applicant has a knowledge of, and is willing to

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follow, standards for videotaped depositions and other official court proceedings.

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

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

Section ~~{4}~~5. Section **58-74-305** is enacted to read:

### **58-74-305. Exemptions ~~{for}~~from licensure.**

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

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### **Legislative Review Note**

— as of ~~2-22-12 4:26 PM~~

— ~~Office of Legislative Research and General Counsel;~~ Section 6. Section **58-74-502** is amended to read:

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

"Unprofessional conduct" includes:

(1) conduct unbecoming a person licensed ~~[as a certified court reporter]~~ under this chapter or ~~[which]~~ that is detrimental to the interests of the public;

(2) willful or negligent betrayal or disclosure of confidential information about which the licensee becomes knowledgeable as a result of or incidental to ~~[his]~~ the licensee's practice as a licensee;

(3) false or deceptive representation of a licensee's skills, competence, capability, or resources as a certified court reporter or other licensee under this chapter;

(4) offering, undertaking, or agreeing to undertake an assignment as a certified court

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reporter, or other licensee under this chapter, for which the licensee:

(a) is not qualified[~~-, for which the licensee~~];

(b) cannot complete the assignment in a timely manner[~~;~~]; or [for which the licensee]

(c) does not have the resources to complete the assignment as agreed in a professional manner;

(5) the use of any chemical, drug, or alcohol in [any] an unlawful manner or in [any] a manner [which] that negatively affects the ability of the licensee to competently practice as a certified court reporter or other licensee under this chapter;

(6) willfully and intentionally making [any] a false or fraudulent record in the performance of [his] the licensee's duties as a certified court reporter or other licensee under this chapter;

(7) [any] conduct contrary to the recognized standards and ethics of the profession of a certified court reporter or other licensee under this chapter;

(8) gross incompetence in practice as a certified court reporter or other licensee under this chapter;

(9) violation of [any] a provision of this chapter, Section 78A-2-404, or [rules] a rule promulgated to regulate the practice of a court [reporters] reporter or other licensee under this chapter;

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

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