

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: _____

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;

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

and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **58-74-102**, as last amended by Laws of Utah 2004, Chapter 77

31 **58-74-302**, as last amended by Laws of Utah 2009, Chapter 183

32 **58-74-502**, as last amended by Laws of Utah 2008, Chapter 3

33 ENACTS:

34 **58-74-103**, Utah Code Annotated 1953

35 **58-74-104**, Utah Code Annotated 1953

36 **58-74-305**, Utah Code Annotated 1953



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

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

40 **58-74-102. Definitions.**

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

42 (1) "Board" means the Certified Court Reporters Licensing Board created in Section
43 58-74-201.

44 [~~(3)~~] (2) "Certified court reporter" means [any] a person who engages in the practice of
45 court reporting who is:

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

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

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

50 [~~(2)~~] (4) "Certified shorthand reporter" means [any] a person licensed under this
51 chapter who is engaged in the practice of shorthand reporting.

52 [~~(4)~~] (5) "Certified voice reporter" means [any] a person licensed under this chapter
53 who engages in the practice of voice reporting.

54 [~~(5)~~] (6) "Official court reporter" means a certified shorthand reporter employed by the
55 courts.

56 [~~(6)~~] (7) "Official court transcriber" means a person certified in accordance with rules

57 of the Judicial Council as competent to transcribe into written form an audio or video recording
58 of a court [~~proceedings~~] proceeding.

59 [~~(7)~~] (8) "Practice of court reporting" means [~~the~~] making [~~of a~~] an official verbatim
60 record of [~~any~~] a trial, legislative public hearing, state agency public hearing, deposition,
61 examination before trial, hearing or proceeding before [~~any~~] a grand jury, referee, board,
62 commission, master or arbitrator, or other sworn testimony given under oath.

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

65 [~~(8)~~] (10) "Practice of shorthand reporting" means [~~the practice of~~] making [a] an
66 official written verbatim record[;] using symbols or abbreviations.

67 [~~(9)~~] (11) "Practice of voice reporting" means [~~the practice of~~] making [a] an official
68 written verbatim record[;] using voice writing.

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

71 [~~(10)~~] (13) "Voice writing" means [~~the~~] making [~~of a~~] an official written verbatim
72 record of the spoken word by means of repeating the words of the speaker into a device
73 [~~capable of either digital~~] that creates an accurate translation into English text [~~or creation of a~~
74 ~~tape or digital recording~~].

75 [~~(11)~~] (14) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-74-501.

76 [~~(12)~~] (15) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-74-502
77 and as may be further defined by rule.

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

79 **58-74-103. Rulemaking.**

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

82 Section 3. Section **58-74-104** is enacted to read:

83 **58-74-104. Official record in a court of law.**

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

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

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

91 **58-74-302. Qualifications for licensure.**

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

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

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

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

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

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

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

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

117 Section 5. Section **58-74-305** is enacted to read:

118 **58-74-305. Exemptions from licensure.**

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

124 Section 6. Section **58-74-502** is amended to read:

125 **58-74-502. Unprofessional conduct.**

126 "Unprofessional conduct" includes:

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

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

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

134 (4) offering, undertaking, or agreeing to undertake an assignment as a certified court
135 reporter, or other licensee under this chapter, for which the licensee:

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

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

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

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

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

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

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

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

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

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