

Representative John Knotwell proposes the following substitute bill:

COURT REPORTER AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Knotwell

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill modifies provisions related to court reporters.

Highlighted Provisions:

This bill:

- ▶ changes the name of the Certified Court Reporters Licensing Act to the State Certification of Court Reporters Act (the act);
- ▶ defines terms, including "state certified court reporter" in the act and in the Court Reporter Act;
- ▶ describes the qualifications for receiving a state certification as a state certified court reporter;
- ▶ describes unprofessional and unlawful conduct under the act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 26 **58-74-101**, as last amended by Laws of Utah 2004, Chapter 77
- 27 **58-74-102**, as last amended by Laws of Utah 2016, Chapter 238
- 28 **58-74-301**, 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 **58-74-303**, as enacted by Laws of Utah 1997, Chapter 372
- 31 **58-74-401**, as last amended by Laws of Utah 2008, Chapter 3
- 32 **58-74-501**, as last amended by Laws of Utah 2004, Chapter 77
- 33 **58-74-502**, as last amended by Laws of Utah 2008, Chapter 3
- 34 **78A-2-402**, as last amended by Laws of Utah 2010, Chapter 34
- 35 **78A-2-403**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 36 **78A-2-404**, as renumbered and amended by Laws of Utah 2008, Chapter 3

37 REPEALS:

- 38 **58-74-201**, as last amended by Laws of Utah 2004, Chapter 77

39

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

41 Section 1. Section **58-74-101** is amended to read:

42 **CHAPTER 74. STATE CERTIFICATION OF COURT REPORTERS ACT**

43 **58-74-101. Title.**

44 This chapter is known as the [~~"Certified Court Reporters Licensing Act."~~] "State
45 Certification of Court Reporters Act."

46 Section 2. Section **58-74-102** is amended to read:

47 **58-74-102. Definitions.**

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

49 [~~(1) "Board" means the Certified Court Reporters Licensing Board created in Section~~
50 ~~**58-74-201**.~~]

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

53 [~~(a) a shorthand reporter certified by the National Court Reporters Association; or]~~

54 [~~(b) a voice reporter certified by the National Verbatim Reporters Association.~~]

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

57 ~~[(4) "Official court reporter" means a certified shorthand reporter employed by the~~
58 ~~courts.]~~

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

62 ~~[(6)] (1) "Practice of court reporting" means the making of a verbatim record, by~~
63 ~~stenography or voice writing, of any trial, legislative public hearing, state agency public~~
64 ~~hearing, deposition, examination before trial, hearing or proceeding before any grand jury,~~
65 ~~referee, board, commission, master or arbitrator, or other sworn testimony given under oath.~~

66 ~~[(7) "Practice of voice reporting" means the practice of making a verbatim record,~~
67 ~~using voice writing.]~~

68 ~~[(8) "Voice writing" means the making of a verbatim record of the spoken word by~~
69 ~~means of repeating the words of the speaker into a device capable of either digital translation~~
70 ~~into English text or creation of a tape or digital recording.]~~

71 (2) "State certified court reporter" means a person who engages in the practice of court
72 reporting and has met the requirements for state certification as a state certified court reporter.

73 ~~[(9)] (4) "Unlawful conduct" means the same as that term is defined in Sections~~
74 ~~58-1-501 and 58-74-501.~~

75 ~~[(10)] (5) "Unprofessional conduct" means the same as that term is defined in~~
76 ~~[Sections] Section 58-1-501 [and 58-74-502] and as may be further defined by rule.~~

77 Section 3. Section **58-74-301** is amended to read:

Part 3. Certification

78 **58-74-301. State certification required.**

79 (1) ~~[A license]~~ State certification as a state certified court reporter is required to engage
80 in the practice of court reporting.

81 (2) The division shall ~~[issue]~~ grant state certification as a state certified court reporter
82 to any person who ~~[qualifies under this chapter a license to practice as a certified court~~
83 ~~reporter.]~~ meets the requirements described in this chapter.

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

85 **58-74-302. Qualifications for state certification.**

86 (1) Each applicant for ~~[licensure as a certified court reporter]~~ state certification as a
87

88 state certified court reporter under this chapter shall:

- 89 (a) be at least 18 years of age;
- 90 (b) be a citizen of the United States and a resident of the state;
- 91 (c) submit an application in a form prescribed by the division;
- 92 (d) pay a fee determined by the department under Section 63J-1-504;
- 93 (e) possess a high degree of skill and ability in the art of court reporting;
- 94 (f) produce satisfactory evidence of good moral character; and
- 95 (g) submit evidence that ~~[they have]~~ the applicant has completed and passed the
- 96 Registered Professional Reporter Examination of the National Court Reporters Association or
- 97 the Certified Verbatim Reporter Examination of the National Verbatim Reporters Association.

98 (2) Any person granted a certificate to practice as a state certified ~~[shorthand]~~ court

99 reporter may use the abbreviation [~~"C.S.R."~~] "C.C.R." or "C.V.R." as long as the person's

100 certificate is current and valid.

101 [~~(3) Any person granted a certificate to practice as a certified voice reporter may use~~

102 ~~the abbreviation "C.V.R." as long as the person's certificate is current and valid.]~~

103 Section 5. Section **58-74-303** is amended to read:

104 **58-74-303. Term of state certification -- Expiration -- Renewal.**

105 (1) (a) The division shall issue each [~~licensee~~] state certification under this chapter in

106 accordance with a two-year renewal cycle established by rule.

107 (b) The division may by rule extend or shorten a renewal cycle by as much as one year

108 to stagger the renewal cycles it administers.

109 (2) Each [~~licensee~~] applicant shall, at the time of applying for renewal, demonstrate

110 compliance with continuing education requirements established by the division ~~Ŝ~~ **Ŝ** **→ [in collaboration**

111 **with the board] ←Ŝ** .

112 (3) Each [~~licensee~~] state certification automatically expires on the expiration date shown

113 on the [~~licensee~~] state certification unless the [~~licensee~~] applicant renews it in accordance with

114 Section 58-1-308.

115 Section 6. Section **58-74-401** is amended to read:

116 **58-74-401. Grounds for denial of state certification -- Disciplinary proceedings.**

117 Grounds for refusing to issue a [~~licensee~~] state certification to an applicant, for refusing

118 to renew the [~~license of a licensee~~] state certification of an applicant, for revoking, suspending,

119 restricting, or placing on probation the [~~license of a licensee~~] state certification of a state
120 certified court reporter, for issuing a public or private reprimand to a [~~licensee~~] state certified
121 court reporter, and for issuing a cease and desist order shall be in accordance with Sections
122 58-1-401 and 78A-2-404.

123 Section 7. Section 58-74-501 is amended to read:

124 **58-74-501. Unlawful conduct.**

125 (1) It is unlawful for any person [~~not licensed~~] who does not have state certification in
126 accordance with this chapter to:

127 (a) assume the title state certified court reporter; or

128 (b) assume the title or use the abbreviation [C.S.R.] C.C.R. or C.V.R. or any other
129 similar words, letters, figures, or abbreviation to indicate that the person using that title or
130 abbreviation is a state certified court reporter.

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

132 Section 8. Section 58-74-502 is amended to read:

133 **58-74-502. Unprofessional conduct.**

134 "Unprofessional conduct" includes:

135 (1) conduct unbecoming [a person licensed as a certified court reporter] a state certified
136 court reporter or which is detrimental to the interests of the public;

137 (2) willful or negligent betrayal or disclosure of confidential information about which
138 [the licensee] a state certified court reporter becomes knowledgeable as a result of or incidental
139 to [his practice as a licensee] the person's practice as a state certified court reporter;

140 (3) false or deceptive representation of a [licensee's] a state certified court reporter's
141 skills, competence, capability, or resources as a state certified court reporter;

142 (4) offering, undertaking, or agreeing to undertake an assignment as a state certified
143 court reporter for which [the licensee] the state certified court reporter is not qualified, [for
144 which the licensee] cannot complete the assignment in a timely manner, or [for which the
145 licensee] does not have the resources to complete the assignment as agreed in a professional
146 manner;

147 (5) the use of any chemical, drug, or alcohol in any unlawful manner or in any manner
148 which negatively affects the ability of [the licensee] a state certified court reporter to
149 competently practice as a state certified court reporter;

150 (6) willfully and intentionally making any false or fraudulent record in the performance
151 of ~~his~~ a state certified court reporter's duties as a state certified court reporter;

152 (7) any conduct contrary to the recognized standards and ethics of the profession of a
153 state certified court reporter;

154 (8) gross incompetence in practice as a state certified court reporter;

155 (9) violation of any provision of this chapter, Section ~~78A-2-404~~, or rules promulgated
156 to regulate the practice of state certified court reporters;

157 (10) conviction of a felony or any other crime which is considered by the ~~board~~
158 division to represent activity detrimental to the public interest as that interest is reflected in ~~the~~
159 licensee a state certified court reporter continuing to practice as a state certified court reporter;
160 or

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

164 Section 9. Section ~~78A-2-402~~ is amended to read:

165 **78A-2-402. Definitions.**

166 As used in this part:

167 (1) "Certified court reporter" ~~[has the same meaning as in]~~ means a state certified court
168 reporter as described in Title 58, Chapter 74, ~~[Certified Court Reporters Licensing Act]~~ State
169 Certification of Court Reporters Act.

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

172 ~~[(3)]~~ (2) "Official court transcriber" means a person certified in accordance with rules
173 of the Judicial Council as competent to transcribe into written form an audio or video recording
174 of court proceedings.

175 Section 10. Section ~~78A-2-403~~ is amended to read:

176 **78A-2-403. Appointment of court reporters -- Eligibility.**

177 ~~[(1)]~~ A person may not be appointed to the position of court reporter nor act in the
178 capacity of a court reporter in any court of record of this state, or before any referee, master,
179 board, or commission of this state ~~[without a currently valid license from the Division of~~
180 ~~Occupational and Professional Licensing as provided in Title 58, Chapter 74, Certified Court~~

181 ~~Reporters Licensing Act.] unless the person is a state certified court reporter in accordance with~~
182 ~~the provisions of Title 58, Chapter 74, State Certification of Court Reporters Act.~~

183 ~~[(2) Before any person may act as a court reporter, the person shall:]~~

184 ~~[(a) take, subscribe, and file the constitutional oath, and]~~

185 ~~[(b) give a bond with sufficient surety, conditioned upon the faithful performance of all~~
186 ~~duties, in the sum of \$2,500, or larger sum if ordered by the judge.]~~

187 ~~[(3) The bond shall run to the state of Utah, but an action on it may be maintained by~~
188 ~~any person whose rights are affected by the failure of the reporter to perform the reporter's~~
189 ~~official duties.]~~

190 Section 11. Section **78A-2-404** is amended to read:

191 **78A-2-404. Contract restrictions.**

192 (1) Any contract for court reporting services, not related to a particular case or
193 reporting incident, is prohibited between a court reporter or any other person with whom a
194 court reporter has a principal and agency relationship and any attorney, party to an action, or
195 party having a financial interest in an action. Negotiating or bidding reasonable fees, equal to
196 all the parties, on a case-by-case basis may not be prohibited.

197 (2) A certified court reporter is an officer of the court, authorized to administer oaths,
198 whose impartiality shall remain beyond question.

199 (3) This section does not apply to the courts or the administrative tribunals of this state.

200 (4) Violation of this section shall be considered unprofessional conduct as provided in
201 ~~[Sections]~~ Section 58-74-102 and 58-74-502, and shall be grounds for revocation of ~~[licensure]~~
202 state certification only.

203 Section 12. **Repealer.**

204 This bill repeals:

205 Section **58-74-201, Board.**