

HB0278S01 compared with HB0278

~~{deleted text}~~ shows text that was in HB0278 but was deleted in HB0278S01.

Inserted text shows text that was not in HB0278 but was inserted into HB0278S01.

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Representative John Knotwell proposes the following substitute bill:

COURT REPORTER AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Knotwell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to court reporters.

Highlighted Provisions:

This bill:

- ▶ ~~{repeals}~~changes the name of the Certified Court Reporters Licensing Act~~;~~
→ ~~modifies provisions of the Court Reporter Act, including provisions that reference the Certified}~~ to the State Certification of Court Reporters ~~{Licensing}~~ Act (the act);
- ▶ ~~{modifies the definition of}~~ 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;

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- ▶ 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:

58-74-101, as last amended by Laws of Utah 2004, Chapter 77

58-74-102, as last amended by Laws of Utah 2016, Chapter 238

58-74-301, as last amended by Laws of Utah 2004, Chapter 77

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

58-74-303, as enacted by Laws of Utah 1997, Chapter 372

58-74-401, as last amended by Laws of Utah 2008, Chapter 3

58-74-501, as last amended by Laws of Utah 2004, Chapter 77

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

78A-2-402, as last amended by Laws of Utah 2010, Chapter 34

78A-2-403, as renumbered and amended by Laws of Utah 2008, Chapter 3

78A-2-404, as renumbered and amended by Laws of Utah 2008, Chapter 3

~~{ 78A-2-411, as last amended by Laws of Utah 2018, Chapter 148~~

REPEALS:

~~58-74-101, as last amended by Laws of Utah 2004, Chapter 77~~

~~58-74-102, as last amended by Laws of Utah 2016, Chapter 238~~

REPEALS:

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

~~{ 58-74-301, as last amended by Laws of Utah 2004, Chapter 77~~

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

~~58-74-303, as enacted by Laws of Utah 1997, Chapter 372~~

~~58-74-401, as last amended by Laws of Utah 2008, Chapter 3~~

~~58-74-501, as last amended by Laws of Utah 2004, Chapter 77~~

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

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

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

CHAPTER 74. STATE CERTIFICATION OF COURT REPORTERS ACT

58-74-101. Title.

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

Section 2. 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.]~~

~~[(2) "Certified court reporter" means any 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 voice reporter" means any person licensed under this chapter who engages in the practice of voice reporting.]~~

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

~~[(5) "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 court proceedings.]~~

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

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

~~[(8) "Voice writing" means the making of a verbatim record of the spoken word by means of repeating the words of the speaker into a device capable of either digital translation~~

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into English text or creation of a tape or digital recording. {

~~(9)}~~

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

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

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

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

Part 3. Certification

58-74-301. ~~{Licensure}~~State certification required.

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

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

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

58-74-302. Qualifications for ~~{licensure}~~state certification.

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

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

(2) Any person granted a certificate to practice as a state certified [shorthand] court reporter may use the abbreviation ["C.S.R.," "C.C.R." or "C.V.R." as long as the person's

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certificate is current and valid.

~~[(2)3] Any person granted a certificate to practice as a certified {shorthand} voice reporter may use the abbreviation "C. {S} V.R." as long as the person's certificate is current and valid.~~

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

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

58-74-303. Term of {license} state certification -- Expiration -- Renewal.

(1) (a) The division shall issue each [license] state certification under this chapter in accordance with a two-year renewal cycle established by rule.

(b) The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.

(2) Each [licensee] applicant shall, at the time of applying for renewal, demonstrate compliance with continuing education requirements established by the division in collaboration with the board.

(3) Each [license] state certification automatically expires on the expiration date shown on the [license] state certification unless the [licensee] applicant renews it in accordance with Section 58-1-308.

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

58-74-401. Grounds for denial of {license} state certification -- Disciplinary proceedings.

Grounds for refusing to issue a [license] state certification to an applicant, for refusing to renew the [license of a licensee] state certification of an applicant, for revoking, suspending, restricting, or placing on probation the [license of a licensee] state certification of a state certified court reporter, for issuing a public or private reprimand to a [licensee] state certified court reporter, and for issuing a cease and desist order shall be in accordance with Sections 58-1-401 and 78A-2-404.

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

58-74-501. Unlawful conduct.

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

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

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

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

Section 8. 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]~~ a state certified court reporter or which is detrimental to the interests of the public;

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

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

(4) offering, undertaking, or agreeing to undertake an assignment as a state certified court reporter for which ~~[the licensee]~~ the state certified court reporter is not qualified, ~~[for which the licensee]~~ cannot complete the assignment in a timely manner, or ~~[for which the licensee]~~ 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 unlawful manner or in any manner which negatively affects the ability of ~~[the licensee]~~ a state certified court reporter to competently practice as a state certified court reporter;

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

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

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

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

(10) conviction of a felony or any other crime which is considered by the ~~[board]~~

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division to represent activity detrimental to the public interest as that interest is reflected in ~~the~~ licensee] a state certified court reporter continuing to practice as a state certified court reporter; or

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

Section ~~{1}~~9. Section 78A-2-402 is amended to read:

78A-2-402. Definitions.

As used in this part:

(1) "Certified court reporter" ~~[has the same meaning as in]~~ means a state certified court reporter as described in Title 58, Chapter 74, ~~[Certified Court Reporters Licensing Act {·}]~~ means a person certified in accordance with rules of the Judicial Council who engages in the practice of court reporting and who is:

~~— (a) a shorthand reporter certified by the National~~ State Certification of Court Reporters ~~{Association; or~~

~~— (b) a voice reporter certified by the National Verbatim Reporters Association.~~
~~— }Act.~~

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

~~[(3)]~~ (2) "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 court proceedings.

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

78A-2-403. Appointment of court reporters -- Eligibility ~~{-- Oath -- Bond --~~ Action on bond}.

~~[(1)]~~ A person may not be appointed to the position of court reporter nor act in the capacity of a court reporter in any court of record of this state, or before any referee, master, board, or commission of this state ~~[without a currently valid license from the Division of Occupational and Professional Licensing as provided in Title 58, Chapter 74, Certified Court Reporters Licensing Act.]~~ unless the person is a state certified court reporter in accordance with the provisions of Title 58, Chapter 74, State Certification of Court Reporters Act.

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~~[(2) ~~{(1)}~~ Before any person may act as a ~~{certified}~~ court reporter, the person shall:]~~

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

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

~~[(3) ~~{(2)}~~ The bond shall run to the state of Utah, but an action on it may be maintained by any person whose rights are affected by the failure of the reporter to perform the reporter's official duties.]~~

Section ~~{3}~~ 11. Section **78A-2-404** is amended to read:

78A-2-404. Contract restrictions.

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

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

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

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

~~Section 4. Section 78A-2-411 is amended to read:~~

~~78A-2-411. Crimes.~~

~~Any violation of the provisions of this chapter[, except Section 78A-2-404,] is a class B misdemeanor.~~

~~Section 5} {licensure} state certification only.~~

Section 12. Repealer.

This bill repeals:

~~{ Section 58-74-101, Title.~~

~~Section 58-74-102, Definitions.~~

~~† Section 58-74-201, Board.~~

~~{ Section 58-74-301, Licensure required.~~

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~~Section 58-74-302, Qualifications for licensure.~~

~~Section 58-74-303, Term of license -- Expiration -- Renewal.~~

~~Section 58-74-401, Grounds for denial of license -- Disciplinary proceedings.~~

~~Section 58-74-501, Unlawful conduct.~~

~~Section 58-74-502, Unprofessional conduct.~~

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