
HOUSE BILL 1511

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Goodman, Kirby, Rodne, and Ryu

Read first time 01/29/13. Referred to Committee on Judiciary.

1 AN ACT Relating to court reporting, communication access real-time
2 translation, and real-time captioning services; amending RCW
3 18.145.005, 18.145.040, and 18.145.120; reenacting and amending RCW
4 18.145.030 and 18.145.080; and adding a new section to chapter 18.145
5 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 18.145.005 and 1995 c 27 s 1 are each amended to read
8 as follows:

9 The legislature finds it necessary to regulate the practice of
10 court reporting and communication access real-time translation and
11 real-time captioning services at the level of certification to protect
12 the public safety and well-being. The legislature intends that only
13 individuals who meet and maintain minimum standards of competence may
14 represent themselves as court reporters, communication access real-time
15 translators, and real-time captioners.

16 **Sec. 2.** RCW 18.145.030 and 1995 c 269 s 501 and 1995 c 27 s 4 are
17 each reenacted and amended to read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Department" means the department of licensing.

4 (2) "Director" means the director of licensing.

5 (3) (~~"Court reporter"~~) "Communication access real-time
6 translation provider" means an individual certified as a communication
7 access real-time translation provider under this chapter.

8 (4) "Court reporter" means an individual certified as a court
9 reporter under this chapter.

10 (5) "Real-time captioner" means an individual certified as a real-
11 time captioner under this chapter.

12 (6) "Court reporting firm" means any legal entity, including but
13 not limited to a sole proprietorship, corporation, partnership, limited
14 liability company, consortium, or other organization, that provides
15 court reporting services. The following activities constitute "court
16 reporting services":

17 (a) The creation of a verbatim translation of the spoken word into
18 English text using a stenographic machine, voice recognition software,
19 or computer and real-time captioning software;

20 (b) The creation of the official verbatim translation of a
21 deposition, court proceeding, or administrative proceeding by any
22 means; and

23 (c) Directly or indirectly arranging for another individual or
24 entity to perform the activities described in (a) or (b) of this
25 subsection, where the arranger receives compensation for doing so,
26 regardless of the source of compensation.

27 (7) The "practice of communication access real-time translation" or
28 "real-time captioning" means the immediate, verbatim translation of the
29 spoken word into English text using a stenographic machine or voice
30 recognition software, and a computer and real-time captioning software.

31 **Sec. 3.** RCW 18.145.040 and 1995 c 27 s 5 are each amended to read
32 as follows:

33 Nothing in this chapter prohibits or restricts:

34 (1) The practice of communication access real-time translation,
35 court reporting, or real-time captioners by individuals who are
36 licensed, certified, or registered as communication access real-time

1 translation providing, court reporters, or real-time captioners under
2 other laws of this state and who are performing services within their
3 authorized scope of practice;

4 (2) The practice of communication access real-time translation,
5 court reporting, or real-time captioning by an individual employed by
6 the government of the United States while the individual is performing
7 duties prescribed by the laws and regulations of the United States; or

8 (3) The introduction of alternate technology in communication
9 access real-time translation providing, court reporting, or real-time
10 captioning practice.

11 **Sec. 4.** RCW 18.145.080 and 1995 c 269 s 504 and 1995 c 27 s 8 are
12 each reenacted and amended to read as follows:

13 The department shall issue a certificate to any applicant who meets
14 the standards established under this chapter and who:

15 (1) ~~((is holding))~~ Has one of the following:

16 (a) ~~((Certificate of proficiency,))~~ A registered professional
17 reporter, registered merit reporter, ~~((or))~~ registered diplomate
18 reporter, certified real-time reporter, certified broadcast reporter,
19 or certified communication access real-time translation reporter
20 designation from ~~((the))~~ the national court reporters association;

21 (b) ~~((Certificate of proficiency or))~~ A certified verbatim
22 reporter, certificate of merit, real-time verbatim reporter, registered
23 broadcast captioner, or registered communication access real-time
24 translation provider designation from ~~((the))~~ the national stenomask
25 verbatim reporters association; or

26 (c) A current Washington state court reporter certification, in
27 conjunction with the successful completion of the certified
28 communication access real-time translation provider written examination
29 from the national court reporters association or national verbatim
30 reporters association; or

31 (2) Has passed an examination approved by the director or an
32 examination that meets or exceeds the standards established by the
33 director.

34 **Sec. 5.** RCW 18.145.120 and 1995 c 27 s 11 are each amended to read
35 as follows:

36 (1) Upon receipt of complaints against communication access real-

1 time translation providers, court reporters, or real-time captioners,
2 the director shall investigate and evaluate the complaint to determine
3 if disciplinary action is appropriate. The director shall hold
4 disciplinary hearings pursuant to chapter 34.05 RCW.

5 (2) After a hearing conducted under chapter 34.05 RCW and upon a
6 finding that a certificate holder or applicant has committed
7 unprofessional conduct or is unable to practice with reasonable skill
8 and safety due to a physical or mental condition, the director may
9 issue an order providing for one or any combination of the following:

10 (a) Revocation of the certification;

11 (b) Suspension of the certificate for a fixed or indefinite term;

12 (c) Restriction or limitation of the practice;

13 (d) Requiring the satisfactory completion of a specific program or
14 remedial education;

15 (e) The monitoring of the practice by a supervisor approved by the
16 director;

17 (f) Censure or reprimand;

18 (g) Compliance with conditions of probation for a designated period
19 of time;

20 (h) Denial of the certification request;

21 (i) Corrective action;

22 (j) Refund of fees billed to or collected from the consumer.

23 Any of the actions under this section may be totally or partly
24 stayed by the director. In determining what action is appropriate, the
25 director shall consider sanctions necessary to protect the public,
26 after which the director may consider and include in the order
27 requirements designed to rehabilitate the certificate holder or
28 applicant. All costs associated with compliance to orders issued under
29 this section are the obligation of the certificate holder or applicant.

30 NEW SECTION. Sec. 6. A new section is added to chapter 18.145 RCW
31 to read as follows:

32 (1)(a) Court reporters and court reporting firms must not:

33 (i) Provide or arrange for the provision of court reporting
34 services if the court reporter or court reporting firm is financially
35 interested in the litigation or administrative proceeding;

36 (ii) Enter into or arrange a financial relationship that:

1 (A) Provides special financial terms or other services that are not
2 offered at the same time and on the same terms to all other parties in
3 the litigation;

4 (B) Gives any economic or other advantage to any party, or their
5 attorney, representative, agent, or insurer;

6 (C) Expressly or impliedly requires the court reporter or court
7 reporting firm reporting any proceeding or case to perform court
8 reporting services in any other proceeding or case at a specific rate
9 of compensation; or

10 (D) Creates or may create the appearance that the impartiality of
11 the court reporter could be compromised;

12 (iii) Enter into any contract or other agreement to provide court
13 reporting services that restricts the ability of an attorney or party
14 to use the service of another court reporter or court reporting firm;

15 (iv) Provide or arrange for the provision of a no cost copy of a
16 transcript of a deposition to any attorney, party, or witness if
17 provision of the no cost copy is not offered to all parties to a
18 proceeding;

19 (v) Manipulate the transcript to affect the overall cost;

20 (vi) Provide advocacy support services to one party that is not
21 offered to all parties to a proceeding;

22 (vii) Enter into a contract or other agreement for the provision of
23 court reporting services if:

24 (A) The court reporting services relate in whole or in part to
25 litigation that has not been commenced;

26 (B) The impartiality of the court reporter or court reporting firm
27 providing court reporting services may be reasonably questioned;

28 (C) The court reporter or court reporting firm is required to
29 relinquish control of an original transcript of a deposition and copies
30 of that transcript before the transcript is certified and delivered; or

31 (D) The provisions of the contract or agreement confer or appear to
32 confer an unfair advantage upon a party;

33 (viii) Contract with any other court reporter or court reporting
34 firm when to do so would result in a violation of this section by the
35 other contracting party.

36 (b) The provisions of (a) of this subsection do not apply to:

37 (i) The provision of services to a governmental body or providing
38 court reporting service for the courts;

1 (ii) A court reporter, court reporting firm, consortium, or other
2 organization providing a court reporter who agrees to provide services
3 for a matter that is not related to litigation; or

4 (iii) A court reporter, court reporting firm, consortium, or other
5 organization providing a court reporter that is bidding reasonable
6 court reporting fees, equal to all parties, on a case-by-case basis
7 with full disclosure to all parties of said negotiations.

8 (2) A court reporter or court reporting firm, consortium, or other
9 organization providing a court reporter must not take a deposition if
10 the court reporter or court reporting firm, consortium, or other
11 organization:

12 (a) Is a party to the action;

13 (b) Is a relative, employee, or attorney of one of the parties;

14 (c) Has a financial interest in the action or its outcome; or

15 (d) Is a relative, employee, or attorney of someone with a
16 financial interest in the action or the outcome.

17 (3) For the purposes of this section, an "employee" includes a
18 person who has a continuing contractual relationship, express or
19 implied, with a person or entity interested in the outcome of the
20 litigation, including anyone who may have ultimate responsibility for
21 payment to provide reporting or other court services, and a person who
22 is employed part time or full time under contract or otherwise by a
23 person who has a contractual relationship with a party to provide
24 reporting or other court service.

25 (4) A judicial officer may declare a deposition void if a certified
26 reporter with an association to a matter, as described in this section,
27 takes a deposition.

28 (5) The provisions of this section may not be waived by disclosure,
29 agreement, stipulation, or otherwise.

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