

# HOUSE BILL REPORT

## SB 5266

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### As Reported By House Committee On:

Commerce & Labor

**Title:** An act relating to court reporting.

**Brief Description:** Revising provisions regulating court reporting.

**Sponsors:** Senators Pelz, Newhouse, Heavey, Wood and West; by request of Department of Licensing.

### Brief History:

#### Committee Activity:

Commerce & Labor: 3/16/95, 3/22/95 [DP].

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## HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 11 members: Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

**Staff:** Pam Madson (786-7166).

**Background:** Court reporters make verbatim records of court proceedings, depositions, and other official proceedings. A court reporter may work as an official reporter for a superior court judge or may work on an independent basis for any person seeking the reporting of depositions and various official proceedings.

An official reporter must have at least three years' experience or pass an examination that tests skills proficiency. Official reporters hold office during the term of the judge or judges making the appointment, but may be removed for incompetency, misconduct, or neglect of duty. Official reporters are required to file a \$2,000 bond.

In 1989, the Legislature enacted the shorthand reporting practice act. The act provides that no person may represent himself or herself as a court reporter, shorthand reporter, certified shorthand reporter, or certified court reporter without first obtaining a certificate from the Department of Licensing. An applicant for certification must pass an examination no more difficult than the examination for official reporters and meet other qualifications in order to be certified. The other

qualifications include that the applicant must be of good moral character, not have engaged in unprofessional conduct, and not have been determined to be unable to practice with reasonable skill and safety because of a mental or physical impairment. The director may issue a one-year temporary certificate to an individual who holds certification from another recognized source (national association) or has graduated from court reporting school, but has not passed the examination. The director has the authority to prepare and administer or approve the preparation and administration of the examination.

In the shorthand reporting practice act, the practice of "shorthand reporting or court reporting" is the making of a verbatim record by means of written symbols or abbreviations in shorthand or machine writing of a verbatim record" of court proceedings, depositions, or other official proceedings and the producing of a transcript of the proceeding. However, the act did not prohibit the practice of court reporting or use of the title "certified court reporters" by stenomaskers who were practicing as of September 1, 1989.

The 1989 act also established a five member shorthand reporters advisory board to advise the director. Three members represent the shorthand court reporting profession, one member is an attorney or judge, and the other is a public member.

**Summary of Bill:** All references to the practice of "shorthand reporting or court reporting" are changed to "court reporting." A person may not represent himself or herself or practice as a court reporter without first obtaining a certificate from the department.

The definition of the "practice of court reporting" specifically includes making a verbatim record by oral recording by a stenomask reporter. Stenomask reporters must have a certificate to practice "court reporting". Those persons with two or more years' experience in stenomask reporting are granted a certificate without examination if they make application before January 1, 1996.

The qualifications for certification include meeting the standards set by the director and: (a) holding a National Court Reporters Association or National Stenomask Verbatim Reporters Association certificate of proficiency, registered professional reporter, registered merit reporter, or registered diplomate reporter, or certificate of merit; (b) holding a current Washington State court reporter certification; (c) passing a nationally recognized examination with equal or higher standards to those established by the director; or (d) passing an examination approved by the director.

The shorthand reporter's advisory board is eliminated but the department retains the authority to appoint advisory committees on issues relating to certification. Advisory committee membership shall include representation from professional court reporting

and stenomasking associations and accredited schools offering degrees in court reporting and stenomasking.

The Department of Licensing is given explicit authority to investigate complaints and hold disciplinary proceedings.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill recognizes that there are many ways to do court reporting. It recognizes stenomaskers, allows the Department of Licensing greater latitude in administering testing provisions, eliminates the advisory board, and saves the state money.

**Testimony Against:** None.

**Testified:** (In favor) Mike Collins, Department of Licensing; and Teresa Rider, Washington Shorthand Reporters Association.