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HOUSE BILL 1338

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Lisk, Cole, Conway, Fuhrman, Sheahan, Romero, Jacobsen, Wolfe and Costa; by request of Department of Licensing

Read first time 01/23/95. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to court reporting; amending RCW 18.145.005,  
2 18.145.010, 18.145.020, 18.145.030, 18.145.040, 18.145.050, 18.145.070,  
3 18.145.080, 18.145.090, 18.145.110, 18.145.120, 18.145.130, and  
4 18.145.900; and repealing RCW 18.145.060.

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

6 **Sec. 1.** RCW 18.145.005 and 1989 c 382 s 1 are each amended to read  
7 as follows:

8 The legislature finds it necessary to regulate the practice of  
9 ~~((shorthand reporting or))~~ court reporting at the level of  
10 certification to protect the public safety and well-being. The  
11 legislature intends that only individuals who meet and maintain minimum  
12 standards of competence may represent themselves as ~~((shorthand or))~~  
13 court reporters.

14 **Sec. 2.** RCW 18.145.010 and 1989 c 382 s 2 are each amended to read  
15 as follows:

16 (1) No person may practice or represent himself or herself as a  
17 ~~((shorthand reporter or a))~~ court reporter without first obtaining a  
18 certificate as required by this chapter.

1 (2) A person represents himself or herself to be a (~~shorthand~~  
2 ~~reporter or~~) court reporter when the person adopts or uses any title  
3 or description of services that incorporates one or more of the  
4 following terms: "Shorthand reporter," "court reporter," "certified  
5 shorthand reporter," (~~or~~) "certified court reporter," or "certified  
6 stenomask reporter."

7 **Sec. 3.** RCW 18.145.020 and 1989 c 382 s 3 are each amended to read  
8 as follows:

9 The "practice of (~~shorthand reporting or~~) court reporting" means  
10 the making by means of written symbols or abbreviations in shorthand or  
11 machine writing or oral recording by a stenomask reporter of a verbatim  
12 record of any oral court proceeding, deposition, or proceeding before  
13 a jury, referee, court commissioner, special master, governmental  
14 entity, or administrative agency and the producing of a transcript from  
15 the proceeding.

16 **Sec. 4.** RCW 18.145.030 and 1989 c 382 s 4 are each amended to read  
17 as follows:

18 Unless the context clearly requires otherwise, the definitions in  
19 this section apply throughout this chapter.

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

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

22 (3) (~~("Shorthand reporter" and~~) "Court reporter" means an  
23 individual certified under this chapter.

24 (~~(4) "Board" means the Washington state shorthand reporter~~  
25 ~~advisory board.~~)

26 **Sec. 5.** RCW 18.145.040 and 1989 c 382 s 5 are each amended to read  
27 as follows:

28 Nothing in this chapter prohibits or restricts:

29 (1) The practice of (~~a profession~~) court reporting by individuals  
30 who are licensed, certified, or registered as court reporters under  
31 other laws of this state and who are performing services within their  
32 authorized scope of practice;

33 (2) The practice of (~~shorthand~~) court reporting by an individual  
34 employed by the government of the United States while the individual is  
35 performing duties prescribed by the laws and regulations of the United  
36 States; or

1       (3) (~~The practice of court reporting or use of the title certified~~  
2 ~~court reporter by stenographers who are practicing as of September 1,~~  
3 ~~1989.~~

4       Nothing in this chapter shall be construed to prohibit)) The  
5 introduction of alternate technology in court reporting practice.

6       **Sec. 6.** RCW 18.145.050 and 1989 c 382 s 6 are each amended to read  
7 as follows:

8       In addition to any other authority provided by law, the director  
9 may:

10       (1) Adopt rules in accordance with chapter 34.05 RCW that are  
11 necessary to implement this chapter;

12       (2) Set all (~~certification examination,~~) renewal, late renewal,  
13 duplicate, and verification fees in accordance with RCW 43.24.086;

14       (3) Establish the forms and procedures necessary to administer this  
15 chapter;

16       (4) Issue a certificate to any applicant who has met the  
17 requirements for certification;

18       (5) Hire clerical, administrative, and investigative staff as  
19 needed to implement and administer this chapter;

20       (6) Investigate complaints or reports of unprofessional conduct as  
21 defined in this chapter and hold hearings (~~pursuant to~~) under chapter  
22 34.05 RCW;

23       (7) Issue subpoenas for records and attendance of witnesses,  
24 statements of charges, statements of intent to deny certificates, and  
25 orders; administer oaths; take or cause depositions to be taken; and  
26 use other discovery procedures as needed in any investigation, hearing,  
27 or proceeding held under this chapter;

28       (8) Maintain the official departmental record of all applicants and  
29 certificate holders;

30       (9) Delegate, in writing to a designee, the authority to issue  
31 subpoenas, statements of charges, and statements of intent to deny  
32 certification;

33       (10) (~~Prepare and administer or~~) Approve the preparation and  
34 administration of examinations for certification;

35       (11) Establish by rule the procedures for an appeal of a failure of  
36 an examination;

1 (12) Conduct a hearing under chapter 34.05 RCW on an appeal of a  
2 denial of a certificate based on the applicant's failure to meet  
3 minimum qualifications for certification;

4 (13) Set the criteria for meeting the standard required for  
5 certification;

6 (14) Establish advisory committees whose membership shall include  
7 representatives of professional court reporting and stenomasking  
8 associations and representatives from accredited schools offering  
9 degrees in court reporting or stenomasking to advise the director on  
10 testing procedures, professional standards, disciplinary activities, or  
11 any other matters deemed necessary.

12 **Sec. 7.** RCW 18.145.070 and 1989 c 382 s 8 are each amended to read  
13 as follows:

14 The director(~~(, members of the board,)~~) and individuals acting on  
15 (~~their~~) the director's behalf shall not be civilly liable for any act  
16 performed in good faith in the course of their duties.

17 **Sec. 8.** RCW 18.145.080 and 1989 c 382 s 9 are each amended to read  
18 as follows:

19 (~~(1)~~) The department shall issue a certificate to any applicant  
20 who(~~(, as determined by the director upon advice of the board, has:~~

21 ~~(a) Successfully completed an examination approved by the director;~~

22 ~~(b) Good moral character;~~

23 ~~(c) Not engaged in unprofessional conduct; and~~

24 ~~(d) Not been determined to be unable to practice with reasonable~~  
25 ~~skill and safety as a result of a physical or mental impairment.~~

26 ~~(2) A one year temporary certificate may be issued, at the~~  
27 ~~discretion of the director, to a person holding one of the following:~~  
28 ~~National shorthand reporters association certificate of proficiency,~~  
29 ~~registered professional reporter certificate, or certificate of merit;~~  
30 ~~a current court or shorthand reporter certification, registration, or~~  
31 ~~license of another state; or a certificate of graduation of a court~~  
32 ~~reporting school. To continue to be certified under this chapter, a~~  
33 ~~person receiving a temporary certificate shall successfully complete~~  
34 ~~the examination under subsection (1)(a) of this section within one year~~  
35 ~~of receiving the temporary certificate, except that the director may~~  
36 ~~renew the temporary certificate if extraordinary circumstances are~~  
37 ~~shown.~~

1       ~~(3) The examination required by subsection (1)(a) of this section~~  
2 ~~shall be no more difficult than the examination provided by the court~~  
3 ~~reporter examining committee as authorized by RCW 2.32.180)) meets the~~  
4 ~~standards established under this chapter and who:~~

5       (1) Is holding one of the following:

6       (a) Certificate of proficiency, registered professional reporter,  
7 registered merit reporter, or registered diplomate reporter from  
8 national court reporters association;

9       (b) Certificate of proficiency or certificate of merit from  
10 national stenomask verbatim reporters association; or

11       (c) A current Washington state court reporter certification; or

12       (2) Has passed an examination approved by the director or an  
13 examination that meets or exceeds the standards established by the  
14 director.

15       **Sec. 9.** RCW 18.145.090 and 1989 c 382 s 10 are each amended to  
16 read as follows:

17       Applications for certification shall be submitted on forms provided  
18 by the department. The department may require information and  
19 documentation to determine whether the applicant meets the ~~((criteria))~~  
20 standard for certification as provided in this chapter. Each applicant  
21 shall pay a fee determined by the director as provided in RCW 43.24.086  
22 which shall accompany the application.

23       **Sec. 10.** RCW 18.145.110 and 1989 c 382 s 12 are each amended to  
24 read as follows:

25       Persons with two or more years' experience in ~~((shorthand))~~  
26 stenomask reporting in Washington state as of ~~((September 1, 1989))~~  
27 January 1, 1996, shall be granted a ~~((shorthand reporters))~~ court  
28 reporter certificate without examination, if application is made  
29 ~~((within one year of September 1, 1989. Shorthand reporters with less~~  
30 ~~than two years' experience in shorthand reporting in this state as of~~  
31 ~~September 1, 1989, shall be granted a temporary certificate for one~~  
32 ~~year. To continue to be certified under this chapter, a person~~  
33 ~~receiving a temporary certificate shall successfully complete the~~  
34 ~~examination under RCW 18.145.080 within one year of receiving the~~  
35 ~~temporary certificate, except that the director may renew the temporary~~  
36 ~~certificate if extraordinary circumstances are shown)) before January~~  
37 1, 1996.

1       **Sec. 11.** RCW 18.145.120 and 1989 c 382 s 13 are each amended to  
2 read as follows:

3       (1) Upon receipt of complaints against court reporters, the  
4 director shall investigate and evaluate the complaint to determine if  
5 disciplinary action is appropriate. The director shall hold  
6 disciplinary hearings pursuant to chapter 34.05 RCW.

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

12       ~~((+1))~~ (a) Revocation of the certification;

13       ~~((+2))~~ (b) Suspension of the certificate for a fixed or indefinite  
14 term;

15       ~~((+3))~~ (c) Restriction or limitation of the practice;

16       ~~((+4))~~ (d) Requiring the satisfactory completion of a specific  
17 program or remedial education;

18       ~~((+5))~~ (e) The monitoring of the practice by a supervisor approved  
19 by the director;

20       ~~((+6))~~ (f) Censure or reprimand;

21       ~~((+7))~~ (g) Compliance with conditions ~~((or))~~ of probation for a  
22 designated period of time;

23       ~~((+8))~~ (h) Denial of the certification request;

24       ~~((+9))~~ (i) Corrective action;

25       ~~((+10))~~ (j) Refund of fees billed to or collected from the  
26 consumer.

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

34       **Sec. 12.** RCW 18.145.130 and 1989 c 382 s 14 are each amended to  
35 read as follows:

36       The following conduct, acts, or conditions constitute  
37 unprofessional conduct for any certificate holder or applicant under  
38 the jurisdiction of this chapter:

1 (1) The commission of any act involving moral turpitude,  
2 dishonesty, or corruption relating to the practice of ((~~shorthand~~))  
3 court reporting, whether or not the act constitutes a crime. If the  
4 act constitutes a crime, conviction in a criminal proceeding is not a  
5 condition precedent to disciplinary action;

6 (2) Misrepresentation or concealment of a material fact in  
7 obtaining or in seeking reinstatement of a certificate;

8 (3) Advertising in a false, fraudulent, or misleading manner;

9 (4) Incompetence or negligence;

10 (5) Suspension, revocation, or restriction of the individual's  
11 certificate, registration, or license to practice ((~~shorthand~~)) court  
12 reporting by a regulatory authority in any state, federal, or foreign  
13 jurisdiction;

14 (6) Violation of any state or federal statute or administrative  
15 rule regulating the profession;

16 (7) Failure to cooperate in an inquiry, investigation, or  
17 disciplinary action by:

18 (a) Not furnishing papers or documents;

19 (b) Not furnishing in writing a full and complete explanation of  
20 the matter contained in the complaint filed with the director;

21 (c) Not responding to subpoenas issued by the director, regardless  
22 of whether the recipient of the subpoena is the accused in the  
23 proceeding;

24 (8) Failure to comply with an order issued by the director or an  
25 assurance of discontinuance entered into with the director;

26 (9) Misrepresentation or fraud in any aspect of the conduct of the  
27 business or profession;

28 (10) Conviction of any gross misdemeanor or felony relating to the  
29 practice of the profession. For the purpose of this subsection,  
30 conviction includes all instances in which a plea of guilty or nolo  
31 contendere is the basis for conviction and all proceedings in which the  
32 sentence has been deferred or suspended. Nothing in this section  
33 abrogates rights guaranteed under chapter 9.96A RCW.

34 **Sec. 13.** RCW 18.145.900 and 1989 c 382 s 15 are each amended to  
35 read as follows:

36 This chapter may be known and cited as the ((~~shorthand~~)) court  
37 reporting practice act.

1        NEW SECTION.   **Sec. 14.**   RCW 18.145.060 and 1989 c 382 s 7 are each  
2 repealed.

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