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SENATE BILL 6403

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State of Washington                      53rd Legislature                      1994 Regular Session

By Senator Ludwig; by request of Department of Licensing

Read first time 01/21/94. Referred to Committee on Labor & Commerce.

1            AN ACT Relating to court reporters; amending RCW 18.145.005,  
2 18.145.010, 18.145.020, 18.145.030, 18.145.040, 18.145.050, 18.145.080,  
3 18.145.090, 18.145.100, 18.145.120, 18.145.130, and 18.145.900; and  
4 repealing RCW 18.145.060, 18.145.070, and 18.145.110.

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 ~~((represent himself or herself))~~ practice 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,"  
5 (~~"certified shorthand reporter," or~~) "certified court reporter," or  
6 "certified 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  
10 reporting(~~"~~) means the making (~~by means of written symbols or~~  
11 ~~abbreviations in shorthand or machine writing~~) of a verbatim record of  
12 any oral court proceeding, deposition, or proceeding before a jury,  
13 referee, court commissioner, special master, governmental entity, or  
14 administrative agency and the producing of a transcript from the  
15 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 a court reporter 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 stenomaskers 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 the 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~~  
36 ~~of 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       (12) Set the criteria for meeting the standard required for  
5 certification.

6       **Sec. 7.** RCW 18.145.080 and 1989 c 382 s 9 are each amended to read  
7 as follows:

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

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

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

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

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

15       ~~(2) A one year temporary certificate may be issued, at the~~  
16 ~~discretion of the director, to a person holding one of the following:~~  
17 ~~National shorthand reporters association certificate of proficiency,~~  
18 ~~registered professional reporter certificate, or certificate of merit;~~  
19 ~~a current court or shorthand reporter certification, registration, or~~  
20 ~~license of another state; or a certificate of graduation of a court~~  
21 ~~reporting school. To continue to be certified under this chapter, a~~  
22 ~~person receiving a temporary certificate shall successfully complete~~  
23 ~~the examination under subsection (1)(a) of this section within one year~~  
24 ~~of receiving the temporary certificate, except that the director may~~  
25 ~~renew the temporary certificate if extraordinary circumstances are~~  
26 ~~shown.~~

27       ~~(3) The examination required by subsection (1)(a) of this section~~  
28 ~~shall be no more difficult than the examination provided by the court~~  
29 ~~reporter examining committee as authorized by RCW 2.32.180)) met the~~  
30 ~~standards of this chapter and who has passed or is holding one of the~~  
31 ~~following:~~

32       ~~(1) National court reporters association or national stenomask~~  
33 ~~verbatim reporters association certificate of proficiency, registered~~  
34 ~~professional reporter certificate, or certificate of merit;~~

35       ~~(2) A nationally recognized examination with equal or higher~~  
36 ~~standards;~~

37       ~~(3) A current Washington state court reporter certification;~~

1       (4) A current registration or license of another state that has  
2 minimum standards at least equal to the standards set in this chapter;

3       (5) A certificate of graduation from a court reporter program from  
4 a state accredited institute of higher learning, recognized by a state  
5 board for technical and community colleges in a state where the  
6 graduation requires passing a proficiency exam, the standards that are  
7 equal to or greater than the national examinations of the associations  
8 referred to in subsection (1) of this section and any other standards  
9 set forth in this chapter; or

10       (6) An examination approved by the director.

11       **Sec. 8.** RCW 18.145.090 and 1989 c 382 s 10 are each amended to  
12 read as follows:

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

19       **Sec. 9.** RCW 18.145.100 and 1989 c 382 s 11 are each amended to  
20 read as follows:

21       The director shall establish by rule the requirements and the  
22 renewal and late renewal fees for certification. Failure to renew the  
23 certificate on or before the expiration date cancels all privileges  
24 granted by the certificate. ~~((If an individual desires to reinstate a~~  
25 ~~certificate which had not been renewed for three years or more, the~~  
26 ~~individual shall satisfactorily demonstrate continued competence in~~  
27 ~~conformance with standards determined by the director.))~~

28       **Sec. 10.** RCW 18.145.120 and 1989 c 382 s 13 are each amended to  
29 read as follows:

30       After a hearing conducted under chapter 34.05 RCW and upon a  
31 finding that a certificate holder or applicant has committed  
32 unprofessional conduct or is unable to practice with reasonable skill  
33 and safety due to a physical or mental condition, the director may  
34 issue an order providing for one or any combination of the following:

35       (1) Revocation of the certification;

36       (2) Suspension of the certificate for a fixed or indefinite term;

- 1 (3) Restriction or limitation of the practice;
- 2 (4) Requiring the satisfactory completion of a specific program or  
3 remedial education;
- 4 (5) The monitoring of the practice by a supervisor approved by the  
5 director;
- 6 (6) Censure or reprimand;
- 7 (7) Compliance with conditions ((~~or~~)) of probation for a designated  
8 period of time;
- 9 (8) Denial of the certification request;
- 10 (9) Corrective action;
- 11 (10) Refund of fees billed to or collected from the consumer.

12 Any of the actions under this section may be totally or partly  
13 stayed by the director. In determining what action is appropriate, the  
14 director shall consider sanctions necessary to protect the public,  
15 after which the director may consider and include in the order  
16 requirements designed to rehabilitate the certificate holder or  
17 applicant. All costs associated with compliance to orders issued under  
18 this section are the obligation of the certificate holder or applicant.

19 **Sec. 11.** RCW 18.145.130 and 1989 c 382 s 14 are each amended to  
20 read as follows:

21 The following conduct, acts, or conditions constitute  
22 unprofessional conduct for any certificate holder or applicant under  
23 the jurisdiction of this chapter:

- 24 (1) The commission of any act involving moral turpitude,  
25 dishonesty, or corruption relating to the practice of ((~~shorthand~~))  
26 court reporting, whether or not the act constitutes a crime. If the  
27 act constitutes a crime, conviction in a criminal proceeding is not a  
28 condition precedent to disciplinary action;
- 29 (2) Misrepresentation or concealment of a material fact in  
30 obtaining ((~~or in seeking reinstatement of~~)) a certificate;
- 31 (3) Advertising in a false, fraudulent, or misleading manner;
- 32 (4) Incompetence or negligence;
- 33 (5) Suspension, revocation, or restriction of the individual's  
34 certificate, registration, or license to practice ((~~shorthand~~)) court  
35 reporting by a regulatory authority in any state, federal, or foreign  
36 jurisdiction;
- 37 (6) Violation of any state or federal statute or administrative  
38 rule regulating the profession;

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

3 (a) Not furnishing papers or documents;

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

6 (c) Not responding to subpoenas issued by the director, regardless  
7 of whether the recipient of the subpoena is the accused in the  
8 proceeding;

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

11 (9) Misrepresentation or fraud in any aspect of the conduct of the  
12 business or profession;

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

19 **Sec. 12.** RCW 18.145.900 and 1989 c 382 s 15 are each amended to  
20 read as follows:

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

23 NEW SECTION. **Sec. 13.** The following acts or parts of acts are  
24 each repealed:

25 (1) RCW 18.145.060 and 1989 c 382 s 7;

26 (2) RCW 18.145.070 and 1989 c 382 s 8; and

27 (3) RCW 18.145.110 and 1989 c 382 s 12.

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