

CERTIFICATION OF ENROLLMENT

SENATE BILL 5266

Chapter 27, Laws of 1995

(partial veto)

54th Legislature
1995 Regular Session

Court reporters--Revised licensing provisions

EFFECTIVE DATE: 7/23/95

Passed by the Senate February 13, 1995
YEAS 46 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 4, 1995
YEAS 97 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved April 13, 1995, with the
exception of section 2, which is
vetoed.

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the
Senate of the State of Washington, do
hereby certify that the attached is
SENATE BILL 5266 as passed by the
Senate and the House of
Representatives on the dates hereon
set forth.

MARTY BROWN

Secretary

FILED

April 13, 1995 - 11:15 a.m.

**Secretary of State
State of Washington**

SENATE BILL 5266

Passed Legislature - 1995 Regular Session

State of Washington

54th Legislature

1995 Regular Session

By Senators Pelz, Newhouse, Heavey, Wood and West; by request of Department of Licensing

Read first time 01/17/95. Referred to Committee on Labor, Commerce & Trade.

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
15 read 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. 2 was vetoed. See message at end of chapter.

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

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

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

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

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

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

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

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

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

29 Nothing in this chapter prohibits or restricts:

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

34 (2) The practice of (~~shorthand~~) court reporting by an individual
35 employed by the government of the United States while the individual is

1 performing duties prescribed by the laws and regulations of the United
2 States; or

3 ~~(3) ((The practice of court reporting or use of the title certified
4 court reporter by stenomaskers who are practicing as of September 1,
5 1989.~~

6 ~~Nothing in this chapter shall be construed to prohibit))~~ The
7 introduction of alternate technology in court reporting practice.

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

10 In addition to any other authority provided by law, the director
11 may:

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

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

16 (3) Establish the forms and procedures necessary to administer this
17 chapter;

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

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

22 (6) Investigate complaints or reports of unprofessional conduct as
23 defined in this chapter and hold hearings ~~((pursuant to))~~ under chapter
24 34.05 RCW;

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

30 (8) Maintain the official departmental record of all applicants and
31 certificate holders;

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

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

37 (11) Establish by rule the procedures for an appeal of a failure of
38 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.

Passed the Senate February 13, 1995.

Passed the House April 4, 1995.

Approved by the Governor April 13, 1995, with the exception of
certain items which were vetoed.

Filed in Office of Secretary of State April 13, 1995.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 2,
Senate Bill No. 5266 entitled:

"AN ACT Relating to court reporting;"

Section 2 of Senate Bill No. 5266 amends RCW 18.145.010 by stipulating that no person may practice court reporting without first obtaining a certificate from the Department of Licensing. This amendment effectively elevates the regulation of this profession from certification to licensure in that it prevents non-certified individuals from performing court reporting functions in any capacity. This change is inconsistent with the intent of RCW 18.145 to regulate the profession at the level of certification. The law will continue to require individuals to meet and maintain minimum standards of competency in order to represent themselves as court reporters.

For the reasons stated above, I have vetoed section 2 of Senate Bill No. 5266.

With the exception of section 2, Senate Bill No. 5266 is approved."

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