

SHB 1205 - S COMM AMD
By Committee on Judiciary

NOT CONSIDERED 05/25/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 18.145.005 and 1995 c 27 s 1 are each amended to read
4 as follows:

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

10 **Sec. 2.** RCW 18.145.010 and 2000 c 171 s 31 are each amended to
11 read as follows:

12 (1) No person may represent himself or herself as a court reporter
13 without first obtaining a (~~certificate~~) license as required by this
14 chapter.

15 (2) A person represents himself or herself to be a court reporter
16 when the person adopts or uses any title or description of services
17 that incorporates one or more of the following terms: "Shorthand
18 reporter," "court reporter," "licensed shorthand reporter," "licensed
19 court reporter," "certified shorthand reporter," or "certified court
20 reporter."

21 **Sec. 3.** RCW 18.145.050 and 2010 c 49 s 1 are each amended to read
22 as follows:

23 In addition to any other authority provided by law, the director
24 may:

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

27 (2) Set all renewal, late renewal, duplicate, and verification fees
28 in accordance with RCW 43.24.086;

- 1 (3) Establish the forms and procedures necessary to administer this
2 chapter;
- 3 (4) Issue a (~~certificate~~) license to any applicant who has met
4 the requirements for (~~certification~~) licensing;
- 5 (5) Hire clerical and administrative staff as needed to implement
6 and administer this chapter;
- 7 (6) Maintain the official departmental record of all applicants and
8 (~~certificate~~) license holders;
- 9 (7) Approve the preparation and administration of examinations for
10 (~~certification~~) licensing;
- 11 (8) Establish by rule the procedures for an appeal of a failure of
12 an examination;
- 13 (9) Set the criteria for meeting the standard required for
14 (~~certification~~) licensing;
- 15 (10) Establish continuing education requirements;
- 16 (11) Establish advisory committees whose membership shall include
17 representatives of professional court reporting and stenomasking
18 associations and representatives from accredited schools offering
19 degrees in court reporting or stenomasking to advise the director on
20 testing procedures, professional standards, disciplinary activities, or
21 any other matters deemed necessary;
- 22 (12) Establish ad hoc advisory committees whose membership shall
23 include representatives of professional court reporting and
24 stenomasking associations and representatives from accredited schools
25 offering degrees in court reporting or stenomasking to advise the
26 director on testing procedures, professional standards, or any other
27 matters deemed necessary.

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

30 The department shall issue a (~~certificate~~) license to any
31 applicant who meets the standards established under this chapter and
32 who:

33 (1) Is holding one of the following:

34 (a) Certificate of proficiency, registered professional reporter,
35 registered merit reporter, or registered diplomate reporter from
36 (~~the~~) the national court reporters association;

1 (b) Certificate of proficiency or certificate of merit from
2 (~~{the}~~) the national stenomask verbatim reporters association; or

3 (c) A current Washington state court reporter (~~{certification}~~)
4 license; or

5 (2) Has passed an examination approved by the director or an
6 examination that meets or exceeds the standards established by the
7 director.

8 **Sec. 5.** RCW 18.145.090 and 1995 c 27 s 9 are each amended to read
9 as follows:

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

16 **Sec. 6.** RCW 18.145.100 and 2010 c 49 s 2 are each amended to read
17 as follows:

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

27 **Sec. 7.** RCW 18.145.110 and 1995 c 27 s 10 are each amended to read
28 as follows:

29 Persons with two or more years' experience in stenomask reporting
30 in Washington state as of January 1, 1996, shall be granted a court
31 reporter (~~{certificate}~~) license without examination, if application is
32 made before January 1, 1996.

33 **Sec. 8.** RCW 18.145.120 and 1995 c 27 s 11 are each amended to read
34 as follows:

1 (1) Upon receipt of complaints against court reporters, the
2 director shall investigate and evaluate the complaint to determine if
3 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)) license holder or applicant has
7 committed unprofessional conduct or is unable to practice with
8 reasonable skill and safety due to a physical or mental condition, the
9 director may issue an order providing for one or any combination of the
10 following:

- 11 (a) Revocation of the ((certification)) license;
- 12 (b) Suspension of the ((certificate)) license for a fixed or
13 indefinite term;
- 14 (c) Restriction or limitation of the practice;
- 15 (d) Requiring the satisfactory completion of a specific program or
16 remedial education;
- 17 (e) The monitoring of the practice by a supervisor approved by the
18 director;
- 19 (f) Censure or reprimand;
- 20 (g) Compliance with conditions of probation for a designated period
21 of time;
- 22 (h) Denial of the ((certification)) license request;
- 23 (i) Corrective action;
- 24 (j) Refund of fees billed to or collected from the consumer.

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

33 **Sec. 9.** RCW 18.145.125 and 1996 c 293 s 20 are each amended to
34 read as follows:

35 The director shall suspend the ((certificate)) license of any
36 person who has been certified by a lending agency and reported to the
37 director for nonpayment or default on a federally or state-guaranteed

1 educational loan or service-conditional scholarship. Prior to the
2 suspension, the agency must provide the person an opportunity for a
3 brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and
4 issue a finding of nonpayment or default on a federally or state-
5 guaranteed educational loan or service-conditional scholarship. The
6 person's ((~~certificate~~)) license shall not be reissued until the person
7 provides the director a written release issued by the lending agency
8 stating that the person is making payments on the loan in accordance
9 with a repayment agreement approved by the lending agency. If the
10 person has continued to meet all other requirements for
11 ((~~certification~~)) licensing during the suspension, reinstatement shall
12 be automatic upon receipt of the notice and payment of any
13 reinstatement fee the director may impose.

14 **Sec. 10.** RCW 18.145.127 and 1997 c 58 s 833 are each amended to
15 read as follows:

16 The director shall immediately suspend any ((~~certificate~~)) license
17 issued under this chapter if the holder has been certified pursuant to
18 RCW 74.20A.320 by the department of social and health services as a
19 person who is not in compliance with a support order or a residential
20 or visitation order. If the person has continued to meet all other
21 requirements for ((~~certification~~)) licensing during the suspension,
22 reissuance of the ((~~certificate~~)) license shall be automatic upon the
23 director's receipt of a release issued by the department of social and
24 health services stating that the person is in compliance with the
25 order.

26 **Sec. 11.** RCW 18.145.130 and 1995 c 27 s 12 are each amended to
27 read as follows:

28 The following conduct, acts, or conditions constitute
29 unprofessional conduct for any ((~~certificate~~)) license holder or
30 applicant under the jurisdiction of this chapter:

31 (1) The commission of any act involving moral turpitude,
32 dishonesty, or corruption relating to the practice of court reporting,
33 whether or not the act constitutes a crime. If the act constitutes a
34 crime, conviction in a criminal proceeding is not a condition precedent
35 to disciplinary action;

1 (2) Misrepresentation or concealment of a material fact in
2 obtaining or in seeking reinstatement of a (~~certificate~~) license;

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

4 (4) Incompetence or negligence;

5 (5) Suspension, revocation, or restriction of the individual's
6 (~~certificate~~) registration(~~7~~) or license to practice court
7 reporting by a regulatory authority in any state, federal, or foreign
8 jurisdiction;

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

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

13 (a) Not furnishing papers or documents;

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

16 (c) Not responding to subpoenas issued by the director, regardless
17 of whether the recipient of the subpoena is the accused in the
18 proceeding;

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

21 (9) Misrepresentation or fraud in any aspect of the conduct of the
22 business or profession;

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

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29 On page 1, line 1 of the title, after "reporters;" strike the
30 remainder of the title and insert "amending RCW 18.145.005, 18.145.010,

1 18.145.050, 18.145.090, 18.145.100, 18.145.110, 18.145.120, 18.145.125,
2 18.145.127, and 18.145.130; and reenacting and amending RCW
3 18.145.080."

EFFECT: Removes court reporting firms from the bill. Removes the requirement that court reporting firms be licensed.

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