

2 **SHB 2504** - S COMM AMD  
3 By Committee on Labor & Commerce

4

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

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

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

20 (2) A person represents himself or herself to be a (~~shorthand~~  
21 ~~reporter or~~) court reporter when the person adopts or uses any title  
22 or description of services that incorporates one or more of the  
23 following terms: "Shorthand reporter," "court reporter," "certified  
24 shorthand reporter," (~~or~~) "certified court reporter," or "certified  
25 stenomask reporter."

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

28 The (~~(<sup>#</sup>)~~)practice of (~~shorthand reporting or~~) court  
29 reporting(~~(<sup>#</sup>)~~) means the making by means of written symbols or  
30 abbreviations in shorthand or machine writing or oral recording by a  
31 stenomask reporter of a verbatim record of any oral court proceeding,  
32 deposition, or proceeding before a jury, referee, court commissioner,  
33 special master, governmental entity, or administrative agency and the  
34 producing of a transcript from the proceeding.

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

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

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

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

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

9       (4) "Board" means the Washington state shorthand reporter advisory  
10 board.

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

13       Nothing in this chapter prohibits or restricts:

14       (1) The practice of (~~(a profession)~~) court reporting by individuals  
15 who are licensed, certified, or registered as a court reporter under  
16 other laws of this state and who are performing services within their  
17 authorized scope of practice;

18       (2) The practice of (~~(shorthand)~~) court reporting by an individual  
19 employed by the government of the United States while the individual is  
20 performing duties prescribed by the laws and regulations of the United  
21 States; (~~(or)~~)

22       (3) The practice of court reporting or use of the title certified  
23 court reporter by stenomaskers who are practicing as of September 1,  
24 1989(~~(-~~

25       ~~Nothing in this chapter shall be construed to prohibit)); or~~

26       (4) The introduction of alternate technology in the court reporting  
27 practice.

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

30       In addition to any other authority provided by law, the director  
31 may:

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

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

36       (3) Establish the forms and procedures necessary to administer this  
37 chapter;

- 1 (4) Issue a certificate to any applicant who has met the  
2 requirements for certification;
- 3 (5) Hire clerical, administrative, and investigative staff as  
4 needed to implement and administer this chapter;
- 5 (6) Investigate complaints or reports of unprofessional conduct as  
6 defined in this chapter and hold hearings (~~((pursuant to))~~) under chapter  
7 34.05 RCW;
- 8 (7) Issue subpoenas for records and attendance of witnesses,  
9 statements of charges, statements of intent to deny certificates, and  
10 orders; administer oaths; take or cause depositions to be taken; and  
11 use other discovery procedures as needed in any investigation, hearing,  
12 or proceeding held under this chapter;
- 13 (8) Maintain the official departmental record of all applicants and  
14 certificate holders;
- 15 (9) Delegate, in writing to a designee, the authority to issue  
16 subpoenas, statements of charges, and statements of intent to deny  
17 certification;
- 18 (10) (~~((Prepare and administer or))~~) Approve the preparation and  
19 administration of examinations for certification;
- 20 (11) (~~((Establish by rule the procedures for an appeal of a failure  
21 of an examination;~~
- 22 ~~((12)))~~) Conduct a hearing under chapter 34.05 RCW on an appeal of a  
23 denial of a certificate based on the applicant's failure to meet  
24 minimum qualifications for certification;
- 25 (12) Set the criteria for meeting the standard required for  
26 certification.

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

- 29 (~~((1)))~~) The department shall issue a certificate to any applicant  
30 who(~~(, as determined by the director upon advice of the board, has:~~
- 31 (a) ~~Successfully completed an examination approved by the director;~~  
32 (b) ~~Good moral character;~~  
33 (c) ~~Not engaged in unprofessional conduct; and~~  
34 (d) ~~Not been determined to be unable to practice with reasonable~~  
35 ~~skill and safety as a result of a physical or mental impairment.~~
- 36 (2) ~~A one year temporary certificate may be issued, at the~~  
37 ~~discretion of the director, to a person holding one of the following:~~  
38 ~~National shorthand reporters association certificate of proficiency,~~

1 ~~registered professional reporter certificate, or certificate of merit;~~  
2 ~~a current court or shorthand reporter certification, registration, or~~  
3 ~~license of another state; or a certificate of graduation of a court~~  
4 ~~reporting school. To continue to be certified under this chapter, a~~  
5 ~~person receiving a temporary certificate shall successfully complete~~  
6 ~~the examination under subsection (1)(a) of this section within one year~~  
7 ~~of receiving the temporary certificate, except that the director may~~  
8 ~~renew the temporary certificate if extraordinary circumstances are~~  
9 ~~shown.~~

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

15 ~~(1) National court reporters association or national stenomask~~  
16 ~~verbatim reporters association certificate of proficiency, registered~~  
17 ~~professional reporter certificate, or certificate of merit;~~

18 ~~(2) A nationally recognized examination with equal or higher~~  
19 ~~standards;~~

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

21 ~~(4) An examination approved by the director.~~

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

24 Applications for certification shall be submitted on forms provided  
25 by the department. The department may require information and  
26 documentation to determine whether the applicant meets the ~~((criteria))~~  
27 standard for certification as provided in this chapter. Each applicant  
28 shall pay a fee determined by the director as provided in RCW 43.24.086  
29 which shall accompany the application.

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

32 The director shall establish by rule the requirements and the  
33 renewal and late renewal fees for certification. Failure to renew the  
34 certificate on or before the expiration date cancels all privileges  
35 granted by the certificate. ~~((If an individual desires to reinstate a~~  
36 ~~certificate which had not been renewed for three years or more, the~~  
37 ~~individual shall satisfactorily demonstrate continued competence in~~

1 ~~conformance with standards determined by the director.))~~

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

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

- 9       (1) Revocation of the certification;
- 10       (2) Suspension of the certificate for a fixed or indefinite term;
- 11       (3) Restriction or limitation of the practice;
- 12       (4) Requiring the satisfactory completion of a specific program or  
13 remedial education;
- 14       (5) The monitoring of the practice by a supervisor approved by the  
15 director;
- 16       (6) Censure or reprimand;
- 17       (7) Compliance with conditions (~~(or)~~) of probation for a designated  
18 period of time;
- 19       (8) Denial of the certification request;
- 20       (9) Corrective action;
- 21       (10) Refund of fees billed to or collected from the consumer.

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

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

31       The following conduct, acts, or conditions constitute  
32 unprofessional conduct for any certificate holder or applicant under  
33 the jurisdiction of this chapter:

- 34       (1) The commission of any act involving moral turpitude,  
35 dishonesty, or corruption relating to the practice of (~~(shorthand)~~)  
36 court reporting, whether or not the act constitutes a crime. If the  
37 act constitutes a crime, conviction in a criminal proceeding is not a

1 condition precedent to disciplinary action;

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

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

5 (4) Incompetence or negligence;

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

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

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

14 (a) Not furnishing papers or documents;

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

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

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

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

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

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

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

34 NEW SECTION. **Sec. 13.** RCW 18.145.110 and 1989 c 382 s 12 are each

1 repealed."

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5 On page 1, line 1 of the title, after "reporting;" strike the  
6 remainder of the title and insert "amending RCW 18.145.005, 18.145.010,  
7 18.145.020, 18.145.030, 18.145.040, 18.145.050, 18.145.080, 18.145.090,  
8 18.145.100, 18.145.120, 18.145.130, and 18.145.900; and repealing RCW  
9 18.145.110."

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