

HOUSE BILL REPORT

HB 2504

As Reported By House Committee On:
Commerce & Labor

Title: An act relating to the regulation of court reporting.

Brief Description: Eliminating a provision regarding court reporting certification examinations.

Sponsors: Representative Jacobsen; by request of Department of Licensing.

Brief History:

Reported by House Committee on:
Commerce & Labor, February 4, 1994, DPS.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer and Veloria.

Staff: Jim Kelley (786-7166).

Background: Court reporters make verbatim records of court proceedings, depositions, and other official proceedings. A court reporter may work as an official reporter for a superior court judge or may work on an independent basis, reporting depositions and various official proceedings. An official reporter must have at least three years' experience or pass an examination. Official reporters hold office during the term of the judge or judges making the appointment, but may be removed for incompetency, misconduct, or neglect of duty. Official reporters are required to file a \$2,000 bond.

In 1989, the Legislature enacted the shorthand reporting practice act. The act provides that no person may represent himself or herself as a court reporter, shorthand reporter, certified shorthand reporter, or certified court reporter without first obtaining a certificate from the Department of Licensing. An applicant must pass an examination no more difficult than the examination for official reporters and meet other qualifications in order to be certified. The

other qualifications include that the applicant must: be of good moral character; not have engaged in unprofessional conduct; and not have been determined to be unable to practice with reasonable skill and safety because of a mental or physical impairment. The director may issue a one-year temporary certificate to an individual who holds another certification or has graduated from court reporting school, but has not passed the examination. The director has the authority to prepare and administer or approve the preparation and administration of the examination.

In the shorthand reporting practice act, the practice of "shorthand reporting or court reporting" is defined as "the making by means of written symbols or abbreviations in shorthand or machine writing of a verbatim record" of court proceedings, depositions, or other official proceedings and the producing of a transcript from the proceeding. However, the act did not prohibit the practice of court reporting or use of the title "certified court reporters" by stenomaskers who were practicing as of September 1, 1989.

The 1989 act also established a five member shorthand reporters advisory board to advise the director. Two members are free lance shorthand reporters, one member is an official reporter, one member is an attorney or judge, and the other is a public member.

Summary of Substitute Bill: The court reporting practice act is adopted. All references to the practice of "shorthand reporting or court reporting" are changed to "court reporting." A person may not practice as a court reporter without first obtaining a certificate from the department.

The definition of the "practice of court reporting" includes making a verbatim record by oral recording by a stenomask reporter.

The director is authorized to approve the preparation and administration of examinations, but not to prepare and administer the examinations herself. The director is also authorized to set the criteria for meeting the standard required for certification.

The qualifications for certification include meeting the standards set by the director and: (a) holding a National Court Reporters Association or National Stenomask Verbatim Reporters Association certificate of proficiency, registered professional reporter certificate, or certificate of merit; (b) passing a nationally recognized examination with equal or higher standards; (c) holding a current Washington State

court reporter certification; or (d) passing an examination approved by the director.

Other technical changes are made.

Substitute Bill Compared to Original Bill: The provisions eliminating the requirement that the shorthand or court reporter examination be no more difficult than the examination for official reporters are stricken and replaced by the court reporting practice act.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Original bill) The department is constrained by the statutory language as to the type and difficulty of the examination offered. This bill would alleviate the problem. (Substitute bill) The substitute bill gets the department out of the examination business. The department has taken heat over the passage rate in the past. This bill also opens up the field to emerging technology.

Testimony Against: None.

Witnesses: (In favor) Representative Ken Jacobsen, prime sponsor; and Michael Collins, Department of Licensing.