

ASSEMBLY BILL NO. 622—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF CERTIFIED COURT REPORTERS BOARD)

MARCH 26, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes to provisions governing practice of court reporting.
(BDR 54-533)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to certified court reporters; requiring court reporting firms to be licensed by the certified court reporters' board of Nevada before engaging in business in this state; expanding the regulatory authority of the board; increasing certain fees that are required to be collected by the board; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 656 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 6, inclusive, of this act.
3 **Sec. 2. 1. *It is unlawful for any person to conduct business as a***
4 ***court reporting firm or to advertise or put out any sign or card or other***
5 ***device which might indicate to members of the public that he is entitled to***
6 ***conduct such a business without first obtaining a license from the board.***
7 ***2. Each applicant for a license as a court reporting firm shall file an***
8 ***application with the executive secretary or chairman of the board on a***
9 ***form prescribed by the board.***
10 ***3. The application must:***
11 ***(a) Include the social security number and federal identification***
12 ***number of the applicant;***
13 ***(b) Be accompanied by the statement required pursuant to NRS***
14 ***656.155; and***
15 ***(c) Be accompanied by the required fee.***
16 **Sec. 3. 1. A license as a court reporting firm expires on June 30 of**
17 **each year and may be renewed if, before that date, the licensee submits to**
18 **the board:**
19 ***(a) An application for renewal on a form prescribed by the board;***



(b) *The statement required pursuant to NRS 656.155; and*
(c) *The required fee for renewal.*

2. *A license that expires pursuant to the provisions of this section may be reinstated if the applicant:*

(a) *Complies with the provisions of subsection 1; and*
(b) *Submits to the board the required fee for reinstatement.*

Sec. 4. *The board may refuse to issue or renew or may suspend or revoke a license if, after notice and a hearing, the board determines that the licensee has committed any of the acts set forth in NRS 656.240 or 656.250.*

Sec. 5. *If the board refuses to renew or suspends or revokes a license or certificate, it may order the holder of the license or certificate to pay all costs and attorney's fees incurred by the board relating to its action.*

Sec. 6. 1. *The board may:*

(a) *Develop and conduct programs of continuing education relating to the practice of court reporting.*

(b) *Charge and collect a reasonable fee from persons who attend such a program.*

2. *The board shall not refuse to renew or restore the certificate of a court reporter who does not attend such a program but who otherwise complies with the requirements for continuing education prescribed by the board.*

Sec. 7. NRS 656.030 is hereby amended to read as follows:

656.030 As used in this chapter ~~†~~ , *unless the context otherwise requires:*

1. "Board" means the certified court reporters' board of Nevada.

2. "Certificate" means a certified court reporter's certificate issued under the provisions of this chapter.

3. "Court reporter" means a person who is technically qualified and registered under this chapter to practice court reporting.

4. *"Court reporting firm" means a person who, for compensation, provides or arranges for the services of a court reporter or provides referral services for court reporters.*

5. *"License" means a license issued under the provisions of this chapter to conduct business as a court reporting firm.*

6. "Practice of court reporting" means reporting by the use of any system of manual or mechanical shorthand writing:

(a) Grand jury proceedings;

(b) Court proceedings;

(c) Pretrial examinations, depositions, motions and related proceedings of like character; or

(d) Proceedings of an administrative agency if the final decision of the agency with reference thereto is subject to judicial review.

~~§-†~~ 7. "Stenographic notes" ~~†mean†~~ *means* the original manually or mechanically produced notes in shorthand or shorthand writing taken by a court reporter while in attendance at a proceeding to report the proceeding.

Sec. 8. NRS 656.120 is hereby amended to read as follows:

656.120 The board shall:



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- 1 1. Adopt a seal which ~~shall~~ **must** be affixed to all *licenses and*
2 certificates issued by the board.
- 3 2. Charge and collect from all applicants for *licenses and* certificates
4 the fees provided for in this chapter.
- 5 3. Charge and collect from all persons renewing *licenses and*
6 certificates the renewal fees provided for in this chapter.
- 7 **Sec. 9.** NRS 656.130 is hereby amended to read as follows:
8 656.130 1. The board may by a majority vote suspend or revoke a
9 *license or* certificate for any cause specified in this chapter.
- 10 2. The board may issue subpoenas for *the* attendance of witnesses and
11 the production of relevant books and papers.
- 12 3. *The board may adopt such regulations as are necessary to carry*
13 *out the provisions of this chapter.*
- 14 **Sec. 10.** NRS 656.155 is hereby amended to read as follows:
15 656.155 1. An applicant for the issuance or renewal of a *license or*
16 certificate shall submit to the board the statement prescribed by the welfare
17 division of the department of human resources pursuant to NRS 425.520.
18 The statement must be completed and signed by the applicant.
- 19 2. The board shall include the statement required pursuant to
20 subsection 1 in:
21 (a) The application or any other forms that must be submitted for the
22 issuance or renewal of the *license or* certificate; or
23 (b) A separate form prescribed by the board.
- 24 3. A *license or* certificate may not be issued or renewed by the board if
25 the applicant:
26 (a) Fails to submit the statement required pursuant to subsection 1; or
27 (b) Indicates on the statement submitted pursuant to subsection 1 that he
28 is subject to a court order for the support of a child and is not in
29 compliance with the order or a plan approved by the district attorney or
30 other public agency enforcing the order for the repayment of the amount
31 owed pursuant to the order.
- 32 4. If an applicant indicates on the statement submitted pursuant to
33 subsection 1 that he is subject to a court order for the support of a child and
34 is not in compliance with the order or a plan approved by the district
35 attorney or other public agency enforcing the order for the repayment of
36 the amount owed pursuant to the order, the board shall advise the applicant
37 to contact the district attorney or other public agency enforcing the order to
38 determine the actions that the applicant may take to satisfy the arrearage.
- 39 **Sec. 11.** NRS 656.200 is hereby amended to read as follows:
40 656.200 1. To renew a certificate of registration , a court reporter
41 must:
42 (a) Apply to the board for renewal;
43 (b) Submit the statement required pursuant to NRS 656.155;
44 (c) Pay the annual renewal fee prescribed by the board; and
45 (d) Submit evidence to the board of his completion of the requirements
46 for continuing education established by the board.
- 47 2. The board shall adopt regulations requiring court reporters to
48 participate in continuing education or training as a prerequisite to the



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1 renewal or restoration of a certificate. If a court reporter fails to comply
2 with the requirements, the board may suspend or revoke his certificate.

3 3. The failure of any court reporter to submit the statement required
4 pursuant to NRS 656.155 or pay in advance the annual renewal fee which
5 may be fixed by the board as necessary to defray the expense of
6 administering the provisions of this chapter results in the suspension of the
7 reporter's right to engage in the practice of court reporting. The suspension
8 must not be terminated until the statement has been submitted and all
9 delinquent fees have been paid.

10 4. A court reporter whose certificate of registration has been
11 suspended because of his failure to submit the statement or pay the renewal
12 fee:

13 (a) May within 2 years thereafter have his certificate reinstated without
14 examination upon submission of the statement and payment of the fees set
15 forth in *paragraph (e) of subsection 1* of NRS 656.220.

16 (b) While he was on active military duty or in training before induction,
17 may have his certificate renewed without payment of any fee if he files an
18 application for renewal, the statement required pursuant to NRS 656.155
19 and an affidavit of such service with the board within 2 years after the
20 termination of the service.

21 **Sec. 12.** NRS 656.220 is hereby amended to read as follows:

22 656.220 *1.* The fees required by this chapter are fixed by the
23 following schedule:

24 ~~1-1~~ (a) The fee for filing an application for an examination ~~is \$50-~~
25 ~~2-1 must be fixed by the board annually at not more than \$250 and not~~
26 ~~less than \$90.~~

27 (b) The fee for the original issuance of a certificate must be fixed by the
28 board annually at not more than ~~\$100~~ \$300 and not less than ~~\$50-~~
29 ~~3-1 \$100.~~

30 (c) For a certificate issued after July 1, 1973, the fee is an amount equal
31 to the renewal fee in effect on the last regular renewal date before the date
32 on which the certificate is issued, except that if the certificate will expire
33 less than 1 year after its issuance, then the fee is 50 percent of the renewal
34 fee in effect on the last regular renewal date before the date on which the
35 certificate is issued. The board may by regulation provide for the waiver or
36 refund of the initial certificate fee if the certificate is issued less than 45
37 days before the date on which it will expire.

38 ~~4-1~~ (d) The annual renewal fee *for a certificate* must be fixed by the
39 board annually at not more than ~~\$100~~ \$300 and not less than ~~\$50-~~ \$100.
40 Every holder of a certificate desiring renewal must pay the annual renewal
41 fee to the board on or before May 15 of each year.

42 ~~5-1~~ (e) For *the* renewal of a certificate which was suspended for failure
43 to renew, the fee is an amount equal to all unpaid renewal fees accrued plus
44 a reinstatement fee ~~of \$25-~~ *that must be fixed by the board annually at*
45 *not more than \$150 and not less than \$50.*

46 (f) *The fee for the original issuance of a license as a court reporting*
47 *firm is \$50.*

48 (g) *The fee for the annual renewal of a license as a court reporting*
49 *firm is \$150.*



1 *(h) The fee for the reinstatement of a license as a court reporting firm*
2 *is \$150.*

3 *2. In addition to the fees set forth in subsection 1, the board may*
4 *charge and collect a fee for any other service it provides. The fee must*
5 *not exceed the cost incurred by the board to provide the service.*

6 **Sec. 13.** NRS 656.255 is hereby amended to read as follows:

7 656.255 1. If the board receives a copy of a court order issued
8 pursuant to NRS 425.540 that provides for the suspension of all
9 professional, occupational and recreational licenses, certificates and
10 permits issued to a person who is the holder of a *license or* certificate
11 issued pursuant to this chapter, the board shall deem the *license or*
12 certificate issued to that person to be suspended at the end of the 30th day
13 after the date on which the court order was issued unless the board receives
14 a letter issued to the holder of the *license or* certificate by the district
15 attorney or other public agency pursuant to NRS 425.550 stating that the
16 holder of the *license or* certificate has complied with the subpoena or
17 warrant or has satisfied the arrearage pursuant to NRS 425.560.

18 2. The board shall reinstate a *license or* certificate issued pursuant to
19 this chapter that has been suspended by a district court pursuant to NRS
20 425.540 if the board receives a letter issued by the district attorney or other
21 public agency pursuant to NRS 425.550 to the person whose *license or*
22 certificate was suspended stating that the person whose *license or*
23 certificate was suspended has complied with the subpoena or warrant or
24 has satisfied the arrearage pursuant to NRS 425.560.

25 **Sec. 14.** NRS 656.260 is hereby amended to read as follows:

26 656.260 1. A holder of a *license or* certificate ~~must~~ *shall* notify the
27 chairman or executive secretary of the board in writing within 30 days after
28 changing his name or address.

29 *2. If a court reporting firm is a partnership or corporation, any*
30 *change of partners or corporate officers must be reported to the*
31 *chairman or executive secretary within 30 days after the change.*

32 3. The board may suspend or revoke ~~this~~ *a license or* certificate if
33 ~~the holder thereof~~ fails so to notify the board.

34 **Sec. 15.** NRS 656.270 is hereby amended to read as follows:

35 656.270 The entry of a decree by a court of competent jurisdiction
36 establishing the mental illness of any person holding a *license or* certificate
37 under this chapter operates as a suspension of ~~such~~ *the license or*
38 certificate. Such *a* person may resume his *business or* practice only upon a
39 finding by the board that the holder of ~~such~~ *the license or* certificate has
40 been determined to be recovered from mental illness by a court of
41 competent jurisdiction and upon the board's recommendation that ~~such~~
42 *the* holder be permitted to resume his *business or* practice.

43 **Sec. 16.** NRS 656.280 is hereby amended to read as follows:

44 656.280 1. The board may upon its own motion and shall upon the
45 verified complaint in writing of any person setting forth facts which if
46 proven would constitute grounds for refusal, suspension or revocation as
47 set forth in NRS 656.240 to 656.270, inclusive, *and section 4 of this act*
48 investigate the actions of any person who applies for, or holds or represents



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1 that he holds a *license or* certificate. Such a person is in this section and in
2 NRS 656.290 called the accused.

3 2. The board shall, before refusing to issue, suspending or revoking
4 any *license or* certificate, notify the accused in writing of any charges
5 made. The notice must be served by delivery personally to the accused, or
6 by mailing by registered or certified mail to the last known place of
7 business of the accused.

8 3. The time set in the notice must not be less than 10 nor more than 30
9 days after delivery or mailing.

10 4. The board may continue the hearing from time to time.

11 **Sec. 17.** NRS 656.290 is hereby amended to read as follows:

12 656.290 1. The board may subpoena and bring before it any person
13 in this state and take testimony orally or by deposition, or both, with the
14 same fees and mileage and in the same manner as prescribed in civil cases
15 in courts of this state.

16 2. Any district court, upon the application of the accused or
17 complainant or of the board may, by order, require the attendance of
18 witnesses and the production of relevant books and papers before the board
19 in any hearing relative to the application for or refusal, recall, suspension
20 or revocation of a *license or* certificate, and the court may compel
21 obedience to its order by proceedings for contempt.

22 3. The board ~~[-, at its expense,]~~ shall provide a court reporter to
23 transcribe the testimony and preserve a record of all proceedings at the
24 hearing of any case wherein a *license or* certificate is revoked or
25 suspended. The notice of hearing, complaint and all other documents in the
26 nature of pleadings and written motions filed in the proceedings, the
27 transcript of testimony, the report of the board and its orders constitute the
28 record of the proceedings. The board shall furnish a transcript of the record
29 to any person interested in the hearing upon payment therefor of the
30 statutory fees for transcription as provided in NRS 3.370.

31 4. At any time after the suspension or revocation of any *license or*
32 certificate, the board may restore it to the accused without examination
33 upon unanimous vote by the board.

34 **Sec. 18.** NRS 656.300 is hereby amended to read as follows:

35 656.300 1. The practice of court reporting by any person who has not
36 been issued a certificate or whose certificate has been suspended or
37 revoked, *or conducting a business as a court reporting firm without first*
38 *obtaining a license therefor or with a suspended or revoked license,* is
39 hereby declared to be inimical to public health and welfare and to
40 constitute a public nuisance. The attorney general of the State of Nevada,
41 the district attorney of any county in the state or any resident may maintain
42 an action in the name of the State of Nevada perpetually to enjoin any
43 person from so unlawfully practicing court reporting, *or unlawfully*
44 *conducting business as a court reporting firm,* and from doing,
45 committing or continuing such an unlawful act.

46 2. In all proceedings under this section, the court may apportion the
47 costs among the parties interested in the suit, including the costs of filing
48 the complaint, service of process, witness fees and expenses, charges for a
49 court reporter and reasonable attorney's fees.



1 3. The proceeding authorized by this section is in addition to and not in
2 lieu of criminal prosecutions or proceedings to revoke or suspend *licenses*
3 *or* certificates as authorized by this chapter.

4 **Sec. 19.** Section 2 of this act is hereby amended to read as follows:

5 Sec. 2. 1. It is unlawful for any person to conduct business as a
6 court reporting firm or to advertise or put out any sign or card or other
7 device which might indicate to members of the public that he is
8 entitled to conduct such a business without first obtaining a license
9 from the board.

10 2. Each applicant for a license as a court reporting firm shall file
11 an application with the executive secretary or chairman of the board
12 on a form prescribed by the board.

13 3. The application must:

14 (a) Include the ~~social security number and~~ federal identification
15 number of the applicant; *and*

16 (b) ~~Be accompanied by the statement required pursuant to NRS~~
17 ~~656.155; and~~

18 ~~(c)~~ Be accompanied by the required fee.

19 **Sec. 20.** Section 3 of this act is hereby amended to read as follows:

20 Sec. 3. 1. A license as a court reporting firm expires on June 30
21 of each year and may be renewed if, before that date, the licensee
22 submits to the board:

23 (a) An application for renewal on a form prescribed by the board;

24 *and*

25 (b) ~~The statement required pursuant to NRS 656.155; and~~

26 ~~(c)~~ The required fee for renewal.

27 2. A license that expires pursuant to the provisions of this section
28 may be reinstated if the applicant:

29 (a) Complies with the provisions of subsection 1; and

30 (b) Submits to the board the required fee for reinstatement.

31 **Sec. 21.** Notwithstanding the provisions of section 2 of this act, a
32 person who conducts business as a court reporting firm or advertises or
33 puts out any sign or card or other device which might indicate to members
34 of the public that he is entitled to conduct such a business is not required to
35 be licensed pursuant to the provisions of this act before October 1, 2001.

36 **Sec. 22.** The amendatory provisions of this act do not apply to
37 offenses that were committed before July 1, 2001.

38 **Sec. 23.** 1. This section and sections 1 to 18, inclusive, 21 and 22 of
39 this act become effective on July 1, 2001.

40 2. Sections 19 and 20 of this act become effective on the date on which
41 the provisions of 42 U.S.C. § 666 requiring each state to establish
42 procedures under which the state has authority to withhold or suspend, or
43 to restrict the use of professional, occupational and recreational licenses of
44 persons who:

45 (a) Have failed to comply with a subpoena or warrant relating to a
46 procedure to determine the paternity of a child or to establish or enforce an
47 obligation for the support of a child; or



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1 (b) Are in arrears in the payment for the support of one or more
2 children,
3 are repealed by the Congress of the United States.

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