

ASSEMBLY BILL NO. 91—ASSEMBLYMEN ANDERSON, PARKS, ATKINSON, CLABORN, CONKLIN, DENIS, GERHARDT, HETTRICK, HOGAN, HOLCOMB, HORNE, KOIVISTO, MARVEL, OCEGUERA, OHRENSCHALL, PIERCE, SIBLEY AND WEBER

FEBRUARY 21, 2005

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to court reporters and court reporting firms. (BDR 1-472)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 court reporters; increasing the compensation for a court reporter in district court; requiring each court reporting firm to appoint a person who meets certain qualifications as the designated representative of the court reporting firm; revising the fees relating to the issuance or renewal of a certificate of registration as court reporter; revising the fees relating to the issuance or renewal of a license to own a court reporting firm; revising the provisions relating to the discipline of a certified court reporter; revising the provisions relating to the temporary practice of court reporting; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law establishes the fees for the services of court reporters in district
- 2 courts. (NRS 3.370)
- 3 This bill revises the terminology in the existing law to refer to money paid to
- 4 such court reporters as compensation, instead of fees. This bill also increases the
- 5 compensation paid to such court reporters for various services and provides for
- 6 compensation for such court reporters who deliver transcripts on a daily basis if the



7 court determines that the services of more than one court reporter are necessary for
8 such a task.

9 Under existing law, a person must be licensed by the Certified Court Reporters'
10 Board of Nevada to conduct business as a court reporting firm. To obtain such a
11 license, the applicant is not required to be a certified court reporter. (NRS 656.185)

12 This bill requires each court reporting firm to appoint a person affiliated with
13 the court reporting firm as the designated representative of the court reporting firm.
14 To be appointed as the designated representative of a court reporting firm the
15 person must either be a certified court reporter or must pass an examination
16 administered by the Board. If the person acting as the designated representative of
17 the firm is not a certified court reporter, the person must also comply with
18 continuing education requirements established by the Board.

19 Existing law establishes the fees relating to the issuance or renewal of a
20 certificate of registration as a court reporter or a license as a court reporting firm.
21 (NRS 656.220)

22 This bill increases the fees relating to the issuance or renewal of a certificate of
23 registration as a court reporter or a license as a court reporting firm.

24 Existing law specifies grounds for the denial, suspension or revocation of a
25 certificate of registration as a court reporter and of a license to conduct business as
26 a court reporting firm. (NRS 656.240, 656.250, 656.253)

27 This bill expands the grounds for the denial, suspension or revocation of such a
28 certificate or license.

29 Under existing law, a person may engage in the practice of court reporting on a
30 temporary basis with reference to a single proceeding with the approval of the
31 Board. (NRS 656.340)

32 This bill removes the condition that the temporary practice of court reporting be
33 limited to a single proceeding. The bill further provides that a person who wishes to
34 temporarily engage in the practice of court reporting submit certain information to
35 the Board concerning his qualifications.

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

1 **Section 1.** NRS 3.370 is hereby amended to read as follows:

2 3.370 1. Except as otherwise provided in subsection 3, for his
3 services the official reporter or reporter pro tempore is entitled to the
4 following ~~fees:~~ **compensation:**

5 (a) For being available to report civil and criminal testimony and
6 proceedings when the court is sitting during traditional business
7 hours on any day except **Saturday or** Sunday, ~~[\$150]~~ **\$170** per day,
8 to be paid by the county as provided in subsection 4.

9 (b) For being available to report civil and criminal testimony
10 and proceedings when the court is sitting beyond traditional
11 business hours or on **Saturday or** Sunday:

12 (1) If the reporter has been available to report for at least 4
13 hours, \$35 per hour for each hour of availability; or



(2) If the reporter has been available to report for fewer than 4 hours, a pro rata amount based on the daily rate set forth in paragraph (a),

to be paid by the county as provided in subsection 4.

(c) For transcription:

(1) Except as otherwise provided in subparagraph (2), for the original draft and any copy to be delivered:

(I) Within 24 hours after it is requested, ~~[\$7.10]~~ \$7.50 per page for the original draft and one copy, and ~~[\$1.10]~~ \$2.00 per page for each additional copy;

(II) Within 48 hours after it is requested, ~~[\$5.32]~~ \$5.62 per page for the original draft and one copy, and ~~[83 cents]~~ \$1.50 per page for each additional copy;

(III) Within 4 days after it is requested, ~~[\$4.43]~~ \$4.68 per page for the original draft and one copy, and ~~[69 cents]~~ \$1.25 per page for each additional copy; or

(IV) More than 4 days after it is requested, \$3.55 per page for the original draft and one copy, and 55 cents per page for each additional copy.

(2) For civil litigants who are ordering the original draft and are represented by a nonprofit legal corporation or a program for pro bono legal assistance, for the original draft and any copy to be delivered:

(I) Within 24 hours after it is requested, \$5.50 per page and \$1.10 per page for each additional copy;

(II) Within 48 hours after it is requested, \$4.13 per page and 83 cents per page for each additional copy;

(III) Within 4 days after it is requested, \$3.44 per page and 69 cents per page for each additional copy; or

(IV) More than 4 days after it is requested, \$2.75 per page and 55 cents per page for each additional copy.

(3) For any party other than the party ordering the original draft, for the copy of the draft to be delivered:

(I) Within 24 hours after it is requested, \$1.10 per page;

(II) Within 48 hours after it is requested, 83 cents per page;

(III) Within 4 days after it is requested, 69 cents per page; or

(IV) More than 4 days after it is requested, 55 cents per page.

(d) For reporting all civil matters, in addition to the ~~[fees]~~ **compensation** provided in paragraphs (a) and (b), ~~[\$20]~~ \$30 for each hour or fraction thereof actually spent, to be taxed as costs pursuant to subsection 5.



(e) For providing an instantaneous translation of testimony into English which appears on a computer that is located at a table in the courtroom where the attorney who requested the translation is seated:

(1) Except as otherwise provided in this subparagraph, in all criminal matters in which a party requests such a translation, in addition to the ~~fees~~ *compensation* provided pursuant to paragraphs (a) and (b), \$140 for the first day and \$90 per day for each subsequent day from the party who makes the request. This additional ~~fee~~ *compensation* must be paid by the county as provided pursuant to subsection 4 only if the court issues an order granting the translation service to the prosecuting attorney or to an indigent defendant who is represented by a county or state public defender.

(2) In all civil matters in which a party requests such a translation, in addition to the ~~fees~~ *compensation* provided pursuant to paragraphs (a), (b) and (d), \$140 for the first day and \$90 per day for each subsequent day, to be paid by the party who requests the translation.

(f) For providing a diskette containing testimony prepared from a translation provided pursuant to paragraph (e):

(1) Except as otherwise provided in this subparagraph, in all criminal matters in which a party requests the diskette and the reporter agrees to provide the diskette, in addition to the ~~fees~~ *compensation* provided pursuant to paragraphs (a), (b) and (e), \$1.50 per page of the translation contained on the diskette from the party who makes the request. This additional ~~fee~~ *compensation* must be paid by the county as provided pursuant to subsection 4 only if the court issues an order granting the diskette to the prosecuting attorney or to an indigent defendant who is represented by a county or state public defender.

(2) In all civil matters in which a party requests the diskette and the reporter agrees to provide the diskette, in addition to the ~~fees~~ *compensation* provided pursuant to paragraphs (a), (b), (d) and (e), \$1.50 per page of the translation contained on the diskette, to be paid by the party who requests the diskette.

2. For the purposes of subsection 1, a page is a sheet of paper 8 1/2 by 11 inches. The left margin must not be more than 1 1/2 inches from the left edge of the paper. The right margin must not be more than three-fourths of an inch from the right edge of the paper. Each sheet must be numbered on the left margin and must contain at least 24 lines of type. The first line of each question and of each answer may be indented not more than five spaces from the left margin. The first line of any paragraph or other material may be indented not more than 10 spaces from the left margin. There must



1 not be more than one space between words or more than two spaces
2 between sentences. The type size must not be larger than 10
3 characters per inch. The lines of type may be double spaced or one
4 and one-half spaced.

5 3. If the *court determines that the* services of more than one
6 reporter are ~~required by the court~~ *necessary to deliver transcripts*
7 *on a daily basis* in a criminal proceeding, each reporter is entitled to
8 receive:

9 (a) The ~~fees~~ *compensation* set forth in paragraphs (a) and (b)
10 of subsection 1 and subparagraph (1) of paragraph (e) of subsection
11 1, as appropriate; and

12 (b) ~~A fee of \$5.33~~ *Compensation of \$7.50* per page for the
13 original draft and one copy, and ~~83 cents~~ *\$2* per page for each
14 additional copy for transcribing a proceeding of which the
15 transcripts are ordered by the court to be delivered on or before the
16 start of the next day the court is scheduled to conduct business.

17 4. The ~~fees~~ *compensation* specified in paragraphs (a) and (b)
18 of subsection 1, the ~~fees~~ *compensation* for transcripts in criminal
19 cases ordered by the court to be made, the ~~fees~~ *compensation* for
20 transcripts in civil cases ordered by the court pursuant to NRS
21 12.015, the ~~fees~~ *compensation* for transcripts for parents or
22 guardians or attorneys of parents or guardians who receive
23 transcripts pursuant to NRS 432B.459, the ~~fees~~ *compensation* in
24 criminal cases that ~~are~~ *is* ordered by the court pursuant to
25 subparagraph (1) of paragraph (e) and subparagraph (1) of
26 paragraph (f) of subsection 1 and the ~~fees~~ *compensation* specified
27 in subsection 3 must be paid out of the county treasury upon the
28 order of the court. When there is no official reporter in attendance
29 and a reporter pro tempore is appointed, his reasonable expenses for
30 traveling and detention must be fixed and allowed by the court and
31 paid in the same manner. The respective district judges may, with
32 the approval of the respective board or boards of county
33 commissioners within the judicial district, fix a monthly salary to be
34 paid to the official reporter in lieu of per diem. The salary, and also
35 actual traveling expenses in cases where the reporter acts in more
36 than one county, must be prorated by the judge on the basis of time
37 consumed by work in the respective counties and must be paid out
38 of the respective county treasuries upon the order of the court.

39 5. Except as otherwise provided in subsection 4, in civil cases,
40 the ~~fees~~ *compensation* prescribed in paragraph (d) of subsection 1
41 and for transcripts ordered by the court to be made must be paid by
42 the parties in equal proportions, and either party may, at his option,
43 pay the ~~whole fee.~~ *entire compensation.* In either case, all
44 amounts so paid by the party to whom costs are awarded must be
45 taxed as costs in the case. The ~~fees~~ *compensation* for transcripts



1 and copies ordered by the parties must be paid by the party ordering
2 them. No reporter may be required to perform any service in a civil
3 case until his ~~fees have~~ **compensation has** been paid to him or
4 deposited with the clerk of the court.

5 6. Where a transcript is ordered by the court or by any party,
6 the ~~fees~~ **compensation** for it must be paid to the clerk of the court
7 and by him paid to the reporter upon the furnishing of the transcript.

8 7. The testimony and proceedings in an uncontested divorce
9 action need not be transcribed unless requested by a party or ordered
10 by the court.

11 **Sec. 1.3.** NRS 4.410 is hereby amended to read as follows:

12 4.410 1. If the person designated to transcribe the
13 proceedings is:

14 (a) Regularly employed as a public employee, he is not entitled
15 to additional compensation for preparing the transcript.

16 (b) Not regularly employed as a public employee and not a
17 certified court reporter, he is entitled to such compensation for
18 preparing the transcript as the board of county commissioners
19 determines.

20 (c) A certified court reporter, he is entitled to the same ~~fees~~
21 **compensation** as set forth in NRS 3.370.

22 2. The ~~fees~~ **compensation** for transcripts and copies must be
23 paid by the party ordering them. In a civil case the preparation of the
24 transcript need not commence until the ~~fees have~~ **compensation**
25 **has** been deposited with the deputy clerk of the court.

26 **Sec. 1.7.** NRS 18.005 is hereby amended to read as follows:

27 18.005 For the purposes of NRS 18.010 to 18.150, inclusive,
28 the term "costs" means:

29 1. Clerks' fees.

30 2. Reporters' fees for depositions, including a reporter's fee for
31 one copy of each deposition.

32 3. Jurors' fees and expenses, together with reasonable
33 compensation of an officer appointed to act in accordance with
34 NRS 16.120.

35 4. Fees for witnesses at trial, pretrial hearings and deposing
36 witnesses, unless the court finds that the witness was called at the
37 instance of the prevailing party without reason or necessity.

38 5. Reasonable fees of not more than five expert witnesses in an
39 amount of not more than \$1,500 for each witness, unless the court
40 allows a larger fee after determining that the circumstances
41 surrounding the expert's testimony were of such necessity as to
42 require the larger fee.

43 6. Reasonable fees of necessary interpreters.



7. The fee of any sheriff or licensed process server for the delivery or service of any summons or subpoena used in the action, unless the court determines that the service was not necessary.

8. ~~["The fees of"]~~ *Compensation for* the official reporter or reporter pro tempore.

9. Reasonable costs for any bond or undertaking required as part of the action.

10. Fees of a court bailiff who was required to work overtime.

11. Reasonable costs for telecopies.

12. Reasonable costs for photocopies.

13. Reasonable costs for long distance telephone calls.

14. Reasonable costs for postage.

15. Reasonable costs for travel and lodging incurred taking depositions and conducting discovery.

16. Fees charged pursuant to NRS 19.0335.

17. Any other reasonable and necessary expense incurred in connection with the action, including reasonable and necessary expenses for computerized services for legal research.

Sec. 2. Chapter 656 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each court reporting firm shall appoint one person affiliated with the court reporting firm to act as the designated representative for the firm. The person so appointed must:

(a) Hold a certificate; or

(b) Pass an examination administered by the Board pursuant to subsection 2.

2. The Board shall administer an examination to determine whether a designated representative of a court reporting firm understands:

(a) The ethics and professionalism required for the practice of court reporting; and

(b) The obligations owed by a court reporter to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted thereto.

3. The Board may adopt regulations to carry out the provisions of this section and to establish additional subject areas to be included in the examination administered by the Board pursuant to this section.

Sec. 3. 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. *"Designated representative of a court reporting firm" means the person designated to act as the representative of a court reporting firm pursuant to section 2 of this act.*

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

~~[6-]~~ 7. *"Licensee" means a person to whom a license has been issued.*

8. "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-]~~ 9. "Stenographic notes" 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. 4. NRS 656.160 is hereby amended to read as follows:

656.160 1. Every person who files an application for an original certificate must personally appear before the Board for ~~[a written]~~ *an* examination and the answering of such questions as may be prepared by the Board to enable it to determine the trustworthiness of the applicant and his competency to engage in the practice of court reporting in such a manner as to safeguard the interests of the public.

2. In determining competency, the Board shall administer ~~[a written]~~ *an* examination to determine whether the applicant has:

(a) A good understanding of the English language, including reading, spelling, vocabulary, and medical and legal terminology;

(b) Sufficient ability to report accurately any of the matters comprising the practice of court reporting consisting of material read at not less than 180 words per minute or more than 225 words per minute; and

(c) A clear understanding of the obligations owed by a court reporter to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted pursuant to this chapter.



1 **Sec. 5.** NRS 656.180 is hereby amended to read as follows:
2 656.180 An applicant for a certificate of registration as a
3 certified court reporter is entitled to a certificate if he:

- 4 1. Is a citizen of the United States or lawfully entitled to
5 remain and work in the United States;
- 6 2. Is at least 18 years of age;
- 7 3. Is of good moral character;
- 8 4. Has a high school education or its equivalent;
- 9 5. Submits the statement required pursuant to NRS 656.155;
- 10 6. Satisfactorily passes an examination administered by the
11 Board ~~(c)~~ *pursuant to NRS 656.160*; and
- 12 7. Pays the requisite fees.

13 **Sec. 6.** NRS 656.180 is hereby amended to read as follows:
14 656.180 An applicant for a certificate of registration as a
15 certified court reporter is entitled to a certificate if he:

- 16 1. Is a citizen of the United States or lawfully entitled to
17 remain and work in the United States;
- 18 2. Is at least 18 years of age;
- 19 3. Is of good moral character;
- 20 4. Has a high school education or its equivalent;
- 21 5. Satisfactorily passes an examination administered by the
22 Board ~~(c)~~ *pursuant to NRS 656.160*; and
- 23 6. Pays the requisite fees.

24 **Sec. 7.** NRS 656.185 is hereby amended to read as follows:
25 656.185 1. It is unlawful for any person to conduct business
26 as a court reporting firm or to advertise or put out any sign or card
27 or other device which may indicate to members of the public that he
28 is entitled to conduct such a business without first obtaining a
29 license from the Board.

30 2. Each applicant for a license as a court reporting firm must
31 file an application with the Executive Secretary of the Board on a
32 form prescribed by the Board.

33 3. The application must:

34 (a) Include the social security number and federal identification
35 number of the applicant;

36 (b) *Include the name of the person who will act as the*
37 *designated representative of the court reporting firm and such*
38 *other identifying information about that person as required by the*
39 *Board;*

40 (c) Be accompanied by the statement required pursuant to NRS
41 656.155; and

42 ~~(c)~~ (d) Be accompanied by the required fee.

43 4. To obtain a license pursuant to this section, an applicant
44 need not hold a certificate of registration as a certified court
45 reporter.



Sec. 8. NRS 656.185 is hereby amended to read as follows:

656.185 1. It is unlawful for any person to conduct business as a court reporting firm or to advertise or put out any sign or card or other device which may indicate to members of the public that he is entitled to conduct such a business without first obtaining a license from the Board.

2. Each applicant for a license as a court reporting firm must file an application with the Executive Secretary of the Board on a form prescribed by the Board.

3. The application must:

(a) Include the federal identification number of the applicant; ~~{and}~~

(b) *Include the name of the person who will be appointed as the designated representative of the court reporting firm and such other identifying information about that person as required by the Board; and*

(c) Be accompanied by the required fee.

4. To obtain a license pursuant to this section, an applicant need not hold a certificate of registration as a certified court reporter.

Sec. 9. NRS 656.187 is hereby amended to read as follows:

656.187 1. A license as a court reporting firm expires on June 30 of each year and may be renewed if, before that date, the licensee submits to the Board:

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

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

(c) *If the designated representative of a court reporting firm does not hold a certificate, evidence that the designated representative of the court reporting firm has completed the requirements for continuing education established by the Board; and*

(d) The required fee for renewal.

2. *The Board shall adopt regulations requiring a designated representative of a court reporting firm who does not hold a certificate to participate in continuing education or training as a condition to the renewal or restoration of a license of a licensee. If a designated representative of a court reporting firm fails to comply with such requirements, the Board may suspend or revoke the license of the licensee.*

3. 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.



1 **Sec. 10.** NRS 656.187 is hereby amended to read as follows:

2 656.187 1. A license as a court reporting firm expires on
3 June 30 of each year and may be renewed if, before that date, the
4 licensee submits to the Board:

5 (a) An application for renewal on a form prescribed by the
6 Board; ~~and~~

7 (b) *If the designated representative of a court reporting firm*
8 *does not hold a certificate, evidence that the designated*
9 *representative of the court reporting firm has completed the*
10 *requirements for continuing education established by the Board;*
11 *and*

12 (c) The required fee for renewal.

13 2. *The Board shall adopt regulations requiring a designated*
14 *representative of a court reporting firm who does not hold a*
15 *certificate to participate in continuing education or training as a*
16 *condition to the renewal or restoration of a license of a licensee. If*
17 *a designated representative of a court reporting firm fails to*
18 *comply with such requirements, the Board may suspend or revoke*
19 *the license of the licensee.*

20 3. A license that expires pursuant to the provisions of this
21 section may be reinstated if the applicant:

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

23 (b) Submits to the Board the required fee for reinstatement.

24 **Sec. 11.** NRS 656.220 is hereby amended to read as follows:

25 656.220 1. The fees required by this chapter are fixed by the
26 following schedule:

27 (a) The fee for filing an application for an examination must be
28 fixed by the Board annually at not more than \$250 and not less than
29 \$90.

30 (b) The fee for the original issuance of a certificate must be
31 fixed by the Board annually at not more than ~~[\$150]~~ \$250 and not
32 less than ~~[\$100-]~~ \$150.

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

42 (d) The annual renewal fee for a certificate must be fixed by the
43 Board annually at not more than ~~[\$150]~~ \$250 and not less than
44 ~~[\$100-]~~ \$150. Every holder of a certificate desiring renewal must



1 pay the annual renewal fee to the board on or before May 15 of each
2 year.

3 (e) For the renewal of a certificate which was suspended for
4 failure to renew, the fee is an amount equal to all unpaid renewal
5 fees accrued plus a reinstatement fee that must be fixed by the
6 Board annually at not more than ~~[\$75]~~ \$125 and not less than ~~[\$50.]~~
7 \$75.

8 (f) The fee for the original issuance of a license as a court
9 reporting firm is ~~[\$150.]~~ \$250.

10 (g) The fee for the annual renewal of a license as a court
11 reporting firm is ~~[\$150.]~~ \$175.

12 (h) The fee for the reinstatement of a license as a court reporting
13 firm is ~~[\$150.]~~ \$175.

14 2. In addition to the fees set forth in subsection 1, the Board
15 may charge and collect a fee for any other service it provides. The
16 fee must not exceed the cost incurred by the Board to provide the
17 service.

18 **Sec. 12.** NRS 656.250 is hereby amended to read as follows:

19 656.250 The Board may refuse to issue or renew or may
20 suspend or revoke any certificate if the court reporter in performing
21 or attempting to perform or pretending to perform any act as a court
22 reporter has:

23 1. Willfully failed to take full and accurate stenographic notes
24 of any proceedings;

25 2. Willfully altered any stenographic notes taken at any
26 proceedings;

27 3. Willfully failed accurately to transcribe verbatim any
28 stenographic notes taken at any proceedings;

29 4. Willfully altered a transcript of stenographic notes taken at
30 any proceedings;

31 5. Affixed his signature to any transcript of his stenographic
32 notes or certified to the correctness of such a transcript unless the
33 transcript was prepared by him or was prepared under his immediate
34 supervision;

35 6. Demonstrated unworthiness or incompetency to act as a
36 court reporter in such a manner as to safeguard the interests of the
37 public;

38 7. Professionally associated with or loaned his name to another
39 for the illegal practice by another of court reporting, or
40 professionally associated with any natural person, firm,
41 copartnership or corporation holding itself out in any manner
42 contrary to the provisions of this chapter;

43 8. Habitually been intemperate in the use of intoxicating liquor
44 or controlled substances;



9. Except as otherwise provided in subsection 10, willfully violated any of the provisions of this chapter or the regulations adopted by the Board to enforce this chapter;

10. Violated any regulation adopted by the Board relating to ~~unprofessional~~ :

(a) *Unprofessional* conduct;

(b) *Agreements for the provision of ongoing services as a court reporter or ongoing services which relate to the practice of court reporting*;

(c) *The avoidance of a conflict of interest*; or

(d) *The performance of the practice of court reporting in a uniform, fair and impartial manner and avoiding the appearance of impropriety.*

11. Failed within a reasonable time to provide information requested by the Board as the result of a formal or informal complaint to the Board, which would indicate a violation of this chapter; or

12. Failed without excuse to transcribe stenographic notes of a proceeding and file a transcript of the stenographic notes:

(a) Within the time required by law or agreed to by contract; or

(b) Within any other reasonable time required for filing the transcript.

Sec. 13. NRS 656.260 is hereby amended to read as follows:

656.260 1. A holder of a license or certificate shall notify the Chairman or Executive Secretary of the Board in writing within 30 days after changing his name or address.

2. ~~If a court reporting firm is a partnership or corporation, any change of partners~~ *Any change of ownership or corporate officers of a court reporting firm or of the designated representative of the court reporting firm* must be reported to the Chairman or Executive Secretary within 30 days after the change.

3. The Board may suspend or revoke a license or certificate if the holder thereof fails so to notify the Board.

Sec. 13.5. NRS 656.290 is hereby amended to read as follows:

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

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



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

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

Sec. 14. NRS 656.340 is hereby amended to read as follows:

656.340 1. ~~[(1)]~~ *Except as otherwise provided in subsection 2, it is unlawful for any person to practice court reporting or advertise or put out any sign or card or other device which might indicate to the public that he is entitled to practice as a court reporter without a certificate of registration as a certified court reporter issued by the Board.*

2. Any person may, with the approval of the Board, practice court reporting on a temporary basis ~~[with reference to any single proceeding]~~ when there is an acknowledged unavailability of a certified court reporter. *A person requesting the approval of the Board to practice court reporting on a temporary basis shall submit to the Board:*

(a) Documentation or other proof that the person has at least one continuous year of experience working full time in the practice of court reporting; and

(b) A copy of:

(1) The certification as a registered professional reporter issued to the person by the National Court Reporters Association;

(2) The certification as a registered merit reporter issued to the person by the National Court Reporters Association; or

(3) A valid certificate or license to practice court reporting issued to the person by another state.

Sec. 15. Any person to whom a license to conduct business as a court reporting firm has been issued before January 1, 2006, shall appoint a designated representative of the court reporting firm as required pursuant to section 2 of this act and inform the Board of the person so designated by not later than January 1, 2006.

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.



1 **Sec. 17.** 1. This section and section 15 of this act become
2 effective upon passage and approval.

3 2. Sections 2, 3, 7, 9 and 13 of this act become effective:

4 (a) Upon passage and approval for purpose of adopting
5 regulations and administering examinations; and

6 (b) On January 1, 2006, for all other purposes.

7 3. Sections 1, 1.3, 1.7, 4, 5, 11, 12, 13.5, 14 and 16 of this act
8 become effective on October 1, 2005.

9 4. Sections 5, 7 and 9 of this act expire by limitation on the
10 date on which the provisions of 42 U.S.C. § 666 requiring each state
11 to establish procedures under which the state has authority to
12 withhold or suspend, or to restrict the use of professional,
13 occupational and recreational licenses of persons who:

14 (a) Have failed to comply with a subpoena or warrant relating to
15 a proceeding to determine the paternity of a child or to establish or
16 enforce an obligation for the support of a child; or

17 (b) Are in arrears in the payment for the support of one or more
18 children,

19 ↪ are repealed by the Congress of the United States.

20 5. Sections 6, 8 and 10 of this act become effective on the date
21 on which the provisions of 42 U.S.C. § 666 requiring each state to
22 establish procedures under which the state has authority to withhold
23 or suspend, or to restrict the use of professional, occupational and
24 recreational licenses of persons who:

25 (a) Have failed to comply with a subpoena or warrant relating to
26 a proceeding to determine the paternity of a child or to establish or
27 enforce an obligation for the support of a child; or

28 (b) Are in arrears in the payment for the support of one or more
29 children,

30 ↪ are repealed by the Congress of the United States.



