

Amendment No. 24

Assembly Amendment to Assembly Bill No. 25

(BDR 54-505)

Proposed by: Assembly Committee on Commerce and Labor**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

JMM/MSN



Date: 4/5/2011

A.B. No. 25—Revises provisions governing certified court reporters.
(BDR 54-505)



ASSEMBLY BILL NO. 25—COMMITTEE
ON COMMERCE AND LABOR(ON BEHALF OF THE CERTIFIED COURT
REPORTERS' BOARD OF NEVADA)

PREFILED DECEMBER 14, 2010

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing certified court reporters.
(BDR 54-505)FISCAL NOTE: Effect on Local Government: No.
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; revising the educational requirements to take the examination for certification by the Certified Court Reporters' Board of Nevada; authorizing the Board to impose a civil penalty against a person for certain violations; ~~increasing the amount of the administrative fine that may be imposed against a person by the Board;~~ **requiring the Board to conduct certain hearings;** revising the authority of the Board to investigate certain conduct; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that any person who violates laws or regulations governing court reporters is subject to a civil penalty of not more than ~~[\$10,000]~~ **\$5,000** for each violation. **Section 3** of this bill revises the educational requirements to take the examination for certification as a court reporter by changing from requiring a certificate of satisfactory completion of a prescribed course of study to requiring that a person, prior to sitting for the examination, complete course work in academic fields related to court reporting from a school for court reporters or through a distance education program.

Existing law authorizes the Certified Court Reporters' Board of Nevada to impose an administrative fine against a court reporter or court reporting firm for violating provisions governing court reporters. Existing law also authorizes the Board to restrict, revoke or refuse to issue or renew a license or certificate, or to place a court reporter or court reporting firm on probation for a period of not more than 1 year for such violations. (NRS 656.257) **Section 4** of this bill ~~increases from \$5,000 to \$10,000 the amount of the administrative fine that may be imposed;~~ **requires the Board to hold a hearing before imposing a fine or penalty** against a court reporter or court reporting firm for violating such provisions. **Section 5** of this bill broadens the authority of the Board to investigate conduct which may violate the provisions governing court reporters.

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

Section 1. Chapter 656 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other penalty provided by law, a person who violates any provision of this chapter or any regulation adopted by the Board is subject to a civil penalty of not more than ~~[\$10,000]~~ \$5,000 for each violation. Any such penalty must be imposed by the Board:

1. If the person is a certified court reporter or court reporting firm, at a hearing conducted pursuant to the provisions of chapter 622A of NRS.

2. If the person is not a licensee, at a hearing for which written notice has been given not less than 30 days before the hearing.

Sec. 2. 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. "Certified court reporter" or "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 in this State.

5. "Designated representative of a court reporting firm" means the person designated to act as the representative of a court reporting firm pursuant to NRS 656.186.

6. *"Distance education program" means a program that offers instruction which is delivered by the Internet in such a manner that the person supervising or providing the instruction and the person receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.*

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

~~7. 8.~~ "Licensee" means a person to whom a license has been issued.

~~9. 9.~~ "Practice of court reporting" means reporting, in this State, by the use of voice writing or any system of manual or mechanical shorthand writing:

(a) Grand jury proceedings;

(b) Court proceedings, with the exception of proceedings before a federal court;

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

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

~~10. 10.~~ "Stenographic notes" means:

(a) 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; or

(b) The record produced by the use of voice writing by a court reporter while in attendance at a proceeding.

~~11. 11.~~ "Voice writing" means the making of a verbatim record of a proceeding by repeating the words of the speaker into a device that is capable of:

(a) Digitally translating the words into text; or

(b) Making a tape or digital recording of those words.
➤ *The term includes, without limitation, stenomasking, verbatim reporting and other similar titles.*

Sec. 3. NRS 656.170 is hereby amended to read as follows:

656.170 1. Examinations must be held not less than twice a year at such times and places as the Board may designate.

2. No person may be admitted to the examination unless the person first presents satisfactory evidence to the Board that he or she has:

(a) Received a passing grade on the National Court Reporters Association's examination for registered professional reporters, if the Board has approved the examination;

(b) Received a passing grade on the National Verbatim Reporters Association's examination for certified verbatim reporters, if the Board has approved the examination;

(c) ~~[A certificate of satisfactory completion of a prescribed course of study from]~~ *Completed course work at* a school for court reporters ~~[which includes]~~ *or completed course work offered through a distance education program for court reporters in* English grammar, reading, spelling and vocabulary, medical and legal terminology, transcription ~~[and computer-aided transcription]~~, reporting procedures and court reporting at 200 words per minute with an accuracy of ~~[97.5]~~ *95* percent;

(d) A certificate as a registered professional reporter, registered merit reporter, certified CART provider, certified broadcast captioner or certified realtime reporter from the National Court Reporters Association, if the Board has approved each such certificate;

(e) A certificate as a certified verbatim reporter, *realtime verbatim reporter, registered CART provider or registered broadcast captioner* or a certificate of merit from the National Verbatim Reporters Association, if the Board has approved each such certificate;

(f) A valid certificate or license to practice court reporting issued by another state; or

(g) One year of continuous experience as a full-time court reporter using voice writing or any system of manual or mechanical shorthand writing.

Sec. 4. NRS 656.257 is hereby amended to read as follows:

656.257 1. In addition to or in lieu of suspending, revoking or refusing to issue or renew the certificate of a court reporter or the license of a court reporting firm pursuant to NRS 656.240, 656.250 or 656.253, the Board may, by a majority vote:

~~[1-] (a)~~ *(a)* Place the court reporter or court reporting firm on probation for a period not to exceed 1 year; or

~~[2-] (b)~~ *(b)* Impose an administrative fine against the court reporter or court reporting firm in an amount not to exceed ~~\$5,000~~ *\$10,000* for each violation for which the administrative fine is imposed.

2. Any penalty imposed pursuant to this section must be imposed by the Board at a hearing conducted pursuant to chapter 622A of NRS.

Sec. 5. NRS 656.280 is hereby amended to read as follows:

656.280 1. The Board may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation *of a certificate or license or other disciplinary action* as set forth in NRS 656.240 to ~~[656.270,]~~ *656.300,* inclusive, investigate the actions of *a current or former certificate holder or licensee, including a firm or any other* person who applies for, or holds or represents that he or she *or the firm* holds a license or certificate.

1 2. The Board shall, before refusing to issue any license or certificate, notify
2 the applicant in writing of the reasons for the refusal. The notice must be served by
3 delivery personally to the applicant or by mailing by registered or certified mail to
4 the last known place of business of the applicant.

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

7 4. The Board may continue the hearing from time to time.

8 **Sec. 6.** This act becomes effective upon passage and approval.