

**Amendment No. 382**

Senate Amendment to Senate Bill No. 406 (BDR 54-949)

**Proposed by:** Senate Committee on Commerce, Labor and Energy

**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 406 (§ 19).

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>
Receded	<input type="checkbox"/>	Not <input type="checkbox"/>	Receded	<input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold underlining* is language proposed to be added 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 proposed to be retained in this amendment.

AMI/RRY



Date: 4/19/2017

S.B. No. 406—Revises provisions relating to court reporters and court reporting firms. (BDR 54-949)





## SENATE BILL NO. 406—SENATOR HAMMOND

MARCH 20, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to court reporters and court reporting firms. (BDR 54-949)

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 court reporters; authorizing the issuance and renewal of a temporary certificate of registration to engage in the practice of court reporting in certain circumstances; prescribing a fee for the issuance and renewal of such a temporary certificate of registration; revising the qualifications for a certificate of registration as a court reporter; authorizing the Certified Court Reporters' Board of Nevada to take additional actions against certain unlicensed practices; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a person who meets certain requirements to practice court reporting on a temporary basis, with the approval of the Certified Court Reporters' Board of Nevada, if there is an acknowledged shortage of court reporters. (NRS 656.145) **Section 2** of this bill authorizes a natural person to obtain a temporary certificate of registration from the Board to engage in the practice of court reporting on a temporary basis if there is such an acknowledged shortage or the applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States and meets certain other requirements. **Section 19** of this bill sets forth the fee for the issuance and renewal of such a temporary certificate of registration.

Existing law provides that willfully altering a transcript of stenographic notes taken at any proceedings is a grounds for disciplinary action against a court reporter or court reporting firm. (NRS 656.250) **Section 4** of this bill further prohibits, with limited exceptions, a court reporter or a court reporting firm from altering the record of a proceeding after the transcript of the proceeding has been certified.

**Sections 15, 20, 21, 24, 25, 29, 33 and 35** of this bill require licensed court reporting firms to comply with certain existing laws which apply to certified court reporters.

Existing law prohibits any person from putting out a sign or card or other device which indicates to members of the public that the person is entitled to engage in the practice of court reporting or conduct business as a court reporting firm. (NRS 656.145, 656.185) **Sections 10 and 15** of this bill prohibit the use of any identifying term by a natural person or business entity that may indicate to the public that the natural person or business entity is entitled to: (1) practice as a court reporter; or (2) conduct business as a court reporting firm.

Existing law requires an applicant for a certificate of registration as a court reporter to pass an examination administered by the Board that includes a practical demonstration portion. (NRS 656.160, 656.180) **Section 12-14** of this bill: (1) eliminate the requirement for

that portion of the examination and instead require such an applicant to receive a passing grade on one of two enumerated national examinations; (2) revise the requirements for admission to the examination administered by the Board; and (3) revise the qualifications of an applicant for a certificate of registration as a certified court reporter.

~~Section 22 of this bill provides that only a certified court reporter is authorized to perform the duties of an officer before whom depositions may be taken in any court in this State.~~

Existing law authorizes the Attorney General of the State of Nevada, the district attorney of any county in the State or any resident to maintain an action in the name of the State of Nevada to enjoin any person from unlawfully engaging in the practice of court reporting or unlawfully conducting business as a court reporting firm without first obtaining a certificate or license or with a suspended or revoked certificate or license. (NRS 656.300) **Section 29** of this bill instead authorizes the Board to impose administrative fines against, issue citations to, and issue and serve orders to cease and desist on natural persons who and business entities that engage in such unlicensed practices or conduct.

Existing law provides that a person who violates any law or regulation governing court reporters and court reporting firms is subject to a civil penalty of not more than \$5,000 for each violation. (NRS 656.360) **Section 35** of this bill removes that provision and instead authorizes the Board, after notice and hearing, to impose upon a natural person or business entity who violates any law or regulation governing certified court reporters and court reporting firms an administrative fine of not more than \$5,000 for each violation for which the administrative fine is imposed.

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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 the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2. 1. *The Board may issue a temporary certificate of registration to a natural person who meets the requirements set forth in this section if:***

***(a) There is an acknowledged unavailability of a certified court reporter; or***  
***(b) The applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States.***

***2. An applicant for a temporary certificate of registration must file an application with the Executive Secretary of the Board as required by NRS 656.150 and submit to the Board with his or her application, satisfactory evidence to the Board that he or she has:***

***(a) Satisfied the requirements set forth in subsections 1 to 5, inclusive, of NRS 656.180;***

***(b) At least one continuous year of experience working as a full-time court reporter;***

***(c) Received one of the following:***

***(1) A certificate as a registered professional reporter issued to the applicant by the National Court Reporters Association;***

***(2) A certificate as a registered merit reporter issued to the applicant by the National Court Reporters Association;***

***(3) A certificate as a certified verbatim reporter issued to the applicant by the National Verbatim Reporters Association; or***

***(4) A valid certificate or license to practice court reporting issued to the applicant by the District of Columbia or any state or territory of the United States if the requirements for certification or licensure in that jurisdiction are substantially equivalent to the requirements of this State for obtaining a certificate;***

1       (d) Paid the fee for a temporary certificate of registration set forth in NRS  
2       656.220; and

3       (e) Submitted all information required to complete an application for a  
4       temporary certificate of registration.

5       3. A temporary certificate of registration issued pursuant to this section is  
6       valid for not more than 12 months and, except as otherwise provided in  
7       subsection 5, may be renewed on or before January 2 of the succeeding year by:

8       (a) Applying to the Board for renewal;

9       (b) Paying the fee for the annual renewal of a temporary certificate of  
10      registration set forth in NRS 656.220; and

11      (c) Submitting all information required to complete an application for  
12      renewal of a temporary certificate of registration, including, without limitation,  
13      proof of compliance with the provisions of paragraph (b) of subsection 4.

14      4. A natural person to whom a temporary certificate of registration is issued  
15      pursuant to this section may engage in the practice of court reporting and must:

16      (a) Comply with all the provisions of this chapter and all applicable laws,  
17      regulations and court and procedural rules governing the practice of court  
18      reporting in this State; and

19      (b) Except as otherwise provided in this paragraph, pay the applicable fees  
20      for examination and take the examinations administered by the Board pursuant  
21      to NRS 656.160 and one of the examinations described in paragraph (b) of  
22      subsection 2 of NRS 656.170 until he or she satisfactorily passes the  
23      examinations. In accordance with subsection 5, the holder of a temporary  
24      certificate of registration is not entitled to a temporary certificate of registration if  
25      the holder does not pass those examinations within a period of 36 months after  
26      the issuance of the original temporary certificate of registration.

27      5. A temporary certificate of registration must not be renewed more than  
28      twice.

29      Sec. 3. 1. The Board may maintain in any court of competent jurisdiction  
30      an action for an injunction against any natural person or business entity who  
31      violates any provision of this chapter.

32      2. Such an injunction:

33      (a) May be issued without proof of actual damage sustained by any natural  
34      person or business entity.

35      (b) Does not relieve such natural person or business entity from any criminal  
36      prosecution for the same violation.

37      Sec. 4. 1. Except as otherwise provided in subsection 2, a certified court  
38      reporter or licensee shall not alter the record of a proceeding after the transcript  
39      of the proceeding has been certified unless:

40      (a) Each party to the proceeding stipulates to the alteration; or

41      (b) The judge or arbiter presiding over the proceeding orders the alteration.

42      2. A licensee may, upon receiving a transcript from a certified court  
43      reporter for the purposes of reproducing and distributing the transcript, make  
44      typographical, clerical or other similar nonsubstantive alterations to the  
45      transcript if the licensee notifies the certified court reporter who certified the  
46      transcript of the proposed alterations and receives the approval of the certified  
47      court reporter for each alteration.

48      Sec. 5. NRS 656.010 is hereby amended to read as follows:

49      656.010 This chapter is known and may be cited as the Nevada Certified  
50      Court Reporters' and Licensed Court Reporting Firms' Law.

51      Sec. 6. NRS 656.030 is hereby amended to read as follows:

52      656.030 As used in this chapter, unless the context otherwise requires:

53      1. "Board" means the Certified Court Reporters' Board of Nevada.

2. *“Business entity” means any form of business organization, including, without limitation, a corporation, partnership, sole proprietorship, limited-liability company or limited-liability partnership. The term does not include a natural person or governmental entity.*

3. “Certificate” means a certified court reporter’s certificate issued under the provisions of this chapter.

~~4.~~ 4. “Certified court reporter” ~~for “court reporter”~~ means a *natural* person who is technically qualified and registered under this chapter to practice court reporting.

~~5.~~ 5. “Court reporting firm” means a ~~person who,~~ *business entity that*, for compensation, provides or arranges for the services of a *certified* court reporter or provides referral services for *certified* court reporters in this State.

~~6.~~ 6. “Designated representative of a court reporting firm” means the *natural* person designated to act as the representative of a court reporting firm pursuant to NRS 656.186.

~~7.~~ 7. “Distance education program” means a program that offers instruction which is delivered by the Internet in such a manner that the *natural* person supervising or providing the instruction and the *natural* person receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.

~~8.~~ 8. “License” means a license issued under the provisions of this chapter to conduct business as a court reporting firm.

~~9.~~ 9. “Licensee” means a ~~person~~ *business entity* to ~~whom~~ *which* a license has been issued.

~~10.~~ 10. “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.

~~11.~~ 11. “Stenographic notes” means:

(a) The original manually or mechanically produced notes in shorthand or shorthand writing taken by a *certified* 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 *certified* court reporter while in attendance at a proceeding.

~~12.~~ 12. *“Temporary certificate of registration” means a certificate issued to a natural person under the provisions of section 2 this act.*

13. “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. 7. NRS 656.050 is hereby amended to read as follows:

656.050 The members of the Board must be appointed by the Governor as follows:

1. One member of the Board must be an active member of the State Bar of Nevada.

2. Three members of the Board must be holders of certificates and must have been actively engaged as *certified* court reporters within this State for at least 5 years immediately preceding their appointment.

3. One member of the Board must be a representative of the general public. This member must not be:

- (a) A *certified* court reporter; or
- (b) The spouse or the parent or child, by blood, marriage or adoption, of a *certified* court reporter.

**Sec. 8.** NRS 656.105 is hereby amended to read as follows:

656.105 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a *natural* person or *business entity* are confidential, unless the *natural* person or *business entity* submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a *natural* person ~~or~~ *business entity*, including, without limitation, a law enforcement agency.

**Sec. 9.** NRS 656.140 is hereby amended to read as follows:

656.140 The Board may aid in all matters pertaining to the advancement of the practice of court reporting, including but not limited to all matters that may advance the professional interests of certified court reporters *and licensees* and such matters as concern their relations with the public.

**Sec. 10.** NRS 656.145 is hereby amended to read as follows:

656.145 ~~{1. Except as otherwise provided in subsection 2, it}~~ *It* is unlawful for any *natural* person to practice court reporting or *to* advertise or ~~{put out any sign or card or other device which might}~~ *use any identifying term that may* indicate to the public that the *natural* person is entitled to practice as a court reporter ~~{without}~~ *unless the natural person holds* a certificate of registration, *including a temporary 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 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. 11.** NRS 656.150 is hereby amended to read as follows:

656.150 1. ~~Each~~ *Except as otherwise provided in section 2 of this act, each* applicant for a certificate must file an application with the Executive Secretary of the Board at least 30 days before the date fixed for examination. The application must be accompanied by the required fee and all information required to complete the application.

2. ~~No~~ *Except as otherwise provided in section 2 of this act, no* certificate may be issued until the applicant has ~~passed~~ :

(a) *Passed* the examination prescribed by the Board ~~and paid~~ ;

(b) *Passed one of the examinations described in paragraph (b) of subsection 2 of NRS 656.170; and*

(c) *Paid* the fee as provided in NRS 656.220.

**Sec. 12.** NRS 656.160 is hereby amended to read as follows:

656.160 1. ~~Every~~ *Except as otherwise provided in section 2 of this act, every natural* person who files an application for an original certificate must personally appear before the Board for 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 or her 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 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; *and*

(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.

**Sec. 13.** 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 *natural* person may be admitted to the examination unless the *natural* person first ~~presents~~ *applies to the Board as required by NRS 656.150. The application must include, without limitation, satisfactory evidence to the Board that ~~he or she has:~~*

~~(a) Received~~ *the applicant has, at the time of filing his or her application, a valid temporary certificate of registration or has:*

(a) *Satisfied the requirements set forth in subsections 1 to 5, inclusive, of NRS 656.180;*

(b) *Received* a passing grade on ~~the~~ :

(1) *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~~ ; *or*

(2) *The* National Verbatim Reporters Association's examination for certified verbatim reporters ~~if the Board has approved the examination;~~

~~(c) Completed course work at a school for court reporters 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 95 percent;~~

~~(d) A~~ ;

(c) *Received one of the following:*



(1) *A certificate as a registered professional reporter ~~+~~ registered merit reporter, certified CART provider, certified broadcast captioner or certified realtime reporter from issued to the applicant by the National Court Reporters Association ~~+~~, if the Board has approved each such certificate;*

~~—(e) ;~~

(2) *A certificate as a registered merit reporter issued to the applicant by the National Court Reporters Association;*

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

~~—(f) ; or~~

(4) *A valid certificate or license to practice court reporting issued to the applicant by another state ~~+~~ or if the requirements for certification or licensure in that state are substantially equivalent to the requirements of this State for obtaining a certificate;*

~~+(g) One~~

*(d) Either:*

(1) *At least one year of continuous experience ~~as a full-time court reporter using voice writing or any system of manual or mechanical shorthand writing,~~ within the 5 years immediately preceding the application, in the practice of court reporting or producing verbatim records of meetings and conferences by the use of voice writing or any system of manual or mechanical shorthand writing and transcribing those records; or*

(2) *Obtained in the 12 months immediately preceding the application, a certificate of satisfactory completion of a prescribed course of study from a court reporting program that, as determined by the Board, evidences a proficiency substantially equivalent to subparagraph (1); and*

(e) *Paid the fee for filing an application for an examination set forth in NRS 656.220.*

3. *As used in this section, “practice of court reporting” includes reporting by use of voice writing or any system of manual or mechanical shorthand writing, regardless of the state in which the reporting took place.*

Sec. 14. NRS 656.180 is hereby amended to read as follows:

656.180 ~~+~~ *Except as otherwise provided in section 2 of this act, an applicant for a certificate of registration as a certified court reporter is entitled to a certificate if the applicant:*

1. *Is a citizen of the United States or lawfully entitled to remain and work in the United States;*

2. *Is at least 18 years of age;*

3. *Is of good moral character;*

4. *Has not been convicted of a felony relating to the practice of court reporting;*

5. *Has a high school education or its equivalent;*

~~5+~~ 6. *Satisfactorily passes ~~an~~ :*

(a) *An examination administered by the Board pursuant to NRS 656.160;*

~~6+~~ and

(b) *One of the examinations described in paragraph (b) of subsection 2 of NRS 656.170;*

7. *Pays the requisite fees; and*

~~7+~~ 8. *Submits all information required to complete an application for a certificate of registration.*

1       **Sec. 15.** NRS 656.185 is hereby amended to read as follows:

2       656.185 1. It is unlawful for any ~~person~~ *business entity* to conduct  
3 business as a court reporting firm or to advertise or ~~put out any sign or card or~~  
4 ~~other device which~~ *use any identifying term that* may indicate to members of the  
5 public that ~~he or she~~ *the business entity* is entitled to conduct such a business  
6 without first obtaining a license from the Board.

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

10       3. The application must:

11       (a) Include the federal identification number of the applicant;

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

15       (c) Be accompanied by the required fee; and

16       (d) Include all information required to complete the application.

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

19       **Sec. 16.** NRS 656.186 is hereby amended to read as follows:

20       656.186 1. Each court reporting firm shall appoint one *natural* person  
21 affiliated with the court reporting firm to act as the designated representative for the  
22 firm. The *natural* person so appointed must:

23       (a) Hold a certificate; or

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

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

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

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

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

35       **Sec. 17.** NRS 656.200 is hereby amended to read as follows:

36       656.200 *Except as otherwise provided in section 2 of this act:*

37       1. To renew a certificate of registration a *certified* court reporter must:

38       (a) Apply to the Board for renewal;

39       (b) Pay the annual renewal fee prescribed by the Board;

40       (c) Submit evidence to the Board of completion of the requirements for  
41 continuing education established by the Board; and

42       (d) Submit all information required to complete the renewal.

43       2. The Board shall adopt regulations requiring *certified* court reporters to  
44 participate in continuing education or training as a prerequisite to the renewal or  
45 restoration of a certificate. If a *certified* court reporter fails to comply with the  
46 requirements, the Board may suspend or revoke his or her certificate.

47       3. The failure of any *certified* court reporter to submit all information  
48 required to complete the renewal or pay in advance the annual renewal fee which  
49 may be fixed by the Board as necessary to defray the expense of administering the  
50 provisions of this chapter results in the suspension of the reporter's right to engage  
51 in the practice of court reporting. The suspension must not be terminated until all  
52 required information has been submitted and all delinquent fees have been paid.

4. A *certified* court reporter whose certificate of registration has been suspended because of failure to submit all required information or pay the renewal fee:

(a) May within 2 years thereafter have the certificate reinstated without examination upon submission of all required information and payment of the fees set forth in paragraph (e) of subsection 1 of NRS 656.220.

(b) While he or she was on active military duty or in training before induction, may have the certificate renewed without payment of any fee if he or she files an application for renewal, an affidavit of such service with the Board within 2 years after the termination of the service and all information required to complete the renewal.

**Sec. 18.** NRS 656.205 is hereby amended to read as follows:

656.205 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~~:

(a) *Certificate* of a *certified* court reporter who does not attend such a program but who otherwise complies with the requirements for continuing education prescribed by the Board ~~H~~; or

(b) *License of a licensee whose designated representative does not attend such a program but who otherwise complies with the requirements for continuing education prescribed by the Board.*

**Sec. 19.** NRS 656.220 is hereby amended to read as follows:

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

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

(b) The fee for the original issuance of a certificate must be fixed by the Board annually at not more than \$250 and not less than \$150.

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

(d) The annual renewal fee for a certificate must be fixed by the Board annually at not more than \$250 and not less than \$150. Every holder of a certificate desiring renewal must pay the annual renewal fee to the Board on or before May 15 of each year.

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

(f) *The fee for the original issuance of a temporary certificate of registration is \$100.*

(g) *The fee for the annual renewal of a temporary certificate of registration is \$100.*

(h) The fee for the original issuance of a license as a court reporting firm is \$250.

~~(e)~~ (i) The fee for the annual renewal of a license as a court reporting firm is \$175.

~~(h)~~ (j) The fee for the reinstatement of a license as a court reporting firm is \$175.

2. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost incurred by the Board to provide the service.

**Sec. 20.** NRS 656.240 is hereby amended to read as follows:

656.240 The Board may refuse to issue or to renew or may suspend or revoke any certificate or license for any one or a combination of the following causes:

1. If the applicant ~~for~~, *certified* court reporter *or licensee* has by false representation obtained or sought to obtain a certificate or license for himself, ~~for~~ himself *or itself* or any other *natural* person ~~or business entity~~.

2. If the applicant ~~for~~, *certified* court reporter *or designated representative of a court reporting firm* has been found in contempt of court, arising out of ~~this or her~~ the conduct *of the applicant, court reporter or designated representative* in performing or attempting to perform any act as a *certified* court reporter.

3. If the applicant ~~for~~, *certified* court reporter *or designated representative of a court reporting firm* has been convicted of a crime related to the qualifications, functions and responsibilities of a certified ~~for-licensed~~ court reporter ~~or licensee~~.

4. If the applicant ~~for~~, *certified* court reporter *or designated representative of a court reporting firm* has been convicted of any offense involving moral turpitude.

➤ The judgment of conviction or a certified copy of the judgment is conclusive evidence of conviction of an offense.

**Sec. 21.** NRS 656.250 is hereby amended to read as follows:

656.250 The Board may refuse to issue or renew or may suspend or revoke any certificate or license if the *certified* court reporter, including a *designative representative of a court reporting firm if he or she holds a certificate*, in performing or attempting to perform or pretending to perform any act as a *certified* court reporter has:

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

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

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

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

5. Affixed his or her signature to any transcript of his or her stenographic notes or certified to the correctness of such a transcript unless the transcript was prepared by the *certified* court reporter or was prepared under the *certified* court reporter's immediate supervision;

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

7. Professionally associated with or loaned his or her name to another for the illegal practice by another of court reporting, or professionally associated with any natural person ~~firm, copartnership or corporation~~ *or business entity* holding itself out in any manner contrary to the provisions of this chapter;

8. Habitually been intemperate in the use of intoxicating liquor 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:

(a) Unprofessional conduct;

(b) Agreements for the provision of ongoing services as a **certified** 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 or deliver to an ordering party a transcript of the stenographic notes:

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

(b) Within a reasonable time required for filing the transcript; or

(c) Within a reasonable time required for delivery of the transcript.

**Sec. 22.** NRS 656.253 is hereby amended to read as follows:

656.253 The Board may refuse to issue or renew or may suspend or revoke a certificate or license if, after notice and a hearing as required by law, the Board determines that the **certified court reporter or** licensee ~~for certificate holder~~ has committed any of the acts set forth in NRS 656.240 or 656.250.

**Sec. 23.** NRS 656.255 is hereby amended to read as follows:

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

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

**Sec. 24.** 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 **certified** 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:

~~(a)~~ 1. Place the **certified** court reporter or ~~court reporting firm~~ licensee on probation for a period not to exceed 1 year; or

~~(b)~~ 2. Impose an administrative fine against the **certified** court reporter or ~~court reporting firm in an amount not to exceed \$5,000 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.~~ *licensee as provided in NRS 656.360.*

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

656.260 1. A ~~holder of a license or certificate~~ *licensee or certified court reporter* shall notify the Chair or Executive Secretary of the Board in writing within 30 days after ~~changing his or her~~ *a change in* name or address.

2. ~~Any change of ownership~~ *A licensee shall report any change of:*

(a) *Ownership* or corporate officers of a court reporting firm ~~for of the~~; and

(b) *The* designated representative of the court reporting firm must be reported to the Chair or Executive Secretary within 30 days after the change.

3. The Board may suspend or revoke a license or certificate if the ~~holder thereof~~ *licensee or certified court reporter* fails so to notify the Board.

**Sec. 26.** NRS 656.270 is hereby amended to read as follows:

656.270 The entry of a decree by a court of competent jurisdiction establishing the mental illness of any *natural* person ~~holding a license or certificate~~ *who is a certified court reporter or a designated representative of a court reporting firm licensed* under this chapter operates as a suspension of the ~~license or~~ *certificate* ~~or license~~. Such a *natural* person may resume his or her business or practice only upon a finding by the Board that the ~~holder of the license or certificate~~ *natural person* has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Board's recommendation that the ~~holder~~ *certified court reporter or licensee* be permitted to resume his or her business or practice.

**Sec. 27.** 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 *natural* person *or business entity* 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 656.300, inclusive, investigate the actions of a current or former ~~certificate holder~~ *certified court reporter* or licensee, including a ~~firm or any other~~ *natural* person who *or business entity that* applies for, or holds or represents that he or she or the ~~firm~~ *business entity* holds a license or certificate.

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

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

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

**Sec. 28.** NRS 656.290 is hereby amended to read as follows:

656.290 1. The Board may subpoena and bring before it any *natural* person *or business entity* 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. At any time after the suspension of any license or certificate, the Board may restore it to the accused without examination upon unanimous vote by the Board.

4. In a manner consistent with the provisions of chapter 622A of NRS, after the revocation of any license or certificate, the Board may reinstate the license or certificate without examination upon unanimous vote by the Board.

**Sec. 29.** NRS 656.300 is hereby amended to read as follows:

656.300 1. ~~{The practice of court reporting by any}~~ *A natural* person who has not been issued a certificate, *including a temporary certificate of registration*, or whose certificate has been suspended or revoked ~~{, or conducting a}~~ *shall not engage in the practice of court reporting.*

2. *A business entity that has not been issued a license or whose license has been suspended or revoked shall not conduct* business as a court reporting firm. ~~{without first obtaining a license therefor or with a suspended or revoked license, is hereby declared to be inimical to public health and welfare and to constitute a public nuisance. The Attorney General of the State of Nevada, the district attorney of any county in the State or any resident may maintain an action in the name of the State of Nevada perpetually to enjoin any person from so unlawfully practicing court reporting, or unlawfully conducting business as a court reporting firm, and from doing, committing or continuing such an unlawful act.~~

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

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

3. *In addition to any other penalty prescribed by law, if the Board determines that a natural person or business entity has committed any act described in this section or NRS 656.145 or 645.185, the Board may:*

(a) *Issue and serve on the natural person or business entity an order to cease and desist until the natural person or business entity obtains from the Board the proper certificate or license or otherwise demonstrates that the natural person or business entity is no longer in violation of this section. An order to cease and desist must include a telephone number with which to contact the Board.*

(b) *Issue a citation to a natural person or business entity. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the natural person or business entity of the provisions of this paragraph. Each activity in which the natural person or business entity is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the natural person or business entity must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.*

(c) *Assess against the natural person or business entity an administrative fine as provided in NRS 656.360.*

(d) *Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).*

**Sec. 30.** NRS 656.310 is hereby amended to read as follows:

656.310 1. Except as otherwise provided in subsection 2, each *natural* person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter:

(a) *Must be designated as a certified court reporter;*

(b) *May, in connection with his or her practice of court reporting, use the abbreviation "C.C.R."; and*

(c) *Shall not, in connection with his or her practice of court reporting, use the abbreviation "C.C.R.-V."*



2. Each *natural* person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter and who has only passed the portion of the examination required pursuant to paragraph (b) of subsection 2 of NRS ~~656.160~~ *656.170* through the use of voice writing:

- (a) Must be designated as a certified court reporter-voice writer;
- (b) May, in connection with his or her practice of court reporting, use the abbreviation "C.C.R.-V.";
- (c) Shall not, in connection with his or her practice of court reporting, use the abbreviation "C.C.R."; and
- (d) Shall engage in the practice of court reporting only through the use of voice writing.

3. No *natural* person other than the holder of a valid existing certificate of registration under this chapter may use the title or designation of "certified court reporter," "certified court reporter-voice writer," "C.C.R." or "C.C.R.-V.," either directly or indirectly, in connection with his or her profession or business.

4. Every ~~holder of a certificate~~ *certified court reporter* shall place the number of the certificate:

- (a) On the cover page and certificate page of all transcripts of proceedings; and
- (b) On all business cards.

**Sec. 31.** NRS 656.315 is hereby amended to read as follows:

656.315 A *certified* court reporter may administer oaths and affirmations without being appointed as a notary public pursuant to chapter 240 of NRS.

**Sec. 32.** ~~NRS 656.320 is hereby amended to read as follows:~~

~~656.320 [No] Only a natural person [may] who is a certified court reporter:  
1. May be appointed to the position of official reporter of any court in this state [except a court reporter who holds a current and valid certificate under the provisions of this chapter.] ; and  
2. May, notwithstanding any other provision of law or court rule to the contrary, perform the duties of an officer before whom depositions may be taken in any court in this State.] (Deleted by amendment.)~~

~~1. May be appointed to the position of official reporter of any court in this state [except a court reporter who holds a current and valid certificate under the provisions of this chapter.] ; and  
2. May, notwithstanding any other provision of law or court rule to the contrary, perform the duties of an officer before whom depositions may be taken in any court in this State.] (Deleted by amendment.)~~

**Sec. 33.** NRS 656.330 is hereby amended to read as follows:

656.330 No action or suit may be instituted, nor recovery therein be had, in any court of this state by any *natural* person *or business entity* for compensation for any act done or service rendered, the doing or rendering of which is prohibited under the provisions of this chapter.

**Sec. 34.** NRS 656.335 is hereby amended to read as follows:

656.335 A *certified* court reporter shall retain his or her notes, whether or not transcribed, for 8 years if they concern any matter subject to judicial review. These notes must be kept in a manner which is reasonably secure against theft, tampering or accidental destruction.

**Sec. 35.** NRS 656.360 is hereby amended to read as follows:

656.360 In addition to any other penalty provided by law, *the Board may, after notice and a hearing, as required by law, impose upon a natural person or business entity* who violates any provision of this chapter or any regulation adopted ~~[by the Board is subject to a civil penalty]~~ *pursuant thereto an administrative fine* of not more than \$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.] for which the administrative fine is imposed.~~

**Sec. 36.** This act becomes effective:



- 1           1. Upon passage and approval for the purpose of adopting regulations or
- 2 performing any preparatory administrative tasks that are necessary to carry out the
- 3 provisions of this act; and
- 4           2. On January 1, 2018, for all other purposes.