

SENATE BILL NO. 38—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE CERTIFIED COURT
REPORTERS' BOARD OF NEVADA)

PREFILED NOVEMBER 19, 2018

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to the practice of court reporting, the practice of court recording and the practice of court transcribing. (BDR 54-235)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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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 professions; providing for the certification of certified electronic recorders and certified electronic transcribers; providing for the licensure of court recording and transcribing firms; prohibiting a person from engaging in the practice of court recording or the practice of court transcribing without a certificate issued by the Certified Court Reporters' Board of Nevada; prohibiting a business entity from conducting business as a court recording and transcribing firm without a license issued by the Board; revising certain provisions governing court reporters and court reporting firms; expanding existing fee schedules; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides various rules and requirements that govern certified court
- 2 reporters, court reporting firms and the practice of court reporting. (Chapter 656 of
- 3 NRS) **Sections 2-30** of this bill expand the scope of existing law to govern: (1)
- 4 certified electronic recorders and certified electronic transcribers; (2) the practice of
- 5 court recording and the practice of court transcribing; and (3) court recording and
- 6 transcribing firms. **Section 2** of this bill requires the Certified Court Reporters'
- 7 Board of Nevada to establish a registry that lists all natural persons who are



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certified as a certified court reporter, a certified electronic recorder or a certified electronic transcriber. **Section 4** of this bill provides that a: (1) certified court reporter shall not perform the functions of a certified electronic recorder or a certified electronic transcriber unless certified as an electronic recorder or electronic transcriber; and (2) a certified electronic recorder or a certified electronic transcriber shall not perform the functions of a certified court reporter unless also certified as a court reporter. **Section 6** of this bill expands the scope of the definition for "certificate" to include a: (1) certified court reporter's certificate; (2) a certified electronic recorder's certificate; and (3) a certified electronic transcriber's certificate. **Section 6** additionally expands the scope of the definition "license" to mean a business entity licensed to conduct business as a: (1) court reporting firm; or (2) court recording and transcribing firm. Further, **section 6** revises the definition of the term "practice of court reporting" and defines the terms "practice of court recording" and "practice of court transcribing." **Section 8** of this bill authorizes the Board to adopt regulations that govern certified court reporters, certified electronic recorders, certified electronic transcribers, court reporting firms and court recording and transcribing firms. **Sections 10-20** of this bill provide that the Board may issue certificates and licenses to certified electronic recorders, certified electronic transcribers and court recording and transcribing firms if certain requirements are met. **Sections 14-16** of this bill authorize the Board to govern court recording and transcribing firms in the same manner that the Board governs court recording firms. **Section 20** of this bill provides that the fees which apply to the issuance of certificates and licenses also apply to certified electronic recorders, certified electronic transcribers and court recording and transcribing firms. **Sections 21-28** of this bill provide that the Board may take certain disciplinary and other actions against a certified electronic recorder, a certified electronic transcriber and a court recording and transcribing firm. **Section 30** of this bill prohibits, except in certain situations, a certified electronic recorder, certified electronic transcriber or court recording and transcribing firm from altering a transcript after the transcript has been certified.

Existing law provides that a violation of existing law governing certified court reporters is a misdemeanor. (NRS 656.350) Since **sections 2-30** expand the scope of existing law as described above, a violation concerning certified electronic recorders, certified electronic transcribers, court recording and transcribing firms, the practice of court recording or the practice of court transcribing would also result in a misdemeanor.

Existing law: (1) requires that each natural person to whom a certificate of registration as a certified court reporter has been issued be designated as a certified court reporter; and (2) authorizes such natural persons to use the abbreviation "C.C.R." Existing law further requires every certified court reporter to place the number of his or her certificate on: (1) the cover page and certificate page of all transcripts of proceedings; and (2) all business cards. (NRS 656.310) **Section 3** of this bill creates similar provisions for certified electronic recorders and certified electronic transcribers. **Section 3** further authorizes a: (1) certified electronic recorder to use the abbreviation "NVCER"; and (2) certified electronic transcriber to use the abbreviation "NVCET."

Existing law provides that the fee for the original issuance of a license as a court reporting firm is \$250. (NRS 656.220) **Section 19** of this bill authorizes this fee to be not more than \$500 and not less than \$250. Existing law provides that the fee for the annual renewal of a license as a court reporting firm is \$175. (NRS 656.220) **Section 19** authorizes this fee to be not more than \$500 and not less than \$175. Existing law provides that the fee for the reinstatement of a license as a court reporting firm is \$175. (NRS 656.220) **Section 19** authorizes this fee to be not more than \$500 and not less than \$175.



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 shall establish a registry of natural persons who are certified by the Board as a certified court reporter, a certified electronic recorder or a certified electronic transcriber.*

2. The registry established in subsection 1 must include, without limitation:

(a) The name of the natural person and any other information required or requested by the Board; and

(b) If applicable, information regarding certification by the:

(1) National Court Reporters Association;

(2) National Verbatim Reporters Association; or

(3) American Association of Electronic Reporters and Transcribers.

3. The Board shall make the registry available on an Internet website maintained by the Board.

Sec. 3. 1. *Except as otherwise provided in subsection 2, each natural person to whom a valid existing certificate of registration as a certified electronic recorder or a certified electronic transcriber has been issued under this chapter:*

(a) Must be designated as a certified electronic recorder or certified electronic transcriber, as applicable; and

(b) May, in connection with his or her practice of court recording or practice of court transcribing, use the abbreviation "NVCER" or "NVCET," respectively.

2. 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 electronic recorder," "certified electronic transcriber," "NVCER" or "NVCET," either directly or indirectly, in connection with his or her profession or business.

3. Every certified electronic recorder or certified electronic transcriber shall place the number of his or her certificate:

(a) On the cover page and certificate page of all transcripts of proceedings; and

(b) On all business cards.

Sec. 4. 1. *A certified court reporter shall not perform the functions of a certified electronic recorder or certified electronic transcriber unless the certified court reporter has also been issued a valid certificate as a certified electronic recorder or a certified electronic transcriber under this chapter.*



2. *A certified electronic recorder or a certified electronic transcriber shall not perform the functions of a certified court reporter unless the certified electronic recorder or the certified electronic transcriber has also been issued a valid certificate as a certified court reporter under this chapter.*

Sec. 5. NRS 656.020 is hereby amended to read as follows:

656.020 1. It is hereby declared to be the policy of the Legislature to:

(a) Encourage proficiency in the practice of court reporting, *the practice of court recording and the practice of court transcribing* as a profession;

(b) Promote efficiency in court and general reporting ~~and~~, *recording and transcribing*; and

(c) Extend to the courts and public the protection afforded by a standardized profession by establishing a standard of competency for those engaged in it.

2. The practice of court reporting in the State of Nevada is declared to affect the public health, safety and welfare and is subject to regulation and control in the public interest.

3. *To protect the public from the practice of operating recording machines and the practice of transcribing the recorded files created by such recording machines by an unqualified person, the practice of court recording and the practice of court transcribing are declared to affect the public health, safety and welfare and are subject to regulation and control in the public interest.*

Sec. 6. 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. "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, *a certified electronic recorder's certificate or a certified electronic transcriber's certificate* issued under the provisions of this chapter.

4. "Certified court reporter" means a natural person who ~~is technically qualified and registered~~:

(a) *Is certified by the Board* under this chapter to *engage in the practice of* court reporting ~~and~~; and

(b) *Holds:*



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

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

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

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

5. "Certified electronic recorder" means a natural person who:

(a) Is certified by the Board under this chapter to engage in the practice of court recording; and

(b) Holds a current certification as a certified electronic court reporter issued by the American Association of Electronic Reporters and Transcribers.

6. "Certified electronic transcriber" means a natural person who:

(a) Is certified by the Board under this chapter to engage in the practice of court transcribing; and

(b) Holds a current certification as a certified electronic transcriber issued by the American Association of Electronic Reporters and Transcribers.

7. "Court recording and transcribing firm" means a business entity licensed under the provisions of this chapter that, for compensation, provides or arranges for the services of a certified electronic recorder or certified electronic transcriber or provides referral services for certified electronic recorders or certified electronic transcribers in this State.

8. "Court reporting firm" means a business entity **licensed under the provisions of this chapter** 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.]~~ 9. "Designated representative of a court recording and transcribing firm" means the natural person designated to act as the representative of a court recording and transcribing firm pursuant to NRS 656.186.

10. "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.]~~ 11. "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



1 separated geographically for a majority of the time during which the
2 instruction is delivered.

3 ~~[8.]~~ 12. “License” means a license issued under the provisions
4 of this chapter to conduct business as a court reporting firm ~~[-]~~

5 ~~—9.]~~ *or as a court recording and transcribing firm.*

6 13. “Licensee” means a business entity to which a license has
7 been issued.

8 ~~[10.]~~ 14. *“Practice of court recording” means, while in*
9 *attendance at one of the following proceedings in a courtroom in*
10 *this State, operating recording equipment installed in the*
11 *courtroom to create a recorded file of the proceeding and*
12 *cataloguing and filing such recorded files for transcription at a*
13 *later time:*

14 (a) *Grand jury proceedings;*

15 (b) *Court proceedings, with the exception of proceedings*
16 *before a federal court; or*

17 (c) *Pretrial motions and related proceedings of like character.*

18 15. “Practice of court reporting” means reporting, in this State,
19 *of one of the following proceedings while in attendance at the*
20 *proceeding, by the use of stenographic machines, voice writing*
21 *software or any system of manual or mechanical shorthand writing*
22 *[-] to produce an immediate verbatim record of the proceeding:*

23 (a) Grand jury proceedings;

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

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

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

30 ~~[11.]~~ 16. *“Practice of court transcribing” means the practice*
31 *in this State of transcribing into a written transcript a recording of*
32 *a proceeding described in subsection 14 if the recording was*
33 *created by a person engaged in the practice of court recording.*

34 17. “Stenographic notes” means:

35 (a) The original *electronically*, manually or mechanically
36 produced notes in shorthand or shorthand writing taken by a
37 certified court reporter *by the use of a stenographic machine and*
38 *computerized software* while in attendance at a proceeding to report
39 the proceeding; or

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

42 ~~[12.]~~ 18. “Voice writing” means the making of a verbatim
43 record of a proceeding by repeating the words of the speaker into a
44 device that *uses computerized software and which* is capable of ~~[-]~~

45 ~~—(a) Digitally]~~ *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 , *certified electronic recorders or certified electronic transcribers* 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 ~~[-]~~ , *certified electronic recorder or certified electronic transcriber*; or

(b) The spouse or the parent or child, by blood, marriage or adoption, of a certified court reporter ~~[-]~~ , *certified electronic recorder or certified electronic transcriber*.

Sec. 8. NRS 656.130 is hereby amended to read as follows:

656.130 1. The Board may issue subpoenas for the attendance of witnesses and the production of relevant books and papers.

2. The Board may adopt such regulations as are necessary to carry out the provisions of this chapter ~~[-]~~ , *including, without limitation, regulations that:*

(a) *Prescribe the level of education and professional training, experience and certification required to engage in the practice of court reporting, the practice of court recording or the practice of court transcribing; and*

(b) *Establish ethical standards for natural persons who engage in the practice of court reporting, the practice of court recording or the practice of court transcribing, including, without limitation, standards for certification set forth by the:*

(1) *National Court Reporters Association;*

(2) *National Verbatim Reporters Association; and*

(3) *American Association of Electronic Reporters and Transcribers.*

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, *the practice of court recording or the practice of court transcribing*, including ~~[-]~~ *but not limited to* , *without limitation*, all matters that may advance the professional interests of certified court reporters , *certified*



electronic recorders, certified electronic transcribers 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 It is unlawful for any natural person to *engage in the practice of court reporting, the practice of court recording or the practice of court transcribing*, or to *act in the capacity of*, advertise, *assume to act as* or use any identifying term that may indicate to the public that the natural person is entitled to practice as a *certified court reporter, certified electronic recorder or certified electronic transcriber* unless the natural person holds a certificate of registration as a certified court reporter, *certified electronic recorder or certified electronic transcriber, as applicable*, issued by the Board.

Sec. 11. 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 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, *the practice of court recording or the practice of court transcribing* 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, *without limitation*, reading, spelling, vocabulary, and medical and legal terminology; and

(b) A clear understanding of the obligations owed by a *certified court reporter, certified electronic recorder or certified electronic transcriber* to the parties in any reported, *recorded or transcribed* proceedings and the obligations created by the provisions of this chapter and any regulation adopted pursuant to this chapter.

Sec. 12. 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 applies to the Board as required by NRS 656.150. The application must include, without limitation, satisfactory evidence to the Board that the applicant has, at the time of filing his or her application:

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

(b) Received a passing grade on:

(1) The National Court Reporters Association's examination for registered professional reporters; ~~for~~



(2) The National Verbatim Reporters Association's examination for certified verbatim reporters; **or**

(3) *The American Association of Electronic Reporters and Transcribers' examination for certified electronic recorders or certified electronic transcribers, as applicable;*

(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 certificate as a certified electronic recorder or a certified electronic transcriber issued to the applicant by the American Association of Electronic Reporters and Transcribers; or*

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

(d) Either:

(1) ***Completed:***

(I) At least 1 year of continuous experience within the 5 years immediately preceding the application, in the practice of court reporting or producing verbatim records of meetings and conferences *while the meeting or conference is occurring* by the use of voice writing or any system of manual or mechanical shorthand writing and transcribing those records; or

~~{(2)}~~ ***(II) At least 1 year of continuous experience within the 5 years immediately preceding the application, in the practice of court recording or the practice of court transcribing; 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 , *court recording program or court transcribing 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 ***stenographic machines***, voice writing ***software*** or any system of manual or mechanical shorthand writing, regardless of the state in which the reporting took place.



Sec. 13. NRS 656.180 is hereby amended to read as follows:

656.180 **1.** An applicant for a certificate of registration as a certified court reporter, *a certified electronic recorder or a certified electronic transcriber* is entitled to a certificate if the applicant:

~~{1.}~~ **(a)** Is a citizen of the United States or lawfully entitled to remain and work in the United States;

~~{2.}~~ **(b)** Is at least 18 years of age;

~~{3.}~~ **(c)** Is of good moral character;

~~{4.}~~ **(d)** Has not been convicted of a felony relating to the practice of court reporting ~~{5.}~~, *the practice of court recording or the practice of court transcribing*;

~~{5.}~~ **(e)** Has a high school education or its equivalent;

~~{6.}~~ **(f)** Satisfactorily passes:

~~{a.}~~ **(1)** An examination administered by the Board pursuant to NRS 656.160; and

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

~~{7.}~~ **(g)** Pays the requisite fees; and

~~{8.}~~ **(h)** Submits all information required to complete an application for a certificate of registration.

2. *The Board shall issue proof of certification to an applicant who receives a certificate of registration.*

Sec. 14. NRS 656.185 is hereby amended to read as follows:

656.185 **1.** It is unlawful for any business entity to conduct business as a court reporting firm *or a court recording and transcribing firm*, or to *act in the capacity of*, advertise, *assume to act as* or use any identifying term that may indicate to members of the public that the business entity 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 *or a court recording and transcribing 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;

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

(c) Be accompanied by the required fee; and

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

4. To obtain a license pursuant to this section, an applicant need not hold a certificate of registration as a certified court reporter ~~{1.}~~, *certified electronic recorder or certified electronic transcriber*.



Sec. 15. NRS 656.186 is hereby amended to read as follows:

656.186 1. Each court reporting firm *or court recording and transcribing firm* shall appoint one natural person affiliated with the court reporting firm *or court recording and transcribing firm, as applicable*, to act as the designated representative for the firm. The natural person so appointed must:

(a) Hold a certificate *appropriate to the type of firm*; or

(b) Pass ~~the~~ *the applicable* 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 *or a designated representative of a court recording and transcribing firm* understands:

(a) The ethics and professionalism required for the practice of court reporting ~~the~~ *, the practice of court recording or the practice of court transcribing, as applicable*; and

(b) The obligations owed by a certified court reporter , *a certified electronic recorder or a certified electronic transcriber* to the parties in any reported , *recorded or transcribed* 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. 16. NRS 656.187 is hereby amended to read as follows:

656.187 1. A license as a court reporting firm *or as a court recording and transcribing 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) If the designated representative of a court reporting firm *or the designated representative of a court recording and transcribing firm* does not hold a certificate, evidence that the designated representative of the court reporting firm *or the designated representative of the court recording and transcribing firm, as applicable*, has completed the requirements for continuing education established by the Board;

(c) The required fee for renewal; and

(d) All information required to complete the renewal.

2. The Board shall adopt regulations requiring a designated representative of a court reporting firm *or a designated representative of a court recording and transcribing firm* who does not hold a certificate to participate in continuing education or



training as a condition to the renewal or reinstatement of a license of a licensee. If a designated representative of a court reporting firm *or a designated representative of a court recording and transcribing 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.

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

656.200 1. To renew a certificate of registration, a certified court reporter, *a certified electronic recorder or a certified electronic transcriber* must:

(a) Apply to the Board for renewal;

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

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

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

2. The Board shall adopt regulations requiring certified court reporters, *certified electronic recorders and certified electronic transcribers* to participate in continuing education or training as a prerequisite to the renewal or restoration of a certificate. If a certified court reporter, *a certified electronic recorder or a certified electronic transcriber* fails to comply with the requirements, the Board may suspend or revoke his or her certificate.

3. The failure of any certified court reporter, *certified electronic recorder or certified electronic transcriber* to submit all information required to complete the renewal or pay in advance the annual renewal fee which may be fixed by the Board as necessary to defray the expense of administering the provisions of this chapter results in the suspension of the reporter's, *recorder's or transcriber's* right to engage in the practice of court reporting ~~§~~, *the practice of court recording or the practice of court transcribing, as applicable*. The suspension must not be terminated until all required information has been submitted and all delinquent fees have been paid.

4. A certified court reporter, *a certified electronic recorder or a certified electronic transcriber* 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 ~~§~~; *or*



(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 ~~and~~, *the practice of court recording and the practice of court transcribing.*

(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:

(a) Certificate of a certified court reporter, *a certified electronic recorder or a certified electronic transcriber, as applicable*, who does not attend such a program but who otherwise complies with the requirements for continuing education prescribed by the Board; 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 license as a court reporting firm ~~is~~ *must be fixed by the Board annually at not more than \$500 and not less than \$250.*

(g) The fee for the annual renewal of a license as a court reporting firm ~~is~~ *must be fixed by the Board annually at not more than \$500 and not less than \$175.*

(h) The fee for the reinstatement of a license as a court reporting firm ~~is~~ *must be fixed by the Board annually at not more than \$500 or less than \$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 656.220 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 license as a court reporting firm *or as a court recording and transcribing firm* must be fixed by the Board annually at not more than \$500 and not less than \$250.



(g) The fee for the annual renewal of a license as a court reporting firm *or as a court recording and transcribing firm* must be fixed by the Board annually at not more than \$500 and not less than \$175.

(h) The fee for the reinstatement of a license as a court reporting firm *or as a court recording and transcribing firm* must be fixed by the Board annually at not more than \$500 or less than \$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. 21. 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, certified court reporter , *certified electronic recorder, certified electronic transcriber* or licensee has by false representation obtained or sought to obtain a certificate or license for himself, herself or itself or any other natural person or business entity.

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

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

4. If the applicant, certified court reporter ~~for~~ , *certified electronic recorder, certified electronic transcriber*, designated representative of a court reporting firm *or designated representative of a court recording and transcribing 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. 22. 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, *certified electronic recorder or certified electronic transcriber*, including a designated representative of a court reporting firm *or a designated representative of a court recording and transcribing 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 , *certified electronic recorder or certified electronic transcriber* 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 certified electronic transcriber, as applicable*, or was prepared under the certified court reporter's *or certified electronic transcriber's, as applicable*, immediate supervision;

6. Demonstrated unworthiness or incompetency to act as a certified court reporter , *a certified electronic recorder or a certified electronic transcriber* 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, *court recording or court transcribing*, or professionally associated with any natural person 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 , *certified electronic recorder or certified electronic transcriber* or ongoing services which relate to the practice of court reporting  , *the practice of court recording or the practice of court transcribing*;



- 1 (c) The avoidance of a conflict of interest; or
2 (d) The performance of the practice of court reporting , *the*
3 *practice of court recording or the practice of court transcribing* in
4 a uniform, fair and impartial manner and avoiding the appearance of
5 impropriety;

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

10 12. Failed without excuse to transcribe stenographic notes of a
11 proceeding and file or deliver to an ordering party a transcript of the
12 stenographic notes:

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

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

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

18 **Sec. 23.** NRS 656.253 is hereby amended to read as follows:

19 656.253 The Board may refuse to issue or renew or may
20 suspend or revoke a certificate or license if, after notice and a
21 hearing as required by law, the Board determines that the certified
22 court reporter , *certified electronic recorder, certified electronic*
23 *transcriber* or licensee has committed any of the acts set forth in
24 NRS 656.240 or 656.250.

25 **Sec. 24.** NRS 656.257 is hereby amended to read as follows:

26 656.257 In addition to or in lieu of suspending, revoking or
27 refusing to issue or renew the certificate of a certified court reporter
28 , *a certified electronic recorder or a certified electronic transcriber*
29 or the license of a court reporting firm *or of a court recording and*
30 *transcribing firm* pursuant to NRS 656.240, 656.250 or 656.253,
31 the Board may, by a majority vote:

32 1. Place the certified court reporter , *certified electronic*
33 *recorder, certified electronic transcriber* or licensee on probation
34 for a period not to exceed 1 year; or

35 2. Impose an administrative fine against the certified court
36 reporter , *certified electronic recorder, certified electronic*
37 *transcriber* or licensee as provided in NRS 656.360.

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

39 656.260 1. A licensee , ~~for~~ *certified court reporter , certified*
40 *electronic recorder or certified electronic transcriber* shall notify
41 the Chair or Executive Secretary of the Board in writing within 30
42 days after a change in name or address.

43 2. A licensee shall report any change of:

44 (a) Ownership or corporate officers of a court reporting firm ~~for~~
45 *or of a court recording and transcribing firm, as applicable;* and



(b) The designated representative of the court reporting firm *or the designated representative of the court recording and transcribing firm, as applicable*, 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 licensee , ~~for~~ certified court reporter , *certified electronic recorder or certified electronic transcriber* fails so to notify the Board.

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

656.270 1. The entry of a decree by a court of competent jurisdiction establishing the mental illness of any natural person who is a certified court reporter , *a certified electronic recorder, a certified electronic transcriber* or a designated representative of a court reporting firm *or court recording and transcribing firm that is* licensed under this chapter operates as a suspension of the certificate *of the natural person* or license ~~of~~ *of the firm for which the natural person is the designated representative.*

2. Such a natural person may resume his or her business or practice only upon a finding by the Board that the 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 certified court reporter , *certified electronic recorder, certified electronic transcriber* 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 certified court reporter , *certified electronic recorder, certified electronic transcriber* or licensee, including a natural person who or business entity that applies for, or holds or represents that he or she or the 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 656.300 is hereby amended to read as follows:

656.300 1. A natural person who has not been issued a certificate or whose certificate has been suspended or revoked shall not engage in the practice of court reporting ~~{ }~~, *the practice of court recording or the practice of court transcribing, as applicable.*

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 ~~{ }~~ *or as a court recording and transcribing firm, as applicable.*

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 656.185, 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. 29. NRS 656.320 is hereby amended to read as follows:

656.320 1. No person may be appointed to the position of official reporter of any court in this ~~{state}~~ *State* except a court reporter who holds a current and valid certificate under the provisions of this chapter.

2. *No person may be appointed to the position of official recorder or official transcriber of any court in this State except an electronic recorder or electronic transcriber, respectively, who holds a current and valid certificate under the provisions of this chapter.*



Sec. 30. NRS 656.345 is hereby amended to read as follows:

656.345 1. Except as otherwise provided in subsection 2, a certified court reporter , *a certified electronic recorder, a certified electronic transcriber* or a licensee shall not alter the record of a proceeding after the transcript of the proceeding has been certified unless:

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

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

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

Sec. 31. 1. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act.

2. This section and section 19 of this act become effective on July 1, 2019, for all other purposes.

3. Sections 1 to 18, inclusive, and 20 to 30, inclusive, of this act become effective on July 1, 2020, for all other purposes.

