

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 200

BY: SMITH of the SENATE

and

STEIDLEY of the HOUSE

COMMITTEE SUBSTITUTE AN ACT RELATING TO COURTS; AMENDING SECTION 5, CHAPTER 198, O.S.L. 1982, AS LAST AMENDED BY SECTION 4, CHAPTER 129, O.S.L. 1989 AND AS RENUMBERED BY SECTION 14, CHAPTER 129, O.S.L. 1989 (12 O.S. SUPP. 1990, SECTION 3228), WHICH RELATES TO DEPOSITIONS; AUTHORIZING CERTAIN STENO-MASK REPORTERS TO TAKE DEPOSITIONS; REQUIRING CERTAIN SIGNED CERTIFICATION; REQUIRING THE STATE BOARD OF EXAMINERS OF OFFICIAL SHORTHAND REPORTERS TO ISSUE CERTAIN CERTIFICATES PERMITTING STENO-MASK REPORTERS TO PERFORM CERTAIN FUNCTIONS; AMENDING 20 O.S. 1981, SECTIONS 1501, AS AMENDED BY SECTION 1, CHAPTER 105, O.S.L. 1984, 1503, 1506, AS AMENDED BY SECTION 2, CHAPTER 204, O.S.L. 1989, AND 1508, AS AMENDED BY SECTION 4, CHAPTER 204, O.S.L. 1989 (20 O.S. SUPP. 1990, SECTIONS 1501, 1506 AND 1508), WHICH RELATE TO COURT REPORTERS; RE-CREATING THE STATE BOARD OF EXAMINERS OF OFFICIAL SHORTHAND REPORTERS; AUTHORIZING THE SUPREME COURT TO APPROVE SYSTEMS AND METHODS FOR REPORTING TESTIMONY; MODIFYING CERTAIN FEE; PROHIBITING CERTAIN PERSONS FROM USING SHORTHAND REPORTER SEALS; CLARIFYING STATUTORY LANGUAGE; MODIFYING STATUTORY REFERENCES; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 5, Chapter 198, O.S.L. 1982, as last amended by Section 4, Chapter 129, O.S.L. 1989 and as renumbered by Section 14, Chapter 129, O.S.L. 1989 (12 O.S. Supp. 1990, Section 3228), is amended to read as follows:

Section 3228. A. WITHIN THE UNITED STATES. Within this state, or any other state, territory or insular possession subject to the jurisdiction of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the place where the examination is held, or before a person appointed by the court in which the action is pending. A person so appointed has power to administer oaths and take testimony.

The term officer as used in Sections 3230 through 3232 of this title includes a person appointed by the court or designated by the parties under Section 3229 of this title; except that on and after January 1, 1990, depositions taken within this state shall only be taken by an officer who is either a certified shorthand reporter (CSR) ~~or~~, a licensed shorthand reporter (LSR), or a certified mask reporter (CMR); provided however, on and after the effective date of this act, any person who was taking depositions within this state prior to January 1, 1990, by the steno-mask method of reporting, may continue to take depositions within this state if the person provides to the State Board of Examiners of Official Shorthand Reporters a certification, signed by a judge of the district court and by an attorney licensed to practice law in this state, declaring that the person has taken depositions that were admitted into evidence in any court of this state. The certification shall be submitted within ninety (90) days of the effective date of this act to the State Board of Examiners of Official Shorthand Reporters who shall issue said person a certificate permitting the person to take depositions or other sworn statements, subpoena witnesses for depositions, issue affidavits in respect to the regular duties of

the person, and administer oaths and affirmations with authority equal to that of a notary public.

B. IN FOREIGN COUNTRIES. In a foreign country, depositions may be taken:

1. On notice before a person authorized to administer oaths in the place in which the examination is held, either by the law thereof or by the law of this state; or

2. Before a person commissioned by the court, and a person so commissioned shall have the power by virtue of his commission to administer any necessary oath and take testimony; or

3. Pursuant to a letter rogatory.

A commission or a letter rogatory shall be issued on application and notice and on terms that are just and appropriate. It is not requisite to the issuance of a commission or a letter rogatory that the taking of the deposition in any other manner is impracticable or inconvenient; and both a commission and a letter rogatory may be issued in proper cases. A notice or commission may designate the person before whom the deposition is to be taken either by name or descriptive title. A letter rogatory may be addressed "To the Appropriate Authority in (here name the country)". Evidence obtained in response to a letter rogatory need not be excluded merely for the reason that it is not a verbatim transcript or that the testimony was not taken under oath or for any similar departure from the requirements for depositions taken within this state.

C. DISQUALIFICATIONS FOR INTEREST. No deposition shall be taken before a person who is a relative or employee or attorney or counsel of any of the parties, or is a relative or employee of such attorney or counsel, or is financially interested in the action.

SECTION 2. AMENDATORY 20 O.S. 1981, Section 1501, as amended by Section 1, Chapter 105, O.S.L. 1984 (20 O.S. Supp. 1990, Section 1501), is amended to read as follows:

Section 1501. There is hereby re-created, to continue until July 1, ~~1990~~ 1996 in accordance with the provisions of the Oklahoma Sunset Law, the State Board of Examiners of Official Shorthand Reporters which shall consist of five (5) members, all of whom shall be certified shorthand reporters. The members shall be persons who have been, for at least five (5) years prior to their appointment to the Board, residents of this state and certified shorthand reporters. All members shall be appointed by the Chief Justice of the Supreme Court and shall serve in staggered terms, each for a period of five (5) years. No member may serve more than one term in succession. The Board shall elect from its membership a chairman and a secretary. Three members shall constitute a quorum. The Board may adopt a seal for its official use. All actions of the Board shall be supervised by the Supreme Court and be subject to approval by the Court.

SECTION 3. AMENDATORY 20 O.S. 1981, Section 1503, is amended to read as follows:

Section 1503. ~~a.~~ A. Every applicant who seeks to be examined for enrollment as a certified shorthand reporter shall prove to the satisfaction of the Board that he is of legal age, meets the requisite standards of ethical fitness and has at least a high school education or its equivalent.

~~b.~~ B. Every applicant for enrollment as a certified shorthand reporter shall be required, on examination, to demonstrate proficiency in reporting testimony and proceedings at a speed of not less than two hundred (200) words per minute in taking a question-and-answer type dictation only, and no other type, and in preparing an accurate transcription thereof that is reasonably free from spelling errors. Any examination or test given shall be approved by the Supreme Court. The Board may not increase or decrease such minimum speed requirement, by rule or otherwise.

~~e.~~ C. As used in ~~paragraph b hereof~~ subsection B of this section, the phrase "proficiency in reporting testimony and proceedings" means proficiency in verbatim reporting by use of any generally recognized system of symbols or abbreviations written with pen or pencil, stenotype or similar machines, or such other method as may be ~~from time to time~~ approved by the Supreme Court.

SECTION 4. AMENDATORY 20 O.S. 1981, Section 1506, as amended by Section 2, Chapter 204, O.S.L. 1989 (20 O.S. Supp. 1990, Section 1506), is amended to read as follows:

Section 1506. The Board shall charge the following fees:

~~a.~~ 1. Seventy-five Dollars (\$75.00) for an examination fee for a bona fide resident of the state;

~~b.~~ 2. One Hundred Fifty Dollars (\$150.00) for an examination fee for a nonresident of the state;

~~c.~~ 3. One Hundred Fifty Dollars (\$150.00) for an application to enroll a certified shorthand reporter without an examination; and

~~d. Seventy-five Dollars (\$75.00)~~ 4. Forty Dollars (\$40.00) as ~~an bi-annual~~ biennial renewal fee to be paid by all persons enrolled as certified or licensed shorthand reporters.

SECTION 5. AMENDATORY 20 O.S. 1981, Section 1508, as amended by Section 4, Chapter 204, O.S.L. 1989 (20 O.S. Supp. 1990, Section 1508), is amended to read as follows:

Section 1508. Every person enrolled as a certified shorthand reporter shall be entitled to use the abbreviation C.S.R. after his name and shall receive from the Board, without additional charge, a metal seal with his name and the words "Oklahoma Certified Shorthand Reporter". Every person enrolled as a licensed shorthand reporter shall be entitled to use the abbreviation L.S.R. after his name and shall receive from the Board, without additional charge, a metal seal with his name and the words "Oklahoma Licensed Shorthand Reporter". ~~Acting court~~ Court reporters holding a temporary certificate shall not be allowed the use of a seal. The

determination of the format and construction of the seal shall rest with the Supreme Court of the State of Oklahoma. The Oklahoma Supreme Court shall determine the procedures to be used in the distribution of all shorthand reporter seals. Certified shorthand reporters shall be authorized to issue affidavits in respect to their regular duties, to subpoena witnesses for depositions, administer oaths and affirmations with authority equal to that of a notary public, and to take depositions or other sworn statements, ~~with authority equal to that of a notary public~~. Licensed shorthand reporters shall have the same authority while employed as official court reporters.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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