

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 601

By: Smith of the Senate

and

Steidley of the House

COMMITTEE SUBSTITUTE

An Act relating to shorthand reporting; amending 20 O.S. 1991, Sections 1501, as last amended by Section 1, Chapter 128, O.S.L. 1992, 1502, 1503, as amended by Section 3, Chapter 1, O.S.L. 1992, and 1506, as amended by Section 4, Chapter 1, O.S.L. 1992 (20 O.S. Supp. 1993, Sections 1501, 1503 and 1506), which relate to the State Board of Examiners of Official Shorthand Reporters and applications for and contents of examination; changing name of board; requiring Supreme Court direction for publication of certain notice of examination; providing statutory references; modifying and expanding grounds for certain actions; specifying additional application requirements; providing additional examination requirements; providing penalty for academic dishonesty; authorizing certain types of certification; prohibiting certain reporting activities without certain certification or approval; requiring board to develop and publish certain fee schedule; repealing 20 O.S. 1991, Section 1504, which relates to certification without examination; and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 1991, Section 1501, as last amended by Section 1, Chapter 128, O.S.L. 1992 (20 O.S. Supp. 1993, Section 1501), is amended to read as follows:

Section 1501. There is hereby created, to continue until July 1, 1996, in accordance with the provisions of the Oklahoma Sunset Law, the State Board of Examiners of ~~Official~~ Certified 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 except for the initial appointees. 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 2. AMENDATORY 20 O.S. 1991, Section 1502, is amended to read as follows:

Section 1502. A. The State Board of Examiners of Certified Shorthand Reporters shall have the following duties:

~~a.~~ 1. Conduct preliminary investigations to determine the qualifications of applicants seeking to attain the status of certified shorthand reporters;

~~b.~~ 2. Conduct at least once a year, at a place and time to be published by ample notice ~~given to all interested parties~~ as directed by the Supreme Court, an examination of those persons who seek to attain the status of certified shorthand ~~reporters~~ reporter. The Board may also give examinations for a certificate of proficiency and for a certificate of merit;

~~c.~~ 3. Recommend to the Supreme Court for official enrollment as certified ~~court~~ shorthand reporters those persons who, on their examination, have established the requisite proficiency ~~in taking testimony and proceedings and in preparing accurate transcripts thereof~~ as set forth in Section 1503 of this title;

~~d.~~ 4. Conduct proceedings, on reasonable notice, the object of which is to recommend to the Supreme Court the suspension, cancellation, revocation or reinstatement of the enrollment of a certified or licensed ~~court~~ shorthand reporter or of the status of any acting ~~court~~ shorthand reporter, regular or temporary, on the following grounds:

~~1. conviction of a felony or misdemeanor involving moral turpitude;~~

a. a final conviction of a criminal offense which indicates a clear and rational likelihood that the

reporter will not properly discharge the responsibilities of persons licensed under this act or Section 106.3B of this title,

- ~~2.~~ b. misrepresentation in obtaining ~~enrollment;~~
licensure,
- ~~3.~~ c. any violation of, or noncompliance with any rule or directive of the Supreme Court;;
- ~~4.~~ d. fraud, gross incompetence or gross or habitual neglect; of duty,
- ~~5.~~ ~~any other violation of duties; or~~
- ~~6.~~ e. engaging in the practice of shorthand reporting using a method for which the reporter is not certified,
- f. engaging in the practice of shorthand reporting while certification is suspended, or
- g. nonpayment of renewal dues;

~~In all hearings or investigations on revocation, cancellation or suspension of enrollment, each Board member shall be empowered to administer oaths and affirmations, subpoena witnesses and take evidence anywhere in the state, after giving reasonable notice to the party whose status is sought to be affected.~~

~~e.~~ 5. Adopt, with the approval of the Chief Justice, examination standards and rules governing enrollment, discipline, suspension, cancellation and revocation proceedings and any other matter within the Board's cognizance;; and

~~f.~~ 6. Keep a current roll of certified ~~court~~ shorthand reporters and a file on all disciplined ~~court~~ certified shorthand reporters, official or unofficial, regular or temporary.

B. In all hearings or investigations on revocation, cancellation or suspension of enrollment, each Board member shall be empowered to administer oaths and affirmations, subpoena witnesses and take evidence anywhere in the state, after giving reasonable notice to the party whose status is sought to be affected.

SECTION 3. AMENDATORY 20 O.S. 1991, Section 1503, as amended by Section 3, Chapter 1, O.S.L. 1992 (20 O.S. Supp. 1993, Section 1503), is amended to read as follows:

Section 1503. A. Every applicant who seeks to be examined for enrollment as a certified shorthand reporter shall prove to the satisfaction of the State Board of Examiners of Certified Shorthand Reporters that he ~~is~~ or she:

1. Is of legal age, ~~meets~~;
2. Meets the requisite standards of ethical fitness; and ~~has~~
3. Has at least a high school education or its equivalent.

B. ~~Every applicant for enrollment as a certified shorthand reporter shall be required, on examination, to demonstrate~~ The examination for certification in one or more authorized methods of shorthand reporting consists of two parts, designated Part 1 and Part 2 as follows:

1. Part 1 consists of proof of having passed the Registered Professional Reporter Examination of the National Court Reporters Association (NCRA) or an equivalent test as authorized by the Supreme Court consisting of the following requirements:
demonstrated proficiency in reporting testimony and proceedings at a speed of not ~~less~~ more 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.

C. ~~As used in 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 approved by the Supreme Court.;~~ and

2. Part 2 is the Oklahoma Written Knowledge test which consists of not less than twenty-five multiple choice questions relating to Oklahoma law and court rules, duties of certified

shorthand reporters, and general court procedure. The examination shall be approved by the Supreme Court.

C. An applicant who is academically dishonest when taking any authorized examination is disqualified and may not take the examination again until two (2) years have elapsed from the date of the examination at which the applicant was disqualified.

D. A certification issued under this section must be for one or more of the following methods of shorthand reporting:

1. Written shorthand;
2. Machine shorthand; or
3. Any other method of shorthand reporting authorized by the

Supreme Court.

E. No person may engage in shorthand reporting in this state unless the person is a licensed or certified shorthand reporter or otherwise authorized by law or the Supreme Court.

SECTION 4. AMENDATORY 20 O.S. 1991, Section 1506, as amended by Section 4, Chapter 1, O.S.L. 1992 (20 O.S. Supp. 1993, Section 1506), is amended to read as follows:

Section 1506. The State Board of Examiners of Certified Shorthand Reporters shall charge the following fees:

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

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

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

~~4. Forty Dollars (\$40.00) as a biennial renewal fee to be paid by all persons enrolled as certified or licensed shorthand reporters~~ annually set and publish a fee schedule with approval of the Supreme Court.

SECTION 5. REPEALER 20 O.S. 1991, Section 1504, is hereby repealed.

SECTION 6. This act shall become effective January 1, 1996.

44-2-9414 SD