ENGROSSED SENATE
BILL NO. 628

By: Smith of the Senate

and

Braddock of the House

An Act relating to courts; prohibiting certain acts by court reporters and court reporting firms; amending 20 O.S. 1991, Section 1502, as last amended by Section 1, Chapter 237, O.S.L. 1999 (20 O.S. Supp. 2000, Section 1502), which relates to the State Board of Examiners of Certified Shorthand Reporters; expanding grounds for recommendation for actions on licenses; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1513 of Title 20, unless there is created a duplication in numbering, reads as follows:

A. A court reporter or owner of a court reporting firm shall not:

1. Enter into any contract or relationship that compromises the impartiality of court reporters or that may result in the appearance that the impartiality of a court reporter has been compromised;

2. Enter into a blanket contract, other than with a court or governmental agency, under which the court reporter or owner of a court reporting firm agrees to perform all court reporting services in two or more cases at a rate of compensation fixed in the contract;

3. Enter into a contract that requires a court reporter to provide any service that is not available to all parties to an action; or

4. Enter into a contract that gives or appears to give an exclusive advantage to any party to an action.

B. A violation of this section shall be grounds for the State Board of Examiners of Certified Shorthand Reporters to refuse to renew the enrollment of a certified or licensed court reporter. A willful violation of this section shall be grounds for the Board to suspend, cancel, or revoke the enrollment of a certified or licensed court reporter.

SECTION 2. AMENDATORY 20 O.S. 1991, Section 1502, as last amended by Section 1, Chapter 237, O.S.L. 1999 (20 O.S. Supp. 2000, Section 1502), is amended to read as follows:

Section 1502. A. The State Board of Examiners of Certified Shorthand Reporters shall:

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

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

3. Recommend to the Supreme Court for official enrollment as certified shorthand reporters those persons who, on their examination, have established the requisite proficiency as set forth in Section 1503 of this title;

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 shorthand reporter or of the status of any acting shorthand reporter, regular or temporary, on the following grounds:

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,

b. misrepresentation in obtaining licensure,

c. any violation of or noncompliance with any rule or directive of the Supreme Court,

d. fraud, gross incompetence, or gross or habitual neglect of duty,

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,

g. nonpayment of renewal dues, ~~or~~

h. failure to annually complete at least four (4) hours of continuing education approved by the State Board of Examiners of Certified Shorthand Reporters, or

i. a violation of Section 1 of this act;

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

6. Keep a current roll of certified shorthand reporters and a file on all disciplined 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. This act shall become effective November 1, 2001.

Passed the Senate the 7th day of March, 2001.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2001.

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Presiding Officer of the House
of Representatives