

AMENDED IN ASSEMBLY JUNE 20, 2001

AMENDED IN SENATE MAY 2, 2001

AMENDED IN SENATE MARCH 26, 2001

SENATE BILL

No. 852

Introduced by Senator Figueroa

February 23, 2001

An act to amend Sections 8008, 8024, 8024.2, 8025, and 8027 of, to amend, repeal, and add Section 8020 of, and to repeal Section 8006 of, *to add Section 8011 to*, the Business and Professions Code, relating to shorthand reporters.

LEGISLATIVE COUNSEL'S DIGEST

SB 852, as amended, Figueroa. Shorthand reporters.

(1) *Existing law provides for the certification and regulation of shorthand reporters by the Court Reporters Board of California, and provides for the regulation of shorthand reporting schools by the board.*

This bill would require the board to establish the Shorthand Reporting School Committee, which would be composed of shorthand reporting students. The bill would require the committee to conduct a study of specified tests used by court reporting schools.

(2) Existing law sets forth certain requirements for court reporting schools, including program requirements, recordkeeping requirements, and teacher qualification requirements.

This bill would make specified changes and additions to the requirements for court reporting schools. The bill also would require the Court Reporters Board in the Department of Consumer Affairs, to adopt regulations implementing certain requirements by September 1, 2002.

(2)

(3) Under existing law, the Court Reporters Board is authorized to grant provisional recognition to a new court reporting school, and may withdraw recognition for failure to comply with specified legal requirements. The board is required to conduct necessary inspections and investigations.

This bill would authorize the board to withdraw recognition from a school for failure to comply with any applicable law or regulation. The bill would also authorize the board to conduct unannounced site visits as part of its inspection duties.

(3)

(4) Under existing law, an applicant for a shorthand reporter certificate is required to satisfy certain requirements within the 5-year period immediately preceding the date of his or her application.

This bill would, effective January 1, 2004, change this time period to require, instead, that the applicant satisfy these requirements within the 3-year period immediately preceding the date of his or her application. The bill would also authorize the board to impose other disciplinary action in addition to the suspension or revocation of a certificate. The bill would ~~additionally~~ require *a* certificate holders holder to report to the board any crime that he or she was convicted of committing.

(4)

(5) Because the bill would add to the existing reporting responsibilities of certificate holders and because a violation of any of the provisions regulating the practice of shorthand reporters is a misdemeanor, this bill would impose a state-mandated local program by creating new crimes.

(5)

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

1 SECTION 1. Section 8006 of the Business and Professions
2 Code is repealed.

3 SEC. 2. Section 8008 of the Business and Professions Code
4 is amended to read:

5 8008. The board has the following powers and duties:

6 (a) To adopt a seal.

7 (b) By affirmative vote of at least three members of the board,
8 to suspend, revoke, or impose any other disciplinary action against
9 a certificate, for any cause specified in this chapter.

10 (c) To charge and collect all fees as provided for in this chapter.

11 (d) To require the renewal of all certificates.

12 (e) To issue subpoenas, to administer oaths, and to take
13 testimony concerning any matter within the jurisdiction of the
14 board.

15 (f) To investigate the actions of any licensee, upon receipt of a
16 verified complaint in writing from any person, for alleged acts or
17 omissions constituting grounds for disciplinary action under the
18 chapter.

19 (g) To administer a fund established from the fees collected
20 pursuant to Section 8031.

21 SEC. 3. *Section 8011 is added to the Business and Professions*
22 *Code, to read:*

23 8011. (a) *The board shall establish the Shorthand Reporting*
24 *School Committee, a committee of students with one student each*
25 *from a majority of recognized court reporting programs, to be*
26 *selected by the entire student body of the respective court reporting*
27 *program or by the students in the 160 word-per-minute class and*
28 *above, at the discretion of the school.*

29 (b) *The committee shall meet quarterly with the executive*
30 *officer of the board and one other staff member or board member,*
31 *as designated by the board in order to promote open dialogue*
32 *between students and the board.*

33 (c) *The committee shall conduct a study of a sample of qualifier*
34 *tests used by court reporting schools to determine the impact of*
35 *counting the qualifiers in syllables as well as words, using the*
36 *syllabic density criteria that the board uses in constructing the*
37 *state certified shorthand reporter examination. The board shall*

1 *reimburse the students for the cost of transportation in an amount*
2 *approved by the board.*

3 *SEC. 4.* Section 8020 of the Business and Professions Code is
4 amended to read:

5 8020. Any person over the age of 18 years, who has not
6 committed any acts or crimes constituting grounds for the denial
7 of licensure under Sections 480, 8025, and 8025.1, who has a high
8 school education or its equivalent as determined by the board, and
9 who has satisfactorily passed an examination under any
10 regulations that the board may prescribe, shall be entitled to a
11 certificate and shall be styled and known as a certified shorthand
12 reporter. No person shall be admitted to the examination without
13 first presenting satisfactory evidence to the board that within the
14 five years immediately preceding the date of application for a
15 certificate, the applicant has obtained one of the following:

16 (a) One year of experience in making verbatim records of
17 depositions, arbitrations, hearings, or judicial or related
18 proceedings by means of written symbols or abbreviations in
19 shorthand or machine shorthand writing and transcribing these
20 records.

21 (b) A verified certificate of satisfactory completion of a
22 prescribed course of study in a recognized court reporting school
23 or a certificate from the school that evidences an equivalent
24 proficiency and the ability to make a verbatim record of material
25 dictated in accordance with regulations adopted by the board
26 contained in Title 16 of the California Code of Regulations.

27 (c) A certificate from the National Court Reporters Association
28 demonstrating proficiency in machine shorthand reporting.

29 (d) A passing grade on the California state hearing reporters
30 examination.

31 (e) A valid certified shorthand reporters certificate or license to
32 practice shorthand reporting issued by a state other than California
33 whose requirements and licensing examination are substantially
34 the same as those in California.

35 (f) This section shall remain in effect only until January 1,
36 2004, and as of that date is repealed, unless a later enacted statute,
37 that is enacted before January 1, 2004, deletes or extends that date.

38 ~~SEC. 4.~~

39 *SEC. 5.* Section 8020 is added to the Business and Professions
40 Code, to read:



1 8020. Any person over the age of 18 years, who has not
2 committed any acts or crimes constituting grounds for the denial
3 of licensure under Sections 480, 8025, and 8025.1, who has a high
4 school education or its equivalent as determined by the board, and
5 who has satisfactorily passed an examination under any
6 regulations that the board may prescribe, shall be entitled to a
7 certificate and shall be styled and known as a certified shorthand
8 reporter. No person shall be admitted to the examination without
9 first presenting satisfactory evidence to the board that within the
10 three years immediately preceding the date of application for a
11 certificate the applicant has obtained one of the following:

12 (a) One year of experience in making verbatim records of
13 depositions, arbitrations, hearings, or judicial or related
14 proceedings by means of written symbols or abbreviations in
15 shorthand or machine shorthand writing and transcribing these
16 records.

17 (b) A verified certificate of satisfactory completion of a
18 prescribed course of study in a recognized court reporting school
19 or a certificate from the school that evidences equivalent
20 proficiency and the ability to make a verbatim record of material
21 dictated in accordance with regulations adopted by the board
22 contained in Title 16 of the California Code of Regulations.

23 (c) A certificate from the National Court Reporters Association
24 demonstrating proficiency in machine shorthand writing.

25 (d) A passing grade on the California state hearing reporters
26 examination.

27 (e) A valid certified shorthand reporters certificate or license to
28 practice shorthand reporting issued by a state other than California
29 whose requirements and licensing examination are substantially
30 the same as those in California.

31 (f) This section shall become operative on January 1, 2004.

32 ~~SEC. 5.~~

33 *SEC. 6.* Section 8024 of the Business and Professions Code is
34 amended to read:

35 8024. All certificates issued under this chapter shall be valid
36 for a period of one year, except for the initial period of licensure
37 as prescribed by the board, and shall expire at 12 midnight on the
38 last day of the month of birth of the licensee unless renewed.



1 To renew an unexpired certificate, the certificate holder shall,
2 on or before each of the dates on which it would otherwise expire,
3 do all of the following:

- 4 (a) Apply for renewal on a form prescribed by the board.
- 5 (b) Pay the renewal fee prescribed by this chapter.
- 6 (c) Notify the board whether he or she has been convicted of
7 any felony or any misdemeanor if the misdemeanor is substantially
8 related to the functions and duties of a court reporter and whether
9 any disciplinary action by any regulatory or licensing board in this
10 or any other state was taken against the licensee subsequent to the
11 licensee’s last renewal.

12 ~~SEC. 6.~~

13 *SEC. 7.* Section 8024.2 of the Business and Professions Code
14 is amended to read:

15 8024.2. (a) Except as otherwise provided in this article, a
16 certificate that has expired may be renewed at any time within the
17 period set forth in Section 8024.5 by doing all of the following:

- 18 (1) Applying for renewal on a form prescribed by the board.
- 19 (2) Paying the renewal fee prescribed by this chapter.
- 20 (3) Notifying the board whether the licensee has been
21 convicted of any felony or any misdemeanor if the misdemeanor
22 is substantially related to the functions and duties of a court
23 reporter and whether any disciplinary action was taken against the
24 licensee by any regulatory or licensing board in this or any other
25 state, subsequent to the licensee’s last renewal.

26 (b) If the certificate is not renewed within 30 days after its
27 expiration, the certificate holder, as a condition precedent to
28 renewal, shall also pay the delinquency fee set forth in Section
29 163.5. Renewal under this section shall be effective on the date on
30 which the renewal fee is paid, or on the date on which the
31 delinquency fee, if any, is paid, whichever last occurs. If so
32 renewed, the certificate shall continue in effect through the date
33 provided in Section 8024 which next occurs after the effective date
34 of the renewal, when it shall expire if it is not again renewed.

35 The certificate shall not be renewed if the certificate holder has
36 failed to pay monetary sanctions identified in subdivision (g) of
37 Section 8025.

38 ~~SEC. 7.~~

39 *SEC. 8.* Section 8025 of the Business and Professions Code is
40 amended to read:



1 8025. A certificate issued under this chapter may be
2 suspended, revoked, denied, or other disciplinary action may be
3 imposed for one or more of the following causes:

4 (a) Conviction of any felony or any misdemeanor if the
5 misdemeanor is substantially related to the functions and duties of
6 a court reporter. The record of conviction, or a certified copy
7 thereof, is conclusive evidence of the conviction.

8 (b) Failure to notify the board of a conviction described in
9 subdivision (a), in accordance with Section 8024 or 8024.2.

10 (c) Fraud or misrepresentation resorted to in obtaining a
11 certificate hereunder.

12 (d) Fraud, dishonesty, corruption, willful violation of duty,
13 gross negligence or ~~incompetency~~ *incompetence* in practice, or
14 unprofessional conduct in the practice of shorthand reporting.

15 “Unprofessional conduct” includes, but is not limited to, acts
16 contrary to professional standards concerning confidentiality;
17 impartiality; filing and retention of notes; notifications,
18 availability, delivery, execution and certification of transcripts;
19 and any provision of law substantially related to the duties of a
20 certified shorthand reporter.

21 (e) Repeated unexcused failure, whether or not willful, to
22 transcribe notes of cases pending on appeal and to file the
23 transcripts of those notes within the time required by law or to
24 transcribe or file notes of other proceedings within the time
25 required by law or agreed by contract. Violation of this subdivision
26 shall also be deemed an act endangering the public health, safety,
27 or welfare within the meaning of Section 494.

28 (f) Loss or destruction of stenographic notes, whether on paper
29 or electronic media, that prevents the production of a transcript due
30 to negligence of the licensee.

31 (g) Failure to comply with, or to pay a monetary sanction
32 imposed by, any court for failure to provide timely transcripts. The
33 record of the court order, or a certified copy thereof, is conclusive
34 evidence that the sanction was imposed.

35 (h) Failure to pay a civil penalty relating to the provision of
36 court reporting services or products.

37 (i) The revocation *of*, suspension *of*, or other disciplinary
38 action ~~of~~ *against* a license to act as a certified shorthand reporter
39 by another state. A certified copy of the revocation, suspension, or



1 disciplinary action by the other state is conclusive evidence of that
2 action.

3 (j) Violation of this chapter or the statutes, rules, and
4 regulations pertaining to certified shorthand reporters.

5 ~~SEC. 8.~~

6 *SEC. 9.* Section 8027 of the Business and Professions Code is
7 amended to read:

8 8027. (a) As used in this section, “school” means a court
9 reporter training program or an institution that provides a course
10 of instruction approved by the board, and is approved by the
11 Council for Private Postsecondary and Vocational Education, is a
12 public school in this state, or is accredited by the Western
13 Association of Schools and Colleges.

14 (b) A court reporting school shall be primarily organized to
15 train students for the practice of shorthand reporting, as defined in
16 Sections 8016 and 8017. Its educational program shall be on the
17 postsecondary or collegiate level, and shall not be a
18 correspondence program as defined by the board. It shall be legally
19 organized and authorized to conduct its program under all
20 applicable laws of the state, and shall conform to and offer all
21 components of the minimum prescribed course of study
22 established by the board. Its records shall be kept and shall be
23 maintained in a manner to render them safe from theft, fire, or
24 other loss. The records shall indicate positive daily and clock-hour
25 attendance of each student for all classes, apprenticeship and
26 graduation reports, high school transcripts or equivalent, or
27 self-certification of high school graduation or equivalency,
28 transcript of other education, and student progress to date,
29 including all progress and counseling reports.

30 (c) Any school intending to offer a program in court reporting
31 shall notify the board within 30 days of the date on which it
32 provides notice to, or seeks approval from, the California
33 Department of Education, the Council for Private Postsecondary
34 and Vocational Education, the Chancellor’s Office of the
35 California Community Colleges, or the Western Association of
36 Schools and Colleges, whichever is applicable. The board shall
37 review the proposed curriculum and provide the school tentative
38 approval, or notice of denial, within 60 days of receipt of the
39 notice. The school shall apply for provisional recognition pursuant



1 to subdivision (d) within no more than one year from the date it
2 begins offering court reporting classes.

3 (d) The board may grant provisional recognition to a new court
4 reporting school upon satisfactory evidence that it has met all of
5 the provisions of subdivision (b) and this subdivision. Recognition
6 may be granted by the board to a provisionally recognized school
7 after it has been in continuous operation for a period of no less than
8 three consecutive years from the date provisional recognition was
9 granted, during which period the school shall provide satisfactory
10 evidence that at least one person has successfully completed the
11 entire course of study established by the board and complied with
12 the provisions of Section 8020, and has been issued a certificate to
13 practice shorthand reporting as defined in Sections 8016 and 8017.
14 The board may, for good cause shown, extend the three-year
15 provisional recognition period for not more than one year. Failure
16 to meet the provisions and terms of this section shall require the
17 board to deny recognition. Once granted, recognition may be
18 withdrawn by the board for failure to comply with all applicable
19 laws and regulations.

20 (e) Application for recognition of a court reporting school shall
21 be made upon a form prescribed by the board and shall be
22 accompanied by all evidence, statements, or documents requested.
23 Each branch, extension center, or off-campus facility requires
24 separate application.

25 (f) All recognized and provisionally recognized court reporting
26 schools shall notify the board of any change in school name,
27 address, telephone number, responsible court reporting program
28 manager, owner of private schools, and the effective date thereof,
29 within 30 days of the change. All of these notifications shall be
30 made in writing.

31 (g) A school shall notify the board in writing immediately of
32 the discontinuance or pending discontinuance of its court
33 reporting program or any of the program's components. Within
34 two years of the date this notice is sent to the board, the school shall
35 discontinue its court reporting program in its entirety. The board
36 may, for good cause shown, grant not more than two, one-year
37 extensions of this period to a school. If a student is to be enrolled
38 after this notice is sent to the board, a school shall disclose to the
39 student the fact of the discontinuance or pending discontinuance
40 of its court reporting program or any of its program components.



1 (h) The board shall maintain a roster of currently recognized
2 and provisionally recognized court reporting schools including,
3 but not limited to, the name, address, telephone number, and the
4 name of the responsible court reporting program manager of each
5 school.

6 (i) The board shall maintain statistics which display the number
7 and passing percentage of all first-time examinees, including, but
8 not limited to, those qualified by each recognized or provisionally
9 recognized school and those first-time examinees qualified by
10 other methods as defined in Section 8020.

11 (j) Inspections and investigations shall be conducted by the
12 board as necessary to carry out this section, including, but not
13 limited to, unannounced site visits.

14 (k) All recognized and provisionally recognized schools shall
15 print in their school or course catalog the name, address, and
16 telephone number of the board. At a minimum, the information
17 shall be in 8-point bold type and include the following statement:
18

19 “IN ORDER FOR A PERSON TO QUALIFY FROM A
20 SCHOOL TO TAKE THE STATE LICENSING
21 EXAMINATION, THE PERSON SHALL COMPLETE A
22 PROGRAM AT A RECOGNIZED SCHOOL. FOR
23 INFORMATION CONCERNING THE MINIMUM
24 REQUIREMENTS THAT A COURT REPORTING PROGRAM
25 MUST MEET IN ORDER TO BE RECOGNIZED, CONTACT:
26 THE COURT REPORTERS BOARD OF CALIFORNIA;
27 (ADDRESS); (TELEPHONE NUMBER).”
28

29 (l) Each court reporting school shall file with the board, not
30 later than June 30 of each year, a current school catalog which
31 shows all course offerings and staff, and for private schools, the
32 owner, except that where there have been no changes to the catalog
33 within the previous year, no catalog need be sent. In addition, each
34 school shall also file with the board a statement certifying whether
35 the school is in compliance with all statutes and the rules and
36 regulations of the board, signed by the responsible court reporting
37 program manager.

38 (m) No school offering court reporting shall make any written
39 or verbal claims of employment opportunities or potential



1 earnings unless those claims are based on verified data and reflect
2 current employment conditions.

3 (n) If a school offers a course of instruction that exceeds the
4 board's minimum requirements, the school shall disclose orally
5 and in writing the board's minimum requirements and how the
6 course of instruction differs from those criteria. The school shall
7 make this disclosure before a prospective student executes an
8 agreement obligating that person to pay any money to the school
9 for the course of instruction.

10 (o) Each school shall provide each prospective student with all
11 of the following and have the prospective student sign a document
12 that shall become part of that individual's permanent record,
13 acknowledging receipt of each item:

14 (1) A student consumer information brochure published by the
15 board.

16 (2) A list of the school's graduation requirements, including the
17 number of tests, the pass point of each test, *the speed of each test*,
18 and the type of test, such as jury charge or literary ~~at each machine~~
19 ~~level~~.

20 (3) A list of requirements to qualify for the state certified
21 shorthand reporter licensing examination, including the number of
22 tests, the pass point of each test, and the type of test such as jury
23 charge or literary at each machine speed level, if different than
24 those requirements listed in paragraph (2).

25 (4) A copy of the school's board-approved benchmarks for
26 satisfactory progress as identified in subdivision (u).

27 (5) A report showing the number of students from the school
28 who qualified for each of the certified shorthand reporter licensing
29 examinations within the preceding two years, the number of those
30 students that passed each examination, the time, *as of the date of*
31 *qualification, that each student* ~~that qualified for the examination~~
32 was enrolled in court reporting school, and the placement rate for
33 all students that passed each examination.

34 (6) On and after January 1, 2005, the school shall also provide
35 to prospective students the number of hours each currently
36 enrolled student *who has qualified to take the next licensing test,*
37 *exclusive of transfer students*, has attended court reporting classes.

38 (7) The school shall provide to the board, for each student
39 qualifying through the school as eligible to sit for the state
40 licensing examination, the number of hours the student attended



1 court reporting classes, both academic and machine speed classes
2 including theory.

3 Public schools shall provide the information in paragraphs (1)
4 to (6), inclusive, to each new student the first day he or she attends
5 theory or machine speed class, if it was not provided previously.

6 (p) Each enrolled student shall be provided written notification
7 of any change in qualification or graduation requirements that is
8 being implemented due to the requirements of any one of the
9 school's oversight agencies. This notice shall be provided to each
10 affected student at least 30 days before the effective date of the
11 change and shall state the new requirement and the name, address,
12 and telephone number of the agency that is requiring it of the
13 school. Each student shall initial and date a document
14 acknowledging receipt of that information and that document, or
15 a copy thereof, shall be made part of the student's permanent file.

16 (q) Schools shall make available a comprehensive final
17 examination in each academic subject to any student desiring to
18 challenge an academic class in order to obtain credit towards
19 certification for the state licensing examination. The points
20 required to pass a challenge examination shall not be higher than
21 the minimum points required of other students completing the
22 academic class.

23 (r) An individual serving as a teacher, instructor, or reader shall
24 meet the qualifications specified by regulation for his or her
25 position.

26 (s) Each school shall provide a substitute teacher or instructor
27 for any class for which the teacher or instructor is absent for two
28 consecutive days.

29 (t) The board has the authority to approve or disapprove
30 benchmarks for satisfactory progress which each school shall
31 develop for its court reporting program. Schools shall use only
32 board-approved benchmarks to comply with the provisions of
33 paragraph (4) of subdivision (o) and subdivision (u).

34 (u) Each school shall counsel each student a minimum of one
35 time within each 12-month period to identify the level of
36 attendance and progress, and the prognosis for completing the
37 requirements to become eligible to sit for the state licensing
38 examination. If the student has not progressed in accordance with
39 the board-approved benchmarks for that school, the student shall



1 be counseled a minimum of one additional time within that same
2 12-month period.

3 (v) The pass rate of first-time exam takers for each school
4 offering court reporting shall meet or exceed the average pass rate
5 of all first-time test takers for a majority of examinations given for
6 the preceding three years. Failure to do so shall require the board
7 to conduct a review of the program. In addition, the board may
8 place the school on probation and may withdraw recognition if the
9 school continues to place below the above-described standard on
10 the two exams that follow the three-year period.

11 (w) The board shall adopt regulations to implement the
12 requirements of this section not later than September 1, 2002.

13 (x) The board may recover costs for any additional expenses
14 incurred under the enactment amending this section in the
15 2001–02 Regular Session pursuant to its fee authority in Section
16 8031.

17 ~~SEC. 9.~~

18 *SEC. 10.* No reimbursement is required by this act pursuant
19 to Section 6 of Article XIII B of the California Constitution
20 because the only costs that may be incurred by a local agency or
21 school district will be incurred because this act creates a new crime
22 or infraction, eliminates a crime or infraction, or changes the
23 penalty for a crime or infraction, within the meaning of Section
24 17556 of the Government Code, or changes the definition of a
25 crime within the meaning of Section 6 of Article XIII B of the
26 California Constitution.

