

AMENDED IN ASSEMBLY JUNE 13, 2013

AMENDED IN ASSEMBLY MAY 23, 2013

SENATE BILL

No. 823

Introduced by Committee on Business, Professions and Economic Development (Senators ~~Price~~ *Lieu* (Chair), Block, Corbett, Emmerson, Galgiani, Hernandez, Hill, Padilla, Wyland, and Yee)

March 20, 2013

An act to amend Sections 5092, 5093, 5094.3, and 8030.5 of, *to add Section 5092.1 to*, and to add and repeal Sections 8030.4, 8030.6, and 8030.8 of, the Business and Professions Code, relating to profession and vocations, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 823, as amended, Committee on Business, Professions and Economic Development. Professions and vocations: licensure.

Existing

(1) *Existing* law provides for the licensing and regulation of accountants by the California Board of Accountancy in the Department of Consumer Affairs. Existing law prohibits a person from engaging in the practice of public accountancy in this state unless he or she holds either a valid permit issued by the board or a practice privilege, as specified.

Existing law sets forth education, examination, and experience requirements for accountancy licensure. Existing law provides that certain licensure requirement provisions shall become inoperative on January 1, 2014, unless other particular licensure requirements are ~~reduced, eliminated, amended, or repealed~~ *reduced or eliminated*.

This bill would, *until January 1, 2016*, allow applicants who have satisfied the examination requirement on or before December 31, 2013, and who meet all remaining requirements for the issuance of a certified public accountant license, *as they existed on or before December 31, 2015, 2013*, to be issued a license, notwithstanding that ~~particular~~ *those* licensure requirement provisions may become inoperative as of January 1, 2014.

Existing law sets forth the requirements for an applicant for admission to the examination for a certified public accountant, including the production of evidence that the applicant has completed a baccalaureate or higher degree. ~~Existing law requires that an applicant shall provide documentation of the completion of particular ethics studies.~~

This bill would ~~allow provide that~~ an applicant ~~who has not been conferred a baccalaureate degree solely because he or she~~ *who* is enrolled in a program that confers ~~master's and a baccalaureate degrees concurrently, to be eligible for admission to the examination~~ *degree upon completion of 150 semester units, as specified, may satisfy the educational requirements for admission to the examination* if the applicant's educational institution mails materials to the board showing the applicant has satisfied certain requirements.

This bill would also allow an applicant who successfully passed the accountant examination on or before December 31, 2013, to qualify for a license without satisfying other particular educational requirements, ~~provided that~~ *if* the applicant completes *all* other requirements for the issuance of a license on or before December 31, 2015.

This bill would also make technical, nonsubstantive changes to these provisions.

Existing

(2) *Existing* law provides for the licensure and regulation of court reporters by the Court Reporters Board of California within the Department of Consumer Affairs. Existing law authorizes this board to appoint an executive officer and committees as necessary. Existing law repeals these provisions on January 1, 2017, and specifies that the board is subject to review by the appropriate policy committees of the Legislature.

Existing law requires, until January 1, 2017, certain fees and revenues collected by the board to be deposited into the Transcript Reimbursement Fund, a continuously appropriated fund, to be available to provide reimbursement for the cost of providing shorthand reporting services to low-income litigants in civil cases. Existing law requires the board,

until January 1, 2017, to publicize the availability of the fund to prospective applicants. Existing law requires the unencumbered funds remaining in the Transcript Reimbursement Fund as of January 1, 2017, to be transferred to the Court Reporters' Fund. Provisions of law that authorized low-income persons appearing pro se to apply for funds from the Transcript Reimbursement Fund, subject to specified requirements and limitations, and other related provisions, were repealed on January 1, 2013.

This bill would reenact those provisions that were repealed on January 1, 2013, thereby making an appropriation by requiring the board to disburse funds from the Transcript Reimbursement Fund for the costs, as specified, of preparing court and deposition proceeding transcripts, incurred as a contractual obligation between the shorthand reporter and the applicant, for litigation conducted in California. The bill would provide for the repeal of these provisions on January 1, 2017.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 5092 of the Business and Professions
2 Code is amended to read:

3 5092. (a) To qualify for the certified public accountant license,
4 an applicant who is applying under this section shall meet the
5 education, examination, and experience requirements specified in
6 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to
7 this article. The board may adopt regulations as necessary to
8 implement this section.

9 (b) An applicant for the certified public accountant license shall
10 present satisfactory evidence that the applicant has completed a
11 baccalaureate or higher degree conferred by a college or university,
12 meeting, at a minimum, the standards described in Section 5094,
13 the total educational program to include a minimum of 24 semester
14 units in accounting subjects and 24 semester units in business
15 related subjects. This evidence shall be provided prior to admission
16 to the examination for the certified public accountant license,
17 except that an applicant who applied, qualified, and sat for at least
18 two subjects of the examination for the certified public accountant

1 license before May 15, 2002, may provide this evidence at the
2 time of application for licensure.

3 (c) An applicant for the certified public accountant license shall
4 pass an examination prescribed by the board pursuant to this article.

5 (d) The applicant shall show, to the satisfaction of the board,
6 that the applicant has had two years of qualifying experience. This
7 experience may include providing any type of service or advice
8 involving the use of accounting, attest, compilation, management
9 advisory, financial advisory, tax, or consulting skills. To be
10 qualifying under this section, experience shall have been performed
11 in accordance with applicable professional standards. Experience
12 in public accounting shall be completed under the supervision or
13 in the employ of a person licensed or otherwise having comparable
14 authority under the laws of any state or country to engage in the
15 practice of public accountancy. Experience in private or
16 governmental accounting or auditing shall be completed under the
17 supervision of an individual licensed by a state to engage in the
18 practice of public accountancy.

19 (e) ~~(1)~~—This section shall become inoperative on January 1,
20 2014, but shall become or remain operative if the educational
21 requirements in ethics study and accounting study established by
22 subdivision (b) of ~~Sections~~ *Section 5094, Section 5094.3, and*
23 *Section 5094.6* are reduced or eliminated.

24 ~~(2) Notwithstanding paragraph (1), this section shall remain~~
25 ~~operative and continue to apply to an applicant who has~~
26 ~~successfully passed the examination requirement specified under~~
27 ~~Section 5082 on or before December 31, 2013, and who meets all~~
28 ~~remaining requirements for the issuance of a certified public~~
29 ~~accountant license on or before December 31, 2015.~~

30 *SEC. 2. Section 5092.1 is added to the Business and Professions*
31 *Code, to read:*

32 *5092.1. Notwithstanding subdivision (a) of Section 5093, an*
33 *applicant who has successfully completed the examination*
34 *requirement specified in Section 5082 on or before December 31,*
35 *2013, may qualify for the issuance of a certified public accountant*
36 *license until January 1, 2016, if he or she has met all remaining*
37 *requirements specified in Section 5092 as they existed on December*
38 *31, 2013.*

1 ~~SEC. 2.~~

2 *SEC. 3.* Section 5093 of the Business and Professions Code is
3 amended to read:

4 5093. (a) To qualify for the certified public accountant license,
5 an applicant who is applying under this section shall meet the
6 education, examination, and experience requirements specified in
7 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to
8 this article. The board may adopt regulations as necessary to
9 implement this section.

10 (b) (1) An applicant for admission to the certified public
11 accountant examination under the provisions of this section shall
12 present satisfactory evidence that the applicant has completed a
13 baccalaureate or higher degree conferred by a degree-granting
14 university, college, or other institution of learning accredited by
15 a regional or national accrediting agency included in a list of these
16 agencies published by the United States Secretary of Education
17 under the requirements of the Higher Education Act of 1965 as
18 amended (20 U.S.C. Sec. 1001 et seq.), or meeting, at a minimum,
19 the standards described in subdivision (c) of Section 5094. The
20 total educational program shall include a minimum of 24 semester
21 units in accounting subjects and 24 semester units in
22 business-related subjects. This evidence shall be provided at the
23 time of application for admission to the examination, except that
24 an applicant who applied, qualified, and sat for at least two subjects
25 of the examination for the certified public accountant license before
26 May 15, 2002, may provide this evidence at the time of application
27 for licensure.

28 (A) An applicant enrolled in a program at an institution as
29 described in this paragraph that grants ~~concurrent~~ conferral of a
30 ~~master's and~~ a baccalaureate degree *upon completion of the 150*
31 *semester units required by paragraph (2) of this subdivision* may
32 satisfy the requirements of this ~~subdivision paragraph~~ if the
33 applicant's institution mails the applicant's official transcript or
34 its equivalent together or separately with a letter signed by the
35 institution's registrar, or its equivalent, directly to the board
36 pursuant to subdivision (c) of Section 5094. The letter shall include
37 all of the following:

38 (i) A statement that the applicant is enrolled and in good
39 standing in a program that will result in the ~~concurrent~~ conferral
40 of a ~~master's and~~ a baccalaureate degree *upon completion of either*

1 *a master's degree or the 150 semester units required by paragraph*
2 *(2) of this subdivision.*

3 (ii) A statement that the applicant has completed all
4 requirements, including general education and elective
5 requirements, for a baccalaureate degree and the only reason the
6 college or university has yet to confer the degree is because the
7 applicant is enrolled in a program that confers ~~a master's and a~~
8 ~~baccalaureate degree concurrently~~ *upon completion of either a*
9 *master's degree or the 150 semester units required by paragraph*
10 *(2) of this subdivision.*

11 (iii) The date on which the applicant met all of the college's or
12 university's requirements for conferral of a baccalaureate degree.

13 (B) The total educational program for an applicant described in
14 subparagraph (A) shall include a minimum of 24 semester units
15 in accounting subjects and 24 semester units in business-related
16 subjects. This evidence shall be provided at the time of application
17 for admission to the examination, except that an applicant who
18 applied, qualified, and sat for at least two subjects of the
19 examination for the certified public accountant license before May
20 15, 2002, may provide this evidence at the time of application for
21 licensure.

22 (2) An applicant for issuance of the certified public accountant
23 license under the provisions of this section shall present satisfactory
24 evidence that the applicant has completed at least 150 semester
25 units of college education including a baccalaureate or higher
26 degree conferred by a college or university, meeting, at a minimum,
27 the standards described in Section 5094, the total educational
28 program to include a minimum of 24 semester units in accounting
29 subjects, 24 semester units in business-related subjects, and, after
30 December 31, 2013, shall also include a minimum of 10 units of
31 ethics study consistent with the requirements set forth in Section
32 5094.3 and 20 units of accounting study consistent with the
33 regulations promulgated under subdivision (c) of Section 5094.6.
34 This evidence shall be presented at the time of application for the
35 certified public accountant license. ~~Nothing herein in this~~
36 ~~paragraph~~ shall be deemed inconsistent with Section 5094 or
37 5094.6. ~~Nothing herein in this paragraph~~ shall be construed to be
38 inconsistent with prevailing academic practice regarding the
39 completion of units.

1 (c) An applicant for the certified public accountant license shall
2 pass an examination prescribed by the board.

3 (d) The applicant shall show, to the satisfaction of the board,
4 that the applicant has had one year of qualifying experience. This
5 experience may include providing any type of service or advice
6 involving the use of accounting, attest, compilation, management
7 advisory, financial advisory, tax, or consulting skills. To be
8 qualifying under this section, experience shall have been performed
9 in accordance with applicable professional standards. Experience
10 in public accounting shall be completed under the supervision or
11 in the employ of a person licensed or otherwise having comparable
12 authority under the laws of any state or country to engage in the
13 practice of public accountancy. Experience in private or
14 governmental accounting or auditing shall be completed under the
15 supervision of an individual licensed by a state to engage in the
16 practice of public accountancy.

17 (e) Applicants completing education at a college or university
18 located outside of this state, meeting, at a minimum, the standards
19 described in Section 5094, shall be deemed to meet the educational
20 requirements of this section if the board determines that the
21 education is substantially equivalent to the standards of education
22 specified under this chapter.

23 (f) An applicant who has successfully passed the examination
24 requirement specified under Section 5082 on or before December
25 31, 2013, may qualify for the certified public accountant license
26 without satisfying the 10 semester units of study set forth in Section
27 5094.3 or 20 semester units of accounting study consistent with
28 the regulations promulgated under Section 5094.6, if the applicant
29 completes all other requirements for the issuance of a license on
30 or before December 31, 2015.

31 ~~SEC. 3.~~

32 *SEC. 4.* Section 5094.3 of the Business and Professions Code
33 is amended to read:

34 5094.3. (a) An applicant for licensure as a certified public
35 accountant shall, to the satisfaction of the board, provide
36 documentation of the completion of 10 semester units or 15 quarter
37 units of ethics study, as set forth in paragraph (2) of subdivision
38 (b) of Section 5093, in the manner prescribed in this section.

1 (b) (1) Between January 1, 2014, and December 31, 2016,
2 inclusive, an applicant shall complete 10 semester units or 15
3 quarter units in courses described in subdivisions (d), (e), and (f).

4 (2) Beginning January 1, 2017, an applicant shall complete 10
5 semester units or 15 quarter units in courses described in
6 subdivisions (c), (d), (e), and (f).

7 (c) A minimum of three semester units or four quarter units in
8 courses at an upper division level or higher devoted to accounting
9 ethics or accountants' professional responsibilities, unless the
10 course was completed at a community college, in which case it
11 need not be completed at the upper division level or higher.

12 (d) Between January 1, 2014, and December 31, 2016, inclusive,
13 a maximum of 10 semester units or 15 quarter units, and on and
14 after January 1, 2017, a maximum of 7 semester units or 11 quarter
15 units, in courses containing the following terms in the course title:

16 (1) Business, government, and society.

17 (2) Business law.

18 (3) Corporate governance.

19 (4) Corporate social responsibility.

20 (5) Ethics.

21 (6) Fraud.

22 (7) Human resources management.

23 (8) Business leadership.

24 (9) Legal environment of business.

25 (10) Management of organizations.

26 (11) Morals.

27 (12) Organizational behavior.

28 (13) Professional responsibilities.

29 (14) Auditing.

30 (e) (1) A maximum of three semester units or four quarter units
31 in courses taken in the following disciplines:

32 (A) Philosophy.

33 (B) Religion.

34 (C) Theology.

35 (2) To qualify under this subdivision, the course title shall
36 contain one or more of the terms "introduction," "introductory,"
37 "general," "fundamentals of," "principles," "foundation of," or
38 "survey of," or have the name of the discipline as the sole name
39 of the course title.

1 (f) A maximum of one semester unit of ethics study for
2 completion of a course specific to financial statement audits.

3 (g) An applicant who has successfully passed the examination
4 requirement specified under Section 5082 on or before December
5 31, 2013, is exempt from this section unless the applicant fails to
6 obtain the qualifying experience as specified in Section 5092 or
7 5093 on or before December 31, 2015.

8 ~~SEC. 4.~~

9 *SEC. 5.* Section 8030.4 is added to the Business and Professions
10 Code, to read:

11 8030.4. As used in this chapter:

12 (a) “Applicant” means a qualified legal services project,
13 qualified support center, other qualified project, or pro bono
14 attorney applying to receive funds from the Transcript
15 Reimbursement Fund established by this chapter. The term
16 “applicant” shall not include a person appearing pro se to represent
17 himself or herself at any stage of a case.

18 (b) “Case” means a single legal proceeding from its inception,
19 through all levels of hearing, trial, and appeal, until its ultimate
20 conclusion and disposition.

21 (c) “Certified shorthand reporter” means a shorthand reporter
22 certified pursuant to Article 3 (commencing with Section 8020)
23 performing shorthand reporting services pursuant to Section 8017.

24 (d) “Developmentally Disabled Assistance Act” means the
25 Developmentally Disabled Assistance and Bill of Rights Act of
26 1975 (Public Law 94-103), as amended.

27 (e) “Fee-generating case” means any case or matter that, if
28 undertaken on behalf of an eligible client by an attorney in private
29 practice, reasonably may be expected to result in payment of a fee
30 for legal services from an award to a client, from public funds, or
31 from an opposing party. A reasonable expectation as to payment
32 of a legal fee exists wherever a client enters into a contingent fee
33 agreement with his or her lawyer. If there is no contingent fee
34 agreement, a case is not considered fee generating if adequate
35 representation is deemed to be unavailable because of the
36 occurrence of any of the following circumstances:

37 (1) If the applicant has determined that referral is not possible
38 because of any of the following:

1 (A) The case has been rejected by the local lawyer referral
2 service, or if there is no such service, by two private attorneys who
3 have experience in the subject matter of the case.

4 (B) Neither the referral service nor any lawyer will consider the
5 case without payment of a consultation fee.

6 (C) The case is of the type that private attorneys in the area
7 ordinarily do not accept, or do not accept without prepayment ~~of,~~
8 *of* a fee.

9 (D) Emergency circumstances compel immediate action before
10 referral can be made, but the client is advised that, if appropriate
11 and consistent with professional responsibility, referral will be
12 attempted at a later time.

13 (2) If recovery of damages is not the principal object of the case
14 and a request for damages is merely ancillary to an action for
15 equitable or other nonpecuniary relief or inclusion of a
16 counterclaim requesting damages is necessary for effective defense
17 or because of applicable rules governing joinder of counterclaims.

18 (3) If a court appoints an applicant or an employee of an
19 applicant pursuant to a statute or a court rule or practice of equal
20 applicability to all attorneys in the jurisdiction.

21 (4) In any case involving the rights of a claimant under a
22 public-supported benefit program for which entitlement to benefit
23 is based on need.

24 (f) (1) “Indigent person” means any of the following:

25 (A) A person whose income is 125 percent or less of the current
26 poverty threshold established by the United States Office of
27 Management and Budget.

28 (B) A person who is eligible for supplemental security income.

29 (C) A person who is eligible for, or receiving, free services
30 under the federal Older Americans Act or the Developmentally
31 Disabled Assistance Act.

32 (D) A person whose income is 75 percent or less of the
33 maximum level of income for lower income households as defined
34 in Section 50079.5 of the Health and Safety Code, for purposes of
35 a program that provides legal assistance by an attorney in private
36 practice on a pro bono basis.

37 (E) A person who qualifies for a waiver of fees pursuant to
38 Section 68632 of the Government Code.

1 (2) For the purposes of this subdivision, the income of a person
2 who is disabled shall be determined after deducting the costs of
3 medical and other disability-related special expenses.

4 (g) “Lawyer referral service” means a lawyer referral program
5 authorized by the State Bar of California pursuant to the rules of
6 professional conduct.

7 (h) “Legal Services Corporation” means the Legal Services
8 Corporation established under the Legal Services Corporation Act
9 of 1974 (Public Law 93-355), as amended.

10 (i) “Older Americans Act” means the Older Americans Act of
11 1965 (Public Law 89-73), as amended.

12 (j) “Other qualified project” means a nonprofit organization
13 formed for charitable or other public purposes, that does not receive
14 funds from the Legal Services Corporation or pursuant to the
15 federal Older Americans Act, and provides free legal services to
16 indigent persons.

17 (k) “Pro bono attorney” means any attorney, law firm, or legal
18 corporation, licensed to practice law in this state, that undertakes,
19 without charge to the party, the representation of an indigent
20 person, referred by a qualified legal services project, qualified
21 support center, or other qualified project, in a case not considered
22 to be fee generating, as defined in this chapter.

23 (l) “Qualified legal services project” means a nonprofit project,
24 incorporated and operated exclusively in California, that provides
25 as its primary purpose and function legal services without charge
26 to indigent persons, has a board of directors or advisory board
27 composed of both attorneys and consumers of legal services, and
28 provides for community participation in legal services
29 programming. A legal services project funded, either in whole or
30 in part, by the Legal Services Corporation or with the federal Older
31 Americans Act funds is presumed to be a qualified legal services
32 project for the purposes of this chapter.

33 (m) “Qualified support center” means an incorporated nonprofit
34 legal services center that has an office or offices in California that
35 provide legal services or technical assistance without charge to
36 qualified legal services projects and their clients on a multicounty
37 basis in California. A support center funded, either in whole or in
38 part, by the Legal Services Corporation or with the federal Older
39 Americans Act funds is presumed to be a qualified legal services
40 project for the purposes of this chapter.

1 (n) “Rules of professional conduct” means those rules adopted
2 by the State Bar of California pursuant to Sections 6076 and 6077.

3 (o) “Supplemental security income recipient” means an
4 individual receiving or eligible to receive payments under Title
5 XVI of the Social Security Act (Public Law 92-603), as amended,
6 or payment under Chapter 3 (commencing with Section 12000) of
7 Part 3 of Division 9 of the Welfare and Institutions Code.

8 (p) This section shall remain in effect only until January 1, 2017,
9 and as of that date is repealed, unless a later enacted statute, that
10 is enacted before January 1, 2017, deletes or extends that date.

11 ~~SEC. 5.~~

12 *SEC. 6.* Section 8030.5 of the Business and Professions Code
13 is amended to read:

14 8030.5. (a) Notwithstanding subdivision (a) of Section 8030.4,
15 as used in this chapter the term “applicant” also means an indigent
16 person, as defined in subdivision (f) of Section 8030.4, appearing
17 pro se to represent himself or herself at any stage of the case and
18 applying to receive funds from the Transcript Reimbursement
19 Fund established by this chapter.

20 (b) Notwithstanding Section 8030.6, total disbursements to
21 cover the cost of providing transcripts to all applicants pursuant
22 to this section shall not exceed thirty thousand dollars (\$30,000)
23 annually and shall not exceed one thousand five hundred dollars
24 (\$1,500) per case.

25 (c) The board shall provide a report to the Senate and Assembly
26 Committees on Judiciary by March 1, 2012, that includes a
27 summary of the expenditures and claims relating to this article,
28 including the initial fund balance as of January 1, 2011; all funds
29 received, including the amount of, and reason for, any refunds
30 pursuant to subdivision (e) of Section 8030.2; all claims received,
31 including the type of case, court involved, service for which
32 reimbursement was sought, amount paid, and amount denied, if
33 any, and the reason for denial; and all administrative fees. This
34 report shall be provided using existing resources.

35 (d) The Legislature finds and declares that there are funds
36 available for indigent pro se parties under this article only because
37 the Transcript Reimbursement Fund has not been fully utilized in
38 recent years by the eligible applicants for whom its use has been
39 intended, despite the evident financial need among legal services
40 organizations and pro bono attorneys. Accordingly, the board shall,

1 using existing resources, undertake further efforts to publicize the
2 availability of the Transcript Reimbursement Fund to prospective
3 applicants, as defined in subdivision (a) of Section 8030.4, through
4 appropriate entities serving these applicants, including the State
5 Bar of California, the California Commission on Access to Justice,
6 and the Legal Aid Association of California. These efforts shall
7 be described in the report required by subdivision (c).

8 (e) This section shall remain in effect only until January 1, 2017,
9 and as of that date is repealed, unless a later enacted statute that
10 is enacted before January 1, 2017, deletes or extends that date.

11 ~~SEC. 6.~~

12 *SEC. 7.* Section 8030.6 is added to the Business and Professions
13 Code, to read:

14 8030.6. The board shall disburse funds from the Transcript
15 Reimbursement Fund for the costs, exclusive of per diem charges
16 by official reporters, of preparing either an original transcript and
17 one copy thereof, or where appropriate, a copy of the transcript,
18 of court or deposition proceedings, or both, incurred as a
19 contractual obligation between the shorthand reporter and the
20 applicant, for litigation conducted in California. If there is no
21 deposition transcript, the board may reimburse the applicant or the
22 certified shorthand reporter designated in the application for per
23 diem costs. The rate of per diem for depositions shall not exceed
24 seventy-five dollars (\$75) for one-half day, or one hundred
25 twenty-five dollars (\$125) for a full day. If a transcript is ordered
26 within one year of the date of the deposition, but subsequent to
27 the per diem having been reimbursed by the Transcript
28 Reimbursement Fund, the amount of the per diem shall be deducted
29 from the regular customary charges for a transcript. Reimbursement
30 may be obtained through the following procedures:

31 (a) The applicant or certified shorthand reporter shall promptly
32 submit to the board the certified shorthand reporter's invoice for
33 transcripts together with the appropriate documentation as is
34 required by this chapter.

35 (b) Except as provided in subdivision (c), the board shall
36 promptly determine if the applicant or the certified shorthand
37 reporter is entitled to reimbursement under this chapter and shall
38 make payment as follows:

- 1 (1) Regular customary charges for preparation of original
2 deposition transcripts and one copy thereof, or a copy of the
3 transcripts.
- 4 (2) Regular customary charges for expedited deposition
5 transcripts up to a maximum of two thousand five hundred dollars
6 (\$2,500) per case.
- 7 (3) Regular customary charges for the preparation of original
8 transcripts and one copy thereof, or a copy of transcripts of court
9 proceedings.
- 10 (4) Regular customary charges for expedited or daily charges
11 for preparation of original transcripts and one copy thereof or a
12 copy of transcripts of court proceedings.
- 13 (5) The charges shall not include notary or handling fees. The
14 charges may include actual shipping costs and exhibits, except
15 that the cost of exhibits may not exceed thirty-five cents (\$0.35)
16 each or a total of thirty-five dollars (\$35) per transcript.
- 17 (c) The maximum amount reimbursable by the fund under
18 subdivision (b) shall not exceed twenty thousand dollars (\$20,000)
19 per case per year.
- 20 (d) If entitled, and funds are available, the board shall disburse
21 the appropriate sum to the applicant or the certified shorthand
22 reporter when the documentation described in Section 8030.8
23 accompanies the application. A notice shall be sent to the recipient
24 requiring the recipient to file a notice with the court in which the
25 action is pending stating the sum of reimbursement paid pursuant
26 to this section. The notice filed with the court shall also state that
27 if the sum is subsequently included in any award of costs made in
28 the action, that the sum is to be ordered refunded by the applicant
29 to the Transcript Reimbursement Fund whenever the sum is
30 actually recovered as costs. The court shall not consider whether
31 payment has been made from the Transcript Reimbursement Fund
32 in determining the appropriateness of any award of costs to the
33 parties. The board shall also notify the applicant that the reimbursed
34 sum has been paid to the certified shorthand reporter and shall
35 notify the applicant of the duty to refund any of the sum actually
36 recovered as costs in the action.
- 37 (e) If not entitled, the board shall return a copy of the invoice
38 to the applicant and the designated certified shorthand reporter
39 together with a notice stating the grounds for denial.

1 (f) The board shall complete its actions under this section within
2 30 days of receipt of the invoice and all required documentation,
3 including a completed application.

4 (g) Applications for reimbursements from the fund shall be filed
5 on a first-come-first-served basis.

6 (h) Applications for reimbursement that cannot be paid from
7 the fund due to insufficiency of the fund for that fiscal year shall
8 be held over until the next fiscal year to be paid out of the renewed
9 fund. Applications held over shall be given a priority standing in
10 the next fiscal year.

11 (i) This section shall remain in effect only until January 1, 2017,
12 and as of that date is repealed, unless a later enacted statute, that
13 is enacted before January 1, 2017, deletes or extends that date.

14 ~~SEC. 7.~~

15 *SEC. 8.* Section 8030.8 is added to the Business and Professions
16 Code, to read:

17 8030.8. (a) For purposes of this chapter, documentation
18 accompanying an invoice is sufficient to establish entitlement for
19 reimbursement from the Transcript Reimbursement Fund if it is
20 filed with the executive officer on an application form prescribed
21 by the board that is complete in all respects, and that establishes
22 all of the following:

23 (1) The case name and number and that the litigant or litigants
24 requesting the reimbursement are indigent persons. If the applicant
25 is an indigent person applying pursuant to Section 8030.5, the
26 application shall be accompanied by a copy of the fee waiver form
27 approved by the court in the matter for which the applicant seeks
28 reimbursement.

29 (2) The applicant is qualified under the provisions of this
30 chapter.

31 (3) The case is not a fee-generating case, as defined in Section
32 8030.4.

33 (4) The invoice or other documentation shall evidence that the
34 certified shorthand reporter to be reimbursed was, at the time the
35 services were rendered, a duly licensed certified shorthand reporter.

36 (5) The invoice shall be accompanied by a statement, signed by
37 the applicant, stating that the charges are for transcripts actually
38 provided as indicated on the invoice.

39 (6) The applicant has acknowledged, in writing, that as a
40 condition of entitlement for reimbursement that the applicant agrees

1 to refund the entire amount disbursed from the Transcript
2 Reimbursement Fund from any costs or attorney's fees awarded
3 to the applicant by the court or provided for in any settlement
4 agreement in the case.

5 (7) The certified shorthand reporter's invoice for transcripts
6 shall include separate itemizations of charges claimed, as follows:

7 (A) Total charges and rates for customary services in preparation
8 of an original transcript and one copy or a copy of the transcript
9 of depositions.

10 (B) Total charges and rates for expedited deposition transcripts.

11 (C) Total charges and rates in connection with transcription of
12 court proceedings.

13 (b) For an applicant claiming to be eligible pursuant to
14 subdivision (j), (l), or (m) of Section 8030.4, a letter from the
15 director of the project or center, certifying that the project or center
16 meets the standards set forth in one of those subdivisions and that
17 the litigant or litigants are indigent persons, is sufficient
18 documentation to establish eligibility.

19 (c) For an applicant claiming to be eligible pursuant to
20 subdivision (k) of Section 8030.4, a letter certifying that the
21 applicant meets the requirements of that subdivision, that the case
22 is not a fee-generating case, as defined in subdivision (e) of Section
23 8030.4, and that the litigant or litigants are indigent persons,
24 together with a letter from the director of a project or center defined
25 in subdivision (j), (l), or (m) of Section 8030.4 certifying that the
26 litigant or litigants had been referred by that project or center to
27 the applicant, is sufficient documentation to establish eligibility.

28 (d) The applicant may receive reimbursement directly from the
29 board if the applicant has previously paid the certified shorthand
30 reporter for transcripts as provided in Section 8030.6. To receive
31 payment directly, the applicant shall submit, in addition to all other
32 required documentation, an itemized statement signed by the
33 certified shorthand reporter performing the services that describes
34 payment for transcripts in accordance with the requirements of
35 Section 8030.6.

36 (e) The board may prescribe appropriate forms to be used by
37 applicants and certified shorthand reporters to facilitate these
38 requirements.

1 (f) This chapter does not restrict the contractual obligation or
2 payment for services, including, but not limited to, billing the
3 applicant directly, during the pendency of the claim.

4 (g) This section shall remain in effect only until January 1, 2017,
5 and as of that date is repealed, unless a later enacted statute, that
6 is enacted before January 1, 2017, deletes or extends that date.

7 ~~SEC. 8.~~

8 *SEC. 9.* This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or safety within
10 the meaning of Article IV of the Constitution and shall go into
11 immediate effect. The facts constituting the necessity are:

12 To ensure that certain professions and vocations are adequately
13 regulated in order to protect and safeguard consumers and the
14 public in this state, it is necessary that this bill take effect
15 immediately.