

AMENDED IN ASSEMBLY MARCH 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 804**

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**Introduced by Assembly Member Roger Hernández**

February 26, 2015

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An act to ~~amend Section 68086 of the Government Code, relating to courts;~~ *amend Section 8031 of, and to add Section 8024.8 to, the Business and Professions Code, relating to shorthand reporters.*

LEGISLATIVE COUNSEL'S DIGEST

AB 804, as amended, Roger Hernández. ~~Courts: superior court fees: official court reporters.~~ *Shorthand reporters: continuing education requirements.*

*Existing law provides for the certification and regulation of shorthand reporters by the Court Reporters Board of California in the Department of Consumer Affairs, and provides for the regulation of shorthand reporting schools by the board. Existing law provides for the renewal of a shorthand reporter's certificate if specified requirements are met. Existing law sets forth specified fees for the examination for, and the issuance and renewal of, a shorthand reporter's certificate.*

*This bill would require the board, on or before July 1, 2016, to adopt regulations to establish, for renewal of a shorthand reporter's certificate, minimum approved continuing education requirements, with certain exceptions, and would require the board to establish a procedure for approving providers of those continuing education courses, as specified. The bill would also authorize the board to, by regulation, establish a fee for approval of those continuing education providers, not to exceed the reasonable regulatory costs, if any, to the board of approving those providers.*

~~Existing law requires the charge of an official court reporter fee, in addition to any other fee required in civil actions or cases. For each proceeding lasting more than one hour, existing law imposes a fee equal to the actual cost of providing that service per ½ day of services to the parties, on a pro rata basis. For each proceeding anticipated to last one hour or less, existing law imposes a fee of \$30 for the reasonable cost of court reporting services provided at the expense of the court by an official court reporter.~~

~~This bill would make a technical, nonsubstantive change to these provisions:~~

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

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

- 1     SECTION 1. Section 8024.8 is added to the Business and
- 2     Professions Code, to read:
- 3     8024.8. (a) On or before July 1, 2016, the board shall adopt
- 4     regulations to establish minimum continuing education
- 5     requirements for renewal of a certificate issued pursuant to this
- 6     chapter. No earlier than six months after the effective date of the
- 7     regulations, to renew his or her certificate, a certificate holder
- 8     shall, in addition to the requirements of Section 8024, submit to
- 9     the board, on a form prescribed by the board, that he or she has
- 10    completed the minimum continuing education requirements.
- 11    (b) The board shall ensure that the continuing education
- 12    required by this section is relevant to the practice of shorthand
- 13    reporting.
- 14    (c) The board shall also establish a procedure for approving
- 15    providers of continuing education courses, and all providers of
- 16    continuing education shall comply with procedures established by
- 17    the board. The board may establish a fee for providers of
- 18    continuing education courses pursuant to Section 8031. The board
- 19    may revoke or deny the right of a provider to offer continuing
- 20    education coursework pursuant to this section for failure to comply
- 21    with the requirements of this section or any regulation adopted
- 22    pursuant to this section.
- 23    (d) The board may establish exceptions to the continuing
- 24    education requirements of this section for a certificate holder who

1 cannot meet the continuing education requirements for reasons of  
2 health, military service, or undue hardship.

3 (e) The continuing education requirements of this section shall  
4 comply with the guidelines for mandatory continuing education  
5 established by the Department of Consumer Affairs pursuant to  
6 Section 166.

7 (f) The board may adopt regulations as necessary to implement  
8 this section.

9 SEC. 2. Section 8031 of the Business and Professions Code is  
10 amended to read:

11 8031. The amount of the fees required by this chapter is that  
12 fixed by the board in accordance with the following schedule:

13 (a) The fee for filing an application for each examination shall  
14 be no more than forty dollars (\$40).

15 (b) The fee for examination and reexamination for the written  
16 or practical part of the examination shall be in an amount fixed by  
17 the board, which shall be equal to the actual cost of preparing,  
18 administering, grading, and analyzing the examination, but shall  
19 not exceed seventy-five dollars (\$75) for each separate part, for  
20 each administration.

21 (c) The initial certificate fee is an amount equal to the renewal  
22 fee in effect on the last regular renewal date before the date on  
23 which the certificate is issued, except that, if the certificate will  
24 expire less than 180 days after its issuance, then the fee is 50  
25 percent of the renewal fee in effect on the last regular renewal date  
26 before the date on which the certificate is issued, or fifty dollars  
27 (\$50), whichever is greater. The board may, by appropriate  
28 regulation, provide for the waiver or refund of the initial certificate  
29 fee where the certificate is issued less than 45 days before the date  
30 on which it will expire.

31 (d) By a resolution adopted by the board, a renewal fee may be  
32 established in such amounts and at such times as the board may  
33 deem appropriate to meet its operational expenses and funding  
34 responsibilities as set forth in this chapter. The renewal fee shall  
35 not be more than one hundred twenty-five dollars (\$125) nor less  
36 than ten dollars (\$10) annually, with the following exception:

37 Any person who is employed full time by the State of California  
38 as a hearing reporter and who does not otherwise render shorthand  
39 reporting services for a fee shall be exempt from licensure while  
40 in state employment and shall not be subject to the renewal fee

1 provisions of this subdivision until 30 days after leaving state  
2 employment. The renewal fee shall, in addition to the amount fixed  
3 by this subdivision, include any unpaid fees required by this section  
4 plus any delinquency fee.

5 (e) The duplicate certificate fee shall be no greater than ten  
6 dollars (\$10).

7 (f) The penalty for failure to notify the board of a change of  
8 name or address as required by Section 8024.6 shall be no greater  
9 than fifty dollars (\$50).

10 (g) *The fee for approval of a continuing education provider*  
11 *shall be fixed by the board through regulation in an amount to*  
12 *cover the reasonable regulatory cost to the board of approving*  
13 *those continuing education providers, but shall be no greater than*  
14 *forty dollars (\$40).*

15 ~~SECTION 1. Section 68086 of the Government Code is~~  
16 ~~amended to read:~~

17 ~~68086. The following provisions apply in superior court:~~

18 ~~(a) In addition to any other fee required in civil actions or cases:~~

19 ~~(1) For each proceeding anticipated to last one hour or less, a~~  
20 ~~fee of thirty dollars (\$30) shall be charged for the reasonable cost~~  
21 ~~of the court reporting services provided at the expense of the court~~  
22 ~~by an official court reporter pursuant to Section 269 of the Code~~  
23 ~~of Civil Procedure.~~

24 ~~(A) The fee shall be charged to the party, or parties if filing~~  
25 ~~jointly, that filed the paper that resulted in the proceeding being~~  
26 ~~scheduled. If no fee has been charged, and a party subsequently~~  
27 ~~requests a court reporter, that party shall be charged the fee if a~~  
28 ~~reporter is to be provided by the court.~~

29 ~~(B) All parties paying the fee shall deposit the fee with the clerk~~  
30 ~~of the court as specified by the court, but not later than the~~  
31 ~~conclusion of each day's court session.~~

32 ~~(C) The fee shall be charged once per case for all proceedings~~  
33 ~~conducted within the same hour if the total time taken by those~~  
34 ~~proceedings is one hour or less. If the total time taken exceeds one~~  
35 ~~hour, the fee shall be charged and collected pursuant to paragraph~~  
36 ~~(2).~~

37 ~~(D) The fee shall be deposited into the Trial Court Trust Fund~~  
38 ~~and distributed back to the court from which the fee was collected~~  
39 ~~on a dollar-for-dollar basis.~~

1 ~~(E) The fee shall be refunded as soon as practicable to the~~  
2 ~~remitting party or parties if no court reporting services were~~  
3 ~~provided.~~

4 ~~(2) For each proceeding lasting more than one hour, a fee equal~~  
5 ~~to the actual cost of providing that service shall be charged per~~  
6 ~~one-half day of services to the parties, on a pro rata basis, for the~~  
7 ~~services of an official court reporter on the first and each~~  
8 ~~succeeding judicial day those services are provided pursuant to~~  
9 ~~Section 269 of the Code of Civil Procedure.~~

10 ~~(A) All parties shall deposit their pro rata shares of these fees~~  
11 ~~with the clerk of the court as specified by the court, but not later~~  
12 ~~than the conclusion of each day's court session.~~

13 ~~(B) For purposes of this paragraph, "one-half day" means any~~  
14 ~~period of judicial time, in excess of one hour, but not more than~~  
15 ~~four hours, during either the morning or afternoon court session.~~

16 ~~(b) The fee shall be waived for a person who has been granted~~  
17 ~~a fee waiver under Section 68631.~~

18 ~~(c) The costs for the services of the official court reporter shall~~  
19 ~~be recoverable as taxable costs by the prevailing party as otherwise~~  
20 ~~provided by law.~~

21 ~~(d) The Judicial Council shall adopt rules to ensure all of the~~  
22 ~~following:~~

23 ~~(1) That the parties are given adequate and timely notice of the~~  
24 ~~availability of an official court reporter.~~

25 ~~(2) That if an official court reporter is not available, a party may~~  
26 ~~arrange for the presence of a certified shorthand reporter to serve~~  
27 ~~as an official pro tempore reporter, the costs therefor recoverable~~  
28 ~~as provided in subdivision (c).~~

29 ~~(3) That if the services of an official pro tempore reporter are~~  
30 ~~utilized pursuant to paragraph (2), no other charge shall be made~~  
31 ~~to the parties.~~

32 ~~(e) The fees collected pursuant to this section shall be used only~~  
33 ~~to pay the cost for services of an official court reporter in civil~~  
34 ~~proceedings.~~

35 ~~(f) The Judicial Council shall report on or before February 1 of~~  
36 ~~each year to the Joint Legislative Budget Committee on the fees~~  
37 ~~collected by courts pursuant to this section and Section 68086.1~~  
38 ~~and on the total amount spent for services of official court reporters~~  
39 ~~in civil proceedings statewide in the prior fiscal year.~~

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