

AMENDED IN ASSEMBLY APRIL 11, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2701**

**Introduced by Assembly Member Thompson**

February 22, 1996

---

---

An act to amend ~~Section 100~~ *Sections 8000, 8001, 8017, 8018, 8020, 8024, 8024.2, 8025, and 8027* of the Business and Professions Code, relating to the ~~Department of Consumer Affairs~~ *shorthand reporters*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2701, as amended, B. Thompson. ~~Department of Consumer Affairs~~ *Shorthand reporters*.

Existing law provides for a *Court Reporters Board in the Department of Consumer Affairs and provides a comprehensive scheme for the regulation of shorthand reporters in this state*.

This bill would ~~make a technical, nonsubstantive change in that law~~ *do the following*:

(1) *Expand the definition of shorthand reporting to include court ordered hearings, arbitrations, or referee matters.*

(2) *Revise requirements for admission to examination, as specified.*

(3) *Revise renewal certificate requirements, as specified.*

(4) *Provide that a certificate may be suspended, revoked, or denied upon a failure to notify the board of a conviction, or*

failure to comply with or pay a monetary sanction, as specified.

(5) Provide for withdrawal of recognition of a court reporting school by the board for failure to comply with certain requirements and specify certain teacher requirements.

(6) State legislative intent.

(7) Make various technical and clarifying changes.

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 100 of the Business and~~  
2 ~~Professions Code is amended to read:~~

3 ~~100. There is in state government, in the State and~~  
4 ~~Consumer Services Agency, a Department of Consumer~~  
5 ~~Affairs.~~

6 *SECTION 1. Section 8000 of the Business and*  
7 *Professions Code is amended to read:*

8 8000. There is in the Department of Consumer Affairs  
9 a Court Reporters Board of California, which consists of  
10 five members, three of whom shall be public members  
11 and two of whom shall be holders of certificates issued  
12 under this chapter who have been actively engaged as  
13 shorthand reporters within this state for at least five years  
14 immediately preceding their appointment. *By this*  
15 *chapter, the Legislature charges this board with the*  
16 *responsibility of protecting consumers of California*  
17 *shorthand reporting services.*

18 This section shall become inoperative on July 1, 1997,  
19 and, as of January 1, 1998, is repealed, unless a later  
20 enacted statute, which becomes effective on or before  
21 January 1, 1998, deletes or extends the dates on which it  
22 becomes inoperative and is repealed.

23 *SEC. 2. Section 8001 of the Business and Professions*  
24 *Code is amended to read:*

25 8001. Appointment as a member of the board shall be  
26 for a term of four years. Members of the board shall hold  
27 office until the appointment and qualification of their



1 successors or until one year shall have elapsed since the  
2 expiration of the term for which they were appointed,  
3 whichever first occurs. No person shall serve as a member  
4 of the board for more than two consecutive terms except  
5 as provided in Section 131. Vacancies occurring shall be  
6 filled by appointment for the unexpired term.

7 The Governor shall appoint one of the public members  
8 and the two certified members qualified as provided in  
9 Section 8000. The Senate Rules Committee and the  
10 Speaker of the Assembly shall each appoint a public  
11 member, ~~and their initial appointment shall be made to~~  
12 ~~fill, respectively, the first and second public member~~  
13 ~~vacancies which occur on or after January 1, 1983.~~

14 *SEC. 3. Section 8017 of the Business and Professions*  
15 *Code is amended to read:*

16 8017. The practice of shorthand reporting is defined  
17 as the making by means of written symbols or  
18 abbreviations in shorthand or machine shorthand writing  
19 of a verbatim record of any oral court proceeding,  
20 deposition, *court ordered hearing, arbitrations, or*  
21 *reference matters*, or proceedings before any grand jury,  
22 referee, or court commissioner and the accurate  
23 transcription thereof.

24 *SEC. 4. Section 8018 of the Business and Professions*  
25 *Code is amended to read:*

26 8018. Any natural person holding a valid certificate as  
27 a shorthand reporter, as provided in this chapter, shall be  
28 styled and known as a “certified shorthand reporter.”  
29 Except as provided in Section 8043, no other person, firm,  
30 or corporation shall assume or use the title “certified  
31 shorthand reporter,” or the abbreviation “C.S.R.,” or use  
32 any words or symbols indicating or tending to indicate  
33 that ~~the person~~ *he or she* is certified under this chapter;  
34 ~~or in any manner whatever represent that he, she, or it~~  
35 ~~is certified under this chapter.~~

36 *SEC. 5. Section 8020 of the Business and Professions*  
37 *Code is amended to read:*

38 8020. Any person over the age of 18 years, who has not  
39 committed any acts or crimes constituting grounds for  
40 denial of licensure under Sections 480, 8025, and 8025.1,



1 who has a high school education or its equivalent as  
2 determined by the board, and who has satisfactorily  
3 passed an examination under any regulations that the  
4 board may prescribe shall be entitled to a certificate and  
5 shall be styled and known as a certified shorthand  
6 reporter. No person shall be admitted to the examination  
7 without first presenting satisfactory evidence to the  
8 board that within the five years immediately preceding  
9 the date of application for a certificate the applicant has  
10 obtained one of the following:

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

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

24 (c) National Shorthand Reporters Association  
25 certificate of proficiency or certificate of merit.

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

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

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

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



1 To renew an unexpired certificate, the certificate  
2 holder shall, on or before each of the dates on which it  
3 would otherwise expire, ~~apply for renewal on a form~~  
4 ~~prescribed by the board, and pay the renewal fee~~  
5 ~~prescribed by this chapter~~ do all of the following:

6 (a) Apply for renewal on a form prescribed by the  
7 board.

8 (b) Pay the renewal fee prescribed by this chapter.

9 (c) Notify the board whether he or she has been  
10 convicted of any felony, any crime substantially related  
11 to the functions and duties of a court reporter, or any  
12 disciplinary action taken by any regulatory or licensing  
13 board in this or any other state, subsequent to the  
14 licensee's last renewal.

15 SEC. 9. Section 8024.2 of the Business and Professions  
16 Code is amended to read:

17 8024.2. (a) Except as otherwise provided in this  
18 article, a certificate which has expired may be renewed  
19 at any time within the period set forth in Section 8024.5  
20 ~~on filing of application for renewal on a form prescribed~~  
21 ~~by the board, and payment of the renewal fee in effect on~~  
22 ~~the last regular renewal date. If by doing all of the~~  
23 following:

24 (1) Apply for renewal on a form prescribed by the  
25 board.

26 (2) Pay the renewal fee prescribed by this chapter.

27 (3) Notify the board whether he or she has been  
28 convicted of any felony, any crime substantially related  
29 to the functions and duties of a court reporter, or any  
30 disciplinary action taken by any regulatory or licensing  
31 board in this or any other state, crime subsequent to the  
32 licensee's last renewal.

33 (b) If the certificate is not renewed within 30 days  
34 after its expiration, the certificate holder, as a condition  
35 precedent to renewal, shall also pay the delinquency fee  
36 set forth in Section 163.5. Renewal under this section shall  
37 be effective on the date on which the renewal fee is paid,  
38 or on the date on which the delinquency fee, if any, is  
39 paid, whichever last occurs. If so renewed, the certificate  
40 shall continue in effect through the date provided in



1 Section 8024 which next occurs after the effective date of  
2 the renewal, when it shall expire if it is not again renewed.

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

5 8025. A certificate issued under this chapter may be  
6 suspended or revoked, or certification may be denied, for  
7 one or more of the following causes:

8 (a) Conviction of a crime substantially related to the  
9 qualifications, functions and duties of a certified  
10 shorthand reporter. The record of conviction, or a  
11 certified copy thereof, shall be conclusive evidence of the  
12 conviction.

13 (b) *Failure to notify the board of a conviction, in*  
14 *accordance with Section 8024 or 8024.2.*

15 (c) Fraud or misrepresentation ~~resorted to~~ in  
16 obtaining a certificate hereunder.

17 ~~(e)~~

18 (d) Fraud, dishonesty, corruption, willful violation of  
19 duty, gross negligence or incompetency in practice, or  
20 unprofessional conduct, *in the practice of shorthand*  
21 *reporting.*

22 “Unprofessional conduct” includes, but is not limited  
23 to, acts contrary to professional standards concerning  
24 confidentiality; impartiality; filing and retention of notes;  
25 notifications, availability, delivery, execution and  
26 certification of transcripts; and any provision of law  
27 substantially related to the duties of a certified shorthand  
28 reporter.

29 ~~(d)~~

30 (e) Repeated unexcused failure, whether or not  
31 willful, to transcribe notes of cases pending on appeal and  
32 to file the transcripts thereof within the time required by  
33 law or to transcribe or file notes of other proceedings  
34 within the time required by law or agreed by contract.

35 ~~(e)~~

36 (f) Loss or destruction of stenographic notes, whether  
37 on paper or electronic media, which prevents the  
38 production of a transcript, due to negligence of the  
39 licensee.

40 ~~(f)~~



1 (g) Failure to comply with or to pay a monetary  
2 sanction imposed by any court for failure to provide  
3 timely transcripts.

4 (h) Violation of this chapter or the rules and  
5 regulations ~~adopted by the board~~ pertaining to certified  
6 shorthand reporters.

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

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

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

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



1 tentative approval, or notice of denial, within 60 days of  
2 receipt of the notice. The school shall apply for  
3 provisional recognition pursuant to subdivision (d)  
4 within no more than one year from the date it begins  
5 offering court reporting classes.

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

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

31 (f) All recognized and provisionally recognized court  
32 reporting schools shall notify the board of any change in  
33 school name, address, telephone number, responsible  
34 court reporting program manager, owner of private  
35 schools, and the effective date thereof, within 30 days of  
36 the change. The board shall be notified, immediately, of  
37 the discontinuance, or pending discontinuance of the  
38 school or program. All of these notifications shall be made  
39 in writing.



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

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

12 (i) Inspections and investigations shall be conducted  
13 by the board as necessary to carry out this section.

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

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  
25 PROGRAM MUST MEET IN ORDER TO BE  
26 RECOGNIZED, CONTACT: THE COURT  
27 REPORTERS BOARD OF CALIFORNIA; (ADDRESS);  
28 (TELEPHONE NUMBER).”

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

39 (l) *No school offering court reporting shall make any*  
40 *written or verbal claims of employment opportunities or*



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

3 *(m) Any person teaching an academic course, that is*  
4 *a course other than machine shorthand or typing, in a*  
5 *court reporting program shall meet one of the following*  
6 *criteria:*

7 *(1) Possess a minimum of an Associate of Arts degree*  
8 *and, in addition, either a minimum of two years of*  
9 *experience teaching the subject being taught or at least*  
10 *two years' work experience in a job substantially related*  
11 *to the subject being taught.*

12 *(2) Possess a current license as a certified shorthand*  
13 *reporter and, in addition, either a minimum of two years*  
14 *of experience teaching the subject being taught or at least*  
15 *two years' work experience in a job substantially related*  
16 *to the subject being taught.*

17 *(3) Possess a minimum of four years' experience*  
18 *teaching the subject being taught or a minimum of four*  
19 *years' work experience in a job substantially related to the*  
20 *subject being taught.*

21 *(4) Possess a minimum of a Bachelor of Arts or*  
22 *Bachelor of Science degree in the subject being taught.*

23 *(n) The pass rate of first-time exam takers for each*  
24 *school offering court reporting shall meet or exceed a rate*  
25 *set at one standard deviation below the median of all*  
26 *first-time test takers for all examinations given for the*  
27 *preceding three years. Failure to do so shall require the*  
28 *board to conduct a review of the program. In addition, the*  
29 *board may place the school on probation and may*  
30 *withdraw recognition if the school continues to place*  
31 *below the above described standard on the two exams*  
32 *that follow the three-year period.*

