
HOUSE BILL 1205

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Goodman, Kirby, and Bailey

Read first time 01/14/11. Referred to Committee on Judiciary.

1 AN ACT Relating to licensing of court reporters; amending RCW
2 18.145.005, 18.145.010, 18.145.050, 18.145.090, 18.145.100, 18.145.110,
3 18.145.120, 18.145.125, 18.145.127, and 18.145.130; reenacting and
4 amending RCW 18.145.030 and 18.145.080; and adding new sections to
5 chapter 18.145 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 18.145.005 and 1995 c 27 s 1 are each amended to read
8 as follows:

9 The legislature finds it necessary to regulate the practice of
10 court reporting at the level of (~~certification~~) licensing to protect
11 the public safety and well-being. The legislature intends that only
12 individuals who meet and maintain minimum standards of competence may
13 represent themselves as court reporters.

14 **Sec. 2.** RCW 18.145.010 and 2000 c 171 s 31 are each amended to
15 read as follows:

16 (1) No person may represent himself or herself as a court reporter
17 without first obtaining a (~~certificate~~) license as required by this
18 chapter.

1 (2) A person represents himself or herself to be a court reporter
2 when the person adopts or uses any title or description of services
3 that incorporates one or more of the following terms: "Shorthand
4 reporter," "court reporter," "licensed shorthand reporter," "licensed
5 court reporter," "certified shorthand reporter," or "certified court
6 reporter."

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.145 RCW
8 to read as follows:

9 (1) It is unlawful for any person to conduct business as a court
10 reporting firm or to advertise or put out any sign or card or other
11 device which may indicate to members of the public that he or she is
12 entitled to conduct such a business without first obtaining a license.
13 Further, it is unlawful for any firm to fail to comply with all rules
14 and regulations pertaining to individual licensed court reporters
15 including, but not limited to, page margin requirements, word or
16 character limits, lines per page standards, and billing for
17 nonrequested services such as word indices.

18 (2) Each applicant for a license as a court reporting firm must
19 file an application with the department.

- 20 (3) The application must:
- 21 (a) Include the federal tax identification number of the applicant;
 - 22 (b) Include the name of the person who will be appointed as the
23 designated representative of the court reporting firm and such other
24 identifying information about that person as required by the director;
 - 25 (c) Be accompanied by the required fee; and
 - 26 (d) Include all information required to complete the application.

27 (4) To obtain a license pursuant to this section, an applicant is
28 not required to hold a license as a court reporter.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.145 RCW
30 to read as follows:

31 Each court reporting firm shall appoint one person affiliated with
32 the court reporting firm to act as the designated representative for
33 the firm.

34 **Sec. 5.** RCW 18.145.030 and 1995 c 269 s 501 and 1995 c 27 s 4 are
35 each reenacted and amended to read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Department" means the department of licensing.

4 (2) "Director" means the director of licensing.

5 (3) "Court reporter" means an individual (~~(certified)~~) licensed
6 under this chapter.

7 (4) "Court reporting firm" means an entity that, for compensation,
8 provides or arranges for the services of a court reporter or provides
9 referral services for court reporters in this state.

10 (5) "Designated representative" means the person designated to act
11 as the representative of a court reporting firm under section 3 of this
12 act.

13 **Sec. 6.** RCW 18.145.050 and 2010 c 49 s 1 are each amended to read
14 as follows:

15 In addition to any other authority provided by law, the director
16 may:

17 (1) Adopt rules in accordance with chapter 34.05 RCW that are
18 necessary to implement this chapter;

19 (2) Set all renewal, late renewal, duplicate, and verification fees
20 in accordance with RCW 43.24.086;

21 (3) Establish the forms and procedures necessary to administer this
22 chapter;

23 (4) Issue a (~~(certificate)~~) license to any applicant who has met
24 the requirements for (~~(certification)~~) licensing;

25 (5) Hire clerical and administrative staff as needed to implement
26 and administer this chapter;

27 (6) Maintain the official departmental record of all applicants and
28 (~~(certificate)~~) license holders;

29 (7) Approve the preparation and administration of examinations for
30 (~~(certification)~~) licensing;

31 (8) Establish by rule the procedures for an appeal of a failure of
32 an examination;

33 (9) Set the criteria for meeting the standard required for
34 (~~(certification)~~) licensing;

35 (10) Establish continuing education requirements;

36 (11) Establish advisory committees whose membership shall include
37 representatives of professional court reporting and stenomasking

1 associations and representatives from accredited schools offering
2 degrees in court reporting or stenomasking to advise the director on
3 testing procedures, professional standards, disciplinary activities, or
4 any other matters deemed necessary;

5 (12) Establish ad hoc advisory committees whose membership shall
6 include representatives of professional court reporting and
7 stenomasking associations and representatives from accredited schools
8 offering degrees in court reporting or stenomasking to advise the
9 director on testing procedures, professional standards, or any other
10 matters deemed necessary.

11 **Sec. 7.** RCW 18.145.080 and 1995 c 269 s 504 and 1995 c 27 s 8 are
12 each reenacted and amended to read as follows:

13 The department shall issue a (~~certificate~~) license to any
14 applicant who meets the standards established under this chapter and
15 who:

- 16 (1) Is holding one of the following:
 - 17 (a) Certificate of proficiency, registered professional reporter,
18 registered merit reporter, or registered diplomate reporter from
19 (~~the~~) the national court reporters association;
 - 20 (b) Certificate of proficiency or certificate of merit from
21 (~~the~~) the national stenomask verbatim reporters association; or
 - 22 (c) A current Washington state court reporter (~~certification~~)
23 license; or
- 24 (2) Has passed an examination approved by the director or an
25 examination that meets or exceeds the standards established by the
26 director.

27 **Sec. 8.** RCW 18.145.090 and 1995 c 27 s 9 are each amended to read
28 as follows:

29 Applications for (~~certification~~) licensing shall be submitted on
30 forms provided by the department. The department may require
31 information and documentation to determine whether the applicant meets
32 the standard for (~~certification~~) licensing as provided in this
33 chapter. Each applicant shall pay a fee determined by the director as
34 provided in RCW 43.24.086 which shall accompany the application.

1 **Sec. 9.** RCW 18.145.100 and 2010 c 49 s 2 are each amended to read
2 as follows:

3 The director shall establish by rule the requirements, including
4 continuing education requirements, and the renewal and late renewal
5 fees for ((certification)) licensing. Failure to renew the
6 ((certificate)) license on or before the expiration date cancels all
7 privileges granted by the ((certificate)) license. If an individual
8 desires to reinstate a ((certificate)) license which had not been
9 renewed for three years or more, the individual shall satisfactorily
10 demonstrate continued competence in conformance with standards
11 determined by the director.

12 **Sec. 10.** RCW 18.145.110 and 1995 c 27 s 10 are each amended to
13 read as follows:

14 Persons with two or more years' experience in stenomask reporting
15 in Washington state as of January 1, 1996, shall be granted a court
16 reporter ((certificate)) license without examination, if application is
17 made before January 1, 1996.

18 **Sec. 11.** RCW 18.145.120 and 1995 c 27 s 11 are each amended to
19 read as follows:

20 (1) Upon receipt of complaints against court reporters, the
21 director shall investigate and evaluate the complaint to determine if
22 disciplinary action is appropriate. The director shall hold
23 disciplinary hearings pursuant to chapter 34.05 RCW.

24 (2) After a hearing conducted under chapter 34.05 RCW and upon a
25 finding that a ((certificate)) license holder or applicant has
26 committed unprofessional conduct or is unable to practice with
27 reasonable skill and safety due to a physical or mental condition, the
28 director may issue an order providing for one or any combination of the
29 following:

- 30 (a) Revocation of the ((certification)) license;
- 31 (b) Suspension of the ((certificate)) license for a fixed or
32 indefinite term;
- 33 (c) Restriction or limitation of the practice;
- 34 (d) Requiring the satisfactory completion of a specific program or
35 remedial education;

1 (e) The monitoring of the practice by a supervisor approved by the
2 director;

3 (f) Censure or reprimand;

4 (g) Compliance with conditions of probation for a designated period
5 of time;

6 (h) Denial of the ((~~certification~~)) license request;

7 (i) Corrective action;

8 (j) Refund of fees billed to or collected from the consumer.

9 Any of the actions under this section may be totally or partly
10 stayed by the director. In determining what action is appropriate, the
11 director shall consider sanctions necessary to protect the public,
12 after which the director may consider and include in the order
13 requirements designed to rehabilitate the ((~~certificate~~)) license
14 holder or applicant. All costs associated with compliance to orders
15 issued under this section are the obligation of the ((~~certificate~~))
16 license holder or applicant.

17 **Sec. 12.** RCW 18.145.125 and 1996 c 293 s 20 are each amended to
18 read as follows:

19 The director shall suspend the ((~~certificate~~)) license of any
20 person who has been certified by a lending agency and reported to the
21 director for nonpayment or default on a federally or state-guaranteed
22 educational loan or service-conditional scholarship. Prior to the
23 suspension, the agency must provide the person an opportunity for a
24 brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and
25 issue a finding of nonpayment or default on a federally or state-
26 guaranteed educational loan or service-conditional scholarship. The
27 person's ((~~certificate~~)) license shall not be reissued until the person
28 provides the director a written release issued by the lending agency
29 stating that the person is making payments on the loan in accordance
30 with a repayment agreement approved by the lending agency. If the
31 person has continued to meet all other requirements for
32 ((~~certification~~)) licensing during the suspension, reinstatement shall
33 be automatic upon receipt of the notice and payment of any
34 reinstatement fee the director may impose.

35 **Sec. 13.** RCW 18.145.127 and 1997 c 58 s 833 are each amended to
36 read as follows:

1 The director shall immediately suspend any ((~~certificate~~)) license
2 issued under this chapter if the holder has been certified pursuant to
3 RCW 74.20A.320 by the department of social and health services as a
4 person who is not in compliance with a support order or a residential
5 or visitation order. If the person has continued to meet all other
6 requirements for ((~~certification~~)) licensing during the suspension,
7 reissuance of the ((~~certificate~~)) license shall be automatic upon the
8 director's receipt of a release issued by the department of social and
9 health services stating that the person is in compliance with the
10 order.

11 **Sec. 14.** RCW 18.145.130 and 1995 c 27 s 12 are each amended to
12 read as follows:

13 The following conduct, acts, or conditions constitute
14 unprofessional conduct for any ((~~certificate~~)) license holder or
15 applicant under the jurisdiction of this chapter:

16 (1) The commission of any act involving moral turpitude,
17 dishonesty, or corruption relating to the practice of court reporting,
18 whether or not the act constitutes a crime. If the act constitutes a
19 crime, conviction in a criminal proceeding is not a condition precedent
20 to disciplinary action;

21 (2) Misrepresentation or concealment of a material fact in
22 obtaining or in seeking reinstatement of a ((~~certificate~~)) license;

23 (3) Advertising in a false, fraudulent, or misleading manner;

24 (4) Incompetence or negligence;

25 (5) Suspension, revocation, or restriction of the individual's
26 ((~~certificate~~)) registration((~~7~~)) or license to practice court
27 reporting by a regulatory authority in any state, federal, or foreign
28 jurisdiction;

29 (6) Violation of any state or federal statute or administrative
30 rule regulating the profession;

31 (7) Failure to cooperate in an inquiry, investigation, or
32 disciplinary action by:

33 (a) Not furnishing papers or documents;

34 (b) Not furnishing in writing a full and complete explanation of
35 the matter contained in the complaint filed with the director;

36 (c) Not responding to subpoenas issued by the director, regardless

1 of whether the recipient of the subpoena is the accused in the
2 proceeding;

3 (8) Failure to comply with an order issued by the director or an
4 assurance of discontinuance entered into with the director;

5 (9) Misrepresentation or fraud in any aspect of the conduct of the
6 business or profession;

7 (10) Conviction of any gross misdemeanor or felony relating to the
8 practice of the profession. For the purpose of this subsection,
9 conviction includes all instances in which a plea of guilty or nolo
10 contendere is the basis for conviction and all proceedings in which the
11 sentence has been deferred or suspended. Nothing in this section
12 abrogates rights guaranteed under chapter 9.96A RCW.

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