

**Chapter 18.145 RCW
COURT REPORTING PRACTICE ACT**

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RCW 18.145.005 Findings. The legislature finds it necessary to regulate the practice of court reporting at the level of certification to protect the public safety and well-being. The legislature intends that only individuals who meet and maintain minimum standards of competence may represent themselves as court reporters. [1995 c 27 s 1; 1989 c 382 s 1.]

RCW 18.145.010 Certificate required. (1) No person may represent himself or herself as a court reporter without first obtaining a certificate as required by this chapter.

(2) A person represents himself or herself to be a court reporter when the person adopts or uses any title or description of services that incorporates one or more of the following terms: "Shorthand reporter," "court reporter," "certified shorthand reporter," or "certified court reporter." [2000 c 171 s 31; 1989 c 382 s 2.]

RCW 18.145.020 Practice of court reporting defined. The "practice of court reporting" means the making by means of written symbols or abbreviations in shorthand or machine writing or oral recording by a stenomask reporter of a verbatim record of any oral court proceeding, deposition, or proceeding before a jury, referee, court commissioner, special master, governmental entity, or administrative agency and the producing of a transcript from the proceeding. [1995 c 27 s 3; 1989 c 382 s 3.]

RCW 18.145.030 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of licensing.
- (2) "Director" means the director of licensing.
- (3) "Court reporter" means an individual certified under this chapter. [1995 c 269 s 501; 1995 c 27 s 4; 1989 c 382 s 4.]

Reviser's note: This section was amended by 1995 c 27 s 4 and by 1995 c 269 s 501, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—Part headings not law—Severability—1995 c 269:
See notes following RCW 18.16.050.

RCW 18.145.040 Exemptions. Nothing in this chapter prohibits or restricts:

- (1) The practice of court reporting by individuals who are licensed, certified, or registered as court reporters under other laws of this state and who are performing services within their authorized scope of practice;
- (2) The practice of court reporting by an individual employed by the government of the United States while the individual is performing duties prescribed by the laws and regulations of the United States; or
- (3) The introduction of alternate technology in court reporting practice. [1995 c 27 s 5; 1989 c 382 s 5.]

RCW 18.145.050 Powers of director. In addition to any other authority provided by law, the director may:

- (1) Adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter;
- (2) Set all renewal, late renewal, duplicate, and verification fees in accordance with RCW 43.24.086;
- (3) Establish the forms and procedures necessary to administer this chapter;
- (4) Issue a certificate to any applicant who has met the requirements for certification;
- (5) Hire clerical and administrative staff as needed to implement and administer this chapter;
- (6) Maintain the official departmental record of all applicants and certificate holders;
- (7) Approve the preparation and administration of examinations for certification;
- (8) Establish by rule the procedures for an appeal of a failure of an examination;
- (9) Set the criteria for meeting the standard required for certification;
- (10) Establish continuing education requirements;
- (11) Establish advisory committees whose membership shall include representatives of professional court reporting and stenomasking associations and representatives from accredited schools offering degrees in court reporting or stenomasking to advise the director on testing procedures, professional standards, disciplinary activities, or any other matters deemed necessary;
- (12) Establish ad hoc advisory committees whose membership shall include representatives of professional court reporting and stenomasking associations and representatives from accredited schools

offering degrees in court reporting or stenomasking to advise the director on testing procedures, professional standards, or any other matters deemed necessary. [2010 c 49 s 1; 2002 c 86 s 243. Prior: 1995 c 269 s 502; 1995 c 27 s 6; 1989 c 382 s 6.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

Effective date—Part headings not law—Severability—1995 c 269: See notes following RCW 18.16.050.

RCW 18.145.070 Liability of director. The director and individuals acting on the director's behalf shall not be civilly liable for any act performed in good faith in the course of their duties. [1995 c 269 s 503; 1995 c 27 s 7; 1989 c 382 s 8.]

Reviser's note: This section was amended by 1995 c 27 s 7 and by 1995 c 269 s 503, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—Part headings not law—Severability—1995 c 269: See notes following RCW 18.16.050.

RCW 18.145.080 Certification requirements. The department shall issue a certificate to any applicant who meets the standards established under this chapter and who:

(1) Is holding one of the following:

(a) Certificate of proficiency, registered professional reporter, registered merit reporter, or registered diplomate reporter from [the] national court reporters association;

(b) Certificate of proficiency or certificate of merit from [the] national stenomask verbatim reporters association; or

(c) A current Washington state court reporter certification; or

(2) Has passed an examination approved by the director or an examination that meets or exceeds the standards established by the director. [1995 c 269 s 504; 1995 c 27 s 8; 1989 c 382 s 9.]

Reviser's note: This section was amended by 1995 c 27 s 8 and by 1995 c 269 s 504, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—Part headings not law—Severability—1995 c 269: See notes following RCW 18.16.050.

RCW 18.145.090 Certification applications—Fee. Applications for certification shall be submitted on forms provided by the department. The department may require information and documentation to determine whether the applicant meets the standard for certification as provided in this chapter. Each applicant shall pay a

fee determined by the director as provided in RCW 43.24.086 which shall accompany the application. [1995 c 27 s 9; 1989 c 382 s 10.]

RCW 18.145.100 Renewals—Late fees—Reinstatement. The director shall establish by rule the requirements, including continuing education requirements, and the renewal and late renewal fees for certification. Failure to renew the certificate on or before the expiration date cancels all privileges granted by the certificate. If an individual desires to reinstate a certificate which had not been renewed for three years or more, the individual shall satisfactorily demonstrate continued competence in conformance with standards determined by the director. [2010 c 49 s 2; 1989 c 382 s 11.]

RCW 18.145.110 Persons with stenomask reporting experience. Persons with two or more years' experience in stenomask reporting in Washington state as of January 1, 1996, shall be granted a court reporter certificate without examination, if application is made before January 1, 1996. [1995 c 27 s 10; 1989 c 382 s 12.]

RCW 18.145.120 Sanctions against certificate—Director's powers—Costs. (1) Upon receipt of complaints against court reporters, the director shall investigate and evaluate the complaint to determine if disciplinary action is appropriate. The director shall hold disciplinary hearings pursuant to chapter 34.05 RCW.

(2) After a hearing conducted under chapter 34.05 RCW and upon a finding that a certificate holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, except as provided in RCW 9.97.020, the director may issue an order providing for one or any combination of the following:

- (a) Revocation of the certification;
- (b) Suspension of the certificate for a fixed or indefinite term;
- (c) Restriction or limitation of the practice;
- (d) Requiring the satisfactory completion of a specific program or remedial education;
- (e) The monitoring of the practice by a supervisor approved by the director;
- (f) Censure or reprimand;
- (g) Compliance with conditions of probation for a designated period of time;
- (h) Denial of the certification request;
- (i) Corrective action;
- (j) Refund of fees billed to or collected from the consumer.

Any of the actions under this section may be totally or partly stayed by the director. In determining what action is appropriate, the director shall consider sanctions necessary to protect the public, after which the director may consider and include in the order requirements designed to rehabilitate the certificate holder or applicant. All costs associated with compliance to orders issued under this section are the obligation of the certificate holder or applicant. [2016 c 81 s 15; 1995 c 27 s 11; 1989 c 382 s 13.]

Finding—Conflict with federal requirements—2016 c 81: See notes following RCW 9.97.010.

RCW 18.145.127 Certificate suspension—Noncompliance with support order—Reissuance. The director shall immediately suspend any certificate issued under this chapter if the holder has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a *residential or visitation order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. [1997 c 58 s 833.]

***Reviser's note:** 1997 c 58 s 886 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

RCW 18.145.130 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any certificate holder or applicant under the jurisdiction of this chapter:

- (1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of court reporting, whether or not the act constitutes a crime. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action;
- (2) Misrepresentation or concealment of a material fact in obtaining or in seeking reinstatement of a certificate;
- (3) Advertising in a false, fraudulent, or misleading manner;
- (4) Incompetence or negligence;
- (5) Suspension, revocation, or restriction of the individual's certificate, registration, or license to practice court reporting by a regulatory authority in any state, federal, or foreign jurisdiction;
- (6) Violation of any state or federal statute or administrative rule regulating the profession;
- (7) Failure to cooperate in an inquiry, investigation, or disciplinary action by:
 - (a) Not furnishing papers or documents;
 - (b) Not furnishing in writing a full and complete explanation of the matter contained in the complaint filed with the director;

(c) Not responding to subpoenas issued by the director, regardless of whether the recipient of the subpoena is the accused in the proceeding;

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

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

(10) Conviction of any gross misdemeanor or felony relating to the practice of the profession. For the purpose of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW. [1995 c 27 s 12; 1989 c 382 s 14.]

RCW 18.145.140 Uniform regulation of business and professions act. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter. [2002 c 86 s 244.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

RCW 18.145.150 Military training or experience. An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the director determines that the military training or experience is not substantially equivalent to the standards of this state. [2011 c 351 s 9.]

RCW 18.145.900 Short title. This chapter may be known and cited as the court reporting practice act. [1995 c 27 s 13; 1989 c 382 s 15.]

RCW 18.145.910 Effective date—Implementation—1989 c 382. This act shall take effect September 1, 1989, except that the director may immediately take such steps as are necessary to ensure that this act is implemented on its effective date. [1989 c 382 s 16.]