
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1671

Session of
1995

INTRODUCED BY FARMER, PETTIT, CORRIGAN, BELARDI, HORSEY,
STEELMAN, RICHARDSON, BOSCOLA, PISTELLA AND RAMOS,
MAY 24, 1995

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 24, 1995

AN ACT

1 Providing for and regulating the licensing, registration and
2 practice of verbatim reporting; creating and imposing powers
3 and duties on the State Board of Certified Verbatim
4 Reporters; prescribing penalties; and making an
5 appropriation.

6 TABLE OF CONTENTS

- 7 Section 1. Short title.
- 8 Section 2. Definitions.
- 9 Section 3. Verbatim reporting.
- 10 Section 4. Examinations.
- 11 Section 5. Application for examination.
- 12 Section 6. Licensure.
- 13 Section 7. Renewal procedure.
- 14 Section 8. Certified verbatim reporter.
- 15 Section 9. State Board of Certified Verbatim Reporters.
- 16 Section 10. Powers and duties.
- 17 Section 11. Licenses.
- 18 Section 12. Register.
- 19 Section 13. Reciprocity.

1 Section 14. Penalties.

2 Section 15. Operating expenses.

3 Section 16. Appropriation.

4 Section 17. Effective date.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Certified
9 Verbatim Reporter Title Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Board." The State Board of Certified Verbatim Reporters
15 created by this act.

16 "Certified verbatim reporter." A person who is qualified and
17 licensed under this act.

18 "Commissioner." The Commissioner of Professional and
19 Occupational Affairs of the Commonwealth.

20 "Practice of verbatim reporting." The making, by a written
21 system of either manual shorthand or stenotype, or by use of a
22 stenomask, of a verbatim record of any adjudicatory or
23 testimonial proceeding or public hearing or any testimony given
24 under oath. Nothing in this term is intended to preclude or
25 supersede authority exercised by the Pennsylvania Supreme Court
26 under section 10 of Article V of the Constitution of
27 Pennsylvania.

28 Section 3. Verbatim reporting.

29 No person shall call himself a certified verbatim reporter
30 and engage in the practice of verbatim reporting unless he is

1 the holder of a license issued by the board.

2 Section 4. Examinations.

3 Examinations for licensure shall be scheduled at least
4 semiannually. All written, oral or practical examinations shall
5 be prepared and administered by a qualified and approved
6 professional testing organization in accordance with section
7 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as
8 The Administrative Code of 1929.

9 Section 5. Application for examination.

10 (a) Time and place.--Examinations shall be held at such
11 times and places as the board may designate.

12 (b) Filing.--Each applicant for the examination for a
13 license as a certified verbatim reporter shall file an
14 application with the board and will be scheduled for examination
15 on the next available date of examination. The application shall
16 be accompanied by an application fee to be set by the board by
17 regulation.

18 (c) Qualifications of applicant.--Each applicant for
19 examination shall furnish evidence satisfactory to the board
20 that the applicant:

21 (1) Is 18 years of age or older.

22 (2) Is a citizen of the United States or has declared
23 intention of becoming a citizen in accordance with law.

24 (3) Has satisfactorily completed a prescribed course in
25 verbatim reporting which has been approved by the board.

26 (4) Has not been convicted of a felony under the act of
27 April 14, 1972 (P.L.233, No.64), known as The Controlled
28 Substance, Drug, Device and Cosmetic Act, or of an offense
29 under the laws of another jurisdiction which if committed in
30 this Commonwealth would be a felony under The Controlled

1 Substance, Drug, Device and Cosmetic Act, unless:

2 (i) at least ten years have elapsed from the date of
3 conviction;

4 (ii) the applicant satisfactorily demonstrates to
5 the board that he has made significant progress in
6 personal rehabilitation since the conviction, such that
7 licensure of the applicant should not be expected to
8 create a substantial risk of harm to the health and
9 safety of his clients or the public or a substantial risk
10 of further criminal violations; and

11 (iii) the applicant otherwise satisfied the
12 qualifications contained in or authorized by this act.

13 As used in this paragraph, the term "convicted" shall include a
14 judgment, an admission of guilt or a plea of nolo contendere.

15 Section 6. Licensure.

16 (a) License and fee.--The board shall, upon payment of the
17 initial licensing fee, issue to each person passing the
18 examination to the board's satisfaction a license setting forth
19 that such person has been licensed as a certified verbatim
20 reporter.

21 (b) License for active practitioners.--The board shall, in
22 lieu of all other requirements, grant a license to any person
23 who has been actively engaged, as defined by the board, as an
24 official reporter in a United States District Court or a court
25 of this Commonwealth for a period of five years or more before
26 the effective date of this act. In addition to the above
27 individuals, the board shall, in lieu of all other requirements,
28 grant a license to any person who is a registered professional
29 reporter, sometimes designated as "R.P.R.," or holds
30 certification from the National Stenomask Reporters Association,

1 or a nonregistered professional reporter or noncertified court
2 reporter who has evidenced proof of graduation from high school
3 and has worked in verbatim reporting for five years as his
4 principal work, with proof of such employment from a judge or,
5 if he worked as a freelance or private contractor, notarized
6 affidavits from three attorneys. The license shall be issued by
7 the board upon application for licensure within one year after
8 the effective date of this act and the payment of an application
9 fee. In addition to the initial licensing fee, the board shall
10 require an applicant to submit satisfactory proof that he was
11 engaged as required in this subsection. This subsection shall
12 expire one year from the effective date of this act.

13 (c) Provisional license.--The board shall grant a
14 provisional license to any reporter recently graduated from a
15 program approved by the board for a time period to extend until
16 results are announced for the next examination conducted under
17 this act. Provisional licenses shall expire if the person fails
18 the examination.

19 Section 7. Renewal procedure.

20 (a) Board.--On a biennial basis, the board shall mail to
21 each holder of a license an application for license renewal. The
22 renewal application shall contain the applicant's name, office
23 and residence addresses, the number of the applicant's license
24 and such other information as the board shall deem necessary.

25 (b) Applicant.--The applicant shall complete, sign and
26 certify to the accuracy of his application and shall forward the
27 application, together with the renewal fee to the board.

28 (c) Additional fee.--Any certified verbatim reporter who
29 fails or neglects to apply for registration within one year of
30 the effective date of this act or at any later time fails to

1 apply for renewal of licensure shall be required to make
2 application as provided in section 5, sit for examination and
3 pay such fees as are provided for a new applicant.

4 (d) Failure to register.--Any person who calls himself a
5 certified verbatim reporter and who practices verbatim reporting
6 without first being licensed commits an illegal practice for
7 which the board may refuse to grant a license.

8 Section 8. Certified verbatim reporter.

9 Any person holding a valid license under this act shall be
10 known as a "certified verbatim reporter" and may use such title
11 or the abbreviation "C.V.R." No other person, firm or
12 partnership, any of the members of which have not received this
13 license, and no corporation shall assume or use the title or
14 abbreviation or in any manner whatever represent that the
15 person, firm, partnership or corporation is a certified verbatim
16 reporter.

17 Section 9. State Board of Certified Verbatim Reporters.

18 (a) Creation.--There is hereby created and established, as a
19 departmental and administrative board within the Department of
20 State, the State Board of Certified Verbatim Reporters. The
21 board shall be subject to the applicable provisions of the act
22 of April 9, 1929 (P.L.177, No.175), known as The Administrative
23 Code of 1929.

24 (b) Members.--The board shall consist of nine members to be
25 made up as follows: the commissioner or his designee, four
26 verbatim reporters appointed by the Governor, two members
27 appointed by the Governor from the general public and two
28 members of the Pennsylvania Bar who have practiced for at least
29 ten years appointed by the governor. All members appointed by
30 the Governor shall require confirmation by a majority of the

1 members elected to the Senate.

2 (c) Terms.--Of the initial membership appointed by the
3 Governor, three shall be appointed for a term of one year, three
4 for a term of two years and two for a term of three years. No
5 member may serve more than two consecutive terms. Thereafter,
6 appointments shall be for three-year terms.

7 (d) Vacancies.--When the term of each appointed member of
8 the board ends, the Governor shall appoint his successor for a
9 term of three years, by and with the advice and consent of a
10 majority of the members elected to the Senate. Any appointive
11 vacancy occurring on the board shall be filled by the Governor
12 by appointment for the unexpired term, by and with the advice
13 and consent of a majority of the members elected to the Senate.
14 Board members shall continue to serve until their successors are
15 appointed and qualified but not longer than six months beyond
16 the three-year period.

17 (e) Quorum.--A majority of the members serving in accordance
18 with law shall constitute a quorum for the transaction of
19 business.

20 (f) Chairman.--The board shall elect one of its members as
21 chairman of the board and one of its members as secretary. They
22 shall hold office for a period of two years.

23 (g) Expenses.--Each member of the board shall be reimbursed
24 for reasonable travel, lodging, meals and other expenses
25 directly related to the operation of the board. Each member of
26 the board, except the commissioner or his designee, shall
27 receive \$60 per diem when actually attending to the work of the
28 board.

29 (h) Forfeiture of membership.--A board member who fails to
30 attend three consecutive meetings shall forfeit his seat unless

1 the commissioner, upon written request from the member, finds
2 that the member should be excused from a meeting because of
3 illness or the death of a family member.

4 (i) Forfeiture for nonattendance.--A public member who fails
5 to attend two consecutive statutorily mandated training seminars
6 in accordance with section 813(e) of The Administration Code of
7 1929 shall forfeit his seat unless the commissioner, upon
8 written request from the public member, finds that the public
9 member should be excused from a meeting because of illness or
10 the death of a family member.

11 (j) Notice.--Reasonable notice of all meetings shall be
12 given in conformity with the act of July 3, 1986 (P.L.388,
13 No.84), known as the Sunshine Act.

14 Section 10. Powers and duties.

15 The board shall have the following powers and duties:

16 (1) To make rules and regulations necessary for the
17 administration and enforcement of this act, including
18 continuing education requirements for renewal of licenses.

19 (2) To issue subpoenas, seek injunctions, conduct
20 hearings on disciplinary matters and designate any member of
21 the board to administer oaths and take testimony concerning
22 any matter within the jurisdiction of the board.

23 (3) To refuse to issue, limit, suspend or revoke
24 licenses and to reprimand licensees.

25 (4) To administer this act subject to the powers of the
26 commissioner and the Department of State.

27 (5) To authorize the issuance of licenses.

28 (6) To approve examinations and provide for at least
29 annual examinations at such time and place as deemed
30 appropriate by the board.

1 (7) To issue licenses to those successfully completing
2 examinations and to see that application and licensure fees
3 are paid as a prerequisite of licensure.

4 (8) To recommend those personnel as may be necessary to
5 carry out the administration of this act.

6 (9) To establish all fees required by this act by
7 regulation.

8 (10) To submit annually a report to the Consumer
9 Protection and Professional Licensure Committee of the Senate
10 and the Professional Licensure Committee of the House of
11 Representatives containing a description of the types of
12 complaints received and status of the cases. The report shall
13 also include a list of multiple certifications and
14 reinstatements.

15 (11) To submit annually to the Appropriations Committee
16 of the Senate and the Appropriations Committee of the House
17 of Representatives, 15 days after the Governor has submitted
18 his budget to the General Assembly, a copy of the budget
19 request for the upcoming fiscal year which the board
20 previously submitted to the Department of State.

21 Section 11. Licenses.

22 (a) Suspensions and revocation.--The board may refuse to
23 issue, limit, suspend or revoke any license in any case where
24 the board finds that the applicant or licensee:

25 (1) Has been convicted of any felony or of a misdemeanor
26 related to verbatim reporting.

27 (2) Is unfit or incompetent by reason of a physical or
28 mental disease or disability or the intemperate use of
29 alcoholic beverages or controlled substances. Failure to
30 submit to examination by a licensed physician or

1 psychologist, if ordered upon probable cause by the board,
2 shall constitute an admission of guilt under this section,
3 upon which a default and final order may be issued by the
4 board without further proceedings.

5 (3) Has willfully violated any of the provisions of this
6 act or of the regulations of the board.

7 (4) Has committed fraud or deceit in the practice of
8 certified verbatim reporting or in procuring admission to
9 such practice.

10 (5) Has failed to register or renew the license.

11 (b) Formal action.--All disciplinary actions shall be made
12 only in accordance with a majority vote of the members of the
13 board.

14 (1) Disciplinary actions shall be subject to the right
15 of notice, hearing and adjudication and the right of appeal
16 therefrom in accordance with 2 Pa.C.S. (relating to
17 administrative law and procedure).

18 (2) The board, by majority action, may modify any prior
19 disciplinary order, provided that substantial evidence is
20 presented that the conditions provoking the original order
21 have been ameliorated or that substantial mitigation and
22 rehabilitation has occurred.

23 Section 12. Register.

24 The board shall annually prepare a register of certified
25 verbatim reporters in this Commonwealth, which shall be
26 available on request upon payment of a copying fee.

27 Section 13. Reciprocity.

28 Any certified or registered court reporter or verbatim
29 reporter currently licensed in another state may, after
30 establishing legal residency for a period of 60 days in

1 Pennsylvania, make application and upon payment of required
2 fees, be licensed as a Pennsylvania certified verbatim reporter,
3 provided that the criteria for licensure are substantially
4 similar and that the same privilege is extended by that state to
5 Pennsylvania licensees.

6 Section 14. Penalties.

7 (a) Criminal penalties.--A person who violates this act
8 commits a summary offense and shall, upon conviction, be
9 sentenced to pay a fine of not less than \$500 nor more than
10 \$2,000.

11 (b) Civil penalty.--In addition to any other civil remedy or
12 criminal penalty provided for in this act, the board, by a vote
13 of the majority of the maximum number of the authorized
14 membership of the qualified and confirmed membership or a
15 minimum of five members, whichever is greater, may levy a civil
16 penalty of up to \$1,000 on any current licensee who violates any
17 provision of this act or on any person who holds himself out as
18 a certified verbatim reporter without being so licensed under
19 this act. The board shall levy this penalty only after affording
20 the accused party the opportunity for a hearing, as provided in
21 2 Pa.C.S. (relating to administrative law and procedure).

22 Section 15. Operating expenses.

23 All fees, fines, penalties and other moneys derived from the
24 operation of this act shall be paid into the Professional
25 Licensure Augmentation Account and disbursed in accordance with
26 law. If the revenue raised by fees and fines are not sufficient
27 to meet the expenditures over a two-year period, the board shall
28 increase those fees by regulation so that the projected revenues
29 meet or exceed projected expenditures. If the Bureau of
30 Professional and Occupational Affairs determines that the fees

1 established by the board are inadequate to meet minimum
2 enforcement efforts required by this act, then the bureau, after
3 consultation with the board, shall increase the fees by
4 regulation to meet the required enforcement effort.

5 Section 16. Appropriation.

6 The sum of \$100,000, or as much thereof as may be necessary,
7 is hereby appropriated from the Professional Licensure
8 Augmentation Account within the General Fund to the Bureau of
9 Professional and Occupational Affairs in the Department of State
10 for the payment of costs for processing licenses and renewals,
11 for the operation of the State Board of Certified Verbatim
12 Reporters and for other general costs of the bureau relating to
13 this act. The appropriation granted shall be paid by the board
14 within three years of the beginning of issuance of licenses by
15 the board.

16 Section 17. Effective date.

17 This act shall take effect in 60 days.