

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 774 Session of
1999

INTRODUCED BY GREENLEAF, O'PAKE, WHITE, KUKOVICH AND SLOCUM,
APRIL 12, 1999

REFERRED TO JUDICIARY, APRIL 12, 1999

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for court
3 reporters.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 46

9 COURT REPORTERS

10 Sec.

11 4601. Definitions.

12 4602. Prohibited contracts.

13 4603. Introduction in evidence prohibited.

14 4604. Penalties.

15 § 4601. Definitions.

16 The following words and phrases when used in this chapter
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

1 "Court reporter." A person who makes, by a written system of
2 either manual shorthand or stenotype, or by use of a stenomask,
3 or by any other means, a verbatim record of any adjudicatory or
4 testimonial proceeding or public hearing or any testimony given
5 under oath. Nothing in this term is intended to preclude or
6 supersede authority exercised by the Pennsylvania Supreme Court
7 under section 10 of Article V of the Constitution of
8 Pennsylvania.

9 § 4602. Prohibited contracts.

10 (a) General rule.--A court reporter, or a court reporting
11 firm or entity, may not enter into or provide services under any
12 contractual agreement, written or oral, exclusive or
13 nonexclusive, with an attorney, law firm, party to legal
14 proceedings or party having a financial interest in legal
15 proceedings that:

16 (1) undermines the impartiality of the court reporter,
17 including, but not limited to, by:

18 (i) failing to charge all parties in interest or
19 their attorneys to an action the same price for an
20 original transcript and failing to charge all parties or
21 parties in interest or their attorneys the same price for
22 a copy of a transcript or for like services performed in
23 an action; or

24 (ii) failing to notify all parties or parties in
25 interest or their attorneys of a request for a
26 transcript, or any part thereof, in sufficient time for
27 copies to be prepared and delivered simultaneously with
28 the original;

29 (2) requires a court reporter to relinquish control of
30 an original transcript and copies of the transcript before it

1 is certified and delivered to the custodial attorney;

2 (3) requires a court reporter to provide any service not
3 offered to all parties to an action; or

4 (4) gives or appears to give an advantage to any party.

5 (b) Applicability.--This section does not apply to a
6 contract for court reporting services for a court, agency or
7 instrumentality of the United States or this Commonwealth.

8 § 4603. Introduction in evidence prohibited.

9 A transcript reported or recorded in violation of section
10 4602 (relating to prohibited contracts) may not be introduced in
11 evidence or used for any other purpose in a legal action.

12 § 4604. Penalties.

13 A person who violates this chapter commits a summary offense
14 and shall, upon conviction, be sentenced to pay a fine of not
15 less than \$500 nor more than \$2,000.

16 Section 2. This act shall take effect in 60 days.