

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1635 Session of
1990

INTRODUCED BY SHUMAKER, AFFLERBACH, BRIGHTBILL, MELLOW, REGOLI,
REIBMAN, HELFRICK, SALVATORE, SCANLON, STEWART, STAPLETON,
PECORA AND HOPPER, JUNE 4, 1990

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JUNE 4, 1990

AN ACT

1 Providing for and regulating the licensing, registration and
2 practice of court reporting; creating and imposing powers and
3 duties on the State Board of Certified Court Reporting
4 Examiners; and prescribing penalties.

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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 Court Reporter Examiners Law.

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 Court Reporting
15 Examiners created by this act.

16 "Certified Court Reporter." A person who is qualified and
17 licensed under this act to practice court reporting.

18 "Commissioner." The Commissioner of Professional and
19 Occupational Affairs in the Department of State of the
20 Commonwealth.

21 "Practice of court reporting." The making, by a written
22 system of either manual shorthand, stenotype or stenomask/voice
23 writer, of a verbatim record of any oral court proceeding,
24 legislative public hearing, State agency public hearing,
25 deposition, examination before trial, or hearing, or proceeding
26 before any grand jury, referee, board, commission or arbitrator,
27 or any testimony given under oath.

28 Section 3. Court reporting.

29 No person shall engage in the practice of court reporting
30 unless he is the holder of a certificate of licensure in full

1 force and effect issued by the board.

2 Section 4. Examinations.

3 The board shall hold examinations for licensure as a
4 Certified Court Reporter at least annually and at such times and
5 places as it shall designate. At such examination, the board
6 shall examine all applicants eligible for examination on
7 questions proposed by the board to determine whether the
8 applicants are qualified to be licensed.

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 Court Reporter shall file an application
14 with the board and will be scheduled for examination on the next
15 available date of examination. The application shall be
16 accompanied by an application fee to be set by the board.

17 (c) Character of applicant.--Each applicant for examination
18 shall be a person of good moral character and shall furnish
19 evidence satisfactory to the board that applicant:

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

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

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

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

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

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

10 (iii) the applicant otherwise satisfies the
11 qualifications contained in or authorized by this act. As
12 used in this paragraph, the term "convicted" shall
13 include a judgment, an admission of guilt or a plea of
14 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 to practice in the
20 Commonwealth of Pennsylvania as a Certified Court Reporter.

21 (b) Active practice.--The board shall, in lieu of all other
22 requirements, grant a license to any person who has been
23 actively engaged as an official reporter in a United States
24 District Court or a court of this Commonwealth or has held
25 himself out to the public of this Commonwealth to be a court
26 reporter, and who has actively engaged in the practice of court
27 reporting for a period of two years or more before the effective
28 date of this act. The license shall be issued by the board, upon
29 application for licensure within one year after the effective
30 date of this act and the payment of an application fee. In

1 addition to the initial licensing fee, the board may require an
2 applicant to submit satisfactory proof that he was engaged as
3 required in this subsection.

4 (c) Period of license.--The period of license shall be for
5 two calendar years. License fees may be prorated from the date
6 of licensure.

7 Section 7. Renewal procedure.

8 (a) Board.--On or before October 1 on a biennial basis, the
9 board shall mail to each holder of a license an application for
10 license renewal. The renewal application shall contain the
11 applicant's name, office and residence addresses, the number of
12 the applicant's license and such other information as the board
13 shall deem necessary.

14 (b) Applicant.--The applicant shall complete, sign and swear
15 to the accuracy of his application before a notary public or
16 before any person authorized by law to make acknowledgments and
17 shall forward the application, together with the renewal fee to
18 the board.

19 (c) Additional fee.--Any Certified Court Reporter who fails
20 or neglects to apply for registration within one year of the
21 effective date of this act or at any later time fails to apply
22 for renewal of licensure shall be required to make application
23 as provided in section 5, sit for examination and pay such fees
24 as are provided for a new applicant.

25 (d) Failure to register.--Any court reporter who practices
26 court reporting without being licensed commits an illegal
27 practice, for which the board may suspend or revoke his
28 privilege to apply for a license.

29 Section 8. Certified Court Reporter.

30 Any person holding a valid license under this act shall be

1 known as a "Certified Court Reporter" and may use such title or
2 the abbreviation "C.C.R." No other person, firm or partnership,
3 any of the members of which have not received this license, and
4 no corporation shall assume or use the title or abbreviation or
5 in any manner whatever represent that the person, firm,
6 partnership or corporation is a Certified Court Reporter.

7 Section 9. State Board of Certified Court Reporting Examiners.

8 (a) Creation.--There is hereby created and established, as a
9 departmental and administrative board within the Department of
10 State, the State Board of Certified Court Reporting Examiners.
11 The board shall be subject to the applicable provisions of the
12 act of April 9, 1929 (P.L.177, No.175), known as The
13 Administrative Code of 1929.

14 (b) Members.--The board shall consist of nine members to be
15 made up as follows: The commissioner; two members of the
16 Pennsylvania Court Reporters Association appointed by the
17 Governor from five names to be submitted by the Pennsylvania
18 Court Reporters Association Board of Directors; two members
19 appointed by the Governor from the public; two members of the
20 Pennsylvania Bar who have practiced for at least ten years
21 appointed by the Governor; a member of the Senate appointed by
22 the President pro tempore of the Senate and a member of the
23 House of Representatives appointed by the Speaker of the House
24 of Representatives. All members appointed by the Governor shall
25 require confirmation by a majority of the members elected to the
26 Senate.

27 (c) Terms.--Of the initial membership appointed by the
28 Governor, two shall be appointed for a term of one year, two for
29 a term of two years and two for a term of three years.
30 Thereafter, appointments shall be for three-year terms. The

1 appointments by the President pro tempore and the Speaker of the
2 House shall continue through the session of the General Assembly
3 during which the appointment was made.

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

14 (e) Quorum.--Five members shall constitute a quorum for the
15 transaction of business.

16 (f) Chairman.--The board shall elect one of its members as
17 chairman of the board and one of its members as secretary; they
18 shall hold office for a period of two years.

19 (g) Expenses.--Each member of the board shall be reimbursed
20 for travel, lodging, meals and other expenses directly related
21 to the operation of the board.

22 Section 10. Powers and duties.

23 The board shall have the following powers and duties:

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

27 (2) To designate any member of the board to administer
28 oaths and take testimony concerning any matter within the
29 jurisdiction of the board.

30 (3) To suspend or revoke licenses.

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

3 (5) To sign licenses.

4 (6) To prepare or have prepared examinations and provide
5 for at least annual examinations at such time and place as
6 deemed appropriate by the board.

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

10 (8) To hire such clerical personnel as may be necessary
11 to carry out the administration of this act.

12 (9) To establish application, licensing and renewal fees
13 by regulation.

14 (10) To submit annually a report to the Professional
15 Licensure Committee of the House of Representatives and to
16 the Consumer Protection and Professional Licensure Committee
17 of the Senate containing a description of the types of
18 complaints received, status of the cases, subcommittee action
19 which has been taken and length of time from the initial
20 complaint to final subcommittee resolution. The report shall
21 also include a list of multiple certifications and
22 reinstatements.

23 Section 11. Licenses.

24 (a) Suspensions and revocation.--The board may suspend or
25 revoke any license in any case where the board finds that the
26 licensee:

27 (1) Is guilty of a crime involving moral turpitude.

28 (2) Is unfit or incompetent by reason of negligent
29 habits or other causes.

30 (3) Has willfully or repeatedly violated any of the

1 provisions of this act or of the rules or regulations of the
2 board.

3 (4) Has committed fraud or deceit in the practice of
4 certified court reporting or in procuring admission to such
5 practice.

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

7 (b) Regulations.--All suspensions and revocations shall be
8 made only in accordance with the regulations of the board and
9 only by a majority vote of the members of the board.

10 (1) Suspensions and revocations shall be subject to the
11 right of notice, hearing and adjudication and the right of
12 appeal therefrom in accordance with 2 Pa.C.S. (relating to
13 administrative law and procedure).

14 (2) The board, by majority action, may reissue any
15 license which has been suspended or revoked.

16 Section 12. Register.

17 The board shall annually prepare a register of certified
18 court reporters in this Commonwealth, which shall be available
19 on request.

20 Section 13. Reciprocity.

21 Any Certified or Registered Court Reporter licensed in
22 another State may, after establishing legal residency for a
23 period of 60 days in Pennsylvania, make application and upon
24 payment of required fees, be licensed as a Pennsylvania
25 Certified Court Reporter.

26 Section 14. Penalties.

27 A person who violates any provision of this act commits a
28 summary offense and shall, upon conviction, be sentenced to pay
29 a fine of not less than \$500 nor more than \$2,000. Fines will be
30 credited to the Professional Licensure Augmentation Account

1 within the General Fund.

2 Section 15. Operating expenses.

3 All fees, fines, penalties and other moneys derived from the
4 operation of this act shall be paid to the commissioner or to
5 the board. The board shall deduct its operating expenses and
6 remit the balance, through the commissioner, to the Department
7 of State. Operating expenses shall consist of all expenses
8 incurred by the board in fulfilling its duties, i.e., traveling
9 expenses, related expenses for administering tests, stationery
10 and postage, board meetings and all costs incurred in conducting
11 hearings to effectuate the operation of this act.

12 Section 16. Sunset provisions.

13 The board is subject to evaluation, review and termination
14 within the time and in the manner provided in the act of
15 December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

16 Section 17. Effective date.

17 This act shall take effect in 60 days.