

1 SB135
2 131599-4
3 By Senator Keahey
4 RFD: Judiciary
5 First Read: 07-FEB-12
6 PFD: 02/01/2012

1 SB135

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4 ENROLLED, An Act,

5 To amend Sections 34-8B-4, 34-8B-5, 34-8B-10,
6 34-8B-14, 34-8B-15, and 34-8B-17 of the Code of Alabama 1975,
7 relating to the Alabama Board of Court Reporting; to eliminate
8 board member compensation; to eliminate the requirement that
9 the board make an annual report to the offices of the Governor
10 and Secretary of State; to add entities that may administer
11 the written knowledge examination; to change the education
12 requirement for court reporters from high school to a court
13 reporting program; to provide a deadline date to make
14 application for the grandfathering provision; to provide that
15 the temporary license authorized under current law would be
16 effective 18 months from the date of issuance, not the
17 graduation date; and to authorize a change of information fee
18 and reasonable processing fees.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 34-8B-4, 34-8B-5, 34-8B-10,
21 34-8B-14, 34-8B-15, and 34-8B-17 of the Code of Alabama 1975,
22 are amended to read as follows:

23 "§34-8B-4.

24 "(a) There is created the Alabama Board of Court
25 Reporting. The board shall be operative within 60 days of June

1 1, 2006. ACRA shall provide administrative support to the
2 board until such time as the board employs sufficient
3 employees to implement and administer this chapter.

4 "(b) The board shall consist of seven members as
5 follows:

6 "(1) Four court reporters certified by ABCR, NCRA,
7 NVRA, or by the board, two of whom shall be employed in
8 official capacities and two of whom shall be employed in a
9 freelance setting.

10 "(2) Two members in good standing with the Alabama
11 State Bar Association.

12 "(3) One additional member.

13 "(c) Appointments to the board shall be made as
14 follows:

15 "(1) The Governor shall appoint one official court
16 reporter, one freelance court reporter, and one member of the
17 Alabama State Bar Association. ACRA, NCRA, NVRA, and the
18 Alabama State Bar Association shall respectively submit a list
19 of three names for each appointment to the Governor for
20 consideration.

21 "(2) The Lieutenant Governor shall appoint one
22 member of the Alabama State Bar Association from a list of
23 three names submitted by the Alabama State Bar Association.

1 "(3) The President Pro Tempore of the Senate shall
2 appoint one member who is an official court reporter from a
3 list of three names submitted by ACRA.

4 "(4) The Speaker of the House of Representatives
5 shall appoint one member who is a freelance court reporter
6 from a list of three names submitted by ACRA.

7 "(5) The Chief Justice of the Alabama Supreme Court
8 shall appoint one member from a list of three names submitted
9 by the Administrative Office of Courts.

10 "(d) All members of the board shall be citizens of
11 the United States and the State of Alabama. The lists of names
12 shall be submitted by the designated organizations on or
13 before June 1, 2006. The initial terms shall begin January 1,
14 2007, and all appointments shall be made prior to January 1 of
15 every year.

16 "(e) The initial members shall serve the following
17 terms as designated by the Governor:

18 "(1) Three members shall serve for two years.

19 "(2) Two members shall serve for three years.

20 "(3) Two members shall serve for four years.

21 "(f) Subsequent terms of office shall be for four
22 years. No member shall serve more than two consecutive terms.
23 In the event of a vacancy, the appointing authority for the
24 position shall fill the vacancy. Each member shall serve until
25 his or her successor is duly appointed and qualified.

1 "(g) The membership of the board shall be inclusive
2 and reflect the racial, gender, geographic, urban/rural, and
3 economic diversity of the state. The board shall annually
4 report to the Legislature by the second legislative day of
5 each regular session to what extent the board has complied
6 with the diversity provisions provided for in this subsection.

7 "(h) At its first meeting each calendar year, the
8 board shall elect a chair, vice chair, and secretary from its
9 membership. No member shall be elected to serve more than two
10 consecutive years in the same office.

11 "(i) After the initial appointments have been made,
12 the board shall meet by January 2007, for the purpose of
13 organizing and transacting business. Thereafter, the board
14 shall meet not less than twice annually and as frequently as
15 deemed necessary by the chair or a majority of the members.
16 The board shall meet at such time and place as designated by
17 the board. A quorum shall consist of four members.

18 "(j) Board members shall receive the same travel
19 expenses and per diem as state employees pursuant to Article
20 2, commencing with Section 36-7-20, Chapter 7, Title 36. The
21 expenses shall be paid out of the funds of the board.
22 Reimbursement shall not be made if funds are insufficient.

23 "§34-8B-5.

24 "The board shall have all of the following duties
25 and responsibilities:

1 "(1) Act on matters concerning competency licensure
2 only and the process of granting, suspending, reinstating, and
3 revoking a license.

4 "(2) Establish a procedure for the investigation of
5 complaints against licensed court reporters and for the
6 conduct of hearings in which complaints are heard.

7 "(3) Set a fee schedule for granting licenses and
8 renewals of licenses subject to the Alabama Administrative
9 Procedure Act.

10 "(4) Maintain a current register of licensed court
11 reporters and a current register of temporarily licensed court
12 reporters. Registers shall be matters of public record.

13 "(5) Maintain a complete record of all proceedings
14 of the board.

15 "(6) Adopt continuing education requirements no
16 later than October 1, 2007. Requirements shall be implemented
17 no later than January 1, 2008, and shall include all courses
18 approved by the Alabama State Bar for continuing legal
19 education.

20 "(7) Determine the content of and administer
21 examinations to be given to applicants for licensure as
22 certified court reporters and issue numbered licenses to
23 applicants found qualified.

1 "(8) Maintain records of its proceedings and a
2 register of all persons licensed by the board which shall be a
3 public record and open to inspection.

4 "§34-8B-10.

5 "(a) To be licensed as a court reporter, an
6 applicant shall be a United States citizen or, if not a
7 citizen of the United States, a person who is legally present
8 in the United States with appropriate documentation from the
9 federal government, and shall pass the Written Knowledge
10 Examination administered by the board, ACRA, NCRA, or NVRA,
11 and shall pass an Alabama skills examination or provide
12 documentation of having passed the NCRA Registered
13 Professional Reporter Examination or NVRA CVR Examination. The
14 board shall examine or establish, or both, examination and
15 testing procedures to enable the board to ascertain the
16 competency of applicants for licensure. Each such skills
17 examination shall be given at least twice each calendar year.
18 Applications for licensure shall be signed and sworn by the
19 applicants and submitted on forms furnished by the board. An
20 applicant who furnishes the board with satisfactory proof of
21 graduation from a court reporting program or its equivalent
22 shall, upon payment of a reasonable fee in an amount
23 determined by the board, be examined by the board. All
24 applicants who are found qualified to engage in the practice
25 of court reporting pursuant to this chapter shall be issued a

1 license as a certified court reporter and an identifying
2 number. The license shall be valid until September 30th of the
3 year of its issuance.

4 "(b) No certified court reporter may authorize the
5 use of his or her license number on any transcript not
6 produced through his or her personal effort or supervision, or
7 both. Violation of this subsection may be grounds for license
8 suspension or revocation.

9 "(c) The board shall approve at least two reporter
10 examinations each year and may hold such additional
11 examinations as are necessary. The secretary shall give public
12 notice of the time and place of each examination at least 120
13 days prior to the date set for the examination. Any person
14 desiring to take the examination shall file his or her
15 application with the board at least 30 days prior to the date
16 of the examination. The preparation, administration, and
17 grading of the examination shall be governed by the rules
18 prescribed by the board, but the board may engage ACRA to
19 conduct the examination under the supervision of the board.
20 Upon determining the results of the examination, the board
21 shall notify each applicant as to whether the applicant has
22 passed the examination. Notification shall be by written
23 notice mailed to the applicant by certified mail to the
24 applicant's address as indicated on the application.

25 "§34-8B-14.

1 "(a) Any person who is engaged in the practice of
2 court reporting on June 1, 2006, and who provides to the board
3 an affidavit setting forth his or her past education and work
4 experience as a court reporter and an affidavit of a judge for
5 whom he or she has worked as an official court reporter or
6 three licensed attorneys, unrelated by blood or marriage to
7 the person and who have utilized the services of the court
8 reporter, which attests to the court reporter's proficiency in
9 court reporting, upon payment of a fee in an amount determined
10 by the board, shall be licensed to practice as a court
11 reporter. The deadline for receiving applications for
12 grandfathering is December 31, 2012.

13 "(b) Any member in good standing of ACRA licensed as
14 a certified shorthand reporter on June 1, 2006, upon payment
15 of the licensure fee in an amount determined by the board,
16 shall be automatically granted a license pursuant to this
17 chapter and thereby may practice as a court reporter.

18 "(c) Members of ACRA who hold the certified
19 shorthand reporter certification and do not apply for
20 certification within one year of June 1, 2006, shall be
21 required to take the certified court reporter examination in
22 order to become a certified court reporter.

23 "§34-8B-15.

24 "

1 "(a) Commencing on the effective date of this act
2 amending this subsection, any person who is a graduate of a
3 court reporting program may receive a temporary license to
4 practice as a court reporter from the board. Application for
5 the temporary graduate license shall be made to the board, on
6 forms approved by the board, and the payment of a fee in an
7 amount determined by the board. The temporary license shall be
8 valid for 18 months from the date of issuance.

9 "(b) In the event that a temporary license expires
10 without the temporary licensee having passed the examination
11 for full licensure, court reporting services by the temporary
12 licensee shall cease and desist immediately upon the
13 expiration of the temporary license, and the board may not be
14 held liable for lost income to the temporary licensee or to
15 the court reporting firm.

16 "§34-8B-17.

17 "All moneys collected pursuant to this chapter shall
18 be deposited into the Board of Court Reporting Fund. All
19 expenses incurred by the board in implementing and
20 administering this chapter shall be paid out of the fund
21 provided that the expenses of the board shall not be in excess
22 of the moneys in the fund. The board may charge and collect
23 the following fees which shall be deposited into the fund:

24 "(1) An application fee for any temporary or regular
25 license.

1 "(2) An examination fee.

2 "(3) A renewal fee for any temporary or regular
3 license.

4 "(4) A reinstatement fee for any application for
5 reinstatement of a temporary or regular license which has been
6 placed on inactive status, revoked or suspended.

7 "(5) A fee for the renewal of a license after the
8 due date which shall be increased 20 percent for each month or
9 fraction thereof that payment is delayed, unless the delay is
10 caused by conditions resulting from additional requirements
11 imposed by the board. Notwithstanding the foregoing,
12 delinquency of more than 60 days shall result in revocation of
13 licensure.

14 "(6) A change of information fee.

15 "(7) Necessary administrative fees may be charged by
16 the board, including, but not limited to, reasonable costs for
17 copying, labels, and lists."

18 Section 2. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB135

Senate 09-FEB-12

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Amended and passed 16-MAY-12

Senate concurred in House amendment 16-MAY-12

By: Senator Keahey