

**PROPOSED REGULATION OF THE CERTIFIED
COURT REPORTERS' BOARD OF NEVADA**

LCB File No. R003-19

December 19, 2019

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 656.130 and 656.220; §2, NRS 656.130, 656.187 and 656.200; §3, NRS 656.130, 656.160, 656.187 and 656.200; §§4-6, NRS 656.130 and 656.300.

A REGULATION relating to court reporting; establishing a fee for the reinstatement of a certificate as a court reporter; providing a waiver for the fee for original issuance of a certificate in certain circumstances; providing a waiver for certain continuing education requirements in certain circumstances; revising provisions regarding failure to comply with certain continuing education requirements; revising provisions regarding the provision of certain court reporting services by a court reporting firm; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Certified Court Reporters' Board of Nevada to adopt regulations necessary to regulate the profession of court reporting, including the amount of the fee for the original issuance of a certificate to practice court reporting and a fee for the reinstatement of a certificate which was suspended for failure to timely renew. Renewal of a certificate must be paid on or before May 15 of each year except if it is an original certificate issued less than 1 year before the renewal date the amount is reduced to one-half of the standard fee. The fee for reinstatement must be fixed at not more than \$125 and not less than \$75. (NRS 656.130, 656.220) **Section 1** of this regulation sets the reinstatement fee at \$125, and requires the Board to waive the fee for the original issuance of a certificate if the certificate is issued less than 45 days before the date on which all active certificates must be renewed. **Section 1** also provides for an additional fee for expediting any request for service by the Board, not to exceed the actual cost to the Board for expediting the service. **Section 4** of this regulation authorizes the Board to reduce on a pro rata basis the \$250 fee for original issuance of a license to a court reporting firm if the license is issued less than 45 days before the date on which all active licenses must be renewed.

Existing law requires successful completion of certain continuing education requirements before the renewal of a certificate as a court reporter or the renewal of a license as a court reporting firm. (NRS 656.187, 656.200) Existing regulations require a court reporter and a designated representative of a court reporting firm to complete 15 hours of continuing education every 2 years, with the reporting period beginning on May 16 of each odd-numbered year and ending on May 15 of each subsequent odd-numbered year. (NAC 656.210) **Section 2** of this regulation provides a waiver of such continuing education requirements for a court reporter or court reporting firm who obtains his or her original certification or licensure less than 6 months before May 15 of an odd-numbered year. Existing regulations also require that proof of successful completion of the required continuing education requirements be provided to the Board by June 30 of each odd-numbered year. If the Board does not receive such proof, the Board is required to send a notice of noncompliance on or before July 15 explaining that the Board may suspend or revoke the certificate or the license if no proof of compliance is received by August 15. (NAC 656.230) **Section 3** of this regulation requires the Board to notify the court reporter or designated representative if proof of compliance is not received when due. The notice must provide a date, not less than 30 days after the date the notice is provided, on which the Board may suspend the certificate or license if no proof of compliance is filed.

Existing law makes it unlawful for a person to practice court reporting unless the person holds a certificate of registration as a certified court reporter. (NRS 656.145) Existing law also requires that certain persons who hold a certificate as a court reporter but have only passed a certain portion of the court reporter examination must be designated as certified court reporter-voice writers. (NRS 656.310) Existing regulations require a court reporting firm to provide the services of court reporting by court reporters only. (NAC 656.280) **Section 5** clarifies that a court reporting firm must provide the services of a court reporter or a certified court reporter-voice writer as the only officer before whom depositions, examinations under oath and other proceedings out of court may be held.

Existing law provides that a business entity shall not conduct business as a court reporting firm unless it holds a current license issued by the Board. (NRS 656.300) **Section 6** of this regulation revises existing language to reflect that a court reporting firm is required to be licensed by the Board, not registered.

Section 1. NAC 656.200 is hereby amended to read as follows:

656.200 *1.* The following fees must be paid:

~~{1. For}~~

(a) Except as otherwise provided in subsection 2 and NRS 656.220, for the original

issuance of a certificate.....\$200

~~12.~~ (b) For the annual renewal of a certificate.....\$200

(c) *For the reinstatement of a certificate.....\$125*

2. *The Board will waive the fee for the original issuance of a certificate if the certificate is issued less than 45 days before May 15 of the year in which it is issued.*

3. *An additional fee will be charged and collected to expedite any request for service by the Board, in an amount not to exceed the actual cost to the Board for expediting the service.*

Sec. 2. NAC 656.210 is hereby amended to read as follows:

656.210 1. ~~Each~~ *Except as otherwise provided in subsection 5, each* court reporter and designated representative of a court reporting firm shall, every 2 years, complete at least 15 hours of continuing education relating to the practice of court reporting, at least two of which must include a review of the applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State.

2. The Board will provide each court reporter and designated representative of a court reporting firm with the means to obtain two credits which include a review of the applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State other than by personal attendance.

3. Credit for continuing education may not be carried forward for any reporting period.

4. The reporting period for continuing education begins on May 16 of each odd-numbered year and ends on May 15 of the subsequent odd-numbered year.

5. *If the original issuance of a certificate or a license is less than 6 months before May 15 of an odd-numbered year, the Board will waive the requirements for continuing education set*

forth in this section for the court reporter or designated representative of a court reporting firm, as applicable, for that reporting period.

Sec. 3. NAC 656.230 is hereby amended to read as follows:

656.230 1. If a court reporter or designated representative of a court reporting firm fails to complete and return the form required pursuant to NAC 656.220, the Board will ~~on or before July 15,~~ provide written notice of noncompliance *via certified mail* to the last known address of the court reporter or designated representative of a court reporting firm.

2. The notice of noncompliance ~~must~~ :

(a) Must contain:

~~(a)~~ *(1)* A statement explaining the manner in which the court reporter or designated representative of a court reporting firm failed to comply with the requirements for continuing education;

~~(b)~~ *(2)* A notice that the court reporter or designated representative of a court reporting firm shall, on or before ~~August 15,~~ *a date specified in the notice, but not less than 30 days after the date on which the notice is provided by the Board,* file with the Board a compliance form showing that he or she has cured the failure specified; and

~~(c)~~ *(3)* A notice which specifies the consequences provided in subsection 3 for failure to file the form by ~~August 15,~~ *the date which appears in the notice required by subparagraph (2).*

(b) Will be deemed to be a notice of intended action pursuant to subsection 3 of NRS 233B.127.

3. ~~The~~ *In accordance with the requirements of NRS 233B.127, the* Board may suspend ~~for revoke~~ the certificate of a court reporter or the license of a firm if the court reporter or designated representative of the court reporting firm fails to file a report of compliance by ~~August 15,~~ *the date provided on the notice required by subsection 2.* Reinstatement of a certificate or license *that has been suspended pursuant to this section* may be conditioned *by the Board* upon one or ~~both~~ *more* of the following:

(a) Proof of compliance with the requirements for continuing education.

(b) The passage of the examination required pursuant to NRS 656.160 ~~or~~ *or 656.186, as applicable.*

(c) Payment of the reinstatement fee set forth in NAC 656.200 or NRS 656.220, as applicable.

Sec. 4. NAC 656.250 is hereby amended to read as follows:

656.250 1. Each firm that conducts business as a court reporting firm in this State must complete an application for a license provided by the Board and file the application with the Executive Secretary of the Board. The form for application for the license must include:

(a) The business address of the firm in this State;

(b) The tax identification number of the firm;

(c) The residential address of each owner of the firm;

(d) If applicable, a copy of each certificate filed pursuant to chapter 602 of NRS to do business under an assumed or fictitious name;

(e) Copies of all business licenses issued to the firm by a local government in this State;

(f) All other documents, reports and other information required by the Board; and

(g) The name of the designated representative of the court reporting firm, as well as a copy of his or her certificate as a certified court reporter or a certificate of completion which demonstrates satisfactory completion of the examination required pursuant to subsection 2 of NRS 656.186 and NAC 656.261.

2. ~~Upon~~ *Except as otherwise provided in subsection 4, upon* receipt of a completed application for a license and the payment of the fees required pursuant to NRS 656.220, the Executive Secretary of the Board shall issue a license to the firm.

3. If a change in the ownership of a firm occurs or other change pursuant to NRS 656.260 occurs, the firm shall file an amended application for a license with the Executive Secretary of the Board not more than 30 days after the change occurs.

4. *If a license is initially issued less than 45 days before the renewal date, the Board may reduce the fee required pursuant to NRS 656.220 on a pro rata basis determined by the amount of time the license will be valid before renewal.*

5. *To renew a license, the holder must pay the fee for annual renewal required pursuant to NRS 656.220 to the Board on or before June 30 of each year.*

Sec. 5. NAC 656.280 is hereby amended to read as follows:

656.280 1. Each firm must have at least one owner who is a court reporter or a designated representative of the court reporting firm to whom a certificate of completion has been issued pursuant to NAC 656.265.

2. Each firm must provide the service of court reporting , *including, without limitation, serving as an officer before whom depositions, examinations under oath and other*

proceedings out of court may be held, by a court ~~reporters~~ reporter or certified court reporter-voice writer only.

3. If a court reporter whose certificate is suspended or revoked provides service as a court reporter for a firm in which he or she is a shareholder, the income attributable to the court reporter must not be paid or otherwise accounted to the court reporter.

Sec. 6. NAC 656.320 is hereby amended to read as follows:

656.320 1. Except as otherwise provided in subsection 2, a court reporter or court reporting firm shall not engage in the practice of court reporting on behalf of a firm that is not ~~registered with~~ *licensed by* the Board. Each court reporter and court reporting firm shall verify whether a firm is ~~registered with~~ *licensed by* the Board before engaging in the practice of court reporting on behalf of the firm.

2. A court reporter or court reporting firm may engage in the practice of court reporting on behalf of a firm that is not ~~registered with~~ *licensed by* the Board in any proceeding conducted in this State as a result of an action commenced or maintained in a foreign jurisdiction if the court reporter or court reporting firm otherwise complies with the applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State.

3. As used in this section, “foreign jurisdiction” means a court or administrative body that was not created pursuant to the Constitution of the State of Nevada or the Nevada Revised Statutes.