ASSEMBLY, No. 3168

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED SEPTEMBER 13, 2004

Sponsored by:
Assemblyman ANTHONY IMPREVEDUTO
District 32 (Bergen and Hudson)
Assemblyman NEIL M. COHEN
District 20 (Union)

SYNOPSIS
Certifies court reporters.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning court reporters, amending and supplementing
P.L.1940, c.175, and repealing section 11 of P.L.1940, c.175.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. Section 1 of P.L.1940, c.175 (C.45:15B-1) is amended to read
as follows:

1. There is hereby established [a] in the Division of Consumer
Affairs in the Department of Law and Public Safety the State Board of
[Shorthand] Court Reporting (herein referred to as the board) to be
composed of [three] six members to be appointed by the Governor,
[by and with the consent of the Senate] three of whom shall be court
reporters, two of whom shall be public members appointed pursuant
to the provisions of section 2 of P.L.1971, c.60 (C.45:1-2.2), and one
of whom shall be a State executive department member appointed
pursuant to the provisions of P.L.1971, c.60 (C.45:1-2.1 et seq.). The
members of the board, other than the public members and the State
executive department member, with the exception of the members first
appointed, shall be holders of certificates issued under the
provisions of this act. The members first appointed shall be skilled in
the art and practice of [shorthand] court reporting and shall have been
actively and continuously engaged as professional [shorthand] court
reporters within the State of New Jersey for at least five years
preceding their appointments. The members, except for the State
executive department member, shall hold office for a term of three
years, except that, (1) any member appointed to fill a vacancy
occurring prior to the expiration of the term for which his predecessor
was appointed shall be appointed for the remainder of such term, and
(2) the terms of office of the members first taking office after the date
of enactment of this act shall expire, as designated by the Governor at
the time of nomination, one at the end of one year, one at the end of
two years, and one at the end of three years after such date. The
board shall elect one of its members as chairman and one as
secretary-treasurer, who shall hold their respective offices for one
year. The secretary-treasurer shall give bond to the State in such sum
as may be determined by the board. The board shall make all
necessary rules and regulations to carry out the provisions of this act.
Any [two] four members shall constitute a quorum for the transaction
of business. The board shall keep a complete record of all its
proceedings and shall file an annual report with the office of the
Secretary of State.

(cf: P.L.1940, c.175, s.1)
2. Section 2 of P.L.1940, c.175 (C.45:15B-2) is amended to read as follows:

2. Any person who has received from the board a certificate of his qualifications to practice as a [shorthand] court reporter shall be known and styled as a "certified [shorthand] court reporter," and no other person, and no partnership, all of the members of which have not received such certificate, and no corporation, shall assume such title or the abbreviation "C.S.R.," "C.C.R." or any other words, letters or abbreviations tending to indicate that the person, partnership or corporation so using the same is a certified [shorthand] court reporter.

(cf: P.L.1940, c.175, s.2)

3. Section 3 of P.L.1940, c.175 (C.45:15B-3) is amended to read as follows:

3. The board shall grant a certificate as a certified [shorthand] court reporter to any citizen of the United States, residing or having a place for the regular transaction of business in this State, (a) who is over the age of [twenty-one] 18 years, of good moral character, and is a graduate of a high school or has had an equivalent education; and (b) who has[, except as provided in section five of this act,] successfully passed an examination in [shorthand] court reporting under such rules and regulations as the board may prescribe.

(cf: P.L.1940, c.175, s.3)

4. Section 1 of P.L.1999, c.26 (C.45:15B-3.1) is amended to read as follows:

1. The State Board of [Shorthand] Court Reporting shall require each [shorthand] court reporter certified pursuant to section 3 of P.L.1940, c.175 (C.45:15B-3) to complete any continuing education requirements imposed by the board pursuant to section 2 of [this act] P.L.1999, c.26 (C.45:15B-3.2).

(cf: P.L.1999, c.26, s.1)

5. Section 2 of P.L.1999, c.26 (C.45:15B-3.2) is amended to read as follows:

2. a. The board shall:

(1) establish standards for continuing [shorthand] court reporting education, including the subject matter and content of courses of study, the selection of instructors, and the number and type of continuing education credits required of a certified [shorthand] court reporter as a condition for biennial license renewal;

(2) approve educational programs offering continuing education credits; and

(3) approve other equivalent educational programs and establish procedures for the issuance of credit upon satisfactory proof of the
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1 completion of these programs.
2 b. In the case of [shorthand] court reporting education courses
3 and programs, each hour of instruction shall be equivalent to one
4 credit.
5 (cf: P.L.1999, c.26, s.2)
6
7 6. Section 9 of P.L.1940, c.175 (C.45:15B-9) is amended to read
8 as follows:
9 9. No person shall engage in the practice of [shorthand] court
10 reporting in this State[, as defined in this act.] unless [he] the person
11 has first obtained a certificate from the board as provided [in this act;
12 provided, that nothing in this act shall be construed to prohibit the
13 temporary employment of any person not holding a certificate until a
14 certified shorthand reporter is available] pursuant to P.L. c. (now
15 before the Legislature as this bill).
16 (cf: P.L.1940, c.175, s.9)
17
18 7. Section 10 of P.L.1940, c.175 (C.45:15B-10) is amended to
19 read as follows:
20 10. [The words "shorthand reporting" as used in this act shall be
21 defined to mean the making by use of symbols or abbreviations, of a
22 verbatim record of any testimony given under oath before any court,
23 referee, or board, commission or other body created by statute of this
24 State] As used in this act:
25 "Certified court reporter" means a person who is certified pursuant
26 to the provisions of this act.
27 "Court reporting" means making by use of symbols or
28 abbreviations, of a verbatim record of court proceedings, depositions,
29 other judicial proceedings, meetings of boards, agencies, corporations,
30 or other bodies or groups, and causing that record to be printed in
31 readable form or produced on a computer screen in readable form.
32 "Court reporting agency" means a business entity that provides the
33 services of certified court reporters.
34 "Owner" means a person who has any equity interest in a court
35 reporting agency, whether as a sole proprietor, partner, shareholder,
36 or member, or other form of equity ownership.
37 (cf: P.L.1953, c.43, s.80)
38
39 8. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read as
40 follows:
41 1. The provisions of this act shall apply to the following boards and
42 commissions: the New Jersey State Board of Accountancy, the New
43 Jersey State Board of Architects, the New Jersey State Board of
44 Cosmetology and Hairstyling, the Board of Examiners of Electrical
45 Contractors, the New Jersey State Board of Dentistry, the State Board
46 of Mortuary Science of New Jersey, the State Board of Professional
47 Engineers and Land Surveyors, the State Board of Marriage and
Family Therapy Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the New Jersey Real Estate Commission, the State Board of [Shorthand] Court Reporting, the State Board of Veterinary Medical Examiners, the Radiologic Technology Board of Examiners, the Acupuncture Examining Board, the State Board of Chiropractic Examiners, the State Board of Respiratory Care, the State Real Estate Appraiser Board, the State Board of Social Work Examiners, the State Board of Public Movers and Warehousemen and the State Board of Physical Therapy Examiners.

(cf: P.L.2003, c.18, s.18)

9. Section 2 of P.L.1971, c.60 (C.45:1-2.2) is amended to read as follows:

2. a. All members of the several professional boards and commissions shall be appointed by the Governor in the manner prescribed by law; except in appointing members other than those appointed pursuant to subsection b. or subsection c., the Governor shall give due consideration to, but shall not be bound by, recommendations submitted by the appropriate professional organizations of this State.

b. In addition to the membership otherwise prescribed by law, the Governor shall appoint in the same manner as presently prescribed by law for the appointment of members, two additional members to represent the interests of the public, to be known as public members, to each of the following boards and commissions: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the New Jersey Real Estate Commission, the State Board of [Shorthand] Court Reporting, the State Board of Social Work Examiners, and the State Board of Veterinary Medical Examiners, and one additional public member to each of the following boards: the Board of Examiners of Electrical Contractors, the State Board of Marriage and Family Therapy Examiners, the State Board of Examiners of Master Plumbers, and the State Real Estate Appraiser Board. Each public member shall be appointed for the term prescribed
for the other members of the board or commission and until the
appointment of his successor. Vacancies shall be filled for the
unexpired term only. The Governor may remove any such public
member after hearing, for misconduct, incompetency, neglect of duty
or for any other sufficient cause.

No public member appointed pursuant to this section shall have any
association or relationship with the profession or a member thereof
regulated by the board of which he is a member, where such
association or relationship would prevent such public member from
representing the interest of the public. Such a relationship includes a
relationship with members of one's immediate family; and such
association includes membership in the profession regulated by the
board. To receive services rendered in a customary client relationship
will not preclude a prospective public member from appointment. This
paragraph shall not apply to individuals who are public members of
boards on the effective date of this act.

It shall be the responsibility of the Attorney General to insure that
no person with the aforementioned association or relationship or any
other questionable or potential conflict of interest shall be appointed
to serve as a public member of any board regulated by this section.

Where a board is required to examine the academic and professional
credentials of an applicant for licensure or to test such applicant orally,
no public member appointed pursuant to this section shall participate
in such examination process; provided, however, that public members
shall be given notice of and may be present at all such examination
processes and deliberations concerning the results thereof, and,
provided further, that public members may participate in the
development and establishment of the procedures and criteria for such
examination processes.

c. The Governor shall designate a department in the Executive
Branch of the State Government which is closely related to the
profession or occupation regulated by each of the boards or
commissions designated in section 1 of P.L.1971, c.60 (C.45:1-2.1)
and shall appoint the head of such department, or the holder of a
designated office or position in such department, to serve without
compensation at the pleasure of the Governor as a member of such
board or commission.

d. A majority of the voting members of such boards or
commissions shall constitute a quorum thereof and no action of any
such board or commission shall be taken except upon the affirmative
vote of a majority of the members of the entire board or commission.
(cf: P.L.1995, c.366, s.21)

10. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read as
follows:

1. The provisions of this act shall apply to the following boards and
commissions: the New Jersey State Board of Accountancy, the New
Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read as follows:

2. The provisions of this act shall apply to the following boards and all professions or occupations regulated by, through or with the advice of those boards: the New Jersey State Board of Accountancy, the New Jersey State Board of Cosmetology and Hairstyling, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage and Family Therapy Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the State Board of Shorthand Court Reporting, the State Board of Veterinary Medical Examiners, the Radiologic Technology Board of Examiners, the Acupuncture Examining Board, the State Board of Chiropractic Examiners, the State Board of Respiratory Care, the State Real Estate Appraiser Board, the New Jersey Cemetery Board, the State Board of Social Work Examiners and the State Board of Physical Therapy Examiners.

(cf: P.L.2003, c.261, s.39)
12. (New section) Whenever the term "State Board of Shorthand Reporting" or "shorthand reporter" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to refer to the "State Board of Court Reporting" and "court reporter," respectively.

13. (New section) Any person who is a certified shorthand reporter pursuant to section 3 of P.L.1940, c.175 (C.45:15B-3) on the effective date of this amendatory and supplementary act shall be a certified court reporter under and subject to the provisions of P.L.1940, c.175 (C.45:15B-1 et seq.) and this amendatory and supplementary act.

14. (New section) a. No court reporting agency shall employ a court reporter or offer court reporting services unless the court reporting agency holds a valid registration obtained from the board pursuant to the provisions of this section. The registration shall be reissued biennially by the board.

b. The board shall issue a registration certificate to any court reporting agency which qualifies pursuant to the provisions of this section and submits a properly completed application form and pays the prescribed fee. The registration form shall include, but not be limited to, the following information:

(1) The name and address of the court reporting agency owner, and any other similar information regarding the owner that the board may require; and

(2) The name and address of the court reporting agency for which the registration is requested.

c. Any change in the information required by the board for registration shall be reported by the court reporting agency within 10 days after the change occurs.

d. A court reporting agency shall hire and retain in employment only certified court reporters, whose certifications are not suspended or revoked.

e. A court reporting agency registered pursuant to this section shall be subject to any regulations of the board, including, but not limited to, regulations relating to transcript formatting and business practices.

15. Section 11 of P.L.1940, c.175 (C.45:15B-11) is repealed.
16. This act shall take effect on the 180th day following enactment.

STATEMENT

This bill updates the statutes regarding the regulation of shorthand reporters by changing references to "shorthand reporters" in the law to the more modern designation "court reporter." Similarly, the name of the licensing board is changed from the "State Board of Shorthand Reporting" to the "State Board of Court Reporting." In addition, various sections in chapter 1 of Title 45 of the Revised Statutes, concerning the establishment of certain uniform standards for board memberships and for uniform board enforcement powers and standards, are amended in the bill so as to make proper reference to the State Board of Court Reporting.

The bill also provides that no court reporting agency shall employ a court reporter or offer court reporting services unless the court reporting agency holds a valid registration obtained from the board pursuant to the provisions of the bill. The registration shall be reissued biennially by the board.