

**COURT REPORTER AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John Knotwell**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to court reporters.

**Highlighted Provisions:**

This bill:

- ▶ repeals the Certified Court Reporters Licensing Act;
- ▶ modifies provisions of the Court Reporter Act, including provisions that reference the Certified Court Reporters Licensing Act;
- ▶ modifies the definition of "certified court reporter"; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 78A-2-402**, as last amended by Laws of Utah 2010, Chapter 34
- 78A-2-403**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 78A-2-404**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 78A-2-411**, as last amended by Laws of Utah 2018, Chapter 148

REPEALS:



- 28 [58-74-101](#), as last amended by Laws of Utah 2004, Chapter 77
- 29 [58-74-102](#), as last amended by Laws of Utah 2016, Chapter 238
- 30 [58-74-201](#), as last amended by Laws of Utah 2004, Chapter 77
- 31 [58-74-301](#), as last amended by Laws of Utah 2004, Chapter 77
- 32 [58-74-302](#), as last amended by Laws of Utah 2009, Chapter 183
- 33 [58-74-303](#), as enacted by Laws of Utah 1997, Chapter 372
- 34 [58-74-401](#), as last amended by Laws of Utah 2008, Chapter 3
- 35 [58-74-501](#), as last amended by Laws of Utah 2004, Chapter 77
- 36 [58-74-502](#), as last amended by Laws of Utah 2008, Chapter 3

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38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **78A-2-402** is amended to read:

40 **78A-2-402. Definitions.**

41 As used in this part:

42 (1) "Certified court reporter" ~~[has the same meaning as in Title 58, Chapter 74,~~  
43 ~~Certified Court Reporters Licensing Act.]~~ means a person certified in accordance with rules of  
44 the Judicial Council who engages in the practice of court reporting and who is:

45 (a) a shorthand reporter certified by the National Court Reporters Association; or

46 (b) a voice reporter certified by the National Verbatim Reporters Association.

47 (2) "Folio" means 100 words. A number expressed as a numeral counts as one word;  
48 however, any portion of the last folio is not counted.

49 (3) "Official court transcriber" means a person certified in accordance with rules of the  
50 Judicial Council as competent to transcribe into written form an audio or video recording of  
51 court proceedings.

52 Section 2. Section **78A-2-403** is amended to read:

53 **78A-2-403. Appointment of reporters -- Eligibility -- Oath -- Bond -- Action on**  
54 **bond.**

55 ~~[(1) A person may not be appointed to the position of court reporter nor act in the~~  
56 ~~capacity of a court reporter in any court of record of this state, or before any referee, master,~~  
57 ~~board, or commission of this state without a currently valid license from the Division of~~  
58 ~~Occupational and Professional Licensing as provided in Title 58, Chapter 74, Certified Court~~

59 ~~Reporters Licensing Act.]~~

60 ~~[(2)]~~ (1) Before any person may act as a certified court reporter, the person shall:

61 (a) take, subscribe, and file the constitutional oath; and

62 (b) give a bond with sufficient surety, conditioned upon the faithful performance of all  
63 duties, in the sum of \$2,500, or larger sum if ordered by the judge.

64 ~~[(3)]~~ (2) The bond shall run to the state of Utah, but an action on it may be maintained  
65 by any person whose rights are affected by the failure of the reporter to perform the reporter's  
66 official duties.

67 Section 3. Section **78A-2-404** is amended to read:

68 **78A-2-404. Contract restrictions.**

69 (1) Any contract for court reporting services, not related to a particular case or  
70 reporting incident, is prohibited between a certified court reporter or any other person with  
71 whom a certified court reporter has a principal and agency relationship and any attorney, party  
72 to an action, or party having a financial interest in an action. Negotiating or bidding reasonable  
73 fees, equal to all the parties, on a case-by-case basis may not be prohibited.

74 (2) A certified court reporter is an officer of the court whose impartiality shall remain  
75 beyond question.

76 (3) This section does not apply to the courts or the administrative tribunals of this state.

77 ~~[(4) Violation of this section shall be considered unprofessional conduct as provided in  
78 Sections 58-74-102 and 58-74-502, and shall be grounds for revocation of licensure only.]~~

79 Section 4. Section **78A-2-411** is amended to read:

80 **78A-2-411. Crimes.**

81 Any violation of the provisions of this chapter~~[, except Section 78A-2-404,]~~ is a class B  
82 misdemeanor.

83 Section 5. **Repealer.**

84 This bill repeals:

85 Section **58-74-101, Title.**

86 Section **58-74-102, Definitions.**

87 Section **58-74-201, Board.**

88 Section **58-74-301, Licensure required.**

89 Section **58-74-302, Qualifications for licensure.**

- 90 Section **58-74-303**, **Term of license -- Expiration -- Renewal.**
- 91 Section **58-74-401**, **Grounds for denial of license -- Disciplinary proceedings.**
- 92 Section **58-74-501**, **Unlawful conduct.**
- 93 Section **58-74-502**, **Unprofessional conduct.**