

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 3029

FISCAL
NOTE

BY DELEGATES PYLES AND DISERIO

[Introduced February 12, 2019; Referred
to the Committee on the Judiciary then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article
 2 and eight sections, designated §30-2B-1, §30-2B-2, §30-2B-3, §30-2B-4, §30-2B-5, §30-
 3 2B-6, §30-2B-7, and §30-2B-8; all relating to requiring court reporters be licensed, creating
 4 a board of examiners; establishing the duties of the board; creating an application
 5 procedure for a license; establishing a state examination; providing for certain exceptions
 6 to examination under certain circumstances; requiring character interviews if an applicant
 7 has a criminal record for certain circumstances; creating the Court Reporter's Fund;
 8 providing for the disposition of moneys in the fund; requiring court reporters to file all
 9 documents the court reporter creates when performing reporting services with the clerk of
 10 the court within three days of performing reporting services; establishing penalties for
 11 failing to file all records for which reporting services were performed; providing exemptions
 12 to this article under certain conditions; establishing rule making authority; providing for a
 13 severability clause; and providing an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2B. BOARD OF EXAMINERS OF COURT REPORTERS.

§30-2B-1. Board members; duties.

1 (a) The West Virginia Board of Court Reporters shall consist of seven members appointed
 2 by the West Virginia Supreme Court of Appeals to evaluate applicants seeking admittance to be
 3 a court reporter in West Virginia. Board members will serve a term of five years unless a board
 4 member resigns or leaves office, in which case, another member shall be appointed as soon as
 5 possible.

6 (b) The board shall:

7 (1) Create an application form to become a licensed court reporter and shall place the
 8 form on the Supreme Court of Appeals' website;

9 (2) Create a renewal form;

10 (3) Scheduled and conduct interviews to consider an applicant's character and ensure the

11 applicant can represent the court as an officer of the court;

12 (4) Adopt a state examination method for court reporters and establish minimum passing
13 scores; and

14 (5) Any other duties necessary to carry out the provisions of this article and any rules
15 established by the West Virginia Supreme Court of Appeals.

16 (c) The board shall adopt a state examination to test an applicant's:

17 (1) Ability to type at least 170 words per minute;

18 (2) Typing accuracy;

19 (3) Knowledge of court procedures;

20 (4) Knowledge of court vocabulary; and

21 (5) Any other competency the board deems necessary.

22 (d) The board may determine whether the applicant must successfully pass each portion
23 of the exam, or the exam in its entirety.

24 (e) The board may hire staff, as needed, to process applications and administer
25 examinations. Staff salaries shall be paid from the Court Reporters Fund.

§30-2B-2. Application procedures; good moral character; examination of applicants for license.

1 (a) All applicants shall:

2 (1) Pay an application fee of \$100;

3 (2) Complete the application, as required by the board;

4 (3) Submit to a background check; and

5 (4) Either:

6 (A) Pass all parts of the state examination; or

7 (B) Possess a Certified Court Reporter or Certified Shorthand Reporter certificate and
8 pass the state examination relating to court procedures.

9 (b) Any applicant who has been convicted of a felony or a crime of moral turpitude within

10 five years immediately preceding the application date must present himself or herself to board for
11 an interview to determine if the applicant's character is suitable for court reporting.

12 (c) The board may determine the most suitable time, date, and location to administer a
13 court reporter examination. The board may administer examinations in multiple locations as long
14 as the examinations are administered on the same date and begin at approximately the same
15 time.

16 (d) All reporters licensed under this section shall renew their license every two years by
17 paying the required renewal fee, submitting a renewal form, and completing a criminal background
18 check. The board shall establish renewal fees and shall review the fees from time to time to ensure
19 all costs are recovered. Any person who renews his or her court reporter license and who was
20 convicted of a felony or crime of moral turpitude within the previous two years from the date of
21 the renewal form shall present himself or herself to the board for a character interview.

§30-2B-3. Fund; disposition of funds.

1 (a) All moneys received by the board shall be paid into a special revenue fund with the
2 State Treasurer called the Court Reporter Fund. All expenses of the board may be paid out of this
3 fund. The board shall set the maximum amount permitted to be in the fund; *Provided*, That the
4 amount in the fund shall not exceed twice the actual annual operating expenses.

5 (b) The State Treasurer shall transfer funds in the Court Reporter Fund which exceed the
6 amount specified in subsection (a) to the State General Revenue Fund at the end of every fiscal
7 year.

§30-2B-4. Court reporters required to file record; penalties.

1 (a) Any licensed court reporter under this article shall file all transcripts, recordings,
2 writings, or any other work for which the court reporter provided reporting services with the clerk
3 of the court.

4 (b) If a court reporter, for any reason, fails to file all records with the clerk of the court within
5 three days after the date the court reporter provided reporting services, the board shall suspend

6 the court reporters license pending the outcome of an investigation. The board may, in its
7 discretion, suspend or revoke a court reporter's license if the board believes that a failure to file
8 was intentional. The clerk of the court may notify the board of any missing records not filed by a
9 court reporter.

§30-2B-5. Exemptions to this article.

1 Any court reporter who has worked or is working as court reporter within the previous year,
2 completes the application, pays the application fee, and completes a background check without
3 any criminal conviction before December 31, 2019 shall not be required to take any examination
4 and shall be a licensed court reporter in this state.

§30-2B-6. Rule-making authority.

1 The West Virginia Supreme Court of Appeals shall have the authority to propose
2 emergency rules to carry out the provisions of this section pursuant to §29A-3-1 et seq. of this
3 code.

§30-2B-7. Severability.

1 The provisions of this article are severable and accordingly, if any part of this article is
2 adjudged to be unconstitutional or invalid, that determination does not affect the continuing validity
3 of the remaining provisions of this article.

§30-2B-8. Effective date.

1 This article shall take effect upon passage.

NOTE: The purpose of this bill is to establish minimum requirements for court reporters; to require court reporters be licensed in this state; to establish an application procedure; to establish an application fee; to require applicants who have been convicted of a felony or a crime of moral turpitude to submit to an interview with the board; to require court reporters to renew their license every two years; to require court reporters to submit to a criminal background check to renew their license; to create the Court Reporters Fund; to require excess amounts in the fund be transferred to the General Revenue Fund; to require court reporters to file all documents related to any proceeding or for any reporting service performed with the clerk of the court; to establish penalties for failing to file all records; providing exemptions to this article; providing rule-making authority; providing for a severability clause; and providing for an effective date.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.