

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

LCB File No. R029-07

Effective October 31, 2007

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

AUTHORITY: §§1, 2, 5 and 12, NRS 656.130; §§3 and 4, NRS 656.186, 656.187 and 656.220; §6, NRS 656.130 and 656.160; §7, NRS 656.130, 656.150, 656.160 and 656.180; §8, NRS 656.130 and 656.220; §§9 and 10, NRS 656.130 and 656.200; §11, NRS 656.130 and 656.205.

A REGULATION relating to court reporters; setting forth the requirements for becoming the designated representative of a court reporting firm in certain circumstances; revising certain requirements for the examination and continuing education of a certified court reporter; revising certain licensure and ownership requirements for court reporting firms; increasing the fees for the issuance and renewal of a certificate of a certified court reporter; and providing other matters properly relating thereto.

Section 1. Chapter 656 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *“Designated representative of a court reporting firm” has the meaning ascribed to it in subsection 5 of NRS 656.030.*

Sec. 3. 1. *Before a person who is not a certified court reporter may serve as a designated representative of a court reporting firm, he must pass an examination administered by the Board.*

2. The Executive Secretary of the Board shall prepare a schedule for the administration of examinations to applicants to become a designated representative of a court reporting firm.

3. The fee for an initial examination is \$100, and the fee for each subsequent examination taken by an applicant within 1 year after the initial examination is \$50.

Sec. 4. 1. *Each examination administered pursuant to section 3 of this regulation will consist of 100 multiple-choice questions that test the knowledge of the applicant in:*

- (a) Technical advances in the practice of court reporting;*
- (b) Ethics and professionalism in the practice of court reporting;*
- (c) Management of the business and economics of court reporting; and*
- (d) Any other subject relating to court reporting that the Board determines appropriate for inclusion in the examination.*

2. *Each applicant will have 90 minutes to complete the examination. During the examination, the applicant must not refer to or otherwise use any book, paper or other material.*

3. *Not later than 7 days after an examination, the Board will mail the results of the examination to each applicant. If the applicant passed the examination, the Board will include with the results of the examination a certificate of completion. If the applicant failed the examination, the Board will include with the results of the examination a statement that the applicant failed the examination and is not eligible for a certificate of completion.*

4. *An applicant who fails an initial examination may not take more than four examinations during the 12 consecutive months immediately following the initial examination. To apply for a subsequent examination, an applicant must submit a written request to the Board and pay the fee required pursuant to section 3 of this regulation.*

Sec. 5. NAC 656.010 is hereby amended to read as follows:

656.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 656.020 to 656.070, inclusive, *and section 2 of this regulation*, have the meanings ascribed to them in those sections.

Sec. 6. NAC 656.120 is hereby amended to read as follows:

656.120 1. The Executive Secretary of the Board shall assign a unique identification number to each application that is approved by the Board. An applicant must register on the day of the examination by presenting the original of the photo identification that accompanied his application and by signing the sheet for registration provided by the Board. The Board or a member of the staff of the Board will open the examination room on the day of the examination at 8 a.m. for registration. The Board or a member of the staff of the Board will provide a seat for the applicant in the examination room according to the identification number that is assigned to his application.

2. A member of the Board shall give oral instructions and remarks of introduction at approximately 9 a.m. on the day of the examination. Unless special arrangements are made pursuant to subsection 7 or 8, all applicants shall register and be present for the oral instructions and remarks of introduction.

3. The Board will administer two sections of the examination. An applicant who takes the examination for the first time must complete both sections of the examination. The name of the applicant or his identification number, or both, must not be written or otherwise appear on the examination provided by the Board.

4. The examination of an applicant and all other material relating to the examination must not be removed from the examination room during the administration of the examination. If an applicant removes the examination or material relating to the examination, the Board will fail the applicant for the purposes of the current application and will, if deemed appropriate by the Board, disqualify the applicant from participation in future examinations. After an applicant completes the examination, he shall return the examination and material to the registration desk.

5. An applicant shall not:

(a) Ask questions during the examination except for questions that are necessary for clarification of the examination; or

(b) Leave the room in which the examination is administered without permission from a person who is monitoring the examination or a member of the staff of the Board who is present at the registration desk.

6. An applicant shall bring to the examination room a pen or pencil, stenographic equipment and any other equipment required by the Board. ~~[The Board will provide paper for transcription.]~~

The Board will not:

(a) Provide stenographic or any other equipment.

(b) Replace equipment for an applicant if his equipment malfunctions during the examination.

7. Upon the written request of an applicant with a disability at least 10 working days before the examination, the Executive Secretary of the Board shall make special arrangements for the administration of the examination to the applicant if those arrangements are:

(a) Feasible;

(b) Reasonable; and

(c) In compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 to 12213, inclusive.

8. Upon the request of an applicant whose religious beliefs prevent him from taking the examination on the date of the examination, the Executive Secretary of the Board shall make special arrangements for the administration of the examination to the applicant if the request is made before the date of the examination.

9. If an applicant cheats on the examination, the Board will expel the applicant from the examination room and fail the applicant.

10. Questions concerning the administration, procedure or content of the examination must be submitted *in writing* to the Board.

Sec. 7. NAC 656.160 is hereby amended to read as follows:

656.160 1. If an applicant fails one or both sections of the examination, he is ineligible for a certificate. Such an applicant may retake the examination if he submits an application and the fee required for examination to the Board.

2. ~~[An applicant who failed one section of the examination may retake the section that he failed during the examination that is administered immediately succeeding the examination that he failed. Such an applicant]~~ *A passing grade on either section of the examination received by an applicant will be valid for the two immediately succeeding examinations administered by the Board. An applicant who has a passing grade on either section of the examination that is valid for the examination* is required to be present for the oral instructions and remarks of introduction by a member of the Board, but is not required to be present for the section of the examination that he passed.

Sec. 8. NAC 656.200 is hereby amended to read as follows:

656.200 The following fees must be paid:

1. For the original issuance of a certificate..... ~~[\$150]~~ **\$200**
2. For the annual renewal of a certificate ~~[\$150]~~ **\$200**

Sec. 9. NAC 656.210 is hereby amended to read as follows:

656.210 1. Each court reporter 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 statutes, regulations and court rules governing the practice of court reporting in this State.

2. *The Board will provide each court reporter with the means to obtain these two credits other than by personal attendance.*

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

Sec. 10. NAC 656.250 is hereby amended to read as follows:

656.250 1. Each firm that practices court reporting in this State must complete ~~{a form for registration}~~ *an application for a license* provided by the Board and file the ~~{form}~~ *application* with the Executive Secretary of the Board. The form for ~~{registration}~~ *application for the license* must include:

- (a) The business address of the firm in this State;
 - (b) The residential address of each owner of the firm;
 - (c) If applicable, a copy of each certificate filed pursuant to chapter 602 of NRS to do business under an assumed or fictitious name;
 - (d) Copies of all business licenses issued to the firm by a local government in this State;
- ~~{and}~~
- (e) All other documents, reports and other information required by the Board ~~{}~~; *and*
 - (f) *The name of the designated representative of the court reporting firm, as well as a copy of a certificate of completion for the designated representative of the court reporting firm, if applicable.*

2. Upon receipt of a completed ~~{form for registration,}~~ *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 . ~~{a certificate of registration.}~~

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

Sec. 11. NAC 656.270 is hereby amended to read as follows:

656.270 1. Each *designated representative of a court reporting* firm ~~[that is registered with the Board shall comply with the statutes, regulations, rules and standards of conduct that are applicable to court reporters.]~~ *who is not a certified court reporter shall, every 2 years, complete at least 15 hours of continuing education relating to the practice of court reporting or the business practices of the firm.*

2. The Board will apply the statutes and regulations governing court reporters, including, but not limited to, suspension or revocation of a certificate, to a firm ~~[that practices court reporting]~~ in the same manner as the Board applies those statutes and regulations to court reporters. The provisions of this subsection do not negate an independent contractual relationship between a court reporter and a firm.

Sec. 12. NAC 656.280 is hereby amended to read as follows:

656.280 1. Each ~~[owner of a firm that practices court reporting must be a court reporter.]~~ *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 section 4 of this regulation.*

2. Each firm ~~[that practices court reporting]~~ must provide the service of court reporting by court reporters only.

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

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R029-07**

The Certified Court Reporters' Board of Nevada adopted regulations assigned LCB File No. R029-07 which pertain to chapter 656 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

Date: Tuesday, November 18, 2007
Start Time: 5:30pm
End Time: 6:16pm

Location: Nevada Certified Court Reporters Board
500 North Rainbow Boulevard, 3rd Floor Conference Room
Las Vegas, Nevada 89107

Present: Patrick Murphy, Denise Phipps, Pauline May, Mary Cameron (via teleconference), Gloria Perry, Gayle Pichierri, Mary Cox Daniel, Kevin Daniel, Kit MacDonald, Felicia Zabin, Clara Hanson, Norman Azevedo, Debbie Uehara, Barbara Johnson (via teleconference)

The adoption meeting was called to order by Chairman, Patrick J. Murphy, Esq.:

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Notice of public hearing for adoption and amendment of regulations of the state of Nevada Certified Court Reporters Board was noticed on August 17, 2007 to all registered Nevada court reporting firms, certified court reporters, all Nevada county public libraries and posted at the following locations listed below:

8th Judicial District Court
200 Lewis Avenue
Las Vegas, Nevada 89155

2nd Judicial District Court
75 Court Street
Reno, Nevada 89520

Office of the Attorney General
885 East Musser Street, #2030
Carson city, Nevada 89701

Public response focused on the availability of study courses to obtain continuing education credits comprised on the subject matter of Nevada law.

A copy of the written comments may be obtained by calling the Nevada Certified Court Reporters Board at 702-384-1663.

- 2. The number of persons who:**
- a) Attended hearing: 14**
 - b) Testified at hearing: 1**
 - c) Submitted to the agency written comments: 2**

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected court reporting firms and certified court reporters by notices by direct mail. Comments focused on the availability of study courses to obtain continuing education credits comprised on the subject matter of Nevada law. A copy of the written comments may be obtained by calling the Nevada Certified Court Reporters Board at 702-384-1663.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted on September 18, 2007 with changes to the proposed language. A statement indicating 1 change to language was submitted via email on 9/20/07 to Debra Corp..

5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:

a) Both adverse and beneficial effects; and
Not applicable.

b) Both immediate and long-term effects.
Provides for oversight from the Board for a non-court reporter owned court reporting firm.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed amendments duplicate.

8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

Not applicable.

9. If the regulation provides a new fee or increase on an existing fee, the total annual amount the agency expects to collect and the number in which the money will be used.

There will be a new fee of \$100.00 for the initial firm owner's examination and \$50.00 for a repeat exam.

MOTION by Patrick Murphy: To adopt the language as written with one amendment to section 6, to insert "in writing" after the word submitted in item 10. Motion seconded by Mary Cameron, all in favor.