

1 SB564
2 120204-5
3 By Senator Dixon
4 RFD: Economic Expansion and Trade
5 First Read: 23-MAR-10

1 SB564

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4 ENROLLED, An Act,

5 Relating to the Alabama Sunset Law; to continue the
6 existence and functioning of the Alabama Board of Court
7 Reporting until October 1, 2012, with certain modifications;
8 to amend Sections 34-8B-4, 34-8B-5, 34-8B-8, 34-8B-9, and
9 34-8B-15, Code of Alabama 1975, so as to delete reference to
10 the Alabama Judicial Conference; to provide for the
11 appointment of a board member by the Chief Justice from a list
12 of nominees provided by the Administrative Office of Courts;
13 to allow court reporters to use approved continuing legal
14 education courses for continuing education; to limit the
15 admissibility of depositions; to limit the liability of the
16 board; and to provide for a temporary graduate license for
17 graduates of court reporting schools.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Pursuant to the Alabama Sunset Law, the
20 Sunset Committee recommends the continuance of the Alabama
21 Board of Court Reporting until October 1, 2012, with the
22 additional recommendations for statutory change as set out in
23 Section 3.

24 Section 2. The existence and functioning of the
25 Alabama Board of Court Reporting, created and functioning

1 pursuant to Sections 34-8B-1 to 34-8B-18, inclusive, Code of
2 Alabama 1975, is continued until October 1, 2012, is
3 continued, and those code sections are expressly preserved.

4 Section 3. Sections 34-8B-4, 34-8B-5, 34-8B-8,
5 34-8B-9, and 34-8B-15 of the Code of Alabama 1975, are amended
6 to read as follows:

7 "§34-8B-4.

8 "(a) There is created the Alabama Board of Court
9 Reporting. The board shall be operative within 60 days of June
10 1, 2006. ACRA shall provide administrative support to the
11 board until such time as the board employs sufficient
12 employees to implement and administer this chapter.

13 "(b) The board shall consist of seven members as
14 follows:

15 "(1) Four court reporters certified by ABCR, NCRA,
16 NVRA, or by the board, two of whom shall be employed in
17 official capacities and two of whom shall be employed in a
18 freelance setting.

19 "(2) Two members in good standing with the Alabama
20 State Bar Association.

21 "(3) One additional member.

22 "(c) Appointments to the board shall be made as
23 follows:

24 "(1) The Governor shall appoint one official court
25 reporter, one freelance court reporter, and one member of the

1 Alabama State Bar Association. ACRA, NCRA, NVRA, and the
2 Alabama State Bar Association shall respectively submit a list
3 of three names for each appointment to the Governor for
4 consideration.

5 "(2) The Lieutenant Governor shall appoint one
6 member of the Alabama State Bar Association from a list of
7 three names submitted by the Alabama State Bar Association.

8 "(3) The President Pro Tempore of the Senate shall
9 appoint one member who is an official court reporter from a
10 list of three names submitted by ACRA.

11 "(4) The Speaker of the House of Representatives
12 shall appoint one member who is a freelance court reporter
13 from a list of three names submitted by ACRA.

14 "(5) The Chief Justice of the Alabama Supreme Court
15 shall appoint one member from a list of three names submitted
16 by the Administrative Office of Courts.

17 "(d) All members of the board shall be citizens of
18 the United States and the State of Alabama. The lists of names
19 shall be submitted by the designated organizations on or
20 before June 1, 2006. The initial terms shall begin January 1,
21 2007, and all appointments shall be made prior to January 1 of
22 every year.

23 "(e) The initial members shall serve the following
24 terms as designated by the Governor:

25 "(1) Three members shall serve for two years.

1 "(2) Two members shall serve for three years.

2 "(3) Two members shall serve for four years.

3 "(f) Subsequent terms of office shall be for four
4 years. No member shall serve more than two consecutive terms.
5 In the event of a vacancy, the appointing authority for the
6 position shall fill the vacancy. Each member shall serve until
7 his or her successor is duly appointed and qualified.

8 "(g) The membership of the board shall be inclusive
9 and reflect the racial, gender, geographic, urban/rural, and
10 economic diversity of the state. The board shall annually
11 report to the Legislature by the second legislative day of
12 each regular session to what extent the board has complied
13 with the diversity provisions provided for in this subsection.

14 "(h) At its first meeting each calendar year, the
15 board shall elect a chair, vice chair, and secretary from its
16 membership. No member shall be elected to serve more than two
17 consecutive years in the same office.

18 "(i) After the initial appointments have been made,
19 the board shall meet by January 2007, for the purpose of
20 organizing and transacting business. Thereafter, the board
21 shall meet not less than twice annually and as frequently as
22 deemed necessary by the chair or a majority of the members.
23 The board shall meet at such time and place as designated by
24 the board. A quorum shall consist of four members.

1 "(j) Board members shall receive the same travel
2 expenses and per diem as state employees pursuant to Article
3 2, commencing with Section 36-7-20, Chapter 7, Title 36. The
4 compensation and expenses shall be paid out of the funds of
5 the board. Reimbursement shall not be made if funds are
6 insufficient.

7 "§34-8B-5.

8 "The board shall have all of the following duties
9 and responsibilities:

10 "(1) Act on matters concerning competency licensure
11 only and the process of granting, suspending, reinstating, and
12 revoking a license.

13 "(2) Establish a procedure for the investigation of
14 complaints against licensed court reporters and for the
15 conduct of hearings in which complaints are heard.

16 "(3) Set a fee schedule for granting licenses and
17 renewals of licenses subject to the Alabama Administrative
18 Procedure Act.

19 "(4) Maintain a current register of licensed court
20 reporters and a current register of temporarily licensed court
21 reporters. Registers shall be matters of public record.

22 "(5) Maintain a complete record of all proceedings
23 of the board.

24 "(6) Submit an annual report detailing the
25 proceedings of the board to the Governor for the previous

1 fiscal year and file a copy of the report with the Secretary
2 of State.

3 "(7) Adopt continuing education requirements no
4 later than October 1, 2007. Requirements shall be implemented
5 no later than January 1, 2008, and shall include all courses
6 approved by the Alabama State Bar for continuing legal
7 education.

8 "(8) Determine the content of and administer
9 examinations to be given to applicants for licensure as
10 certified court reporters and issue numbered licenses to
11 applicants found qualified.

12 "(9) Maintain records of its proceedings and a
13 register of all persons licensed by the board which shall be a
14 public record and open to inspection.

15 "§34-8B-8.

16 "After January 1, 2007, any person who undertakes or
17 attempts to undertake the practice of court reporting for
18 remuneration without first having procured a license, or who
19 knowingly presents or files false information with the board
20 for the purpose of obtaining a license or who violates this
21 chapter shall be guilty of a Class C misdemeanor. A person who
22 is not licensed may not bring or maintain an action to recover
23 fees for court reporting services that he or she performed in
24 violation of this chapter. Whenever it appears to the board
25 that any court reporter has violated this chapter, the board

1 may, in its own name, petition the circuit court of the county
2 in which the violation occurred to enjoin the violation.

3 "§34-8B-9.

4 "(a) The board may sue and be sued in its own name
5 to recover actual or compensatory damages, including interest
6 and court costs, sustained as the result of disciplinary
7 action taken against any licensee or any other person who
8 violates this chapter or rules promulgated hereunder.

9 "(b) All members of the board shall be immune from
10 civil liability while acting within the scope of their duties
11 as board members.

12 "§34-8B-15.

13 "(a) Any person who has engaged in the practice of
14 court reporting in the State of Alabama for less than one year
15 on June 1, 2006, and who provides to the board satisfactory
16 proof of graduation from an accredited high school or its
17 equivalent and the affidavits of three licensed attorneys,
18 unrelated to the person by blood or marriage, who have
19 utilized his or her services, and who attest to the person's
20 proficiency in court reporting, shall, upon application to the
21 board on forms approved by the board and payment of a fee in
22 an amount determined by the board, be issued a temporary
23 license to practice as a court reporter. This temporary
24 license shall expire on the 60th day following the date upon
25 which the next board-approved examination for licensure is

1 given. No more than two additional temporary licenses shall be
2 issued to any applicant who fails to pass the scheduled
3 examination for licensure.

4 "(b) Commencing on the effective date of the act
5 adding this subsection, any person who is a graduate of a
6 school of court reporting may receive a temporary license to
7 practice as a court reporter from the board. Application for
8 the temporary graduate license shall be made to the board, on
9 forms approved by the board, and the payment of a fee in an
10 amount determined by the board. The license shall be valid on
11 the date of graduation and shall expire 18 months after
12 issuance.

13 "(c) In the event that a temporary license expires
14 without the temporary licensee having passed the examination
15 for full licensure, court reporting services by the temporary
16 licensee shall cease and desist immediately upon the
17 expiration of the temporary license, and the board may not be
18 held liable for lost income to the temporary licensee or to
19 the court reporting firm."

20 Section 4. The Legislature concurs in the
21 recommendations of the Sunset Committee as provided in
22 Sections 1, 2, and 3.

23 Section 5. This act shall become effective
24 immediately upon its passage and approval by the Governor, or
25 its otherwise becoming law.

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President and Presiding Officer of
the Senate

Speaker of the House of Representa-
tives

SB564
Senate 06-APR-10
I hereby certify that the within Act originated in
and passed the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Passed: 14-APR-10

By: Senator Dixon