



Senate

General Assembly

File No. 185

January Session, 2007

Substitute Senate Bill No. 1298

Senate, March 29, 2007

The Committee on General Law reported through SEN. COLAPIETRO of the 31st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING SHORTHAND REPORTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-656 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2008*):

3 (a) The board may suspend or revoke the license of a shorthand
4 reporter under subdivision (7) of section 21a-7 if the holder of such
5 license: (1) Has been convicted of a felony, or (2) has been found by the
6 board, after a hearing conducted in accordance with chapter 54 and
7 regulations adopted pursuant to subsection (a) of section 21a-9 of: (A)
8 Gross incompetence, (B) malpractice, (C) unethical conduct, (D)
9 knowingly making a false, misleading or deceptive representation
10 relating to his or her work as a shorthand reporter, or (E) violating
11 regulations adopted pursuant to this chapter.

12 (b) Any person who has had a license suspended or revoked
13 pursuant to subsection (a) of this section may reapply to the board for
14 reinstatement of such person's license immediately after the license

15 suspension period has elapsed or not later than ninety days after the
16 license has been revoked.

17 (c) In addition to any action that may be taken by the board
18 pursuant to subsection (a) of this section or subsection (c) of section
19 21a-9, the board may suspend or revoke the license of a shorthand
20 reporter under subdivision (7) of section 21a-7 for:

21 (1) Failing to deliver a transcript to a client or a court in a timely
22 manner;

23 (2) Producing an incomplete transcript, except upon the order of a
24 court, agreement of the parties or request of a party;

25 (3) Failing to charge all parties or their attorneys the same rate for
26 like services performed in a proceeding, including any charge for a
27 copy of the transcript;

28 (4) Failing to notify all parties or their attorneys of a request for all
29 or part of a transcript in sufficient time for copies to be prepared and
30 delivered to such parties or attorneys simultaneously with the delivery
31 of the original request;

32 (5) (A) Giving, directly or indirectly, any gift, incentive, reward or
33 other thing of value to an attorney, the attorney's clients, or the
34 representatives or agents of such attorney or clients, or (B) directly or
35 indirectly benefiting from or being employed as a result of any gift,
36 incentive, reward or other thing of value given by any person to an
37 attorney, the attorney's clients, or the representatives or agents of such
38 attorney or clients;

39 (6) The reporting of any proceeding where the licensed shorthand
40 reporter is a relative of a party to the proceeding or an attorney
41 representing a party to the proceeding within the second degree by
42 affinity or consanguinity; or

43 (7) The reporting of any proceeding where the licensed shorthand
44 reporter has a financial interest in the proceeding or is associated with

45 a firm which has a financial interest in the proceeding.

46 (d) A shorthand reporter licensed pursuant to this chapter shall
47 display his or her shorthand reporter license number on any business
48 card, stationery, transcript, advertisement or other document used by
49 such reporter and pertaining to his or her practice of shorthand
50 reporting.

51 (e) The board may, after a hearing conducted in accordance with
52 chapter 54 and regulations adopted pursuant to subsection (a) of
53 section 21a-9, impose a civil penalty of not more than one thousand
54 dollars on any person who engages in activities for which a license is
55 required pursuant to this chapter or who violates any other provisions
56 of this chapter or of regulations adopted pursuant to this chapter.

57 Sec. 2. (NEW) (*Effective July 1, 2007*) The Commissioner of Consumer
58 Protection may adopt regulations, in accordance with the provisions of
59 chapter 54 of the general statutes, to set minimum requirements for
60 allowing persons to engage in the practice of shorthand reporting for
61 compensation in this state for not more than two years without a
62 license required pursuant to chapter 400l of the general statutes. Such
63 regulations shall allow such persons to engage in the practice of
64 shorthand reporting only under the direct supervision of a person
65 licensed as a shorthand reporter pursuant to chapter 400l of the general
66 statutes and shall impose a registration fee of fifty dollars per year.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2008</i>	20-656
Sec. 2	<i>July 1, 2007</i>	New section

GL *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Consumer Protection, Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill allows certain unlicensed individuals to perform shorthand reporting. This could result in a minimal revenue gain from civil penalties imposed by the State Board of Examiners of Shorthand Reporters, as a result of violations. There are currently 336 licensed shorthand reporters.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations and registrations received, which are unknown at this time.

OLR Bill Analysis**sSB 1298*****AN ACT CONCERNING SHORTHAND REPORTERS.*****SUMMARY:**

This bill (1) allows unlicensed people to engage in shorthand reporting under the direct supervision of a licensed shorthand reporter and under certain conditions, (2) adds to the grounds on which the State Board of Examiners of Shorthand Reporters (SBESR) board may impose discipline, (3) allows the board to impose a civil penalty of up to \$1,000, and (4) requires licensed shorthand reporters to display their license number on business documents.

EFFECTIVE DATE: January 1, 2008, except for the section concerning unlicensed people, which is effective on July 1, 2007.

UNLICENSED SHORTHAND REPORTERS

The bill authorizes the consumer protection commissioner to adopt regulations setting minimum standards to allow unlicensed persons to engage in shorthand reporting for compensation for up to two years. The regulations must require the unlicensed shorthand reporters to work under the direct supervision of a licensed shorthand reporter and impose a \$50 registration fee on the unlicensed shorthand reporters.

DISCIPLINE

This bill authorizes the SBESR to suspend or revoke a shorthand reporter's license, after a hearing, for gross incompetence; malpractice, unethical conduct; knowingly making a false, misleading, or deceptive representation relating to employment as a shorthand reporter; or violating regulations relating to shorthand reporting, which is currently grounds for disciplinary action. It also permits the board to suspend or revoke a license for a felony conviction (see

BACKGROUND). The bill allows anyone who has had a license revoked or suspended on these grounds to apply for reinstatement within 90 days after a revocation or immediately after the suspension period has elapsed. The law already allows the board to take disciplinary actions, including license suspension and revocation, on specified grounds.

CIVIL PENALTY

The bill authorizes the board to impose, after a hearing, a civil penalty of up to \$1,000 for (1) violating the licensing law on shorthand reporting and (2) engaging in activities for which a license is required. The latter provision is apparently intended to apply to unlicensed individuals.

LICENSE NUMBERS

The bill requires shorthand reporters to display their license number on their business cards, stationery, transcripts, advertisements, or other practice-related documents.

BACKGROUND

Felony Conviction

The law provides that no one may be disqualified from practicing or engaging in any profession or trade for which a credential is required solely because of a prior conviction unless the credentialing agency considers (1) the nature of the crime and its relationship to the job, (2) degree of rehabilitation, and (3) the time since the conviction or release and determines that the applicant is not suitable for the specific profession or trade (CGS § 46a-80).

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/14/2007)