



Senate

General Assembly

File No. 129

February Session, 2008

Substitute Senate Bill No. 272

Senate, March 25, 2008

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 Section 20-656 of the general statutes is repealed and the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 October 1, 2008*):

3 (a) The board, after a hearing conducted in accordance with chapter
4 54 and regulations adopted pursuant to subsection (a) of section 21a-9
5 of the 2008 supplement to the general statutes, may suspend or revoke
6 the license of a shorthand reporter if the holder of such license: (1) Has
7 been convicted of a felony, subject to the provisions of section 46a-80,
8 or (2) has been found by the board to have: (A) Knowingly made a
9 false, misleading or deceptive representation relating to his or her
10 work as a shorthand reporter, or (B) violated any regulation adopted
11 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16 license has been revoked.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 of the 2008 supplement to the general statutes, the board may
20 suspend or revoke the license of a shorthand reporter under
21 subdivision (7) of section 21a-7 for:

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

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

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

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

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

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

44 (7) The reporting of any proceeding where the licensed shorthand

45 reporter has a financial interest in the proceeding or is associated with
46 a firm which has a financial interest in the proceeding; or

47 (8) Producing a materially inaccurate transcript.

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

53 (e) The board may, after a hearing conducted in accordance with
54 chapter 54 and regulations adopted pursuant to subsection (a) of
55 section 21a-9 of the 2008 supplement to the general statutes, impose a
56 civil penalty of not more than one thousand dollars on any person who
57 violates any provision of this chapter or any regulation adopted
58 pursuant to this chapter or impose such civil penalty on any person
59 who wilfully employs or supplies for employment or as an
60 independent contractor a person who engages in the practice of
61 shorthand reporting in this state in violation of section 20-652.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	20-656

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 09 \$	FY 10 \$
Consumer Protection, Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a potential minimal revenue gain due to the addition of grounds on which the State Board of Examiners of Shorthand Reporters may impose discipline and the allowance for a \$1,000 civil penalty for violating provisions of the shorthand reporter law.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 272*****AN ACT CONCERNING SHORTHAND REPORTERS.*****SUMMARY:**

This bill (1) adds to the grounds on which the State Board of Examiners of Shorthand Reporters may impose discipline, (2) allows the board to impose a civil penalty of up to \$1,000, and (3) requires licensed shorthand reporters to display their license number on business documents.

EFFECTIVE DATE: October 1, 2008

DISCIPLINE

This bill authorizes the board to suspend or revoke a shorthand reporter's license after a hearing for:

1. knowingly making a false, misleading, or deceptive presentation relating to employment as a shorthand reporter;
2. violating regulations relating to shorthand reporting; or
3. a felony conviction in accordance with the law on denial of a state credential based on prior conviction (see BACKGROUND).

The bill allows anyone who has had a license revoked or suspended on these grounds, but not on other grounds for disciplinary action, 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, such as failing to deliver a transcript to a client or court in a timely manner or producing an incomplete transcript. The bill adds

producing a materially inaccurate transcript as a ground for disciplinary action.

CIVIL PENALTY

The bill authorizes the board to impose, after a hearing, a civil penalty of up to \$1,000 for:

1. violating any provision of the shorthand reporter law or
2. willfully employing or supplying for employment, as an employee or an independent contractor, a person who engages in the practice of shorthand reporting in this state in violation of the law requiring shorthand reporters to be licensed.

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) the 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 (03/04/2008)