

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama Board of Court Reporting

Rule No.: **Chapter 257-X-2**

Rule Title: **Board Policies and Procedures**

_____ New X Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly
Harm or endanger the public health, welfare, or safety?

Yes

Is there a reasonable relationship between the state's
Police power and the protection of the public health,
Safety, or welfare?

Yes

Is there another, less restrictive method of regulation
Available that could adequately protect the public?

No

Does the proposed rule have the effect of directly or
Indirectly increasing the costs of any goods or services
Involved and, if so, to what degree?

No

Is the increase in cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule?

No

Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public?

Yes

Does the proposed action relate to or affect in any
manner any litigation which the agency is a party to
concerning the subject matter of the proposed rule?

No

Does the proposed rule have an economic impact?

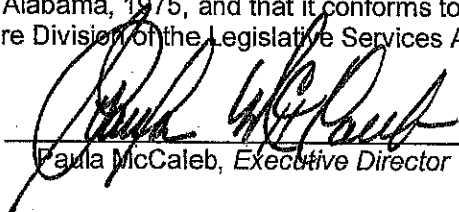
No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a
fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of
Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements
of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer _____


Paula McCaleb, Executive Director

Date: June 20, 2018

(DATE FILED)
(STAMP)

APA-2
11/96

Alabama Board of Court Reporting

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Board of Court Reporting

RULE NO. & TITLE:

CHAPTER 257-X-2 Board Policies and Procedures

INTENDED ACTION:

To amend Rules & Regulations

SUBSTANCE OF PROPOSED ACTION:

The Alabama Board of Court Reporting proposes to amend their Administrative Code or Rules and Regulations under which to operate.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

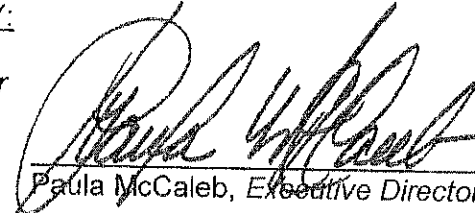
Written comments, views, or arguments will be received by the Alabama Board of Court Reporting thru 4:30 p.m. on August 3, 2018. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 241565, Montgomery, AL 36124-1565.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

August 3, 2018

CONTACT PERSON AT AGENCY:

Paula McCaleb, *Executive Director*
334.215.7232



Paula McCaleb, *Executive Director*

CHAPTER 257-X-2 – Board Policies and Procedures

257-X-2-.01 Change of Name or Address

- (1) The applicant or licensee shall notify the Board of any legal name change within thirty (30) days of change. Appropriate legal documents and fees shall be submitted prior to changing the name of the licensee on the license certificatecard.
- (2) The licensee shall notify the Board office of any change in the licensee's address within thirty (30) days of the change. The address of record is the address provided by the applicant or licensee.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed May 25, 2017; effective July 9, 2017.

257-X-2-.02 Lost License

The licensee shall promptly report, in writing, the loss of a license certificatecard to the Board. A duplicate license certificatecard requires a completed form and replacement fee.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

257-X-2-.03 Verification of Alabama License

- (1) Verification of licensure will be available on a Board-maintained website.
- (2) Upon receipt of a written request and required fee, the Board's designee shall provide written verification of Alabama licensure.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed July 19, 2012; effective July 24, 2012.

257-X-2-.04 Fees

- (1) Fees and fines are not refundable.

- (2) Fees are payable by certified check, cashier's check, corporate or business check, or money order or personal check.
 - (a) Counter checks are not an acceptable method of payment. Personal checks shall be imprinted with the name, address, and account number of the applicant or licensee.
 - (b) Personal checks by third parties are not acceptable.
 - (c) Applicants or licensees who submit personal checks returned due to insufficient funds may be prohibited from paying any future fees or fines by personal check.
 - (d) Statutory charges for returned checks shall be paid by the applicant or licensee within ten (10) business days from receipt of notice to remit full payment pursuant to Ala. Code § 13A-9-13.1 (b) (2) and shall be pay the maximum fee allowed by Ala. Code § 8-8-15.
- (3) Fines are payable by certified check, cashier's check, corporate or business check, or money order.
- (4) The Board may allow payment of fees by electronic means.
- (5) Payment, regardless of the method, that is not honored by the financial institution may result in disciplinary action and/or reporting to the appropriate legal authorities for possible prosecution.
- (6) A license may not be issued until payment in full for all applicable fees is funds are received by the Board.
- (7) The current schedule of fees isare included in the Appendix.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

257-X-2-.05 Inactive Status

- (1) A person not actively engaged in the practice of court reporting may place his/her license on inactive status by filing an Application for Inactive Status, together with the required application fee of Ten Dollars (\$10.00).
- (2) An inactive court reporter may not practice court reporting in this state; however, he/she remains obligated to maintain transcripts, exhibits, and all other records in a civil case for five (5) years; in a criminal case, for twenty-five (25) years; and in a capital case, indefinitely, or as specified by Alabama law, whichever is longer.
- (3) Any transcripts provided by an inactive court reporter must include his/her license number and the date that the court reporter became inactive from the practice of court reporting.
- (4) Inactive court reporters who engage in the practice of court reporting may be subject to disciplinary action by the Board.
- (5) An inactive licensee must be renewed annually, as provided in Rule 257-X-3-.05.
- (6) The annual fee for an inactive license shall be Ten Dollars (\$10.00).

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

257-X-2-.06 Restoration

(1) A person seeking restoration of a license after it has been placed on inactive status for up to five (5) years shall file an application with the Board together with the required fees. After, September 30, 2008, in order to restore a license, a person shall submit proof of fifteen (15) hours of continuing education completed within one (1) year before restoration. The applicant shall also submit either:

- (a) Certification of current licensure from another jurisdiction completed by the appropriate board or licensure authority; or
- (b) Affidavits from two (2) members of the bench or bar attesting to the applicant's active practice of court reporting in a state that does not require licensure for at least one (1) year immediately prior to the date of application; or
- (c) An affidavit attesting to military service; or
- (d) Other proof acceptable to the Board of the applicant's fitness to have the license restored.

(2) The applicant must receive a renewal certificate reflecting active status prior to providing any court reporting services. Failure to comply with this requirement may constitute unprofessional conduct as provided in Rule 257-X-4-.01.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

257-X-2-.07 Review Process

~~All applications must be received for Board review two (2) weeks prior to the next available Board meeting to ensure adequate processing time.~~ Upon receipt of an application and the appropriate fee, the Board shall either issue a licensed designation, notify the applicant in writing of the reasons for denying the application, or notify the applicant in writing of the deficiencies in the application. Applicants have one (1) year from the date of the notification of deficiencies to complete the application process. If the process has not been completed within one (1) year, the application shall be denied, and the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication. In the event of a hardship, the applicant may apply in writing for a one (1)-year extension to complete the process.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.