

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama Board of Court Reporting
Rule No.: **Chapter 257-X-3**
Rule Title: **Licensure**
_____ New 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)

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11/96

Alabama Board of Court Reporting

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Board of Court Reporting

RULE NO. & TITLE:

CHAPTER 257-X-3 Licensure

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-3 – Licensure

257-X-3-.01 Temporary Licensure

- (1) Effective on April 21, 2010, any person who is a graduate of a school of court reporting may apply for temporary licensure.
- (2) Temporary licenses shall expire eighteen (18) months after issuance.
- (3) Temporary licenses are not renewable. In the event that a temporary license expires without the temporary licensee having passed the examination for full licensure, court reporting services by the temporary licensee shall cease and desist immediately upon the expiration of the temporary license. The Board will issue a Cease and Desist notice upon the expiration of an expired Temporary License and copy the employer of record. The Board Investigator will follow up with the expired temporary licensee to ensure the individual is not operating with an expired temporary license (if the individual has not been issued their full licensure). Upon expiration of a temporary license, the temporary license number will be listed under the expired listing on the Board web site. The Board may not be held liable for lost income to the temporary licensee or to the court reporting firm.
- (4) The temporary license application will consist of the following:
 - (a) Proof of graduation from a school of court reporting in the form of: Official Transcripts, Copy of Diploma, or Official Letter from the Court Reporting Program's Director;
 - (b) Complete application forms as approved by the Board;
 - (c) Application and temporary license fee as approved by the Board.
- (5) The temporary license allows the applicant to practice as a court reporter without passing the examination, subject to the following stipulations:
 - (a) The court reporter with a temporary license shall function under the supervision of a currently licensed court reporter;
 - (b) Temporary licensees may not direct bill for court reporting services provided; such services may be billed through the employing court reporter firm or a fully licensed court reporter.
 - (c) The temporary license will be reflected by the initials, "TL" for "Temporary License" followed by their assigned number.
 - (d) All individuals, having been issued a temporary license, shall be subject to regulation pursuant to any rules promulgated by the Alabama State Board of Court Reporting and Alabama Code Section 34-8B-1, et seq.
 - (e) Failure of any temporary licensee to meet any of the requirements enunciated in Reg. 257-X-3-.03 shall subject the temporary licensee to disciplinary action provided by Reg. 257-X-5.

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 23, 2010; effective August 27, 2010. **Amended:** Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed May 25, 2017; effective July 9, 2017.

Ed. Note: Rule 01 was repealed per certification filed May 25, 2017; Rule .02 was repealed per certification filed August 22, 2012. Rule .03 is renumbered .01 per certification filed May 25, 2017; effective July 9, 2017.

257-X-3-.02 Traditional Application for Licensure

(1) Applicants for licensure as court reporters must meet the following requirements in order to obtain a license:

_____ (a) Provide proof of graduation from court reporting program or its equivalent in the form of: Official Transcripts, Copy of Diploma, or Official Letter from the Court Reporting Program's Director;

_____ (b)(2) Pass the Licensure Examination;

_____ (c)(3) Complete the application and remit all appropriate fees.

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 (Rule No. Only):** Filed October 6, 2009; effective November 11, 2009. **Amended:** Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed May 25, 2017; effective July 9, 2017.

Ed. Note: Rule 257-X-3-.04, Reciprocity, was repealed and rule.05 was renumbered to .04 as per certification filed October 6, 2009; effective November 11, 2009. Rule .04 is renumbered .02 per certification filed May 25, 2017; effective July 9, 2017.

257-X-3-.03 Examination

Applicants for licensure must pass the Written Knowledge Examination administered by NCRA and provide documentation of having passed the NCRA Registered Professional Reporter Examination (RPR), or NVRA CRA Examination, or Alabama Skills Examination administered by ACRA. Passage of examination legs from the State and National Examination may be combined.

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 October 7, 2008; effective November 11, 2008. **Amended:** Filed October 6, 2009;

effective November 11, 2009. **Amended:** Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed May 25, 2017; effective July 9, 2017.

Ed. Note: Rule .06 was renumbered to .05 as per certification filed October 6, 2009; effective November 11, 2009. Rule .05 is renumbered .03 per certification filed May 25, 2017; effective July 9, 2017.

257-X-3-.04 Renewal

(1) Every Court Reporter License in Alabama shall ~~expire~~lapse on September 30th of each year. The holder of the license may renew such license during the sixty (60) days preceding September 30th the ~~expiration date thereof~~ by paying the required fee and completion of the application for renewal.

(2) It is the responsibility of each licensee to notify the Board in writing of any change of address or legal name within thirty (30) days of such change. Failure to receive a renewal form from the Board shall not constitute an excuse for failure to renew licensure.

(3) Late renewals may be received up to sixty (60) days following ~~lapse~~expiration of licensure with the required late renewal fee and application for renewal. An individual may not provide court reporting services under a ~~lapsed n expired~~ license. Failure to renew a lapsed license within the period for late renewal established by the board shall result in an expired license.

~~(1) All Licensees have a deadline of November 29th of the renewal year to submit the required CEUs for license renewal, to prevent the Board from pursuing any Disciplinary action.~~ (4) (5) The Board will issue a Cease and Desist ~~notifye~~ to all individuals with expired licenses of their licensure status in writing, copy the employer of record, and post all expired licenses on the Board web site. The Board Investigator will follow up on each expired license to ensure that court reporting services are not being provided under an expired license and provide a report to the Board's Executive Director. Persons providing court reporting services under a lapsed or expired license shall be subject to disciplinary action by the Board.

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 (Rule No. Only):** Filed October 6, 2009; effective November 11, 2009. **Amended:** Filed May 17, 2010; effective June 21, 2010. **Amended:** Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed April 8, 2013; effective May 13, 2013. **Amended:** Filed May 25, 2017; effective July 9, 2017.

Ed. Note: Rule .07 was renumbered to .06 as per certification filed October 6, 2009; effective November 11, 2009. Rule .06 is renumbered .04 per certification filed May 25, 2017; effective July 9, 2017.

257-X-3-.05 Licensure by Reciprocity

(1) The Board may license an applicant if the applicant is licensed in another state which under like condition grants reciprocal licensure without examination to court reporters duly licensed by examination

_____ in this state, and that in the opinion of the Board, has standards of practice or licensure equal to or stricter than the requirements imposed by this state subject to the following conditions:

_____ (a) The applicant for licensure by reciprocity must possess a license in good standing in the reciprocating state.

_____ (b) The applicant must not be the subject of any pending complaint or investigation in any state or jurisdiction in which the applicant holds or has held a license. The applicant must provide all

_____ information, including any information or documentation requested by the Board, in connection with any pending complaint or investigation for the Board's review. The pendency of any complaint

_____ or investigation may be considered by the Board as reason for denying licensure by reciprocity.

_____ (c) The applicant must not have been disciplined in any state in which he or she holds or has held a license resulting from conduct which would constitute a violation of any of the grounds set forth in

_____ the Court Reporter Practice Act and the rules and regulations established by the Board.

_____ (d) The applicant must be current with continuing education requirements of the reciprocating state.

(2) The applicant must complete all forms required by the Board including but not limited to an application for licensure by reciprocity. In addition, as part of the application process, and in order for the

_____ application to be considered complete, it shall be the responsibility of the applicant to submit the following:

_____ (a) All applicable fees.

_____ (b) Certification from the reciprocating state board that the applicant's license is currently in good standing. This certification from the Board(s) shall also include a statement that the applicant is in

_____ compliance with the provisions of paragraph (1) above.

_____ (c) Any and all available information pertaining to the examination taken by the applicant which resulted in licensure in the reciprocating state.

(3) The Board may consider as part of the application process whether the applicant has ever been denied licensure in any state, regardless of the type of licensure. Upon request of the Board, the

applicant shall submit any documentation in connection with such denial.

Author: Alabama Board of Court Reporting

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

History: New Rule: Filed June 20, 2018

257-X-3-.06 Non-Resident Licensure

(1) Nonresident court reporters desiring to make a verbatim record of any testimony of a proceeding, the jurisdiction of which is within the courts of Alabama or where appeal to any court of Alabama is

allowable by law, shall make annual application for a nonresident license.

(2) The applicant shall make application on the same forms as required of other applicants, shall pay the appropriate licensure fee, and shall present proof that the applicant is a competent licensed court

reporter in another state.

(3) The board shall issue a nonresident license upon the finding that the applicant is a competent licensed court reporter in another state.

(4) The license shall be valid for a period not to exceed one (1) year and shall be renewed annually in accordance with the procedures established by the Board, together with payment of the annual renewal

fee.

Author: Alabama Board of Court Reporting

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

History: New Rule: Filed June 20, 2018