

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 24.

COURT REPORTERS BOARD OF CALIFORNIA

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Examination Results and Transcript Format

NOTICE IS HEREBY GIVEN that the Court Reporters Board of California (CRB or Board) proposes to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this Notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than 5:00 p.m. on Tuesday, February 13, 2024**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 8007, 8008, and 8025 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 135, 8005, 8015, 8020, 8023, and 8025, the Board is considering amending sections 2420, 2422, and 2473 of Title 16, Division 24, of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Existing regulations at CCR sections 2420 and 2422 set forth examination requirements and related provisions for certified shorthand reporters, including permission for examinees to inspect their examination transcripts and a copy of the Board’s official transcripts upon written request, as well as the ability of examinees to request reconsideration of their exam results. Existing regulatory language at CCR section 2473 sets forth minimum transcript format standards with which shorthand reporters must comply.

BPC section 135 sets forth requirements relating to examinations and re-examinations after a failed attempt, including for a divisible part of an examination. BPC section 8005 authorizes the Board to appoint committees and an executive officer and to employ employees as necessary. BPC section 8008 outlines powers and duties of the Board, including the ability to investigate and discipline licensees. Section 8015 establishes and maintains a standard of competency for shorthand reporters for the protection of the public and litigants. Section 8020 sets forth requirements for admittance into the licensing examination. Section 8023 prohibits the issuance of a court reporting certificate until the applicant has passed the required examination. Section 8025 outlines causes under which a license may be suspended, revoked, denied, or otherwise subject to disciplinary action.

This regulatory proposal will amend CCR section 2420 to add a requirement that the Board notify examinees of their examination results, relocating this requirement from existing CCR section 2422(a) that is being repealed under this rulemaking. The proposal will repeal CCR section 2422 in its entirety to rescind examinees' permission to inspect their examination transcripts and a copy of the Board's official transcripts and to rescind examinees' ability to request reconsideration of their examination results. The proposal will also amend CCR section 2473 to establish a new minimum transcript format standard that the text be offered in a full text-search capable electronic format, if requested. Furthermore, the proposal will make other minor, technical non-substantive changes to address punctuation and grammar. This proposal aligns with the Board's mission to protect and serve the public by ensuring that shorthand reporter examinees have properly and successfully completed the licensing examinations and that certified shorthand reporters offer transcripts in a full text-search capable electronic format upon request, which can reduce administrative costs such as printing and mailing and also aligns with the technological advancement of the legal and justice system.

The Board proposes the following changes:

Amend Section 2420, Examination Required, Passing Grades and Conditional Examination Credit.

Existing law sets forth provisions relating to the three-part licensing examination for certified shorthand reporters, including how passing grades are determined and how and for what duration conditional credit is granted for an examination that has been passed.

This regulatory proposal will

- Amend the section title by changing the comma after "Required" to a semicolon, adding "; Results Notification;" after "Grades," and deleting "and."
- Adding a new subsection (b) regarding the notification of exam results.
- Renumbering existing subsection (b) to (c).

- Renumbering existing subsection (c) to (d).
- Renumbering existing subsection (d) to (e) and changing “(b)” to “(c)” in the body of the subsection.
- Renumbering existing subsection (e) to (f), changing “(b)” to “(c)” in the body of the subsection, and adding a space in the middle of “maybe” to make it two words.
- Amend the Reference Note by adding a comma after “8020” in the Reference Note.

Repeal Section 2422, Inspection of Examination Papers; Notification.

Existing law sets forth requirements and processes for notification of examination results, examinees’ inspection of transcripts relating to a failed examination, and examinees’ request for reconsideration of examination results.

This regulatory proposal will

- Repeal CCR section 2422 in its entirety.

Amend Section 2473, Minimum Transcript Format Standards.

Existing law sets forth minimum transcript format standards with which a certified shorthand reporter must comply when producing a transcript in a legal proceeding under certain situations.

This regulatory proposal will

- Amend subsection (a)(2) by changing “time-stamping” to “timestamping.”
- Amend subsection (a)(3)(A) by changing the semicolon into a comma.
- Amend subsection (a)(3)(C) by changing the period into a semicolon.
- Amend subsection (a)(4) by changing “is” to “shall be.”
- Amend subsection (a)(5) by changing “is to” to “shall.”
- Amend subsection (a)(6) by changing “is to” to “shall” and uncapitalizing “Symbols.”
- Amend subsection (a)(7) by changing “to” to “shall.”
- Amend subsection (a)(8) by changing the first “to” to “shall” and changing the second “to” to “beginning at.”
- Amend subsection (a)(9) by changing the first “to” to “shall,” deleting the second “to,” and adding “ning” to change “begin” to “beginning.”
- Amend subsection (a)(10) by deleting “and” at the end of the sentence.

- Amend subsection (a)(11) by changing the period into a semicolon and adding “and” at the end of the sentence.
- Add a new subsection (a)(12) regarding a full text-search capable electronic format.
- Amend the Authority Note by adding a comma after “8008” in the Authority Note.

ANTICIPATED BENEFITS OF THE PROPOSAL

The Board has determined that this regulatory proposal does not affect the health and welfare of California residents, worker safety, or the state’s environment.

The proposed amendments to CCR sections 2420, 2422, and 2473 will relocate and clarify existing regulatory language, help ensure the integrity and security of the certified shorthand reporter exam, and help ensure that minimum transcript format standards for shorthand reporters are up to date and consistent with other laws and industry standards.

The relocation of the exam results provisions from CCR section 2422(a) to section 2420(b) will help consolidate examination-related information under one regulation. The repeal of CCR section 2422 will help ensure proper examination security for the current online format of the exam.

When the dictation examination was administered in person, the content was used only once and then discarded, so there were no exam security issues related to the release of examinees’ transcripts or the Board’s official transcripts. However, if the Board continues allowing transcript inspections currently authorized under subsection (b) of CCR section 2422, examination security would be jeopardized because the current online testing uses an item bank of exam content that is reused multiple times and cannot be exposed to examinees while it is still actively being used and administered to other examinees. The use of exam item bank content is a cost-effective method of achieving broad availability of reusable exam content for licensure exams. With online administrations that have multiple exam forms in the item bank, the testing vendor can track which exam forms they administered to an examinee in the past and ensure that they do not give an examinee the same form again in the event an examinee fails the exam and must retest. The Board does not have sufficient funding to develop dozens of unique forms of the dictation exam for use throughout the year.

In addition to non-substantive changes, the transcript format revisions contained in CCR section 2473 will help update the minimum standards to reflect the current practice of offering transcripts in electronic format that is text searchable, if requested, when there are no other transcript format guidelines established within a jurisdiction.

This proposal aligns with the Board’s mission to protect and serve the public by ensuring that shorthand reporter examinees have properly and successfully completed the licensing examinations and that certified shorthand reporters offer transcripts in a

full text-search capable electronic format upon request, which can reduce administrative costs such as printing and mailing and also aligns with the technological advancement of the legal and justice system.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

Incorporation by Reference

No forms are incorporated by reference in the proposed regulations.

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The proposed regulations do not result in a fiscal impact to the state. The amendments are intended to better align CRB's regulations with current law and existing practice. As a result, no additional workload or costs are anticipated.

The regulations do not result in any costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None

Mandate Imposed on Local Agency or School Districts: None

Cost to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq.: None

Significant Effect on Housing Costs: None

BUSINESS IMPACT ESTIMATES

The Board has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts/evidence/documents or testimony:

This regulation will not have a significant adverse economic impact on businesses because CRB has been licensing certified shorthand reporters since 1951 and will continue to do so. The proposed regulations are intended to relocate a requirement that

the Board notify examinees of their examination results, rescind examinees' permission to inspect their examination transcripts and a copy of the Board's official transcripts, rescind examinees' ability to request reconsideration of their examination results, establish a new minimum transcript format standard that the text be offered in a full text-search capable electronic format, if requested, and to make other minor, technical non-substantive changes to address punctuation and grammar.

Cost Impact on Representative Private Person or Business

The Board is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The amendments are intended to better align CRB's regulations with existing practice and are not anticipated to change the number of examinations taken per year or result in a change in the number of individuals issued an initial certificate annually.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs / Businesses:

The Board has determined that this regulatory proposal will not have an impact on the creation or elimination of jobs and will not have an impact on new or existing businesses in the State of California.

CRB has been licensing certified shorthand reporters since 1951 and will continue to do so. The proposed regulations are intended to relocate a requirement that the Board notify examinees of their examination results, rescind examinees' permission to inspect their examination transcripts and a copy of the Board's official transcripts, rescind examinees' ability to request reconsideration of their examination results, establish a new minimum transcript format standard that the text be offered in a full text-search capable electronic format, if requested, and to make other minor, technical non-substantive changes to address punctuation and grammar.

The proposed regulation will have no impact on the amount of work that is available for certified shorthand reporters or on the demand for certified shorthand reporter services; therefore, it will not create new or eliminate jobs or businesses within California.

Benefits of Regulation

The Board has determined that this regulatory proposal does not affect the health and welfare of California residents, worker safety, or the state's environment.

The proposed amendments to CCR sections 2420, 2422, and 2473 will relocate and clarify existing regulatory language, help ensure the integrity and security of the certified shorthand reporter exam, and help ensure that minimum transcript format standards for

shorthand reporters are up to date and consistent with other laws and industry standards. The relocation of the exam results provisions from CCR section 2422(a) to section 2420(b) will help consolidate examination-related information under one regulation. The repeal of CCR section 2422 will help ensure proper examination security for the current online format of the exam.

When the dictation examination was administered in person, the content was used only once and then discarded, so there were no exam security issues related to the release of examinees' transcripts or the Board's official transcripts. However, if transcript inspections currently authorized under subsection (b) of CCR section 2422 were allowed to continue, examination security would be jeopardized because the current online testing uses an item bank of exam content that is reused multiple times and cannot be exposed to examinees while it is still actively being used and administered to other examinees.

In addition to non-substantive changes, the transcript format revisions contained in CCR section 2473 will help update the minimum standards to reflect the current practice of offering transcripts in electronic format that is text searchable, if requested, when there are no other transcript format guidelines established within a jurisdiction.

This proposal aligns with the Board's mission to protect and serve the public by ensuring that shorthand reporter examinees have properly and successfully completed the licensing examinations and that certified shorthand reporters offer transcripts in a full text-search capable electronic format upon request, which can reduce administrative costs such as printing and mailing and also aligns with the technological advancement of the legal and justice system.

Business Reporting Requirements

The regulatory action requires no business reporting requirements.

Effect on Small Business

The Board has determined that the proposed regulations will not affect small businesses. Although some CRB licensees may be small businesses, the Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

This regulatory proposal will not have a significant statewide adverse economic impact directly affecting small businesses including the inability of California small businesses to compete with businesses in other states.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subsection (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833 during the written comment period or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

CRB has compiled a record for this regulatory action, which includes the Initial Statement of Reasons, proposed regulatory text, and all the information upon which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based may be obtained upon request from the Board at 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposal substantially as described herein or may modify such proposal if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Betsy Figueira
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The backup contact person is:

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AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed and modified text, if any, can be accessed through the Board's website at <https://www.courtreportersboard.ca.gov/lawsregs/index.shtml>.