

**TITLE 16. COURT REPORTERS BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing has been scheduled for the proposed action.

Subject Matter of Proposed Regulations: Voice Writers

Sections Affected: Amend Sections 2403, 2411, and 2414 of Title 16 of the California Code of Regulations (CCR)¹

Background and Statement of the Problem:

The Court Reporters Board of California (CRB or Board) licenses, regulates, and investigates complaints against individual court reporters and firms that offer court reporting services, totaling approximately 5,800 licenses. CRB enforces the Shorthand Reporters Practice Act (Chapter 13 (commencing with section 8000 of Division 3 of the Business and Professions Code (BPC)) (Act). BPC section 8007 authorizes the Board to adopt, amend, or repeal rules and regulations that are reasonably necessary to carry out the provisions of the chapter.

Existing regulations at CCR sections 2403, 2411, and 2414 set forth the Board's requirements for shorthand reporting, which essentially entails using a system for rapid writing to make a verbatim record of a legal proceeding. Previous law at BPC section 8016.5 prohibited the Board from issuing certificates to voice writers, or shorthand reporters who use a closed microphone voice dictation silencer, steno mask, or similar device using oral shorthand and voice notes to make a verbatim record of a proceeding.

In 2022, the Legislature passed Assembly Bill (AB) 156 (Committee on Budget, Stats 2022, Ch. 569), repealing BPC section 8016.5 and requiring the Board to allow for the licensure of voice writers as certified court reporters in California.

This regulatory proposal will amend CCR sections 2403, 2411, and 2414 to recognize voice writing as an acceptable and equal means of practicing shorthand reporting and as a method of qualifying for the certified shorthand reporter (CSR) examination. The proposal will also provide a clear set of minimum prescribed course of study requirements that court reporting schools recognized by CRB shall follow to adequately train their voice writing students for licensure if they choose to include a voice writing component in their program. Furthermore, the proposal will update relevant definitions, and make other minor, technical non-substantive changes to address capitalization and grammar.

¹ Unless otherwise noted, all references to the CCR hereafter are to Title 16.

BPC section 8027 defines “school” in relation to court reporting and establishes various requirements for court reporting schools that are recognized by CRB. Code of Civil Procedure (CCP) sections 269 and 271 relate to court reporters in the context of courts of justice. CCP sections 2025.330, 2025.510, 2025.520, 2025.540, 2025.550, and 2025.570 relate to court reporters in the context of depositions. Corporations Code sections 13401 and 13410 relate to professional corporations. Government Code section 69955 relates to the reporting notes of official reporters in California courts.

Pursuant to BPC section 8020, CRB’s Voice Writers Task Force met to develop the curriculum for the skills portion of the minimum prescribed course of study for the CSR examination for review and approval by the Board. When applying for the CSR examination, voice writing applicants qualify using existing processes, but they must also note that voice writing is their qualifying method of reporting. In addition, if applicable, voice writing applicants may substitute submission of the National Verbatim Reporters Association (NVRA) certification in lieu of the National Court Reporters Association (NCRA) certification that is submitted to the Board by some machine shorthand applicants.

Court reporting schools recognized by CRB have the option of including a voice writing component in their training program, but it is not mandatory. Court reporting schools do not pay fees to the Board for the review or recognition of their program. Of the eight California schools currently recognized by CRB, two are private and six are public, and only two currently have a voice writing program in place, in addition to their machine shorthand program. At least two other schools have had discussions about the possibility of adding a voice writing component, so the Board expects additional recognized court reporting programs that include voice writing in the future.

The Board discussed the matter of voice writers at their December 14, 2022, meeting and voted to approve proposed language. CRB staff recommended several clarifying changes to the proposed language. The Board approved the revised language at their March 28, 2023, meeting. Since then, CRB staff has made non-substantive edits as the Board delegated authority to the executive officer to make any technical, non-substantive changes.

Anticipated Benefits From this Regulatory Action

The proposed amendments to CCR sections 2403, 2411, and 2414 will help facilitate the licensure of voice writers as certified shorthand reporters as required by BPC section 8017. Courts are struggling to find certified shorthand reporters as there is a small supply, and the certification of shorthand reporters by the voice writing method will help alleviate pressure on courts because demand for shorthand reporters continues to outgrow supply. Recently repealed BPC section 8016.5 prohibited CRB from issuing certificates to voice writers, but this regulation will ensure that CRB treats voice writers equally to other shorthand reporters, pursuant to BPC section 8024.8, by mandating that CRB issues certificates to voice writers in California. In addition, the proposal will provide a clear set of minimum curriculum requirements that include voice writing

elements, which is critical for CRB-recognized court reporting schools to adequately train their students for licensure if they choose to include a voice writing component in their program. This proposal aligns with the Board’s mission to protect and serve the public by hiring voice writing shorthand reporters who are certified and under CRB’s direct jurisdiction.

Specific Purpose of Each Adoption, Amendment, or Repeal:

Amend Section 2403, Scope of Practice.

The existing regulation defines the practice of shorthand reporting and outlines the scope of practice for an accurate transcription in superior court and for a deposition.

- **Amend Introductory Paragraph**

Add “or by voice writing,” after “machine shorthand writing.”

Purpose

The purpose of amending the introductory paragraph is to ensure consistency with the statutory definition of the practice of shorthand reporting in BPC section 8017.

Rationale

This amendment is necessary to help facilitate the licensure of voice writers as certified shorthand reporters as required by BPC section 8017.

- **Amend Subsection (a)(1)**

Add “or by voice” after “shorthand.”

Purpose

The purpose of amending subsection (a)(1) is to ensure consistency with the statutory definition of the practice of shorthand reporting in BPC section 8017. Voice writers do not use shorthand, but instead use their voice and a voice capturing device to take down testimony, objections, rulings, etc.

Rationale

This amendment is necessary to help facilitate the licensure of voice writers as certified shorthand reporters as required by BPC section 8017.

- **Amend Subsection (a)(8)**

Add “or voice” after “stenographic.”

Purpose

The purpose of amending subsection (a)(8) is to ensure consistency with the statutory definition of the practice of shorthand reporting in BPC section 8017 and with section 8017.5 that refers to the use of “voice notes.” Voice writers do not make stenographic notes, but instead use their voice and a voice capturing device to take down testimony, objections, rulings, etc. Therefore, voice writers have voice notes that must be retained pursuant to this subsection and in accordance with statutory requirements. Voice notes include recordings by the voice writers, and are not a live or full recording of the actual proceeding. Machine shorthand reporters do not retain a copy of any recording of the proceeding, thus voice writers similarly only retain their voice notes and do not retain a copy of any recording of the proceeding.

Rationale

This amendment is necessary to require the retention of voice notes for those licensed by the voice writing method, comparable to the retention of stenographic notes for those licensed by the shorthand method, consistent with BPC sections 8017, 8017.5, and 8024.8 requiring equal treatment of machine shorthand and voice writing court reporters. While the Board approved the terms “and/or,” the text change was made to “or” for clarity and not returned to the Board as the Board delegated authority to make any technical, non-substantive changes.

- **Amend Subsection (b)(4)**

Add “or voice” after “stenographic” in two locations.

Purpose

The purpose of amending subsection (b)(4) is to ensure consistency with the statutory definition of the practice of shorthand reporting in BPC sections 8017 and 8017.5. Voice writers do not use stenographic means to record testimony or make stenographic notes, but instead use their voice and a voice capturing device to record testimony and make notes that must be retained in accordance with statutory requirements. Voice notes include recordings by the voice writers, and are not a live or full recording of the actual proceeding. Machine shorthand reporters do not retain a copy of any recording of the proceeding, thus voice writers similarly only retain their voice notes and do not retain a copy of any recording of the proceeding.

Rationale

This amendment is necessary to allow the recording of testimony by voice means and retention of voice notes for those licensed by the voice writing method, comparable to the recording of testimony by stenographic means and retention of stenographic notes for those licensed by the shorthand method, consistent with provisions of BPC sections

8017, 8017.5, and 8024.8 that require equal treatment of machine shorthand and voice writing court reporters.

- **Amend Subsection (b)(9)**

Change the comma after “deponent” to a closing parenthesis.

Purpose

The purpose of amending subsection (b)(9) is to make a minor, non-substantive punctuation revision to close the parenthetical phrase that instructs for the insertion of the name of the deponent to be marked on an envelope or package containing a transcript.

Rationale

This amendment is necessary to have proper punctuation in this regulation.

- **Amend Reference Note**

Add a comma and delete “and” after “8007” and add “and 8017.5,” after “8017” in the BPC portion of the Reference Note.

Purpose

The purpose of amending the Reference Note is to reflect the full list of statutory references for this regulation. BPC section 8017.5 defines “voice writer” and “voice writing,” and this regulation refers to voice writing.

Rationale

This amendment is necessary to have proper citation of statutory references for this regulation.

Amend Section 2411, Criteria for Recognition of Court Reporting Schools; Continued Validity; Reports.

The existing regulation establishes the minimum prescribed course of study, reporting requirements, and other provisions for CRB-recognized court reporting schools.

- **Amend Subsection (a)**

Add “or Voice Writing” after “Machine Shorthand” and add “hours” after “2300.”

Purpose

The purpose of amending subsection (a) is to ensure consistency with the statutory definition of the practice of shorthand reporting contained in BPC section 8017. It is appropriate to include voice writing in this course of study because BPC sections 8017 and 8024.8 make voice writing equivalent to machine shorthand for the purposes of certified shorthand reporter licensing and machine shorthand is also included in this subsection. The amendments also help clarify that the 2300 number refers to the minimum number of hours for the given course of study that is required for schools to obtain and maintain CRB approval. In addition, providing a clear set of minimum curriculum requirements that include voice writing elements is critical for CRB-recognized court reporting schools to adequately train their students for licensure if they choose to include a voice writing component in their program.

Rationale

This amendment is necessary to update the prescribed minimum course of study that CRB-recognized schools must follow to help facilitate the licensure of voice writers as certified shorthand reporters as required by BPC section 8017 and to clarify existing regulatory language.

- **Amend Subsection (a)(1)**

Add “or voice writing” after “machine shorthand writing.”

Purpose

The purpose of amending subsection (a)(1) is to ensure consistency with the statutory definition of the practice of shorthand reporting contained in BPC section 8017. It is appropriate to include voice writing in this course of study because BPC sections 8017 and 8024.8 make voice writing equivalent to machine shorthand for the purposes of certified shorthand reporter licensing and machine shorthand writing is also included in this subsection. In addition, providing a clear set of minimum curriculum requirements that include voice writing elements is critical for CRB-recognized court reporting schools to adequately train their students for licensure if they choose to include a voice writing component in their program.

Rationale

This amendment is necessary to update the prescribed minimum course of study that CRB-recognized schools must follow to help facilitate the licensure of voice writers as certified shorthand reporters as required by BPC section 8017.

- **Amend Subsection (a)(3)**

Add “machine shorthand” before “student,” add clarification for “varying difficulty” in the existing sentence, and add a second sentence, comparable to the existing first sentence, relating to dictation transcription requirements for voice writing students.

Purpose

The purpose of amending subsection (a)(3) is to ensure consistency with the statutory definition of the practice of shorthand reporting contained in BPC section 8017. The existing first sentence is being revised to clarify that it relates to machine shorthand students. In addition, the existing phrase “varying difficulty” is being clarified because a comparable phrase is also included in the newly added second sentence relating to voice writing students, as discussed below. This clarification indicates that dictation from notes of “varying difficulty” must contain vocabulary that is of changing or differing degrees of complexity to help ensure that the student’s transcription skills are sufficient for the demands that would eventually be encountered in practice.

The new second sentence is being added to establish comparable dictation transcription requirements for voice writing students, including the requirement that the dictation from notes must be of varying difficulty. It is appropriate to include voice writing provisions in this course of study because BPC sections 8017 and 8024.8 make voice writing equivalent to machine shorthand for the purposes of certified shorthand reporter licensing and machine shorthand provisions are also included in this subsection. The mechanics of voice writing allows for quicker note taking than with machine shorthand; therefore, the Voice Writers Task Force set the proficiency level higher for voice writing students (120 words per minute) than for machine shorthand students (80 words per minute) for this course of study. In addition, providing a clear set of minimum curriculum requirements that include voice writing elements is critical for CRB-recognized court reporting schools to adequately train their students for licensure if they choose to include a voice writing component in their program.

Rationale

This amendment is necessary to update the prescribed minimum course of study that CRB-recognized schools must follow to help facilitate the licensure of voice writers as certified shorthand reporters as required by BPC section 8017 and to clarify existing regulatory language.

- **Amend Subsection (a)(4)**

Add “reporting” after “tested” and delete “writing” before “speeds.”

Purpose

The purpose of amending subsection (a)(4) is to ensure consistency with the statutory definition of the practice of shorthand reporting in BPC section 8017. The use of “reporting” instead of “writing” is more appropriate for such court reporting classes and provides a more generic term that can be used for both machine shorthand and voice writing students.

Rationale

This amendment is necessary to clarify existing regulatory language so that it can apply to both machine shorthand and voice writing students to help facilitate the licensure of voice writers as certified shorthand reporters as required by BPC section 8017.

- **Amend Subsection (a)(5)**

Add “or voice” after “stenographic.”

Purpose

The purpose of amending subsection (a)(5) is to ensure consistency with the statutory definition of the practice of shorthand reporting contained in BPC sections 8017 and 8017.5. Voice writing students do not utilize stenographic notes, but instead use their voice and a voice capturing device to make voice notes (which include recordings by the voice writers, not a live or full recording of the actual proceeding). In addition, providing a clear set of minimum curriculum requirements that include voice writing elements is critical for CRB-recognized court reporting schools to adequately train their students for licensure if they choose to include a voice writing component in their program.

Rationale

This amendment is necessary to update the prescribed minimum course of study that CRB-recognized schools must follow to help facilitate the licensure of voice writers as certified shorthand reporters as required by BPC section 8017. While the Board approved the terms “stenographic notes or voice notes,” the text change was made to “stenographic or voice notes” for clarity and consistency and not returned to the Board as the Board delegated authority to make any technical, non-substantive changes.

- **Add Subsection (a)(8)**

Add this subsection to establish the need for schools to test voice writing students who have reached a specified level of proficiency on their ability to not be heard from two feet away while reporting.

Purpose

The purpose of adding subsection (a)(8) is to ensure consistency with the statutory definition of the practice of shorthand reporting in BPC section 8017. It is appropriate to include this voice writing provision because BPC sections 8017 and 8024.8 make voice writing equivalent to machine shorthand for the purposes of certified shorthand reporter licensing. This new provision will help ensure that voice writing students cannot be heard while they are reporting, comparable to how machine shorthand students are virtually silent due to the mechanics of the machines they use while they are reporting.

Voice writers use their voice and a voice capturing device to make an accurate recording of proceedings, and they use their voice notes to prepare verbatim transcripts of proceedings. Voice notes are more than a mimic of the words spoken at the proceeding. It is imperative that voice writers do not disrupt the proceeding with the sound of their voice, comparable to how machine shorthand reporters must not disrupt proceedings by being too loud. The Voice Writers Task Force set the proficiency level for this requirement at 200 words per minute to make it comparable to the requirements for the qualifier examination that schools administer that must be dictated at 200 words per minute pursuant to CCR section 2412, which states, in part, “The material shall be 4-voice testimony of 10-minute duration, dictated at 200 wpm and graded at 97.5% accuracy, and in accordance with the method by which the board grades the licensing examination.” In addition, providing a clear set of minimum curriculum requirements that include voice writing elements is critical for CRB-recognized court reporting schools to adequately train their students for licensure if they choose to include a voice writing component in their program.

Rationale

This amendment is necessary to add a new provision to the prescribed minimum course of study that CRB-recognized schools must follow to help facilitate the licensure of voice writers as certified shorthand reporters as required by BPC section 8017 and to help ensure that voice writing students can perform their reporting without being overheard and disrupting proceedings.

- **Amend Subsection (b)**

Add “hours” after “240.”

Purpose

The purpose of amending subsection (b) is to help clarify that the 240 number refers to the minimum number of hours for the given course of study that is required for schools to obtain and maintain CRB approval.

Rationale

This amendment is necessary to clarify existing regulatory language.

- **Amend Subsection (c)**

Add “hours” after “120.”

Purpose

The purpose of amending subsection (c) is to help clarify that the 120 number refers to the minimum number of hours for the given course of study required for schools to obtain and maintain CRB approval.

Rationale

This amendment is necessary to clarify existing regulatory language.

- **Amend Subsection (d)**

Add “hours” after “150,” delete “the” before “classroom,” and add a comma after “but not limited to.”

Purpose

The purpose of amending subsection (d) is to help clarify that the 150 number refers to the minimum number of hours for the given course of study required for schools to obtain and maintain CRB approval. The amendments also make non-substantive changes to make the term “classroom lecture” consistent with how it is written in subsections (b) and (c) of this regulation without the word “the” and to make “but not limited to” a quasi-parenthetical phrase with commas bookending it.

Rationale

This amendment is necessary to clarify existing regulatory language and to correct the punctuation of this regulation.

- **Amend Subsection (d)(2)(C)**

Add “or voice” after “stenographic.”

Purpose

The purpose of amending subsection (d)(2)(C) is to ensure consistency with the statutory definition of the practice of shorthand reporting in BPC sections 8017 and 8017.5. Voice writing students do not utilize stenographic notes, but instead use their

voice and a voice recording device to make voice notes (which include recordings by the voice writers, not a live or full recording of the actual proceeding). In addition, providing a clear set of minimum curriculum requirements that include voice writing elements is critical for CRB-recognized court reporting schools to adequately train their students for licensure if they choose to include a voice writing component in their program.

Rationale

This amendment is necessary to update the prescribed minimum course of study that CRB-recognized schools must follow to help facilitate the licensure of voice writers as certified shorthand reporters as required by BPC sections 8017. While the Board approved the terms “and/or,” the text change was made to “or” for clarity and not returned to the Board as the Board delegated authority to make any technical, non-substantive changes.

- **Amend Subsection (f)**

Add “hours” after “25.”

Purpose

The purpose of amending subsection (f) is to help clarify that the 25 number refers to the minimum number of hours for the given course of study required for schools to obtain and maintain CRB approval.

Rationale

This amendment is necessary to clarify existing regulatory language.

- **Amend Subsection (g)**

Add “hours” after “5.”

Purpose

The purpose of amending subsection (g) is to help clarify that the 5 number refers to the minimum number of hours for the given course of study required for schools to obtain and maintain CRB approval.

Rationale

This amendment is necessary to clarify existing regulatory language.

- **Amend Subsection (h)**

Add “hours” after “60.”

Purpose

The purpose of amending subsection (h) is to help clarify that the 60 number refers to the minimum number of hours for the given course of study required for schools to obtain and maintain CRB approval.

Rationale

This amendment is necessary to clarify existing regulatory language.

- **Amend Subsection (h)(3)**

Add “or voice” after “stenographic” in two locations.

Purpose

The purpose of amending subsection (h)(3) is to ensure consistency with the statutory definition of the practice of shorthand reporting contained in BPC sections 8017 and 8017.5. Voice writing students do not utilize stenographic notes, but instead use their voice to make voice notes (which include recordings by the voice writers, not a live or full recording of the actual proceeding). In addition, providing a clear set of minimum curriculum requirements that include voice writing elements is critical for CRB-recognized court reporting schools to adequately train their students for licensure if they choose to include a voice writing component in their program.

Rationale

This amendment is necessary to update the prescribed minimum course of study that CRB-recognized schools must follow to help facilitate the licensure of voice writers as certified shorthand reporters as required by BPC sections 8017 and 8020. While the Board approved the terms “and/or,” the text change was made to “or” for clarity and not returned to the Board as the Board delegated authority to make any technical, non-substantive changes.

- **Amend Subsection (h)(4)**

Delete the periods after and add parentheses around the subsection indicators (A) through (D) that identify the four listed additional instruction categories.

Purpose

The purpose of amending subsection (h)(4) is to make non-substantive punctuation revisions to enclose the subsection indicators in parentheses rather than having them followed by periods.

Rationale

This amendment is necessary to have proper punctuation in this regulation.

- **Amend Subsection (i)**

Add “hours” after “60.”

Purpose

The purpose of amending subsection (i) is to help clarify that the 60 number refers to the minimum number of hours for the given course of study required for schools to obtain and maintain CRB approval.

Rationale

This amendment is necessary to clarify existing regulatory language.

- **Amend Subsection (i)(3)**

Add “or voice” after “stenographic.”

Purpose

The purpose of amending subsection (i)(3) is to ensure consistency with the statutory definition of the practice of shorthand reporting contained in BPC sections 8017 and 8017.5. Voice writing students do not utilize stenographic notes, but instead use their voice and a voice capturing device to make voice notes (which include recordings by the voice writers, not a live or full recording of the actual proceeding). In addition, providing a clear set of minimum curriculum requirements that include voice writing elements is critical for CRB-recognized court reporting schools to adequately train their students for licensure if they choose to include a voice writing component in their program.

Rationale

This amendment is necessary to update the prescribed minimum course of study that CRB-recognized schools must follow to help facilitate the licensure of voice writers as certified shorthand reporters as required by BPC section 8017. While the Board approved the terms “and/or,” the text change was made to “or” for clarity and not

returned to the Board as the Board delegated authority to make any technical, non-substantive changes.

- **Amend Subsection (i)(5)**

Add “or voice” after “stenographic” and add “hours” after “660.”

Purpose

The purpose of amending subsection (i)(5) is to ensure consistency with the statutory definition of the practice of shorthand reporting contained in BPC sections 8017 and 8017.5. Voice writing students do not utilize stenographic notes, but instead use their voice and a voice capturing device to make voice notes (which include recordings by the voice writers, not a live or full recording of the actual proceeding). The amendments also clarify that the 660 number refers to the total minimum number of academic hours for a court reporting program that is required for schools to obtain and maintain CRB approval. In addition, providing a clear set of minimum curriculum requirements that include voice writing elements is critical for CRB-recognized court reporting schools to adequately train their students for licensure if they choose to include a voice writing component in their program.

Rationale

This amendment is necessary to update the prescribed minimum course of study that CRB-recognized schools must follow to help facilitate the licensure of voice writers as certified shorthand reporters as required by BPC sections 8017 and 8020 and to clarify existing regulatory language. While the Board approved the terms “and/or,” the text change was made to “or” for clarity and not returned to the Board as the Board delegated authority to make any technical, non-substantive changes.

- **Amend Subsection (k)(1)**

Change “8047” to “8051” in relation to the range of BPC sections that relate to CRB.

Purpose

The purpose of amending subsection (k)(1) is to update the full range of BPC statutes in the Shorthand Reporters Practice Act. BPC section 8050 was added with passage of AB 2084 (Kalra, Stats 2018, Ch. 648), and section 8051 was added with passage of Senate Bill (SB) 241 (Umberg, Stats 2021, Ch. 214).

Rationale

This amendment is necessary to update existing regulatory language to be consistent with statutory provisions.

- **Amend Subsection (m)**

Change “(k)” to “(l)” after “Section 8027.”

Purpose

The purpose of amending subsection (m) is to update the subsection that contains the annual statement requirements for court reporting schools in BPC section 8027. SB 2090 (Murray, Stats 2000, Ch. 1009) added a new subsection at BPC section 8027(g) and renumbered the subsequent subsections; therefore, the existing subsection (k) was amended to (l) at the time.

Rationale

This amendment is necessary to update existing regulatory language to be consistent with BPC section 8027.

- **Add Subsection (o)**

Add subsection (o) relating to the definition of “voice writing.”

Purpose

The purpose of adding subsection (o) is to establish the meaning of “voice writing” that will apply to all regulations contained in Division 24 of the CCR that relate to CRB. BPC section 8017.5 defines “voice writing.”

Rationale

This amendment is necessary to establish a definition of “voice writing” for regulations under Division 24 of the CCR that is consistent with BPC section 8017.5.

- **Amend Reference Note**

Add “8017.5,” after “8007,” and add a comma after “8020” in the Reference Note.

Purpose

The purpose of amending the Reference Note is to reflect the full list of statutory references for this regulation. BPC section 8017.5 defines “voice writer” and “voice writing,” and this regulation refers to voice writing.

Rationale

This amendment is necessary to have proper citation of statutory references for this regulation.

Amend Section 2414, Definitions.

The existing regulation establishes definitions relating to court reporting schools.

- **Amend Subsection (a)**

Delete “that is a course” and add “, voice writing,” after “machine shorthand.”

Purpose

The purpose of amending subsection (a) is to ensure consistency with other regulatory language. CCR section 2411(a)(4) contains similar phrasing but in a more concise manner, stating in part, “dictation classes, other than theory classes, shall include...” This sentence reads better and is easier to understand without “that is a course” before “other than machine shorthand.”

The amendments also ensure consistency with the statutory definition of the practice of shorthand reporting contained in BPC section 8017. It is appropriate to exclude voice writing courses from this subsection because BPC section 8024.8 makes voice writing equivalent to machine shorthand for the purposes of certified shorthand reporter licensing and machine shorthand courses are also excluded herein. Teachers in such programs should be required to meet the same criteria to recognize voice writing as equivalent to machine shorthand as required by BPC sections 8017 and 8024.8.

Rationale

This amendment is necessary to make existing regulatory language more concise and consistent with other regulatory language and to recognize voice writing as equivalent to machine shorthand as required by BPC sections 8017 and 8024.8, excluding voice writing courses from this subsection because machine shorthand courses are also excluded.

- **Amend Subsection (a)(3)**

Add a comma after “shorthand reporter,” delete “or” and the “n” of “an” before “RPR,” add “current Registered Professional Reporter” before “RPR,” add parentheses around “RPR,” and add “, or a current Certified Verbatim Reporter (CVR) certificate from the National Verbatim Reporters Association” after “Association.”

Purpose

The purpose of amending subsection (a)(3) is to clarify that the acronym “RPR” means a Registered Professional Reporter and that the certificate must be current to be acceptable, comparable to the required current status of the certified shorthand reporter license. The amendments also add a current CVR certificate as an alternative license or

certificate that may be held by any person teaching in a court reporting program to ensure consistency with the statutory definition of the practice of shorthand reporting in BPC section 8017. It is appropriate that teachers in such programs may possess the CVR certificate relating to voice writers to recognize voice writing as equivalent to machine shorthand as required by BPC sections 8017 and 8024.8.

Rationale

This amendment is necessary to make existing regulatory language clearer and to recognize voice writing as equivalent to machine shorthand as required by BPC sections 8017 and 8024.8, allowing teachers in court reporting schools to possess a current CVR certificate.

- **Amend Subsection (b)**

Add “or voice” after “machine” and delete “that is a course” before “other than an academic course.”

Purpose

The purpose of amending subsection (b) is to ensure consistency with the statutory definition of the practice of shorthand reporting contained in BPC section 8017. It is appropriate to include voice speed-building courses in this subsection because BPC section 8024.8 makes voice writing equivalent to machine shorthand for the purposes of certified shorthand reporter licensing and machine speed-building courses are also included herein. Teachers in such programs should be required to meet the same criteria to recognize voice writing as equivalent to machine shorthand as required by BPC sections 8017 and 8024.8.

The amendments also ensure consistency with other regulatory language. CCR section 2411(a)(4) contains similar phrasing but in a more concise manner, stating in part, “dictation classes, other than theory classes, shall include...” This sentence reads better and is easier to understand without “that is a course” before “other than an academic course.” As discussed above, CCR section 2414(a) is also being similarly amended in this package for consistency purposes.

Rationale

This amendment is necessary to recognize voice writing as equivalent to machine shorthand as required by BPC sections 8017 and 8024.8 and include voice speed-building courses in this subsection and to make existing regulatory language clearer.

- **Amend Subsection (b)(3)**

Add a comma after “shorthand reporter,” delete “or” and the “n” of “an” before “RPR,” add “current” before “RPR,” and add “, or a current CVR certificate from the National Verbatim Reporters Association” after “Association.”

Purpose

The purpose of amending subsection (b)(3) is to clarify that the RPR certificate must be current to be acceptable, comparable to the required current status of the certified shorthand reporter license. The amendments also add a current CVR certificate as an alternative license or certificate that may be held by any person teaching in a court reporting program to ensure consistency with the statutory definition of the practice of shorthand reporting contained in BPC section 8017. It is appropriate that teachers in such programs may possess the CVR certificate relating to voice writers to recognize voice writing as equivalent to machine shorthand as required by BPC sections 8017 and 8024.8.

Rationale

This amendment is necessary to make existing regulatory language clearer and to recognize voice writing as equivalent to machine shorthand as required by BPC sections 8017 and 8024.8, allowing teachers in court reporting schools to possess a current CVR certificate.

- **Amend Subsection (b)(4)**

Add “or voice” after “machine.”

Purpose

The purpose of amending subsection (b)(4) is to ensure consistency with the statutory definition of the practice of shorthand reporting in BPC section 8017. It is appropriate to include voice speed classes in this subsection because BPC section 8024.8 makes voice writing equivalent to machine shorthand for the purposes of certified shorthand reporter licensing and machine speed classes are also included herein. Teachers in such programs should be required to meet the same criteria to recognize voice writing as equivalent to machine shorthand as required by BPC sections 8017 and 8024.8.

Rationale

This amendment is necessary to recognize voice writing as equivalent to machine shorthand as required by BPC sections 8017 and 8024.8 and include voice speed classes in this subsection.

- **Amend Subsection (d)**

Add “or voice” after “machine.”

Purpose

The purpose of amending subsection (d) is to ensure consistency with the statutory definition of the practice of shorthand reporting in BPC section 8017. It is appropriate to include voice speed classes in this subsection because BPC section 8024.8 makes voice writing equivalent to machine shorthand for the purposes of certified shorthand reporter licensing and machine speed classes are also included herein.

Rationale

This amendment is necessary to recognize voice writing as equivalent to machine shorthand as required by BPC sections 8017 and 8024.8 and include voice speed classes in this subsection.

- **Amend Subsection (i)**

Delete the comma and add “and” after “student,” add “or voice” after “stenographic,” and delete “, or other methods, as determined and reviewed and approved by the Board.”

Purpose

The purpose of amending subsection (i) is to change the second sentence from a series of three items to just two items. The amendments also ensure consistency with the statutory definition of the practice of shorthand reporting contained in BPC sections 8017 and 8017.5. Voice writing students do not utilize stenographic notes, but instead use their voice and a voice recording device to make voice notes.

The amendments also remove the Board’s discretion to determine, review, and approve other methods of direct supervision because physical or non-physical observation of the student and comparison of their work product against stenographic or voice notes are sufficient methods of achieving direct supervision of students. It is preferable to have the full and complete definition codified in regulation without allowing other unidentified methods that the Board may approve on a case-by-case basis.

Rationale

This amendment is necessary to help facilitate the licensure of voice writers as certified shorthand reporters as required by BPC section 8017, to fully define the methods of direct supervision in regulation, and to clarify existing regulatory language. While the Board approved the terms “stenographic notes or voice notes,” the text change was made to “stenographic or voice notes” for clarity and consistency and not returned to the

Board as the Board delegated authority to make any technical, non-substantive changes.

- **Amend Reference Note**

Add “, 8017.5,” after “8007” in the Reference Note.

Purpose

The purpose of amending the Reference Note is to reflect the full list of statutory references for this regulation. BPC section 8017.5 defines “voice writer” and “voice writing,” and this regulation refers to voice writing.

Rationale

This amendment is necessary to have proper citation of statutory references for this regulation.

Underlying Data:

CRB relies upon the following technical, theoretical, or empirical studies, reports, and/or documents for this proposal:

- AB 156 (Committee on Budget, Stats 2022, Ch. 569)
- AB 2084 (Kalra, Stats 2018, Ch. 648)
- SB 241 (Umberg, Stats 2021, Ch. 214)
- SB 2090 (Murray, Stats 2000, Ch. 1009)
- December 14, 2022, Board Meeting Materials Excerpts – Agenda Item 6.2
- December 14, 2022, Board Meeting Minutes Excerpts
- March 28, 2023, Board Meeting Materials Excerpts – Agenda Item 6
- Draft March 28, 2023, Board Meeting Minutes Excerpts
- Dictation Examination Statistics – July 2022
- Dictation Examination Statistics – November 2022
- Dictation Examination Statistics – March 2023
- Exam, Initial, and Renewal Workload Analysis

Business Impact:

The Board has made the initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the inability of California businesses to compete with businesses in other states. This initial determination is based on the following facts/evidence/documents/testimony or other evidence.

CRB has been licensing certified shorthand reporters since 1951 and will continue to do so. The proposed regulations are intended to expand the avenues toward licensure to

include voice writing court reporters, in addition to the existing machine shorthand court reporters.

The Board has been issuing an average of 40 licenses per year in recent years and anticipates an increase in the number of applications for licensure based on an expected increased number of students enrolling in and completing voice writing training programs. Once voice writing programs are established at recognized California schools, it will take time for students to enroll in and complete the program. Therefore, the increase in applications for licensure with CRB is expected to be gradual, not immediately significant.

The Board estimates 16 individuals will complete their voice writing education and apply to take the professional examination per year in the first five years of implementation, of which 10 will pass the examination and be issued an initial license. Beginning in year-six of implementation, up to 32 individuals are projected to complete their voice writing education and take the examination, of which 20 will be granted initial licensure.

The Board does not have information or data for a school to start and provide voice writing educational programs. As a result, the Board does not have a cost estimate at this time.

The Board estimates annual tuition revenues of up to \$5,000 per voice writing student, which would result in total tuition revenues ranging from \$80,000 (16) to \$160,000 (32) per year and up to \$1.2 million over a ten-year period as follows:

| Court Reporters Board | | | | | | | | | | | | | | |
|--|------------|---------------------|---------------|----------|----------|----------|----------|----------|-----------|-----------|-----------|-----------|-----------|-------------|
| Voice Writer Registration - Schools (Revenues) | | | | | | | | | | | | | | |
| Curriculum | Fee Amount | Students Per Year** | Years Ongoing | | | | | | | | | | | |
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | Total | |
| Voice Writing | \$5,000 | 16/32 | \$80,000 | \$80,000 | \$80,000 | \$80,000 | \$80,000 | \$80,000 | \$160,000 | \$160,000 | \$160,000 | \$160,000 | \$160,000 | \$1,200,000 |
| Total Revenues: | | | \$80,000 | \$80,000 | \$80,000 | \$80,000 | \$80,000 | \$80,000 | \$160,000 | \$160,000 | \$160,000 | \$160,000 | \$160,000 | \$1,200,000 |

**Assumes application rates double in Yr-6 (flat ongoing)

Individuals taking the professional examination will be required to pay \$75 for the three-part examination, which will result in revenues ranging from \$1,200 (16) to \$2,400 (32) per year and up to \$18,000 over a ten-year period. These fees are paid to CRB, which in turn pays the testing vendor.

Additionally, those individuals passing the examination and applying for licensure will need to undergo and pass a fingerprint background check with costs of \$75, of which \$26 is estimated to benefit the fingerprint processing business, \$32 to the Department of Justice (DOJ), and \$17 to the Federal Bureau of Investigation. As a result, these fingerprint businesses are projected to have increased revenues ranging from \$260 (10) to \$520 (20) per year and up to \$3,900 over a ten-year period.

Economic Impact Assessment:

The Board has determined that this regulatory proposal will have the following effects:

- It will create and not eliminate jobs within the State of California because CRB has been licensing certified shorthand reporters since 1951 and will continue to do so. The proposed regulations are intended to expand the avenues toward licensure to include voice writing court reporters, in addition to the existing machine shorthand reporters.
- It may create new business and will not eliminate existing businesses within the State of California because CRB has been licensing certified shorthand reporters since 1951 and will continue to do so. The proposed regulations are intended to expand the avenues toward licensure to include voice writing court reporters, in addition to the existing machine shorthand reporters. CRB issues the same Certified Court Reporter license to all certificate holders and, pursuant to BPC section 8024, must indicate whether the certificate holder met the certified shorthand reporter examination requirements through the use of stenography, voice writing, or both. 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 business or eliminate existing businesses within California. However, the certification of shorthand reporters by the voice writing method will increase the pool of licensees and help alleviate pressure on courts struggling to find certified court reporters because demand continues to outgrow supply.

In addition, court reporting schools that are recognized by CRB have the option of including a voice writing component in their training program, but it is not mandatory.

- It will not affect the expansion of businesses currently doing business within the State of California because CRB has been licensing certified shorthand reporters since 1951 and will continue to do so. The proposed regulations are intended to expand the avenues toward licensure to include voice writing court reporters, in addition to the existing machine shorthand reporters. CRB issues the same Certified Court Reporter license to all certificate holders and, pursuant to BPC section 8024, must indicate whether the certificate holder met the certified shorthand reporter examination requirements through the use of stenography, voice writing, or both.

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 affect the expansion of businesses currently doing business within California. However, the certification of shorthand reporters by the voice writing method will increase the pool of licensees and help alleviate pressure on courts struggling to find certified court reporters because demand continues to outgrow supply.

In addition, court reporting schools that are recognized by CRB have the option of including a voice writing component in their training program, but it is not mandatory.

- This regulatory proposal does not affect the health and welfare of California residents because it does not relate to health and welfare.
- This regulatory proposal does not affect worker safety because it does not involve worker safety.
- This regulatory proposal does not affect the state’s environment because it does not involve the environment.

Fiscal Impact Assessment: The Board anticipates the regulations will result in a gradual increase in applicants for licensure as court reporting schools begin integrating voice writing coursework into their curriculum.

The Board estimates 16 voice writing individuals will apply to take the professional examination per year in the first five years of implementation, of which 10 will pass the examination and be issued an initial license. Beginning in year-six of implementation, up to 32 voice writing individuals are projected to take the examination, of which 20 will be granted initial licensure.

Examination and Licensing Workload: The Board estimates current workload costs of \$173 per examination application, \$290 per initial license, and \$246 per renewal license. Total workload costs are estimated to range from approximately \$5,700 to \$42,900 and up to \$210,000 over a ten-year period as follows:

| Court Reporters Board | | | | | | | | | | | | | |
|---|-------|----------------------|-----------------|---------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
| Voice Writer Registration - Economic Impact (Costs) | | | | | | | | | | | | | |
| Registration Type | Costs | Applicants Per Year* | Years Ongoing** | | | | | | | | | | Total |
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
| Exam Application | \$173 | 16/32 | \$2,768 | \$2,851 | \$2,937 | \$3,025 | \$3,115 | \$3,209 | \$3,305 | \$3,404 | \$3,506 | \$3,612 | \$31,732 |
| Initial License | \$290 | 10/20 | \$2,900 | \$2,987 | \$3,077 | \$3,169 | \$3,264 | \$3,362 | \$3,463 | \$3,567 | \$3,674 | \$3,784 | \$33,245 |
| | | Sub-total: | \$5,668 | \$5,838 | \$6,013 | \$6,194 | \$6,379 | \$6,571 | \$6,768 | \$6,971 | \$7,180 | \$7,395 | \$64,977 |
| Renewal License (annual) | \$246 | Various | - | \$2,460 | \$5,068 | \$7,601 | \$10,135 | \$12,669 | \$18,117 | \$23,728 | \$29,507 | \$35,460 | \$144,745 |
| | | Sub-total: | - | \$2,460 | \$5,068 | \$7,601 | \$10,135 | \$12,669 | \$18,117 | \$23,728 | \$29,507 | \$35,460 | \$144,745 |
| | | Total Costs: | \$5,668 | \$8,298 | \$11,081 | \$13,795 | \$16,515 | \$19,240 | \$24,885 | \$30,699 | \$36,687 | \$42,855 | \$209,722 |

*Assumes application rates double in Yr-6 (flat ongoing)

**Includes 3 percent annual cost growth factor

Revenues: The Board currently assesses a \$40 examination application fee and \$225 initial and renewal license fees, which would result in total annual revenues ranging from approximately \$2,900 to \$35,000 per year and up to \$167,000 over a ten-year period as follows:

| Court Reporters Board | | | | | | | | | | | | | |
|--|------------|-----------------------|----------------|----------------|----------------|----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|------------------|
| Voice Writer Registration - Fiscal Impact (Revenues) | | | | | | | | | | | | | |
| Registration Type | Fee Amount | Applicants Per Year** | Years Ongoing | | | | | | | | | | |
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | Total |
| Exam Application | \$40 | 16/32 | \$640 | \$640 | \$640 | \$640 | \$640 | \$1,280 | \$1,280 | \$1,280 | \$1,280 | \$1,280 | \$9,600 |
| Initial License | \$225 | 10/20 | \$2,250 | \$2,250 | \$2,250 | \$2,250 | \$2,250 | \$4,500 | \$4,500 | \$4,500 | \$4,500 | \$4,500 | \$33,750 |
| | | Sub-total: | \$2,890 | \$2,890 | \$2,890 | \$2,890 | \$2,890 | \$5,780 | \$5,780 | \$5,780 | \$5,780 | \$5,780 | \$43,350 |
| Renewal License (annual) | \$225 | Various | - | \$2,250 | \$4,500 | \$6,750 | \$9,000 | \$11,250 | \$15,750 | \$20,250 | \$24,750 | \$29,250 | \$123,750 |
| | | Sub-total: | - | \$2,250 | \$4,500 | \$6,750 | \$9,000 | \$11,250 | \$15,750 | \$20,250 | \$24,750 | \$29,250 | \$123,750 |
| Total Revenues: | | | \$2,890 | \$5,140 | \$7,390 | \$9,640 | \$11,890 | \$17,030 | \$21,530 | \$26,030 | \$30,530 | \$35,030 | \$167,100 |

**Assumes application rates double in Yr-6 (flat ongoing)

Additionally, each applicant will be required to complete a fingerprint background check with estimated costs of \$75, of which \$32 is passed on to DOJ. As a result, DOJ is projected to collect fingerprint revenues ranging from \$320 to \$640 per year and up to \$4,800 over a ten-year period.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

No such alternatives have been proposed or discussed. However, CRB determined that the proposal is necessary to ensure schools are offering proper curriculum to train prospective voice writers, comparable to their existing curriculum to train machine shorthand reporters. Although CRB did not consider any other alternatives, CRB welcomes comments from the public.

Description of Reasonable Alternatives to the Regulation that Would Lessen any Adverse Impact on Small Business:

No reasonable alternative to the regulatory proposal would lessen any adverse impact on small business.

No such alternatives have been proposed; however, CRB welcomes comments from the public.