

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

COURT REPORTERS BOARD OF CALIFORNIA

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Voice Writing

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, October 24, 2023**, 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 and 8017 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 8007, 8017, 8017.5, 8020, and 8027; Code of Civil Procedure (CCP) sections 269, 271, 2025.330, 2025.510, 2025.520, 2025.540, 2025.550, and 2025.570; Corporations Code (CC) sections 13401 and 13410; and Government Code (GC) section 69955, the Board is considering amending sections 2403, 2411, and 2414 of Title 16, Division 24, of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

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 also make other minor, technical non-substantive changes to address capitalization and grammar. 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.

The Board proposes the following changes:

Amend Section 2403, Scope of Practice.

Existing law defines the practice of shorthand reporting and outlines the scope of practice for an accurate transcription in superior court and for a deposition.

This regulatory proposal will

- Amend the introductory paragraph by adding “or by voice writing,” after “machine shorthand writing.”
- Amend subsection (a)(1) by adding “or by voice” after “shorthand.”
- Amend subsection (a)(8) by adding “or voice” after “stenographic.”
- Amend subsection (b)(4) by adding “or voice” after “stenographic” in two locations.
- Amend subsection (b)(9) by changing the comma after “deponent” to a closing parenthesis.
- Amend Reference Note by adding a comma and deleting “and” after “8007” and adding “and 8017.5,” after “8017” in the BPC portion of the Reference Note.

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

Existing law establishes the minimum course of study for CRB-recognized court reporting schools.

This regulatory proposal will

- Amend subsection (a) by adding “or Voice Writing” after “Machine Shorthand” and adding “hours” after “2300.”
- Amend subsection (a)(1) by adding “or voice writing” after “machine shorthand writing.”
- Amend subsection (a)(3) by adding “machine shorthand” before “student,” adding clarification for “varying difficulty” in the existing sentence, and adding a second sentence, comparable to the existing first sentence, relating to dictation transcription requirements for voice writing students.
- Amend subsection (a)(4) by adding “reporting” after “tested” and deleting “writing” before “speeds.”
- Amend subsection (a)(5) by adding “or voice” after “stenographic.”
- Add subsection (a)(8) 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.
- Amend subsection (b) by adding “hours” after “240.”
- Amend subsection (c) by adding “hours” after “120.”
- Amend subsection (d) by adding “hours” after “150,” deleting “the” before “classroom,” and adding a comma after “but not limited to.”
- Amend subsection (d)(2)(C) by adding “or voice” after “stenographic.”
- Amend subsection (f) by adding “hours” after “25.”
- Amend subsection (g) by adding “hours” after “5.”
- Amend subsection (h) by adding “hours” after “60.”
- Amend subsection (h)(3) by adding “or voice” after “stenographic” in two locations.
- Amend subsection (h)(4) by deleting the periods after and adding parentheses around the subsection indicators (A) through (D) that identify the four listed additional instruction categories.
- Amend subsection (i) by adding “hours” after “60.”
- Amend subsection (i)(3) by adding “or voice” after “stenographic.”
- Amend subsection (i)(5) by adding “or voice” after “stenographic” and adding “hours” after “660.”
- Amend subsection (k)(1) by changing “8047” to “8051” in relation to the range of BPC sections that relate to CRB.
- Amend subsection (m) by changing “(k)” to “(l)” after “Section 8027.”
- Add subsection (o) relating to the definition of “voice writing.”

- Amend Reference Note by adding “8017.5,” after “8007,” and adding a comma after “8020” in the Reference Note.

Amend Section 2414, Definitions.

Existing law establishes definitions relating to court reporting schools.

This regulatory proposal will

- Amend subsection (a) by deleting “that is a course” and adding “, voice writing,” after “machine shorthand.”
- Amend subsection (a)(3) by adding a comma after “shorthand reporter,” deleting “or” and the “n” of “an” before “RPR,” adding “current Registered Professional Reporter” before “RPR,” adding parentheses around “RPR,” and adding “, or a current Certified Verbatim Reporter (CVR) certificate from the National Verbatim Reporters Association” after “Association.”
- Amend subsection (b) by adding “or voice” after “machine” and deleting “that is a course” before “other than an academic course.”
- Amend subsection (b)(3) by adding a comma after “shorthand reporter,” deleting “or” and the “n” of “an” before “RPR,” adding “current” before “RPR,” and adding “, or a current CVR certificate from the National Verbatim Reporters Association” after “Association.”
- Amend subsection (b)(4) by adding “or voice” after “machine.”
- Amend subsection (d) by adding “or voice” after “machine.”
- Amend subsection (i) by deleting the comma and adding “and” after “student,” adding “or voice” after “stenographic,” and deleting “, or other methods, as determined and reviewed and approved by the Board.”
- Amend Reference Note by adding “, 8017.5,” after “8007” in the Reference 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 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.

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 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 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 are projected to 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.

Examination and Licensing Workload: The Board estimates current workload costs of \$173 per examination application, \$290 per initial license, and \$246 per renewal license (the first voice writer renewals will be processed in year-two of implementation). Total workload costs are estimated to range from approximately \$5,700 to \$42,900 and up to \$210,000 over a ten-year period.

Note: Includes a 3 percent annual cost growth factor

Any workload costs are anticipated to be absorbed within existing resources.

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.

Additionally, each applicant will be required to complete a fingerprint background check with estimated costs of \$75, of which \$32 is passed on to the Department of Justice (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.

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

- **Nondiscretionary Costs/Savings to Local Agencies:** 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 expand the avenues toward licensure to include voice writing court reporters, in addition to the existing machine shorthand court reporters.

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 and not immediately significant.

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. Of the eight California schools currently recognized by CRB, only two currently have a voice writing program, but the Board anticipates additional voice writing programs being added in the future.

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 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 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.

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. 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.

Cost Impact on Representative Private Person or Business

The Board indicates individuals opting to enroll in a voice writing educational program, take the professional exam, and applying for licensure will incur costs as follows:

- Annual Tuition: Up to \$5,000
- Examination Application: \$40
- Examination Testing: \$75
- Fingerprint Background Check: \$75
- Initial & Renewal License Fees: \$225

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.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs / Businesses:

The Board has determined that this regulatory proposal will have an impact on the creation of jobs by expanding pathways to licensure and will not eliminate jobs and may have an impact on new or existing businesses in the State of California.

While the proposed regulations are intended to expand the avenues toward licensure to include voice writing court reporters, the Board does not anticipate a significant increase

in the total population of licensees. Instead, the Board anticipates the regulations to increase the number of voice writing applicants and licensees over time with a commensurate reduction in traditional machine shorthand applicants and eventually licensees in the future.

The Board notes that schools providing traditional machine shorthand coursework may begin providing voice writing programs based on student demand. Any increase in voice writing students is anticipated to be offset with a commensurate reduction in traditional machine shorthand students in the future.

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 2403, 2411, and 2414 will help facilitate the licensure of voice writers as certified shorthand reporters as required by BPC section 8017. The certification of shorthand reporters by the voice writing method will help ensure equal treatment of voice writers and will help alleviate pressure on courts struggling to find certified court reporters because demand continues to outgrow supply.

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 will also help ensure that consumers will be protected by hiring voice writing shorthand reporters who are certified and under CRB's direct jurisdiction.

Business Reporting Requirements

The regulatory action requires businesses to file reports with CRB. The Board has determined that it is necessary for the health, safety, or welfare of the people of the State that the reporting element of the regulation apply to court reporting schools that are recognized by CRB. The reports are existing requirements under CCR section 2411(l) and (m) and are statutorily mandated by BPC section 8027. This proposal simply updates subsection (m) of CCR section 2411 to have the correct reference to the applicable subsection in BPC section 8027 that relates to the annual statements that recognized court reporting schools must file with the Board. Court reporting schools pay no fees to the Board for the review or recognition of their program or for the filing of the annual statements that are required by BPC section 8027 and CCR section 2411.

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:

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Sacramento, CA 95833
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The backup contact person is:

Name: Yvonne Fenner
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2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833
Telephone No.: (916) 263-3660
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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>.