

PROPOSED REGULATION OF THE CERTIFIED COURT

REPORTERS' BOARD OF NEVADA

LCB File No. R112-23

November 1, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1, 2, 6, 7, 18 and 22, NRS 656.130; § 3, NRS 656.130, 656.150 and 656.170; §§ 4 and 5, NRS 656.130 and 656.160; §§ 8-10, NRS 656.130, 656.187 and 656.200; § 11, NRS 656.130 and 656.185; §§ 12 and 13, NRS 656.186; §§ 14-16, NRS 656.130 and 656.250; § 17, NRS 656.130 and 656.335; §§ 19-21, NRS 656.130 and 656.280.

A REGULATION relating to court reporting; revising provisions governing the application and examination required to obtain a certificate of registration as a court reporter; revising provisions governing the continuing education required to be completed by court reporters and designated representatives of court reporting firms; revising requirements relating to actions taken by the Certified Court Reporters' Board of Nevada, the Executive Secretary of the Board, the staff of the Board and the members of the Board; revising provisions governing the application and examination required to become a designated representative of a court reporting firm; revising certain standards of conduct for court reporters; revising provisions governing the filing and investigation of informal complaints concerning the acts or services provided by court reporters or designated representatives of court reporting firms; repealing and reorganizing definitions used in the regulation of court reporting; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Certified Court Reporters' Board of Nevada to adopt regulations necessary to carry out the provisions of existing law regulating the profession of court reporting. (NRS 656.130)

Existing law requires an applicant for a certificate of registration as a court reporter to file an application with the Executive Secretary of the Board and to provide with the application the required fee for the certificate and all information required to complete the application. (NRS 656.150) **Section 3** of this regulation revises provisions governing the filing of an application for a certificate by: (1) replacing references to the Executive Secretary of the Board taking certain actions concerning applications for a certificate with references to the Board taking those actions; (2) eliminating the requirement for the Executive Secretary to return an application that is incomplete or postmarked after the deadline; (3) removing the requirement that an application be submitted to the Board in its original form and, instead, requiring the application to be

submitted in the manner prescribed by the Board; (4) authorizing the use of a credit or debit card to pay the application fee; (5) specifying that an applicant who does not submit the application fee in a timely manner is ineligible to take the examination for a certificate; (6) revising terminology relating to the cancellation or withdrawal of an application; and (7) eliminating the definition of “emergency” for the purpose of determining whether the Board will allow an applicant to apply the examination fee to the next examination because of an emergency.

Existing law requires an applicant for an original certificate of registration as a court reporter to personally appear before the Board for an examination and the answering of such questions as may be prepared by the Board to enable it to determine the trustworthiness of the applicant and his or her competency to engage in the practice of court reporting in such a manner as to safeguard the interests of the public. (NRS 656.160) **Sections 4 and 5** of this regulation revise existing regulations governing the examination of applicants for a certificate by: (1) replacing references to the Executive Secretary, a member of the staff of the Board or a member of the Board taking certain actions concerning the examination with references to the Board taking those actions; and (2) removing the authorization for a member of the staff of the Board to give the oral instructions and introductory remarks before the examination is administered, which has the effect of requiring a member of the Board to perform this function.

Existing regulations authorize a court reporter to voluntarily surrender the court reporter’s certificate of registration by providing written notice to the Board of the surrender. (NAC 656.180) **Section 6** of this regulation replaces a reference to the Executive Secretary making a notation of a voluntary surrender of a certificate in the records of the Board with a reference to the Board making such a notation.

Section 7 of this regulation replaces a reference to the Executive Secretary informing a person that his or her payment of a fee was returned for insufficient funds with a reference to the Board providing such information.

Existing law requires the Board to adopt regulations requiring designated representatives of court reporting firms and court reporters to complete certain continuing education or training as a condition to the renewal of licenses as a designated representative and certificates of registration as a court reporter. (NRS 656.187, 656.200) Existing regulations require designated representatives and court reporters to complete, every 2 years, at least 15 hours of continuing education relating to the practice of court reporting. (NAC 656.210) **Section 8** of this regulation replaces the term “hours” with “credits.” **Section 8** also provides that if the Board offers credits of continuing education for attending a meeting of the Board, the Board will award not more than a total of 3 credits per reporting period for attending meetings of the Board.

Existing regulations provide that during each odd-numbered year, the Board will mail to each court reporter and designated representative of a court reporting firm a form on which to report compliance with continuing education requirements. (NAC 656.220) **Section 9** of this regulation provides that if the form is returned to the Board postmarked on or before the deadline for the return of the form, the form is timely filed.

Section 10 of this regulation removes a list of specific subjects that the Board may approve for a course of study for continuing education. (NAC 656.240)

Existing law requires a business entity to obtain a license from the Board to conduct business as a court reporting firm. (NRS 656.185) Under existing law, a court reporting firm is required to appoint one natural person affiliated with the court reporting firm who holds a certificate of registration as a court reporter or passes an examination administered by the Board to act as the designated representative for the firm. Existing law authorizes the Board to adopt

regulations to carry out this examination. (NRS 656.186) **Section 11** of this regulation replaces a reference to the Executive Secretary of the Board issuing a license to a court reporting firm with a reference to the Board issuing such a license. (NAC 656.250) **Section 12** of this regulation revises provisions governing the application and examination to become a designated representative of a court reporting firm. (NAC 656.261) **Section 13** of this regulation removes the limitation on the number of times an applicant to become a designated representative may take the examination during a period of 12 consecutive months.

Existing regulations prohibit a court reporter from providing services as a court reporter in a proceeding if the court reporter has certain conflicts of interest. If a court reporter discovers a conflict of interest or potential conflict of interest, the court reporter is required to disclose the conflict of interest or potential conflict of interest to each party who is present at the commencement of the proceeding. After such disclosure, the court reporter is authorized to provide services as a court reporter in the proceeding if each party to the proceeding and each attorney who represents a party in the proceeding authorizes the court reporter to provide such services. (NAC 656.310) **Section 14** of this regulation clarifies that such authorization is a waiver by each party to the proceeding and each attorney who represents a party to the proceeding of all disclosed conflicts of interest or potential conflicts of interest by the parties and attorneys involved in a proceeding. **Section 14** also revises the terminology for certain promotional materials that a court reporter or court reporting firm is authorized to give to or receive from an attorney, client, witness, insurance company or any other person associated with a litigation in which the court reporter or firm provides services.

Section 15 of this regulation eliminates the duty of a court report to: (1) perform the practice of court reporting in a fair and impartial manner; and (2) take steps to avoid the appearance of impropriety in a proceeding. (NAC 656.340)

Section 16 of this regulation clarifies a provision of existing regulations that requires a court reporting firm that makes typographical, clerical or other nonsubstantive alterations to a transcript prepared by a court reporter to obtain the approval of the court reporter for each alteration. (NAC 656.350)

Existing law requires a court reporter to retain certain notes for 8 years if they concern any matter subject to judicial review. (NRS 656.335) Existing regulations authorize a court reporter to retain computer discs, cartridges and other electronic means of storing data in lieu of retaining paper notes. (NAC 656.410) **Section 17** of this regulation clarifies that a court reporter is authorized to use such electronic means to store “digital notes and files” rather than “data.”

Section 18 of this regulation provides that an oral response by the Board, rather than a member of the staff of the Board, does not constitute a decision or official advisory opinion of the Board. (NAC 656.415)

Section 19 of this regulation eliminates the requirement that an informal complaint filed with the Board concerning the acts or services of a court reporter, a designated representative of a court reporting firm or a person who otherwise acts or provides services as a court reporter: (1) be filed on a form provided by the Board; and (2) contain the signature of the complainant verifying, by oath, that certain information provided with the complaint is true to the best of the complainant’s knowledge. (NAC 656.420)

Section 20 of this regulation removes a list of specific actions that the staff of the Board is authorized to take after reviewing an informal complaint and the responses to the complaint but maintains the authority of the staff of the Board to take any reasonable action required to conduct the investigation.

Sections 20 and 21 of this regulation change references to an investigator employed by the staff of the Board to investigate a complaint to refer to an investigator employed by the Board. (NAC 656.430)

Section 22 of this regulation repeals certain duplicative definitions because those definitions are included in the Nevada Revised Statutes. (NRS 656.030) **Section 1** of this regulation makes a conforming change to remove references to sections repealed by **section 22**. **Section 2** of this regulation incorporates the language of a repealed definition to avoid substantive changes in existing regulations.

Section 1. NAC 656.010 is hereby amended to read as follows:

656.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 656.015 ~~to 656.070, inclusive,~~ *and 656.065* have the meanings ascribed to them in those sections.

Sec. 2. NAC 656.065 is hereby amended to read as follows:

656.065 “Proceeding” means any hearing or other matter that is conducted or considered during ~~litigation,~~ *any suit at law or in equity or any arbitration that is subject to judicial review*, including, but not limited to:

1. Any final decision of an agency that is subject to judicial review pursuant to chapter 233B of NRS;
2. Any examination, deposition or other hearing relating to discovery as provided by statute or the Nevada Rules of Civil Procedure; and
3. Any other matters subject to judicial review.

Sec. 3. NAC 656.100 is hereby amended to read as follows:

656.100 1. The Board will consider applications for certificates for the immediately succeeding examination. The ~~Executive Secretary of the~~ Board ~~shall~~ *will* establish a deadline for submission of applications at least 30 days before the examination for certification is administered. If an application is postmarked after the deadline, the ~~Executive Secretary of the~~

~~Board shall return the application to the applicant and the~~ applicant is ineligible to take the examination.

2. An *applicant must submit a completed* application ~~{must be submitted}~~ to the Board in ~~{its original form. If an applicant submits an application that is photocopied, the Executive Secretary of the Board shall return the application to the applicant and the applicant is ineligible to take the examination.}~~

~~—3.— All questions on the application must be completed. If an application is incomplete, the Executive Secretary of~~ *the manner prescribed by* the Board . ~~{shall return the application to the applicant.}~~ An applicant ~~{whose application is returned because it is incomplete}~~ *who submits an incomplete application* may resubmit ~~{his or her application if}~~ the application ~~{that is resubmitted is postmarked}~~ on or before the date of the deadline.

~~{4.}~~ 3. All evidence required by NRS 656.170 must be included with the application. The Board will not accept an application without the evidence unless the applicant receives approval from the Board before submitting his or her application.

~~{5.}~~ 4. An application must include a photocopy of a picture identification of the applicant.

~~{6.}~~ 5. The fee accompanying the application must be in the form of a *credit or debit card*, money order, cashier's check or certified check which is payable to the Board. If the applicant does not submit the fee in a timely manner, the ~~{Executive Secretary of the Board may deny the}~~ applicant ~~{~~

~~—(a) Admission to the examination;~~

~~—(b) The results of his or her examination; or~~

~~—(c) A certificate.~~

~~7.}~~ *is ineligible to take the examination.*

6. An application must be signed by the applicant under penalty of perjury and include an acknowledgment by the applicant that a misrepresentation or omission in the application may constitute a ground for denial, suspension or revocation of a certificate pursuant to NRS 656.240. The signature of the applicant attests to the accuracy of all information provided by the applicant, including, but not limited to, the information contained in the application and all other evidence and information accompanying the application.

~~{8-}~~ 7. If the Board rejects an application, the Board will include a letter that explains the reason for the rejection.

~~{9-}~~ 8. If the Board approves an application, ~~{the Executive Secretary of}~~ the Board ~~{shall mail}~~ *will send* to the applicant a letter of admission to the examination.

~~{10-}~~ 9. An applicant may ~~{cancel his or her submission of}~~ *withdraw* an application and request a refund of the examination fee by submitting a written request to the Board on or before the deadline for submission of applications established by ~~{the Executive Secretary of}~~ the Board pursuant to subsection 1. If the request is submitted on or before the deadline for submission of applications, the Executive Secretary of the Board shall cancel the applicant's application and refund the examination fee to the applicant. The ~~{Executive Secretary of the}~~ Board ~~{shall}~~ *will* not refund an examination fee if the request for a refund is submitted after the deadline for submission of applications.

~~{11-}~~ 10. An applicant may ~~{cancel his or her submission of an}~~ *withdraw* an application and request that the Board apply the applicant's examination fee to the immediately succeeding examination by submitting a written request to the Board after the deadline for submission of applications established by ~~{the Executive Secretary of}~~ the Board pursuant to subsection 1 but before the date of the examination. If the request is submitted after the deadline for submission

of applications but before the date of the examination, ~~{the Executive Secretary of}~~ the Board ~~{shall cancel the applicant's application and}~~ **will** apply the applicant's examination fee to the immediately succeeding examination.

~~{12.}~~ **11.** An applicant who is unable to take the examination because of an emergency may submit a written request to the Board not later than 15 days after the date of the examination requesting that the Board apply the applicant's examination fee to the immediately succeeding examination. The request must include documented proof of the emergency. If the Board grants the applicant's request, ~~{the Executive Secretary of}~~ the Board ~~{shall}~~ **will** apply the applicant's examination fee to the immediately succeeding examination.

~~{13. As used in this section, "emergency" means a sudden or unforeseen circumstance that makes it impractical or impossible for the applicant to take the examination and includes, without limitation, an illness or injury to the applicant or an injury to or the illness or death of a family member of the applicant.}~~

Sec. 4. NAC 656.120 is hereby amended to read as follows:

656.120 1. The ~~{Executive Secretary of the}~~ Board ~~{shall}~~ **will** assign a unique identification number to each application that is approved by the Board. An applicant must register on the day of the examination by presenting the original of the photo identification that accompanied his or her application and by signing the sheet for registration provided by ~~{a member of the staff of}~~ the Board. ~~{A member of the}~~ **The** Board ~~{for a member of the staff of the Board}~~ **will** open the examination room on the day of the examination for registration. ~~{A member of the}~~ **The** Board ~~{for a member of the staff of the Board}~~ **will** provide a seat for the applicant in the examination room according to the identification number that is assigned to his or her application.

2. A member of the Board ~~for a member of the staff of the Board~~ shall give oral instructions and remarks of introduction immediately before administering the examination. Unless special arrangements are made pursuant to subsection 8 or 9, all applicants must register and be present for the oral instructions and remarks of introduction.

3. Each applicant must be on time to take the examination. An applicant who arrives late to take the examination:

- (a) Will be denied admission to the examination;
- (b) Forfeits any fees paid to take the examination; and
- (c) Must reregister before taking a subsequent examination.

4. ~~A member of the~~ *The* Board ~~for a member of the staff of the Board~~ will administer the examination. The name of the applicant or the applicant's identification number, or both, must not be written or otherwise appear on the examination provided by the Board.

5. The examination of an applicant and all other material relating to the examination must not be removed from the examination room during the administration of the examination. If an applicant removes the examination or material relating to the examination, the Board will fail the applicant for the purposes of the current application and will, if deemed appropriate by the Board, disqualify the applicant from participation in future examinations. After an applicant completes the examination, the applicant must return the examination and material to the registration desk.

6. An applicant shall not:

(a) Ask questions during the examination except for questions that are necessary for clarification of the examination; or

(b) Leave the room in which the examination is administered without permission from ~~fa person who is monitoring the examination or a member of the staff of~~ the Board . ~~who is present at the registration desk.~~

7. An applicant must bring to the examination room a pen or pencil. The Board will not provide any equipment.

8. Upon the written request of an applicant with a disability at least 10 working days before the examination, ~~the Executive Secretary of~~ the Board ~~shall~~ *will* make special arrangements for the administration of the examination to the applicant if those arrangements are:

(a) Feasible;

(b) Reasonable; and

(c) In compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 to 12213, inclusive.

9. Upon the request of an applicant whose religious beliefs prevent the applicant from taking the examination on the date of the examination, ~~the Executive Secretary of~~ the Board ~~shall~~ *will* make special arrangements for the administration of the examination to the applicant if the request is made before the date of the examination.

10. If an applicant cheats on the examination, a member of the Board ~~for a member of the staff of the Board~~ will expel the applicant from the examination room and fail the applicant.

11. Questions concerning the administration, procedure or content of the examination must be submitted in writing to the Board.

Sec. 5. NAC 656.130 is hereby amended to read as follows:

656.130 1. After the presentation of the oral instructions and remarks of introduction by a member of the Board, the Board will provide for the administration of the examination. Unless

special arrangements are made pursuant to subsection 8 of NAC 656.120, the Board will give an applicant 1 hour and 45 minutes to complete and submit the examination to ~~the Board or a member of the staff of~~ the Board. A grade of at least 70 percent is required to pass the examination.

2. The examination consists of not less than 150 and not more than 200 questions that test the knowledge of the applicant in:

- (a) Vocabulary;
- (b) Punctuation;
- (c) Grammar;
- (d) Spelling;
- (e) Medical terminology;
- (f) Legal terminology;
- (g) The applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State; and
- (h) Any other subject relating to the duties of a court reporter specified by the Board.

➔ The ~~Executive Secretary of the~~ Board ~~shall~~ *will* include material to prepare for the examination in the letter of admittance to the examination mailed to the applicant.

3. An applicant shall not refer to or otherwise use books, papers or other material during the examination. All books, papers and other such material must be placed on the floor during the examination.

Sec. 6. NAC 656.180 is hereby amended to read as follows:

656.180 1. A court reporter may voluntarily surrender his or her certificate to the Board if the court reporter provides written notice to the Board of the surrender. The ~~Executive Secretary~~

~~of the~~ Board ~~shall~~ **will** make a notation in the records of the Board that the certificate was voluntarily surrendered. If a person who voluntarily surrenders his or her certificate desires to practice court reporting, the person must submit an application to the Board pursuant to NRS 656.150 and NAC 656.100.

2. Unless otherwise instructed by the Board, a court reporter shall provide a transcript of a proceeding if:

- (a) The court reporter voluntarily surrenders his or her certificate;
- (b) The court reporter has not prepared a transcript of a proceeding in which the court reporter provided services as a court reporter before he or she voluntarily surrendered the certificate; and
- (c) A person has requested a transcript of the proceeding.

Sec. 7. NAC 656.203 is hereby amended to read as follows:

656.203 If the payment of any fee due to the Board pursuant to NRS 656.220 is returned for insufficient funds, ~~the Executive Secretary of~~ the Board ~~must~~ **will** inform the person who submitted the payment. If the person resubmits the payment:

- 1. Such payment must be in the form of a money order, cashier's check or certified check which is payable to the Board; and
- 2. The person must resubmit to the Board any application, request or other paperwork that was submitted with the original payment.

Sec. 8. NAC 656.210 is hereby amended to read as follows:

656.210 1. Except as otherwise provided in subsection 5, each court reporter and designated representative of a court reporting firm shall, every 2 years, complete at least 15 ~~hours~~ **credits** of continuing education relating to the practice of court reporting. ~~At~~ **At** least

two of ~~{which}~~ *the required 15 credits* must include a review of the applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State. *If the Board offers credits of continuing education for attending a meeting of the Board, during each reporting period, the Board will award not more than a total of 3 credits of continuing education for attending meetings of the Board.*

2. The Board will provide each court reporter and designated representative of a court reporting firm with the means to obtain two credits which include a review of the applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State other than by personal attendance.

3. Credit for continuing education may not be carried forward for any reporting period.

4. The reporting period for continuing education begins on May 16 of each odd-numbered year and ends on May 15 of the subsequent odd-numbered year.

5. If the original issuance of a certificate or a license is less than 6 months before May 15 of an odd-numbered year, the Board will waive the requirements for continuing education set forth in this section for the court reporter or designated representative of a court reporting firm, as applicable, for that reporting period.

Sec. 9. NAC 656.220 is hereby amended to read as follows:

656.220 1. During each odd-numbered year, the Board will mail to each court reporter and designated representative of a court reporting firm , with the annual notice of renewal of certification or licensure , a form on which to report his or her compliance with the requirements of continuing education set forth in NAC 656.210.

2. Each court reporter and designated representative of a court reporting firm who receives a form pursuant to subsection 1 shall complete and return the form to the Board *postmarked* on or before June 30 of that odd-numbered year.

3. The Board may take such action as the Board determines is necessary to verify that a court reporter or designated representative of a court reporting firm has complied with the requirements of continuing education set forth in NAC 656.210.

Sec. 10. NAC 656.240 is hereby amended to read as follows:

656.240 1. A sponsor of a program or course of study for continuing education may submit to the Board, on a form provided by the Board, a request for accreditation of the program or course. The form may be submitted either before or after the program or course has been offered.

2. A court reporter or designated representative of a court reporting firm who attends a course of instruction not accredited by the Board may submit, on a form provided by the Board, a request for accreditation of the course.

3. The Board will determine whether programs or courses of study offered by a sponsor or taken by a court reporter or designated representative of a court reporting firm are to receive accreditation, and the Board will set forth the terms and conditions for the accreditation of the programs or courses of study.

4. The Board will determine the number of ~~hours of credit~~ *credits* each participant is entitled to receive for attendance or participation in a program or course of study.

5. The Board will approve courses of study, upon written request, at the next open meeting of the Board after receipt of the request.

6. To be approved, a course of study must directly relate to the skills and knowledge required to engage competently in the practice of court reporting and must be made available to each court reporter and designated representative of a court reporting firm in this State. ~~Such courses of study may relate to:~~

~~—(a) Strengthening the participant’s understanding of the English language, including, but not limited to, the following areas:~~

~~——(1) Reading;~~

~~——(2) Spelling;~~

~~——(3) Vocabulary; and~~

~~——(4) Medical and legal terminology;~~

~~—(b) Increasing speed;~~

~~—(c) Technological advances in the field of court reporting;~~

~~—(d) The applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State;~~

~~—(e) Ethics and professionalism in the field of court reporting;~~

~~—(f) Substance abuse;~~

~~—(g) Management of the business affairs and the economics of court reporting; or~~

~~—(h) Any other subject which the Board determines to be appropriate.}~~

7. Each court reporter or designated representative of a court reporting firm who completes a program or course of study offered or approved by the National Court Reporters Association, the National Verbatim Reporters Association or a sponsor designated or approved by the Board as an accredited sponsor is entitled to receive credit for continuing education.

Sec. 11. NAC 656.250 is hereby amended to read as follows:

656.250 1. Each firm that conducts business as a court reporting firm in this State must complete an application for a license provided by the Board and file the application with the Executive Secretary of the Board. The form for application for the license must include:

- (a) The business address of the firm in this State;
- (b) The tax identification number of the firm;
- (c) The residential address of each owner of the firm;
- (d) If applicable, a copy of each certificate filed pursuant to chapter 602 of NRS to do business under an assumed or fictitious name;
- (e) Copies of all business licenses issued to the firm by a local government in this State;
- (f) All other documents, reports and other information required by the Board; and
- (g) The name of the designated representative of the court reporting firm, as well as a copy of his or her certificate as a certified court reporter or a certificate of completion which demonstrates satisfactory completion of the examination required pursuant to subsection 2 of NRS 656.186 and NAC 656.261.

2. Except as otherwise provided in subsection 4, upon receipt of a completed application for a license and the payment of the fees required pursuant to NRS 656.220, ~~the Executive Secretary of~~ the Board ~~shall~~ *will* issue a license to the firm.

3. If a change in the ownership of a firm occurs or other change pursuant to NRS 656.260 occurs, the firm shall file an amended application for a license with the Executive Secretary of the Board not more than 30 days after the change occurs.

4. If a license is initially issued less than 45 days before the renewal date, the Board may reduce the fee required pursuant to NRS 656.220 on a pro rata basis determined by the amount of time the license will be valid before renewal.

5. To renew a license, the holder must pay the fee for annual renewal required pursuant to NRS 656.220 to the Board on or before June 30 of each year.

Sec. 12. NAC 656.261 is hereby amended to read as follows:

656.261 1. Before a person who is not a certified court reporter may serve as a designated representative of a court reporting firm, the person must pass an examination administered by the Board pursuant to NRS 656.186.

2. The ~~{Executive Secretary of the}~~ Board ~~{shall}~~ *will* prepare a schedule for the administration of examinations to applicants to become a designated representative of a court reporting firm.

3. The fee for an examination is \$250.

4. The Board will consider applications for the immediately succeeding examination administered by the Board pursuant to NRS 656.186. The ~~{Executive Secretary of the}~~ Board ~~{shall}~~ *will* establish a deadline for the submission of applications that is at least 30 days before the examination is administered. If an application is postmarked after the deadline, the ~~{Executive Secretary of the Board shall return the application to the applicant and the}~~ applicant is ineligible to take the examination.

5. An *applicant must submit a completed* application ~~{must be submitted}~~ to the Board in ~~{its original form.}~~

~~—6.— All questions on the application must be completed. If an application is incomplete, the~~
~~Executive Secretary of}~~ *the manner prescribed by* the Board . ~~{shall return the application to the~~
~~applicant.}~~ An applicant ~~{whose application is returned because it is incomplete}~~ *who submits an*
incomplete application may resubmit ~~{his or her application if}~~ the application ~~{that is~~
~~resubmitted is postmarked}~~ on or before the date of the deadline.

~~{7.}~~ 6. An application must include a photocopy of a photo identification of the applicant.

~~{8.}~~ 7. An application must be signed by the applicant under penalty of perjury and include an acknowledgment by the applicant that a misrepresentation or omission in the application may constitute a ground, pursuant to NRS 656.240, for denial, suspension or revocation of the license of the firm for which the applicant is the designated representative. The signature of the applicant attests to the accuracy of all information provided by the applicant, including, without limitation, the information contained in the application and all other evidence and information accompanying the application.

~~{9.}~~ 8. If the Board rejects an application, the Executive Secretary of the Board shall mail to the applicant a letter that explains the reason for the rejection.

~~{10.}~~ 9. If the Board approves an application, the Executive Secretary of the Board shall ~~{mail}~~ *send* to the applicant a letter of admission to the examination.

~~{11.}~~ 10. An applicant may ~~{cancel his or her submission of}~~ *withdraw* an application and request a refund of the examination fee by submitting a written request to the Board on or before the deadline for submission of applications established by ~~{the Executive Secretary of}~~ the Board pursuant to subsection 4. If the request is submitted on or before the deadline for submission of applications, the Executive Secretary of the Board shall cancel the applicant's application and refund the examination fee to the applicant. The ~~{Executive Secretary of the}~~ Board ~~{shall}~~ *will* not refund an examination fee if the request for a refund is submitted after the deadline for submission of applications.

~~{12.}~~ 11. An applicant may ~~{cancel his or her submission of}~~ *withdraw* an application and request that the Board apply the applicant's examination fee to the immediately succeeding examination by submitting a written request to the Board after the deadline for submission of

applications established by ~~{the Executive Secretary of}~~ the Board pursuant to subsection 4, but before the date of the examination. If the request is submitted after the deadline for submission of applications, but before the date of the examination, ~~{the Executive Secretary of}~~ the Board ~~{shall cancel the application of the applicant and}~~ **will** apply the applicant's examination fee to the immediately succeeding examination.

~~{13.}~~ **12.** An applicant who is unable to take the examination because of an emergency may submit a written request to the Board not later than 15 days after the date of the examination requesting that the Board apply the applicant's examination fee to the immediately succeeding examination. The request must include documented proof of the emergency. If the Board grants the applicant's request, ~~{the Executive Secretary of}~~ the Board ~~{shall}~~ **will** apply the examination fee of the applicant to the immediately succeeding examination.

~~{14. — As used in this section, “emergency” means a sudden or unforeseen circumstance that makes it impractical or impossible for the applicant to take the examination and includes, without limitation, an illness or injury to the applicant or an injury to or the illness or death of a family member of the applicant.}~~

Sec. 13. NAC 656.265 is hereby amended to read as follows:

656.265 1. Each examination administered pursuant to NAC 656.261 will consist of 125 multiple-choice questions that test the knowledge of the applicant in:

- (a) The applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State;
- (b) Technical advances in the practice of court reporting;
- (c) Ethics and professionalism in the practice of court reporting;
- (d) Management of the business and economics of court reporting; and

(e) Any other subject relating to court reporting that the Board determines appropriate for inclusion in the examination.

2. Each applicant will have 90 minutes to complete the examination. During the examination, the applicant must not refer to or otherwise use any book, paper or other material.

3. Not more than 8 weeks after the administration of an examination, the Board will, at a public meeting held for that purpose, certify the score of each applicant who took the examination. As soon as practicable after conducting the public meeting, the Board will provide official written notice to each applicant of the results of the examination of the applicant. The results of an examination must not be given to an applicant by telephone.

4. If the applicant passed the examination, the Board will include with the results of the examination a certificate of completion. If the applicant failed the examination, the Board will include with the results of the examination a statement that the applicant failed the examination and is not eligible for a certificate of completion.

~~15. An applicant may not take more than four examinations during any period of 12 consecutive months. To apply for a subsequent examination, an applicant must submit a written request to the Board and pay the fee required pursuant to NAC 656.261.~~

Sec. 14. NAC 656.310 is hereby amended to read as follows:

656.310 1. Except as otherwise provided in this section, a court reporter shall not provide services as a court reporter in a proceeding if the court reporter:

(a) Is an employee or independent contractor of a party to the proceeding or an attorney who represents a party to the proceeding;

(b) Is a relative within the third degree of consanguinity or affinity of a party or attorney specified in paragraph (a);

(c) Has a financial interest in the proceeding; or

(d) Has any other relationship that may reasonably cause the impartiality of the court reporter to be questioned.

2. If a court reporter discovers a conflict of interest or potential conflict of interest pursuant to this section, the court reporter shall disclose the conflict of interest or potential conflict of interest to each party who is present at the commencement of the proceeding. After the disclosure, the court reporter may provide services as a court reporter in the proceeding if each party to the proceeding and each attorney who represents a party in the proceeding ~~authorizes the court reporter to provide services.~~ *waives all disclosed conflicts of interest and potential conflicts of interest.*

3. If a court reporter discloses a conflict of interest or potential conflict of interest pursuant to subsection 2 and if each party and attorney for each party ~~authorizes the court reporter to provide services as a court reporter pursuant to that subsection.~~ *waives all disclosed conflicts of interest and potential conflicts of interest,* the court reporter shall include the following parenthetical statement in the record of the proceeding:

(The reporter made a disclosure pursuant to subsection 2 of NAC 656.310 and noted the specific conflict of interest in the record.)

↪ In addition, the court reporter shall include in the record a statement from each party and attorney for each party indicating that the disclosure was made and that the party and attorney ~~authorized the provision of services.~~ *waived all disclosed conflicts of interest and potential conflicts of interest.*

4. If a court reporter prepares a transcript of a proceeding, the court reporter shall attach a page to the transcript certifying that the court reporter is not prohibited from providing services pursuant to subsection 1. If the court reporter discloses a conflict of interest or potential conflict of interest pursuant to subsection 2, the court reporter shall amend the page certifying the transcript to include the information required pursuant to subsection 3.

5. Except as otherwise provided in this subsection, a court reporter or firm shall not give or receive, directly or indirectly, a gratuity to or from an attorney, client, witness, insurance company or any other person associated with any litigation in which the court reporter or firm provides services. A court reporter or firm may:

(a) Give or receive ~~pens, pencils, coffee mugs, other paraphernalia that is printed or otherwise produced for the purpose of advertisement,~~ *promotional material* and meals and refreshments not to exceed in the aggregate \$100 per year. Any thing of value given or received by a court reporter or firm with a value of less than \$5 will not be counted for purposes of the annual aggregate limit.

(b) Provide pro bono services in accordance with applicable law.

6. The advertisement of any gratuity is prohibited.

7. As used in this section, “gratuity” includes, without limitation, any item, gift, incentive, reward, cost of entertainment, favor, premium, award, consideration, financial kickback, inducement, prize, promotional material, discount, rebate, points or credits that may be exchanged for things of value, or any other item of monetary value. The term does not include compensation received by a court reporter or firm for providing service as a court reporter.

Sec. 15. NAC 656.340 is hereby amended to read as follows:

656.340 ~~1. A court reporter shall:~~

~~—(a) Perform the practice of court reporting in a fair and impartial manner.~~

~~—(b) Take steps to avoid the appearance of impropriety in a proceeding.~~

~~—2.]~~ A court reporter shall not provide service as a court reporter if ~~{he or she}~~ *the court reporter* is:

~~{(a)}~~ *1.* Under the influence of an intoxicating liquor, controlled substance or other drug that affects the ability of the court reporter to transcribe the proceeding accurately and truthfully.

~~{(b)}~~ *2.* Suffering from an illness or other impairment that prevents ~~{him or her}~~ *the court reporter* from performing competently.

Sec. 16. NAC 656.350 is hereby amended to read as follows:

656.350 1. Except as otherwise provided in this subsection, a court reporter who provides services as a court reporter shall treat all words spoken during a proceeding to be on the record and shall accurately report all words spoken during the proceeding. This subsection does not apply if the judge or arbiter presiding over the proceeding instructs otherwise and if each party to the proceeding or the party's attorney stipulates otherwise. Except as otherwise provided in Rule 30(d) of the Nevada Rules of Civil Procedure, during the proceeding, if a party or his or her attorney instructs the court reporter to go off the record, the court reporter shall stop reporting unless another party or his or her attorney makes an immediate objection to the instruction.

2. Except as otherwise provided in subsection 3, a court reporter or firm shall not alter the record of a proceeding after the transcript of the proceeding has been certified unless:

- (a) Each party to the proceeding stipulates to the alteration; or
- (b) The judge or arbiter presiding over the proceeding orders the alteration.

3. A firm may, upon receiving a transcript from a court reporter for the purposes of reproducing and distributing the transcript, make typographical, clerical or other similar

nonsubstantive alterations to the transcript if the firm notifies the court reporter who certified the transcript of the proposed alterations and receives ~~this or her~~ *the* approval *of the court reporter* for each alteration.

Sec. 17. NAC 656.410 is hereby amended to read as follows:

656.410 1. The Board will interpret the requirement contained in NRS 656.335 as authorizing a court reporter to retain computer discs, cartridges and other electronic means of storing ~~[data]~~ *digital notes and text files* in lieu of retaining the paper notes *and files* of the court reporter.

2. Any notes stored by electronic means pursuant to subsection 1 must be retained in at least two forms for the period prescribed in NRS 656.335.

Sec. 18. NAC 656.415 is hereby amended to read as follows:

656.415 1. Except as otherwise provided in subsection 3, a person may request that the Board issue an advisory opinion concerning the applicability of a statute, regulation or decision of the Board.

2. A request for an advisory opinion must be in writing and:

(a) Set forth:

(1) The name and address of the person requesting the advisory opinion;

(2) A clear and concise statement of the specific question for which the advisory opinion is being sought; and

(3) A statement of the facts that support the advisory opinion being sought; and

(b) Contain a certification, verified by oath, that to the best of the person's knowledge and belief, the request does not concern a question or matter that is an issue in a pending administrative, civil or criminal proceeding.

3. The Board will not issue an advisory opinion concerning a question or matter that is an issue in a pending administrative, civil or criminal proceeding.

4. The Board will review a request for an advisory opinion and, within 30 days after receiving the request, will issue a response concerning whether the Board will issue the advisory opinion.

5. An advisory opinion issued by the Board will be limited to the facts and circumstances set forth in the request.

6. An advisory opinion issued by the Board is not binding for the purposes of judicial review.

7. The Board will not render an oral advisory opinion to a request for an advisory opinion. An oral response, including, without limitation, a response given over the telephone, by ~~a member of the staff of~~ the Board is not a decision or an official advisory opinion of the Board.

Sec. 19. NAC 656.420 is hereby amended to read as follows:

656.420 1. A person may file an informal complaint with the Board or the Board may, on its own initiative, cause an informal complaint to be filed concerning the acts of or services provided by:

- (a) A holder of a certificate or license;
- (b) A designated representative of a court reporting firm; or
- (c) A person who:
 - (1) Is not the holder of a certificate or license; and
 - (2) Performs an act or service that requires a certificate or license.

2. ~~Each informal complaint must:~~

~~—(a) Be filed with the Board on a form provided by the Board; and~~

~~—(b) Include:~~

~~—(1) Information that is sufficiently detailed so as to enable the Board to investigate and the respondent to prepare a defense to each accusation set forth in the informal complaint;~~

~~—(2) All documentation referenced in the complaint and all other documentation that would be useful to the staff of the Board in its review; and~~

~~—(3) The signature of the complainant verifying, by oath, that the complaint and the documentation provided with the complaint are true to the best of his or her knowledge.~~

~~—3.†~~ Upon receipt of an informal complaint, the staff of the Board shall examine the informal complaint to determine whether it:

(a) Is within the jurisdiction of the Board; *and*

(b) ~~Has been properly verified; and~~

~~—(c)†~~ Alleges sufficient facts to warrant further proceedings.

~~†4.†~~ **3.** If the staff of the Board determines that an informal complaint does not meet the requirements of subsection ~~†3.†~~ **2**, the Board or the staff of the Board shall so inform the complainant. If the staff of the Board determines that an informal complaint meets the requirements of subsection ~~†3.†~~ **2**, the staff shall notify the respondent by certified mail. The notice must include:

(a) A copy of the informal complaint; and

(b) A request for a written response for review by the staff of the Board which includes, without limitation, the date by which the response must be submitted to the Board pursuant to subsection ~~†5.†~~

~~—5.†~~ **4.**

4. The respondent shall submit to the Board a written response within 30 days after the service of the notice. The written response must:

- (a) Address each allegation set forth in the informal complaint; and
- (b) Be accompanied by all documentation referenced in the response and all other documentation that would be useful to the staff of the Board in its review.

~~16.1~~ 5. Failure by a respondent to cooperate with the staff of the Board during an investigation of an informal complaint filed against the respondent, including, without limitation, failure by the respondent to respond by the date on which the response is due regarding the informal complaint, is a ground for disciplinary action.

~~17.1~~ 6. If a respondent fails to respond by the date on which the response is due, the respondent shall be deemed to have admitted each allegation set forth in the informal complaint. The Board may, based on such an admission, impose appropriate disciplinary action against the respondent.

Sec. 20. NAC 656.430 is hereby amended to read as follows:

656.430 1. After reviewing the informal complaint and the responses filed pursuant to NAC 656.420, the staff of the Board may ~~1:~~

- ~~—(a) Investigate each allegation set forth in the informal complaint;~~
- ~~—(b) Consult with a person who is an expert in an appropriate field, including, without limitation, employing such a person for the purpose of an investigation or hearing;~~
- ~~—(c) Investigate any new information discovered or allegation made during the course of the investigation; and~~

~~—(d) Take~~ *take* any ~~{other}~~ reasonable action required to ~~{conduct or}~~ *investigate and* further the ~~{investigation, including, without limitation, employing or enlisting the aid of any qualified person.}~~ *informal complaint.*

2. During an investigation of an informal complaint, the staff of the Board or any investigator employed by the ~~{staff}~~ *Board* may demand that the respondent produce records or other evidence for inspection or copying . ~~{, with or without a subpoena.}~~ A respondent shall not deny any such demand for records or other evidence if the record or evidence is not confidential as provided by law. If a respondent is a person described in paragraph (a) or (b) of subsection 1 of NAC 656.420 and the person refuses or fails to cooperate with a request for records in violation of this section, the Board may refer the matter to the Office of the Attorney General for further action including, without limitation, possible prosecution. If any respondent continues to refuse or fails to comply with a request for records or other evidence in violation of this section, the Board may take such further action against the respondent as the Board determines necessary.

~~{3. If the staff of the Board or any investigator employed by the staff determines that a record or other evidence is required for an investigation, the staff or investigator may copy the record or evidence. If the record or other evidence can be readily copied at the location of the record or evidence, the respondent shall copy the record or evidence and submit the copy to the staff or investigator at that location. If a record or other evidence cannot be readily copied at the location of the record or evidence, the respondent shall copy the record or evidence and submit the copy to the staff or investigator within 10 business days after the staff or investigator requests the record or evidence.}~~

Sec. 21. NAC 656.440 is hereby amended to read as follows:

656.440 1. When an investigation of an informal complaint is complete, the staff of the Board or any investigator employed by the ~~staff~~ *Board* shall determine whether a preponderance of evidence exists to sustain an alleged violation of a statute or regulation. If the staff or the investigator determines that no allegation of a violation of a statute or regulation is sustainable, the staff shall provide a written notice of that determination to the respondent and the complainant. If the staff or the investigator determines that an allegation of a violation of a statute or regulation is sustainable, the Board or the legal counsel for the Board:

(a) May offer to:

- (1) Engage in mediation between the respondent and the staff of the Board;
- (2) Enter into a settlement agreement;
- (3) Stipulate to any fact or to the existence or extent of any liability; or
- (4) Conduct any informal hearing.

↪ If any such offer is made, the respondent must respond to the offer not more than 30 days after the date that the offer is made.

(b) Shall, if the actions set forth in paragraph (a) are not offered, or are offered but the actions do not resolve the informal complaint within 90 days after the offer is accepted by respondent, prepare a notice of hearing and a complaint.

2. The notice of hearing and the complaint prepared pursuant to subsection 1 must:

- (a) Set forth a plain statement of the facts asserted and any applicable provision of the statute or regulation allegedly violated by the respondent;
- (b) Include the date, time and place for the hearing and the nature of the hearing;
- (c) Include a statement of the legal authority and jurisdiction under which the Board is holding the hearings; and

(d) Be signed by the legal counsel for the Board.

3. If a notice of hearing and a complaint are prepared pursuant to subsection 1, the staff of the Board shall, by certified mail, send the notice of hearing and the complaint to the named respondent. The transmission of the notice will be deemed to be a notice of intended action pursuant to NRS 233B.127.

4. A respondent who receives a notice of hearing and a complaint pursuant to subsection 3 shall file an answer to the notice of hearing and the complaint not later than 20 days after the date of service of the notice of hearing and the complaint.

5. The Board may consider two or more complaints in a single hearing if:

(a) The causes of action set forth in each complaint are against the same respondent; and

(b) The Board determines that good cause exists, including, without limitation:

(1) That such a hearing provides for the:

(I) Convenience of witnesses;

(II) Orderly presentation of evidence; or

(III) Conservation of resources; or

(2) Any other reason that secures or is intended to secure the just, speedy or inexpensive resolution of the complaints.

6. All parties to a hearing, their counsel and spectators shall conduct themselves in a respectful manner.

Sec. 22. NAC 656.020, 656.030, 656.035, 656.040, 656.045, 656.050, 656.054, 656.055, 656.060 and 656.070 are hereby repealed.

TEXT OF REPEALED SECTIONS

656.020 “Board” defined. “Board” has the meaning ascribed to it in NRS 656.030.

656.030 “Certificate” defined. “Certificate” has the meaning ascribed to it in NRS 656.030.

656.035 “Complainant” defined. “Complainant” means any person who submits a written complaint to the Board pursuant to NAC 656.420.

656.040 “Court reporter” defined. “Court reporter” has the meaning ascribed to “certified court reporter” in NRS 656.030.

656.045 “Designated representative of a court reporting firm” defined. “Designated representative of a court reporting firm” has the meaning ascribed to it in subsection 5 of NRS 656.030.

656.050 “Firm” defined. “Firm” has the meaning ascribed to “court reporting firm” in NRS 656.030.

656.054 “License” defined. “License” has the meaning ascribed to it in NRS 656.030.

656.055 “Litigation” defined. “Litigation” means:

1. Any suit at law or in equity; or
2. Any arbitration that is subject to judicial review.

656.060 “Practice of court reporting” defined. “Practice of court reporting” has the meaning ascribed to it in NRS 656.030.

656.070 “Respondent” defined. “Respondent” means a person who is charged in an informal complaint pursuant NAC 656.420 or a complaint pursuant to NAC 656.440.