

CHAPTER 43

STATE BOARD OF SHORTHAND REPORTING

Authority

N.J.S.A. 45:15B-1.

Source and Effective Date

R.1993 d.471 effective August 26, 1993.
See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).

Executive Order No. 66(1978) Expiration Date

Chapter 43, State Board of Shorthand Reporting, expires on August 26, 1998.

Chapter Historical Note

All provisions of this chapter became effective prior to September 1, 1969.

1977 Revisions: Amendments to the chapter became effective March 23, 1977 as R.1977 d.98. See: 8 N.J.R. 399(d), 9 N.J.R. 186(a).

1988 Revisions: This chapter was readopted pursuant to Executive Order 66(1978) effective September 1, 1988 with amendments effective October 3, 1988 as R.1988 d.457. See: 20 N.J.R. 1666(a), 20 N.J.R. 2465(a).

Pursuant to Executive Order No. 66(1978), Chapter 43 was readopted as R.1993 d.471. See: Source and Effective Date. Subchapter 2, Administrative Hearings, was repealed by R.1993 d.471, effective September 20, 1993. See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a). See, also, section annotations for specific rulemaking activity.

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SUBCHAPTER 1. STATE BOARD OF SHORTHAND REPORTING; METHODS OF OPERATION

13:43-1.1 State Board of Shorthand Reporting; description

(a) The Board of Shorthand Reporting created in the Division of Consumer Affairs of the Department of Law and Safety, pursuant to N.J.S.A. 45:15B-1 et seq., consists of six members appointed by the Governor, three of whom are certified shorthand reporters, two of whom are appointed by the Governor as public members, and the sixth being a member of the executive branch of government.

(b) The State Board of Shorthand Reporting is charged with the responsibility to license certified shorthand reporters and to punish persons violating provisions of the Shorthand Reporting Act, N.J.S.A. 45:15B-1 et seq., pursuant to the provisions of the Uniform Enforcement Act, N.J.S.A. 45:1-14 et seq.

Amended by R.1993 d.471, effective September 20, 1993.
See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).

13:43-1.2 Methods of operation

(a) The State Board of Shorthand Reporting elects, from its number, a chairman and a secretary/treasurer to preside over its activities and to assume those duties normally associated with those offices.

(b) The State Board of Shorthand Reporting meets annually for the purpose of conducting business, and at such other times as are necessary.

(c) All communications, submissions and requests to and all inquiries for information from the Board of Shorthand Reporting should be directed to the Office of the State Board of Shorthand Reporting, Post Office Box 45019, Newark, New Jersey 07101.

Administrative Change to (c).
See: 25 N.J.R. 1516(b).

Amended by R.1993 d.471, effective September 20, 1993.
See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).

SUBCHAPTER 2. LICENSING OF SHORTHAND REPORTERS

Authority

N.J.S.A. 45:15B-1.

Source and Effective Date

R.1998 d.145, effective March 16, 1998.
See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).

13:43-2.1 Eligibility for licensure

(a) In order to qualify for licensure, an applicant shall:

1. Be at least 18 years of age;
2. Be of good moral character, as established by references;
3. Have obtained a high school diploma or its equivalent;
4. Have obtained a certification from the school of shorthand reporting approved by the Board stating that the applicant has passed a qualifying test of four-voice dictation at 225 words per minute, which certification must be accompanied by test papers and stenographic notes;
5. Have submitted a completed application form to the Board not less than three weeks before the date of the examination required in (a)7 below;
6. Paid the application fee set forth in N.J.A.C. 13:43-6.1 by certified check or money order made payable to the "State of New Jersey, Board of Shorthand Reporting";
7. Have successfully passed the Board-approved examination for the licensure of shorthand reporters; and
8. Have a place for the regular transaction of business within the State of New Jersey.

SUBCHAPTER 3. CERTIFICATION OF SHORTHAND REPORTERS IN REALTIME REPORTING

Authority

N.J.S.A. 45:15B-1.

Source and Effective Date

R.1998 d.145, effective March 16, 1998.
See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).

Subchapter Historical Note

Former Subchapter 3, General Provisions; Rules, was repealed and recodified by R.1998 d.145, effective March 16, 1998. See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).

13:43-3.1 Definitions

The following terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Certified realtime reporter" or "C.R.R." means one who possesses a voluntary certification to perform realtime reporting.

"Realtime reporting" means a computer-aided method of translation performed by a certified realtime reporter (who must also hold a current New Jersey license as a certified shorthand reporter), in order to provide a simultaneous verbatim translation on a computer screen of any testimony given under oath before any court, referee, board, commission, or other body created by statute of this State.

13:43-3.2 Eligibility for certification

(a) In order to be eligible for certification as a realtime reporter, an applicant shall:

1. Hold a current New Jersey certified shorthand reporting license in good standing;
2. Submit a completed application from which contains the following information:
 - i. Proof of certification as a shorthand reporter;
 - ii. Current residence;
 - iii. Current employment status; and
 - iv. Any past or pending disciplinary actions;
3. Submit the application fee set forth in N.J.A.C. 13:43-6.1 by certified check or money order made payable to the State of New Jersey, Board of Shorthand Reporting;
4. Successfully pass the Board-approved examination for the certification of realtime reporters; and
5. Have a place for the regular transaction of business within the State of New Jersey.

SUBCHAPTER 4. EXAMINATIONS

Authority

N.J.S.A. 45:15B-1.

Source and Effective Date

R.1998 d.145, effective March 16, 1998.
See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).

Subchapter Historical Note

Former Subchapter 4, Fees, was recodified as Subchapter 6 by R.1998 d.145, effective March 16, 1998. See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).

13:43-4.1 Examinations for licensure as a certified shorthand reporter; frequency; components; materials to be furnished by applicant; test materials to be surrendered to the Board; failure to complete the examination; score necessary for certification

(a) The examination for licensure as a certified shorthand reporter shall be held at least once per year at such times and places as may be deemed necessary by the Board, providing sufficient applications are on file with the Board. The time and place of an examination shall be advertised by the Board at least 30 days prior to the date of such examination.

(b) As part of the examination, a candidate:

1. Shall be required to write shorthand from dictation, under simulated reporting conditions, at speeds ranging from 180 to 225 words per minute and shall write shorthand with either pen, pencil or stenotype machine;
2. Shall be required to transcribe the dictated matter on a typewriter, word processor, or computer furnished by the candidate or in such other manner as may be approved by the Board;
3. Shall be required to read aloud such part of the dictated matter as the Board may require upon prior notice to the candidates; and
4. Shall be required to furnish his or her own transcript paper and all other materials, such as dictionaries.

(c) Upon completion of the examination, all shorthand notes, transcripts and other examination papers shall become the property of the Board.

(d) Candidates who do not complete transcription of the examination must surrender the stenographic notes and partial transcript to the Board members for purposes of disposal.

13:43-4.2 Grading of the examination

(a) The Board shall grade each examination on the basis of:

1. The candidate's ability to accurately transcribe notes;
2. The amount of time taken to produce the transcript;
3. The general style of the transcript; and
4. Accuracy relating to:
 - i. Terminology;
 - ii. Spelling; and
 - iii. Punctuation.

13:43-4.3 Conditional credit rule

(a) A candidate who passes two sections of the examination for licensure as a certified shorthand reporter (by attaining at least 95 percent on each) may receive conditional credit for passing these sections provided a grade of at least 93 percent is received in the one remaining section failed.

(b) In the event that a candidate fails to receive a passing grade in the one remaining section for six examinations immediately following the examination at which conditional credit was earned, the candidate shall forfeit the conditional credit and revert to the status of a new applicant, unless the candidate can demonstrate good cause why he or she should be given an additional opportunity to pass the remaining section.

New Rule, R.1985 d.288, effective June 3, 1985.

See: 17 N.J.R. 801(a), 17 N.J.R. 1431(a).

Amended by R.1993 d.471, effective September 20, 1993.

See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).

Recodified from N.J.A.C. 13:43-3.4 and amended by R.1998 d.145, effective March 16, 1998.

See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).

In (a), inserted "for licensure as a certified shorthand reporter" following "examination"; and in (b), deleted "shall" following "credit and".

13:43-4.4 Examination for certification as realtime reporter; frequency; components; process; materials to be furnished by the applicant; grading

(a) The examination for licensure as a certified realtime reporter shall be held at least once per year at such times and places deemed necessary by the Board. The time and place of an examination shall be advertised by the Board at least 30 days prior to the date of such examination.

(b) A candidate shall be required to write in realtime from dictation of such matters as may be selected by the Board, under simulated conditions at speeds varying between 180 and 200 words per minute.

(c) A candidate shall not be permitted to edit the examination.

(d) A candidate shall furnish a writer and computer system to take the examination.

(e) In order for a candidate to be awarded a certificate, he or she shall attain a grade of 95 percent on each of the sections dictated and written in realtime.

13:43-4.5 Grading of the realtime examination

(a) The Board shall grade each examination on the basis of:

1. The candidate's ability to write accurately in realtime;
2. The general style of the transcript; and

3. Accuracy relating to:

- i. Terminology;
- ii. Spelling; and
- iii. Punctuation.

13:43-4.6 Examination review process; rescoring; appeals

(a) Each candidate shall be notified of the results of his or her examination in writing. Such notification shall include a date at which time a candidate will have the opportunity to review his or her examination at the Board office and question a member of the Board about any marks made on the examination.

(b) A candidate may request that the Board rescore his or her examination; the results of the rescoring shall take precedence over the initial grade.

(c) If after rescoring, a candidate is not satisfied with the results, he or she has the right to an appeal before the full Board. Such appeal must be filed with the Board within 45 days after the date of the rescoring.

13:43-4.7 Licensure without examination

(a) An applicant for licensure who presents proof of having earned the designation of Registered Merit Reporter awarded by the National Court Reporters Association shall be deemed to have satisfied the examination requirement set forth in N.J.A.C. 13:43-2.1.

(b) An applicant for certification as a certified realtime reporter who presents proof of having earned a certificate in realtime reporting awarded by the National Court Reporters Association shall be deemed to have satisfied the examination requirement set forth in N.J.A.C. 13:43-3.2.

New Rule, R.1993 d.471, effective September 20, 1993.
See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).
Recodified from N.J.A.C. 13:43-3.6 and amended by R.1998 d.145, effective March 16, 1998.
See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).
Rewrote the section.

SUBCHAPTER 5. GENERAL PROVISIONS**Authority**

N.J.S.A. 45:15B-1.

Source and Effective Date

R.1998 d.145, effective March 16, 1998.
See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).

13:43-5.1 Biennial certification for certified shorthand reporters

(a) Prior to the expiration of the current biennial license period, the certified shorthand reporter shall submit an application for license renewal together with the biennial license renewal fee as set forth in N.J.A.C. 13:43-6.1.

(b) If the certified shorthand reporter fails to renew his or her license on or before the date specified in the license renewal notice, the license shall lapse and be considered invalid.

13:43-5.2 Biennial certification for certified realtime reporters

(a) Prior to the expiration of the current biennial certification period, the certified realtime reporter shall submit an application for renewal.

(b) A new biennial certificate shall be issued by the Board upon the applicant's submission of proof of a current New Jersey shorthand reporter's license.

13:43-5.3 Change of address; service of process

(a) A licensee of the Board of Shorthand Reporting shall notify the Board in writing of any change of name or address from that currently registered with the Board and shown on the most recently issued license. Notice shall be given not less than 30 days following such change.

(b) Service of an administrative complaint or other process initiated by the Board, the Attorney General, or the Division of Consumer Affairs at the licensed practitioner's address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceedings against the licensed practitioner.

New Rule, R.1985 d.289, effective June 3, 1985.
See: 17 N.J.R. 801(b), 17 N.J.R. 1431(b).
Amended by R.1993 d.471, effective September 20, 1993.
See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).
Recodified from N.J.A.C. 13:43-3.5 and amended by R.1998 d.145, effective March 16, 1998.
See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).
Rewrote the section.

13:43-5.4 Professional misconduct

The use of any lottery, sweepstakes, give-away or other promotional contest as a means to induce others to use or to continue to use the services of a certified shorthand reporter shall be deemed professional misconduct.

Recodified from N.J.A.C. 13:43-3.2 and amended by R.1998 d.145, effective March 16, 1998.
See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).
Substituted a reference to professional misconduct for a reference to unprofessional conduct.

13:43-5.5 Disclosure of title and license number; the use of misleading titles and abbreviations

(a) A certified shorthand reporter or a certified realtime reporter shall indicate his or her title in the form of the abbreviation "C.S.R." (certified shorthand reporter) or "C.R.R." (certified realtime reporter) on all official documents he or she has prepared, including, but not limited to, all transcripts, invoices, business cards, advertising and any other document containing reported and/or recorded information.

(b) A person who is not a certified shorthand reporter or certified realtime reporter of New Jersey shall not use misleading titles or abbreviations such as C.S.R., C.R.R., Shorthand Reporter of the State of New Jersey, Realtime Reporter of the State of New Jersey, Court Reporter, or S.R.

R.1983 d.122, effective April 18, 1983.
 See: 15 N.J.R. 80(a), 15 N.J.R. 626(b).
 Recodified from N.J.A.C. 13:43-3.3 and amended by R.1998 d.145, effective March 16, 1998.
 See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).
 Rewrote the section.

13:43-5.6 Note and transcript retention policy

(a) A certified shorthand reporter shall retain all notes in civil matters for no less than five years unless a full transcript has been prepared of the matter, in which case the electronic notes and the transcript shall be retained for at least five years, but the paper notes may be discarded after two years.

(b) In all criminal matters and any other matter heard in the Superior Court of New Jersey, in a Federal District Court, or any other court of competent jurisdiction, a certified shorthand reporter shall retain all notes in accordance with the procedures established by such court.

13:43-5.7 Validity of rules if any portion declared invalid

If any rule, sentence, paragraph or section of these rules, or the application thereof to any persons or circumstances, shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any rule shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of these rules.

New Rule, R.1993 d.471, effective September 20, 1993.
 See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).
 Recodified from N.J.A.C. 13:43-3.8 by R.1998 d.145, effective March 16, 1998.
 See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).

SUBCHAPTER 6. FEES

Subchapter Historical Note

Subchapter 6, Fees, was recodified from Subchapter 4 by R.1998 d.145, effective March 16, 1998. See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).

13:43-6.1 Fee schedule

(a) The following fees shall be charged by the Board:

- 1. Application fee:
 - i. Certified shorthand reporter \$75.00
 - ii. Certified realtime reporter 75.00
- 2. Examination fee:
 - i. Certified shorthand reporter 75.00
 - ii. Certified realtime reporter 75.00
- 3. Initial license fee (certified shorthand reporter only):
 - i. During the first year of a biennial renewal period 110.00
 - ii. During the second year of a biennial renewal period 55.00
- 4. Initial license fee (certified realtime reporter only):
 - i. During the first year of a biennial renewal period 40.00
 - ii. During the second year of a biennial renewal period 20.00
- 5. Biennial renewal fee:
 - i. Certified shorthand reporter 110.00
 - ii. Certified realtime reporter 40.00
- 6. Late renewal fee 50.00
- 7. Reinstatement fee 125.00
- 8. Duplicate license fee 20.00
- 9. Replacement wall certificate 40.00

R.1983 d.414, effective October 3, 1983.
 See: 15 N.J.R. 873(a), 15 N.J.R. 1667(b).
 Amended by R.1992 d.275, effective July 6, 1992.
 See: 24 N.J.R. 1232(a), 24 N.J.R. 2460(b).
 Amended by R.1998 d.145, effective March 16, 1998.
 See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).
 Rewrote the section.
 Amended by R.1998 d.225, effective May 4, 1998.
 See: 29 N.J.R. 5053(a), 30 N.J.R. 1619(a).
 Inserted a new (a)4 and recodified former 4 as 5; inserted new (a)5i and ii; and recodified former (a)5 through 8 as 6 through 9.