

CHAPTER 43**STATE BOARD OF COURT REPORTING****Authority**

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

Source and Effective Date

R.2004 d.83, effective January 23, 2004.
See: 35 N.J.R. 4040(b), 36 N.J.R. 1196(a).

Chapter Expiration Date

Chapter 43, State Board of Shorthand Reporting, expires on January 23, 2009.

Chapter Historical Note

Chapter 43, State Board of Shorthand Reporting, became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 43, State Board of Shorthand Reporting, was readopted as R.1988 d.457, effective September 1, 1988. See: 20 N.J.R. 1666(a), 20 N.J.R. 2465(a).

Pursuant to Executive Order No. 66(1978), Chapter 43, State Board of Shorthand Reporting, was readopted as R.1993 d.471, effective August 26, 1993, and Subchapter 2, Administrative Hearings, was repealed by R.1993 d.471, effective September 20, 1993.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).

Subchapter 2, Licensing of Shorthand Reporters, Subchapter 3, Certification of Shorthand Reporters in Realtime Reporting, Subchapter 4, Examinations, and Subchapter 5, General Provisions, were adopted as R.1998 d.145, and 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).

Pursuant to Executive Order No. 66(1978), Chapter 43, State Board of Shorthand Reporting, was readopted as R.1998 d.466, effective August 4, 1998. See: 30 N.J.R. 2158(a), 30 N.J.R. 3251(b).

Subchapter 7, Continuing Education, was adopted as R.2001 d.93, effective March 19, 2001. See: 32 N.J.R. 3259(a), 33 N.J.R. 1012(a).

Chapter 43, State Board of Shorthand Reporting, was readopted as R.2004 d.83, effective January 23, 2004. As part of R.2004 d.83, Subchapter 3A, Certificate Renewal; Inactive Status; Reinstatement, was adopted as New Rules, effective March 1, 2004. See: Source and Effective Date. See, also, section annotations.

Chapter 43, State Board of Shorthand Reporting, was renamed State Board of Court Reporting; Subchapter 1, State Board of Shorthand Reporting, Methods of Operation, was renamed State Board of Court Reporting, Methods of Operation; Subchapter 2, Certification of Shorthand Reporters, was renamed Certification of Court Reporters; and Subchapter 3, Certification of Shorthand Reporters in Realtime Reporting, was renamed Certification of Court Reporters in Realtime Reporting by R.2008 d.78, effective April 7, 2008. See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

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SUBCHAPTER 1. STATE BOARD OF COURT REPORTING; METHODS OF OPERATION**13:43-1.1 State Board of Court Reporting; description**

(a) The Board of Court Reporting created in the Division of Consumer Affairs of the Department of Law and Public 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 court 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 Court Reporting is charged with the responsibility to certify court reporters and to discipline persons violating provisions of 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).
Amended by R.1998 d.466, effective September 8, 1998.
See: 30 N.J.R. 2158(a), 30 N.J.R. 3251(b).

In (a), inserted "Public" preceding "Safety"; and in (b), substituted "certify" for "license certified" and "discipline" for "punish".

Amended by R.2008 d.78, effective April 7, 2008.
See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

Section was "State Board of Shorthand Reporting; description". Substituted "Court" for "Shorthand" and "court" for "shorthand" throughout; in (a), substituted "Governor" for "governor"; and in (b), deleted "the Shorthand Reporting Act," following "provisions of".

13:43-1.2 Methods of operation

(a) The State Board of Court 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 Court 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 Court Reporting should be directed to the Office of the State Board of Court 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).
Amended by R.2008 d.78, effective April 7, 2008.
See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

Substituted "Court" for "Shorthand" throughout.

SUBCHAPTER 2. CERTIFICATION OF COURT REPORTERS

13:43-2.1 Eligibility for certification as a certified court reporter

(a) In order to qualify for certification as a certified court reporter, an applicant shall:

1. Be at least 18 years of age;
2. Be of good moral character, as established by references and a criminal history name search, as set forth in (b)

below, which shall be requested and performed in accordance with N.J.A.C. 13:59-1;

3. Have obtained a high school diploma or its equivalent;

4. Have submitted a completed application form to the Board not less than three weeks before the date of the examination required in (a)6 below;

5. Paid the application fee set forth in N.J.A.C. 13:43-6.1;

6. Have successfully passed the Board-approved examination for the certification of court reporters; and

7. Have a place for the regular transaction of business within the State of New Jersey.

(b) An applicant for initial certification as a court reporter shall submit to the Board his or her name, address, date of birth and, in conformity with N.J.A.C. 13:59-1.4, social security number for the purpose of conducting a criminal history name search to determine whether any criminal history record information exists that the Board may consider in determining whether the applicant shall be certified in the State. The fee for a criminal history name search shall be paid by the applicant for certification as set forth in N.J.A.C. 13:59-1.3. In addition to its use in evaluating an application for initial certification, the Board may obtain criminal history record information from the Division of State Police for any other purpose authorized by statute or rule.

Amended by R.1998 d.466, effective September 8, 1998.
See: 30 N.J.R. 2158(a), 30 N.J.R. 3251(b).

Rewrote the section.

Amended by R.2002 d.238, effective July 15, 2002.
See: 33 N.J.R. 3876(a), 34 N.J.R. 2464(a).

Added (b).

Amended by R.2004 d.83, effective March 1, 2004.
See: 35 N.J.R. 4040(b), 36 N.J.R. 1196(a).

In (a), deleted 4, recodified former 5 through 8 as 4 through 7, and rewrote new 5; rewrote (b).

Amended by R.2008 d.78, effective April 7, 2008.
See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

Section was "Eligibility for certification as a certified shorthand reporter". In the introductory paragraph of (a) and in (a)6, substituted "court" for "shorthand", in (a)2, inserted "and a criminal history name search, as set forth in (b) below, which shall be requested and performed in accordance with N.J.A.C. 13:59-1"; and rewrote (b).

13:43-2.2 Temporary employment of non-certified shorthand reporters

(a) Non-certified shorthand reporters who possess an RPR Certification and who comply with the requirements of N.J.A.C. 13:43-2.1(a), with the exception of paragraphs (a)4 and (a)7, or applicants who have successfully completed two parts of the examination and have obtained conditional credit status attained in N.J.A.C. 13:43-4.3, may be utilized for temporary employment as referenced in N.J.S.A. 45:15B-9.

(b) An employer of a certified shorthand reporter, or owner of a shorthand reporting agency, or certified shorthand reporter may utilize non-certified shorthand reporters referred

to in (a) above in circumstances where a certified shorthand reporter is unavailable. In such circumstances where a certified shorthand reporter is unavailable, the employer, owner of a shorthand reporting agency, or certified shorthand reporter shall contact five shorthand reporting agencies to seek an available certified shorthand reporter. The employer, owner of a shorthand reporting agency, or certified shorthand reporter shall record the five contacts in an affidavit supplied by the Board which shall include the names of the agencies contacted, the dates and times of the contacts, and the specific job for which the certified shorthand reporter is sought, including the names of the agencies contacted, the dates and times of the contacts, and the specific job for which the certified shorthand reporter is sought, including the date, time, and location of the job as well as the name(s) of the party (parties) soliciting the certified shorthand reporter, and the name of the case for which the certified shorthand reporter is sought.

1. The employer, owner of a shorthand reporting agency, or certified shorthand reporter shall retain the affidavits referred to in (b) above for a period of three calendar years. The records shall be made available to the Board within two business days of the Board's written notice of request, and shall be subject to the Board's random audit. For purposes of this paragraph, a business day is defined as the hours between 9:00 A.M. and 5:00 P.M. Monday through Friday, excluding holidays.

(c) All transcripts completed by a non-certified shorthand reporter shall be signed by a New Jersey certified shorthand reporter in responsible charge of the work product of the non-certified shorthand reporter and shall attest to the accuracy of the transcription of the original shorthand notes. An employer or owner of a shorthand reporting agency who is not a certified shorthand reporter shall secure a New Jersey certified shorthand reporter to be in responsible charge of the work product of the non-certified shorthand reporter and attest to the accuracy of the transcription of the original shorthand notes. A certified shorthand reporter may secure another certified shorthand reporter to be in responsible charge of the non-certified shorthand reporter to attest to the accuracy of the transcription of the original shorthand notes. For purposes of this subsection, a New Jersey certified shorthand reporter in responsible charge shall mean the regular and effective supervision by a competent certified shorthand reporter of individuals performing services which directly and materially affect the quality and competence of shorthand reporting services rendered by the non-certified shorthand reporter.

(d) A certified shorthand reporter shall render regular and effective supervision of a non-certified shorthand reporter as follows. The certified shorthand reporter shall:

1. Personally inspect or review the work of a non-certified shorthand reporter;
2. Provide an appropriate review of the transcript prepared by the non-certified shorthand reporter; and

3. Be personally available on a reasonable basis or with adequate advance notice for consultation and inspection where circumstances require personal availability.

(e) An employer, owner of a shorthand reporting agency, or certified shorthand reporter shall verbally inform all the parties or their legal representative who utilize the shorthand reporting services of any shorthand reporter who will report the proceedings and is not certified of the reporter's non-certified status, and shall provide to the parties or their legal representative a consent form which sets forth that the parties or their legal representative were informed of and consented to the use of the non-certified shorthand reporter. The parties or their legal representative who utilize the shorthand reporting services shall evidence their consent to the use of the non-certified shorthand reporter by signing and dating the consent form.

(f) An employer, owner of a shorthand reporting agency, or certified shorthand reporter shall retain the consent forms referred to in (e) above for a period of three calendar years to be available to the Board within two business days of the Board's written notice of request and shall be subject to the Board's random audit. For purposes of this subsection, a business day is defined as the hours between 9:00 A.M. and 5:00 P.M. Monday through Friday, excluding holidays.

New Rule, R.2002 d.238, effective July 15, 2002.
See: 33 N.J.R. 3876(a), 34 N.J.R. 2464(a).

SUBCHAPTER 3. CERTIFICATION OF COURT REPORTERS IN REALTIME REPORTING

13:43-3.1 (Reserved)

Amended by R.1998 d.466, effective September 8, 1998.
See: 30 N.J.R. 2158(a), 30 N.J.R. 3251(b).

Changed "Certified realtime reporter" or "C.R.R" definition to "Certified shorthand realtime reporter" or "C.S.R.R."; and in "Realtime reporting" definition, inserted "shorthand" following "certified" and substituted "certificate" for "license".
Recodified to N.J.A.C. 13:43-5.1A by R.2008 d.78, effective April 7, 2008.

See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).
Section was "Definitions".

13:43-3.2 Eligibility for certification as a certified realtime court reporter

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

1. Hold a current New Jersey certified court reporting certification in good standing;
2. Submit a completed application that contains the following information:
 - i. Proof of certification as a court 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;
4. Successfully pass the Board-approved examination for the certification of realtime court reporters; and
5. Have a place for the regular transaction of business within the State of New Jersey.

Amended by R.1998 d.466, effective September 8, 1998.

See: 30 N.J.R. 2158(a), 30 N.J.R. 3251(b).

In (a), substituted "certification" for "license" in 1.

Amended by R.2004 d.83, effective March 1, 2004.

See: 35 N.J.R. 4040(b), 36 N.J.R. 1196(a).

In (a)3, deleted "by certified check or money order made payable to the State of New Jersey, Board of Shorthand Reporting" following N.J.A.C. reference.

Amended by R.2008 d.78, effective April 7, 2008.

See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

Section was "Eligibility for certification as a certified shorthand realtime reporter". In the introductory paragraph of (a), and in (a)4, inserted "court", in the introductory paragraph of (a), and in (a)1 and (a)2i, substituted "court" for "shorthand", and in (a)2, substituted "that" for "from which".

SUBCHAPTER 3A. CERTIFICATE RENEWAL; INACTIVE STATUS; REINSTATEMENT

13:43-3A.1 Certificate renewal

(a) All certificates issued by the Board shall be issued for a two-year biennial renewal period. A certificate holder who seeks renewal of the certificate shall submit a certificate renewal application and the certificate renewal fee set forth in N.J.A.C. 13:43-6.1 prior to the expiration date of the certificate.

(b) Renewal applications shall provide the applicant with the option of either active or inactive status. A certificate holder electing inactive status shall pay the inactive license fee set forth in N.J.A.C. 13:43-6.1, and shall not engage in the practice of court reporting.

(c) If the certificate holder does not renew the certificate prior to its expiration date, the certificate holder may renew it within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:43-6.1.

(d) A certificate that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended certificate shall be deemed to be engaged in unlicensed practice.

(e) The Board shall send a notice of renewal to each certificate holder at least 60 days prior to the expiration of his or her certificate. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalty or fines shall apply to the certificate holder for any uncertified practice

during the period following the certificate expiration, not to exceed the number of days short of 60 before the renewal was issued.

Amended by R.2008 d.78, effective April 7, 2008.

See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

In (b), substituted "court" for "shorthand"; and added (e).

13:43-3A.2 Change of certification status: inactive to active

(a) A certificate holder, upon application to the Board, may change from inactive to active status upon payment of the renewal fee as set forth in N.J.A.C. 13:43-6.1.

(b) A certificate holder on inactive status from two to five years shall complete 15 credits of continuing education.

(c) A certificate holder who has been on inactive status for a period of five or more years shall take an examination that has been determined by the Board to test the applicant's ability to practice court reporting.

Amended by R.2008 d.78, effective April 7, 2008.

See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

In (c), substituted "court" for "shorthand".

13:43-3A.3 Reinstatement of suspended certificate

(a) An individual whose certificate has been automatically suspended for failure to renew as provided by N.J.A.C. 13:43-3A.1(d) may be reinstated by the Board, provided the applicant otherwise qualifies for certification pursuant to N.J.A.C. 13:43-2.1 and 3.1, and submits a completed reinstatement application and one of the following to the Board:

1. Certification of licensure or certification in good standing from any other state or jurisdiction in which the applicant has practiced court reporting during the period the certificate was suspended in this State;

2. Certification by the applicant stating that he or she has practiced court reporting in a state or jurisdiction, which does not require certification or licensure, during the period the certificate was suspended in this State; or

3. Certification stating that the applicant has not practiced court reporting, in this or any other jurisdiction during the period the certificate was suspended in this State.

(b) An individual who has practiced court reporting in the manner described in (a)1 or 2 above shall submit written verification, on a form provided by the Board, from all of the applicant's employers. The verification shall document dates of employment from the date the New Jersey certificate was suspended to the date of application for reinstatement, and the name, address and telephone number of each employer.

(c) An individual whose certificate has been automatically suspended for failure to renew as provided by N.J.A.C. 13:43-3A.1(d) for a period of two to five years shall complete 15 credits of continuing education.