

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 257

Department or Agency: Alabama Board of Court Reporting

Rule No.: 257-X-3-.01

Rule Title: Temporary Licensure

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Victor K. Biebighauser
Victor Biebighauser

Date

Thursday, November 14, 2024

REC'D & FILED
NOV 14, 2024
LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF COURT REPORTING

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Court Reporting

RULE NO. & TITLE: 257-X-3-.01 Temporary Licensure

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Language on cease and desist orders and board investigator with respect to expiration of a temporary license is removed. Requirement for temporary licensees to file six-month reports removed.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

In writing to ABCR, P.O. Box 241565, Montgomery, AL or at public hearing at board meeting scheduled for January 23, 2025. The time and location of the board meeting will be published on the board's public web site and on the secretary of state's web site.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, January 23, 2025

CONTACT PERSON AT AGENCY:

Victor K. Biebighauser, executive director

Victor K. Biebighauser

Victor Biebighauser

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

257-X-3-.01

Temporary Licensure.

(1) Effective April 21, 2010, any person who is a graduate of a school of court reporting may apply for temporary licensure.

(2) Temporary licenses are valid from the date of graduation and shall expire eighteen (18) months after issuance.

(3) Temporary licenses are not renewable. In the event that a temporary license expires without the temporary licensee having passed the examination for full licensure, court reporting services by the temporary licensee shall cease and desist immediately upon the expiration of the temporary license. ~~The Board will issue a Cease and Desist notice upon the expiration of an expired Temporary License and copy the employer of record. The Board investigator will follow up with the expired temporary licensee to ensure the individual is not operating with an expired temporary license (if the individual has not been issued their full licensure).~~ Upon expiration of a temporary license, the temporary license number will be removed as soon as practicable from the listing of temporary licenses on the Board's web site. The Board may not be held liable for lost income to the temporary licensee or to the court reporting firm due to expiration of a temporary license.

(4) The temporary license application will consist of the following:

(a) Proof of graduation from a school of court reporting in the form of: Official Transcripts, Copy of Diploma, or Official Letter from the Court Reporting Program's Director;

(b) Completed application forms for both the temporary licensee and the supervising court reporter, as approved by the board;

(c) Payment of application and temporary license fees as approved by the board.

(5) The temporary license allows the applicant to practice as a court reporter without passing the examination, subject to the following stipulations:

(a) The court reporter with a temporary license shall function under the supervision of a currently licensed court reporter.

1. "Supervision" requires the licensed, supervising court reporter to be physically present with the temporary licensee and readily accessible to the licensee to designate or prescribe a course of action or give procedural guidance, direction and periodic evaluation. When it is not possible for the supervising court reporter to be physically present or physically accessible, the supervising court reporter may be accessible to the licensee for direction and consultation on a limited, occasional or emergency basis through electronic or telephonic communication. The supervising court reporter shall be responsible to

ensure that the temporary licensee does not routinely provide court reporting services in the absence of the direct supervision of the supervising court reporter, as defined in this section.

(b) Temporary licensees may not direct bill for court reporting services provided; such services may be billed solely through the employing court reporter firm or the temporary licensee's supervising court reporter.

(c) The temporary license will be reflected by the initials "TL" for "Temporary License," followed by their assigned number.

(d) All individuals issued a temporary license shall be subject to regulation pursuant to any rules promulgated by the Alabama State Board of Court Reporting and Code of Ala. 1975, Section 34-8B-1, et seq.

(e) Failure of any temporary licensee to meet the requirements for licensure enumerated in Reg. 257-X-3-.03 shall result in the expiration of the temporary license. Temporary licensees are encouraged, at the earliest opportunity, to take and pass the Licensure Examination, as prescribed under Reg. 257-X-3-.03, and must immediately notify the Board and the supervising court reporter in writing of their passage or failure of the Licensure Examination.

~~(f) Temporary licensees are required to notify the Board in writing every six (6) months of the status of the work being performed under their temporary license, to include a listing, by style and number, of the cases for which they have provided court reporting services and the contact information for the contracting entity for each case.~~

~~(g)~~ (f) The temporary licensee shall notify the Board in writing of the termination of the supervisory relationship and/or the license's transfer to another supervisor, within fourteen (14) days of said termination or transfer. Failure to maintain a current acknowledgement form (Form ABCR TL 1) on file with the Board office, signed by the temporary licensee and his/her supervising court reporter, may subject both the temporary license and the supervising court reporter to disciplinary action by the Board.

(6) A licensed court reporter serving as a supervisor for a temporary licensee must submit a completed application therefore, be in good standing with the Board, and must not have been subject to disciplinary action within the five (5) years previously to his/her application to serve as a supervising court reporter. The application to serve as a supervising court reporter may be denied only for failure to meet the qualifications of this section.

(7) Supervising court reporters shall also be required to comply with the following:

(a) Accept full responsibility for the actions of the temporary licensee while under the supervising court reporter's supervision. Supervising court reporters may not make a temporary or permanent assignment of their supervisory duties over a temporary licensee to another licensed court reporter.

(b) Ensure that the temporary licensee shall not take on an assignment above the temporary licensee's skill level, competency or abilities.

(c) Certify the temporary licensee's work product by including the supervising court reporter's signature and license number on any transcript produced by the temporary licensee.

(d) Notify the Board in writing of the termination of the supervisory relationship within fourteen (14) days of said termination. Failure to timely provide written notification thereof may subject the supervising court reporter to disciplinary action by the Board.

(8) Upon notification to a temporary licensee that he/she is the subject of a complaint or any anticipated disciplinary action by the Board, the licensee's supervisor shall also receive a copy of the notification provided to the licensee. Any violation of the Board's enabling law or its rules by a temporary licensee may also subject the supervising court reporter to disciplinary action from the Board.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Ala. 1975, §§34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed July 23, 2010; effective August 27, 2010.

Amended: Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed May 25, 2017; effective July 9, 2017. **Amended:** Filed March 1, 2019; effective April 15, 2019. **Amended:** Published ; effective .