

SENATE BILL No. 57

January 30, 2001, Introduced by Senator SCHWARZ and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 1492 and 2543 (MCL 600.1492 and 600.2543),
section 1492 as added by 1998 PA 249 and section 2543 as amended
by 1986 PA 308.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1492. (1) A court reporter, court recorder, or steno-
2 mask reporter shall do all of the following in the performance of
3 his or her duties:

4 (a) Deliver a transcript or statement of facts to a client
5 or court in a timely manner as determined by law, by court order,
6 or by agreement of the parties.

7 (b) Produce an accurate transcript or statement of facts.

8 (c) Produce complete transcripts or statements of facts,
9 unless an excerpt of a transcript is authorized by court order,

1 agreement of the parties, or request of a party. IF A PROCEEDING
2 IS RECORDED BY A MEANS OTHER THAN STENOGRAPHICALLY, THE COURT
3 REPORTER, COURT RECORDER, OR STENOMASK REPORTER SHALL, UPON
4 REQUEST BY THE CLIENT OR THE COURT, PROVIDE A COPY OF THE RECORD-
5 ING IN THE SAME MEDIUM BY WHICH THE RECORDING WAS MADE.

6 (d) Before accepting an assignment as an independent con-
7 tractor or employee to provide court reporting or recording serv-
8 ices, request information from the person, employer, or entity
9 engaging his or her services as to the existence and nature of
10 the contract between the person, employer, or entity and the
11 client to confirm that the contract is not a blanket contract in
12 violation of section 1491(1)(b). A person, employer, or entity
13 who is party to a blanket contract and who knowingly provides
14 false information in reply to an inquiry required under this sub-
15 division ~~shall be~~ IS considered to have committed an act that
16 is grounds for discipline or censure under section 1493. This
17 subdivision does not apply to contracts for court reporting or
18 recording services for the courts, agencies, or instrumentalities
19 of local units of government, this state, or the United States.

20 (e) Advertise or represent truthfully that he or she is a
21 certified court reporter, court recorder, or stenomask reporter
22 and that only a certified individual will be making the record.

23 (f) Charge all parties TO AN ACTION or their attorneys ~~to~~
24 ~~an action~~ the same price for an original transcript or statement
25 of facts and charge all parties or their attorneys the same price
26 for a copy of a transcript or statement of facts or for like
27 services performed in an action.

1 (g) Stay "on the record" during a deposition unless agreed
2 to by all parties or their attorneys or unless otherwise ordered
3 by the court.

4 (2) All court reporting firms and court reporters, record-
5 ers, and stenomask reporters, including out-of-state court
6 reporting firms and court reporters, recorders, and stenomask
7 reporters, shall register with the state court administrative
8 office by completing an application in a form adopted by the
9 state court administrative office. Rules applicable to court
10 reporters and court recorders are also applicable to court
11 reporting firms. If a court reporting firm or a court reporter,
12 recorder, or stenomask reporter fails to comply with this subsec-
13 tion, the state court administrative office may assess a reason-
14 able administrative fine that is prescribed by rule of the
15 supreme court, ~~that~~ does not exceed \$500.00, and ~~that~~ is pay-
16 able to the state general fund.

17 Sec. 2543. (1) The circuit court reporters or recorders
18 ~~shall be~~ ARE entitled to demand and receive per page for a
19 transcript ordered by any person the sum of \$1.75 per original
20 page and 30 cents per page for each copy, unless a lower rate is
21 agreed upon. For a transcript ordered by the circuit judge,
22 reporters or recorders ~~shall be~~ ARE entitled to receive from
23 the county the same compensation.

24 (2) Only if the transcript is desired for the purpose of
25 moving for a new trial or preparing a record for appeal shall the
26 amount of reporters' or recorders' fees paid for the transcript
27 be recovered as a part of the taxable costs of the prevailing

1 party in the motion, in the court of appeals or the supreme
2 court.

3 (3) THE CIRCUIT COURT SHALL ESTABLISH FEES FOR DELIVERING
4 COPIES OF A TRANSCRIPT THAT WAS RECORDED BY A MEANS OTHER THAN
5 STENOGRAPHICALLY.