

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time _____

No: 1493

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



ENROLLED

HOUSE BILL No. 1493

(By Mr. Chambers)



Passed April 11, 1981

In Effect Ninety Days From Passage



ENROLLED

H. B. 1493

(By MR. CHAMBERS)

[Passed April 11, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article seven, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to transcripts of court reporters' notes; cost per page of transcripts and copies.

Be it enacted by the Legislature of West Virginia:

That section four, article seven, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 7. OFFICIAL REPORTERS.

§51-7-4. Transcript of notes; fees; authenticity; transcript for judge in criminal cases.

1 The reporter shall furnish, upon request, to any party
2 to a case, a typewritten transcript of his shorthand notes
3 of the testimony or other proceedings, which shall be upon
4 paper measuring eight and one-half inches in width and
5 eleven inches in length, with margins of one-half inch on
6 the right side and bottom, one inch at the top and one and
7 one-half inches on the left, with the page filled as completely
8 as practicable, with at least twenty-four complete lines on each
9 page, with no more than double spacing used between lines,
10 with no more than five spaces used for indentation from the
11 left margin, with no larger than ten point pica type being
12 used, and shall certify the same as being correct and shall

13 be paid therefor, by the party requesting such transcript,
14 at the rate of one dollar and fifty-five cents for each page so
15 transcribed and certified; and for each carbon copy of such
16 transcript, ordered at the same time, he shall be paid sixty
17 cents for each page so furnished: *Provided*, That if any
18 transcript shall not conform with the specifications set forth
19 in this section, the party requesting the transcript shall not
20 be obligated to pay for said transcript.

21 A transcript of such testimony or proceedings, when cer-
22 tified by the official reporter and by the judge of the court,
23 shall be authentic for all purposes, and shall be used by the
24 parties to the cause in any further proceeding therein wherein
25 the use of the same may be required. It may be used, with-
26 out further authentication, in making up the record on appeal,
27 as provided in sections thirty-six and thirty-seven, article
28 six, chapter fifty-six of this code; and in all cases of appeal
29 such reporter shall also make a carbon copy of such tran-
30 script, which copy shall be filed in the office of the clerk of the
31 court in which the trial or proceedings were had, to be used,
32 if necessary, in making up the record on appeal, and, if so
33 used, the clerk shall not be entitled to any fee for that part
34 of the record. If, upon appeal or writ of error, the judgment,
35 decree or order entered in the cause be reversed, the cost
36 of such transcript shall be taxed as other costs; and if such
37 transcript be requested or required for the purpose of de-
38 murring to the evidence, the cost thereof shall be taxed in
39 favor of the party prevailing on the demurrer.

40 It shall also be the duty of such reporter in any criminal
41 case, upon the request of the court or the judge thereof, and
42 for his use, to furnish a transcript of his notes of the testi-
43 mony and proceedings without extra charge.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Baylor

Chairman Senate Committee

Tony E. Whitlow

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Judd C. Wilkie

Clerk of the Senate

C. Blankenship

Clerk of the House of Delegates

Monty Moran

President of the Senate

Walter H. Lee, Jr.

Speaker House of Delegates

The within is approved this the 28
day of April, 1981.

John R. Riffe

Governor

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