

SENATE BILL NO. 2320

Introduced by

Senators Berg, Traynor

Representatives Kunkel, Oban

1 A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century
2 Code, relating to licensing of interpreters for deaf individuals; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new chapter to title 43 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Policy.** It is declared to be the policy of the state of North Dakota that in order to
7 safeguard the public health, safety, and welfare; to protect the public from being misled by
8 incompetent, unscrupulous, and unauthorized persons and from unprofessional conduct on the
9 part of persons providing services; and to obtain quality interpreting services for deaf persons it
10 is necessary to provide regulatory authority over persons offering interpreting services to the
11 public.

12 **Definitions.** As used in this chapter, unless the context or subject matter otherwise
13 requires:

- 14 1. "Board" means the state board of examiners on interpreting services for the deaf.
- 15 2. "Interpreter" means a person who interprets spoken English to American sign
16 language; a person who interprets American sign language to spoken English; or a
17 person who translates spoken English to manually coded English or pidgin sign
18 English, manually coded English or pidgin sign English to spoken English, or
19 spoken English to paraphrased English to paraphrased nonaudible spoken
20 English.
- 21 3. "Interpreting service" means provision of service by interpretation or translation to
22 facilitate communication between deaf or hard-of-hearing persons and a hearing
23 person.
- 24 4. "Person" means a human being.

1 **License required - Exceptions.** A person may not practice or represent oneself as an
2 interpreter for deaf persons in this state unless licensed annually in accordance with this
3 chapter. However, this chapter does not prevent or restrict:

- 4 1. A person licensed in this state by any other law from engaging in the profession or
5 occupation for which licensed.
- 6 2. A person who holds a valid credential as a teacher of the hearing impaired issued
7 by the department of public instruction or a person employed as an interpreter for
8 deaf persons by the government of the United States, if such person performs
9 interpreting solely within the confines or under the jurisdiction of the government or
10 other organization by which employed. However, a person may, without obtaining
11 a license under this chapter, consult with or disseminate one's research findings
12 and other scientific information to interpreters outside the jurisdiction of the
13 organization by which that person is employed.
- 14 3. The activities and services of a person pursuing a course of study or training at
15 college or university leading to a career as an interpreter if the activities and
16 services constitute a part of a supervised course of study and the person is a
17 designated interpreter intern, trainee, or by any other titles clearly indicating the
18 training status appropriate to the level of training.
- 19 4. A person holding a valid credential as a teacher of the hearing impaired issued by
20 the council on education of the deaf or the department of public instruction from
21 engaging in the practice of habilitation, rehabilitation, or education of hearing
22 impaired persons.
- 23 5. A teacher using sign language or a manual communication system as an
24 augmentative form of communication for a student whose primary disability is not
25 deafness or hearing impairment.

26 **Eligibility for licensure.** To be eligible for licensure by the board as an interpreter for
27 deaf persons an individual must:

- 28 1. Be of good moral character.
- 29 2. Possess at least an interpreting certification awarded by a national certifying
30 agency.
- 31 3. Submit evidence showing qualifications prescribed by rules of the board.

- 1 4. Pass an examination approved by the board and pay the prescribed fee. The
2 board may waive the examination requirement if the applicant presents proof of
3 licensure in another state which has professional standards equivalent to those
4 required by the board.

5 **Board of examiners on interpreting for deaf persons.**

- 6 1. The board of examiners on interpreting for deaf persons is hereby established.
7 2. The board must be composed of five members appointed by the governor.
8 Appointees must be residents of this state for at least one year immediately
9 preceding their appointment and, except for the consumer members, must be
10 engaged in rendering services to the public for at least three years preceding their
11 appointment. Two must be interpreters, two must be consumers of interpreter
12 services, and the fifth must be either a person engaged in the training of
13 interpreters for deaf persons, an interpreter, or a consumer of interpreting services.
14 3. Each board member holds office for three years and until a successor is appointed
15 and qualified. The terms must be arranged so that no more than three terms
16 expire on July first of each year. The governor shall fill vacancies for an unexpired
17 term. No person may serve more than two successive terms.
18 4. The board shall meet at least twice each calendar year. Special meetings may be
19 convened at the call of the chairman or at the written request of any three board
20 members.
21 5. Three members of the board constitute a quorum. When an application for
22 licensure is received, one member of the quorum must be engaged in the
23 profession for which a license is sought.

24 **Powers and duties of the board.** The board, pursuant to chapter 28-32, may adopt
25 rules for:

- 26 1. Licensing.
27 2. Licensing fees not to exceed one hundred dollars per year.
28 3. Ethical standards of conduct.
29 4. Continuing competency and education.
30 5. Grievances.
31 6. License suspension or revocation.

- 1 7. Employee duties and conduct.
- 2 8. Recordkeeping and fiscal control.
- 3 9. Carrying out the purpose of this chapter.

4 **Compensation of board members.** Board members are not entitled to receive a
5 salary for their services, but are entitled to receive mileage and travel expenses for attendance
6 at board meetings at the same rate as state employees.

7 **License Examination.**

- 8 1. The interpreter for the deaf examination must be required and is the national
9 examination as established by the national association of the deaf or registry of
10 interpreters for the deaf or other such national certifying agency recognized by the
11 board. The board shall maintain proof that all licensees have passed the required
12 examination. The examination is not required for renewal of licenses except as
13 required by board rules.
- 14 2. Individuals who have completed an interpreter training program may have up to
15 two years before taking the national exam and becoming certified.
- 16 3. The board may issue a provisional license to practice activities regulated by this
17 chapter to any person who furnishes satisfactory evidence of qualifications to the
18 board. A provisional license may be issued for no longer than two years.

19 **Suspension and revocation of license.**

- 20 1. The board may refuse to issue or renew a license or may suspend or revoke a
21 license if the licensee or applicant for license has engaged in unprofessional
22 conduct. Unprofessional conduct includes:
 - 23 a. Obtaining a license by means of fraud, misrepresentation, or concealment of
24 material facts;
 - 25 b. Engaging in unprofessional conduct, as defined by the rules established by
26 the board, or violating the code of ethics adopted and published by the board;
 - 27 c. Conviction of an offense if the acts for which that person is convicted are
28 determined by the board to have a direct bearing on the applicant's or
29 licensee's ability to serve the public in the capacity of an interpreter for deaf
30 persons; or the board determines that the applicant or licensee, following

- 1 conviction of any other offense, is not sufficiently rehabilitated under section
2 12.1-33-02.1;
- 3 d. Violation of any order or rule adopted by the board; or
4 e. Violation of this chapter.
- 5 2. One year from the date of revocation of a license, the licensee may make
6 application to the board for reinstatement. The board may accept or reject an
7 application for reinstatement or may require an examination for reinstatement.
- 8 **Penalty.** Any person who violates this chapter is guilty of a class A misdemeanor.