

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2185

Introduced by

Senators Oehlke, Burckhard, Robinson

Representatives Mock, Hofstad

1 A BILL for an Act to create a new section to chapter 43-52 of the North Dakota Century Code,
2 relating to the regulation of sign language interpreters; to amend and reenact sections
3 43-52-01, 43-52-02, and 43-52-03 of the North Dakota Century Code, relating to regulation of
4 sign language interpreters; to provide a penalty; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Section 43-52-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **43-52-01. Definitions.**

9 As used in this chapter, unless the context otherwise requires:

- 10 1. "Consumer" means an individual who is deaf, deaf-blind, speech-impaired,
11 hard-of-hearing, or who requires special communication techniques in order to
12 communicate.
- 13 2. "Interpreter" means an individual who engages in the practice of interpreting.
- 14 3. "Interpreting" means the translating or transliterating of English concepts to any
15 necessary specialized vocabulary used by a consumer or translating of a consumer's
16 specialized vocabulary to English concepts. Necessary specialized vocabularies
17 include American sign language, English-based sign language, and oral interpreting.
- 18 4. "Nationally recognized certification" means certification granted by a national
19 organization that is based on a skills assessment of the applicant. These organizations
20 include the registry of interpreters for the deaf and the national association of the deaf.
- 21 5. "Video remote interpreting" is a process that allows an individual who is deaf or
22 hard-of-hearing to communicate with a hearing individual at the same location through
23 an interpreter displayed via videoconferencing equipment or through a television with
24 a videophone.

1 **SECTION 2. AMENDMENT.** Section 43-52-02 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **43-52-02. Practice of interpreting.**

4 An individual may not practice or represent as an interpreter for deaf, deaf-blind,
5 speech-impaired, or hard-of-hearing individuals in the state unless the individual holds a valid
6 nationally recognized certification. ~~However, an individual who was practicing as an interpreter~~
7 ~~in this state before August 1, 2001, has until July 31, 2003, to meet the certification requirement~~
8 ~~under this section.~~ A person may not provide video remote interpreting services in this state
9 unless certified under this chapter.

10 **SECTION 3. AMENDMENT.** Section 43-52-03 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **43-52-03. Exceptions.**

13 This chapter does not prevent or restrict:

- 14 1. A nonresident interpreter working in this state not more than nineteen days per year.
- 15 2. An interpreter working at a religious activity.
- 16 3. An interpreter working as a volunteer without compensation.
- 17 4. An interpreter working in an emergency. An emergency is a situation in which the
18 consumer decides that the length of time needed to obtain a licensed interpreter is
19 likely to cause injury or loss to the consumer.
- 20 5. The activities and services of an interpreter intern or student-in-training enrolled in a
21 program of study in interpreting at an accredited institution of higher learning;
22 interpreting under the supervision of a licensed interpreter as part of a supervised
23 program; and identified as an interpreter intern or student-in-training.
- 24 6. An individual using sign language or a manual communication system as a means of
25 communication with or on behalf of a family member, a deaf individual, a deaf-blind
26 individual, a speech-impaired individual, or hard-of-hearing individual who has
27 specifically requested that use by that individual.
- 28 7. A communication made as a reasonable accommodation for the employment of a
29 deaf, deaf-blind, speech-impaired, or hard-of-hearing individual.

1 8. A communication with a deaf, deaf-blind, speech-impaired, or hard-of-hearing
2 individual who could not communicate using American sign language or English-based
3 sign language.

4 9. An individual working in an elementary or secondary school who has successfully
5 completed a three-year educational interpreter certificate program of study or who has
6 passed the educational interpreter performance assessment at a level of 3.5 or higher.

7 ~~The individual may work in the school setting without national certification until~~
8 ~~August 1, 2005, if the individual is being mentored by a trained mentor who is either a~~
9 ~~certified interpreter or a deaf adult. To continue working in the school setting after~~
10 ~~August 1, 2005, the individual must have obtained national certification.~~

11 ~~10. An individual who has successfully completed an accredited interpreter training~~
12 ~~program from interpreting without certification for a period of up to two years from the~~
13 ~~date of completion of the program if, during that period, the individual is mentored by a~~
14 ~~trained mentor who is either a certified interpreter or a deaf adult.~~

15 **SECTION 4.** A new section to chapter 43-52 of the North Dakota Century Code is created
16 and enacted as follows:

17 **Penalty - Civil penalty.**

18 Any person who violates this chapter is guilty of a class B misdemeanor. In addition to the
19 criminal penalties provided, the civil remedy of injunction is available to restrain and enjoin a
20 violation of this chapter without proof of actual damages sustained by any person.

21 **SECTION 5. EFFECTIVE DATE.** Section 3 of this Act becomes effective on January 1,
22 2014.