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FIRST ENGROSSMENT

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.