

AN ACT

ENTITLED, An Act to provide for the regulation of persons interpreting for the deaf and hard-of-hearing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. For the purposes of this Act, the term, interpreting, means the process of providing accessible communication between and among persons who are deaf or hard-of-hearing and those who are hearing. This process includes communication between American Sign Language and English. Interpreting may involve various other modalities that involve visual, gestural, and tactile methods.

Section 2. No person may do any of the following with respect to providing interpreting services for any person who is deaf or hard-of-hearing for a fee or other remuneration unless certified pursuant to sections 3 or 4 of this Act and registered with the Department of Human Services:

- (1) Engage in the practice of, or offer to engage in the practice of, interpreting;
- (2) Use the title, interpreter, in connection with the person's name; or
- (3) Use the title, interpreter, in advertisements or descriptions.

A violation of this section is a Class 2 misdemeanor.

Section 3. The Department of Human Services may issue provisional certification to a person who:

- (1) Has graduated from a postsecondary degree program of two years or more accredited in interpreter preparation or interpreter education;
- (2) Participates in a department approved plan of up to five years in preparation for national testing that includes continuing education units and mentoring; and
- (3) Registers annually with the department.

Provisional certification may be granted for no more than five years.

Section 4. Any person may be certified if the person is certified by, and in good standing with, at least one of the following and the Department of Human Services finds such certification has met minimum competency standards as established by rules promulgated pursuant to chapter 1-26:

- (1) Certified by the Registry of Interpreters for the Deaf;
- (2) Certified by the National Association of the Deaf;
- (3) Certified by the Educational Interpreters Proficiency Assessment with a score of at least 3.5; or
- (4) Certified by the Department of Human Services prior to July 1, 2006.

A person certified pursuant to subdivision (4) may continue this certification only if the person completes one hundred twenty-five continuing education units every five years, remains in good standing with the department, and registers annually with the department. Any person certified pursuant to this section shall register annually with the department.

Section 5. Any person may engage in interpreting during the worship service of any religious organization without being certified pursuant to sections 3 or 4 of this Act and registered with the Department of Human Services.

Section 6. That § 1-36A-10.1 be amended to read as follows:

1-36A-10.1. The Department of Human Services shall register and renew the registrations annually of any person certified in accordance with sections 3 or 4 of this Act who demonstrates compliance with this Act and payment of the applicable fees unless good cause exists to deny the registration.

Section 7. That § 1-36A-11 be amended to read as follows:

1-36A-11. The Department of Human Services shall maintain, and publish, and make available upon request a registry of all certified interpreters and their respective levels of qualification.

Section 8. That § 1-36A-12 be amended to read as follows:

1-36A-12. The Department of Human Services may promulgate rules pursuant to chapter 1-26 to establish continuing education requirements for individuals registered with the department pursuant to subdivision (4) of section 4 of this Act, to establish qualifications, continuing education requirements, mentoring requirements, and requirements for an approved plan for provisional certification pursuant to section 3 of this Act, and to establish qualifications for interpreters serving in medical, educational, or legal settings.

Section 9. That § 1-36A-13 be amended to read as follows:

1-36A-13. The fund for certification of interpreters for the deaf in the state treasury is renamed the fund for registration of interpreters for the deaf. All fees received by the Department of Human Services and money collected under § 1-36A-15 shall be deposited in the fund. Any money in the fund is continuously appropriated to the department for expenses incurred in the provisional certification and registration of interpreters for the deaf and may be expended by the secretary of human services.

Section 10. That § 1-36A-14 be amended to read as follows:

1-36A-14. Any balance of fees received by the Department of Human Services after payment of compensation and expenditures may be expended by the secretary of human services only in administering §§ 1-36A-10.1 to 1-36A-16, inclusive, and this Act.

Section 11. That § 1-36A-15 be amended to read as follows:

1-36A-15. The Department of Human Services shall promulgate rules pursuant to chapter 1-26 to establish the following nonrefundable fees for provisional certification and registration:

- (1) For provisional certification, not more than three hundred twenty-five dollars;
- (2) For initial registration, not more than fifty dollars;
- (3) For annual renewal of registration, not more than thirty-five dollars;
- (4) For effecting a name change upon the records of a registrant, not more than ten dollars;

- (5) For issuing a duplicate registration, not more than ten dollars; and
- (6) For initial registration and annual renewal of persons certified pursuant to subdivision (4) of section 4, not more than seventy-five dollars.

Section 12. That § 1-36A-16 be amended to read as follows:

1-36A-16. The provisions of this Act and §§ 1-36A-10.1 to 1-36A-15, inclusive, do not prohibit:

- (1) Any signing assistance in a medical emergency until the assistance of a certified interpreter is obtained;
- (2) The practice of interpreting, if directly supervised by a certified interpreter, included in a program of study by a student enrolled in an approved program for the preparation of interpreters for the deaf;
- (3) The practice of a legally qualified interpreter for the deaf from another state employed by the United States government and performing official duty in this state; and
- (4) The practice of interpreting in this state by an interpreter for the deaf currently licensed in another state, territory, or foreign country who is present in this state to lecture relative to the practice of interpreting for a period of not more than twenty days.

Section 13. That § 1-36A-19 be repealed.

An Act to provide for the regulation of persons interpreting for the deaf and hard-of-hearing.

I certify that the attached Act originated in the

HOUSE as Bill No. 1248

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1248

File No. _____

Chapter No. _____

Received at this Executive Office this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 20__

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State