

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

904M0752

HOUSE BILL NO. 1248

Introduced by: Representative Murschel and Senator Schoenbeck

1 FOR AN ACT ENTITLED, An Act to provide for the regulation of persons interpreting for the
2 deaf and hard-of-hearing.

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

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

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

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

16 A violation of this section is a Class 2 misdemeanor.



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

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

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

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

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

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

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

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

2 1-36A-10.1. The Department of Human Services ~~may examine, certify,~~ shall register and
3 renew the certificates registrations annually of duly qualified applicants to be interpreters for
4 the deaf any person certified in accordance with sections 3 or 4 of this Act who demonstrates
5 compliance with this Act and payment of the applicable fees unless good cause exists to deny
6 the registration.

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

8 1-36A-11. The Department of Human Services ~~shall establish a review panel, which shall~~
9 ~~meet at least semiannually, to review and assign interpreter qualification levels based upon a~~
10 ~~performance review before the panel, a review of certification issued by another state or territory~~
11 ~~or a review of certification issued by a nationally administered examination. The review panel~~
12 ~~shall consist of five individuals who are fluent in American sign language, signed English, or~~
13 ~~a combination of both. Three individuals shall be deaf or hard of hearing, and two individuals~~
14 ~~shall be Level V South Dakota certified interpreters. All individuals serving on the review panel~~
15 ~~shall have successfully completed the evaluators' training based on the National Association for~~
16 ~~the Deaf Interpreter Assessment Evaluator's Manual. The department shall maintain, and~~
17 ~~publish, and make available upon request a registry of all certified interpreters and their~~
18 ~~respective levels of qualification.~~

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

20 1-36A-12. The Department of Human Services may promulgate rules pursuant to chapter
21 1-26 to ~~establish interpreter certificate qualifications,~~ establish continuing education
22 requirements for individuals registered with the department pursuant to subdivision (4) of
23 section 4 of this Act, and may establish separate interpreter certification to establish
24 qualifications, continuing education requirements, mentoring requirements, and requirements

1 for an approved plan for provisional certification, as well as for interpreters serving in medical,
2 educational, or legal settings pursuant to section 3 of this Act, and to establish qualifications for
3 interpreters serving in medical, educational, or legal settings.

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

5 1-36A-13. The fund for certification of interpreters for the deaf ~~is hereby created~~ in the state
6 treasury is renamed the fund for registration of interpreters for the deaf. All fees received by the
7 Department of Human Services and money collected under § 1-36A-15 shall be deposited in the
8 fund. Any money in the fund is continuously appropriated to the department for expenses
9 incurred in the provisional certification and registration of interpreters for the deaf and may be
10 expended by the secretary of human services. ~~The compensation and expenses of the interpreter~~
11 ~~review panel shall be paid from the fees received under the provisions of § 1-36A-15. The~~
12 ~~department may require any applicant who is taking a nationally administered examination to~~
13 ~~remit the portion of the certification fee covering the cost of the examination directly to the~~
14 ~~organization administering the examination.~~

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

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

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

20 1-36A-15. The Department of Human Services shall promulgate rules pursuant to chapter
21 1-26 to establish the following nonrefundable fees for provisional certification and registration:

- 22 (1) For ~~initial or provisional certification by examination or endorsement~~, not more than
23 three hundred twenty-five dollars;
- 24 (2) For ~~reexamination, not more than the amount required for initial certification by~~

1 ~~examination or endorsement~~ initial registration, not more than fifty dollars;

2 (3) For annual renewal of certificate registration, not more than thirty-five dollars;

3 (4) For effecting a name change upon the records of a ~~certificate holder~~ registrant, not
4 more than ten dollars;

5 (5) ~~For reinstatement of a lapsed certificate, the current fee for initial certification by~~
6 ~~examination or endorsement, and~~

7 ~~(6) For issuing a duplicate certificate registration, not more than ten dollars; and~~

8 (6) For initial registration and annual renewal of persons certified pursuant to
9 subdivision (4) of section 4, not more than seventy-five dollars.

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

11 1-36A-16. ~~Sections~~ The provisions of this Act and §§ 1-36A-10.1 to 1-36A-15, inclusive,
12 do not prohibit:

13 (1) Any signing assistance in a medical emergency until the assistance of a certified
14 interpreter is obtained;

15 (2) The practice of interpreting, if directly supervised by a certified interpreter, included
16 in a program of study by a student enrolled in an approved program for the
17 preparation of interpreters for the deaf;

18 (3) The practice of a legally qualified interpreter for the deaf from another state
19 employed by the United States government and performing official duty in this state;
20 and

21 (4) The practice of interpreting in this state by an interpreter for the deaf currently
22 licensed in another state, territory, or foreign country who is present in this state to
23 lecture relative to the practice of interpreting for a period of not more than twenty
24 days.

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

2 ~~—1-36A-19. Any interpreter for the deaf receiving remuneration for services in any~~
3 ~~interpreting situation shall participate in a review panel's evaluation and satisfactorily achieve~~
4 ~~certification within one year of registration pursuant to § 1-36A-11. A violation of this section~~
5 ~~is a Class 2 misdemeanor.~~