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Summary: Sign Language Interpreters Act

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[1/13/2015](file:///p:\pprever\2015-16\293_20150113.docx)

**A** **BILL**

TO AMEND TITLE 40 OF THE 1976 CODE, RELATING TO PROFESSIONS AND OCCUPATIONS, TO ENACT THE “SIGN LANGUAGE INTERPRETERS ACT” BY ADDING CHAPTER 24 TO REQUIRE A SPECIFIED LEVEL OF COMPETENCE FOR SIGN LANGUAGE INTERPRETERS USED BY CERTAIN ENTITIES OF STATE GOVERNMENT, PUBLIC SCHOOLS, AND HOSPITAL SYSTEMS; TO PROVIDE SIGN LANGUAGE INTERPRETATION SERVICES TO MEMBERS OF THE PUBLIC WHO HAVE CERTAIN HEARING AND SPEECH IMPAIRMENTS; TO AMEND SECTION 15‑27‑15, RELATING TO THE APPOINTMENT OF SIGN LANGUAGE INTERPRETERS BY THE JUDICIAL DEPARTMENT FOR PARTIES OR WITNESSES WHO HAVE CERTAIN HEARING IMPAIRMENTS, TO MAKE CONFORMING CHANGES; AND TO PROVIDE NECESSARY DEFINITIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 40 of the 1976 Code is amended by adding:

“CHAPTER 24

Sign Language Interpreters Act

Section 40‑24‑110. This article must be known and may be cited as the ‘Sign Language Interpreters Act’ and must be liberally construed and implemented to promote the purposes set forth in this article.

Section 40‑24‑120. The General Assembly declares that access to government institutions and health care systems for members of the public who are hearing, deaf, hard‑of‑hearing, deaf‑blind, or speech disabled is essential and best promoted by ensuring a minimal level of competency of sign language interpreters.

Section 40‑24‑130. For the purposes of this chapter:

(1) ‘Agency’ means:

(a) the departments of state government enumerated in Section 1‑30‑10;

(b) the offices of all statewide constitutional officers;

(c) the Judicial Department;

(d) the General Assembly;

(e) all public institutions of higher education;

(f) the Commission on Higher Education;

(g) police stations;

(h) county and state detention centers and correctional facilities; and

(i) any other board, commission, or council created by statute of this State.

(2) ‘Deaf interpreter’ means an individual who is deaf who works as part of a team with an interpreter who can hear.

(3) ‘Educational Interpreter Performance Assessment’ or ‘EIPA’ means a proficiency assessment for K‑12 educational interpreting based on a five‑point Likert scale. This includes several distinct language variations as offered by the Boys Town National Research Hospital.

(4) ‘Interpreting’ means the process of taking a message from one language and expressing the same message in another language, conveying all essential elements of meaning and intent.

(5) ‘Nationally recognized certification’ means a certification awarded to individuals who successfully complete an evaluation of interpreting skills at a professional level. The term includes a certification issued, recognized, or both, by the Registry of Interpreters for the Deaf.

(6) ‘Pidgin Signed English’ or ‘PSE’ means a combination of American Sign Language and English.

(7) ‘RID’ means Registry of Interpreters for the Deaf.

(8) ‘Sign Language’ or ‘American Sign Language’ or ‘ASL’ means a visual‑gestural language which incorporates facial grammatical markers, physical affect markers, spatial linguistic information, and fingerspelling, as well as signs made with the hands. ASL is a distinct language with its own grammar and syntax that is not based on, nor derived from, a spoken language.

(9) ‘South Carolina Association of the Deaf, Inc.’ or ‘Association’ or ‘SCAD’ means the state chapter of the National Association of the Deaf acting as a consumer advocacy organization serving the deaf and hard‑of‑hearing population of South Carolina and as incorporated at the time of enactment, or any successor organization of it.

(10) ‘South Carolina Registry of Interpreters for the Deaf’ or ‘SCRID’ means the state affiliate chapter of the Registry of Interpreters for the Deaf, Inc., serving as an interpreter advocacy and professional organization and as incorporated at the time of enactment, or its successor organization.

Section 40‑24‑140. The requirements of this chapter apply to all:

(1) agencies as defined by Section 40‑24‑110(a);

(2) hospital systems regulated by the Department of Health and Environmental Control under Title 44; and

(3) public school districts.

Section 40‑24‑150. (A) A person only may provide sign language interpreting services for an agency or hospital if he has:

(1) achieved nationally recognized certification; and

(2) may satisfactorily determine whether the credentials of a sign language interpreter meet the requirements of this chapter if the person is:

(a) registered with the South Carolina Department of Labor, Licensing and Regulation as indicated by the presence of the name of the person on an online directory maintained by the department pursuant to Section 40‑24‑170; and

(b) identified as having required credentials by the:

(i) South Carolina Association of the Deaf or the South Carolina Registry of Interpreters for the Deaf; and

(ii) National Registry of Interpreters of the Deaf.

Section 40‑24‑160. (A) A person only may provide sign language interpreting services for a public school district if he has:

(1) achieved an EIPA level of 3.5 or higher using the ASL/PSE language version;

(2) successfully completed the EIPA written test;

(3) provided a sworn statement that he has read, understands, and agrees to abide by the EIPA Code of Professional Conduct for Educational Interpreters; and

(4) registered with the Department of Labor, Licensing and Regulation.

(B) A public school district:

(1) only may employ or use a person who has satisfied the criteria of subsection (A); and

(2) may satisfactorily determine whether the credentials of a sign language interpreter meet the requirements of this chapter if the person is:

(a) registered with the South Carolina Department of Labor, Licensing and Regulation as indicated by the presence of the name of the person on an online directory maintained by the department pursuant to Section 40‑24‑170; and

(b) identified as having required credentials by SCRID and SCATD.

Section 40‑24‑170. (A) For the convenience of state agencies, boards, commissions, or other government entities to which the provisions of this chapter apply, the South Carolina Department of Labor, Licensing and Regulation shall develop and maintain on its internet website a page known as the South Carolina Sign Language Interpreters Registry and a database of all sign language interpreters required to register with the department pursuant to Section 40‑24‑150 and Section 40‑24‑160. The page also must include links to the South Carolina Association of the Deaf, the South Carolina Registry of Interpreters of the Deaf, and the National Registry of Interpreters of the Deaf.

(B) The department shall provide an online registration form that a person seeking to register as a sign language interpreter with the department may use to accomplish this registration and pay related fees. The department may charge a nominal registration fee to defray expenses associated with the requirements of this section.

(C) The department has no obligation to verify the credentials of a person registering with the department and may not investigate complaints of misconduct by a person registered with the department or impose discipline for misconduct. The role of the department is exclusively ministerial and limited to providing a means for registration and fee collection, maintaining the registry, and providing links to the websites specified in subsection (A).

Section 40‑24‑180. To the extent the provisions of this chapter conflict with other minimum competency standards for a sign language interpreter required for use by an entity of State government, the more rigorous standards must prevail.”

SECTION 2. Section 15‑27‑15 of the 1976 Code is amended to read:

“Section 15‑27‑15. (A)(1) ~~Whenever~~ When a deaf person is a party or witness in ~~any~~ a legal proceeding including, but not limited to, a civil or criminal proceeding, a family court proceeding, an action involving a traffic violation, or other criminal matter heard in magistrates court, or is confined to an institution, the court must appoint as many qualified sign language interpreters or deaf ~~relay~~ interpreters as needed ~~and are approved by the South Carolina Association of the Deaf~~. The interpreter must be approved by the deaf person and ~~either the South Carolina Association of the Deaf and the South Carolina Registry of Interpreters for the Deaf or the National Registry of Interpreters for the Deaf to~~ qualified in compliance with competency standards provided in the ‘Sign Language Interpreters Act’ before the person may interpret the proceedings to and the testimony of the deaf person, unless the deaf person waives having a qualified interpreter, elects to use another individual of his own selection as his interpreter, or the judge finds that it is not necessary for the fulfillment of justice. If a person elects to use an interpreter other than a qualified interpreter provided for in this section, the court must first make a determination that this action is in the best interest of the individual and is in the best interests of justice. The selection, use, and reimbursement of interpreters must be determined under such guidelines ~~as may be~~ established by the Chief Justice ~~of the Supreme Court~~. All fees for interpreting services must be paid out of the general fund of the State from funds appropriated to the Judicial Department for this purpose by the General Assembly.

~~(B)~~ ~~For purposes of this section:~~

~~(1)~~ ~~‘Qualified interpreter’ means a person eighteen years of age or older who has been certified by the South Carolina Association of the Deaf Interpreter Assessment Program (SCAD‑IAP Level IV or V) or the National Registry of Interpreters for the Deaf and who has received approval from the South Carolina Association of the Deaf and who is not a family member of the deaf person.~~

~~(2)~~ ~~‘Deaf person’ means a person who cannot use his hearing for communication purposes.~~

~~(C)~~(2) In an action where the mental condition of a deaf person is being considered and where the person may be committed to an institution, all the court proceedings pertaining to the person must be interpreted to the deaf person in a language that the person understands by a qualified interpreter appointed by the court.

(B) For the purposes of this section:

(1) ‘Deaf person’ means a person who cannot use his hearing to communicate; and

(2) ‘Sign Language Interpreters Act’ means Chapter 36, Title 1.”

SECTION 3. This act takes effect one year following upon approval by the Governor.

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