**South Carolina General Assembly**

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**H. 4040**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Allison, Clemmons, Mack, Jefferson, Williams, Crawford and Knight

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Companion/Similar bill(s): 548

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Currently residing in the House Committee on **Education and Public Works**

Summary: Sign Language Interpreters Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/22/2017 House Introduced and read first time ([House Journal‑page 79](file:///h:\hj\20170322.docx))

3/22/2017 House Referred to Committee on **Education and Public Works** ([House Journal‑page 79](file:///h:\hj\20170322.docx))

2/20/2018 House Member(s) request name added as sponsor: Clemmons

2/28/2018 House Member(s) request name added as sponsor: Mack

3/1/2018 House Member(s) request name added as sponsor: Jefferson, Williams

3/7/2018 House Member(s) request name added as sponsor: Crawford

3/20/2018 House Member(s) request name added as sponsor: Knight

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**VERSIONS OF THIS BILL**

[3/22/2017](file:///p:\pprever\2017-18\4040_20170322.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SIGN LANGUAGE INTERPRETERS ACT” BY ADDING CHAPTER 84 TO TITLE 40 SO AS 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, AND TO PROVIDE NECESSARY DEFINITIONS; AND 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, SO AS 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 84

Sign Language Interpreters

Section 40‑84‑110. This article must be known and may be cited as the ‘Sign Language Interpreters Act.’

Section 40‑84‑120. 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 40‑84‑130. 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) all public institutions of higher education;

(e) the Commission on Higher Education;

(f) police stations;

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

(h) any other board, commission, or council created by a 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 blended communication system 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 that 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, 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, as incorporated at the time of enactment, or its successor organization.

Section 40‑84‑140. The requirements of this chapter apply to all:

(1) agencies as defined by Section 40‑84‑130(1);

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

(3) public school districts and special schools of the State.

Section 40‑84‑150. Effective July 1, 2019, a person only may provide sign language interpreting services for an agency or hospital if he has:

(1) achieved nationally recognized certification; and

(2) registered annually 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 40‑84‑170.

Section 40‑84‑160. (A) Effective July 1, 2021, a person only may provide sign language interpreting services for a public school district or special school of the State if he has:

(1)(a) met the requirements under Section 40‑84‑150; or

(b) achieved an EIPA level of 3.5 or higher;

(2) successfully completed the EIPA written test;

(3) achieved twenty hours of professional development per year;

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

(5)(a) registered annually 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 40‑84‑170; or

(b) been issued a waiver by the Department of Education under Section 40‑84‑175.

(B)(1) A public school district or special school of the State only may employ or use a person to provide sign language interpreting services for the district if the person has satisfied the criteria of subsection (A).

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

(a) registered annually 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 40‑84‑170; and

(b) identified on that directory as having the required credentials by SCRID and SCAD.

Section 40‑84‑165. (A) Effective July 1, 2025, a person only may provide sign language interpreting services for a public school district or special school of the State if he has:

(1)(a) met the requirements of Section 40‑84‑150; or

(b) achieved an EIPA level of 4.0 or higher;

(2) successfully completed the EIPA written test;

(3) achieved twenty hours of professional development per year;

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

(5)(a) registered annually 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 40‑84‑170; or

(b) been issued a waiver by the Department of Education under Section 40‑84‑175.

(B) A public school district or special school of the State:

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

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

(a) registered annually 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 40‑84‑170; and

(b) identified on that directory as having the required credentials by SCRID and SCAD.

Section 40‑84‑170. (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 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 40‑84‑150 and Section 40‑84‑160. 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 which 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 40‑84‑175. (A) Effective July 1, 2021, if a person has not met the requirements in Section 40‑84‑150 or Section 40‑84‑165, he may apply for a one‑year waiver from the Department of Education to provide sign language interpreting services for a public school district or special school of the State if he has:

(1) achieved an EIPA level of 3.0 or higher;

(2) filed a professional development plan to meet the requirements within one year of the waiver application; and

(3) registered with the Department of Education as a waived interpreter.

(B) The Department of Education may only issue two waivers per interpreter.

Section 40‑84‑180. To the extent that the provisions of this chapter conflict with other minimum competency standards for a sign language interpreter required for use by an entity identified in Section 40‑84‑140, 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~~ be qualified in compliance with competency standards provided in Chapter 84, Title 40 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 84, Title 40.”

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

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