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AMENDED

April 6, 2021

**H. 3795**

Introduced by Rep. Allison

S. Printed 4/6/21--H.

Read the first time February 2, 2021.

**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 ARE DEAF OR HARD OF HEARING AND HAVE CERTAIN SPEECH IMPAIRMENTS, AND TO PROVIDE NECESSARY DEFINITIONS; BY ADDING SECTION 59‑33‑120 SO AS TO PROVIDE FOR THE PROMULGATION OF REGULATIONS FOR THE APPROPRIATE CREDENTIALING OF SIGN LANGUAGE INTERPRETERS IN PUBLIC AND SPECIAL SCHOOLS, AND TO REQUIRE INTERPRETERS FOR THE DEAF WORKING IN SCHOOLS AND SCHOOL DISTRICTS IN THIS STATE TO SUBMIT THE SAME BACKGROUND CHECKS AS EDUCATORS; TO AMEND SECTION 15‑27‑15, RELATING TO THE APPOINTMENT OF SIGN LANGUAGE INTERPRETERS BY THE JUDICIAL DEPARTMENT FOR PARTIES OR WITNESSES WHO ARE DEAF OR HARD OF HEARING, SO AS TO MAKE CONFORMING CHANGES AND TO PROVIDE NECESSARY DEFINITIONS; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JANUARY 1, 2022.

Amend Title To Conform

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

SECTION 1. This act must be known and may be cited as the “Sign Language Interpreters Act”.

SECTION 2. Title 40 of the 1976 Code is amended by adding:

“CHAPTER 84

Sign Language Interpreters

Section 40‑84‑110. 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; but

(i) excludes school districts, school boards, charter schools, and special schools.

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

(3) ‘Interpreting’ is the act of conveying meaning between people who use signed and spoken languages, conveying all essential elements of meaning and intent and where such process is offered in exchange for remuneration.

(4) ‘Recognized certification’ means a certification awarded to individuals who successfully complete an evaluation of interpreting skills for a deaf person at a professional level. The term includes, but is not limited to, a certification issued, recognized, or both, by the Registry of Interpreters for the Deaf.

(5) ‘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 neither based on nor derived from a spoken language.

(6) ‘South Carolina Association of the Deaf’ 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.

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

Section 40‑84‑120. The requirements of this chapter apply to all:

(1) agencies as defined by Section 40‑84‑110(1); and

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

Section 40‑84‑130. (A) A person only may provide interpreting services for an agency or hospital if he has:

(1) achieved recognized certification;

(2) registered annually with the Department of Labor, Licensing and Regulation and being listed in the online registry maintained by the department pursuant to Section 40‑84‑140; and

(3) paid a fee established by the department.

(B) A person not meeting the requirements of this section may provide sign language interpreting services, for a period not to exceed two years, if he meets the requirements of subsection (A) (2) and (3) and registers under the supervision of an interpreter that meets all the requirements of this section. A person registering with the Department of Labor, Licensing and Regulation under this subsection will be registered as a provisional interpreter.

Section 40‑84‑140. (A) For the convenience of state and local agencies, boards, commissions, or other governmental entities to which the provisions of this chapter apply, the 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 40‑84‑130. 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 for persons seeking to register as either an interpreter or a provisional interpreter. For provisional interpreters, the registry shall identify the name and certification of the supervising interpreter. The department may charge a registration fee to defray expenses associated with administering the requirements of this section.

(C) The department must verify that a person has achieved recognized certification and, for a provisional interpreter, must verify that the supervising interpreter has achieved recognized certification and will supervise the provisional interpreter in accordance with this chapter. The department shall investigate complaints of a person interpreting without a registration.

(D) Violations of this chapter may result in a civil penalty of no more than five hundred dollars for each violation, the revocation of the interpreter’s registration, or both. A fine charged pursuant to this chapter does not preempt or preclude additional appropriate civil or criminal penalties to include disgorgement and restitution.

Section 40‑84‑160. The provisions of this chapter do not apply to:

(1) nonresident persons who possess a recognized certification and provide interpreting services in this State no more than twenty days per calendar year; and

(2) emergencies involving potential loss of life that require interpreting services and an interpreter with a recognized certification is not readily available.

Section 40‑84‑170. 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 40‑84‑120, the more rigorous standards must prevail.”

SECTION 3. Article 1, Chapter 33, Title 59 of the 1976 Code is amended by adding:

“Section 59‑33‑120. In consultation with relevant stakeholders, including, but not limited to, the South Carolina Association of the Deaf and the South Carolina Registry of Interpreters for the Deaf, the State Board of Education shall develop and promulgate regulations for the appropriate credentialing of sign language interpreters in the public and special schools of this State. These regulations must include provisions for initial credentialing and continuing education requirements as appropriately aligned to the certification. Interpreters for the deaf working in schools and school districts in this State must be required to submit the same background checks as educators pursuant to Section 59‑25‑115.”

SECTION 4. Section 15‑27‑15 (A) and (B) of the 1976 Code is amended to read:

“Section 15‑27‑15. (A)~~Whenever~~ If 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, then 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~~ must 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, then 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.”

SECTION 5. This act takes effect on January 1, 2023.

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