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Summary: Sign Language Interpreters Act

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
3/14/2017	Senate	Introduced and read first time (Senate Journal-page 9)
3/14/2017	Senate	Referred to Committee on Labor, Commerce and Industry (Senate Journal-page 9)

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VERSIONS OF THIS BILL

[3/14/2017](#)

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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 84, 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, 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

1 disabled is essential and best promoted by ensuring a minimal level
2 of competency of sign language interpreters.

3

4 Section 40-84-130. For the purposes of this chapter:

5 (1) 'Agency' means:

6 (a) the departments of state government enumerated in
7 Section 1-30-10;

8 (b) the offices of all statewide constitutional officers;

9 (c) the Judicial Department;

10 (d) all public institutions of higher education;

11 (e) the Commission on Higher Education;

12 (f) police stations;

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

15 (h) any other board, commission, or council created by a
16 statute of this State.

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

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

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

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

32 (6) 'Pidgin Signed English' or 'PSE' means a blended
33 communication system of American Sign Language and English.

34 (7) 'RID' means Registry of Interpreters for the Deaf.

35 (8) 'Sign Language' or 'American Sign Language' or 'ASL'
36 means a visual-gestural language that incorporates facial
37 grammatical markers, physical affect markers, spatial linguistic
38 information, and fingerspelling, as well as signs made with the
39 hands. ASL is a distinct language with its own grammar and syntax
40 that is not based on, nor derived from, a spoken language.

41 (9) 'South Carolina Association of the Deaf, Inc.' or
42 'Association' or 'SCAD' means the state chapter of the National
43 Association of the Deaf acting as a consumer advocacy organization

1 serving the deaf and hard-of-hearing population of South Carolina,
2 as incorporated at the time of enactment, or any successor
3 organization of it.

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

9

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

- 11 (1) agencies as defined by Section 40-84-130(1);
- 12 (2) hospital systems regulated by the Department of Health and
13 Environmental Control under Title 44; and
- 14 (3) public school districts and special schools of the State.

15

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

- 19 (1) achieved nationally recognized certification; and
- 20 (2) registered annually with the South Carolina Department of
21 Labor, Licensing and Regulation as indicated by the presence of the
22 name of the person on an online directory maintained by the
23 department pursuant to Section 40-84-170.

24

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

- 28 (1)(a) met the requirements under Section 40-84-150; or
- 29 (b) achieved an EIPA level of 3.5 or higher;
- 30 (2) successfully completed the EIPA written test;
- 31 (3) achieved twenty hours of professional development per
32 year;
- 33 (4) provided a sworn statement to the Department of Labor,
34 Licensing and Regulation that he has read, understands, and agrees
35 to abide by the EIPA Code of Professional Conduct for Educational
36 Interpreters; and
- 37 (5)(a) registered annually with the South Carolina Department
38 of Labor, Licensing and Regulation as indicated by the presence of
39 the name of the person on an online directory maintained by the
40 department pursuant to Section 40-84-170; or
- 41 (b) been issued a waiver by the Department of Education
42 under Section 40-84-175.

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

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

8 (a) registered annually with the South Carolina Department
9 of Labor, Licensing and Regulation as indicated by the presence of
10 the name of the person on an online directory maintained by the
11 department pursuant to Section 40-84-170; and

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

14

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

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

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

20 (2) successfully completed the EIPA written test;

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

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

27 (5)(a) registered annually with the South Carolina Department
28 of Labor, Licensing and Regulation as indicated by the presence of
29 the name of the person on an online directory maintained by the
30 department pursuant to Section 40-84-170; or

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

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

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

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

39 (a) registered annually with the South Carolina Department
40 of Labor, Licensing and Regulation as indicated by the presence of
41 the name of the person on an online directory maintained by the
42 department pursuant to Section 40-84-170; and

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

3
4 Section 40-84-170. (A) For the convenience of state agencies,
5 boards, commissions, or other government entities to which the
6 provisions of this chapter apply, the South Carolina Department of
7 Labor, Licensing and Regulation shall develop and maintain on its
8 website a page known as the South Carolina Sign Language
9 Interpreters Registry and a database of all sign language interpreters
10 required to register with the department pursuant to Section
11 40-84-150 and Section 40-84-160. The page also must include links
12 to the South Carolina Association of the Deaf, the South Carolina
13 Registry of Interpreters of the Deaf, and the National Registry of
14 Interpreters of the Deaf.

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

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

27
28 Section 40-84-175. (A) Effective July 1, 2021, if a person has not
29 met the requirements in Section 40-84-150 or Section 40-84-165, he
30 may apply for a one-year waiver from the Department of Education
31 to provide sign language interpreting services for a public school
32 district or special school of the State if he has:

- 33 (1) achieved an EIPA level of 3.0 or higher;
34 (2) filed a professional development plan to meet the
35 requirements within one year of the waiver application; and
36 (3) registered with the Department of Education as a waived
37 interpreter.

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

40
41 Section 40-84-180. To the extent that the provisions of this
42 chapter conflict with other minimum competency standards for a

1 sign language interpreter required for use by an entity identified in
2 Section 40-84-140, the more rigorous standards must prevail.”

3
4 SECTION 2. Section 15-27-15 of the 1976 Code is amended to
5 read:

6
7 “Section 15-27-15. (A)(1) ~~Whenever~~ When a deaf person is a
8 party or witness in ~~any~~ a legal proceeding including, but not limited
9 to, a civil or criminal proceeding, a family court proceeding, an
10 action involving a traffic violation, or other criminal matter heard in
11 magistrates court, or is confined to an institution, the court must
12 appoint as many qualified sign language interpreters or deaf ~~relay~~
13 interpreters as needed ~~and are approved by the South Carolina~~
14 ~~Association of the Deaf~~. The interpreter must be approved by the
15 deaf person and ~~either the South Carolina Association of the Deaf~~
16 ~~and the South Carolina Registry of Interpreters for the Deaf or the~~
17 ~~National Registry of Interpreters for the Deaf to be qualified in~~
18 compliance with competency standards provided in Chapter 84,
19 Title 40 before the person may interpret the proceedings to and the
20 testimony of the deaf person, unless the deaf person waives having
21 a qualified interpreter, elects to use another individual of his own
22 selection as his interpreter, or the judge finds that it is not necessary
23 for the fulfillment of justice. If a person elects to use an interpreter
24 other than a qualified interpreter provided for in this section, the
25 court must first make a determination that this action is in the best
26 interest of the individual and is in the best interests of justice. The
27 selection, use, and reimbursement of interpreters must be
28 determined under such guidelines as may be established by the
29 ~~Chief Justice of the Supreme Court~~. All fees for interpreting services
30 must be paid out of the general fund of the State from funds
31 appropriated to the Judicial Department for this purpose by the
32 General Assembly.

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

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

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

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

6 (B) For the purposes of this section:

7 (1) 'Deaf person' means a person who cannot use his hearing
8 to communicate; and

9 (2) 'Sign Language Interpreters Act' means Chapter 84, Title
10 40."

11
12 SECTION 3. This act takes effect upon approval by the Governor.

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