

- 1 handshapes in four locations in combination with natural mouth
2 movements to allow sounds of spoken language to appear differently.
3 (4) Educational interpreter or transliterator. – A person who provides
4 accessible communication for individuals in prekindergarten through
5 grade 12 using the language model most understandable to the
6 individuals.
7 (5) Hearing consumer. – A person or agency that requires the services of
8 an interpreter or transliterator to effectively communicate and
9 comprehend signed discourse.
10 (6) Interpreter. – A person who practices the act of interpreting as defined
11 in this section.
12 (7) Interpreting. – The process of providing accessible communication,
13 orally or manually, involving receiving a message in one language and
14 delivering the message in another language.
15 (8) License. – A certificate that evidences approval by the Board that a
16 person has successfully completed the requirements set forth in G.S.
17 90D-7 entitling the person to perform the functions and duties of an
18 interpreter or transliterator.
19 (9) Provisional license. – A certificate issued by the Board pursuant to
20 G.S. 90D-8 enabling a person to perform the functions and duties of an
21 interpreter or transliterator until the person has successfully completed
22 all of the requirements set forth in G.S. 90D-7.
23 (10) Transliterating. – The process of providing accessible communication
24 by use of two different modes of the same language involving
25 receiving a message in one language and delivering the language into a
26 manual form of the same language.
27 (11) Transliterator. – A person who practices the act of transliterating as
28 defined in this section.

29 **§ 90D-4. License required; exemptions.**

30 (a) No person shall practice or offer to practice as an interpreter or transliterator,
31 represent himself or herself as an interpreter or transliterator, or use the title 'Interpreter
32 for the Deaf', 'Transliterator for the Deaf', or any other title or abbreviation to indicate
33 that the person is an interpreter or transliterator unless that person is currently licensed
34 as provided by this Chapter.

35 (b) The provisions of this Chapter do not apply to:

- 36 (1) Persons providing interpreting or transliterating services in religious
37 proceedings.
38 (2) Persons providing interpreting or transliterating services in mentoring
39 or training programs.
40 (3) An intern under the supervision of a person licensed under this Chapter
41 to provide interpreting or transliterating services.
42 (4) Persons providing interpreting or transliterating services in an
43 emergency situation until a licensed interpreter or transliterator can be
44 obtained.

1 **"§ 90D-5. Creation of the Board.**

2 (a) The North Carolina Interpreter and Transliterators Licensing Board is created.

3 (b) Composition and Terms. – The Board shall consist of seven members who
4 shall serve staggered terms. The Governor shall appoint the members of the Board.

5 The initial Board members shall be selected on or before August 1, 2001, as follows:

6 (1) A member of the North Carolina Association of the Deaf (NCAD) who
7 is deaf and familiar with the interpreting process. This member shall
8 serve for a term of two years.

9 (2) An interpreter who is a member of the North Carolina Registry of
10 Interpreters for the Deaf, Inc. (NCRID) with five years experience in a
11 community setting and who is licensed to practice as an interpreter or
12 transliterators pursuant to the provisions of this Chapter. This member
13 shall serve for a term of three years.

14 (3) An interpreter who is a member of the North Carolina Registry of
15 Interpreters for the Deaf, Inc. (NCRID) with five years experience in
16 an educational setting in grades K-12 and who is licensed to practice
17 as an interpreter or transliterators pursuant to the provisions of this
18 Chapter. This member shall serve for a term of two years.

19 (4) An interpreter or transliterators for deaf-blind individuals who is
20 licensed to practice as an interpreter or transliterators pursuant to the
21 provisions of this Chapter or a deaf-blind individual with knowledge
22 of the interpreting process. This member shall serve for a term of three
23 years.

24 (5) A cued speech or oral transliterators licensed to practice as an
25 interpreter or transliterators pursuant to the provisions of this Chapter.
26 This member shall serve for a term of two years.

27 (6) A hearing consumer or person who is hard of hearing and a member of
28 Self Help for Hard of Hearing (SHHH) with knowledge of the
29 interpreting process and deafness. This member shall serve for a term
30 of three years.

31 (7) A faculty member of an Interpreter Training Program (ITP) or
32 Interpreter Preparation Program (IPP) or an instructor of the American
33 Sign Language Teachers Association (ASLTA). This member shall
34 serve for a term of two years.

35 Upon the expiration of the terms of the initial Board members, each member shall be
36 appointed for a term of three years and shall serve until a successor is appointed and
37 qualified. No member may serve more than two consecutive full terms.

38 (c) Qualifications. – All members of the Board required to be licensed under the
39 provisions of this Chapter shall reside or be employed in North Carolina and shall
40 remain in active practice and in good standing with the Board as a licensee during their
41 terms.

42 (d) Vacancies. – A vacancy shall be filled in the same manner as the original
43 appointment. Appointees to fill vacancies shall serve the remainder of the unexpired
44 term and until their successors have been duly appointed and qualified.

1 (e) Removal. – The Board may remove any of its members for neglect of duty,
2 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings
3 as a licensee shall be disqualified from participating in the official business of the Board
4 until the charges have been resolved.

5 (f) Compensation. – Each member of the Board shall receive per diem and
6 reimbursement for travel and subsistence as provided in G.S. 93B-5.

7 (g) Officers. – The officers of the Board shall be a chair, a vice-chair, and other
8 officers deemed necessary by the Board to carry out the purposes of this Chapter. All
9 officers shall be elected by the Board for two-year terms and shall serve until their
10 successors are elected and qualified.

11 (h) Meetings. – The Board shall hold at least two meetings each year to conduct
12 business. The Board shall establish procedures governing the calling, holding, and
13 conducting of regular and special meetings. A majority of the Board shall constitute a
14 quorum.

15 **"§ 90D-6. Powers of the Board.**

16 The Board shall have the power and duty to:

- 17 (1) Administer this Chapter.
- 18 (2) Adopt, amend, or repeal rules necessary to carry out the provisions of
19 this Chapter.
- 20 (3) Employ and fix the compensation of personnel that the Board
21 determines is necessary to carry into effect the provisions of this
22 Chapter and to incur other expenses necessary to effectuate this
23 Chapter.
- 24 (4) Examine and determine the qualifications and fitness of applicants for
25 licensure, renewal of licensure, and reciprocal licensure.
- 26 (5) Issue, renew, deny, suspend, or revoke licenses and carry out any
27 disciplinary actions authorized by this Chapter.
- 28 (6) Set fees for licensure, licensure renewal, and other services deemed
29 necessary to carry out the purposes of this Chapter.
- 30 (7) Conduct investigations for the purpose of determining whether
31 violations of this Chapter or grounds for disciplining licensees exist.
- 32 (8) Maintain a record of all proceedings and make available to licensees
33 and other concerned parties an annual report of all Board action.
- 34 (9) Maintain a list of the names and addresses of all persons licensed by
35 the Board.
- 36 (10) Adopt a seal containing the name of the Board for use on all licenses
37 and official reports issued by the Board.

38 **"§ 90D-7. Requirements for licensure.**

39 (a) Upon application to the Board and the payment of the required fees, an
40 applicant may be licensed as an interpreter or transliterator if the applicant meets all of
41 the following qualifications:

- 42 (1) Is 18 years of age or older.
- 43 (2) Is of good moral character as determined by the Board.
- 44 (3) Meets one of the following criteria:

- 1 a. Is nationally certified by the National Association of the Deaf
2 (NAD).
- 3 b. Is nationally certified by the Registry of Interpreters for the
4 Deaf, Inc. (RID).
- 5 c. Has a national certification recognized by the National Cued
6 Speech Association (NCSA).

7 (b) An applicant may be licensed as a legal interpreter or transliterator if, in
8 addition to meeting the requirements of subdivisions (a)(1) and (a)(2) of this section, the
9 applicant has successfully completed the Registry of Interpreters for the Deaf, Inc.
10 (RID), Skill Certification: Legal (SC: L) requirements.

11 **"§ 90D-8. Provisional license.**

12 (a) Upon application to the Board and the payment of the required fees, an
13 applicant may be issued a provisional license as a community interpreter or
14 transliterator if the applicant meets all of the following qualifications:

- 15 (1) Is at least 18 years of age.
- 16 (2) Is of good moral character as determined by the Board.
- 17 (3) Satisfies one of the following:
 - 18 a. Has a quality assurance North Carolina Interpreter
19 Classification System (NCICS) level A or B classification or
20 holds an interpreter classification from any other state that is
21 substantially equivalent to the classification levels offered in
22 this State.
 - 23 b. Holds a valid National Association of the Deaf (NAD) level 3
24 or 4 certification.

25 (b) Upon application to the Board and the payment of the required fees, an
26 applicant may be issued a provisional license as an educational interpreter or
27 transliterator if, in addition to meeting the requirements of subdivisions (a)(1) and (a)(2)
28 of this section, the applicant satisfies one of the following criteria:

- 29 (1) Has a current Educational Interpreter Performance Assessment (EIPA)
30 evaluation, level 3 or higher.
- 31 (2) Has a quality assurance North Carolina Interpreter Classification
32 System (NCICS) level A or B classification or holds an interpreter
33 classification from any other state that is substantially equivalent to the
34 classification levels offered in this State.
- 35 (3) Holds a valid National Association of the Deaf (NAD) level 3 or 4
36 certification.
- 37 (4) Holds a valid cued speech certification.

38 (c) Upon application to the Board and the payment of the required fees, an
39 applicant may be issued a provisional license as a legal interpreter or transliterator if the
40 applicant meets the requirements of subdivision (a)(2) of this section and satisfies two
41 of the following criteria:

- 42 (1) Has successfully passed the Registry of Interpreters for the Deaf, Inc.
43 (RID), Skill Certification: Legal (SC: L) written examination.
- 44 (2) Holds any national certification as described under this section.

1 (3) Has successfully completed 150 hours of work experience or training
2 in a legal setting.

3 (d) A provisional license issued pursuant to this section shall be valid for one
4 year. Upon expiration, a provisional license may be renewed for an additional one-year
5 period in the discretion of the Board. However, a provisional license shall not be
6 renewed more than four times. The Board may, in its discretion, grant an extension after
7 the fourth time the provisional license has been renewed under circumstances to be
8 established in rules adopted by the Board.

9 **"§ 90D-9. Reciprocity; licensure of nonresident.**

10 (a) The Board may issue a license to a qualified applicant who resides in this
11 State and holds an interpreter or transliterator license in another state if that state has
12 standards of competency that are substantially equivalent to those provided in this
13 Chapter.

14 (b) The Board may issue a license to a nonresident if the person meets the
15 requirements of this Chapter or the person resides in a state that recognizes licenses
16 issued by the Board.

17 **"§ 90D-10. Expenses and fees.**

18 (a) All salaries, compensation, and expenses incurred or allowed for the purposes
19 of this Chapter shall be paid by the Board exclusively out of the fees received by the
20 Board as authorized by this Chapter or from funds received from other sources. In no
21 case shall any salary, expense, or other obligations of the Board be charged against the
22 General Fund.

23 (b) The Board may impose the following fees not to exceed the amounts listed
24 below:

25 (1)	<u>License fee</u>	<u>\$225.00</u>
26 (2)	<u>Provisional license</u>	<u>\$225.00</u>
27 (3)	<u>License renewal</u>	<u>\$225.00</u>
28 (4)	<u>Provisional license renewal</u>	<u>\$225.00</u>
29 (5)	<u>Duplicate license</u>	<u>\$10.00.</u>

30 **"§ 90D-11. License renewal.**

31 Each license issued under this Chapter shall be renewed on or before October 1 of
32 each year. All applications for renewal shall be filed with the Board and shall be
33 accompanied by the renewal fee as required by G.S. 90D-10 and proof of current
34 certification from the Registry of Interpreters for the Deaf, Inc. (RID), the National
35 Association of the Deaf (NAD), or the National Cued Speech Association (NCSA).
36 Licenses that are not renewed shall automatically lapse, and the licensee shall be
37 required to reapply for licensure in accordance with rules adopted by the Board.

38 **"§ 90D-12. Disciplinary action.**

39 The Board may deny, suspend, revoke, or refuse to license an interpreter or
40 transliterator or applicant for any of the following:

- 41 (1) Giving false information to or withholding information from the Board
42 in procuring or attempting to procure a license.
43 (2) Having been convicted of or pled guilty or no contest to a crime that
44 indicates the person is unfit or incompetent to perform interpreter or

1 transliterator services or that indicates the person has deceived or
2 defrauded the public.

3 (3) Having been disciplined by the Registry of Interpreters for the Deaf,
4 Inc. (RID).

5 (4) Demonstrating gross negligence, incompetency, or misconduct in
6 performing interpreter or transliterator services.

7 (5) Failing to pay child support after having been ordered to do so by a
8 court of competent jurisdiction.

9 (6) Willfully violating any provisions of this Chapter or rules adopted by
10 the Board.

11 **"§ 90D-13. Penalties.**

12 A person who does not have a license issued under this Chapter who either claims to
13 be an interpreter or transliterator, engages in practice as an interpreter or transliterator,
14 or uses any title or abbreviation that would indicate the person is an interpreter or
15 transliterator in violation of this Chapter is guilty of a Class 1 misdemeanor. Each act of
16 unlawful practice constitutes a distinct and separate offense.

17 **"§ 90D-14. Injunctive relief.**

18 If the Board finds that a person who does not have a license issued under this
19 Chapter claims to be an interpreter or transliterator or is engaging in practice as an
20 interpreter or transliterator in violation of this Chapter, the Board may apply in its own
21 name to the superior court for a temporary restraining order or other injunctive relief to
22 prevent the person from continuing illegal practices. The action may be brought in the
23 county where the illegal or unlawful acts are alleged to have been committed, in the
24 county where the defendant resides, or in the county where the Board maintains its
25 offices and records. The court may grant injunctions regardless of whether criminal
26 prosecution or other action has been or may be instituted as a result of a violation."

27 **SECTION 2.(a)** All persons currently practicing interpreter or transliterator
28 services on the effective date of this act shall register with the Board by submitting
29 proof to the Board that he or she has been actively engaged as an interpreter or
30 transliterator in this State on a regular basis prior to the effective date of this act and
31 shall pay a fee of fifty dollars (\$50.00) for the registration. Any person who does not
32 register with the Board within two years of the effective date of this act shall be required
33 to complete all requirements prescribed by the Board and to otherwise comply with the
34 provisions of Chapter 90D, enacted by Section 1 of this act.

35 **SECTION 2.(b)** On or after July 1, 2008, any person who desires to be
36 licensed as an interpreter or transliterator under Chapter 90D of the General Statutes
37 shall satisfy the requirements of G.S. 90D-7(a) and hold a four-year degree from an
38 accredited institution.

39 **SECTION 2.(c)** On or after July 1, 2008, any person who desires to be
40 licensed on a provisional basis as a community interpreter or transliterator or an
41 educational interpreter or transliterator under Chapter 90D of the General Statutes shall
42 satisfy the requirements of G.S. 90D-8(a) or G.S. 90D-8(b) and be a graduate of a
43 two-year interpreter training program or any accredited four-year degree institution.

44 **SECTION 3.** This act is effective when it becomes law.