

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH10274-LU-93 (3/22)

Short Title: Amend Interpreter/Transliterators License Act. (Public)

Sponsors: Representative Alexander.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND CERTAIN LAWS UNDER THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSURE ACT, TO EXPAND THE GROUP OF PERSONS WHO MAY OBTAIN A PROVISIONAL LICENSE UNDER THE ACT, AND TO AUTHORIZE THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSING BOARD TO ASSESS CIVIL PENALTIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90D-4(b) is amended by adding the following new subdivision to read:

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

...

(6) Nonresident persons who are nationally certified providing interpreting or transliterating services in this State no more than 20 days per year in accordance with rules adopted by the Board."

SECTION 2. G.S. 90D-8 reads as rewritten:

"§ 90D-8. Provisional license.

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

- (1) Is at least 18 years of age.
- (2) Is of good moral character as determined by the Board.
- (3) Completes two continuing education units approved by the Board. These units must be completed for each renewable year.
- (4) Satisfies one of the following:
 - a. Holds a quality assurance North Carolina Interpreter Classification System (NCICS) level C classification.

- 1 b. Holds a valid National Association of the Deaf (NAD) level 2
2 or 3 certification.
- 3 c. Holds a current Educational Interpreter Performance
4 Assessment (EIPA) level 3 or above classification.
- 5 ~~d. Holds the following certificates for cued language~~
6 ~~transliterating coursework: Educational Interpreting Defined,~~
7 ~~Cued Language Transliterating (CLT) Skill Development I, II,~~
8 ~~and III, and Ethical Decision Making I.~~
- 9 d. Holds at least a two-year interpreting degree from a regionally
10 accredited institution.

11 (a1) Upon application to the Board, payment of the required fees, and meeting the
12 requirements for a provisional license under subdivisions (1) and (2) of subsection (a) of
13 this section, the Board may also issue a provisional license to any of the following
14 categories of persons seeking a provisional license:

- 15 (1) A certified deaf interpreter (CDI) who completes 30 hours of training,
16 including 'Role and Function', 'Code of Ethics', and interpreting
17 professional studies coursework.
- 18 (2) An oral interpreter who completes a total of 40 hours of training in
19 interpreting coursework or workshops related to oral interpreting.
- 20 (3) A person providing cued speech interpreting or transliterating services
21 who completes a total of 40 hours of training in interpreting
22 coursework or workshops related to cued speech.
- 23 (4) A person providing interpreting or transliterating services who has a
24 recognized credential from another state in the field of interpreting or
25 transliterating.
- 26 (5) An interpreter or transliterator who has accumulated 200 hours per
27 year in the provision of interpreting or transliterating services, in this
28 State or another state, totaling 400 hours for the two years immediately
29 preceding the date of application.

30 (b) A provisional license issued under this section shall be valid for one year.
31 Upon expiration, a provisional license may be renewed for an additional one-year
32 period in the discretion of the Board. However, a provisional license shall not be
33 renewed more than three times. The Board may, in its discretion, grant an extension
34 after the third time the provisional license has been renewed under circumstances to be
35 established in rules adopted by the Board.

36 (c) Effective July 1, 2008, any person who applies for initial licensure on a
37 provisional basis as an interpreter or transliterator shall hold at least a two-year degree
38 from a regionally accredited institution."

39 **SECTION 3.** G.S. 90D-6 is amended by adding the following new
40 subdivision to read:

41 "**§ 90D-6. Powers of the Board.**

42 The Board shall have the power and duty to:

43 ...

1 (12) Conduct administrative hearings in accordance with Article 3A of
2 Chapter 150B of the General Statutes."

3 **SECTION 4.** Chapter 90D of the General Statutes is amended by adding the
4 following new section to read:

5 **"§ 90D-14. Civil penalties.**

6 (a) Authority to Assess Civil Penalties. – The Board may assess a civil penalty
7 not to exceed one thousand dollars (\$1,000) for the violation of any section of this
8 Chapter or any rules adopted by the Board. The clear proceeds of any civil penalty
9 assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in
10 accordance with G.S. 115C-457.2.

11 (b) Consideration Factors. – Before imposing and assessing a civil penalty, the
12 Board shall consider the following factors:

13 (1) The nature, gravity, and persistence of the particular violation.

14 (2) The appropriateness of the imposition of a civil penalty when
15 considered alone or in combination with other punishment.

16 (3) Whether the violation was willful and malicious.

17 (4) Any other factors that would tend to mitigate or aggravate the
18 violations found to exist.

19 (c) Schedule of Civil Penalties. – The Board shall establish a schedule of civil
20 penalties for violations of this Chapter or rules adopted by the Board.

21 (d) Costs. – The Board may assess the costs of disciplinary actions against a
22 person found to be in violation of this Chapter or rules adopted by the Board."

23 **SECTION 5.** This act is effective when it becomes law.