CHAPTER 22

AMERICAN SIGN LANGUAGE INTERPRETERS

§1521. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1997, c. 749, §3 (NEW).]

1. Commissioner. [PL 2019, c. 284, §3 (RP).]

1-A. Deaf interpreter. "Deaf interpreter" means a person whose sense of hearing is nonfunctional for the purpose of communication, whose primary means of communication is visual or tactile and who provides intermediary interpreting. [PL 1999, c. 399, §3 (NEW); PL 1999, c. 399, §20 (AFF).]

1-B. Accredited. "Accredited" means an educational institution that is approved by the United States Department of Education or a regional or national accrediting agency recognized by the United States Department of Education. [PL 2019, c. 284, §4 (NEW).]

1-C. American Sign Language proficiency interview. "American Sign Language proficiency interview" means a holistic language evaluation that is used to determine global American Sign Language proficiency and that is administered by an educational testing service organization and evaluated by an American Sign Language evaluation service organization recognized by the director. [PL 2019, c. 284, §4 (NEW).]

1-D. Conditional license. "Conditional license" means a license granted to an applicant who has completed the educational requirements under section 1524-C, passed a national interpreter certification knowledge exam and passed an American Sign Language proficiency interview but who is not certified with the Registry of Interpreters for the Deaf, Inc. or a comparable or successor organization recognized by the director. [PL 2019, c. 284, §4 (NEW).]

2. Deaf person. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of communication and whose primary means of communication is visual or tactile. [PL 1999, c. 399, §4 (AMD); PL 1999, c. 399, §20 (AFF).]

3. Department. "Department" means the Department of Professional and Financial Regulation. [PL 1997, c. 749, §3 (NEW).]

3-A. Director. "Director" means the Director of the Office of Professional and Occupational Regulation within the department. [PL 2019, c. 284, §5 (NEW).]

4. Hard-of-hearing person. "Hard-of-hearing person" means a person who has a functional hearing deficit, who may or may not primarily use visual communication and who may or may not use assistive devices. [PL 1997, c. 749, §3 (NEW).]

5. Interpreting. "Interpreting" means the process when a linguistic intermediary between a deaf or hard-of-hearing person and another person translates the spoken utterances or signs, gestures or writing of either person into a linguistic form other than that which that person uses as a primary and preferred form of communication. For the purposes of this chapter, "interpreting" or "transliterating" does not mean communication using cued speech.
6. **Interpreter.** "Interpreter" means a person who provides any of the following services:
   A. [PL 2019, c. 284, §6 (RP).]
   B. American Sign Language-based interpreting, which is the process of conveying information between American Sign Language and English; or [PL 1997, c. 749, §3 (NEW).]
   C. Intermediary interpreting, which means interpreting services rendered by a deaf interpreter to facilitate communication between another deaf person and another licensed interpreter or between 2 or more deaf persons. [PL 1999, c. 399, §6 (AMD); PL 1999, c. 399, §20 (AFF).]

7. **National interpreter certification knowledge exam.** "National interpreter certification knowledge exam" means an entry-level exam administered by the Registry of Interpreters for the Deaf, Inc., or a comparable or successor organization recognized by the director, that tests for knowledge appropriate to an interpreter holding national certification and covers the Registry of Interpreters for the Deaf, Inc. Code of Professional Conduct, interpreting issues and theory, culture and American Sign Language linguistics.
   [PL 2019, c. 284, §7 (NEW).]

## §1522. Director; powers and duties

The director has the following powers and duties in addition to other powers and duties set forth in this chapter. [PL 2019, c. 284, §8 (AMD).]

1. **Rules.** The director shall establish guidelines and adopt rules necessary for the proper administration and enforcement of this chapter. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
   [PL 2019, c. 284, §8 (AMD).]

2. **Licensure.**
   [PL 2019, c. 284, §8 (RP).]

3. **Employees.**

4. **Advisory council.** The director, as necessary, may select members of the interpreting profession and other interested parties to serve on an advisory council to advise and consult with the director concerning the regulation of interpreters for the deaf and hard-of-hearing. Service on the council is not in itself a conflict of interest regardless of the occupations or associations of the members.
   [PL 2019, c. 284, §8 (AMD).]

## §1523. Privileged communication

Individuals licensed under this chapter are included under the evidentiary communications privilege outlined in Title 5, section 48-A, subsection 5. [PL 2003, c. 685, §3 (AMD).]

### SECTION HISTORY

§1524. Requirements for licensure; limited interpreter and limited transliterator (REPEALED)

SECTION HISTORY


§1524-A. Requirements for licensure; limited deaf interpreter (REPEALED)

SECTION HISTORY


§1524-B. Requirements for licensure; certified interpreter and certified deaf interpreter

To be eligible for licensure as a certified interpreter or certified deaf interpreter under this chapter, an applicant must be at least 18 years of age and must provide the following: [PL 2019, c. 284, §11 (AMD).]

1. High school diploma.
[PL 2019, c. 284, §11 (RP).]

2. Sworn statement.
[PL 2009, c. 112, Pt. A, §7 (RP).]

3. Proof of certification. Documented proof of valid certification by the Registry of Interpreters for the Deaf, Inc. or comparable certification by a comparable or successor organization recognized by the director that is current at the time of application.
[PL 2019, c. 284, §11 (AMD).]

SECTION HISTORY


§1524-C. Requirements for licensure; conditional interpreter and conditional deaf interpreter

No more than one conditional license may be issued to a person who has completed the education requirements of this chapter. A conditional license may be held no more than 4 years, except that a 5th year may be granted by the director upon demonstration of extreme hardship. [PL 2019, c. 284, §12 (NEW).]

To be eligible for licensure as a conditional interpreter or conditional deaf interpreter under this chapter, an applicant must be at least 18 years of age and must provide the following: [PL 2019, c. 284, §12 (NEW).]

1. Proof of proficiency in American Sign Language. Documented proof of a score of 3.5 or higher on an American Sign Language proficiency interview; and
[PL 2019, c. 284, §12 (NEW).]

2. Proof of education and training in the interpreting process. Documented proof of the following:
A. An associate degree or higher in American Sign Language, American Sign Language interpreting or deaf studies from an accredited college or university; [PL 2019, c. 284, §12 (NEW)].

B. For persons holding a limited license that is current on the effective date of this section, an alternative pathway approved by the Registry of Interpreters for the Deaf, Inc. or a comparable or successor organization recognized by the director; [PL 2019, c. 284, §12 (NEW)].

C. A passing score on a national interpreter certification knowledge exam; or [PL 2019, c. 284, §12 (NEW)].

D. A passing score on a certified deaf interpreter knowledge exam administered by an organization that assesses language interpretation recognized by the director. [PL 2019, c. 284, §12 (NEW)].

§1525. License required

A person may not provide interpreting services as defined in this chapter for compensation or remuneration unless properly licensed in accordance with this chapter. This section also applies to a person providing video-based interpreting services in which one or more participants are physically located in the State and the person providing the services does not meet the exemptions as set out under section 1525-A. [PL 2019, c. 284, §13 (AMD)].

§1525-A. Exemptions to licensure

1. Nonresident interpreters. This chapter does not apply to certified interpreters who are residents of a jurisdiction other than this State and who do not interpret for compensation or remuneration in the State for more than 60 hours per year. Service during declared state or national emergencies does not count toward the 60 hours per year limitation. [PL 2019, c. 284, §14 (AMD)].

2. Medical emergencies. This chapter does not apply to a person providing communication assistance during a medical emergency. For purposes of this subsection, "medical emergency" is when a person's medical condition could be significantly compromised by delaying assessment and treatment. [PL 1999, c. 399, §13 (NEW); PL 1999, c. 399, §20 (AFF)].

§1526. Temporary registration

(Repealed)

SECTION HISTORY


§1527. Fees

The director may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that a fee for any one purpose may not exceed $325 and an applicant who is deaf must pay an initial license fee of $100. Rules adopted
pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2019, c. 284, §15 (AMD).]

SECTION HISTORY

§1528. Renewal

All licenses must be renewed annually on or before June 30th of each year or at such other time as the director may designate. A license not renewed by June 30th automatically expires. A license may be renewed up to 90 days after the license expiration date upon payment of a late fee in addition to the renewal fee as set under section 1527. A person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter. [PL 2019, c. 284, §16 (AMD).]

SECTION HISTORY

§1528-A. Continuing education

Renewal of a license under this chapter is contingent upon evidence of participation in continuing education as determined by the director. A licensee shall certify at time of renewal compliance with the continuing education requirements under this section. [PL 2019, c. 284, §17 (NEW).]

1. Limited interpreters. A holder of a limited interpreter license under former section 1524 or limited deaf interpreter license under former section 1524-A must complete at least 20 hours annually of continuing education in American Sign Language or the interpreting process. [RR 2019, c. 1, Pt. A, §43 (COR).]

2. Certified interpreters. A certified interpreter or certified deaf interpreter is required to maintain continued certification with the Registry of Interpreters for the Deaf, Inc. or a comparable or successor organization recognized by the director. [PL 2019, c. 284, §17 (AMD).]

3. Conditional interpreters. A conditional interpreter or conditional deaf interpreter must complete at least 20 hours annually of continuing education in American Sign Language or the interpreting process. [PL 2019, c. 284, §17 (NEW).]

SECTION HISTORY

§1529. Violations

A person who violates section 1525 is subject to the provisions of Title 10, section 8003-C. [PL 2007, c. 402, Pt. K, §8 (AMD).]

SECTION HISTORY

§1530. Denial or refusal to renew license; disciplinary action
In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the department may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A upon a medical finding of mental incompetency. [PL 2007, c. 402, Pt. K, §9 (RPR).]


SECTION HISTORY

§1531. Disclosure (REPEALED)

SECTION HISTORY

§1532. Conversion of registrants to limited licensees (REPEALED)

SECTION HISTORY

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