

No. 2006-92

AN ACT

HB 2802

Amending the act of July 2, 2004 (P.L.492, No.57), entitled "An act providing for State registration of individuals providing sign language interpreting and transliterating services to individuals who are deaf or hard of hearing; and imposing duties on the Office for the Deaf and Hard of Hearing in the Department of Labor and Industry," further providing for definitions and for State registration requirements.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 2 and 4 of the act of July 2, 2004 (P.L.492, No.57), known as the Sign Language Interpreter and Transliterator State Registration Act, are amended to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Applicant." An individual who applies for State registration in accordance with section 5.

"Department." The Department of Labor and Industry of the Commonwealth.

["EIPA." The Educational Interpreter Performance Assessment Examination administered by the Department of Education or its agent.]

"Interpreting." The process of conveying English in grammatically correct American Sign Language and the process of conveying American Sign Language in English.

"Office." The Office for the Deaf and Hard of Hearing within the Department of Labor and Industry.

"Qualified sign language interpreter." An individual registered under this act who engages in sign language interpretation.

"Qualified transliterator." An individual registered under this act who engages in transliteration.

"Registrant." An individual registered under this act as either a qualified sign language interpreter or a qualified transliterator.

"Sign language interpreter." An individual who provides individuals who are deaf and hard of hearing with interpreting or transliterating services.

"Transliterating." The process of conveying a spoken message from a person who hears to a person who is deaf or hard of hearing and the ability to repeat the message and intent of the speech, mouth movements or English-based signed system of the person who is deaf or hard of hearing.

Section 4. State registration required.

(a) General rule.—Except as provided in subsection (b), no individual may provide or offer to provide sign language interpreting or transliterating services, or hold himself as a qualified sign language interpreter or qualified transliterator or, use a similar title or designation, without being State-registered by the office in accordance with this act.

(b) Exceptions.—The following individuals are exempt from the State registration requirements of subsection (a):

(1) An individual engaged in interpreting or transliterating at a worship service conducted by a religious entity and services for educational purposes for a religious entity or religiously affiliated school.

(2) An individual engaged in sign language interpreting or transliterating during an emergency, when a delay in obtaining a State-registered interpreter or State-registered transliterator might lead to injury or loss to the individual requiring the services.

(3) An individual engaged in interpreting or transliterating as part of a supervised internship or practicum at an accredited college or university or the registry of interpreters for the deaf or the National Association of the Deaf, provided it is not in a legal, medical or mental health setting.

(4) An individual who is certified by the National Association of the Deaf or the Registry of Interpreters for the Deaf from outside the Commonwealth who provides interpreting or transliterating services in the Commonwealth for a period not exceeding 14 days each calendar year.

(5) An individual engaged in interpreting or transliterating at the request of an individual who is deaf or hard of hearing if the individual informs the client that the individual is not registered under this act.

(6) An individual who engages in interpreting or transliterating strictly as a volunteer.

[(7) An individual who engages in interpreting or transliterating for a school-related activity in accordance with all of the following:

(i) The individual is employed in a public or private elementary or secondary school or institution chartered by the Commonwealth.

(ii) The individual received a rating equal to or exceeding 70% on the EIPA. A school district shall determine the EIPA by grade level of the child or class to which the interpreter is assigned and the sign system being used by the class or school.]

(7) An individual employed in a public or private elementary or secondary school or institution chartered by the Commonwealth who engages in interpreting or transliterating for the instruction of students or other school-related activity. Individuals exempt pursuant to this subsection shall comply with regulations promulgated by the State Board of Education establishing criteria for persons providing sign language interpreting and transliterating services to students.

(8) An individual engaged in interpreting or transliterating in a physician's office, provided that a patient is informed that the individual is not registered under this act and that the patient has the right to request or provide a State-registered interpreter.

(c) Unlawful practice.—An individual who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine not to exceed \$300 or to imprisonment for not more than 90 days, or both, for a first violation. An individual who is convicted of a subsequent violation of this section commits a misdemeanor of the third degree and shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 or to serve a term of imprisonment for not more than 90 days, or both.

Section 2. If this act takes effect after July 1, 2006, the amendment of section 4 of the act shall apply retroactively to July 1, 2006.

Section 3. This act shall take effect immediately.

APPROVED—The 7th day of July, A.D. 2006.

EDWARD G. RENDELL