

HOUSE BILL NO. 126

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE COGHILL

Introduced: 3/5/99

Referred: Labor and Commerce, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sign language interpreters; establishing the Alaska State Board
2 of American Sign Language Interpreters; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** INTENT. AS 08.19.900, enacted by sec. 2 of this Act, is intended to create
5 a strict liability offense.

6 * **Sec. 2.** AS 08 is amended by adding a new chapter to read:

7 **Chapter 19. American Sign Language Interpreters.**

8 **Article 1. Alaska State Board of American Sign Language Interpreters.**

9 **Sec. 08.19.010. Creation and membership of board.** (a) There is created
10 the Alaska State Board of American Sign Language Interpreters consisting of five
11 members appointed by the governor, two of whom are hearing sign language
12 interpreters licensed under this chapter and certified by the Registry of Interpreters for
13 the Deaf or licensed under this chapter, certified by the National Association of the
14 Deaf, and holding associate memberships in the Registry of Interpreters for the Deaf;

1 one of whom is licensed under this chapter and certified as a deaf interpreter by the
 2 Registry of Interpreters for the Deaf; one public member who is deaf; and one public
 3 member who is not deaf but who has knowledge of or is familiar with the unique
 4 requirements and obligations of interpreting for the deaf. The governor shall consider
 5 making appointments so that the membership of the board reflects the regional and
 6 cultural diversity of the state.

7 (b) The board shall elect from among its members a chair, a vice-chair, and
 8 a secretary.

9 **Sec. 08.19.020. Powers and duties of the board.** In addition to the powers
 10 and duties conferred on the board under AS 08.01, the board shall

11 (1) review the transcripts and documents relating to training, education,
 12 and work experience of applicants for licenses or provisional licenses under this
 13 chapter and approve the issuance of licenses and provisional licenses to qualified
 14 applicants;

15 (2) meet twice a year to conduct its business; and

16 (3) adopt regulations under AS 44.62 (Administrative Procedure Act)
 17 that are necessary to carry out the purposes of this chapter.

18 **Article 2. Licensing.**

19 **Sec. 08.19.050. License or provisional license required.** (a) A person who
 20 does not hold a license or provisional license under this chapter may not

21 (1) act as an American sign language interpreter for compensation
 22 except as provided in (c) or (d) of this section;

23 (2) advertise to the public or represent that the person is able to act as
 24 an American sign language interpreter for compensation; or

25 (3) use in connection with the person's name letters, words, or insignia
 26 indicating or implying that the person is a licensed American sign language interpreter.

27 (b) A person who does not hold a license under AS 08.19.060 may not act as
 28 a mentor or supervisor of a provisional licensee.

29 (c) The limitation in (a) of this section does not apply for the first 30 days
 30 after a person moves to the state from a residence in another state if the person holds
 31 a certificate from the Registry of Interpreters for the Deaf.

1 (d) A person who does not hold a license or a provisional license under this
 2 chapter may interpret for compensation in an emergency situation but only until a
 3 licensed interpreter arrives.

4 (e) A licensee who does not carry the designation on the license that the
 5 licensee holds a specialist certificate for legal matters from the Registry of Interpreters
 6 for the Deaf may not act as an American sign language interpreter for compensation
 7 at a court proceeding or during an official conversation with a law enforcement officer
 8 or prosecuting attorney.

9 **Sec. 08.19.060. Licensure for interpreters.** (a) The board shall issue an
 10 interpreter license to a person who pays the required fees and submits satisfactory
 11 documentation that the applicant is

12 (1) certified by the Registry of Interpreters for the Deaf; or

13 (2) an associate member of the Registry of Interpreters for the Deaf and
 14 is certified at level four or five by the National Association of the Deaf.

15 (b) If the licensee holds a Specialist Certificate Legal from the Registry of
 16 Interpreters for the Deaf, the board shall note that on the license issued to the person
 17 under this chapter.

18 **Sec. 08.19.070. Provisional license.** (a) The board shall establish regulations
 19 setting minimum requirements for issuing a provisional license to a person who
 20 applies, pays the required fee, if any, and submits documentation that the person is an
 21 associate member of the Registry of Interpreters for the Deaf who has completed

22 (1) an interpreter training program or interpreter preparation program;
 23 or

24 (2) 300 hours of documented interpreter experience and 50 hours of
 25 interpreter education through workshops and seminars.

26 (b) A provisional license is valid for two years and may be renewed only one
 27 time.

28 **Article 3. License Denial; Disciplinary Sanctions.**

29 **Sec. 08.19.100. Grounds for denial; disciplinary sanctions.** The board may
 30 deny a license or provisional license or impose a disciplinary sanction authorized under
 31 AS 08.01.075 if the board finds that the person

1 (1) secured or attempted to secure a license or provisional license
2 through deceit, fraud, or intentional misrepresentation;

3 (2) engaged in deceit, fraud, or intentional misrepresentation in the
4 course of providing professional services;

5 (3) advertised professional services in a false or misleading manner;

6 (4) engaged in unprofessional conduct as defined in the regulations of
7 the board;

8 (5) intentionally or negligently engaged in or permitted the performance
9 of sign language interpreting by persons under the licensee's supervision that does not
10 conform to minimum professional standards regardless of whether actual injury
11 occurred;

12 (6) has been convicted of a felony and the person's civil rights have not
13 been restored or that the person has been convicted of another crime that affects the
14 person's ability to practice competently and safely;

15 (7) aided another person to engage in the practice of American sign
16 language interpreting in violation of AS 08.19.050;

17 (8) failed to comply with this chapter, a regulation adopted under this
18 chapter, or an order of the board; or

19 (9) is incapable of engaging in the practice of American sign language
20 interpreting with reasonable skill, competence, and safety for the public because of

21 (A) professional incompetence;

22 (B) other factors determined by the board.

23 **Article 4. General Provisions.**

24 **Sec. 08.19.900. Penalty.** A violation of this chapter is a class B misdemeanor.

25 **Sec. 08.19.990. Definitions.** In this chapter,

26 (1) "board" means the Alaska State Board of American Sign Language
27 Interpreters established under AS 08.19.010;

28 (2) "license" means a license issued by the Alaska State Board of
29 American Sign Language Interpreters.

30 * **Sec. 3.** AS 08.01.010 is amended by adding a new paragraph to read:

31 (36) Alaska State Board of American Sign Language Interpreters

1 (AS 08.19.010).

2 * **Sec. 4.** AS 08.03.010(c) is amended by adding a new paragraph to read:

3 (22) Alaska State Board of American Sign Language Interpreters

4 (AS 08.19.010) -- June 30, 2003.

5 * **Sec. 5.** AS 09.20.010(c) is amended to read:

6 (c) The court shall provide, and pay the cost of services of, an interpreter **who**

7 **holds a license or provisional license under AS 08.19** or **a** reader when necessary

8 to enable a person with impaired hearing, **speech**, or sight to act as a juror.

9 * **Sec. 6.** AS 44.62.330(a) is amended by adding a new paragraph to read:

10 (60) Alaska State Board of American Sign Language Interpreters.

11 * **Sec. 7.** INITIAL BOARD MEMBERS. Notwithstanding AS 08.19.010, enacted by sec.

12 2 of this Act, and AS 39.05.055,

13 (1) the terms of three initial members of the Alaska State Board of American

14 Sign Language Interpreters shall be two years, and the terms of two initial members shall be

15 four years;

16 (2) the initial members appointed to fill seats on the Alaska State Board of

17 American Sign Language Interpreters that are designated for sign language interpreters

18 licensed under AS 08.19.060 need not be licensed until March 30, 2000; if a board member

19 governed by this paragraph is not licensed under AS 08.19.060 by March 30, 2000, the

20 member forfeits office and the member's seat is considered vacant until filled by another

21 appointment.

22 * **Sec. 8.** DELAYED EFFECTIVE DATE. AS 08.19.050, enacted by sec. 2 of this Act,

23 and sec. 5 of this Act take effect March 30, 2000.