
SENATE BILL NO. 134—SENATORS MATHEWS,
WIENER, TITUS AND COFFIN

FEBRUARY 24, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Requires providers of Communication Access Realtime Translation to be qualified. (BDR 54-142)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to interpreters; requiring providers of Communication Access Realtime Translation to meet certain qualifications; prohibiting certain acts relating to such providers; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law recognizes that sign language interpreting is a learned profession
2 and is subject to regulation to protect the public from unqualified interpreters. (NRS
3 656A.010) Existing law requires certification of interpreters and creates penalties
4 for uncertified or unqualified interpreters. (NRS 656A.100, 656A.800) Existing law
5 does not require realtime captioning providers to meet any qualifications or obtain
6 certification before providing realtime captioning services in Nevada.
7 This bill recognizes that realtime captioning is a learned profession, providing a
8 service similar to sign language interpreting, and makes providers of realtime
9 captioning services subject to regulation. This bill defines “realtime captioning” as
10 the immediate, verbatim translation of spoken language into written text.
11 This bill requires that providers of realtime captioning services meet certain
12 qualifications, including certification as a court reporter by the Certified Court
13 Reporters’ Board of Nevada or certification as a Registered Professional Reporter,
14 Certified Communication Access Realtime Translation Provider, Certified
15 Broadcast Captioner or Certified Realtime Reporter by the National Court
16 Reporters Association, before providing realtime captioning services in Nevada.
17 This bill creates a penalty for unqualified people who practice realtime captioning
18 in Nevada.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 656A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 5, inclusive,
3 of this act.

4 **Sec. 2.** *“Communication Access Realtime Translation” and*
5 *“realtime captioning” mean the immediate, verbatim translation*
6 *of the spoken word into English text using a stenographic*
7 *machine or voice recognition software, and a computer and*
8 *realtime captioning software.*

9 **Sec. 3.** *“Practice of realtime captioning” means the*
10 *facilitation of communication between persons who are deaf or*
11 *whose hearing is impaired and other persons through the use of*
12 *Communication Access Realtime Translation.*

13 **Sec. 4.** *“Realtime captioning provider” means a person who*
14 *is qualified to engage in the practice of realtime captioning in this*
15 *State pursuant to section 5 of this act.*

16 **Sec. 5.** *A person who wishes to engage in the practice of*
17 *realtime captioning in this State must:*

- 18 1. *Be at least 18 years of age;*
- 19 2. *Have at least a high school diploma or a general*
20 *equivalency diploma;*
- 21 3. *Be capable of providing the type of realtime captioning*
22 *services required for persons who are deaf or whose hearing is*
23 *impaired; and*
- 24 4. *Have:*

25 (a) *Been certified as a court reporter by the Certified Court*
26 *Reporters’ Board of Nevada pursuant to chapter 656 of NRS; or*

27 (b) *Been issued at least one of the following certifications by*
28 *the National Court Reporters Association or its successor*
29 *organization:*

- 30 (1) *Registered Professional Reporter;*
- 31 (2) *Certified Communication Access Realtime Translation*
32 *Provider;*
- 33 (3) *Certified Broadcast Captioner; or*
- 34 (4) *Certified Realtime Reporter.*

35 **Sec. 6.** NRS 656A.010 is hereby amended to read as follows:
36 656A.010 The practice of interpreting **[is]** *and the practice of*
37 *realtime captioning are* hereby declared to be ~~**[a—learned**~~
38 ~~**profession,]**~~ *learned professions*, affecting public health, safety and
39 welfare, and **[is]** *are* subject to regulation to protect the general
40 public from the practice of interpreting *and the practice of realtime*
41 *captioning* by unqualified persons.



1 **Sec. 7.** NRS 656A.020 is hereby amended to read as follows:
2 656A.020 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 656A.030 to
4 656A.060, inclusive, *and sections 2, 3 and 4 of this act* have the
5 meanings ascribed to them in those sections.

6 **Sec. 8.** NRS 656A.070 is hereby amended to read as follows:
7 656A.070 The provisions of this chapter do not apply to a
8 person who:

9 1. Is licensed in another state to engage in the practice of
10 interpreting *or the practice of realtime captioning* and who engages
11 in the practice of interpreting *or the practice of realtime captioning,*
12 *respectively,* in this State:

13 (a) For a period of not more than 30 nonconsecutive days in a
14 calendar year; or

15 (b) By teleconference if the interpreting services *or realtime*
16 *captioning services* provided by that person are necessary because
17 an interpreter *or realtime captioning provider* is unavailable to
18 provide those services in person or by teleconference;

19 2. Engages in the practice of interpreting *or the practice of*
20 *realtime captioning* solely for meetings of nonprofit civic or
21 religious organizations;

22 3. Engages in the practice of interpreting *or the practice of*
23 *realtime captioning* as necessary for the provision of an emergency
24 medical or governmental service to a person who is deaf or whose
25 hearing is impaired; or

26 4. Engages occasionally in the practice of interpreting in a
27 social situation that does not require a qualified interpreter pursuant
28 to the provisions of the Americans with Disabilities Act of 1990, 42
29 U.S.C. §§ 12101 et seq., section 504 of the Rehabilitation Act of
30 1973, 29 U.S.C. § 794, or the regulations adopted pursuant to those
31 provisions.

32 **Sec. 9.** NRS 656A.800 is hereby amended to read as follows:

33 656A.800 1. It is unlawful for a person to:

34 (a) Engage in the practice of interpreting in this State;

35 (b) Hold himself out as certified or qualified to engage in the
36 practice of interpreting in this State; or

37 (c) Use in connection with his name any title, words, letters or
38 other designation intended to imply or designate that he is an
39 interpreter,

40 ↳ without first complying with the requirements set forth in
41 NRS 656A.100.

42 2. *It is unlawful for a person to:*

43 (a) *Engage in the practice of realtime captioning in this State;*

44 (b) *Hold himself out as certified or qualified to engage in the*
45 *practice of realtime captioning in this State; or*



- 1 (c) *Use in connection with his name any title, words, letters or*
2 *other designation intended to imply or designate that he is a*
3 *realtime captioning provider,*
4 *↳ without first complying with the requirements set forth in*
5 *section 5 of this act.*
6 3. A person who violates the provisions of subsection 1 ~~3~~
7 *or 2:*
8 (a) Is guilty of a misdemeanor; and
9 (b) May be assessed a civil penalty of not more than \$5,000.
10 ~~3~~ 4. An action for the enforcement of a civil penalty
11 assessed pursuant to this section may be brought in any court of
12 competent jurisdiction by the district attorney of the appropriate
13 county or the Attorney General.

