

Senate Bill No. 134—Senators Mathews,
Wiener, Titus and Coffin

CHAPTER.....

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; extending the effective date for the application of penalties to certain persons who engage in the practice of interpreting in public schools and private schools; requiring the Legislative Committee on Persons with Disabilities to study certain issues related to the provision of communication services for pupils who are deaf or hearing impaired and for all residents of this State who are deaf or hearing impaired; requiring the boards of trustees of school districts to review certain information related to the salaries of persons who provide interpreting services in public schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law recognizes that sign language interpreting is a learned profession and is subject to regulation to protect the public from unqualified interpreters. (NRS 656A.010) Existing law requires certification of interpreters, including persons who engage in the practice of interpreting for pupils in public schools and private schools. (NRS 656A.100) Existing law provides penalties, effective on July 1, 2005, for persons who do not comply with the certification requirements. (NRS 656A.800) Existing law does not require realtime captioning providers to meet any qualifications or obtain certification before providing realtime captioning services in Nevada.

This bill recognizes that realtime captioning is a learned profession, providing a service similar to sign language interpreting, and makes providers of realtime captioning services subject to regulation.

This bill requires that providers of realtime captioning services meet certain qualifications, including certification as a court reporter by the Certified Court Reporters' Board of Nevada or certification as a Registered Professional Reporter, Certified Communication Access Realtime Translation Provider, Certified Broadcast Captioner or Certified Realtime Reporter by the National Court Reporters Association, before providing realtime captioning services in Nevada. This bill creates a penalty for unqualified people who practice realtime captioning in Nevada.

Existing law provides that a person may engage in the practice of interpreting in a public school or private school for not more than 3 years without satisfying all requirements for certification if certain conditions are met. (NRS 656A.100)

This bill provides that the certification requirements and penalties do not apply until July 1, 2007, to a person who is currently engaged in the practice of interpreting in a public school or private school pursuant to the 3-year waiver if the person makes satisfactory and deliberate progress toward complying with the certification requirements.

Existing law creates the Legislative Committee on Persons with Disabilities. (NRS 218.5379- 218.53797)

This bill requires the Legislative Committee on Persons with Disabilities to conduct a study during the 2005-2007 interim to determine the manner by which

school districts can meet the needs of the pupils who are deaf or hearing impaired and the manner by which accessible communication can be provided and improved for all residents of this State who are deaf or hearing impaired.

This bill also requires school districts to review the salaries of the persons who are employed to provide interpreting services to pupils.

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

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

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

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

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

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

- 1. Be at least 18 years of age;*
- 2. Have at least a high school diploma or a general equivalency diploma;*
- 3. Be capable of providing the type of realtime captioning services required for persons who are deaf or whose hearing is impaired; and*
- 4. Have:*
 - (a) Been certified as a court reporter by the Certified Court Reporters’ Board of Nevada pursuant to chapter 656 of NRS; or*
 - (b) Been issued at least one of the following certifications by the National Court Reporters Association or its successor organization:*
 - (1) Registered Professional Reporter;*
 - (2) Certified Communication Access Realtime Translation Provider;*
 - (3) Certified Broadcast Captioner; or*
 - (4) Certified Realtime Reporter.*

Sec. 6. NRS 656A.010 is hereby amended to read as follows:
656A.010 The practice of interpreting ~~is~~ *and the practice of realtime captioning are* hereby declared to be ~~a~~ *learned*

~~profession,]~~ *learned professions*, affecting public health, safety and welfare, and ~~is]~~ *are* subject to regulation to protect the general public from the practice of interpreting *and the practice of realtime captioning* by unqualified persons.

Sec. 7. NRS 656A.020 is hereby amended to read as follows:

656A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 656A.030 to 656A.060, inclusive, *and sections 2, 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 8. NRS 656A.070 is hereby amended to read as follows:

656A.070 The provisions of this chapter do not apply to a person who:

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) *Engage in the practice of realtime captioning in this State;*
- (b) *Hold himself out as certified or qualified to engage in the practice of realtime captioning in this State; or*
- (c) *Use in connection with his name any title, words, letters or other designation intended to imply or designate that he is a realtime captioning provider,*
↳ *without first complying with the requirements set forth in section 5 of this act.*

3. A person who violates the provisions of subsection 1 ~~1~~ or 2:

- (a) Is guilty of a misdemeanor; and
- (b) May be assessed a civil penalty of not more than \$5,000.

~~3~~ 4. An action for the enforcement of a civil penalty assessed pursuant to this section may be brought in any court of competent jurisdiction by the district attorney of the appropriate county or the Attorney General.

Sec. 10. If a person engages in the practice of interpreting pursuant to subsection 4 of NRS 656A.100 on or before the effective date of this section:

1. Any applicable 3-year limitation prescribed in subsection 4 of NRS 656A.100 that would have expired before July 1, 2007, is extended for that person until July 1, 2007; and

2. The provisions of NRS 656A.800, as amended by this act, do not apply to that person until July 1, 2007,

↳ if the person makes satisfactory and deliberate progress, as determined by the school district, charter school or private school that employs the person, toward complying with the requirements of paragraph (a) or (b) of subsection 3 of NRS 656A.100 during the period of his employment.

Sec. 11. 1. The Legislative Committee on Persons with Disabilities shall, during the 2005-2007 interim, conduct a study to determine:

(a) The manner by which school districts can adequately and successfully meet the needs of pupils who are deaf and pupils who are hearing impaired, including, without limitation, ensuring that persons who provide interpreting services to those pupils are certified pursuant to NRS 656A.100;

(b) The manner by which community service agencies in this State can adequately and successfully meet the needs of the residents of this State who are deaf and the residents who are hearing impaired, including, without limitation, the provision of accessible communications;

(c) The feasibility of developing alternative methods of pooling resources among various agencies to better serve the needs of the deaf and hearing impaired community; and

(d) Methods by which this State and the local governments of this State can meet the growing demand for trained and certified interpreters and communication facilitators who facilitate accessible communications.

2. In conducting the study pursuant to subsection 1, the Legislative Committee on Persons with Disabilities shall work in consultation with and solicit advice and recommendations from the Department of Human Resources, the Office of Disability Services of the Department of Human Resources and the Deaf and Hard of Hearing Advocacy Resource Center.

3. The Legislative Committee on Persons with Disabilities shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

Sec. 12. The boards of trustees of the school districts in this State shall review the salaries paid to persons who provide interpreting services for pupils who are deaf and pupils who are hearing impaired, including, without limitation, a comparison of whether those salaries are commensurate with the salaries that are paid to similarly qualified persons employed by school districts in this State as well as salaries that are paid to persons in other states who provide interpreting services to pupils.

Sec. 13. 1. This section and section 10 of this act become effective upon passage and approval.

2. Sections 11 and 12 of this act become effective on July 1, 2005.

3. Sections 1 to 9, inclusive, of this act become effective on October 1, 2005.

