

# State of Wisconsin



2009 Senate Bill 389

Date of enactment: **May 13, 2010**  
Date of publication\*: **May 27, 2010**

## 2009 WISCONSIN ACT 360

AN ACT to renumber 905.015; and to create 15.407 (9), 440.032, 440.08 (2) (a) 68c. and 905.015 (2) of the statutes; relating to: licensing sign language interpreters, creating an evidentiary privilege for communications with those interpreters, creating a Sign Language Interpreter Council, granting rule-making authority, and providing a penalty.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 15.407 (9) of the statutes is created to read:

15.407 (9) SIGN LANGUAGE INTERPRETER COUNCIL. (a) There is created a sign language interpreter council in the department of regulation and licensing consisting of the secretary of regulation and licensing or a designee of the secretary and the following 8 members nominated by the governor, and with the advice and consent of the senate appointed, for 3-year terms:

1. Five deaf or hard of hearing individuals who are or have been clients of a sign language interpreter, at least one of whom is a graduate of a residential school for the deaf or hard of hearing and at least one of whom is a graduate of a private or public school that is not a residential school for the deaf or hard of hearing.

2. Two interpreters licensed under s. 440.032, at least one of whom holds a renewable license under s. 440.032 (3) (a).

3. One individual who is not deaf or hard of hearing and who has obtained, or represents an entity that has obtained, sign language interpreter services for the benefit of another who is deaf or hard of hearing.

(b) If possible, the governor shall nominate individuals under par. (a) 1. to 3. from diverse locations within the state.

**SECTION 2.** 440.032 of the statutes is created to read:  
**440.032 Sign language interpreting. (1) DEFINITIONS.** In this section:

(a) "Client" means a deaf or hard of hearing person for whom a person provides interpretation services.

(b) "Council" means the sign language interpreter council.

(c) "Support service provider" means an individual who is trained to act as a link between a person who is deaf and blind and the person's environment.

(d) "Wisconsin interpreting and transliterating assessment" means a program administered by the department of health services to determine and verify the level of competence of communication access services providers who are not certified by the Registry of Interpreters for the Deaf, Inc., or its successor, the National Association of the Deaf or its successor, or other similar nationally recognized certification organization, or a successor program administered by the department of health services.

**(2) LICENSE REQUIRED.** (a) Except as provided in pars. (b) and (c), no person may, for compensation, pro-

\* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

vide sign language interpretation services for a client unless the person is licensed by the department under sub. (3).

(b) No license is required under this subsection for any of the following:

1. A person interpreting in a court proceeding if the person is certified by the supreme court to act as a qualified interpreter in court proceedings under s. 885.38 (2).

2. A person interpreting at any school or school-sponsored event if the person is licensed by the department of public instruction as an educational interpreter.

3. A person interpreting at a religious service or at a religious function, including educational or social events sponsored by a religious organization. This subdivision does not apply to a person interpreting for a religious organization at a professional service provided or sponsored by the religious organization.

4. A support service provider interpreting for the purpose of facilitating communication between an individual who provides interpretation services and a client of the individual.

5. A person who, in the course of the person's employment, provides interpretation services during an emergency unless the interpretation services are provided during a period that exceeds 24 hours.

(c) 1. The council may grant a temporary exemption to an individual who is not a resident of this state that authorizes the individual to provide interpretation services for a period not to exceed 20 days, if the individual is certified by the Registry of Interpreters for the Deaf, Inc., or its successor, or the National Association of the Deaf or its successor. The council may not grant an individual more than 2 temporary exemptions under this subdivision per year.

2. The council may grant a temporary or permanent exemption to an individual who is a resident of this state that authorizes the individual to provide interpretation services for a period specified by the council or for persons specified by the council.

(3) LICENSURE REQUIREMENTS. (a) *Renewable licenses.* 1. The department shall grant a license as a sign language interpreter to an applicant who submits an application on a form provided by the department, pays the fee determined by the department under s. 440.03 (9) (a), and submits evidence satisfactory to the department that the applicant has received an associate degree in sign language interpretation or has received a certificate of completion of an education and training program regarding such interpretation, and the applicant has one of the following:

a. Any valid certification granted by the Registry of Interpreters for the Deaf, Inc., or its successor.

b. A valid certification level 3, 4, or 5 granted by the National Association of the Deaf or its successor.

c. Any valid certification granted by any other organization that the department determines is substantially equivalent to a certification specified in subd. 1. a. or b.

2. The department shall grant a license as a sign language interpreter to an applicant who submits an application on a form provided by the department and pays the fee determined by the department under s. 440.03 (9) (a), if the applicant has a certification specified in subd. 1. a. and if the applicant provides to the department satisfactory evidence of a diagnosis by a physician that the applicant is deaf or hard of hearing.

3. The department shall grant a license as a sign language interpreter to an applicant who has not received an associate degree in sign language interpretation or a certificate of completion of an education and training program regarding such interpretation, but who otherwise satisfies the requirements in subd. 1. (intro.), if, within 24 months after establishing residency in the state, the applicant provides evidence satisfactory to the department that the applicant holds one of the certifications specified in subd. 1. a., b., or c., that the applicant obtained the certification prior to establishing residency in the state, and that the applicant held the certification at the time the applicant established residency in the state.

(b) *Restricted licenses.* 1. The department shall grant a license as a sign language interpreter to an applicant who submits an application on a form provided by the department, pays the fee determined by the department under s. 440.03 (9) (a), and submits evidence satisfactory to the department of all of the following:

a. The applicant has received an associate degree in sign language interpretation or has received a certificate of completion of an education and training program regarding such interpretation.

b. The applicant is verified by the Wisconsin interpreting and transliterating assessment at level 2 or higher in both interpreting and transliterating.

c. The applicant has passed the written examination administered by the Registry of Interpreters for the Deaf, Inc., or its successor.

d. The applicant is an associate or student member of the Registry of Interpreters for the Deaf, Inc., or its successor.

2. The department shall grant a restricted license as a sign language interpreter, authorizing the holder to provide interpretation services only under the supervision of an interpreter licensed under par. (a), to an applicant who submits an application on a form provided by the department, pays the fee determined by the department under s. 440.03 (9) (a), and submits evidence satisfactory to the department of all of the following:

a. The applicant has been diagnosed by a physician as deaf or hard of hearing.

b. The applicant has completed 8 hours of training sponsored by the Registry of Interpreters for the Deaf, Inc., or its successor, on the role and function of deaf interpreters.

c. The applicant has completed 8 hours of training sponsored by the Registry of Interpreters for the Deaf, Inc., or its successor, on professional ethics.

d. The applicant has obtained letters of recommendation from at least 3 individuals who have held national certification for at least 5 years and who are members in good standing of the Registry of Interpreters for the Deaf, Inc., or its successor, if the letters together document that the applicant has completed at least 40 hours of mentoring, including at least 20 hours observing professional work and at least 10 hours observing certified deaf interpreters.

e. The applicant has completed at least 40 hours of training consisting of workshops sponsored by the Registry of Interpreters for the Deaf, Inc., or its successor, or other relevant courses.

f. The applicant is an associate or student member of the Registry of Interpreters for the Deaf, Inc., or its successor.

g. The applicant has a high school diploma or an equivalent.

3. A license granted under subd. 1. or 2. may be renewed twice and is not valid upon the expiration of the 2nd renewal period.

(4) NOTIFICATION REQUIRED. A person who is licensed under sub. (3) shall notify the department in writing within 30 days if the person's certification or membership specified in sub. (3) that is required for the license is revoked or invalidated. The department shall revoke a license granted under sub. (3) if such a certification or membership is revoked or invalidated.

(5) LICENSE RENEWAL. The renewal dates for licenses granted under sub. (3) (a) are specified in s. 440.08 (2) (a) 68c. Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and evidence satisfactory to the department that the person's certification or membership specified in sub. (3) that is required for the license has not been revoked or invalidated.

(6) COUNCIL. The council shall do all of the following:

(a) Make recommendations to the department regarding the promulgation of rules establishing a code of ethics that governs the professional conduct of persons licensed under sub. (3).

(b) Advise the department regarding the promulgation and implementation of rules regarding the practice of sign language interpreters.

(c) Advise the legislature regarding legislation affecting sign language interpreters.

(d) Promulgate rules establishing a process and criteria for granting exemptions under sub. (2) (c) 2.

(e) Assist the department in alerting sign language interpreters and the deaf community in this state to changes in the law affecting the practice of sign language interpreters.

(7) RULE MAKING. (a) The department may not promulgate rules that impose requirements for granting a license that are in addition to the requirements specified in sub. (3).

(b) After considering the recommendations of the council, the department shall promulgate rules that establish a code of ethics that governs the professional conduct of persons licensed under sub. (3). In promulgating rules under this paragraph, the department shall consider including as part or all of the rules part or all of the code of ethics established by the Registry of Interpreters for the Deaf, Inc., or its successor. The department shall periodically review the code of ethics established by the Registry of Interpreters for the Deaf, Inc., or its successor, and, if appropriate, revise the rules promulgated under this paragraph to reflect revisions to that code of ethics.

(8) DISCIPLINARY PROCEEDINGS AND ACTIONS. Subject to the rules promulgated under s. 440.03 (1), the department may make investigations and conduct hearings to determine whether a violation of this section or any rule promulgated under this section has occurred and may reprimand a person who is licensed under sub. (3) or may deny, limit, suspend, or revoke a license granted under sub. (3) if it finds that the applicant or licensee has violated this section or any rule promulgated under this section.

(9) PENALTY. A person who violates this section or any rule promulgated under this section may be fined not more than \$200 or imprisoned for not more than 6 months or both.

**SECTION 3.** 440.08 (2) (a) 68c. of the statutes is created to read:

440.08 (2) (a) 68c. Sign language interpreter: September 1 of each odd-numbered year.

**SECTION 4.** 905.015 of the statutes is renumbered 905.015 (1).

**SECTION 5.** 905.015 (2) of the statutes is created to read:

905.015 (2) In addition to the privilege under sub. (1), a person who is licensed as an interpreter under s. 440.032 (3) may not disclose any aspect of a confidential communication facilitated by the interpreter unless one of the following conditions applies:

(a) All parties to the confidential communication consent to the disclosure.

(b) A court determines that the disclosure is necessary for the proper administration of justice.

**SECTION 6. Nonstatutory provisions.**

(1) EXEMPTIONS FROM CERTAIN LICENSURE REQUIREMENTS.

(a) Notwithstanding section 440.032 (3) (a) 1. of the statutes, as created by this act, the department of regulation and licensing shall grant a license as a sign language interpreter to a person who, not later than the first day of the 24th month beginning after the effective date of this paragraph, pays the fee specified in section 440.05 (1) of the statutes and submits evidence satisfactory to the department that the person has any of the following:

1. Any valid certification that was granted by the Registry of Interpreters for the Deaf, Inc., or its successor, before the first day of the 24th month beginning after the effective date of this subdivision.

2. A valid certification level 3, 4, or 5 granted by the National Association of the Deaf or its successor before the first day of the 24th month beginning after the effective date of this subdivision.

3. Any valid certification that was granted by another organization before the first day of the 24th month beginning after the effective date of this subdivision, if the department determines that the other certification is substantially similar to a certification specified in subdivision 1. or 2.

(b) A license granted under paragraph (a) is considered to be granted under section 440.032 (3) (a) 1. of the

statutes, as created by this act.

(2) SIGN LANGUAGE INTERPRETER COUNCIL.

(a) *Staggered terms.* Notwithstanding the length of terms specified for the members of the sign language interpreter council under section 15.407 (9) (a) 1., 2., and 3. of the statutes, as created by this act, 3 of the initial members shall be appointed for terms expiring on July 1, 2010, 3 of the initial members shall be appointed for terms expiring on July 1, 2011, and the remaining 2 initial members shall be appointed for terms expiring on July 1, 2012.

(b) *Initial members.* Notwithstanding section 15.407 (9) of the statutes, as created by this act, the initial members appointed to the sign language interpreter council under section 15.407 (9) (a) of the statutes, as created by this act, may be persons who are engaged in the practice of sign language interpretation and who are not licensed under section 440.032 (3) of the statutes, as created by this act.

**SECTION 7. Initial applicability.**

(1) The treatment of section 905.015 (2) of the statutes first applies to communications made on the effective date of this subsection.

**SECTION 8. Effective date.**

(1) This act takes effect on the first day of the 7th month beginning after publication.

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