

# Legislative Analysis



## QUALIFIED INTERPRETERS FOR THE DEAF

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**Senate Bill 25 as passed by the Senate**  
**Sponsor: Sen. John J. Gleason**  
**House Committee: Regulatory Reform**  
**Senate Committee: Judiciary**

### First Analysis (6-5-07)

**BRIEF SUMMARY:** The bill would require reasonable notice to be given by a deaf or deaf-blind person to entities required to provide a qualified interpreter; require departmental rules for minimum standards of education, practice, testing, and continuing education for qualified interpreters; establish criminal, administrative, and civil penalties for violations of the Deaf Persons' Interpreters Act; and establish fees for testing and credentialing as a qualified interpreter.

**FISCAL IMPACT:** The bill would increase State restricted revenue by approximately \$40,000 in the first full year of implementation. Subsequent revenue would depend on whether new interpreters apply for licenses and take the required examination. Any penal fine revenue collected would benefit public libraries, but such revenue is not expected to be significant. Local governments would incur the cost of misdemeanor probation and incarceration, and this amount, though not determinable, is also not expected to be significant.

### THE APPARENT PROBLEM:

Under provisions of state and federal law, certain entities are required in some circumstances to provide an interpreter for a deaf person who is a participant in a proceeding before them. Though the federal Americans with Disabilities Act requires that the interpreter be a "qualified interpreter," neither the ADA nor current state law sets minimum qualifications. As a result, some individuals have been provided with interpreters who lacked the knowledge and ability to translate complicated medical, legal, or financial information effectively and accurately.

Earlier this year, House Bill 4208, which would have, among other things, revised the current definition of "qualified interpreter" within the Deaf Persons' Interpreters Act, was passed by the full House. At the same time, a similar bill was moving through the Senate. Together the bills seek to address the problem experienced by many deaf and deaf-blind individuals when entities fail to provide interpreters with the knowledge and abilities needed to accurately translate in a proceeding.

### THE CONTENT OF THE BILL:

The bill would amend the Deaf Persons' Interpreters Act. The bill would extend coverage of the law to "deaf-blind" persons – those with a combination of hearing loss and vision

loss – in addition to "deaf" persons. The bill would also require each deaf or deaf-blind person entitled to a qualified interpreter as an accommodation under state or federal law to provide reasonable notice to the appointing authority of the need for a qualified interpreter.

Qualifications. Rules that would govern procedures for application, testing, revocation, suspension or limitation of certification, continuing education, renewals, and grievances, minimum credential requirements and levels, and minimum standards of practice would be promulgated by the Division on Deaf and Hard of Hearing (formerly the Division on Deafness) with the advice of the Department of Education.

Certification. The bill would grandfather persons possessing state or national certification as a qualified interpreter.

A person certified through and in good standing with the National Registry of Interpreters for the Deaf would be issued a state certification upon filing a complete application and submitting a \$30 application fee.

A person with credentials as a qualified interpreter from a national organization could be certified upon presentation of his or national certification credentials and payment of a \$30 application fee (which would also fulfill the initial annual fee of \$30); the person would not have to take an examination.

A person possessing a Michigan Quality Assurance Certification at the level of I, II, or III on the bill's effective date would be considered a qualified interpreter for purposes of the act until the date that certification status expired. He or she may renew the certificate annually until it expired and retesting was required.

Examination fee. The Division would collect an examination fee of \$125 from residents and non-residents applying to take an examination for certification as a qualified interpreter.

Violations. The bill would establish criminal, administrative, and civil penalties for violations of the act.

Any person who misrepresented himself or herself as a qualified interpretation, knowing that he or she did not meet the definition of "qualified interpreter," would be guilty of a misdemeanor punishable by imprisonment for not more than 90 days and/or a fine of at least \$500 but not more than \$1,000.

An applicant for certification who violated provisions of the act would be face rejection of his or her application for certification as a qualified interpreter. A certified qualified interpreter would be subject to the revocation, suspension, or limitation of his or her certification.

An appointing authority that willfully violated the requirement proposed by House Bill 4208 to provide a qualified interpreter when required as an accommodation under state or federal law would be responsible for a civil fine of not less than \$1,000 or more than \$10,000.

The bill is tie-barred to House Bill 4208.

***HOUSE COMMITTEE ACTION:***

The committee reported the bill as it was passed by the Senate.

***ARGUMENTS:***

***For:***

The overall impact of Senate Bill 25 and House Bill 4208 will be to strengthen the intent of both state and federal law in providing equal access to goods and services by providing an equal level of communication between deaf and deaf-blind persons and those who provide the goods and services.

Under the bills, all persons acting as qualified interpreters will possess the training and demonstrated capability, as well as ethics and confidentiality, needed to meet the communication needs of a deaf or deaf-blind person.

***POSITIONS:***

The following organizations and agencies indicated support for the bill on 5-29-07:

The Department of Labor and Economic Growth  
The Michigan Coalition for Deaf and Hard of Hearing People  
The Michigan Bankers Association  
The Michigan Association for Deaf and Hard of Hearing  
Michigan Protection and Advocacy Services

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Richard Child

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.