

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4208

A bill to amend 1982 PA 204, entitled
"Deaf persons' interpreters act,"
by amending sections 2 and 3 (MCL 393.502 and 393.503) and by
adding section 3a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Appointing authority" means a court or a department,
3 board, commission, agency, or licensing authority of this state or
4 a political subdivision of this state **OR AN ENTITY THAT IS REQUIRED**
5 **TO PROVIDE A QUALIFIED INTERPRETER IN CIRCUMSTANCES DESCRIBED UNDER**
6 **SECTION 3A.**

7 ~~(b) "Certified interpreter" means, depending upon the need of~~

1 the deaf person, either a certified oral interpreter or a certified
2 sign language interpreter.

3 ~~—— (c) "Certified oral interpreter" means a person who is able to~~
4 ~~convey information through facial and lip movement, and is~~
5 ~~certified by an organization which the division of deaf and~~
6 ~~deafened of the department of labor determines is an organization~~
7 ~~nationally recognized for the certification of persons who~~
8 ~~interpret for deaf persons.~~

9 ~~—— (d) "Certified sign language interpreter" means an interpreter~~
10 ~~who uses sign language to convey information and who is certified~~
11 ~~by an organization which the division of deaf and deafened of the~~
12 ~~department of labor determines is an organization nationally~~
13 ~~recognized for the certification of persons who interpret for deaf~~
14 ~~persons.~~

15 (B) ~~(e)~~—"Deaf person" means a person whose hearing is totally
16 impaired or whose hearing, with or without amplification, is so
17 seriously impaired that the primary means of receiving spoken
18 language is through other sensory input; including, but not limited
19 to, lip reading, sign language, finger spelling, or reading.

20 (C) "DEAF-BLIND PERSON" MEANS A PERSON WHO HAS A COMBINATION
21 OF HEARING LOSS AND VISION LOSS, SUCH THAT THE COMBINATION
22 NECESSITATES SPECIALIZED INTERPRETATION OF SPOKEN AND WRITTEN
23 INFORMATION IN A MANNER APPROPRIATE TO THAT PERSON'S DUAL SENSORY
24 LOSS.

25 (D) "DIVISION" MEANS THE DIVISION ON DEAF AND HARD OF HEARING
26 OF THE DEPARTMENT OF LABOR AND ECONOMIC GROWTH.

27 (E) ~~(f)~~—"Intermediary interpreter" OR "DEAF INTERPRETER" means

1 any person, including any ~~hearing-impaired~~ **DEAF OR DEAF-BLIND**
 2 person, who is able to assist in providing an accurate
 3 interpretation between spoken English and sign language or between
 4 variants of sign language by acting as an intermediary between a
 5 ~~hearing-impaired~~ **DEAF OR DEAF-BLIND** person and a ~~certified~~
 6 ~~interpreter or~~ qualified interpreter.

7 ~~—— (g) "Qualified interpreter" means a person who is not a~~
 8 ~~certified interpreter but whose qualifications for interpreting for~~
 9 ~~deaf persons are determined by the division of deaf and deafened of~~
 10 ~~the department of labor, with the advice of the Michigan~~
 11 ~~association of deaf citizens and Michigan registry of interpreters~~
 12 ~~for the deaf or their successor agencies, to be appropriate for~~
 13 ~~interpreting for deaf persons.~~

14 (F) "QUALIFIED INTERPRETER" MEANS A PERSON WHO IS CERTIFIED
 15 THROUGH THE NATIONAL REGISTRY OF INTERPRETERS FOR THE DEAF OR
 16 CERTIFIED THROUGH THE STATE BY THE DIVISION.

17 (G) "QUALIFIED ORAL INTERPRETER" MEANS A QUALIFIED INTERPRETER
 18 WHO IS ABLE TO CONVEY INFORMATION THROUGH FACIAL AND LIP MOVEMENT.

19 (H) "QUALIFIED SIGN LANGUAGE INTERPRETER" MEANS A QUALIFIED
 20 INTERPRETER WHO USES SIGN LANGUAGE TO CONVEY INFORMATION.

21 Sec. 3. (1) In any action before a court or a grand jury where
 22 a deaf **OR DEAF-BLIND** person is a participant in the action, either
 23 as a plaintiff, defendant, or witness, the court shall appoint a
 24 ~~certified interpreter or in its discretion, appoint a~~ qualified
 25 interpreter ~~to~~ to interpret the proceedings to the deaf **OR DEAF-**
 26 **BLIND** person, to interpret the deaf **OR DEAF-BLIND** person's
 27 testimony or statements, and to assist in preparation of the action

1 with the deaf **OR DEAF-BLIND** person's counsel.

2 (2) In a proceeding before an appointing authority, other than
3 a court, the appointing authority shall appoint a ~~certified~~
4 ~~interpreter or in its discretion, appoint a~~ qualified interpreter ~~7~~
5 to interpret the proceedings to the deaf **OR DEAF-BLIND** person and
6 to interpret the deaf **OR DEAF-BLIND** person's testimony or
7 statements in any proceeding before the appointing authority.

8 (3) The right of a deaf **OR DEAF-BLIND** person to a ~~certified~~
9 ~~interpreter or~~ qualified interpreter shall not be waived except by
10 a request for waiver in writing by the deaf **OR DEAF-BLIND** person. A
11 written waiver of a plaintiff or defendant is subject to the
12 approval of the deaf **OR DEAF-BLIND** person's counsel and the
13 approval of the appointing authority.

14 (4) A ~~certified interpreter or~~ qualified interpreter shall not
15 be appointed unless the appointing authority and the deaf **OR DEAF-**
16 **BLIND** person make a preliminary determination that ~~that certified~~
17 ~~interpreter or~~ **THE** qualified interpreter is able to readily
18 communicate with the deaf **OR DEAF-BLIND** person and to interpret the
19 proceedings in which the deaf **OR DEAF-BLIND** person is involved.

20 (5) If a ~~certified interpreter or~~ qualified interpreter states
21 that the interpreter is unable to render a satisfactory
22 interpretation and that an intermediary interpreter **OR DEAF**
23 **INTERPRETER** will improve the quality of the interpretation, the
24 appointing authority shall appoint an intermediary interpreter **OR**
25 **DEAF INTERPRETER** to assist the ~~certified interpreter or~~ qualified
26 interpreter.

27 **SEC. 3A. IF AN INTERPRETER IS REQUIRED AS AN ACCOMMODATION FOR**

1 A DEAF OR DEAF-BLIND PERSON UNDER STATE OR FEDERAL LAW, THE
2 INTERPRETER SHALL BE A QUALIFIED INTERPRETER.

3 Enacting section 1. This amendatory act does not take effect
4 unless Senate Bill No. 25 of the 94th Legislature is enacted into
5 law.