

## CHAPTER 393. DEAF AND BLIND

### ABOLITION OF STATE INSTITUTE COMMISSION Act 263 of 1937

AN ACT to abolish the state institute commission, and to provide for the transfer of the powers and duties thereof to certain boards and departments; and to repeal certain acts and parts of acts.

**History:** 1937, Act 263, Imd. Eff. July 22, 1937.

*The People of the State of Michigan enact:*

#### **393.1 State institute commission; transfer of powers and duties relative to school for blind and school for deaf to state board of education; superintendents; employees; assistants.**

Sec. 1. The powers and duties relating to the Michigan school for the deaf, at Flint, and the Michigan school for the blind, at Lansing, which are now vested by law in the state institute commission within the state welfare department by Act No. 163 of the Public Acts of 1921, as a successor to the boards of trustees of said institutions, are hereby transferred to and vested in the state board of education. The following institutions are hereby placed under the jurisdiction and control of the said state board of education, namely:

The Michigan school for the deaf, at Flint;

The Michigan school for the blind, at Lansing.

The state board of education on the effective date of this act, shall be the legal successor to all powers, duties and responsibilities of the state institute commission with respect to such institutions. The superintendents of the said several institutions shall be appointed by the state board of education, and the said superintendents shall employ all assistants and employees of said institutions.

**History:** 1937, Act 263, Imd. Eff. July 22, 1937;—CL 1948, 393.1.

**Compiler's note:** Act 163 of 1921, referred to in this section, was repealed by Act 280 of 1939.

#### **393.2 State institute commission; transfer of powers and duties relative to employment institution for blind to state department of public assistance; superintendent; employees; assistants.**

Sec. 2. The powers and duties relating to the Michigan employment institution for the blind, at Saginaw, which are now vested by law in the state institute commission within the state welfare department by Act No. 163 of the Public Acts of 1921, as a successor to the board of trustees of said institution, are hereby transferred to and vested in the state department of public assistance. The Michigan employment institution for the blind, at Saginaw, is hereby placed under the jurisdiction and control of the state department of public assistance. The state department of public assistance on the first day of January, 1938, shall be the legal successor to all the powers, duties and responsibilities of the state institute commission with respect to the Michigan institution for the blind, at Saginaw. The superintendent of said institution shall be appointed by the state public assistance commission. The said superintendent shall employ all assistants and employees of said institution.

**History:** 1937, Act 263, Imd. Eff. July 22, 1937;—CL 1948, 393.2.

**Compiler's note:** The powers, duties, and functions of the department of social welfare, referred to in this section, were transferred to the department of social services by MCL 16.552.

#### **393.3 State institute commission; transfer of records, files, and papers to board of education.**

Sec. 3. All records, files and other papers belonging to the state institute commission, the powers and duties of which are hereby transferred to the state board of education, insofar as the same applies to the powers and duties hereby transferred, shall be turned over to said board of education and shall be continued as a part of the records and files thereof.

All records, files and other papers belonging to the state institute commission, the powers and duties of which are hereby transferred to the state department of public assistance, insofar as the same applies to the powers and duties hereby transferred, shall be turned over to said state department of public assistance and shall be continued as a part of the records and files thereof.

**History:** 1937, Act 263, Imd. Eff. July 22, 1937;—CL 1948, 393.3.

**STATE SCHOOLS FOR DEAF AND BLIND AS PUBLIC SCHOOLS**  
**Act 148 of 1917**

AN ACT declaring the Michigan school for the deaf and the Michigan school for the blind to be public schools.

**History:** 1917, Act 148, Eff. Aug. 10, 1917.

*The People of the State of Michigan enact:*

**393.21 State schools for the deaf and blind; public schools; object.**

Sec. 1. The Michigan school for the deaf, located in the city of Flint in the county of Genesee, and the Michigan school for the blind, located in the city of Lansing in the county of Ingham, are hereby declared to be public schools of the state of Michigan. They shall have for their object the education of such of the children in the state as may not by reason of the impairment of their sense of hearing or their sense of sight be advantageously educated in other public schools of the state. Said schools shall not be regarded or classed as charitable institutions.

**History:** 1917, Act 148, Eff. Aug. 10, 1917;—CL 1929, 8138;—CL 1948, 393.21.

**MICHIGAN SCHOOL FOR THE DEAF**  
**Act 116 of 1893**

AN ACT to provide for the maintenance, management and control, of the Michigan school for the deaf, and to repeal all laws inconsistent herewith.

**History:** 1893, Act 116, Imd. Eff. May 26, 1893.

*The People of the State of Michigan enact:*

**393.51 Michigan school for the deaf; continuation.**

Sec. 1. This state shall continue to maintain the institution located at Flint for educating the deaf, which shall be known as the Michigan school for the deaf.

**History:** 1893, Act 116, Imd. Eff. May 26, 1893;—CL 1897, 1990;—CL 1915, 1445;—CL 1929, 7957;—CL 1948, 393.51;—Am. 2016, Act 129, Eff. Aug. 24, 2016.

**Former law:** See Act 187 of 1848; Acts 133 and 245 of 1849; Acts 35 and 382 of 1850; Act 80 of 1853; Act 106 of 1855; Acts 73 and 102 of 1857; Act 188 of 1865; Act 91 of 1867; Act 111 of 1873; Act 192 of 1877; Act 250 of 1879; Acts 7 and 233 of 1881; Act 286 of 1887; Act 169 of 1891; How., § 1836 and notes thereto.

**393.52-393.58 Repealed. 1964, Act 287, Eff. Aug. 28, 1964.**

**Compiler's note:** The repealed sections provided for board of trustees of school for the deaf and prescribed their method of appointment, terms, and powers and duties.

**393.59 School for deaf; board of trustees; report to governor; contents.**

Sec. 9. The board of trustees of said institution shall by the tenth day of September preceding the regular session of the legislature, make out and present to the governor a detailed statement of the operations of the institution for the 2 fiscal years closing on the thirtieth day of the preceding June, which shall include the report of the superintendent for the same period, and a report of the treasurer for all receipts and disbursements made during the same period, which report shall be furnished the state printer for publication by the fifteenth day of September of the year when made. That such report shall show at the time of making the same, in detail, the number and names of the superintendent, officers, teachers, and all other regular employees, and the salary or wages paid to each and what, if any, other emoluments are allowed, and to whom.

**History:** 1893, Act 116, Imd. Eff. May 26, 1893;—CL 1897, 1998;—CL 1915, 1453;—CL 1929, 7965;—CL 1948, 393.59.

**393.60 Repealed. 2002, Act 703, Imd. Eff. Dec. 30, 2002.**

**Compiler's note:** The repealed section pertained to school for the deaf annual inventory.

**393.61 School for deaf; accounts.**

Sec. 11. The board of trustees shall, in proper books for that purpose, cause to be kept a regular account of all moneys received and disbursed, and the receipts from and expenditures for and on account of each department of business, or for the construction of buildings or the improvement of the premises; and the accounts shall be so kept as to show as near as practicable the cost of carrying on the farm and garden, and of the several shops or industries of said institution in all respects, as provided by section 4, Act 146, laws 1891.

**History:** 1893, Act 116, Imd. Eff. May 26, 1893;—CL 1897, 2000;—CL 1915, 1455;—CL 1929, 7967;—CL 1948, 393.61.

**Compiler's note:** Section 4 of Act 146 of 1891, referred to in this section, was repealed by Act 18 of 1962.

**393.62 Repealed. 2002, Act 703, Imd. Eff. Dec. 30, 2002.**

**Compiler's note:** The repealed section pertained to school for the deaf expenses.

**393.63 School for deaf; money drawn considered an advance.**

Sec. 13. That the amounts so drawn shall be considered as an advance to the institution on any appropriation made by the legislature at its regular session for the year in which the appropriation is made, and shall be deducted therefrom and transferred to the general fund.

**History:** 1893, Act 116, Imd. Eff. May 26, 1893;—CL 1897, 2002;—CL 1915, 1457;—CL 1929, 7969;—CL 1948, 393.63.

**393.64 Repealed. 2002, Act 703, Imd. Eff. Dec. 30, 2002.**

**Compiler's note:** The repealed section pertained to compensation for the school for the deaf.

**393.65 School for deaf; pupils; eligibility; treatment; transportation; non-residents.**

Sec. 15. There shall be received in said school, as pupils, all such deaf children and partially deaf children whose defective hearing prevents them from receiving instruction in the common schools, to remain not

beyond 21 years of age, as are in suitable condition of body and mind to receive instruction, and who are residents of this state, or whose parents or guardians are residents of this state, without charge for tuition, boarding, lodging, or washing and without charge for such health services as may be established by the board of trustees: Provided, That any dependent child enrolled who is in need of surgery, medicines or medical attendance not available through the school's established program and for whom circumstances make such services impossible under any other act shall receive the necessary surgery and treatment at the school's expense: Provided further, The board of trustees may substitute transportation in lieu of boarding, lodging, washing and other similar resident-school-services for those children who live within a radius of 10 miles of the school and whose educational opportunities would not be jeopardized by such substitution: And provided further, The board of trustees may in their discretion admit persons over 21 years of age under such conditions as may be deemed appropriate; and the trustees may admit children from any other state, but in such cases shall fix a tuition fee that is sufficient to cover all necessary expenses.

**History:** 1893, Act 116, Imd. Eff. May 26, 1893;—CL 1897, 2004;—CL 1915, 1459;—CL 1929, 7971;—Am. 1939, Act 269, Eff. Sept. 29, 1939;—Am. 1945, Act 175, Imd. Eff. May 16, 1945;—CL 1948, 393.65.

### **393.66 Repealed. 2002, Act 703, Imd. Eff. Dec. 30, 2002.**

**Compiler's note:** The repealed section pertained to assistance to deaf persons.

### **393.67 Deaf and dumb; education of public charges at school for deaf.**

Sec. 17. The superintendents of the poor in each of the counties of this state in which there are or shall be hereafter, any person or persons of suitable age, who shall possess a good natural intellect and a good moral character, and shall have no contagious disease, who shall be deaf and dumb, or partially deaf and dumb, and who shall be, or shall become chargeable to said county, or to any township therein, shall cause any and all such persons to be taken to the Michigan school for the deaf, at the city of Flint, to be there educated as pupils in said institution in accordance with the rules and regulations thereof.

**History:** 1893, Act 116, Imd. Eff. May 26, 1893;—CL 1897, 2006;—CL 1915, 1461;—CL 1929, 7973;—CL 1948, 393.67.

### **393.68 Deaf and dumb; suitable clothing; necessities; expenses.**

Sec. 18. Such superintendents of the poor, in every case, before taking or sending any person to said institution, as provided in section 17 of this act shall see that such person is in a state of perfect bodily cleanliness, and comfortably and decently clothed, and provided with suitable changes of raiment; and they shall thereafter, during the years that such person shall continue a pupil in said institution, furnish him or her with such clothing and other articles of necessity and convenience as are, or may be by the rules and regulations of said institution, required to be furnished for pupils therein; and shall provide for the payment of necessary traveling and other expenses of such person in going to and from said institution and while remaining there; and if they shall allow such person to remain at said institution during the yearly vacation they shall pay for his or her board during such vacation. No pupil of such institution shall be returned to any poor house during such vacation.

**History:** 1893, Act 116, Imd. Eff. May 26, 1893;—CL 1897, 2007;—CL 1915, 1462;—CL 1929, 7974;—CL 1948, 393.68.

### **393.69 Superintendents of poor; expenses; payment.**

Sec. 19. The expenses incurred by the superintendents of the poor of any county in carrying out the provisions of this act shall be paid as other necessary expenses incurred by them in the discharge of their official duties as are by law required to be paid.

**History:** 1893, Act 116, Imd. Eff. May 26, 1893;—CL 1897, 2008;—CL 1915, 1463;—CL 1929, 7975;—CL 1948, 393.69.

**MICHIGAN SCHOOL FOR THE BLIND**  
**Act 123 of 1893**

AN ACT to provide for the maintenance, supervision and government of the Michigan school for the blind, and to repeal all acts and parts of acts inconsistent herewith.

**History:** 1893, Act 123, Imd. Eff. May 26, 1893.

*The People of the State of Michigan enact:*

**393.101 School for blind; maintenance.**

Sec. 1. That there shall be maintained, at the city of Lansing, in this state, an institution for the instruction of the blind under the name and style of the "Michigan school for the blind."

**History:** 1893, Act 123, Imd. Eff. May 26, 1893;—CL 1897, 2009;—CL 1915, 1468;—CL 1929, 7984;—CL 1948, 393.101.

**Former law:** See Act 187 of 1848; Acts 133 and 245 of 1849; Acts 35 and 382 of 1850; Act 80 of 1853; Act 106 of 1855; Acts 73 and 102 of 1857; Act 188 of 1865; Act 91 of 1867; Act 111 of 1873; Act 192 of 1877; Act 250 of 1879; Acts 7 and 233 of 1881; Act 286 of 1887; Act 169 of 1891; How., § 1836 and notes thereto.

**393.102, 393.103 Repealed. 1964, Act 287, Eff. Aug. 28, 1964.**

**Compiler's note:** The repealed sections provided for board of control of school for blind and prescribed its powers and duties.

**393.104 School for blind; object; education of pupils.**

Sec. 4. The object of said school shall be to educate the blind and to afford them instruction in such useful arts and trades as they are best adapted to pursue, and such as will best enable them to maintain themselves. All pupils received in said school shall be educated in the branches usually taught in the common schools, in vocal and instrumental music, and in such other branches of learning as the board of control shall prescribe. They shall also receive instruction in such mechanical trades as said board shall prescribe, and shall have proper physical and moral training.

**History:** 1893, Act 123, Imd. Eff. May 26, 1893;—CL 1897, 2012;—CL 1915, 1471;—CL 1929, 7987;—CL 1948, 393.104.

**393.105 School for blind; pupils; eligibility.**

Sec. 5. There shall be received in said school as pupils all such blind persons and partially blind persons whose defective sight prevents their receiving instruction in the common schools, between the ages of 7 and 19 years, as are in suitable condition of body and mind to receive instruction, and who are residents of this state, and if minors whose parents or guardians are residents of this state, without charge for tuition, board, lodging, washing, medicine or medical attendance: Provided, The board of control may, in their discretion, admit persons under the age of 7 or over 19 years.

**History:** 1893, Act 123, Imd. Eff. May 26, 1893;—Am. 1897, Act 258, Eff. Aug. 30, 1897;—CL 1897, 2013;—CL 1915, 1472;—CL 1929, 7988;—CL 1948, 393.105.

**393.106 School for blind; pupils; nonresidents.**

Sec. 6. The board of control may admit applicants from other states to said school and prescribe the compensation to be paid by them, their parents or guardians: Provided, Such compensation shall be 10 per cent more than is sufficient to cover all their necessary expenses.

**History:** 1893, Act 123, Imd. Eff. May 26, 1893;—CL 1897, 2014;—CL 1915, 1473;—CL 1929, 7989;—CL 1948, 393.106.

**393.107 School for blind; pupils; period of residence at school; dismissal; transfer.**

Sec. 7. The period in which pupils shall be entitled to remain in said school shall be 12 years, or the board of control may, in cases where they deem it advisable, extend such time to 14 years. This section shall not be so construed as to prohibit the said board of control from dismissing any pupil within the such period for persistent disobedience, immoral conduct, or other sufficient cause, neither shall anything in this act operate to prohibit the transfer of any child over the age of 18 years to the Michigan employment institution for the blind upon consent granted by the board of control of the Michigan school for the blind, and whenever, in the discretion of said board, the transfer of any such child will be for its best interests or the best interests of the said Michigan school for the blind.

**History:** 1893, Act 123, Imd. Eff. May 26, 1893;—Am. 1897, Act 258, Eff. Aug. 30, 1897;—CL 1897, 2015;—Am. 1907, Act 116, Imd. Eff. May 28, 1907;—CL 1915, 1474;—CL 1929, 7990;—CL 1948, 393.107.

**393.108 County charges; superintendents of poor; duties; expenses.**

Sec. 8. It shall be the duty of the superintendents of the poor of the several counties of this state to send or

cause to be sent to said school all such persons as are entitled to admission therein, who are a charge upon their respective counties or any township therein. Such superintendents of the poor shall, before sending any pupils to said school under the provisions of this section, cause them to be decently and comfortably clothed, and shall provide them with comfortable clothing while they remain at said school, and defray their traveling expenses in going to and returning from said institution, and provide them with such articles of necessity and convenience as are required by the rules and regulations of said school to be furnished by the pupils therein, and shall also pay the board of such pupils during the usual annual vacation, if they are permitted to remain at said institution during such vacation. All persons entitled to admission to said school who are not a charge upon any county, but who, on account of their poverty, are unable to furnish themselves with proper clothing and other articles required by the rules and regulations of said school, shall receive the same aid from the superintendents of the poor of their respective counties while attending said school as is provided in this section for those who are a county charge. All expenses incurred by the superintendents of the poor under this section shall be a proper charge against their respective counties and shall be defrayed out of the poor fund of such county.

**History:** 1893, Act 123, Imd. Eff. May 26, 1893;—CL 1897, 2016;—CL 1915, 1475;—CL 1929, 7991;—CL 1948, 393.108.

**393.109, 393.110 Repealed. 2002, Act 702, Imd. Eff. Dec. 30, 2002.**

**Compiler's note:** The repealed sections pertained to statistical information relating to blind persons, duty to send to school, and to provide clothing and necessities.

**393.111 Repealed. 2018, Act 303, Imd. Eff. June 29, 2018.**

**Compiler's note:** The repealed section pertained to a biennial report.

**MICHIGAN EMPLOYMENT INSTITUTION FOR BLIND  
Act 169 of 1903**

**393.201-393.216 Repealed. 1959, Act 137, Eff. Mar. 19, 1960.**

**MICHIGAN EMPLOYMENT INSTITUTION FOR BLIND; EMPLOYMENT BUREAU  
Act 226 of 1925**

**393.241, 393.242 Repealed. 1959, Act 137, Eff. Mar. 19, 1960.**

**MICHIGAN INDUSTRIES FOR BLIND  
Act 140 of 1911**

**393.251-393.258 Repealed. 1978, Act 260, Eff. Oct. 1, 1978.**

**CONCESSIONS ON STATE PROPERTY; OPERATION BY BLIND PERSONS  
Act 14 of 1939**

**393.271-393.276 Repealed. 1978, Act 260, Eff. Oct. 1, 1978.**

**BLIND-MADE PRODUCTS  
Act 273 of 1941**

**393.291-393.294 Repealed. 1958, Act 30, Imd. Eff. Apr. 3, 1958.**

**IDENTIFICATION CARDS FOR BLIND PERSONS  
Act 95 of 1967**

**393.301-393.303 Repealed. 1978, Act 260, Eff. Oct. 1, 1978.**

## **BLIND AND VISUALLY DISABLED PERSONS**

### **Act 260 of 1978**

AN ACT to revise and codify the laws relating to blind persons and persons with a visual disability; to create a commission; to prescribe its powers and duties and those of other state agencies relative to blind persons; to provide services, education, training, and assistance to blind persons; to regulate concessions operated by blind persons; to transfer powers, duties, functions, and appropriations; and to repeal acts and parts of acts.

**History:** 1978, Act 260, Eff. Oct. 1, 1978;—Am. 1998, Act 44, Imd. Eff. Mar. 18, 1998.

*The People of the State of Michigan enact:*

#### **393.351 Definitions.**

Sec. 1. As used in this act:

(a) "Blind person" means an individual who has a visual acuity of 20/200 or less in the better eye with correction, or has a limitation of his or her field of vision such that the widest diameter of the visual field subtends an angular distance not greater than 20 degrees, as determined by the commission.

(b) "Commission" means the commission for the blind.

(c) "Concession" means equipment or location which is being used, or may be used to sell retail confections, tobaccos, papers, periodicals, and other like merchandise, coffee, milk, soft drinks, wrapped ice cream, wrapped sandwiches, wrapped baked goods, packaged salads and other similar food items. Concession includes the operation of "quickie lunch counters" for the dispensing of prepared foods in state buildings and vending facilities.

(d) "Department" means the department of labor.

(e) "Director" means the director of the commission.

(f) "Vending facility" means an automatic vending machine, cafeteria, snack bar, cart service, shelter, counter, or any other appropriate auxiliary equipment as the commission may prescribe by rule as being necessary for the sale of articles or services described in this act and which may be operated by a blind licensee.

**History:** 1978, Act 260, Eff. Oct. 1, 1978;—Am. 1982, Act 224, Imd. Eff. Sept. 14, 1982.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the department of labor to the family independence agency, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

**Administrative rules:** R 393.101 et seq. of the Michigan Administrative Code.

#### **393.352 Commission for blind; creation; appointment of members; chairperson; appointment and evaluation of director of commission; terms, compensation, and expenses of members; officers; quorum.**

Sec. 2. (1) The commission for the blind is created in the department of labor. The commission consists of 5 members appointed by the governor by and with the advice and consent of the senate. Three of the members shall be blind persons. One of the members shall be designated by the governor to serve as the chairperson. The commission shall recommend to the director of the department a person to serve as director of the commission from a list of eligible persons certified and submitted by the department of civil service who shall be classified as a civil service employee, and the director of the department may appoint or reject that person. Should that person be rejected, the procedure shall be repeated until a director is appointed. The commission shall evaluate the performance of the director annually and submit its evaluation and recommendations to the director of the department.

(2) The members shall serve for terms of 3 years except of those members first appointed, 2 shall serve for terms of 3 years, 2 for 2 years, and 1 shall serve for 1 year. A vacancy shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(3) The compensation and the schedule of reimbursement of expenses shall be established annually by the legislature.

(4) The members shall elect their own officers as necessary.



(5) A majority of the members appointed constitutes a quorum.

**History:** 1978, Act 260, Eff. Oct. 1, 1978.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For abolishment of the commission for the blind and the position of director of commission for the blind, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

### **393.353 Services for determining cause and prevention of blindness; examination to certify statutory blindness; treatment; cost; contract to provide eye examinations.**

Sec. 3. (1) The commission shall establish and maintain services as needed for determining the cause and prevention of blindness. The examination to certify statutory blindness may be performed by either an ophthalmologist or physician skilled in the diseases of the eye; or a licensed optometrist, whichever the person shall select. When a blind or partially blind person can be benefited by treatment, the commission shall arrange for the necessary treatment, with the consent of the person, by an ophthalmologist or physician skilled in the diseases of the eye, a licensed optometrist, or both. An examination shall be provided without charge to the applicant for services to the blind. Unless other funds are available, the examination, and treatment if provided, shall be paid for by the commission.

(2) The commission may contract with the department of social services or the department of public health to provide eye examinations for applicants for aid to the blind.

**History:** 1978, Act 260, Eff. Oct. 1, 1978.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

### **393.354 Services to assist persons with visual disability; fee; duties of commission generally.**

Sec. 4. (1) The commission shall maintain a program of services to assist persons with a visual disability to overcome vocational disabilities and to obtain the maximum degree of self-support and self-care. Services provided for under this section may be furnished to clients from other agencies of this or other states for a fee which shall not be less than the actual costs of the services.

(2) The commission shall:

(a) Furnish diagnostic evaluation to determine the nature and scope of services to be provided.

(b) Provide physical restoration to eliminate or minimize the effects of the disability.

(c) Provide for special education or training in the professions, businesses, or trades under a vocational rehabilitation plan. The commission may furnish living maintenance during the period of the education or training within or without the state.

(d) Provide services to blind persons in accordance with the rehabilitation act of 1973, Public Law 93-112, 29 U.S.C. 701 to 707, 709 to 718b, 720 to 750, 753 to 753a, 760 to 762, 765, 770, 771a to 777b, 777d to 777f, 780, 781 to 785, 791 to 794e, 795 to 795r, 796 to 796f-6, 796j to 796l, and 797 to 797b.

(e) Establish, construct, or maintain rehabilitation centers, training centers, or workshops to teach persons with visual disabilities to prepare for and maintain trades or occupations when the training is feasible and will contribute to the efficiency or support of the persons with visual disabilities.

(f) Provide teacher-counselor services and teaching of subjects which will assist persons with visual disabilities in the ease and enjoyment of daily living.

(g) Place persons with visual disabilities in jobs or business enterprises in accordance with the abilities and interests of the applicant.

(h) Teach persons with visual disabilities trades or occupations which may be followed in their homes and to assist them in whatever manner may seem advisable in disposing of the products of their home industries.

(i) Aid individual persons with visual disabilities or groups of persons with visual disabilities to engage in gainful occupations by furnishing materials, equipment, goods, or services to them, by providing financial



assistance as necessary to encourage and equip them to reach an objective established with them by the commission.

(j) Provide rehabilitation services for blind persons who are senior citizens so that they may reside within a community.

(k) Provide other rehabilitative goods and services as appropriate to each individual circumstance.

**History:** 1978, Act 260, Eff. Oct. 1, 1978;—Am. 1998, Act 44, Imd. Eff. Mar. 18, 1998.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

### **393.355 Additional duties of commission.**

Sec. 5. The commission shall do all of the following:

(a) Cooperate with other departments, agencies, and institutions, both public and private, in providing for the rehabilitation of blind persons, in studying problems relative to blind persons, and in establishing, developing, and providing necessary programs, facilities, and services.

(b) Enter into reciprocal arrangements with other states to provide for the rehabilitation of residents of the states concerned.

(c) Conduct research and compile statistics relating to the rehabilitation of blind persons.

(d) Provide social adjustment, guidance, counsel, mobility training, and employment adjustment of blind persons in their home communities.

(e) Provide surveys of employment opportunities for blind persons and the placement of blind persons in employment not otherwise provided for.

(f) Regulate concessions reserved for operation by blind persons pursuant to this act.

(g) Promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, for the implementation and administration of this act.

**History:** 1978, Act 260, Eff. Oct. 1, 1978;—Am. 1982, Act 224, Imd. Eff. Sept. 14, 1982.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

**Administrative rules:** R 393.101 et seq. and R 393.201 et seq. of the Michigan Administrative Code.

### **393.356 Employment and duties of educational consultants; assistance to students with visual disabilities; liaison and program coordination.**

Sec. 6. (1) The commission may employ qualified educational consultants to assist public or private school teachers responsible for teaching students with visual disabilities. Educational consultants shall assist public and private school teachers by providing methods and materials for teaching students with visual disabilities. The superintendent of public instruction shall inform the commission of the schools in which students with visual disabilities are enrolled.

(2) The director or a person designated by the director shall be the liaison between the commission, the schools for the blind, and the superintendent of public instruction, and shall coordinate all programs affecting blind students.

**History:** 1978, Act 260, Eff. Oct. 1, 1978;—Am. 1998, Act 44, Imd. Eff. Mar. 18, 1998.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

### **393.357 Contributions or gifts; acceptance; expenditure; stipulation of donor.**

Sec. 7. The commission may accept contributions or gifts in cash or otherwise from persons, associations, or corporations. Contributions and gifts shall be expended as provided by law, in the same manner as moneys appropriated for implementing the purposes of this act. The donor of the gift may stipulate the manner in which the gift shall be expended within the guidelines of this act.

**History:** 1978, Act 260, Eff. Oct. 1, 1978.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

### **393.358 Powers of commission pursuant to state-federal agreements.**

Sec. 8. The commission, pursuant to state-federal agreements: may cooperate with the federal government in carrying out the purposes of a federal statute or regulation, not in conflict with state law, which pertains to rehabilitation of blind persons; may adopt methods of administration, not in conflict with state law, which are necessary for the proper and efficient operation of the agreements or plans for rehabilitation of blind persons; and may comply with conditions, not in conflict with state law, which are necessary to secure the full benefits of federal statute.

**History:** 1978, Act 260, Eff. Oct. 1, 1978.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

### **393.359 Concessions in state building or on state property; operation by blind person; plans; location of concessions.**

Sec. 9. (1) Except as provided in sections 10 and 10a, a concession in a building or on property owned or occupied by this state must be operated by a blind person, regardless of race, creed, color, sex, marital status, or religious preference.

(2) The department of technology, management, and budget shall submit plans relative to concessions in state buildings or on state property to the commission, which has the final authority relative to the location of concessions.

**History:** 1978, Act 260, Eff. Oct. 1, 1978;—Am. 2018, Act 159, Eff. Aug. 21, 2018.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

### **393.360 Act inapplicable to certain concessions; sighted person operating concession under contract or lease, or operating concession not applied for by blind person.**

Sec. 10. (1) This act shall not apply to a concession operated in connection with the state fair, with the use of state fairgrounds, with a state educational institution, state penal institution, military establishment, armory, or state park.

(2) A sighted person operating a concession under contract or lease at the time this act becomes effective shall not be required to surrender the rights before the contract or lease expires.

(3) A sighted person operating a concession which has not been applied for by a blind person may be permitted to continue in charge until the concession is applied for and a qualified blind person is chosen to operate the concession.

**History:** 1978, Act 260, Eff. Oct. 1, 1978.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL

445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

### **393.360a Building larger than 1,000,000 square feet; automated vending machine; rental rate.**

Sec. 10a. (1) Except as provided in subsection (2), section 9 does not apply to a building or part of a building owned or occupied by this state if the building is larger than 1,000,000 square feet.

(2) The commission shall exercise its authority under section 9 to provide for automated vending machine concessions in a building described in subsection (1).

(3) The department of technology, management, and budget shall provide 1,700 square feet of space to the commission at the same rental rate provided to state agency tenants in buildings described in subsection (1).

**History:** Add. 2018, Act 159, Eff. Aug. 21, 2018.

**Compiler's note:** For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

### **393.361 Concessions; qualifications of applicant; limitation on number.**

Sec. 11. The qualifications of an applicant to operate a concession shall be determined according to qualifications established by the commission. A blind person shall not operate more than 1 concession.

**History:** 1978, Act 260, Eff. Oct. 1, 1978.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

### **393.362 Contract or lease of veteran with service-connected disability not affected.**

Sec. 12. This act shall not be construed to affect the contract or lease of world war I, world war II, Spanish-American war, Korean conflict, or Vietnam era conflict veteran having a service-connected disability recognized by the veterans' administration of the federal government, or a renewal of that contract or lease.

**History:** 1978, Act 260, Eff. Oct. 1, 1978.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

### **393.363 Implementation of Randolph-Sheppard vending stand act.**

Sec. 13. The commission shall be the state agency for implementing the Randolph-Sheppard vending stand act, 20 U.S.C. 107 to 107f.

**History:** 1978, Act 260, Eff. Oct. 1, 1978.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For transfer of powers and duties relating to final agency decisions from commission for the blind to director of department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

### **393.364 Repealed. 1984, Act 335, Eff. Oct. 1, 1985.**

**Compiler's note:** The repealed section pertained to identification cards for legally blind persons.

### **393.365 Conducting business at public meeting; notice; availability of writings to public.**

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Sec. 15. (1) The business which the commission or any committee appointed under this act may perform shall be conducted at a public meeting of the commission or committee held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(2) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**History:** 1978, Act 260, Eff. Oct. 1, 1978.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

### **393.366 Transfer of personnel, equipment, and unexpended appropriations; transfer of powers, duties, and functions.**

Sec. 16. (1) The personnel serving in and the equipment and unexpended appropriations of the office of services to the blind in the department of social services is transferred to the commission.

(2) All powers, duties, and functions vested by law in the department of social services relative to the office of services to the blind are transferred to the commission.

**History:** 1978, Act 260, Eff. Oct. 1, 1978.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

**Administrative rules:** R 393.101 et seq. of the Michigan Administrative Code.

### **393.367 Repeal of MCL 393.251 to 393.258, 393.271 to 393.276, and 393.301 to 393.303.**

Sec. 17. Act No. 140 of the Public Acts of 1911, being sections 393.251 to 393.258 of the Compiled Laws of 1970, Act No. 14 of the Public Acts of 1939, being sections 393.271 to 393.276 of the Compiled Laws of 1970 and Act No. 95 of the Public Acts of 1967, being sections 393.301 to 393.303 of the Compiled Laws of 1970, are repealed.

**History:** 1978, Act 260, Eff. Oct. 1, 1978.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

### **393.368 Effective date.**

Sec. 18. This act shall take effect October 1, 1978.

**History:** 1978, Act 260, Eff. Oct. 1, 1978.

**Compiler's note:** For transfer of powers and duties of the commission for the blind from the family independence agency, or its director, to the department of labor and economic growth, or its director, by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of commission for the blind to bureau of services for blind persons within department of licensing and regulatory affairs, see E.R.O. No. 2012-5, compiled at MCL 445.2033.

For the transfer of powers and duties of the bureau of services for blind persons and the commission for blind persons and its directors from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

### **393.369 Repealed. 1983, Act 141, Imd. Eff. July 18, 1983.**

**Compiler's note:** The repealed section pertained to the expiration of the act.

**SPECIAL EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN  
Act 18 of 1954**

**393.401-393.420 Repealed. 1955, Act 269, Imd. Eff. June 29, 1955.**

## **DEAF PERSONS' INTERPRETERS ACT**

### **Act 204 of 1982**

AN ACT to provide for and regulate the use of interpreters in administrative and judicial proceedings and in certain other instances; to establish standards for interpreters; to provide compensation for interpreters; to prescribe the powers and duties of certain state departments and agencies; to prescribe penalties for the violation of the provisions of this act; and to provide for the promulgation of rules.

**History:** 1982, Act 204, Imd. Eff. July 1, 1982;—Am. 2007, Act 23, Imd. Eff. June 28, 2007.

*The People of the State of Michigan enact:*

#### **393.501 Short title.**

Sec. 1. This act shall be known and may be cited as the "deaf persons' interpreters act".

**History:** 1982, Act 204, Imd. Eff. July 1, 1982.

**Compiler's note:** For transfer of powers and duties of the commission on disability concerns established in Executive Order 1995-11 from the department of labor to the family independence agency, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

For transfer of powers and duties of division on deaf, deafblind, and hard of hearing within department of licensing and regulatory affairs, see E.R.O. No. 2017-4, compiled at MCL 445.2036.

#### **393.502 Definitions.**

Sec. 2. As used in this act:

(a) "Appointing authority" means a court or a department, board, commission, agency, or licensing authority of this state or a political subdivision of this state or an entity that is required to provide a qualified interpreter in circumstances described under section 3a.

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

(c) "Deaf-blind person" means a person who has a combination of hearing loss and vision loss, such that the combination necessitates specialized interpretation of spoken and written information in a manner appropriate to that person's dual sensory loss.

(d) "Division" means the division on deaf and hard of hearing of the department of labor and economic growth.

(e) "Intermediary interpreter" or "deaf interpreter" means any person, including any deaf or deaf-blind person, who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language by acting as an intermediary between a deaf or deaf-blind person and a qualified interpreter.

(f) "Qualified interpreter" means a person who is certified through the national registry of interpreters for the deaf or certified through the state by the division.

(g) "Qualified oral interpreter" means a qualified interpreter who is able to convey information through facial and lip movement.

(h) "Qualified sign language interpreter" means a qualified interpreter who uses sign language to convey information.

**History:** 1982, Act 204, Imd. Eff. July 1, 1982;—Am. 2007, Act 24, Imd. Eff. June 28, 2007.

**Compiler's note:** For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

#### **393.503 Right of deaf or deaf-blind person to qualified interpreter in proceeding before court, grand jury, or appointing authority; appointment of qualified interpreter; waiver; preliminary determination; intermediary or deaf interpreter.**

Sec. 3. (1) In any action before a court or a grand jury where a deaf or deaf-blind person is a participant in the action, either as a plaintiff, defendant, or witness, the court shall appoint a qualified interpreter to interpret the proceedings to the deaf or deaf-blind person, to interpret the deaf or deaf-blind person's testimony or statements, and to assist in preparation of the action with the deaf or deaf-blind person's counsel.

(2) In a proceeding before an appointing authority, other than a court, the appointing authority shall appoint a qualified interpreter to interpret the proceedings to the deaf or deaf-blind person and to interpret the



deaf or deaf-blind person's testimony or statements in any proceeding before the appointing authority.

(3) The right of a deaf or deaf-blind person to a qualified interpreter shall not be waived except by a request for waiver in writing by the deaf or deaf-blind person. A written waiver of a plaintiff or defendant is subject to the approval of the deaf or deaf-blind person's counsel and the approval of the appointing authority.

(4) A qualified interpreter shall not be appointed unless the appointing authority and the deaf or deaf-blind person make a preliminary determination that the qualified interpreter is able to readily communicate with the deaf or deaf-blind person and to interpret the proceedings in which the deaf or deaf-blind person is involved.

(5) If a qualified interpreter states that the interpreter is unable to render a satisfactory interpretation and that an intermediary interpreter or deaf interpreter will improve the quality of the interpretation, the appointing authority shall appoint an intermediary interpreter or deaf interpreter to assist the qualified interpreter.

**History:** 1982, Act 204, Imd. Eff. July 1, 1982;—Am. 2007, Act 24, Imd. Eff. June 28, 2007.

**Compiler's note:** For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

### **393.503a Interpreter required as accommodation; qualified interpreter required.**

Sec. 3a. If an interpreter is required as an accommodation for a deaf or deaf-blind person under state or federal law, the interpreter shall be a qualified interpreter.

**History:** Add. 2007, Act 24, Imd. Eff. June 28, 2007.

**Compiler's note:** For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

### **393.504 Notification of need for or right to interpreter; proof of deafness.**

Sec. 4. (1) Each deaf or deaf-blind person whose appearance in an action or other proceeding entitles the deaf or deaf-blind person to a qualified interpreter shall provide reasonable notice to the appointing authority of the need of a qualified interpreter before the appearance. Each deaf or deaf-blind person who is entitled to a qualified interpreter as an accommodation under state or federal law shall provide reasonable notice to the appointing authority of the need for a qualified interpreter.

(2) An appointing authority, when it knows a deaf or deaf-blind person is or will be coming before it, shall inform the deaf or deaf-blind person of the right to a qualified interpreter.

(3) An appointing authority may require a person requesting the appointment of a qualified interpreter to furnish reasonable proof of the person's deafness, if the appointing authority has reason to believe that the person is not deaf or deaf-blind.

**History:** 1982, Act 204, Imd. Eff. July 1, 1982;—Am. 2007, Act 23, Imd. Eff. June 28, 2007.

**Compiler's note:** For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

### **393.505 Arrest of deaf or deaf-blind person; procuring interpreter; inadmissibility of statements made without interpreter.**

Sec. 5. (1) If a deaf or deaf-blind person is arrested and taken into custody for any alleged violation of a criminal law of this state, the arresting officer and the officer's supervisor shall procure a qualified interpreter in order to properly interrogate the deaf or deaf-blind person and to interpret the deaf or deaf-blind person's statements.

(2) A statement taken from a deaf or deaf-blind person before a qualified interpreter is present is not admissible in court.

**History:** 1982, Act 204, Imd. Eff. July 1, 1982;—Am. 2007, Act 23, Imd. Eff. June 28, 2007.

**Compiler's note:** For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

### **393.506 Oath or affirmation of interpreter; recess periods; information gathered by interpreter pertaining to pending proceeding confidential and privileged; waiver.**

Sec. 6. (1) Before a qualified interpreter participates in any action or other proceeding because of an appointment under this act, the qualified interpreter shall make an oath or affirmation that the qualified interpreter will make a true interpretation in an understandable manner to the deaf or deaf-blind person for whom the qualified interpreter is appointed and that the qualified interpreter will interpret the statements of

the deaf or deaf-blind person in the English language to the best of the interpreter's skill. The appointing authority shall provide recess periods as necessary for the qualified interpreter when the qualified interpreter so indicates.

(2) The information that the qualified interpreter, intermediary interpreter, or deaf interpreter gathers from the deaf or deaf-blind person pertaining to any action or other pending proceeding shall at all times remain confidential and privileged, unless the deaf or deaf-blind person executes a written waiver allowing the information to be communicated to other persons and the deaf or deaf-blind person is present at the time the information is communicated.

**History:** 1982, Act 204, Imd. Eff. July 1, 1982;—Am. 2007, Act 23, Imd. Eff. June 28, 2007.

**Compiler's note:** For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

### **393.507 Fee and expenses of interpreter; payment; schedule of fees; duration of interpreter's availability.**

Sec. 7. (1) A court appointed interpreter, qualified interpreter, intermediary interpreter, or deaf interpreter shall be paid a fee by the court that it determines to be reasonable. A qualified interpreter, intermediary interpreter, or deaf interpreter appointed by an appointing authority other than a court shall be paid a fee by the appointing authority. In addition, a qualified interpreter, intermediary interpreter, or deaf interpreter shall be paid for his or her actual expenses for travel, meals, and lodging.

(2) If the qualified interpreter, intermediary interpreter, or deaf interpreter is appointed by an appointing authority other than a court, the fee shall be paid out of funds available to the appropriate appointing authority.

(3) A qualified interpreter appointed for the deaf or deaf-blind person shall be available for the duration of the deaf or deaf-blind person's participation in the action or other proceeding.

**History:** 1982, Act 204, Imd. Eff. July 1, 1982;—Am. 2007, Act 23, Imd. Eff. June 28, 2007.

**Compiler's note:** For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

### **393.508 Channeling requests for interpreters through division; listing of interpreters.**

Sec. 8. (1) The appointing authority shall channel requests for qualified interpreters, intermediary interpreters, and deaf interpreters through the division.

(2) The division shall compile and update annually a listing of qualified interpreters, intermediary interpreters, and deaf interpreters and shall make this listing available to an appointing authority that may need the services of a qualified interpreter, intermediary interpreter, or deaf interpreter as required by this act.

**History:** 1982, Act 204, Imd. Eff. July 1, 1982;—Am. 1988, Act 435, Eff. Mar. 30, 1989;—Am. 2007, Act 23, Imd. Eff. June 28, 2007.

**Compiler's note:** For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

### **393.508a Rules.**

Sec. 8a. (1) The division, with the advice of the department of education, shall promulgate rules, under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, that 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.

(2) The rules promulgated under this section shall be coordinated with the department of education and the administrative rule for special education, R 340.1793a of the Michigan administrative code.

**History:** Add. 2007, Act 23, Imd. Eff. June 28, 2007.

**Compiler's note:** For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

\*\*\*\*\* 393.508b SUBSECTION (1) TAKES EFFECT OCTOBER 1, 2007: See compiler's note following this section; SUBSECTION (3) BECAME EFFECTIVE ON JULY 5, 2014 PURSUANT TO THE EFFECTIVE DATE OF R 393.5001 TO R 393.5095.

### **393.508b Qualified interpreter; misrepresentation as misdemeanor; violation of MCL 393.503a; fine; effective date of subsection (3).**

Sec. 8b. (1) A person who knows that he or she does not meet the definition of qualified interpreter under this act and misrepresents himself or herself as a qualified interpreter is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$500.00 or more than \$1,000.00, or both.

(2) An individual who applies to become certified as a qualified interpreter through the state by the division or a qualified interpreter certified through the state by the division who violates this act is subject to 1 or more of the following actions by the division:

(a) Rejection of his or her application for certification as a qualified interpreter under this act.

(b) Revocation, suspension, or limitation of his or her certification as a qualified interpreter under this act.

(3) An appointing authority that willfully violates section 3a is subject to a civil fine of not less than \$1,000.00 and not more than \$10,000.00.

(4) Subsection (3) becomes effective on the effective date of the rules promulgated under this pursuant to section 8a.

**History:** Add. 2007, Act 23, Imd. Eff. June 28, 2007.

**Compiler's note:** Enacting section 1 of Act 24 of 2007 provides:

"Enacting section 1. Subsection (1) of section 8b of the deaf persons' interpreters act, 1982 PA 204, MCL 393.508b, takes effect October 1, 2007 and applies to crimes committed on or after that date."

For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

### **393.508c State certification; issuance; application; fee.**

Sec. 8c. A person who is certified through and is in good standing with the national registry of interpreters for the deaf shall be issued a state certification upon filing a complete application and submitting the \$30.00 application fee.

**History:** Add. 2007, Act 23, Imd. Eff. June 28, 2007.

**Compiler's note:** For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

### **393.508d Possession of Michigan quality assurance certification; expiration; renewal.**

Sec. 8d. Any person possessing a Michigan quality assurance certification at the level of I, II, or III, on the effective date of the amendatory act that added this section, shall be considered a qualified interpreter for purposes of this act until that certification status expires. He or she may renew the certificate annually until it expires and retesting is required.

**History:** Add. 2007, Act 23, Imd. Eff. June 28, 2007.

**Compiler's note:** For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

### **393.508e Fees.**

Sec. 8e. (1) A person who is a qualified interpreter, upon presentation of national certification credentials and without examination, shall pay a \$30.00 application fee, that shall also fulfill the initial certification requirement under subsection (2).

(2) The division shall collect a \$30.00 annual renewal fee for issuing state certification credentials for all qualified interpreters under this act.

(3) The division shall collect a \$125.00 examination fee from each resident of this state applying to take an examination for certification under this act. The division shall collect a \$175.00 examination fee from each person who does not reside in this state who applies to take an examination for certification under this act.

**History:** Add. 2007, Act 23, Imd. Eff. June 28, 2007.

**Compiler's note:** For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

### **393.508f Deposit of money received under MCL 393.508c and 393.508e.**

Sec. 8f. (1) Money received under sections 8c and 8e shall be deposited into the division on deafness fund established in section 8 of the division of deafness act, 1937 PA 72, MCL 408.208, and expended as described in that section.

(2) Money received under sections 8c and 8e that is deposited into the division on deafness fund as provided in subsection (1) shall be expended to cover costs associated with the division on deaf and hard of hearing within the commission on disability concerns.

**History:** Add. 2010, Act 74, Imd. Eff. May 19, 2010.

**Compiler's note:** In subsection (1), the citation "division of deafness act, 1937 PA 72, MCL 408.208" evidently should read "division on deafness act, 1937 PA 72, MCL 408.208".

For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

### **393.509 Conditional effective date.**

Sec. 9. This act shall not take effect unless Senate Bill No. 616 of the 81st Legislature is enacted into law.

**History:** 1982, Act 204, Imd. Eff. July 1, 1982.

**Compiler's note:** Senate Bill No. 616, referred to in this section, was approved by the Governor on July 1, 1982, and became P.A. 1982, No. 203, Imd. Eff. July 1, 1982.

For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

For transfer of powers and duties of division on deaf, deafblind, and hard of hearing within department of licensing and regulatory affairs, see E.R.O. No. 2017-4, compiled at MCL 445.2036.