

STATE OF NEW YORK

6170

2023-2024 Regular Sessions

IN SENATE

March 31, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the licensing of sign language interpreters and creating a state board for sign language interpreting

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new article 169 to
2 read as follows:

ARTICLE 169

SIGN LANGUAGE INTERPRETERS

Section 8900. Introduction.

8901. Definitions.

8902. Practice of sign language interpreting.

8903. State board for sign language interpreting.

8904. Licensing requirements.

8905. Exempt persons.

11 § 8900. Introduction. This article applies to the profession of sign
12 language interpreter. The general provisions for all professions
13 contained in article one hundred thirty of this title apply to this
14 article.

15 § 8901. Definitions. As used in this article:

16 (1) "Client" shall mean a deaf, hard of hearing or hearing person for
17 whom an interpreter provides sign language interpretation services or
18 who is applying to be assessed for the purpose of qualifying for a
19 license that will allow him or her to provide sign language interpreta-
20 tion services.

21 (2) "Board" shall mean the board for sign language interpreting.

22 § 8902. Practice of sign language interpreting. (1) Only a person
23 licensed or otherwise authorized under this article shall practice sign

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 language interpreting or use the title of sign language interpreter for
2 compensation.

3 (2) No person may, for compensation, provide sign language interpreta-
4 tion services for a client unless the person is licensed by the depart-
5 ment.

6 § 8903. State board for sign language interpreting. (1) A state board
7 for sign language interpreting shall be appointed by the board of
8 regents on recommendation of the commissioner for the purpose of assist-
9 ing the board of regents and the department on matters of professional
10 licensing and professional conduct in accordance with section sixty-five
11 hundred eight of this title. The board shall consist of not less than
12 ten members who shall serve three year terms and shall have a familiar-
13 ity with deaf or hard of hearing matters. Such members shall include:

14 (a) six deaf or hard of hearing individuals who are currently or have
15 previously been clients of a sign language interpreter, one of whom
16 shall be the executive director of the office of professions or a desig-
17 nee of the commissioner; and

18 (b) four sign language interpreters who have been licensed under
19 section eighty-nine hundred four of this article, at least one of whom
20 holds a professional license.

21 (2) In order to maintain high-quality operation of the executive board
22 and also effective implementation of the policy, one highly knowledge-
23 able deaf person may be appointed to the board from out of state, yet
24 working in the state of New York.

25 (3) The board shall promulgate:

26 (a) a code of ethics for sign language interpreters licensed under
27 this article;

28 (b) rules for granting licensing exemptions under section eighty-nine
29 hundred five of this article;

30 (c) industry standards for the licensing of sign language interpret-
31 ers;

32 (d) guidelines for the administration of testing for the department to
33 implement licensing and license renewal requirements;

34 (e) requirements for the department to create a searchable database
35 for consumers requiring the assistance of a licensed sign language
36 interpreter; and

37 (f) a code of ethics and regulations for the purpose of licensing sign
38 language interpreting agencies that hire interpreters and/or transla-
39 tors.

40 § 8904. Licensing requirements. (1) To qualify for a license as a sign
41 language interpreter, an applicant shall obtain a professional license
42 as described in subdivision two of this section.

43 (2) The department shall grant a professional license as a sign
44 language interpreter to an applicant who:

45 (a) submits an application on a form provided by the department;

46 (b) pays a fee of one hundred five dollars to the department for
47 admission to a department conducted examination and for an initial
48 license, a fee of sixty dollars for each reexamination, a fee of ninety
49 dollars for an initial license for persons not requiring admission to a
50 department conducted examination, and a fee of one hundred thirty
51 dollars for each five year registration period;

52 (c) meets the minimum industry standards determined by the board to be
53 licensed by the department; and

54 (d) establishes the schedule of appropriate fees as needed to ensure
55 the affordability to clients and/or applicants and to maintain the
56 effective management of the licensing procedures.

1 (3) All licensees shall maintain their skills by participating in
2 interpreters' training workshops or seminars arranged by the state board
3 for sign language interpreting.

4 § 8905. Exempt persons. (1) The department may grant a temporary
5 exemption to an individual who is not a resident of this state for a
6 period not to exceed sixty days if the individual has certified creden-
7 tials from the state of their previous residence. The department may not
8 grant an individual more than two temporary exemptions per year pursuant
9 to this subdivision.

10 (2) The department may grant a permanent exemption to an applicant
11 based on their ability to meet the minimum industry standards determined
12 by the board to be licensed by the department.

13 (3) The department may grant a temporary or permanent exemption to an
14 individual who is a resident of this state for a period specified by the
15 department.

16 § 2. This act shall take effect on the five hundred fiftieth day after
17 it shall have become a law.