
HOUSE BILL 2596

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By Representatives Romero, Eickmeyer, Haigh, Carlson, Rockefeller, Santos, Boldt, Murray, Scott, Lantz, Dunn, Ruderman, Kenney, Morris, Ogden, Wolfe and Woods

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1 AN ACT Relating to licensing interpreters for the deaf and hard of
2 hearing; amending RCW 2.42.010, 2.42.050, 2.42.110, 2.42.120, 2.42.130,
3 2.42.140, 2.42.150, 2.42.160, 2.42.170, and 2.42.180; adding a new
4 chapter to Title 18 RCW; creating new sections; prescribing penalties;
5 and providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** PURPOSE. The purpose of this act is to
8 establish a system of licensing interpreters for the deaf and hard of
9 hearing that will enhance the opportunities of persons who are deaf and
10 hard of hearing to enjoy the fruits of our society, increase their
11 educational opportunities, enhance their public safety and security,
12 and allow them to more fully enjoy their constitutional rights.

13 **PART I - LICENSING INTERPRETERS**

14 NEW SECTION. **Sec. 101.** DEFINITIONS. The definitions in this
15 section apply throughout this chapter unless the context clearly
16 requires otherwise.

1 (1) "Board" means the Washington board of interpreters for the deaf
2 and hard of hearing.

3 (2) "Consumer" means a person who is deaf or hard of hearing or who
4 requires special communication techniques in order to communicate.

5 (3) "Department" means the department of licensing.

6 (4) "Director" means the director of the department of licensing.

7 (5) "Interpreter" means a person who engages in the act or practice
8 of interpreting for gain in the state of Washington, but does not
9 include an intermediary interpreter, as defined under RCW 2.42.110.

10 (6) "Interpreting" means the act of translating or transliterating
11 English concepts to any or all necessary specialized language used by
12 a consumer or the act of translating a consumer's specialized
13 vocabulary to English concepts.

14 (7) "Specialized vocabulary" means manual signs and gestures
15 operating as visual or tactile ways of communicating thoughts, ideas,
16 and feelings, including but not limited to American sign language,
17 English-based sign language, cued speech, oral interpreting, manually
18 coded English, and contact sign language.

19 NEW SECTION. **Sec. 102.** LICENSE REQUIREMENT. Effective December
20 1, 2002, a person may not represent himself or herself as an
21 interpreter, or engage in the practice of interpreting, for the deaf or
22 hard of hearing, without applying for a license, meeting the required
23 qualifications, and being licensed as an interpreter, except as
24 exempted and provided by this chapter. Effective December 1, 2002, a
25 person or a public or private entity may not knowingly employ a person
26 for interpreting for the deaf or hard of hearing unless the person is
27 licensed by the department as an interpreter to engage in the act of
28 interpreting for the deaf or hard of hearing, except as exempted and
29 provided by this chapter.

30 Interpreters in judicial or administrative proceedings are governed
31 by chapter 2.42 RCW.

32 NEW SECTION. **Sec. 103.** REQUIREMENTS FOR BEING LICENSED AS AN
33 INTERPRETER. In addition to any other requirements that may be
34 established by departmental rule, a person may be licensed as an
35 interpreter for the deaf or hard of hearing only if he or she: (1)
36 Possesses current certification by the national association of the deaf
37 or the registry of interpreters for the deaf; or (2) has obtained a

1 certificate of completion of a deaf interpretation program from a
2 community or technical college in this state or an equivalent program.

3 A licensed interpreter must also have adequate professional
4 liability insurance coverage and have passed a criminal background
5 check through the Washington state patrol criminal identification
6 system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050,
7 but the criminal background check need not include a fingerprint check.
8 The department shall determine the adequacy of professional liability
9 insurance coverage and require each licensed interpreter to submit
10 proof of adequate professional liability insurance coverage.

11 NEW SECTION. **Sec. 104.** EXCLUSIONS FROM CHAPTER. This chapter
12 does not apply to:

13 (1) Persons interpreting for religious activities;

14 (2) Persons volunteering to interpret without compensation, but not
15 including persons volunteering to interpret for state agency offices
16 and state agency programs;

17 (3) Persons interpreting during emergency situations. For purposes
18 of this section, "emergency situation" means a situation where an adult
19 who receives the interpretation services decides that the delay
20 necessary to obtain a licensed interpreter is likely to cause him or
21 her injury or loss and signs a waiver holding all persons harmless.
22 The waiver must clearly state that the adult who receives the
23 interpretation services knows he or she has a right to interpretation
24 by a licensed interpreter and willingly waives this right;

25 (4) Persons who interpret for family members and do not receive
26 compensation for this interpretation;

27 (5) Residents of this state with current certification by the
28 national association of the deaf or the registry of interpreters for
29 the deaf who interpret for twenty or fewer days in any year;

30 (6) Persons who interpret in public schools, except as provided
31 under section 109 of this act;

32 (7) Persons who are interns or students in training who are:

33 (a) Enrolled in a program of study in interpreting at a recognized
34 program of interpreter training or who have graduated from a recognized
35 program of interpreter training within the previous two years;

36 (b) Interpreting under the supervision of a licensed interpreter as
37 part of a supervised program of study; or

1 (c) Otherwise identified as interpreter interns or students in
2 training.

3 NEW SECTION. **Sec. 105.** BOARD OF INTERPRETERS FOR THE DEAF AND
4 HARD OF HEARING. (1) The Washington board of interpreters for the deaf

5 and hard of hearing is created, consisting of ten members as follows:

6 (a) The president of the Washington state association of the deaf
7 or the president's designee;

8 (b) The director of the office of deaf and hard of hearing of the
9 department of social and health services or the director's designee;

10 (c) A representative from the office of the superintendent of
11 public instruction, appointed by the superintendent of public
12 instruction;

13 (d) A consumer of interpreting services appointed by the secretary
14 of the department of social and health services; and

15 (e) One representative appointed by each of the following groups:

16 (i) The Washington state association of the deaf, interpreters
17 chapter;

18 (ii) The Washington state registry of interpreters for the deaf;

19 (iii) The American sign language teachers association;

20 (iv) The Washington school for the deaf;

21 (v) The Washington deaf and blind citizens; and

22 (vi) Self-help for the hard of hearing.

23 (2) If one of these groups fails to appoint a person, the board
24 shall select a person from that group to represent the group. Board
25 members shall serve staggered three-year terms of office, except that
26 the director shall determine the staggering of terms by determining
27 three initial members who have a one-year term of office and three
28 initial members who have two-year terms of office, with the remaining
29 three initial members having three-year terms of office. If a vacancy
30 arises, a person must be appointed by the appropriate appointing
31 authority to fill the remainder of the unexpired term of office.

32 (3) The members of the board shall not receive compensation for
33 their services on the board. Members shall be reimbursed for actual
34 and necessary expenses incurred in the performance of their duties by,
35 and the board shall receive administrative services and staff support
36 from, the office of deaf and hard of hearing of the department of
37 social and health services. Members of the board are immune,
38 collectively and individually, from suit in any action, criminal or

1 civil, based upon any official acts performed in the course of their
2 duties under this chapter.

3 NEW SECTION. **Sec. 106.** AUTHORITY OF THE DIRECTOR. The director
4 shall:

5 (1) In consultation with the board, adopt rules under chapter 34.05
6 RCW to carry out the provisions of this chapter, including
7 qualifications required for a person to be licensed as an interpreter;

8 (2) Determine what education programs are equivalent to a deaf
9 interpretation program from a community or technical college in this
10 state;

11 (3) Establish a professional code of ethics for interpreters that
12 is consistent with the code of professional ethics for both the
13 national association of the deaf and the registry of interpreters for
14 the deaf;

15 (4) Issue licenses for interpreters, including the authority to
16 issue licenses to persons who hold licenses from other states with
17 substantially equivalent licensing standards as this state, with the
18 normal authority that the director possesses to regulate other licensed
19 professions, including authorities authorized under chapters 18.118 and
20 43.24 RCW;

21 (5) Establish forms and procedures necessary to administer this
22 chapter; and

23 (6) Provide necessary clerical, administrative, investigative, and
24 other staff as needed to implement this chapter apart from the staffing
25 and administrative support for the board.

26 NEW SECTION. **Sec. 107.** RESPONSIBILITIES OF THE BOARD. The board
27 shall advise the director and provide the director with ongoing reviews
28 of professional development and support systems for interpreters,
29 including a review of:

30 (1) Existing public and private education programs and training
31 resources for interpretation that are provided in this state;

32 (2) The current number of licensed interpreters; and

33 (3) Areas of interpreter shortage based upon geographic areas and
34 types of interpreting, such as mental health, education, and ethnic
35 diversity.

1 NEW SECTION. **Sec. 108.** REVOKING OR SUSPENDING LICENSES. The
2 director, in consultation with the board, shall establish a system to
3 suspend or revoke licenses issued under this chapter and take other
4 disciplinary action in the form of imposing a fine not to exceed five
5 hundred dollars for each offense, if a licensee is found to be guilty
6 of: (1) Obtaining a license by means of fraud, misrepresentation, or
7 concealment; or (2) violating any of the provisions of this chapter,
8 including any rules adopted by the director to implement this chapter.
9 A proceeding to suspend or revoke a license, or take disciplinary
10 action, must be initiated on the motion of the director or a deputy
11 appointed by the director. The director or a deputy may preliminarily
12 investigate a licensee on his or her own motion or may investigate a
13 licensee in response to a written complaint requesting suspension or
14 revocation, or the taking of disciplinary action, that is signed and
15 verified by a person or persons familiar with the facts. After the
16 preliminary investigation, the director or a deputy may initiate a
17 formal proceeding for the suspension or revocation of a license, or
18 taking of disciplinary action, before an administrative law judge of
19 the office of administrative hearings. The license must be suspended
20 or revoked, or the disciplinary action taken, if, by a preponderance of
21 evidence, the administrative law judge determines that the licensee
22 does not meet the requirements necessary to be licensed as an
23 interpreter under this chapter or has violated the provisions of this
24 chapter, including any rules adopted by the director to implement this
25 chapter.

26 NEW SECTION. **Sec. 109.** EDUCATIONAL INTERPRETERS. Educational
27 interpreters employed in, by, or for a public school must have
28 successfully completed a thirty-hour training course offered through
29 the office of the superintendent of public instruction. Commencing in
30 the year 2003, any person newly employed by or for a public school as
31 an educational interpreter must be a licensed interpreter and must have
32 completed the educational training offered by the office of the
33 superintendent of public instruction. If an educational interpreter
34 for a public school has been employed in that capacity for four or more
35 years prior to January 1, 2003, with satisfactory evaluations and
36 without a period of more than six months between employment in the
37 public school, the employee may be retained by the public school as an
38 educational interpreter without meeting these standards. If a public

1 school is unable to find a licensed interpreter, the public school may
2 request a nonrenewable one-year waiver from the office of the
3 superintendent of public instruction and must demonstrate that efforts
4 have been made to seek an appropriately qualified person. The
5 department shall annually provide a list of licensed interpreters to
6 the superintendent of public instruction and shall make that list
7 available upon request. The office of the superintendent of public
8 instruction shall send a list of all licensed interpreters who have
9 successfully completed the training to each school district every year.

10 NEW SECTION. **Sec. 110.** VIOLATIONS. Violation of or aiding in
11 violation of any part of section 102 of this act constitutes a class 1
12 civil infraction under chapter 7.80 RCW.

13 **PART II - INTERPRETERS IN JUDICIAL OR ADMINISTRATIVE PROCEEDINGS**

14 **Sec. 201.** RCW 2.42.010 and 1989 c 358 s 12 are each amended to
15 read as follows:

16 It is hereby declared to be the policy of this state to secure the
17 constitutional rights of deaf persons and of other persons who, because
18 of impairment of hearing or speech, are unable to readily understand or
19 communicate the spoken English language, and who consequently cannot be
20 fully protected in legal proceedings unless ((qualified)) licensed
21 interpreters are available to assist them.

22 It is the intent of the legislature in the passage of this chapter
23 to provide for the appointment of ((such)) licensed interpreters.

24 **Sec. 202.** RCW 2.42.050 and 1989 c 358 s 14 are each amended to
25 read as follows:

26 Every ((qualified)) licensed interpreter, or other person,
27 appointed under this chapter in a judicial or administrative proceeding
28 shall, before beginning to interpret, take an oath that a true
29 interpretation will be made to the person being examined of all the
30 proceedings in a manner which the person understands, and that the
31 interpreter will repeat the statements of the person being examined to
32 the court or other agency conducting the proceedings, to the best of
33 the interpreter's skill and judgment.

1 **Sec. 203.** RCW 2.42.110 and 1991 c 171 s 1 are each amended to read
2 as follows:

3 As used in this chapter, the following terms have the meanings
4 indicated unless the context clearly requires otherwise.

5 (1) (~~"Impaired person" means a person who, because of a hearing or~~
6 ~~speech impairment, cannot readily understand or communicate in spoken~~
7 ~~language; and includes persons who are deaf, deaf and blind, speech~~
8 ~~impaired, or hard of hearing.~~

9 (2) ~~"Qualified interpreter" means a visual language interpreter who~~
10 ~~is certified by the state or is certified by the registry of~~
11 ~~interpreters for the deaf to hold the comprehensive skills certificate~~
12 ~~or both certificates of interpretation and transliteration, or an~~
13 ~~interpreter who can readily translate statements of speech impaired~~
14 ~~persons into spoken language.~~

15 (3)) "Licensed interpreter" or "licensed interpreter for the
16 hearing impaired" means a person licensed to engage in interpreting
17 under chapter 18.-- RCW (sections 101 through 110 of this act), but the
18 exclusions from the requirements of those provisions that are contained
19 in chapter 18.-- RCW (sections 101 through 110 of this act) do not
20 apply to this chapter unless expressly permitted under the provisions
21 of this chapter.

22 (2) "Intermediary interpreter" means a hearing impaired interpreter
23 who holds a reverse skills certificate by the state or is certified by
24 the registry of interpreters for the deaf with a reverse skills
25 certificate, who meets the requirements of RCW 2.42.130, and who is
26 able to assist in providing an accurate interpretation between spoken
27 and sign language or between variants of sign language by acting as an
28 intermediary between a hearing impaired person and a ((qualified))
29 licensed hearing interpreter.

30 ((+4)) (3) "Appointing authority" means the presiding officer or
31 similar official of any court, department, board, commission, agency,
32 licensing authority, or legislative body of the state or of any
33 political subdivision.

34 **Sec. 204.** RCW 2.42.120 and 1985 c 389 s 12 are each amended to
35 read as follows:

36 (1) If a hearing impaired person is a party or witness at any stage
37 of a judicial or quasi-judicial proceeding in the state or in a
38 political subdivision, including but not limited to civil and criminal

1 court proceedings, grand jury proceedings, proceedings before a
2 magistrate, juvenile proceedings, adoption proceedings, mental health
3 commitment proceedings, and any proceeding in which a hearing impaired
4 person may be subject to confinement or criminal sanction, the
5 appointing authority shall appoint and pay for a ((qualified)) licensed
6 interpreter to interpret the proceedings.

7 (2) If the parent, guardian, or custodian of a juvenile brought
8 before a court is hearing impaired, the appointing authority shall
9 appoint and pay for a ((qualified)) licensed interpreter to interpret
10 the proceedings.

11 (3) If a hearing impaired person participates in a program or
12 activity ordered by a court as part of the sentence or order of
13 disposition, required as part of a diversion agreement or deferred
14 prosecution program, or required as a condition of probation or parole,
15 the appointing authority shall appoint and pay for a ((qualified))
16 licensed interpreter to interpret exchange of information during the
17 program or activity.

18 (4) If a law enforcement agency conducts a criminal investigation
19 involving the interviewing of a hearing impaired person, whether as a
20 victim, witness, or suspect, the appointing authority shall appoint
21 and pay for a ((qualified)) licensed interpreter throughout the
22 investigation. Whenever a law enforcement agency conducts a criminal
23 investigation involving the interviewing of a minor child whose parent,
24 guardian, or custodian is hearing impaired, whether as a victim,
25 witness, or suspect, the appointing authority shall appoint and pay for
26 a ((qualified)) licensed interpreter throughout the investigation.
27 ((No)) An employee of the law enforcement agency who has
28 responsibilities other than interpreting may not be appointed as the
29 ((qualified)) licensed interpreter.

30 (5) If a hearing impaired person is arrested for an alleged
31 violation of a criminal law the arresting officer or the officer's
32 supervisor shall, at the earliest possible time, procure and arrange
33 payment for a ((qualified)) licensed interpreter for any notification
34 of rights, warning, interrogation, or taking of a statement. ((No)) An
35 employee of the law enforcement agency who has responsibilities other
36 than interpreting may not be appointed as the ((qualified)) licensed
37 interpreter.

38 (6) Where it is the policy and practice of a court of this state or
39 of a political subdivision to appoint and pay counsel for persons who

1 are indigent, the appointing authority shall appoint and pay for a
2 (~~qualified~~) licensed interpreter for hearing impaired persons to
3 facilitate communication with counsel in all phases of the preparation
4 and presentation of the case.

5 **Sec. 205.** RCW 2.42.130 and 1991 c 171 s 2 are each amended to read
6 as follows:

7 (1) If a (~~qualified~~) licensed interpreter for a hearing impaired
8 person is required, the appointing authority shall request a
9 (~~qualified interpreter and/or an intermediary~~) licensed interpreter
10 through the department of social and health services, office of deaf
11 services, or through any community center for hearing impaired persons
12 which operates an interpreter referral service. The office of deaf
13 services and these community centers shall maintain an up-to-date list
14 or lists of licensed interpreters (~~that are certified by the state~~
15 ~~and/or by the registry of interpreters for the deaf~~).

16 (2) The appointing authority shall make a preliminary
17 determination, on the basis of testimony or stated needs of the hearing
18 impaired person, that the licensed interpreter is able in that
19 particular proceeding, program, or activity to interpret accurately all
20 communication to and from the hearing impaired person. If at any time
21 during the proceeding, program, or activity, in the opinion of the
22 hearing impaired person or a qualified observer, the licensed
23 interpreter does not provide accurate, impartial, and effective
24 communication with the hearing impaired person the appointing authority
25 shall appoint another (~~qualified~~) licensed interpreter. (~~No~~
26 ~~otherwise qualified~~) A licensed interpreter who is a relative of any
27 participant in the proceeding may not be appointed.

28 **Sec. 206.** RCW 2.42.140 and 1985 c 389 s 14 are each amended to
29 read as follows:

30 If the communication mode or language of the hearing impaired
31 person is not readily interpretable, the interpreter or hearing
32 impaired person shall notify the appointing authority who shall appoint
33 and pay an intermediary interpreter to assist the (~~qualified~~)
34 licensed interpreter.

35 **Sec. 207.** RCW 2.42.150 and 1985 c 389 s 15 are each amended to
36 read as follows:

1 (1) The right to a ((qualified)) licensed interpreter may not be
2 waived except when:

3 (a) A hearing impaired person requests a waiver through the use of
4 a ((qualified)) licensed interpreter;

5 (b) The counsel, if any, of the hearing impaired person consents;
6 and

7 (c) The appointing authority determines that the waiver has been
8 made knowingly, voluntarily, and intelligently.

9 (2) Waiver of a ((qualified)) licensed interpreter shall not
10 preclude the hearing impaired person from claiming his or her right to
11 a ((qualified)) licensed interpreter at a later time during the
12 proceeding, program, or activity.

13 **Sec. 208.** RCW 2.42.160 and 1991 c 171 s 3 are each amended to read
14 as follows:

15 (1) A ((qualified)) licensed and/or intermediary interpreter shall
16 not, without the written consent of the parties to the communication,
17 be examined as to any communication the interpreter interprets under
18 circumstances where the communication is privileged by law.

19 (2) A ((qualified)) licensed and/or intermediary interpreter shall
20 not, without the written consent of the parties to the communication,
21 be examined as to any information the interpreter obtains while
22 interpreting pertaining to any proceeding then pending.

23 **Sec. 209.** RCW 2.42.170 and 1991 c 171 s 4 are each amended to read
24 as follows:

25 A ((qualified)) licensed and/or intermediary interpreter appointed
26 under this chapter is entitled to a reasonable fee for services,
27 including waiting time and reimbursement for actual necessary travel
28 expenses. The fee for services for interpreters for hearing impaired
29 persons shall be in accordance with standards established by the
30 department of social and health services, office of deaf services.

31 **Sec. 210.** RCW 2.42.180 and 1985 c 389 s 18 are each amended to
32 read as follows:

33 At the request of any party to the proceeding or on the appointing
34 authority's initiative, the appointing authority may order that the
35 testimony of the hearing impaired person and the interpretation of the
36 proceeding by the ((qualified)) licensed interpreter be visually

1 recorded for use in verification of the official transcript of the
2 proceeding.

3 In any judicial proceeding involving a capital offense, the
4 appointing authority shall order that the testimony of the hearing
5 impaired person and the interpretation of the proceeding by the
6 (~~qualified~~) licensed interpreter be visually recorded for use in
7 verification of the official transcript of the proceeding.

8 **PART III - MISCELLANEOUS**

9 NEW SECTION. **Sec. 301.** This act takes effect December 1, 2000.

10 NEW SECTION. **Sec. 302.** Sections 101 through 110 of this act
11 constitute a new chapter in Title 18 RCW.

12 NEW SECTION. **Sec. 303.** Section captions and part headings used in
13 this act are not part of the law.

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