

SENATE BILL NO. 245—SENATOR MATHEWS

FEBRUARY 26, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Provides for regulation of interpreters for persons who are deaf or whose hearing is impaired. (BDR 54-231)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to professions; creating the board of interpreters; prescribing the powers and duties of the board; requiring interpreters for persons who are deaf or whose hearing is impaired to be licensed by the board; prescribing the requirements for licensure; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Title 54 of NRS is hereby amended by adding thereto a
2 new chapter to consist of the provisions set forth as sections 2 to 32,
3 inclusive, of this act.
4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in sections 3 to 10, inclusive, of*
6 *this act have the meanings ascribed to them in those sections.*
7 **Sec. 3.** *“Board” means the board of interpreters.*
8 **Sec. 4.** *“Interpreter” means a person who is licensed pursuant to the*
9 *provisions of this chapter as an interpreter for persons who are deaf or*
10 *whose hearing is impaired.*
11 **Sec. 5.** *“License” means a license issued pursuant to the provisions*
12 *of this chapter.*
13 **Sec. 6.** *“Licensee” means a person who has been issued a license*
14 *pursuant to the provisions of this chapter.*
15 **Sec. 7.** *“Person who is deaf” means a person who is not able to*
16 *process information aurally and whose primary means of*
17 *communication is visual.*
18 **Sec. 8.** *“Person whose hearing is impaired” means a person:*
19 1. *Who has a hearing deficit;*



2. Who is able to process information aurally with or without the use of a hearing aid or any other device that enhances the ability of a person to hear; and

3. Whose primary means of communication may be visual.

Sec. 9. "Practice of interpreting" means the facilitation of communication between persons who are deaf or whose hearing is impaired and other persons. The term includes, without limitation:

1. Translating spoken language into American Sign Language or any other visual-gestural system of communication or vice versa;

2. Translating spoken language into a tactile method of sign language or vice versa;

3. Translating spoken language into an oral interpretation of the speaker's words by enunciating, repeating or rephrasing those words without using the voice to assist a person who is deaf or whose hearing is impaired in lipreading the information conveyed by the speaker;

4. Translating spoken language into a visual representation of spoken language that:

(a) Uses eight hand shapes to represent groups of consonants and the placement of those hand shapes in four positions around the face to indicate groups of vowel sounds; and

(b) Is used in conjunction with lipreading;

5. Translating spoken English into a system of sign language that is based on the syntax of the English language or vice versa; and

6. The use of any of the methods of interpreting or transliterating set forth in subsections 1 to 5, inclusive, by a person who is deaf or whose hearing is impaired to facilitate communication between another person who is deaf or whose hearing is impaired and an interpreter or between two or more persons who are deaf or whose hearing is impaired.

Sec. 10. "Supervision" means the periodic review of a person who engages in the practice of interpreting that is provided:

1. To evaluate and improve the skills and knowledge of the person; and

2. By an interpreter or a person designated by the board pursuant to section 27 of this act who:

(a) Is present while the person engages in the practice of interpreting; or

(b) Observes a videotape of the person engaged in the practice of interpreting.

Sec. 11. The practice of interpreting is hereby declared to be a learned profession, affecting public health, safety and welfare, and is subject to regulation to protect the general public from the practice of interpreting by unqualified persons and from unprofessional conduct by persons who are licensed to engage in the practice of interpreting.

Sec. 12. The provisions of this chapter do not apply to a person who:

1. Is licensed in another state to engage in the practice of interpreting and who engages in the practice of interpreting in this state:

(a) For a period of not more than 30 nonconsecutive days in a calendar year; or



1 (b) By teleconference if the interpreting services provided by that
2 person are necessary because an interpreter who is capable of providing
3 the type of interpreting services required by the person who is deaf or
4 whose hearing is impaired is unavailable to provide those services in
5 person or by teleconference.

6 2. Engages in the practice of interpreting solely for meetings of
7 nonprofit civic or religious organizations; or

8 3. Engages occasionally in the practice of interpreting in a social
9 situation that does not require a qualified interpreter pursuant to the
10 provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. §§
11 12101 et seq., section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §
12 794, or the regulations adopted pursuant to those provisions.

13 **Sec. 13.** 1. The board of interpreters, consisting of 10 members, is
14 hereby created. The board consists of:

15 (a) Nine voting members appointed by the governor as follows:

16 (1) Five members who are interpreters and who engage in the
17 practice of interpreting in this state; and

18 (2) Four members who are persons who are deaf or whose hearing
19 is impaired, one of whom represents the Nevada Association of the Deaf.

20 (b) One nonvoting member who is an employee of the department of
21 employment, training and rehabilitation appointed by the director of the
22 department.

23 2. A person may not be appointed to the board unless he has been a
24 resident of this state for not less than 1 year.

25 3. A member of the board may be removed by the appointing
26 authority for incompetence, neglect of duty, moral turpitude or
27 malfeasance in office.

28 4. No member of the board may be held liable in a civil action for
29 any act that he performs in good faith in the execution of his duties
30 pursuant to the provisions of this chapter.

31 **Sec. 14.** The board shall, at least 30 days before the beginning of a
32 term of a member of the board, or within 30 days after a position on the
33 board becomes vacant, submit to the governor the names of not less than
34 three persons or more than five persons who are qualified for
35 membership on the board for each position that the governor will
36 appoint. The governor shall appoint new members or fill a vacancy from
37 the list, or request a new list. If the board fails to submit nominations for
38 a position on the board within the periods prescribed in this section, the
39 governor may appoint any qualified person.

40 **Sec. 15.** 1. At the first meeting of the board and biennially
41 thereafter, the members of the board shall elect a chairman, vice
42 chairman and secretary-treasurer from among its members. If a vacancy
43 occurs in the office of the chairman, vice chairman or secretary-
44 treasurer, the members of the board shall elect a member to serve the
45 remainder of the unexpired term.

46 2. After the initial terms, the term of each member of the board is 3
47 years. The members shall continue in office until their successors are
48 appointed. No member of the board may serve more than two consecutive
49 terms. A former member of the board is eligible for reappointment to the



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1 *board if that person has not served on the board during the 3 years*
2 *immediately preceding the reappointment. A vacancy must be filled by*
3 *appointment for the unexpired term in the same manner as the original*
4 *appointment.*

5 **Sec. 16.** 1. *The board shall meet at the call of the chairman as*
6 *often as required to perform its duties, but not less than quarterly.*

7 2. *A majority of the voting members of the board constitutes a*
8 *quorum for the transaction of the business of the board.*

9 **Sec. 17.** 1. *Each member of the board:*

10 (a) *Serves without compensation; and*

11 (b) *While engaged in the business of the board, is entitled to receive*
12 *the per diem allowance and travel expenses provided for state officers*
13 *and employees generally.*

14 2. *Each member of the board who is an officer or employee of this*
15 *state must be relieved from his duties without loss of his regular*
16 *compensation to prepare for and attend meetings of the board and*
17 *perform any work necessary to accomplish the tasks assigned to the*
18 *board in the most timely manner practicable. A state agency shall not*
19 *require an officer or employee who is a member of the board to make up*
20 *the time he is absent from work to fulfill his obligations as a member,*
21 *and shall not require the member to take annual vacation or*
22 *compensatory time for the absence.*

23 **Sec. 18.** *The board shall:*

24 1. *Prepare and maintain a list of licensees;*

25 2. *Make available on the Internet or its successor, if any, the list*
26 *maintained pursuant to subsection 1;*

27 3. *Prepare and maintain a record of its proceedings and*
28 *transactions; and*

29 4. *Upon request, provide recommendations concerning the use of*
30 *interpreters, including, without limitation, the type and number of*
31 *interpreters required for a specific event.*

32 **Sec. 19.** *The board shall adopt regulations to carry out the*
33 *provisions of this chapter, including, without limitation, regulations that:*

34 1. *Establish the requirements for continuing education for the*
35 *renewal or reinstatement of a license;*

36 2. *Establish a code of ethics for licensees; and*

37 3. *Prescribe the requirements for any examination for a provisional*
38 *license the board may require.*

39 **Sec. 20.** 1. *Except as otherwise provided in subsection 4, all*
40 *expenses incurred by the board in carrying out the provisions of this*
41 *chapter must be paid from the money which it receives. No part of the*
42 *salaries or expenses of the board may be paid out of the state general*
43 *fund.*

44 2. *All money received by the board must be deposited in a bank or*
45 *other financial institution in this state and paid out on its order for its*
46 *expenses.*

47 3. *The board may delegate to a hearing officer or panel its authority*
48 *to take any disciplinary action pursuant to this chapter, impose and*



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1 *collect fines and penalties therefor and deposit the money therefrom in a*
2 *bank or other financial institution in this state.*

3 *4. If a hearing officer or panel is not authorized to take disciplinary*
4 *action pursuant to subsection 3, the board shall deposit the money*
5 *collected from the imposition of fines with the state treasurer for credit to*
6 *the state general fund. If money is so deposited, the board may present a*
7 *claim to the state board of examiners for recommendation to the interim*
8 *finance committee if money is required to pay attorney's fees or the costs*
9 *of an investigation, or both.*

10 **Sec. 21.** *If the board determines that a person has violated or is*
11 *about to violate the provisions of section 32 of this act, the board may*
12 *bring an action in a court of competent jurisdiction to enjoin that person*
13 *from engaging in or continuing the violation. An injunction:*

14 *1. May be issued without proof of actual damage sustained by any*
15 *person.*

16 *2. Does not prevent the criminal prosecution and punishment of a*
17 *person who violates the provisions of section 32 of this act.*

18 **Sec. 22.** *An applicant for a license as an interpreter must:*

19 *1. Be at least 18 years of age;*

20 *2. Have at least a high school diploma or a general equivalency*
21 *diploma;*

22 *3. Have completed a training program for interpreters that has been*
23 *approved by the board;*

24 *4. Have been certified as an interpreter by the Registry of*
25 *Interpreters for the Deaf, National Association of the Deaf or any other*
26 *organization approved by the board;*

27 *5. Submit to the board:*

28 *(a) An application on a form provided by the board;*

29 *(b) A complete set of his fingerprints and written permission*
30 *authorizing the board to forward the fingerprints to the central repository*
31 *for Nevada records of criminal history for submission to the Federal*
32 *Bureau of Investigation for its report;*

33 *(c) Three letters of professional reference;*

34 *(d) A resume of his previous applicable experience;*

35 *(e) A notarized statement signed by the applicant which provides that*
36 *the applicant will comply with the code of ethics prescribed by the board*
37 *pursuant to section 19 of this act;*

38 *(f) Proof that he is covered by a policy of liability insurance for errors*
39 *and omissions in an amount established by the board; and*

40 *(g) The statement required pursuant to section 25 of this act;*

41 *6. Pay the fees prescribed by the board pursuant to section 28 of this*
42 *act;*

43 *7. Pay the fees charged by the central repository for Nevada records*
44 *of criminal history and the Federal Bureau of Investigation for*
45 *processing the fingerprints and issuing a report of criminal history;*

46 *8. Present to the board a driver's license issued by this state, another*
47 *state or the District of Columbia, or an identification card issued by this*
48 *state, another state, the District of Columbia or the Federal Government*
49 *that contains a photograph of the applicant; and*



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- 1 9. *Submit any other information the board may require.*
2 **Sec. 23.** *1. The board may issue a provisional license to engage in*
3 *the practice of interpreting to a person who:*
4 *(a) Is enrolled in a training program for interpreters that has been*
5 *approved by the board;*
6 *(b) Is under the supervision of an interpreter;*
7 *(c) Passes any examination prescribed by the board pursuant to*
8 *section 19 of this act; and*
9 *(d) Complies with the requirements for licensure set forth in section*
10 *22 of this act except the requirements set forth in subsections 3 and 4 of*
11 *that section.*
12 *2. A provisional license is valid for not more than 1 year and may not*
13 *be renewed more than five times.*
14 *3. A provisional license may be renewed if the licensee:*
15 *(a) Satisfies the requirements set forth in paragraphs (a), (b) and (c)*
16 *of subsection 1; and*
17 *(b) Before the license expires, the licensee submits to the board:*
18 *(1) An application on a form prescribed by the board;*
19 *(2) The fee for the renewal of the license prescribed by the board*
20 *pursuant to section 28 of this act; and*
21 *(3) The statement required pursuant to section 25 of this act.*
22 **Sec. 24.** *An application for a license must include the social security*
23 *number of the applicant.*
24 **Sec. 25.** *1. An applicant for the issuance or renewal of a license*
25 *must submit to the board the statement prescribed by the welfare division*
26 *of the department of human resources pursuant to NRS 425.520. The*
27 *statement must be completed and signed by the applicant.*
28 *2. The board shall include the statement required pursuant to*
29 *subsection 1 in:*
30 *(a) The application or any other forms that must be submitted for the*
31 *issuance or renewal of the license; or*
32 *(b) A separate form prescribed by the board.*
33 *3. A license may not be issued or renewed by the board if the*
34 *applicant:*
35 *(a) Fails to submit the statement required pursuant to subsection 1; or*
36 *(b) Indicates on the statement submitted pursuant to subsection 1 that*
37 *he is subject to a court order for the support of a child and is not in*
38 *compliance with the order or a plan approved by the district attorney or*
39 *other public agency enforcing the order for the repayment of the amount*
40 *owed pursuant to the order.*
41 *4. If an applicant indicates on the statement submitted pursuant to*
42 *subsection 1 that he is subject to a court order for the support of a child*
43 *and is not in compliance with the order or a plan approved by the district*
44 *attorney or other public agency enforcing the order for the repayment of*
45 *the amount owed pursuant to the order, the board shall advise the*
46 *applicant to contact the district attorney or other public agency enforcing*
47 *the order to determine the actions that the applicant may take to satisfy*
48 *the arrearage.*



- 1 **Sec. 26.** 1. *If the board receives a copy of a court order issued*
2 *pursuant to NRS 425.540 that provides for the suspension of all*
3 *professional, occupational and recreational licenses, certificates and*
4 *permits issued to a licensee, the board shall deem the license to be*
5 *suspended at the end of the 30th day after the date the court order was*
6 *issued unless the board receives a letter issued to the licensee by the*
7 *district attorney or other public agency pursuant to NRS 425.550 stating*
8 *that the licensee has complied with a subpoena or warrant or has*
9 *satisfied the arrearage pursuant to NRS 425.560.*
- 10 2. *The board shall reinstate a license that has been suspended by a*
11 *district court pursuant to NRS 425.540 if:*
- 12 (a) *The board receives a letter issued by the district attorney or other*
13 *public agency pursuant to NRS 425.550 to the licensee stating that the*
14 *licensee has complied with the subpoena or warrant or has satisfied the*
15 *arrearage pursuant to NRS 425.560; and*
- 16 (b) *The licensee pays the fee for the reinstatement of the license*
17 *prescribed by the board pursuant to section 28 of this act.*
- 18 **Sec. 27.** 1. *Except for a provisional license, each license to engage*
19 *in the practice of interpreting expires 2 years after the date it is issued*
20 *and may be renewed if, before the license expires, the licensee submits to*
21 *the board:*
- 22 (a) *An application on a form prescribed by the board;*
23 (b) *Proof of completion of the requirements for continuing education*
24 *prescribed by the board pursuant to section 19 of this act;*
25 (c) *The fee for the renewal of the license prescribed by the board*
26 *pursuant to section 28 of this act; and*
- 27 (d) *The statement required pursuant to section 25 of this act.*
- 28 2. *A license that expires pursuant to the provisions of this section*
29 *may be restored if the applicant:*
- 30 (a) *Complies with the provisions of subsection 1;*
31 (b) *Submits to the board proof of his ability to engage in the practice*
32 *of interpreting; and*
- 33 (c) *Submits to the board the fees prescribed pursuant to section 28 of*
34 *this act for the restoration of an expired license.*
- 35 3. *If the board determines that an applicant has not submitted*
36 *satisfactory proof of his ability to engage in the practice of interpreting,*
37 *the board may require the applicant to engage in the practice of*
38 *interpreting under the supervision of a person designated by the board*
39 *for a period prescribed by the board.*
- 40 **Sec. 28.** 1. *The board shall, by regulation, prescribe the fees for:*
- 41 (a) *An application for a license.*
42 (b) *The issuance of a license.*
43 (c) *The issuance of a provisional license.*
44 (d) *The renewal of a provisional license.*
45 (e) *The biennial renewal of a license other than a provisional license.*
46 (f) *The restoration of an expired license.*
47 (g) *The reinstatement of a suspended license.*
48 (h) *The issuance of a duplicate license.*



1 2. In addition to the fees prescribed pursuant to subsection 1, the
2 board may charge and collect a fee for any other service it provides.

3 **Sec. 29.** 1. The board may refuse to issue a license to an applicant,
4 or may take disciplinary action against a licensee, if, after notice and a
5 hearing, the board determines that the applicant or licensee:

6 (a) Has submitted false or misleading information to the board or any
7 agency of this state, any other state, the Federal Government or the
8 District of Columbia.

9 (b) Has violated any provision of this chapter or any regulation
10 adopted pursuant thereto.

11 (c) Has been convicted of a felony, a crime relating to a controlled
12 substance or a crime involving moral turpitude.

13 (d) Is not competent to engage in the practice of interpreting.

14 (e) Has failed to provide information requested by the board within 60
15 days after he received the request.

16 (f) Has engaged in unprofessional conduct relating to the practice of
17 interpreting.

18 (g) Has been disciplined in another state, a territory or possession of
19 the United States or the District of Columbia for conduct that would be a
20 violation of the provisions of this chapter or any regulations adopted
21 pursuant thereto if the conduct were committed in this state.

22 (h) Has solicited or received compensation for services that he did not
23 provide.

24 (i) If the licensee is on probation, has violated the terms of his
25 probation.

26 2. The board may, if it determines that an applicant for a license or a
27 licensee has committed any of the acts set forth in subsection 1, after
28 notice and a hearing:

29 (a) Refuse to issue a license to the applicant;

30 (b) Refuse to renew, reinstate or restore the license of the licensee;

31 (c) Suspend or revoke the license of the licensee;

32 (d) Place the licensee on probation;

33 (e) Impose an administrative fine of not more than \$5,000;

34 (f) Require the applicant or licensee to pay the costs incurred by the
35 board to conduct the investigation and hearing; or

36 (g) Impose any combination of actions set forth in paragraphs (a) to
37 (f), inclusive.

38 **Sec. 30.** 1. The board may conduct investigations and hold
39 hearings to carry out its duties pursuant to the provisions of this chapter.

40 2. In such a hearing:

41 (a) Any member of the board may administer oaths and examine
42 witnesses; and

43 (b) The board or any member thereof may issue subpoenas to compel
44 the attendance of witnesses and the production of books and papers.

45 3. Each witness who is subpoenaed to appear before the board is
46 entitled to receive for his attendance the same fees and mileage allowed
47 by law to a witness in a civil case. The amount must be paid by the party
48 who requested the subpoena. If any witness who has not been required to



1 attend at the request of any party is subpoenaed by the board, his fees
2 and mileage must be paid from the money of the board.

3 4. If any person fails to comply with a subpoena within 10 days after
4 it is issued, the chairman of the board may petition a court of competent
5 jurisdiction for an order of the court compelling compliance with the
6 subpoena.

7 5. Upon such a petition, the court shall enter an order directing the
8 person subpoenaed to appear before the court at a time and place to be
9 fixed by the court in its order, the time to be not more than 10 days after
10 the date of the order, and to show cause why he has not complied with
11 the subpoena. A certified copy of the order must be served upon the
12 person subpoenaed.

13 6. If the court determines that the subpoena was regularly issued by
14 the board, the court shall enter an order compelling compliance with the
15 subpoena. The failure of the person to obey the order is a contempt of the
16 court that issued the order.

17 **Sec. 31.** 1. Any records or other information obtained during the
18 course of an investigation by the board and any record of the
19 investigation are confidential until the investigation is completed. Upon
20 completion of the investigation, the information and records are public
21 records if:

22 (a) Disciplinary action is imposed by the board as a result of the
23 investigation; or

24 (b) The person who was investigated submits a written request to the
25 board asking that the information and records be made public records.

26 2. The provisions of this section do not prohibit the board from
27 cooperating with another licensing board or any agency that is
28 investigating a licensee, including, without limitation, a law enforcement
29 agency.

30 **Sec. 32.** A person who:

31 1. Engages in the practice of interpreting;

32 2. Holds himself out as licensed or qualified to engage in the practice
33 of interpreting; or

34 3. Uses in connection with his name any title, words, letters or other
35 designation intended to imply or designate that he is an interpreter,
36 without first obtaining a license from the board is guilty of a
37 misdemeanor.

38 **Sec. 33.** NRS 50.050 is hereby amended to read as follows:

39 50.050 1. As used in NRS 50.050 to 50.053, inclusive, unless the
40 context requires otherwise:

41 (a) ~~["Handicapped person" means a person who, because he is deaf,~~
42 ~~mute or has a physical speaking impairment, cannot readily understand or~~
43 ~~communicate in the English language or cannot understand the~~
44 ~~proceedings.~~

45 ~~—(b)—~~ "Interpreter" means a person who is ~~readily~~ :

46 (1) Licensed pursuant to sections 2 to 32, inclusive, of this act; and

47 (2) Readily able to communicate with ~~the handicapped person,~~ a
48 person with a disability, translate the proceedings for him and accurately
49 repeat and translate the statements of the ~~handicapped~~ person with a



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1 *disability* to the court or magistrate or other person presiding over the
2 proceedings.

3 (b) *“Person with a disability” means a person who, because he is deaf,*
4 *mute or has a physical speaking impairment, cannot readily understand*
5 *or communicate in the English language or cannot understand the*
6 *proceedings.*

7 2. In all judicial proceedings in which a ~~handicapped~~ person *with a*
8 *disability* appears as a witness, the court, magistrate or other person
9 presiding over the proceedings shall appoint an interpreter to interpret the
10 proceedings to ~~the handicapped~~ *that* person and to interpret the testimony
11 of ~~the handicapped~~ *that* person to the court, magistrate or other person
12 presiding.

13 3. The court, magistrate or other person presiding over the proceedings
14 shall fix a reasonable compensation for the services and expenses of the
15 interpreter appointed pursuant to this section. If the judicial proceeding is
16 civil in nature the compensation of the interpreter may be taxed as costs
17 and must not be charged as a public expense.

18 4. Claims against a county, municipality, ~~the~~ *this* state or any agency
19 thereof for the compensation of an interpreter in a criminal proceeding or
20 other proceeding for which an interpreter must be provided at public
21 expense must be paid in the same manner as other claims against the
22 respective entities are paid. Payment may be made only upon the certificate
23 of the judge, magistrate or other person presiding over the proceedings that
24 the qualified interpreter has performed the services required and incurred
25 the expenses claimed.

26 **Sec. 34.** NRS 50.051 is hereby amended to read as follows:

27 50.051 An interpreter must be appointed at public expense for a
28 ~~handicapped~~ person *with a disability* who is a party to or a witness in a
29 criminal proceeding.

30 **Sec. 35.** NRS 50.052 is hereby amended to read as follows:

31 50.052 1. If an interpreter appointed for a ~~handicapped~~ person *with*
32 *a disability* is not effectively or accurately communicating with or on
33 behalf of the ~~handicapped person,~~ *person with a disability*, and that fact
34 becomes known to the person who appointed him, another interpreter must
35 be appointed.

36 2. Unless otherwise agreed upon by the parties, a person may not be
37 appointed as an interpreter of a ~~handicapped~~ person *with a disability* in a
38 proceeding if he is:

39 (a) The spouse of the ~~handicapped~~ person *with a disability* or related
40 to him; or

41 (b) Otherwise interested in the outcome of the proceeding or biased for
42 or against one of the parties.

43 3. Whenever possible, a ~~handicapped~~ person *with a disability* must
44 be given an interpreter of his ~~own~~ choice or one of whom he approves.

45 **Sec. 36.** NRS 50.053 is hereby amended to read as follows:

46 50.053 1. Before undertaking his duties, the interpreter shall swear or
47 affirm that he will make a true interpretation in an understandable manner
48 to the person for whom he has been appointed, and that he will repeat the



1 statements of the ~~handicapped~~ person *with a disability* in the English
2 language to the best of his ability.

3 2. While in the proper performance of his duties, an interpreter acts in
4 the place of the ~~handicapped~~ person *with a disability* and to that extent
5 has all of the rights and privileges of ~~the handicapped~~ *that* person for
6 purposes of the proceeding, including access to all relevant material.

7 **Sec. 37.** NRS 50.054 is hereby amended to read as follows:

8 50.054 1. Except as otherwise provided by a regulation of the court
9 administrator adopted pursuant to NRS 1.510 and 1.520, a person shall not
10 act as an interpreter in a proceeding if he is:

- 11 (a) The spouse of a witness;
12 (b) Otherwise related to a witness;
13 (c) Biased for or against one of the parties; or
14 (d) Otherwise interested in the outcome of the proceeding.

15 2. Before undertaking his duties, the interpreter shall swear or affirm
16 that he will:

- 17 (a) To the best of his ability, translate accurately to the witness, in the
18 language of the witness, questions and statements addressed to the witness;
19 (b) Make a true interpretation of the statements of the witness in an
20 understandable manner; and
21 (c) Repeat the statements of the witness in the English language to the
22 best of his ability.

23 3. While in the proper performance of his duties, an interpreter has the
24 same rights and privileges as the witness, including the right to examine all
25 relevant material, but is not entitled to waive or exercise any of those rights
26 or privileges on behalf of the witness.

27 4. As used in this section, "interpreter" means a person who is readily
28 able to communicate with a person who speaks a language other than
29 English and does not know the English language, translate the proceedings
30 for him and accurately repeat and translate the statements of the person in a
31 language other than English to the court, magistrate or other person
32 presiding. The term does not include an interpreter for ~~handicapped~~
33 ~~persons~~ *a person with a disability* as that term is defined in NRS 50.050.

34 **Sec. 38.** NRS 171.1536 is hereby amended to read as follows:

35 171.1536 Upon the arrest of a ~~handicapped~~ person *with a disability*
36 as defined in NRS 50.050, and before his interrogation or the taking of his
37 statement, the peace officer in actual charge of the station, headquarters or
38 other facility to which the ~~handicapped~~ person *with a disability* has been
39 brought shall make an interpreter *who is licensed pursuant to sections 2 to*
40 *32, inclusive, of this act* available at public expense to ~~the handicapped~~
41 *that* person, subject to the provisions of NRS 50.052 and 50.053.

42 **Sec. 39.** NRS 171.1537 is hereby amended to read as follows:

43 171.1537 When a ~~handicapped~~ person *with a disability* is detained in
44 custody, the detaining authority shall make available to him reasonable
45 means of communication, at least pencil and paper and at least two
46 envelopes and first-class postage stamps. If the ~~handicapped~~ person *with*
47 *a disability* so requests, the proper officer of the detaining authority shall
48 make on his behalf the same number and kind of telephone calls which a
49 person arrested is ~~permitted~~ *authorized* by law or custom to make for



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1 himself, and shall mail any letters written by ~~the handicapped~~ *that*
2 person.

3 **Sec. 40.** NRS 171.1538 is hereby amended to read as follows:

4 171.1538 1. The rights to interpretation and communication provided
5 in NRS 171.1536 and 171.1537 may not be waived except knowingly and
6 voluntarily by the ~~handicapped~~ person *with a disability* by a written
7 statement indicating his desire not to be so assisted. At any time ~~from~~
8 *arrest to after arrest but before* the termination of any custody, the
9 ~~handicapped~~ person may retract his waiver by indicating his desire to be
10 so assisted.

11 2. Unless there is a waiver under this section, there ~~shall~~ *must* be no
12 interrogation or taking of the statement of a ~~handicapped~~ person *with a*
13 *disability* without the assistance of an interpreter *who is licensed pursuant*
14 *to sections 2 to 32, inclusive, of this act.*

15 **Sec. 41.** NRS 213.055 is hereby amended to read as follows:

16 213.055 An applicant or a witness at a hearing upon an application for
17 clemency who is a ~~handicapped~~ person *with a disability* as defined in
18 NRS 50.050 is entitled to the services of an interpreter at public expense,
19 subject to the provisions of NRS 50.052 and 50.053. The interpreter must
20 be ~~appointed~~ :

- 21 1. *Licensed pursuant to sections 2 to 32, inclusive, of this act; and*
22 2. *Appointed* by the governor or a member of the board designated by
23 him.

24 **Sec. 42.** NRS 213.128 is hereby amended to read as follows:

25 213.128 A prisoner, parolee or a witness at the hearing of a case who
26 is a ~~handicapped~~ person *with a disability* as defined in NRS 50.050 is
27 entitled to the services of an interpreter at public expense, subject to
28 the provisions of NRS 50.052 and 50.053. The interpreter must be
29 ~~appointed~~ :

- 30 1. *Licensed pursuant to sections 2 to 32, inclusive, of this act; and*
31 2. *Appointed* by the chairman of the board or other person who
32 presides at the hearing.

33 **Sec. 43.** NRS 218.825 is hereby amended to read as follows:

34 218.825 1. Each of the boards and commissions created by the
35 provisions of chapters 623 to 625A, inclusive, 628 to 644, inclusive, and
36 654 and 656 of NRS *and sections 2 to 32, inclusive, of this act* shall
37 engage the services of a certified public accountant or public accountant, or
38 firm of either of such accountants, to audit all its fiscal records once each
39 year for the preceding fiscal year or once every other year for the 2
40 preceding fiscal years. The cost of the audit must be paid by the board or
41 commission audited.

42 2. A report of each such audit must be filed by the board or
43 commission with the legislative auditor and the director of the budget on or
44 before December 1 of each year in which an audit is conducted. All audits
45 must be conducted in accordance with generally accepted auditing
46 standards , and all financial statements must be prepared in accordance
47 with generally accepted principles of accounting for special revenue funds.

48 3. The legislative auditor shall audit the fiscal records of any such
49 board or commission whenever directed to do so by the legislative



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1 commission. When the legislative commission directs such an audit, it shall
2 also determine who is to pay the cost of the audit.

3 **Sec. 44.** NRS 233B.1235 is hereby amended to read as follows:

4 233B.1235 A witness during his testimony at a hearing of a contested
5 case, who is a ~~handicapped~~ person *with a disability* as defined in NRS
6 50.050, is entitled to the services of an interpreter at public expense,
7 subject to the provisions of NRS 50.052 and 50.053. The interpreter must
8 be ~~appointed~~ :

- 9 *1. Licensed pursuant to sections 2 to 32, inclusive, of this act; and*
10 *2. Appointed* by the person who presides at the hearing.

11 **Sec. 45.** NRS 284.013 is hereby amended to read as follows:

12 284.013 1. Except as otherwise provided in subsection 4, this chapter
13 does not apply to:

14 (a) Agencies, bureaus, commissions, officers or personnel in the
15 legislative department or the judicial department of state government,
16 including the commission on judicial discipline;

17 (b) Any person who is employed by a board, commission, committee or
18 council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644,
19 inclusive, 648, 652, 654 and 656 of NRS ~~H~~ *and sections 2 to 32,*
20 *inclusive, of this act;* or

21 (c) Officers or employees of any agency of the executive department of
22 the state government who are exempted by specific statute.

23 2. Except as otherwise provided in subsection 3, the terms and
24 conditions of employment of all persons referred to in subsection 1,
25 including salaries not prescribed by law and leaves of absence, including,
26 without limitation, annual leave and sick and disability leave, must be fixed
27 by the appointing or employing authority within the limits of legislative
28 appropriations or authorizations.

29 3. Except as otherwise provided in this subsection, leaves of absence
30 prescribed pursuant to subsection 2 must not be of lesser duration than
31 those provided for other state officers and employees pursuant to the
32 provisions of this chapter. The provisions of this subsection do not govern
33 the legislative commission with respect to the personnel of the legislative
34 counsel bureau.

35 4. Any board, commission, committee or council created in chapters
36 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and
37 656 of NRS *and sections 2 to 32, inclusive, of this act* which contracts for
38 the services of a person, shall require the contract for those services to be
39 in writing. The contract must be approved by the state board of examiners
40 before those services may be provided.

41 **Sec. 46.** NRS 391.31925 is hereby amended to read as follows:

42 391.31925 The licensed employee or a witness at a hearing under NRS
43 391.311 to 391.3196, inclusive, who is a ~~handicapped~~ person *with a*
44 *disability* as defined in NRS 50.050, is entitled to the services of an
45 interpreter at public expense, subject to the provisions of NRS 50.052 and
46 50.053. The interpreter must be ~~appointed~~ :

- 47 *1. Licensed pursuant to sections 2 to 32, inclusive, of this act; and*
48 *2. Appointed* by the hearing officer.



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1 **Sec. 47.** NRS 396.324 is hereby amended to read as follows:
2 396.324 The person who is the subject of a disciplinary hearing under
3 this chapter or who is a witness at that hearing, and who is a ~~handicapped~~
4 person *with a disability* as defined in NRS 50.050, is entitled to the
5 services of an interpreter at public expense, subject to the provisions of
6 NRS 50.052 and 50.053. The interpreter must be ~~appointed~~ :

- 7 1. *Licensed pursuant to sections 2 to 32, inclusive, of this act; and*
- 8 2. *Appointed* by the person who presides at the hearing.

9 **Sec. 48.** NRS 422.278 is hereby amended to read as follows:
10 422.278 Any person who is:
11 1. The subject of a hearing conducted under the authority of the
12 welfare division or the division of health care financing and policy; or
13 2. A witness at that hearing,
14 and who is a ~~handicapped~~ person *with a disability* as defined in NRS
15 50.050, is entitled to the services of an interpreter at public expense,
16 subject to the provisions of NRS 50.052 and 50.053. The interpreter must
17 be ~~appointed~~ *licensed pursuant to sections 2 to 32, inclusive, of this act*
18 *and appointed* by the person who presides at the hearing.

19 **Sec. 49.** NRS 463.342 is hereby amended to read as follows:
20 463.342 Any person who is the subject of a hearing conducted under
21 the provisions of this chapter, or who is a witness at that hearing, and who
22 is a ~~handicapped~~ person *with a disability* as defined in NRS 50.050, is
23 entitled to the services of an interpreter at public expense, subject to
24 the provisions of NRS 50.052 and 50.053. The interpreter must be
25 ~~appointed~~ :

- 26 1. *Licensed pursuant to sections 2 to 32, inclusive, of this act; and*
- 27 2. *Appointed* by the person who presides at the hearing.

28 **Sec. 50.** NRS 608.0116 is hereby amended to read as follows:
29 608.0116 "Professional" means pertaining to an employee who is
30 licensed or certified by the State of Nevada for and engaged in the practice
31 of law or any of the professions regulated by chapters 623 to 645,
32 inclusive, of NRS ~~and~~ *and sections 2 to 32, inclusive, of this act.*

33 **Sec. 51.** NRS 615.200 is hereby amended to read as follows:
34 615.200 The bureau may:
35 1. Enter into reciprocal agreements with other states , ~~and~~ which, for
36 this purpose, may include the District of Columbia, Puerto Rico, the Virgin
37 Islands and Guam , ~~and~~ to provide for the vocational rehabilitation of
38 individuals within the states concerned;
39 2. Establish or construct rehabilitation facilities and workshops and
40 make grants to, or contracts or other arrangements with, public and other
41 nonprofit organizations for the establishment of workshops and
42 rehabilitation facilities;
43 3. Operate facilities for carrying out the purposes of this chapter;
44 4. In matters relating to vocational rehabilitation:
45 (a) Conduct research, studies, investigations and demonstrations and
46 make reports;
47 (b) Provide training and instruction , ~~and~~ including , *without limitation*,
48 the establishment and maintenance of such research fellowships and



1 traineeships with such stipends and allowances as may be deemed
2 necessary ; ~~and~~

3 (c) Disseminate information; and

4 (d) Render technical assistance;

5 5. Provide for the establishment, supervision, management and control
6 of small business enterprises to be operated by severely handicapped
7 persons where their operation will be improved through the management
8 and supervision of the bureau; and

9 6. Maintain a list of persons who *are licensed pursuant to sections 2*
10 *to 32, inclusive, of this act to* serve as interpreters for handicapped persons
11 and shall make any such list available without charge to persons who
12 request it.

13 **Sec. 52.** Section 22 of this act is hereby amended to read as follows:

14 Sec. 22. An applicant for a license as an interpreter must:

15 1. Be at least 18 years of age;

16 2. Have at least a high school diploma or a general equivalency
17 diploma;

18 3. Have completed a training program for interpreters that has
19 been approved by the board;

20 4. Have been certified as an interpreter by the Registry of
21 Interpreters for the Deaf, National Association of the Deaf or any
22 other organization approved by the board;

23 5. Submit to the board:

24 (a) An application on a form provided by the board;

25 (b) A complete set of his fingerprints and written permission
26 authorizing the board to forward the fingerprints to the central
27 repository for Nevada records of criminal history for submission to
28 the Federal Bureau of Investigation for its report;

29 (c) Three letters of professional reference;

30 (d) A resume of his previous applicable experience;

31 (e) A notarized statement signed by the applicant which provides
32 that the applicant will comply with the code of ethics prescribed by
33 the board pursuant to section 19 of this act;

34 (f) Proof that he is covered by a policy of liability insurance for
35 errors and omissions in an amount established by the board ; ~~and~~

36 ~~—(g) The statement required pursuant to section 25 of this act;~~

37 6. Pay the fees prescribed by the board pursuant to section 28 of
38 this act;

39 7. Pay the fees charged by the central repository for Nevada
40 records of criminal history and the Federal Bureau of Investigation for
41 processing the fingerprints and issuing a report of criminal history;

42 8. Present to the board a driver's license issued by this state,
43 another state or the District of Columbia, or an identification card
44 issued by this state, another state, the District of Columbia or the
45 Federal Government that contains a photograph of the applicant; and

46 9. Submit any other information the board may require.



1 **Sec. 53.** Section 23 of this act is hereby amended to read as follows:

2 Sec. 23. 1. The board may issue a provisional license to engage
3 in the practice of interpreting to a person who:

4 (a) Is enrolled in a training program for interpreters that has been
5 approved by the board;

6 (b) Is under the supervision of an interpreter;

7 (c) Passes any examination prescribed by the board pursuant to
8 section 19 of this act; and

9 (d) Complies with the requirements for licensure set forth in
10 section 22 of this act except the requirements set forth in subsections
11 3 and 4 of that section.

12 2. A provisional license is valid for not more than 1 year and may
13 not be renewed more than five times.

14 3. A provisional license may be renewed if the licensee:

15 (a) Satisfies the requirements set forth in paragraphs (a), (b) and (c)
16 of subsection 1; and

17 (b) Before the license expires, the licensee submits to the board:

18 (1) An application on a form prescribed by the board; and

19 (2) The fee for the renewal of the license prescribed by the board
20 pursuant to section 28 of this act. ~~}; and~~

21 ~~— (3) The statement required pursuant to section 25 of this act. }~~

22 **Sec. 54.** Section 27 of this act is hereby amended to read as follows:

23 Sec. 27. 1. Except for a provisional license, each license to
24 engage in the practice of interpreting expires 2 years after the date it is
25 issued and may be renewed if, before the license expires, the licensee
26 submits to the board:

27 (a) An application on a form prescribed by the board;

28 (b) Proof of completion of the requirements for continuing
29 education prescribed by the board pursuant to section 19 of this act;
30 and

31 (c) The fee for the renewal of the license prescribed by the board
32 pursuant to section 28 of this act. ~~}; and~~

33 ~~— (d) The statement required pursuant to section 25 of this act. }~~

34 2. A license that expires pursuant to the provisions of this section
35 may be restored if the applicant:

36 (a) Complies with the provisions of subsection 1;

37 (b) Submits to the board proof of his ability to engage in the
38 practice of interpreting; and

39 (c) Submits to the board the fees prescribed pursuant to section 28
40 of this act for the restoration of an expired license.

41 3. If the board determines that an applicant has not submitted
42 satisfactory proof of his ability to engage in the practice of
43 interpreting, the board may require the applicant to engage in the
44 practice of interpreting under the supervision of a person designated
45 by the board for a period prescribed by the board.

46 **Sec. 55.** Notwithstanding the provisions of sections 2 to 32, inclusive,
47 of this act, a person who engages in the practice of interpreting is not
48 required to be licensed as an interpreter pursuant to the provisions of this
49 act before July 1, 2003.



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1 **Sec. 56.** 1. Notwithstanding the provisions of section 13 of this act,
2 each member who is appointed to the board of interpreters to an initial term
3 pursuant to subparagraph (1) of paragraph (a) of subsection 1 of section 13
4 of this act must be eligible for a license as an interpreter at the time he is
5 appointed to the board.

6 2. As soon as practicable after October 1, 2001:

7 (a) The governor shall appoint to the board of interpreters:

8 (1) Four members whose terms expire on September 30, 2003.

9 (2) Five members whose terms expire on September 30, 2004.

10 (b) The director of the department of employment, training and
11 rehabilitation shall appoint to the board of interpreters one member whose
12 term expires on September 30, 2003.

13 **Sec. 57.** Notwithstanding the provisions of section 14 of this act, for
14 the initial terms of the members of the board, a person designated by the
15 department of employment, training and rehabilitation shall, on or before
16 October 31, 2001, submit to the governor the names of not less than three
17 persons or more than five persons who are qualified for membership on the
18 board for each position that the governor is required to appoint pursuant to
19 section 13 of this act. The governor shall appoint new members from the
20 list, or request a new list. If the person designated by the department of
21 employment, training and rehabilitation fails to submit nominations for a
22 position on the board within the period prescribed in this section, the
23 governor may appoint any qualified person.

24 **Sec. 58.** The provisions of section 32 of this act do not apply to
25 offenses committed before July 1, 2003.

26 **Sec. 59.** 1. This section and sections 1 to 32, inclusive, 43, 45, 50,
27 and 55 to 58, inclusive, of this act become effective on October 1, 2001.

28 2. Sections 33 to 42, inclusive, 44, 46 to 49, inclusive, and 51 of this
29 act become effective on July 1, 2003.

30 3. Sections 52, 53 and 54 of this act become effective on the date on
31 which the provisions of 42 U.S.C. § 666 requiring each state to establish
32 procedures under which the state has authority to withhold or suspend, or
33 to restrict the use of professional, occupational and recreational licenses of
34 persons who:

35 (a) Have failed to comply with a subpoena or warrant relating to a
36 proceeding to determine the paternity of a child or to establish or enforce
37 an obligation for the support of a child; or

38 (b) Are in arrears in the payment for the support of one or more
39 children,

40 are repealed by the Congress of the United States.

41 4. Sections 24, 25 and 26 of this act expire by limitation on the date on
42 which the provisions of 42 U.S.C. § 666 requiring each state to establish
43 procedures under which the state has authority to withhold or suspend, or
44 to restrict the use of professional, occupational or recreational licenses of
45 persons who:

46 (a) Have failed to comply with a subpoena or warrant relating to a
47 proceeding to determine the paternity of a child or to establish or enforce
48 an obligation for the support of a child; or



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1 (b) Are in arrears in the payment for the support of one or more
2 children,
3 are repealed by the Congress of the United States.

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