



## 2017 ASSEMBLY BILL 589

October 24, 2017 - Introduced by Representatives BROSTOFF, SKOWRONSKI, KLEEFISCH, CROWLEY, BOWEN, VORPAGEL, STUCK, SUBECK, ROHRKASTE, ANDERSON, SPIROS, SPREITZER, GENRICH, SARGENT, HINTZ, ZAMARRIPA, RIPP, C. TAYLOR, SINICKI, KOLSTE, RIEMER, E. BROOKS, HEBL and GOYKE, cosponsored by Senators TESTIN, JOHNSON, VINEHOUT, LARSON and CARPENTER. Referred to Committee on Jobs and the Economy.

1     **AN ACT to repeal** 15.407 (9) and 440.032; **to amend** 440.032 (3) (b) 3. and 905.015  
2           (2) (intro.); and **to create** 15.405 (18) and chapter 471 of the statutes; **relating**  
3           **to:** regulation of sign language interpretation services, providing an exemption  
4           from emergency rule procedures, granting rule-making authority, and  
5           providing a criminal penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill replaces the current licensure program for sign language interpreters licensed by the Department of Safety and Professional Services with a licensure program administered by the Sign Language Interpreters Examining Board, which is created in the bill. The board's membership consists of three deaf, hard of hearing, or deaf-blind individuals, three experienced sign language interpreters who are licensed under the bill, and one individual who is not deaf, hard of hearing, or deaf-blind and has obtained the services of a sign language interpreter on behalf of an individual who is deaf, hard of hearing, or deaf-blind.

Under the bill, the board grants the following licenses:

1. Sign language interpreter — intermediate hearing. The board must license an individual as a sign language interpreter — intermediate hearing if, among other requirements, the individual has received at least a bachelor's degree from an accredited college or university; the individual has successfully completed an interpreter training program; and the individual has passed the basic performance examination administered by the Board for Evaluation of Interpreters (BEI) and is

**ASSEMBLY BILL 589**

certified by BEI or has passed an examination the board determines is substantially equivalent to the BEI basic performance examination. The bill includes alternative paths to licensure as a sign language interpreter — intermediate hearing.

2. Sign language interpreter — advanced hearing. The board must license an individual as a sign language interpreter — advanced hearing if, among other requirements, the individual has received at least a bachelor's degree from an accredited college or university; the individual has successfully completed an interpreter training program; and the individual has passed the advanced or master performance examination administered by BEI and is certified by BEI, has passed the examination for and holds the national interpreter certification issued by the Registry of Interpreters for the Deaf, Inc. (RID), or has passed an exam the board determines is substantially equivalent. The bill includes alternative paths to licensure as a sign language interpreter — advanced hearing.

3. Sign language interpreter — intermediate deaf. The board must license an individual as a sign language interpreter — intermediate deaf if, among other requirements, the individual holds a high school diploma or its equivalent; the individual successfully completed at least 40 hours of a sign language interpreter training curriculum for deaf interpreters; the individual successfully completed at least 16 hours of sign language interpretation-related training approved by BEI or RID; and the individual provides to the board letters of recommendation from at least two individuals who hold a sign language interpreter — advanced deaf license, a certified deaf interpreter certification issued by RID, or an equivalent certification. Taken in the aggregate, the letters of recommendation must verify that the individual has successfully completed at least 25 hours of observing the provision of sign language interpretation services provided to clients.

4. Sign language interpreter — advanced deaf. The board must license an individual as a sign language interpreter — advanced deaf if, among other requirements, the individual holds at least an associate degree or satisfies an alternative pathway for education and the individual holds a certified deaf interpreter certification issued by RID or an equivalent certification, as determined by the board.

The bill requires the board to promulgate rules defining the scope of practice of each of the licenses described above, subject to certain restrictions set forth in the bill.

The bill also establishes a committee to negotiate, develop, execute, and periodically review on behalf of the board a memorandum of understanding between the board and the Department of Public Instruction regarding DPI's licensure of educational sign language interpreters. An individual licensed by DPI and providing sign language interpretation services at a school or school-sponsored event is not required to be licensed by the board. The bill also includes other temporary and permanent exemptions from licensure.

Finally, in addition to enforcement powers and penalties that are similar to the powers provided to other examining boards and applicable penalties, the bill provides enforcement authority to the board with respect to the unauthorized practice of sign language interpretation or the unauthorized use of a title related to

**ASSEMBLY BILL 589**

sign language interpretation. Under the bill, the board may conduct investigations, hold hearings, and make findings as to whether a person has engaged in a practice or used a title without a license required under the bill. If the board determines after a public hearing that a person has engaged in a practice or used a title without a required license, the board may issue a special order enjoining the person from the continuation of the practice or use of the title. Any person who violates such a special order may be required to pay a forfeiture of up to \$10,000 for each offense. The board, DSPS, the attorney general, or any district attorney may commence an action in the name of the state to recover the forfeiture.

In lieu of holding a public hearing, the board may petition the circuit court for a temporary restraining order or an injunction. Any person who violates such a temporary restraining order or injunction may be fined between \$25 and \$5,000 or imprisoned for up to one year in the county jail or both.

Similar, although not identical, enforcement authority is provided to DSPS under current law concerning the unauthorized practice or use of a title with respect to a profession regulated by DSPS or a board under DSPS.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1           **SECTION 1.** 15.405 (18) of the statutes is created to read:
- 2           **15.405 (18)** SIGN LANGUAGE INTERPRETERS EXAMINING BOARD. (a) In this
- 3 subsection, “interpretation services” has the meaning given in s. 471.01 (3).
- 4           (b) There is created a sign language interpreters examining board in the
- 5 department of safety and professional services consisting of the following members
- 6 appointed for 4-year terms:
- 7           1. Three public members who are deaf, hard of hearing, or deaf-blind. All of
- 8 the members appointed under this subdivision shall have experience as individual
- 9 clients of sign language interpreters providing interpretation services.
- 10           2. Two sign language interpreters — advanced hearing licensed under s. 471.04
- 11 (2).
- 12           3. One sign language interpreter — advanced deaf licensed under s. 471.04 (4).

**ASSEMBLY BILL 589**

**SECTION 1**

1           4. One public member who is not deaf, hard of hearing, or deaf-blind and who  
2 has obtained, or represents an entity that has obtained, interpretation services for  
3 the benefit of an individual who is deaf, hard of hearing, or deaf-blind.

4           (c) The governor shall nominate the members under par. (b) only after  
5 consultation with the Wisconsin Association of the Deaf, Inc., or its successor, and  
6 the Wisconsin Registry of Interpreters for the Deaf, Inc., or its successor, concerning  
7 the nominations.

8           (d) No member appointed under par. (b) may be an individual who is employed  
9 by or represents the department of safety and professional services.

10           **SECTION 2.** 15.407 (9) of the statutes is repealed.

11           **SECTION 3.** 440.032 of the statutes, as affected by 2017 Wisconsin Act ... (this  
12 act), is repealed.

13           **SECTION 4.** 440.032 (3) (b) 3. of the statutes is amended to read:

14           440.032 (3) (b) 3. A license granted under subd. 1. or 2. may be renewed twice  
15 3 times and is not valid upon the expiration of the 2nd 3rd renewal period.

16           **SECTION 5.** Chapter 471 of the statutes is created to read:

**CHAPTER 471**

**SIGN LANGUAGE INTERPRETERS**

**EXAMINING BOARD**

20           **471.01 Definitions.** In this chapter:

21           (1) “Board” means the sign language interpreters examining board.

22           (1m) “Board for Evaluation of Interpreters” means the Board for Evaluation  
23 of Interpreters or its successor.

24           (2) “Client” means a deaf, hard of hearing, or deaf-blind individual for whom  
25 another individual provides interpretation services, and, to the extent the context

**ASSEMBLY BILL 589**

1 requires, includes the parent or guardian of a deaf, hard of hearing, or deaf-blind  
2 individual if the individual is a minor.

3 (3) "Interpretation services" means any kind of sign language interpretation  
4 services provided to a client, whether provided by a hearing or deaf interpreter.

5 (4) "Interpreter training program" means any postsecondary educational  
6 program that prepares individuals to perform interpretation services.

7 (4m) "Registry of Interpreters for the Deaf" means the Registry of Interpreters  
8 for the Deaf, Inc., or its successor.

9 (5) "Support service provider" means an individual who is trained to act as a  
10 link between an individual who is deaf-blind and that individual's environment.

11 **471.02 License required.** (1) No individual may, for compensation, provide  
12 interpretation services to a client unless the individual is licensed under s. 471.04  
13 or is exempt from licensure.

14 (2) No individual may use the title "sign language interpreter," "interpreter for  
15 the deaf," "hearing interpreter," "deaf interpreter," "American sign language  
16 interpreter," "ASL English interpreter," or describe or imply that he or she is an  
17 individual who provides interpretation services to clients, or represent himself or  
18 herself as an individual who provides interpretation services to clients unless the  
19 individual is licensed under s. 471.04 or is exempt from licensure under sub. (3) (a)  
20 or (b) or s. 471.03 or 471.035.

21 (2m) If interpretation services are provided via live remote video conferencing,  
22 an individual providing interpretation services shall be licensed under this section  
23 if any of the following applies at the time the interpretation services are provided:

24 (a) The client is located in this state.

25 (b) The individual providing interpretation services is located in this state.

**ASSEMBLY BILL 589****SECTION 5**

1           **(3)** No license is required under this section for any of the following:

2           (a) An individual providing interpretation services at any school or  
3 school-sponsored event if the individual is licensed by the department of public  
4 instruction as an educational interpreter. Subject to s. 471.07 (3), the board and the  
5 department of public instruction shall enter into a memorandum of understanding  
6 defining the scope of practice of a license issued by the department of public  
7 instruction under this paragraph. The department, on behalf of the board, and the  
8 department of public instruction shall post the memorandum of understanding on  
9 their Internet sites.

10           (b) An individual providing interpretation services at a religious service or at  
11 a religious function, including educational or social events sponsored by a religious  
12 organization. This paragraph does not apply to an individual providing  
13 interpretation services for a religious organization at a professional function  
14 provided or sponsored by the religious organization.

15           (c) A support service provider providing interpretation services for the purpose  
16 of facilitating communication between an individual who provides interpretation  
17 services and a client of the individual.

18           (d) An individual who, in the course of the individual's employment, provides  
19 interpretation services during an emergency unless the interpretation services are  
20 provided during a period that exceeds 24 consecutive hours.

21           **471.03 Temporary exemptions.** The board may grant, on a case-by-case  
22 basis, a temporary exemption from the licensure requirement under s. 471.02 to an  
23 individual applying for a temporary exemption, subject to the following:

24           **(1)** The board may not grant the same individual temporary exemptions that  
25 total more than 21 days in the aggregate each year.

**ASSEMBLY BILL 589**

1           (2) An individual's application for a temporary exemption under this section  
2 shall be in writing, shall describe the reasons why the individual cannot obtain a  
3 license under s. 471.04 and describe any professional credential the individual does  
4 possess, and shall specify the dates the individual intends to provide interpretation  
5 services.

6           (3) The board shall approve or deny a temporary exemption under this section  
7 within 10 business days after receiving the application.

8           **471.035 Permanent exemptions.** The board may grant, on a case-by-case  
9 basis, a permanent exemption from the licensure requirements under s. 471.02 to an  
10 individual applying for a permanent exemption, subject to the following:

11           (1) An individual's application for a permanent exemption under this section  
12 shall describe the reasons why the individual cannot obtain a license under s. 471.04.

13           (2) If the applicant for permanent exemption will be providing interpretation  
14 services to a single client only, the individual's application shall identify that client.

15           **471.04 Licensure.** The board shall grant licenses for the provision of  
16 interpretation services under the following license categories:

17           (1) SIGN LANGUAGE INTERPRETER — INTERMEDIATE HEARING. The board shall grant  
18 a sign language interpreter — intermediate hearing license to an applicant who  
19 submits an application on a form provided by the board, pays the fee determined by  
20 the department under s. 440.05 (1) (a), and satisfies any of the following:

21           (a) The applicant satisfies all of the following conditions:

22           1. The applicant has received at least a bachelor's degree from an accredited  
23 college or university.

24           2. The applicant provides evidence satisfactory to the board that the applicant  
25 has successfully completed an interpreter training program.

**ASSEMBLY BILL 589****SECTION 5**

1           3. The applicant has passed the basic performance examination of and is  
2 certified by the Board for Evaluation of Interpreters, or the applicant has passed a  
3 substantially equivalent examination, as determined by the board.

4           (b) The applicant satisfies all of the following conditions:

5           1. The applicant earned an associate degree in sign language interpretation  
6 before the effective date of this subdivision .... [LRB inserts date].

7           2. The applicant has passed the basic performance examination of and is  
8 certified by the Board for Evaluation of Interpreters, or the applicant has passed a  
9 substantially equivalent examination, as determined by the board.

10          (c) The applicant satisfies all of the following conditions:

11          1. Before the effective date of this subdivision .... [LRB inserts date], the  
12 applicant passed the basic performance examination of and is certified by the Board  
13 for Evaluation of Interpreters, or before the effective date of this subdivision .... [LRB  
14 inserts date], the applicant passed a substantially equivalent examination, as  
15 determined by the board.

16          2. The board approves the applicant's licensure after review of all of the  
17 circumstances.

18          **(2) SIGN LANGUAGE INTERPRETER — ADVANCED HEARING.** The board shall grant a  
19 sign language interpreter — advanced hearing license to an applicant who submits  
20 an application on a form provided by the board, pays the fee determined by the  
21 department under s. 440.05 (1) (a), and satisfies any of the following:

22          (a) The applicant satisfies all of the following conditions:

23          1. The applicant has received at least a bachelor's degree from an accredited  
24 college or university.



**ASSEMBLY BILL 589**

1           2. The applicant provides evidence satisfactory to the board that the applicant  
2 has successfully completed an interpreter training program.

3           3. The applicant has passed the advanced or master performance examination  
4 of and is certified by the Board for Evaluation of Interpreters, the applicant has  
5 passed the examination for and holds the national interpreter certification issued by  
6 the Registry of Interpreters for the Deaf, or the applicant has passed a substantially  
7 equivalent examination, as determined by the board.

8           (b) The applicant was issued before the effective date of this paragraph .... [LRB  
9 inserts date], and maintains in good standing any of the following:

10           1. The national interpreter certification (NIC), advanced or master level  
11 national interpreter certification (NIC-Advance or NIC-Master), certificate of  
12 interpretation (CI), certificate of transliteration (CT), comprehensive skills  
13 certificate (CSC), master comprehensive skills certificate (MSCS), interpretation  
14 certificate (IC), or transliteration certificate (TC), issued by the Registry of  
15 Interpreters for the Deaf.

16           2. The National Association of the Deaf III, IV, or V certification.

17           3. The advanced or master certification of the Board for Evaluation of  
18 Interpreters.

19           **(3) SIGN LANGUAGE INTERPRETER — INTERMEDIATE DEAF.** The board shall grant a  
20 sign language interpreter — intermediate deaf license to an applicant who submits  
21 an application on a form provided by the board, pays the fee determined by the  
22 department under s. 440.03 (9) (a), and satisfies all of the following:

23           (a) The applicant holds a high school diploma or its equivalent, as determined  
24 by the board.

**ASSEMBLY BILL 589****SECTION 5**

1           (b) The applicant submits evidence satisfactory to the board of the applicant's  
2 successful completion of at least 40 hours of a deaf interpreter training curriculum  
3 approved by the board.

4           (c) The applicant submits evidence satisfactory to the board of the applicant's  
5 successful completion of at least 16 hours of interpretation services-related training  
6 approved for continuing education credits by the Registry of Interpreters for the Deaf  
7 or the Board for Evaluation of Interpreters.

8           (d) The applicant submits evidence satisfactory to the board of the applicant's  
9 successful completion of American sign language linguistics I and II or substantially  
10 equivalent coursework, as determined by the board.

11           (e) The applicant provides to the board letters of recommendation satisfactory  
12 to the board from at least 2 individuals who hold a sign language interpreter —  
13 advanced deaf license, a certified deaf interpreter certification issued by the Registry  
14 of Interpreters for the Deaf, or an equivalent certification as determined by the  
15 board. Taken in the aggregate, the letters of recommendation shall verify that the  
16 applicant has successfully completed at least 25 hours of observing interpretation  
17 services provided to clients.

18           **(4) SIGN LANGUAGE INTERPRETER — ADVANCED DEAF.** The board shall grant a sign  
19 language interpreter — advanced deaf license to an applicant who submits an  
20 application on a form provided by the board, pays the fee determined by the  
21 department under s. 440.03 (9) (a), and satisfies all of the following:

22           (a) The applicant holds at least an associate degree or satisfies an alternative  
23 pathway for education, as determined by the board.

**ASSEMBLY BILL 589**

1 (b) The applicant holds a certified deaf interpreter certification issued by the  
2 Registry of Interpreters for the Deaf or an equivalent certification, as determined by  
3 the board.

4 **471.045 Exam administration in Wisconsin.** The department of health  
5 services shall administer in this state the performance examinations of the Board for  
6 Evaluation of Interpreters, unless the board approves another administrator of the  
7 examinations.

8 **471.05 Scope of license.** The board shall promulgate rules defining the scope  
9 of practice of each license granted under s. 471.04, subject to the following:

10 **(1) SIGN LANGUAGE INTERPRETER — INTERMEDIATE HEARING.** (a) A sign language  
11 interpreter — intermediate hearing licensee may not provide interpretation services  
12 to clients in any medical setting, as determined by the board, unless he or she is team  
13 interpreting with a sign language interpreter — advanced hearing or sign language  
14 interpreter — advanced deaf.

15 (b) A sign language interpreter — intermediate hearing licensee may not  
16 provide interpretation services to clients in any legal or mental health setting, as  
17 determined by the board.

18 **(2) INTERPRETATION IN LEGAL SETTINGS.** No sign language interpreter —  
19 advanced hearing, sign language interpreter — intermediate deaf, or sign language  
20 interpreter — advanced deaf licensee may provide interpretation services to a client  
21 in any legal setting, as determined by the board, unless he or she is also certified,  
22 including a provisional certification, by the supreme court to act as a qualified  
23 interpreter in court proceedings under s. 885.38 (2).

**ASSEMBLY BILL 589****SECTION 5**

1           **471.053 License renewal; continuing education.** (1) The renewal date for  
2 a license granted under s. 471.04 is specified in s. 440.08 (2) (a) 68c., and the renewal  
3 fee is determined by the department under s. 440.03 (9) (a).

4           (2) If the initial license of an applicant for license renewal required the  
5 applicant to hold a certification issued by the Board for Evaluation of Interpreters,  
6 Registry of Interpreters for the Deaf, or another organization, the applicant shall  
7 submit evidence satisfactory to the board that the applicant's certification that is  
8 required for the license has not been revoked or invalidated or otherwise expired.

9           (3) The board shall promulgate rules requiring each applicant for license  
10 renewal to submit to the board evidence satisfactory to the board of the applicant's  
11 completion of at least 30 hours of continuing education during the 2-year period  
12 immediately preceding the renewal date specified under s. 440.08 (2) (a) 68c., subject  
13 to the following:

14           (a) For each renewal period, up to 5 hours of continuing education may be  
15 satisfied by community volunteering in the deaf, hard of hearing, or deaf-blind  
16 community or with a professional sign language interpretation community  
17 organization.

18           (b) For each renewal period, up to 5 hours of continuing education may be  
19 satisfied by mentoring, as determined by the board.

20           (c) Continuing education hours earned through workshops, conferences, and  
21 college courses shall have been approved as continuing education by the Registry of  
22 Interpreters for the Deaf or the Board for Evaluation of Interpreters for purposes of  
23 certifications issued by those entities.

24           (d) An applicant for renewal who obtained his or her initial license under s.  
25 471.04 within the 12 months immediately preceding the renewal date specified

**ASSEMBLY BILL 589**

1 under s. 440.08 (2) (a) 68c. need not satisfy the continuing education requirements  
2 under this subsection.

3 (e) On a case-by-case basis, the board may grant an extension of time to satisfy,  
4 or a waiver of, some or all of the continuing education requirements under this  
5 subsection.

6 **471.057 Reciprocal licensure.** (1) Upon application and payment of the fee  
7 specified in s. 440.05 (2), the board may grant the appropriate category of license  
8 under s. 471.04 to an individual who holds a license or other credential granted by  
9 a governmental authority in a jurisdiction outside this state that qualifies the  
10 applicant to provide interpretation services to clients under that category of license  
11 granted by the board.

12 (2) The board may enter into a reciprocal agreement with the officials of a  
13 jurisdiction outside this state for licensing interpreters and may grant a license to  
14 an individual licensed in that jurisdiction according to the terms of that agreement.

15 (3) The board shall promulgate rules implementing this section.

16 **471.06 Identification cards.** The board shall promulgate rules requiring all  
17 interpreters licensed under s. 471.04 to have an identification card with them at all  
18 times while providing interpretation services to clients for compensation. The board  
19 shall issue the identification card. The identification card issued to a licensee for  
20 purposes of this section shall satisfy all of the following conditions:

21 (1) Include all of the following:

22 (a) The interpreter's full name.

23 (b) The interpreter's licensure category, whether sign language interpreter —  
24 intermediate hearing, sign language interpreter — advanced hearing, sign language  
25 interpreter — intermediate deaf, or sign language interpreter — advanced deaf.

**ASSEMBLY BILL 589****SECTION 5**

1 (c) Any applicable licensure restriction.

2 (d) A statement whether the interpreter is certified by the supreme court to act  
3 as a qualified interpreter in court proceedings under s. 885.38 (2) and whether that  
4 certification is provisional.

5 (e) Any other information required by the board.

6 **(2)** Be color-coded based on the interpreter's licensure category identified  
7 under sub. (1) (b). An intermediate license shall be yellow. An advanced license shall  
8 be green.

9 **471.065 Professional conduct.** The board shall promulgate rules governing  
10 the professional conduct of individuals licensed under s. 471.04. The rules shall  
11 incorporate the rules of professional conduct adopted by the National Association of  
12 the Deaf, or its successor, and Registry of Interpreters for the Deaf.

13 **471.07 Memorandum of understanding advisory committee.** **(1)** In this  
14 section, "memorandum of understanding" means the memorandum of  
15 understanding established under s. 471.02 (3) (a).

16 **(2)** The secretary shall appoint a committee under s. 440.042, consisting of the  
17 following members:

18 (a) One member of the board, appointed by the board.

19 (b) One representative of the department of public instruction, appointed by  
20 the state superintendent of public instruction.

21 (c) One member of the deaf and hard-of-hearing education council, appointed  
22 by that council.

23 (d) One interpreter licensed under s. 471.04, appointed by the board.

**ASSEMBLY BILL 589**

1 (e) One individual who is licensed by the department of public instruction as  
2 an educational interpreter, appointed by the state superintendent of public  
3 instruction.

4 (f) One member of the deaf, hard of hearing, and deaf-blind community who  
5 attended public schools and received the services of an educational interpreter  
6 licensed by the department of public instruction, appointed by the board.

7 (g) One member of the deaf, hard of hearing, and deaf-blind community who  
8 is a parent of a child attending public school, appointed by the board.

9 **(3)** The committee appointed under sub. (1) shall do all of the following:

10 (a) On behalf of the board negotiate, develop, and execute the memorandum of  
11 understanding established under s. 471.02 (3) (a).

12 (b) Meet at least once every 2 years to review the memorandum of  
13 understanding established under s. 471.02 (3) (a) and make recommendations to the  
14 board and the department of public instruction concerning changes to the  
15 memorandum of understanding.

16 **471.08 Disciplinary actions and proceedings.** (1) Subject to the rules  
17 promulgated under s. 440.03 (1), the board may make investigations and conduct  
18 hearings to determine whether a violation of this chapter or any rule promulgated  
19 under this chapter has occurred.

20 (2) Subject to the rules promulgated under s. 440.03 (1), the board may  
21 reprimand an interpreter licensed under s. 471.04 or deny, limit, suspend, or revoke  
22 a license granted under s. 471.04 if the board finds that an applicant for a license or  
23 a licensee has done any of the following:

24 (a) Intentionally made a material misstatement in an application for a license  
25 or license renewal.

**ASSEMBLY BILL 589****SECTION 5**

1 (b) Subject to ss. 111.321, 111.322, and 111.335, been arrested or convicted of  
2 an offense the circumstances of which substantially relate to the provision of  
3 interpretation services to clients.

4 (c) Subject to ss. 111.321, 111.322, and 111.34, provided interpretation services  
5 to a client while the interpreter's ability to do so was impaired by alcohol or other  
6 drugs.

7 (d) Been adjudicated mentally incompetent by a court of competent  
8 jurisdiction. A certified copy of the record of an adjudication of incompetency is  
9 conclusive evidence of incompetence under this paragraph.

10 (e) Advertised in a manner that is false or misleading.

11 (f) Obtained or attempted to obtain compensation through fraud or deceit.

12 (g) Failed to cooperate with the board in an investigation under this section.

13 (h) Aided another person in violating this chapter or any rule promulgated  
14 under this chapter.

15 (i) Violated this chapter or any rule promulgated under this chapter or violated  
16 any other law of this state, any law of another state, or any federal law that  
17 substantially relates to the provision of interpretation services to clients.

18 **(3)** In addition to or in lieu of a reprimand or other action under sub. (2), the  
19 board may establish by rule other penalties, including a forfeiture not to exceed  
20 \$1,000 for each violation, for a violation under sub. (2).

21 **471.09 Penalty.** A person who violates this chapter or any rule promulgated  
22 under this chapter may be fined not more than \$10,000 or imprisoned for not more  
23 than 6 months or both.



**ASSEMBLY BILL 589**

1           **471.095 Injunction.** (1) The board may conduct investigations, hold  
2 hearings, and make findings as to whether a person has engaged in a practice or used  
3 a title without a license required under s. 471.02.

4           (2) If, after holding a public hearing, the board determines that a person has  
5 engaged in a practice or used a title without a license required under s. 471.02, the  
6 board may issue a special order enjoining the person from the continuation of the  
7 practice or use of the title.

8           (3) In lieu of holding a public hearing, if the board has reason to believe that  
9 a person has engaged in a practice or used a title without a license required under  
10 s. 471.02, the board may petition the circuit court for a temporary restraining order  
11 or an injunction as provided in ch. 813.

12           (4) (a) Any person who violates a special order issued under sub. (2) may be  
13 required to forfeit not more than \$10,000 for each offense. Each day of continued  
14 violation constitutes a separate offense. The board, department, attorney general,  
15 or any district attorney may commence an action in the name of the state to recover  
16 a forfeiture under this paragraph.

17           (b) Any person who violates a temporary restraining order or an injunction  
18 issued by a court upon a petition under sub. (3) may be fined not less than \$25 nor  
19 more than \$5,000 or imprisoned for not more than one year in the county jail or both.

20           **SECTION 6.** 905.015 (2) (intro.) of the statutes is amended to read:

21           905.015 (2) (intro.) In addition to the privilege under sub. (1), a person who is  
22 licensed as an interpreter under s. ~~440.032~~ (3) 471.04 may not disclose any aspect of  
23 a confidential communication facilitated by the interpreter unless one of the  
24 following conditions applies:

25           **SECTION 7. Nonstatutory provisions.**

**ASSEMBLY BILL 589****SECTION 7**

1           (1) DEFINITION. In subsections (2) to (7), “board” means the sign language  
2 interpreters examining board.

3           (2) CREDENTIALS OF INITIAL MEMBERS. Notwithstanding section 15.405 (18) (b)  
4 2. or 3. of the statutes, the initial members appointed to the board under section  
5 15.405 (18) (b) 2. or 3. of the statutes need not be licensed under section 471.04 of the  
6 statutes, but shall be sign language interpreters licensed under section 440.032,  
7 2015 stats.

8           (3) STAGGERING OF TERMS. Notwithstanding the length of terms specified for the  
9 members of the board under section 15.405 (18) (b) (intro.) of the statutes, 2 of the  
10 initial members shall be appointed for terms expiring on July 1, 2020; 2 of the initial  
11 members shall be appointed for terms expiring on July 1, 2021; 2 of the initial  
12 members shall be appointed for terms expiring on July 1, 2022; and one of the initial  
13 members shall be appointed for a term expiring on July 1, 2023.

14           (4) PROVISIONAL APPOINTMENTS.

15           (a) Notwithstanding the requirement of advice and consent of the senate under  
16 section 15.08 (1) of the statutes, the initial members of the board nominated by the  
17 governor may be provisionally appointed by the governor, subject to later senate  
18 confirmation. Any provisional appointment shall be in full force until withdrawn by  
19 the governor or acted upon by the senate, and if confirmed by the senate shall  
20 continue for the remainder of the unexpired term of the member and until a successor  
21 is appointed and qualifies. A provisional appointee may exercise all the powers and  
22 duties of board membership to which the person is appointed during the time in  
23 which the appointee qualifies.

24           (b) A provisional appointment made under paragraph (a) that is withdrawn by  
25 the governor shall, upon withdrawal, lapse and create a vacancy for provisional

**ASSEMBLY BILL 589**

1 appointment of another initial member of the board. Any provisional appointment  
2 made under paragraph (a) that is rejected by the senate shall, upon rejection, lapse  
3 and create a vacancy for provisional appointment of another initial board member.

4 (5) TRANSITIONAL LICENSURE.

5 (a) *Sign language interpreter — intermediate hearing.* On the effective date of  
6 this paragraph, a sign language interpreter who, immediately prior to the effective  
7 date of this paragraph, held a valid 151 Restricted License issued by the department  
8 of safety and professional services, is considered to be a licensed sign language  
9 interpreter — intermediate hearing under section 471.04 (1) of the statutes, and the  
10 department of safety and professional services shall issue a license to the individual  
11 under section 471.04 (1) of the statutes notwithstanding the fee and other  
12 application requirements under that section of the statutes.

13 (b) *Sign language interpreter — advanced hearing.* On the effective date of this  
14 paragraph, a sign language interpreter who, immediately prior to the effective date  
15 of this paragraph, held a valid 150 Renewable License issued by the department of  
16 safety and professional services, is considered to be a licensed sign language  
17 interpreter — advanced hearing under section 471.04 (2) of the statutes, and the  
18 department of safety and professional services shall issue a license to the individual  
19 under section 471.04 (2) of the statutes notwithstanding the fee and other  
20 application requirements under that section of the statutes.

21 (c) *Sign language interpreter — intermediate deaf.* On the effective date of this  
22 paragraph, a sign language interpreter who is deaf, hard of hearing, or deaf-blind  
23 and who, immediately prior to the effective date of this paragraph, held a valid 151  
24 Restricted License issued by the department of safety and professional services, is  
25 considered to be a licensed sign language interpreter — intermediate deaf under

**ASSEMBLY BILL 589****SECTION 7**

1 section 471.04 (3) of the statutes, and the department of safety and professional  
2 services shall issue a license to the individual under section 471.04 (3) of the statutes  
3 notwithstanding the fee and other application requirements under that section of the  
4 statutes.

5 (d) *Sign language interpreter — advanced deaf.* On the effective date of this  
6 paragraph, a sign language interpreter who is deaf, hard of hearing, or deaf-blind  
7 and who, immediately prior to the effective date of this paragraph, held a valid 150  
8 Renewable License issued by the department of safety and professional services, is  
9 considered to be a licensed sign language interpreter — advanced deaf under section  
10 471.04 (4) of the statutes, and the department of safety and professional services  
11 shall issue a license to the individual under section 471.04 (4) of the statutes  
12 notwithstanding the fee and other application requirements under that section of the  
13 statutes.

14 (6) OTHER TRANSITIONAL PROVISIONS.

15 (a) *Department of safety and professional services.*

16 1. 'Pending matters.' Each matter pending with the department of safety and  
17 professional services on the effective date of this subdivision that is primarily related  
18 to the regulation of sign language interpreters, as determined by the secretary of  
19 safety and professional services, is transferred to the board and all materials  
20 submitted to or actions taken by the department of safety and professional services  
21 with respect to the pending matter are considered as having been submitted to or  
22 taken by the board.

23 2. 'Rules and orders.' All rules promulgated by the department of safety and  
24 professional services that are primarily related to the regulation of sign language  
25 interpreters, as determined by the secretary of safety and professional services, and

**ASSEMBLY BILL 589**

1 that are in effect on the effective date of this subdivision remain in effect until their  
2 specified expiration dates or until amended or repealed by the board. All orders  
3 issued by the department of safety and professional services that are primarily  
4 related to the regulation of sign language interpreters, as determined by the  
5 secretary of safety and professional services, and that are in effect on the effective  
6 date of this subdivision remain in effect until their specified expiration dates or until  
7 modified or rescinded by the board.

8 (b) *Elimination of the sign language interpreter council.*

9 1. 'Assets and liabilities.' On the effective date of this subdivision, the assets  
10 and liabilities of the sign language interpreter council become the assets and  
11 liabilities of the board.

12 2. 'Tangible personal property.' On the effective date of this subdivision, all  
13 tangible personal property, including records, of the sign language interpreter  
14 council is transferred to the board.

15 3. 'Contracts.' All contracts entered into by the sign language interpreter  
16 council in effect on the effective date of this subdivision remain in effect and are  
17 transferred to the board. The board shall carry out all obligations under such a  
18 contract unless modified or rescinded by the board to the extent allowed under the  
19 contract.

20 4. 'Pending matters.' Each matter pending with the sign language interpreter  
21 council on the effective date of this subdivision is transferred to the board and all  
22 materials submitted to or actions taken by the sign language interpreter council with  
23 respect to the pending matter are considered as having been submitted to or taken  
24 by the board.

**ASSEMBLY BILL 589****SECTION 7**

1           5. 'Rules and orders.' All rules promulgated by the sign language interpreter  
2 council that are in effect on the effective date of this subdivision remain in effect until  
3 their specified expiration dates or until amended or repealed by the board. All orders  
4 issued by the sign language interpreter council that are in effect on the effective date  
5 of this subdivision remain in effect until their specified expiration dates or until  
6 modified or rescinded by the board.

7           (7) EMERGENCY RULES. The board may promulgate emergency rules under  
8 section 227.24 of the statutes necessary to implement this act. Notwithstanding  
9 section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this  
10 subsection remain in effect until July 1, 2019, or the date on which permanent rules  
11 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the  
12 statutes, the board is not required to provide evidence that promulgating a rule  
13 under this subsection as an emergency rule is necessary for the preservation of the  
14 public peace, health, safety, or welfare and is not required to provide a finding of  
15 emergency for a rule promulgated under this subsection.

16           **SECTION 8. Initial applicability.**

17           (1) RESTRICTED LICENSE RENEWALS. The treatment of section 440.032 (3) (b) 3.  
18 (by SECTION 4) of the statutes first applies retroactively to an individual holding a  
19 valid license under section 440.032 (3) (b) 1. or 2. of the statutes on August 31, 2017.

20           **SECTION 9. Effective dates.** This act takes effect on the first day of the 7th  
21 month beginning after publication, except as follows:

22           (1) RESTRICTED LICENSE RENEWALS. The treatment of section 440.032 (3) (b) 3.  
23 (by SECTION 4) of the statutes and SECTION 8 of this act take effect on the day after  
24 publication.

25

(END)