



2003 ASSEMBLY BILL 158

March 13, 2003 – Introduced by Representatives TURNER, BERCEAU, COGGS, COLON, LADWIG and SERATTI, cosponsored by Senator SCHULTZ. Referred to Committee on Labor.

1 **AN ACT** *to create* 440.08 (2) (a) 35g. and subchapter VI of chapter 440 [precedes
2 440.70] of the statutes; **relating to:** certifying foreign language interpreters,
3 granting rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits a person from representing that he or she is a “Wisconsin certified foreign language interpreter,” or using such a title, unless he or she is granted a certificate by the Department of Regulation and Licensing (DRL). However, the bill does not prohibit a person without a certificate from interpreting foreign languages, if he or she does not make the prohibited representation or use the prohibited title. The bill requires DRL to promulgate rules that establish the education, competency, or training requirements that a person must satisfy to be granted a certificate. The requirements must ensure that a person who is certified is competent to facilitate communication between non-English speakers and providers of goods and services.

The bill also requires DRL to promulgate rules that specify the foreign languages for which a person may be granted a certificate. The foreign languages must include Spanish. DRL must specify on a certificate the languages for which a person is certified as a Wisconsin certified foreign language interpreter. A certificate holder must renew the certificate every two years.

In addition, the bill requires a person who is granted a certificate to keep confidential any communication that he or she facilitates between a non-English speaker and a provider of goods and services, unless the non-English speaker

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specifically authorizes disclosure. However, the bill does not create an evidentiary privilege for such a communication. Therefore, unless another evidentiary privilege applies to a communication, a person who is granted a certificate may be required to disclose the communication in a judicial or administrative proceeding.

The bill allows DRL to take disciplinary action against a person who is granted a certificate if the person engages in prohibited conduct. Disciplinary action may include suspending or revoking a certificate. Grounds for disciplinary action include being convicted of an offense the circumstances of which substantially relate to the interpretation of foreign languages, which is also grounds for denying a certificate to an applicant.

Finally, the bill provides for a forfeiture of not more than \$500 for each violation of the bill's requirements.

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

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

1 **SECTION 1.** 440.08 (2) (a) 35g. of the statutes is created to read:
 2 440.08 (2) (a) 35g. Foreign language interpreter, Wisconsin certified: July 1
 3 of each odd-numbered year; \$53.

4 **SECTION 2.** Subchapter VI of chapter 440 [precedes 440.70] of the statutes is
 5 created to read:

CHAPTER 440

SUBCHAPTER VI

WISCONSIN CERTIFIED

FOREIGN LANGUAGE INTERPRETERS

10 **440.70 Definitions.** In this subchapter:

11 (1) "Non-English speaker" means a person whose primary language is not
 12 English and who is unable to communicate in English or has limited proficiency in
 13 English.

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1 **(2)** “Wisconsin certified foreign language interpreter” means a person who is
2 certified as a Wisconsin certified foreign language interpreter under this subchapter.

3 **440.71 Use of title.** No person may use the title “Wisconsin certified foreign
4 language interpreter,” use any title or description that implies that he or she is a
5 Wisconsin certified foreign language interpreter, or represent himself or herself to
6 be a Wisconsin certified foreign language interpreter unless the person is granted a
7 certificate under this subchapter.

8 **440.72 Certification.** **(1)** The department shall grant a person a certificate
9 as a Wisconsin certified foreign language interpreter for one or more languages
10 specified in rules promulgated under s. 440.73 (1) if the person does all of the
11 following:

12 (a) Submits an application for the certificate to the department on a form
13 provided by the department.

14 (b) Pays the fee specified in s. 440.05 (1).

15 (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory
16 to the department that he or she does not have an arrest or conviction record.

17 (d) Submits evidence satisfactory to the department that he or she satisfies the
18 requirements established in rules promulgated under s. 440.73.

19 **(2)** The department shall specify on a certificate granted under sub. (1) the
20 languages for which the certificate holder is certified as a Wisconsin certified foreign
21 language interpreter.

22 **440.73 Rule making.** The department shall promulgate rules for all of the
23 following:

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1 (1) Specifying the foreign languages for which a person may be certified as a
2 Wisconsin certified foreign language interpreter. The languages specified in the
3 rules shall include Spanish.

4 (2) Establishing the education, training, or competency requirements that an
5 applicant for certification must satisfy in order to be certified for a foreign language
6 under this subchapter. The requirements shall ensure that the person is competent
7 to facilitate communication between non-English speakers of that language and
8 providers of goods and services.

9 **440.74 Certificate renewal.** The renewal dates for certificates granted
10 under this subchapter are specified under s. 440.08 (2) (a). Renewal applications
11 shall be submitted to the department on a form provided by the department and shall
12 include the renewal fee specified in s. 440.08 (2) (a).

13 **440.75 Confidentiality.** A Wisconsin certified foreign language interpreter
14 shall keep confidential any communication that the interpreter facilitates between
15 a non-English speaker and a provider of goods and services, unless the non-English
16 speaker specifically authorizes the disclosure of the communication. This section
17 does not create a privilege under s. 905.01.

18 **440.76 Disciplinary proceedings and actions.** (1) Subject to the rules
19 promulgated under s. 440.03 (1), the department may make investigations and
20 conduct hearings to determine whether a violation of this subchapter or any rule
21 promulgated under this subchapter has occurred.

22 (2) Subject to the rules promulgated under s. 440.03 (1), the department may
23 reprimand a Wisconsin certified foreign language interpreter or deny, limit, suspend,
24 or revoke a certificate granted under this subchapter if the department finds that the

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1 applicant or the Wisconsin certified foreign language interpreter has done any of the
2 following:

3 (a) Made a material misstatement in an application for a certificate or for
4 renewal of a certificate.

5 (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an offense the
6 circumstances of which substantially relate to the interpretation of foreign
7 languages.

8 (c) Subject to ss. 111.321, 111.322 and 111.34, provided foreign language
9 interpretation services while his or her ability to provide the services was impaired
10 by alcohol or other drugs.

11 (d) Engaged in conduct while providing foreign language interpretation
12 services that evidences a lack of knowledge or ability to apply interpretation
13 principles or skills.

14 (e) Represented that he or she is certified under this subchapter for a language
15 that is not specified in the certificate granted to him or her under this subchapter.

16 (f) Violated this subchapter or any rule promulgated under this subchapter.

17 **440.77 Penalties.** A person who violates this subchapter or any rule
18 promulgated under this subchapter may be required to forfeit not more than \$500
19 for each violation.

20 **SECTION 3. Effective date.**

21 (1) This act takes effect on the first day of the 7th month beginning after
22 publication.

23 (END)