

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 445 Session of
2003

INTRODUCED BY NAILOR, LEDERER, FLEAGLE, ROEBUCK, BARD, BARRAR,
BEBKO-JONES, BELFANTI, BISHOP, BROWNE, BUNT, CAPPELLI,
CIVERA, COSTA, COY, CRAHALLA, CREIGHTON, CRUZ, GABIG, GEIST,
GRUCELA, HALUSKA, HARHAI, HERMAN, HORSEY, JAMES, JOSEPHS,
LAUGHLIN, LEACH, MARSICO, McILHATTAN, S. MILLER, MYERS,
READSHAW, REICHLEY, ROBERTS, SAINATO, SEMMEL, SOLOBAY,
STABACK, E. Z. TAYLOR, TIGUE, VANCE, YOUNGBLOOD, ZUG,
WASHINGTON, THOMAS, T. STEVENSON AND BENNINGHOFF,
FEBRUARY 25, 2003

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 28, 2004

AN ACT

1 ~~Providing for the establishment of standards for providing sign~~ <—
2 ~~language interpreting and transliterating services for~~
3 ~~individuals who are deaf or hard of hearing in this~~
4 ~~Commonwealth who hold themselves out as qualified sign~~
5 ~~language interpreters and transliterators.~~

6 PROVIDING FOR STATE REGISTRATION OF INDIVIDUALS PROVIDING SIGN <—
7 LANGUAGE INTERPRETING AND TRANSLITERATING SERVICES TO
8 INDIVIDUALS WHO ARE DEAF OR HARD OF HEARING; AND IMPOSING
9 DUTIES ON THE OFFICE FOR THE DEAF AND HARD OF HEARING IN THE
10 DEPARTMENT OF LABOR AND INDUSTRY.

11 The General Assembly of the Commonwealth of Pennsylvania

12 hereby enacts as follows:

13 ~~Section 1. Short title.~~ <—

14 ~~This act shall be known and may be cited as the Sign Language~~
15 ~~Interpreters and Translitterators Registration Act.~~

16 ~~Section 2. Definitions.~~

17 ~~The following words and phrases when used in this act shall~~
18 ~~have the meanings given to them in this section unless the~~

~~context clearly indicates otherwise:~~

~~"Applicant."—An individual who is applying for registration as a qualified interpreter or a qualified transliterator.~~

~~"Deaf."—A natural person who is deaf and hard of hearing.~~

~~"Department."—The Department of Labor and Industry of the Commonwealth.~~

~~"Interpreting."—The process of conveying English in grammatically correct American Sign Language and the process of conveying American Sign Language in grammatically correct English.~~

~~"Office."—The Office of Deaf and Hard of Hearing within the Department of Labor and Industry.~~

~~"Qualified interpreter."—An individual registered under this act who engages in interpreting.~~

~~"Qualified transliterator."—An individual registered under this act who engages in transliterating.~~

~~"Registrant."—An individual registered under this act as either a qualified interpreter for the deaf or a qualified transliterator.~~

~~"Transliterating."—The process of conveying spoken or written English in an English based sign system and the process of conveying an English based sign system in spoken or written English.~~

~~Section 3.—Department responsibilities.~~

~~The department shall have the power and duty to do all of the following:~~

~~(1) Administer this act.~~

~~(2) Register applicants in accordance with section 5.~~

~~(3) Maintain a list of all registered interpreters and transliterators and make this list available upon request to~~

1 ~~the public and to Federal, State and local agencies.~~

2 ~~(4) Promulgate regulations necessary to carry out the~~
3 ~~provisions of this act.~~

4 ~~Section 4. Registration required.~~

5 ~~(a) Registration. It shall be unlawful for a person to hold~~
6 ~~himself out as a qualified interpreter, qualified transliterator~~
7 ~~or to use similar titles or designations in any manner~~
8 ~~whatsoever unless the person is currently registered under this~~
9 ~~act.~~

10 ~~(b) Exceptions. A person who violates this section commits~~
11 ~~a summary offense and shall, upon conviction, be sentenced to~~
12 ~~pay a fine of not more than \$300 or to imprisonment for not more~~
13 ~~than 90 days, or both, for a first violation. A person who is~~
14 ~~convicted of a subsequent violation of this section commits a~~
15 ~~misdemeanor of the third degree and shall, upon conviction, be~~
16 ~~sentenced to pay a fine of not less than \$300 nor more than~~
17 ~~\$1,000 or to imprisonment for not more than 90 days, or both.~~

18 ~~Section 5. Registration, qualifications, renewal fees and~~
19 ~~records.~~

20 ~~(a) Application. An individual may apply to the office for~~
21 ~~registration. The applicant shall submit to the office the~~
22 ~~following:~~

23 ~~(1) A completed application for registration.~~

24 ~~(2) Payment of the required fee.~~

25 ~~(3) Proof that the applicant meets one of the following~~
26 ~~requirements:~~

27 ~~(i) The applicant is certified by the National or~~
28 ~~local Registry of Interpreters for the Deaf, Inc., or the~~
29 ~~National Association of the Deaf.~~

30 ~~(ii) The applicant meets registration requirements~~

~~established by the office pursuant to its regulations.~~

~~(b) Renewal. A registrant shall renew registration on a biennial basis by submitting to the office the information and fee required by subsection (a).~~

~~(c) Registration cards. The office shall review each completed application for registration and renewal and issue a registration card to an applicant when it is satisfied that the individual meets the criteria of this section.~~

~~(d) Fees. The fee for registration or renewal of an existing registration shall, unless modified by regulations, be \$10.~~

~~Section 6. Proof of registration.~~

~~A registrant shall provide proof of current registration under this act to the person receiving transliterating or interpreting services.~~

~~Section 7. Change of personal information.~~

~~A registrant shall notify the office of any change of name or mailing address within ten days.~~

~~Section 8. Confidential communications.~~

~~A registrant who acquires information protected by law as a confidential communication in the course of providing interpreter or transliterator services to or on behalf of a person who is deaf may not be required to disclose this information in any legal proceeding, trial or investigation before any governmental unit without the consent of the individual receiving transliterating or interpreting services. A registrant shall hold the legal privilege that applies to the individual receiving the services.~~

~~Section 9. Registration violations.~~

~~(a) Violations. The department shall have authority to~~

~~impose disciplinary or corrective measures, or levy civil penalties on a registrant for any or all of the following reasons:~~

~~(1) Obtaining a registration or biennial renewal through fraud, deceit or misrepresentation.~~

~~(2) Being convicted of a felony or of a crime in this Commonwealth or any other jurisdiction relating to the providing of transliterating or interpreting services.~~

~~(3) Being the subject of disciplinary or other administrative action taken against a registration, certification or license to provide transliterating or interpreting services by the authority of another state or government agency.~~

~~(4) Committing fraud, gross negligence or misconduct relating to transliterating or interpreting services.~~

~~(5) Engaging in any other misconduct related to the provision of transliterating or interpreting services as determined by the office pursuant to its regulations.~~

~~(6) Being incompetent to provide interpreter or transliterator services.~~

~~(7) Violating any provision of this act or the office's regulations.~~

~~(8) Failure to comply with a lawful order entered in a disciplinary proceeding under this act.~~

~~(b) Procedure. Actions relating to violations of this act under this section shall be subject to the right of notice, hearing in adjudication in accordance with 2 Pa.C.S. (relating to administrative law and procedure). The department shall have the power to subpoena witnesses and to compel the production of documents, books and papers in a hearing and to administer~~

1 oaths.

2 ~~Section 10. Disciplinary or corrective action.~~

3 ~~(a) Action. When the department is empowered to take action~~
4 ~~for registration violations pursuant to this act, the department~~
5 ~~may:~~

6 ~~(1) Suspend, deny, refuse to renew or revoke a sign~~
7 ~~language interpreter registration of an individual.~~

8 ~~(2) Issue a public reprimand.~~

9 ~~(3) Require the registrant to take refresher educational~~
10 ~~courses or training.~~

11 ~~(4) Require the registrant to provide transliterating or~~
12 ~~interpreting services under supervision or other conditions~~
13 ~~or restrictions as the department finds is in the best~~
14 ~~interest of the public health and safety.~~

15 ~~(b) Surrender of registration. If a registration has been~~
16 ~~suspended or revoked, the individual shall return the~~
17 ~~registration to the office in the manner the office directs. An~~
18 ~~individual who fails to return the registration in accordance~~
19 ~~with this section commits a summary offense.~~

20 ~~(c) Reapplication. An individual whose registration has~~
21 ~~been revoked may reapply for registration in accordance with~~
22 ~~section 5 no earlier than five years after the date the previous~~
23 ~~registration was revoked.~~

24 ~~(d) Civil penalty. In addition to any other action provided~~
25 ~~for in this act, the department may levy a civil penalty of up~~
26 ~~to \$500 per violation on any registrant who violates this act or~~
27 ~~upon any person who provides or offers to provide~~
28 ~~transliterating or interpreting services without being currently~~
29 ~~registered. The department shall levy this penalty only after~~
30 ~~affording the accused party the opportunity for a hearing as~~

1 ~~provided for in section 9(b).~~

2 ~~Section 11. Effect of order.~~

3 ~~A decision and order of the department from which no timely~~
4 ~~appeal is taken to a court of competent jurisdiction shall be a~~
5 ~~final order and shall be enforceable by a court of competent~~
6 ~~jurisdiction.~~

7 ~~Section 12. Injunctive relief.~~

8 ~~If an individual violates this act, the director of the~~
9 ~~office, the office or an affected consumer of interpreting or~~
10 ~~transliterating services may maintain an action in a court of~~
11 ~~competent jurisdiction for an injunction or other process~~
12 ~~restraining or prohibiting the individual from engaging in the~~
13 ~~activity. In any proceeding under this section, it shall not be~~
14 ~~necessary to show that any person is individually injured. If~~
15 ~~the court finds that an individual has violated this act, it~~
16 ~~shall enjoin the individual from engaging in the activity.~~

17 ~~Section 13. Applicability.~~

18 ~~The provisions of this act shall apply to any interpreting or~~
19 ~~transliterating service that is provided on or after the July 1,~~
20 ~~2004.~~

21 ~~Section 14. Effective date.~~

22 ~~This act shall take effect in 60 days.~~

23 SECTION 1. SHORT TITLE.

<—

24 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE SIGN LANGUAGE
25 INTERPRETER AND TRANSLITERATOR STATE REGISTRATION ACT.

26 SECTION 2. DEFINITIONS.

27 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
28 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
29 CONTEXT CLEARLY INDICATES OTHERWISE:

30 "APPLICANT." AN INDIVIDUAL WHO APPLIES FOR STATE

1 REGISTRATION IN ACCORDANCE WITH SECTION 5.

2 "DEPARTMENT." THE DEPARTMENT OF LABOR AND INDUSTRY OF THE
3 COMMONWEALTH.

4 "EIPA." THE EDUCATIONAL INTERPRETER PERFORMANCE ASSESSMENT
5 EXAMINATION ADMINISTERED BY THE DEPARTMENT OF EDUCATION OR ITS
6 AGENT.

7 "INTERPRETING." THE PROCESS OF CONVEYING ENGLISH IN
8 GRAMMATICALLY CORRECT AMERICAN SIGN LANGUAGE AND THE PROCESS OF
9 CONVEYING AMERICAN SIGN LANGUAGE IN ENGLISH.

10 "OFFICE." THE OFFICE FOR THE DEAF AND HARD OF HEARING WITHIN
11 THE DEPARTMENT OF LABOR AND INDUSTRY.

12 "QUALIFIED SIGN LANGUAGE INTERPRETER." AN INDIVIDUAL
13 REGISTERED UNDER THIS ACT WHO ENGAGES IN SIGN LANGUAGE
14 INTERPRETATION.

15 "QUALIFIED TRANSLITERATOR." AN INDIVIDUAL REGISTERED UNDER
16 THIS ACT WHO ENGAGES IN TRANSLITERATION.

17 "REGISTRANT." AN INDIVIDUAL REGISTERED UNDER THIS ACT AS
18 EITHER A QUALIFIED SIGN LANGUAGE INTERPRETER OR A QUALIFIED
19 TRANSLITERATOR.

20 "SIGN LANGUAGE INTERPRETER." AN INDIVIDUAL WHO PROVIDES
21 INDIVIDUALS WHO ARE DEAF AND HARD OF HEARING WITH INTERPRETING
22 OR TRANSLITERATING SERVICES.

23 "TRANSLITERATING." THE PROCESS OF CONVEYING A SPOKEN MESSAGE
24 FROM A PERSON WHO HEARS TO A PERSON WHO IS DEAF OR HARD OF
25 HEARING AND THE ABILITY TO REPEAT THE MESSAGE AND INTENT OF THE
26 SPEECH, MOUTH MOVEMENTS OR ENGLISH-BASED SIGNED SYSTEM OF THE
27 PERSON WHO IS DEAF OR HARD OF HEARING.

28 SECTION 3. OFFICE RESPONSIBILITIES.

29 THE OFFICE SHALL DO ALL OF THE FOLLOWING:

30 (1) ADMINISTER THIS ACT.

1 (2) REGISTER APPLICANTS IN ACCORDANCE WITH SECTION 5.

2 (3) MAINTAIN A LIST OF ALL REGISTRANTS AND MAKE THE LIST
3 AVAILABLE UPON REQUEST TO THE PUBLIC AND TO FEDERAL, STATE
4 AND LOCAL AGENCIES.

5 (4) PROMULGATE REGULATIONS NECESSARY TO CARRY OUT THE
6 PROVISIONS OF THIS ACT.

7 SECTION 4. STATE REGISTRATION REQUIRED.

8 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), NO
9 INDIVIDUAL MAY PROVIDE OR OFFER TO PROVIDE SIGN LANGUAGE
10 INTERPRETING OR TRANSLITERATING SERVICES, OR HOLD HIMSELF AS A
11 QUALIFIED SIGN LANGUAGE INTERPRETER OR QUALIFIED TRANSLITERATOR
12 OR, USE A SIMILAR TITLE OR DESIGNATION, WITHOUT BEING STATE
13 REGISTERED BY THE OFFICE IN ACCORDANCE WITH THIS ACT.

14 (B) EXCEPTIONS.--THE FOLLOWING INDIVIDUALS ARE EXEMPT FROM
15 THE STATE REGISTRATION REQUIREMENTS OF SUBSECTION (A):

16 (1) AN INDIVIDUAL ENGAGED IN INTERPRETING OR
17 TRANSLITERATING AT A WORSHIP SERVICE CONDUCTED BY A RELIGIOUS
18 ENTITY AND SERVICES FOR EDUCATIONAL PURPOSES FOR A RELIGIOUS
19 ENTITY OR RELIGIOUSLY AFFILIATED SCHOOL.

20 (2) AN INDIVIDUAL ENGAGED IN SIGN LANGUAGE INTERPRETING
21 OR TRANSLITERATING DURING AN EMERGENCY, WHEN A DELAY IN
22 OBTAINING A STATE-REGISTERED INTERPRETER OR STATE-REGISTERED
23 TRANSLITERATOR MIGHT LEAD TO INJURY OR LOSS TO THE INDIVIDUAL
24 REQUIRING THE SERVICES.

25 (3) AN INDIVIDUAL ENGAGED IN INTERPRETING OR
26 TRANSLITERATING AS PART OF A SUPERVISED INTERNSHIP OR
27 PRACTICUM AT AN ACCREDITED COLLEGE OR UNIVERSITY, OR THE
28 REGISTRY OF INTERPRETERS FOR THE DEAF, OR THE NATIONAL
29 ASSOCIATION OF THE DEAF, PROVIDED IT IS NOT IN A LEGAL,
30 MEDICAL OR MENTAL HEALTH SETTING.

1 (4) AN INDIVIDUAL WHO IS CERTIFIED BY THE NATIONAL
2 ASSOCIATION OF THE DEAF OR THE REGISTRY OF INTERPRETERS FOR
3 THE DEAF FROM OUTSIDE THE COMMONWEALTH WHO PROVIDES
4 INTERPRETING OR TRANSLITERING SERVICES IN THE COMMONWEALTH
5 FOR A PERIOD NOT EXCEEDING 14 DAYS EACH CALENDAR YEAR.

6 (5) AN INDIVIDUAL ENGAGED IN INTERPRETING OR
7 TRANSLITERATING AT THE REQUEST OF AN INDIVIDUAL WHO IS DEAF
8 OR HARD OF HEARING IF THE INDIVIDUAL INFORMS THE CLIENT THAT
9 THE INDIVIDUAL IS NOT REGISTERED UNDER THIS ACT.

10 (6) AN INDIVIDUAL WHO ENGAGES IN INTERPRETING OR
11 TRANSLITERATING STRICTLY AS A VOLUNTEER.

12 (7) AN INDIVIDUAL WHO ENGAGES IN INTERPRETING OR
13 TRANSLITERATING FOR A SCHOOL-RELATED ACTIVITY IN ACCORDANCE
14 WITH ALL OF THE FOLLOWING:

15 (I) THE INDIVIDUAL IS EMPLOYED IN A PUBLIC OR
16 PRIVATE ELEMENTARY OR SECONDARY SCHOOL OR INSTITUTION
17 CHARTERED BY THE COMMONWEALTH.

18 (II) THE INDIVIDUAL RECEIVED A RATING EQUAL TO OR
19 EXCEEDING 70% ON THE EIPA. A SCHOOL DISTRICT SHALL
20 DETERMINE THE EIPA BY GRADE LEVEL OF THE CHILD OR CLASS
21 TO WHICH THE INTERPRETER IS ASSIGNED AND THE SIGN SYSTEM
22 BEING USED BY THE CLASS OR SCHOOL.

23 (8) AN INDIVIDUAL ENGAGED IN INTERPRETING OR
24 TRANSLITERATING IN A PHYSICIAN'S OFFICE, PROVIDED THAT A
25 PATIENT IS INFORMED THAT THE INDIVIDUAL IS NOT REGISTERED
26 UNDER THIS ACT AND THAT THE PATIENT HAS THE RIGHT TO REQUEST
27 OR PROVIDE A STATE-REGISTERED INTERPRETER.

28 (C) UNLAWFUL PRACTICE.--AN INDIVIDUAL WHO VIOLATES THIS
29 SECTION COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
30 SENTENCED TO PAY A FINE NOT TO EXCEED \$300 OR TO IMPRISONMENT

1 FOR NOT MORE THAN 90 DAYS, OR BOTH, FOR A FIRST VIOLATION. AN
2 INDIVIDUAL WHO IS CONVICTED OF A SUBSEQUENT VIOLATION OF THIS
3 SECTION COMMITS A MISDEMEANOR OF THE THIRD DEGREE AND SHALL BE
4 SENTENCED TO PAY A FINE OF NOT LESS THAN \$300 OR MORE THAN
5 \$1,000 OR TO SERVE A TERM OF IMPRISONMENT FOR NOT MORE THAN 90
6 DAYS, OR BOTH.

7 SECTION 5. STATE REGISTRATION.

8 (A) APPLICATION.--AN INDIVIDUAL MAY APPLY TO THE OFFICE TO
9 BE A STATE-REGISTERED SIGN LANGUAGE INTERPRETER OR
10 TRANSLITERATOR.

11 (1) THE APPLICANT SHALL SUBMIT TO THE OFFICE ALL OF THE
12 FOLLOWING:

13 (I) A COMPLETED APPLICATION.

14 (II) PAYMENT OF ANY REQUIRED FEES.

15 (III) PROOF THAT THE APPLICANT HAS PASSED AN
16 EXAMINATION APPROVED BY THE OFFICE WHICH TESTS KNOWLEDGE, <—
17 ~~EXPERIENCE~~ AND PROFICIENCY IN INTERPRETING AND
18 TRANSLITERATING.

19 (2) THE OFFICE SHALL REVIEW EACH COMPLETED APPLICATION
20 AND SHALL ISSUE A SIGN LANGUAGE INTERPRETER REGISTRATION TO
21 THE APPLICANT WHEN THE OFFICE IS SATISFIED THAT ALL OF THE
22 FOLLOWING CRITERIA HAVE BEEN MET:

23 (I) THE APPLICANT IS 18 YEARS OF AGE OR OLDER.

24 (II) THE APPLICANT HAS PASSED THE EXAMINATION
25 REQUIRED BY SUBSECTION (A).

26 (III) THE APPLICANT HAS PAID ALL APPLICABLE FEES
27 ESTABLISHED PURSUANT TO THIS ACT.

28 (IV) THE APPLICANT POSSESSES THE GENERAL FITNESS,
29 COMPETENCE AND RELIABILITY SUFFICIENT TO SATISFY THE
30 OFFICE THAT THE APPLICANT IS WORTHY OF THE STATE

1 REGISTRATION.

2 (V) OTHER CRITERIA AS THE OFFICE MAY ESTABLISH BY
3 REGULATION.

4 (B) REGISTRATION.--A SIGN LANGUAGE INTERPRETER STATE
5 REGISTRATION ISSUED BY THE OFFICE SHALL BE:

6 (1) ISSUED ONLY IN THE NAME OF THE APPLICANT.

7 (2) ISSUED IN PAPER OR ELECTRONIC FORM.

8 (3) NONTRANSFERABLE.

9 (4) ISSUED FOR A PERIOD NOT TO EXCEED TWO YEARS.

10 (C) RENEWAL.--A REGISTRANT MAY RENEW A STATE REGISTRATION BY
11 SUBMITTING TO THE OFFICE THE INFORMATION REQUIRED BY SUBSECTION
12 (A) AND ANY APPLICABLE FEES.

13 (D) FEES.--THE FEE FOR STATE REGISTRATION OR RENEWAL OF AN
14 EXISTING STATE REGISTRATION SHALL, UNTIL MODIFIED BY REGULATION,
15 BE \$100.

16 SECTION 6. CHANGE OF PERSONAL INFORMATION.

17 A REGISTRANT SHALL NOTIFY THE OFFICE OF ANY CHANGE OF NAME OR
18 MAILING ADDRESS WITHIN TEN DAYS OF THE CHANGE.

19 SECTION 7. CONFIDENTIAL COMMUNICATIONS.

20 EXCEPT AS PROVIDED BY LAW, A SIGN LANGUAGE INTERPRETER WHO
21 ACQUIRES CONFIDENTIAL INFORMATION WHILE INTERPRETING OR
22 TRANSLITERATING MAY NOT BE REQUIRED TO DISCLOSE THE INFORMATION
23 IN ANY LEGAL PROCEEDING, TRIAL OR INVESTIGATION BEFORE A
24 GOVERNMENTAL UNIT WITHOUT THE CONSENT OF THE INDIVIDUAL
25 RECEIVING INTERPRETING OR TRANSLITERATING SERVICES. THE SIGN
26 LANGUAGE INTERPRETER SHALL HOLD ANY LEGAL PRIVILEGE THAT THE
27 INDIVIDUAL RECEIVING THE SERVICES HOLDS.

28 SECTION 8. REGISTRATION VIOLATIONS.

29 (A) VIOLATIONS.--THE DEPARTMENT SHALL HAVE THE AUTHORITY TO
30 IMPOSE DISCIPLINARY OR CORRECTIVE MEASURES OR LEVY CIVIL

PENALTIES ON A REGISTRANT FOR DOING ANY OR ALL OF THE FOLLOWING:

(1) OBTAIN A STATE REGISTRATION OR RENEWAL OF A
REGISTRATION THROUGH FRAUD, DECEIT OR MISREPRESENTATION;

(2) BE CONVICTED OF A FELONY OR A CRIME, IN THIS
COMMONWEALTH OR OTHER JURISDICTION, RELATING TO THE PROVISION
OF INTERPRETING OR TRANSLITERATING SERVICES;

(3) BE THE SUBJECT OF DISCIPLINARY OR OTHER
ADMINISTRATIVE ACTION TAKEN AGAINST THIS REGISTRATION,
CERTIFICATION OR LICENSE TO PROVIDE INTERPRETING OR
TRANSLITERATING SERVICES IN ANOTHER STATE BY A GOVERNMENT
AGENCY;

(4) COMMIT FRAUD, GROSS NEGLIGENCE OR MISCONDUCT
RELATING TO PROVISION OF INTERPRETING OR TRANSLITERATING
SERVICES AS DETERMINED BY THE OFFICE;

(5) ENGAGE IN ANY OTHER MISCONDUCT RELATING TO THE
PROVISION OF INTERPRETING OR TRANSLITERATING SERVICES AS
DETERMINED BY THE OFFICE; OR

(6) VIOLATE THE PROVISIONS OF THIS ACT OR THE
REGULATIONS PERTAINING TO THIS ACT AS ESTABLISHED BY THE
OFFICE.

(B) PROCEDURE.--IF THE DEPARTMENT FINDS A VIOLATION OF
SUBSECTION (A), IT SHALL GIVE WRITTEN NOTICE TO THE REGISTRANT
SPECIFYING THE VIOLATION OR VIOLATIONS FOUND. THE DEPARTMENT MAY
ASSESS AN ADMINISTRATIVE FINE NOT TO EXCEED \$500 FOR EACH
VIOLATION. IN SETTING THE FINE, THE DEPARTMENT SHALL CONSIDER
THE SEVERITY OF THE VIOLATION AND WHETHER THERE IS A PATTERN OF
VIOLATIONS.

SECTION 9. SUSPENSION, DENIAL, NONRENEWAL OR REVOCATION OF
STATE REGISTRATION.

(A) ACTION.--ACTIONS RELATING TO VIOLATIONS OF THIS ACT

1 UNDER THIS SECTION SHALL BE SUBJECT TO THE RIGHT OF NOTICE,
2 HEARING IN ADJUDICATION IN ACCORDANCE WITH 2 PA.C.S. (RELATING
3 TO ADMINISTRATIVE LAW AND PROCEDURE). WHEN THE DEPARTMENT IS
4 EMPOWERED TO TAKE ACTION FOR REGISTRATION VIOLATIONS PURSUANT TO
5 THIS ACT, THE DEPARTMENT MAY:

6 (1) INDEFINITELY SUSPEND, SUSPEND FOR A TERM CERTAIN,
7 REFUSE TO ISSUE, REFUSE TO RENEW OR REVOKE A STATE
8 REGISTRATION.

9 (2) ISSUE A PUBLIC REPRIMAND.

10 (3) REQUIRE THE REGISTRANT TO TAKE A REFRESHER
11 EDUCATIONAL COURSE OR TRAINING.

12 (B) SURRENDER OF STATE REGISTRATION.--IF A REGISTRANT'S
13 STATE REGISTRATION HAS BEEN SUSPENDED OR REVOKED, THE REGISTRANT
14 SHALL RETURN THE STATE REGISTRATION TO THE OFFICE IN THE MANNER
15 THE OFFICE DIRECTS. AN INDIVIDUAL WHO FAILS TO RETURN A STATE
16 REGISTRATION IN ACCORDANCE WITH THIS SUBSECTION COMMITS A
17 SUMMARY OFFENSE.

18 (C) REAPPLICATION.--

19 (1) AN INDIVIDUAL WHOSE STATE REGISTRATION HAS BEEN
20 SUSPENDED MAY REAPPLY TO THE OFFICE TO HAVE IT REACTIVATED,
21 PURSUANT TO REGULATIONS ADOPTED BY THE OFFICE. AT A MINIMUM,
22 THE INDIVIDUAL MUST SHOW COMPLIANCE WITH ALL THE TERMS AND
23 CONDITIONS OF THE SUSPENSION ORDER AND SHALL PAY A
24 REACTIVATION FEE TO BE ESTABLISHED BY THE OFFICE BY
25 REGULATION.

26 (2) AN INDIVIDUAL WHOSE STATE REGISTRATION HAS BEEN
27 REVOKED MAY APPLY FOR A STATE REGISTRATION IN ACCORDANCE WITH
28 SECTION 5 NOT EARLIER THAN FIVE YEARS AFTER THE DATE THE
29 PREVIOUS STATE REGISTRATION WAS REVOKED.

30 SECTION 10. APPEALS.

1 AN INDIVIDUAL AGGRIEVED BY A DECISION OF THE OFFICE MAY
2 APPEAL THE DECISION OF THE OFFICE TO THE DEPARTMENT. THE APPEAL
3 SHALL BE CONDUCTED IN ACCORDANCE WITH 2 PA.C.S. CH. 5 SUBCH. A
4 (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES).

5 SECTION 11. EFFECT OF AN ORDER.

6 A DECISION OF THE OFFICE FROM WHICH NO TIMELY APPEAL IS TAKEN
7 TO THE DEPARTMENT OR AN ORDER OF THE DEPARTMENT FROM WHICH NO
8 TIMELY APPEAL IS TAKEN TO A COURT OF COMPETENT JURISDICTION
9 SHALL BE A FINAL ORDER AND SHALL BE ENFORCEABLE BY A COURT OF
10 COMPETENT JURISDICTION.

11 SECTION 12. INJUNCTIVE RELIEF.

12 IF AN INDIVIDUAL VIOLATES THIS ACT, THE ~~DIRECTOR OF THE~~ <—
13 ~~OFFICE, THE STATE BOARD OF VOCATIONAL REHABILITATION~~ DEPARTMENT <—
14 OR AN INDIVIDUAL RECEIVING INTERPRETING OR TRANSLITERATING
15 SERVICES MAY ~~MAINTAIN~~ BRING AN ACTION IN A COURT OF COMPETENT <—
16 JURISDICTION FOR AN INJUNCTION OR OTHER PROCESS RESTRAINING OR
17 PROHIBITING THE PERSON FROM ENGAGING IN THE ACTIVITY. IN ANY
18 PROCEEDING UNDER THIS SECTION, IT SHALL NOT BE NECESSARY TO SHOW
19 THAT AN INDIVIDUAL WAS INDIVIDUALLY INJURED. IF THE COURT FINDS
20 THAT AN INDIVIDUAL HAS VIOLATED THIS ACT, IT SHALL ENJOIN THE
21 INDIVIDUAL FROM ENGAGING IN THE ACTIVITY UNTIL THE INDIVIDUAL
22 COMPLIES WITH THIS ACT.

23 SECTION 13. APPLICABILITY.

24 THE PROVISIONS OF THIS ACT SHALL APPLY TO INTERPRETING OR
25 TRANSLITERATING SERVICES PROVIDED ON OR AFTER JULY 1, 2005.

26 SECTION 14. EFFECTIVE DATE.

27 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.