

AN ACT

ENTITLED, An Act to revise references to persons who are deaf or hard of hearing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 1-36A-18 be amended to read:

1-36A-18. The Department of Human Services shall establish and administer a state-wide interpreter mentoring program for interpreters for the deaf. The program may be implemented through contracts with public and private organizations that provide services to persons who are deaf or hard of hearing.

Section 2. That § 1-45-4.4 be amended to read:

1-45-4.4. The Department of Education shall develop and implement a plan to identify and evaluate deaf or hard of hearing and visually impaired children and coordinate delivery of direct educational programs and services to meet the needs of all visually impaired and deaf or hard-of-hearing children in South Dakota.

Section 3. That § 19-3-10.1 be amended to read:

19-3-10.1. No sign language interpreter or relay service operator who has interpreted for or relayed information for a deaf, speech impaired, or hard of hearing person may divulge to any other person any information or communication given to him in his capacity as such an interpreter or relay service operator. A violation of this section is a Class 2 misdemeanor.

Section 4. That § 19-19-514 be amended to read:

19-19-514. No sign language interpreter or relay service operator who has interpreted for or relayed information for a deaf, speech impaired, or hard-of-hearing person may be compelled to divulge or be examined as part of any proceeding concerning any information or communication given to him in his capacity as an interpreter or relay service operator if his client is otherwise accorded a privilege under this chapter.

Section 5. That § 36-24-24.1 be amended to read:

36-24-24.1. Nothing in this chapter may be construed as preventing or restricting:

- (1) A person licensed or registered by this state in another profession from practicing the profession for which licensed or registered;
- (2) A person credentialed by this state as a teacher of deaf or hard-of-hearing students providing instruction to persons who are deaf or hard of hearing;
- (3) A physician or surgeon licensed by this state from performing tasks directly related to a disorder being treated;
- (4) Any person possessing a valid certificate as a certified industrial audiometric technician or occupational hearing conservationist recognized by the board as meeting Council for Accreditation in Occupational Hearing Conservation Standards if such service is performed in cooperation with either an audiologist licensed under this chapter or a licensed physician of this state.

Section 6. That § 49-31-47 be amended to read:

49-31-47. The Department of Human Services shall establish and administer a statewide program to provide telecommunication and other communication devices and services to residents of this state who have disabilities that prevent them from having communication access and maintain a dual party relay system making all phases of public telecommunications and communication service available to persons who are deaf, hard of hearing, or speech impaired. This program may be implemented through contracts with public or private organizations that provide services to persons who are deaf or persons with other severe disabilities.

Section 7. That the code be amended by adding a NEW SECTION to read:

Pursuant to § 2-16-9, the Code Commission and code counsel of the Legislative Research Council are hereby directed to replace the term, hearing impaired, anywhere the term appears in the

code to make all necessary language modifications to effectuate the purposes of this Act.

An Act to revise references to persons who are deaf or hard of hearing.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1122

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Chief Clerk  
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\_\_\_\_\_  
Speaker of the House  
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Attest:

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\_\_\_\_\_  
Chief Clerk  
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President of the Senate  
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Attest:

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Secretary of the Senate  
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House Bill No. 1122  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

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By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

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\_\_\_\_\_  
Governor  
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STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

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Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

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\_\_\_\_\_  
Secretary of State  
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By \_\_\_\_\_  
Asst. Secretary of State