

By: Kuempel

H.B. No. 3374

A BILL TO BE ENTITLED

AN ACT

relating to registration and regulation of real-time captioning providers; imposing a civil penalty; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 2, Government Code, is amended by adding Subtitle M to read as follows:

SUBTITLE M. REGULATION OF OTHER PROFESSIONS

CHAPTER 176. REAL-TIME CAPTIONING PROVIDERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 176.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Judicial Branch Certification Commission established under Section 152.051.

(2) "Deaf" means having a hearing impairment of such severity that an individual must depend on visual methods to communicate.

(3) "Hearing impairment" means a disability that results in a loss of hearing function to an individual and in which the individual:

(A) relies on residual hearing; and

(B) may depend on visual methods to communicate.

(4) "Practice of real-time captioning" means the facilitation of communication between an individual who is deaf or has a hearing impairment and another individual through the use of real-time captioning.

1 (5) "Real-time captioning" means the immediate,
2 verbatim translation of the spoken word into English text by a
3 real-time captioning provider.

4 (6) "Real-time captioning provider" means an
5 individual who holds a certificate of registration issued by the
6 commission to engage in the practice of real-time captioning in
7 this state.

8 Sec. 176.002. APPLICABILITY OF CHAPTER. This chapter does
9 not apply to a person who:

10 (1) is licensed by another state to engage in the
11 practice of real-time captioning and who engages in the practice of
12 real-time captioning in this state:

13 (A) for not more than 30 days in a calendar year;
14 or

15 (B) by teleconference, if the services provided
16 are necessary because a real-time captioning provider registered in
17 this state is not available;

18 (2) engages in the practice of real-time captioning
19 solely for meetings of a nonprofit or religious organization;

20 (3) engages in the practice of real-time captioning as
21 necessary for the provision of an emergency medical or governmental
22 service to a person who is deaf or has a hearing impairment; or

23 (4) is certified as a court interpreter under Section
24 57.021.

25 Sec. 176.003. RULEMAKING AUTHORITY. The commission may
26 adopt rules necessary to implement this chapter.

1 SUBCHAPTER B. CERTIFICATE OF REGISTRATION

2 Sec. 176.051. CERTIFICATE OF REGISTRATION REQUIRED. A
3 person may not engage in the practice of real-time captioning in
4 this state unless the person holds a certificate of registration
5 issued by the commission.

6 Sec. 176.052. CERTIFICATE OF REGISTRATION APPLICATION. An
7 applicant for a certificate of registration under this chapter
8 shall submit an application to the commission on the form and in the
9 manner provided by the commission. The application must include:

10 (1) proof that the applicant is at least 18 years of
11 age;

12 (2) proof that the applicant has complied with the
13 education, training, experience, and other requirements for
14 engaging in the practice of real-time captioning as prescribed by
15 commission rule; and

16 (3) any other information the commission may require.

17 Sec. 176.053. CERTIFICATE OF REGISTRATION REQUIREMENTS.
18 The commission by rule shall establish the training, educational,
19 and experience requirements for a certificate of registration under
20 this chapter. In developing the requirements, the commission shall
21 consider the best interests of individuals who are deaf or have a
22 hearing impairment.

23 Sec. 176.054. ISSUANCE OF CERTIFICATE OF REGISTRATION;
24 TERM. (a) The commission shall issue a certificate of registration
25 to an applicant who complies with Sections 176.052 and 176.053 and
26 rules adopted under this chapter.

27 (b) The certificate expires on the first anniversary of the

1 date of issuance.

2 Sec. 176.055. REGISTRY OF REAL-TIME CAPTIONING PROVIDERS.

3 (a) The commission shall establish and maintain a registry of
4 real-time captioning providers. The registry must include:

5 (1) the name of the provider and any other information
6 prescribed by the commission; and

7 (2) if the person is certified to engage in the
8 practice of interpreting, each professional classification in
9 which the person is certified to practice.

10 (b) The commission shall post the registry on the
11 commission's Internet website. The commission shall provide a copy
12 of the registry to any person without charge.

13 Sec. 176.056. ANNUAL RENEWAL. To continue to engage in the
14 practice of real-time captioning, a person must obtain a renewal
15 certificate of registration not later than the anniversary of the
16 date on which the initial registration was issued.

17 Sec. 176.057. FEES. The commission by rule may impose fees
18 to cover the cost of administering this chapter. The commission
19 shall set fees for issuing or renewing a certificate of
20 registration in amounts designed to allow the commission to recover
21 from certificate holders all of the commission's direct and
22 indirect costs in administering and enforcing this chapter.

23 Sec. 176.058. ETHICAL STANDARDS. The commission shall
24 develop by rule ethical standards for real-time captioning
25 providers. The ethical standards must require that a provider
26 maintain the confidentiality of all communications between a
27 provider and an individual receiving the provider's services.

SUBCHAPTER C. ENFORCEMENT

Sec. 176.101. CIVIL PENALTY; INJUNCTION. (a) A person who violates this chapter or a rule adopted under this chapter is subject to a civil penalty of not less than \$50 or more than \$2,000 for each act of violation. Each day of a violation is a separate violation for purposes of this section.

(b) If it appears that a person has violated or is threatening to violate this chapter or a rule adopted under this chapter, the attorney general, at the request of the commission, may file an action for:

(1) injunctive relief to restrain the person from continuing the alleged violation;

(2) a civil penalty described by Subsection (a); or

(3) both.

(c) The attorney general may recover reasonable costs and fees incurred in bringing an action under this section.

SECTION 2. (a) The Judicial Branch Certification Commission shall adopt rules necessary to implement Chapter 176, Government Code, as added by this Act, not later than January 1, 2018.

(b) Notwithstanding Chapter 176, Government Code, as added by this Act, a person is not required to hold a certificate of registration under that chapter to engage in the practice of real-time captioning until September 1, 2018.

SECTION 3. This Act takes effect September 1, 2017.