

Title 6, Article 1: Colorado Consumer Protection Act

6-1-707. Use of title or degree – deceptive trade practice.

(1) A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person:

(e) Claims to be a "sign language interpreter," "interpreter for the deaf," "deaf interpreter," "ASL-English interpreter," "American sign language (ASL) interpreter," "transliterator," "certified sign language interpreter," "certified interpreter for the deaf," "certified deaf interpreter," "certified ASL-English interpreter," "certified American sign language (ASL) interpreter," or "certified transliterator," unless he or she holds a current certification issued by the registry of interpreters for the deaf or a successor organization. A registry of interpreters for the deaf, or successor organization, membership card that shows proof of current membership and certification shall be made available for immediate inspection and review by any consumer or agent of the state of Colorado.

Frequently Asked Questions (FAQs)

What is the purpose of the law?

The law's objective is to protect consumers of sign language interpreting services—both hearing and deaf—by mandating that practitioners who claim to be sign language interpreters (or the other title variations listed above) have achieved minimum qualification standards (RID certification). A consumer of interpreting services can now assume a professional level of qualification on the part of a hired practitioner. Prior to this law, a consumer could be unaware of whether the practitioner was qualified and/or certified or was an unqualified signer, and there was no recourse.

When is the effective date of the law?

September 1, 2009

What effects will this law have?

- Makes a clear distinction between qualified professional interpreters and others who may have historically been used inappropriately as "interpreters"—e.g., nurses who have taken sign classes, CODAs (children of deaf adults) with no formal training or professional experience in interpreting, and unqualified parents/relatives/friends/associates of deaf individuals, etc.

- Allows for transparency in the hiring of interpreters, and allows hiring parties to make procurement and payment decisions accordingly.

What protection does the law provide for consumers?

- Lessens the potential for harm suffered by consumers.
- Establishes a bona fide standard for hiring parties and consumers.
- Provides consumers with a specific means of ascertaining the certification status of anyone providing interpreting services.
- Provides a grievance mechanism.

What does this mean for interpreters?

- Allows a clear-cut standard by which certified interpreters will verify their qualifications with both consumers and hiring parties.
- Increases the level of transparency that can be achieved by hiring parties, thus increasing the likelihood that available assignments will be reserved for those who meet the minimum standard established.

Do I need to do anything differently if I am a Registry of Interpreters for the Deaf (RID) certified interpreter?

Essentially no, though, from the wording of the law, it is now wiser than ever to carry your current RID membership card.

Do I need to do anything differently if I provide interpreting services and am not certified?

Yes. The law prohibits non-certified practitioners (both hearing and deaf) from claiming to be sign language interpreters. This law clearly states that using any of the titles mentioned for business purposes is henceforth a deceptive trade practice and punishable by law.

If you are currently not certified you must clearly disclose your lack of credential to hiring parties (when they initially contact you) and consumers so as to avoid engaging in deceptive trade practice.

The law does not specifically address this, but if you are currently not certified you might consider the following:

- Standing for RID certification,
- Practicing only with a certified interpreter until you become certified, and
- Postponing work as a professional interpreter until you hold RID certification.

What does the law mean for agencies providing interpreting services?

The law requires that those individuals who interpret for vocation or occupation, and who claim to be interpreters, must hold current RID certification. With that in mind, interpreting referral agencies are called upon to know and disclose the certification status of its employees and/or independent contractors when contacted by anyone requesting interpreting services. In addition, hiring parties who procure interpreting services through referral agencies are henceforth justified in asking for an interpreter's proof of certification when she/he is sent to interpret.

How do I know, by looking at an RID membership card, if the person is a certified interpreter?

Below the word "Certified" you will see one or more of these certifications:

- MCSC
- CSC
- CI
- CT
- IC
- TC
- OIC
- SC:L
- NIC
- NIC Advanced
- NIC Master
- NAD III
- NAD IV
- NAD V
- CDI

I saw an RID membership card with "K-12" below the word "Certified". Is this person a certified interpreter?

No, this practitioner is qualified to interpret in K-12 educational settings only and is not an RID-Certified interpreter. Educational interpreters fit into a unique category called "Certified Member". This means they have RID voting rights equal to RID-Certified interpreters but do not hold RID Certification. In settings other than educational (K-12), this practitioner must disclose that she/he is non-certified.

Are there exceptions to the law?

The law intends to protect the titles of interpreters working in community-based settings. K-12 educational settings, as well as legal settings, have unique standards by which the

interpreters are qualified, and this law does not seek to regulate their work within these settings.

The law also does not extend to protect the titles of those providing non-vocational, voluntary, or “good Samaritan” interpreting. In other words, those providing voluntary religious interpreting, volunteer community interpreting for non-profits, natural disaster relief, etc. are not prohibited from using these titles as long as their efforts are not compensated and/or vocational in any way.

Does this law apply to practitioners who work in video relay and video remote interpreting settings?

Video relay service (VRS) is a service provided and funded by companies who draw from the Interstate Telecommunications Relay Services Fund administered by the National Exchange Carrier Association. Given this and the fact that it is provided to residents of multiple states, the protections of this law do not extend to consumers who utilize VRS service for telecommunication purposes. It, likewise, does not seek to regulate practitioners working within this setting.

In terms of video remote interpreting (VRI), the law does apply in protecting consumers in some situations. If the consumer and/or practitioner are outside of Colorado, the same holds true as for VRS, and the law does not apply, as the law seeks to regulate practitioners working within Colorado and to protect consumers within Colorado. However, if both the consumer and the interpreter are within the state of Colorado, the protections and potential penalties of the law **do** apply in a VRI setting.

Where can I find the full text of the law?

<http://www.coloradodeafcommission.com/pdf/Statutes/Consumer%20Protection.pdf>

How can I file a grievance?

The Colorado State Attorney General and the Better Business Bureau recommend that you first try to resolve your dispute with the practitioner or her/his agency before you file your complaint.

Should you still need to file a complaint, submit your complaint at:

http://www.coloradoattorneygeneral.gov/departments/consumer_protection/file_consumer_complaint

This online complaint form will request you to furnish the following information:

- Your name, address and contact information
- Practitioner or her/his agency’s name, address and contact information

- Description of the incident
- Discussion of a fair resolution from the practitioner or her/his agency
- Information for some of miscellaneous questions such as whether or not you have discussed the complaint with the practitioner or manager of her/his agency

For more information on how to file a complaint, contact the Colorado State Attorney General at:

1525 Sherman St.
Denver, Colorado 80203
Phone: 303-866-4500 (voice)
Consumer Line: 1-800-222-4444 (voice)
Fax: 303-866-5691

What are the potential penalties for violation of this statute?

The Attorney General's Office has a range of penalties for deceptive trade practice violations depending on the severity of the case. These include:

- Fine (amount determined on a case-by-case basis)
- Restitution (amount determined on a case-by-case basis)
- Injunction (practitioner barred from practicing)
- Civil penalties (civil case brought against the practitioner by the state)

These FAQs were reviewed by:

Colorado Association of the Deaf
Colorado Commission for the Deaf and Hard of Hearing
Colorado Department of Education, Exceptional Student Services
Colorado Registry of Interpreters for the Deaf
Colorado State Attorney General, Consumer Protection Unit