

**TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**

**CHAPTER 25 – INTERPRETER AND TRANSLITERATOR LICENSING BOARD**

Notice is hereby given in accordance with G.S. 150B-19.1(c), 150B-21.2, and G.S. 150B-21.3A that the North Carolina Interpreter and Transliterators Licensing Board intends to re-adopt the rule cited as 21 NCAC 25 .0205. See further below for the text of the proposed rule.

Link to agency website pursuant to G.S. 150B-19.1(c): [www.ncitlb.org](http://www.ncitlb.org)

**Proposed Effective Date:** March 1, 2018

**Public Hearing:**

**Date:** October 27, 2017

**Time:** 10:00 a.m.

**Location:** Paragon Bank, 3535 Glenwood Avenue, Raleigh, NC 27612

**Explanation of the Proposed Rule and Reason for the Proposed Rule:** N.C. Gen. Stat. 90D-8 (Provisional License) allows for provisional licenses. This Rule implements the procedure for granting provisional licenses. The reason for the proposed re-adoption is that public comments were received within two years prior to the periodic rules review of all of the NCITLB's rules, and specifically while amending this Rule during those two years. Therefore, the law requires the NCITLB to re-adopt the Rule or else it will expire. This is a proposed re-adoption without any amendment or change whatsoever to the existing Rule.

**Oral or Written Comments on, including any objections to, the Proposed Revised Rule may be submitted to:** Ms. Caitlin Schwab-Falzone, Board Administrator, NCITLB, P.O. Box 20963, Raleigh, NC 27619, phone (919) 779-5709, fax (919) 779-5642, email [ncitlb@caphill.com](mailto:ncitlb@caphill.com)

**Comment period ends: December 5, 2017**

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**Fiscal impact (check all that apply).**

- State funds affected
- Environmental permitting of DOT affected
- Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact ( $\geq$ \$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.3A(d)(2)

**Note:** The federal certification referenced in G.S. 150B-19.1(c) and (g) is not required for this proposed amended rule because it is not being proposed for any of the reasons stated in G.S. 150B-19.1(g).

**THE TEXT OF THE PROPOSED RULE:**

**SECTION .0200 – LICENSING**

**21 NCAC 25 .0205 RENEWAL OF A PROVISIONAL LICENSE**

- (a) An application for the renewal of a provisional license is not timely filed unless it is received by the Board on or before the expiration date of the license being renewed.
- (b) If a licensee does not timely file an application for the renewal of a provisional license, the licensee shall not practice or offer to practice as an interpreter or transliterator for a fee or other consideration, represent himself or herself as a licensed interpreter or transliterator, or use the title "Licensed Interpreter for the Deaf," "Licensed Transliterator for the Deaf," or any other title or abbreviation to indicate that the person is a licensed interpreter or transliterator until he or she receives either a renewed provisional license, as described in Paragraph (c) of this Rule, or an initial full license.
- (c) An application to renew an expired provisional license shall be approved by the Board if it is received by the

Board within one year after the provisional license expired and if the application demonstrates that the applicant continues to qualify for a provisional license. A provisional license shall not be renewed after it has expired a second time.

(d) If the license being renewed has been suspended by the Board, any renewal license issued to the applicant shall also be suspended until the term of the suspension has expired.

(e) The Board shall renew a provisional license as many as three times upon receipt of timely applications that demonstrate that the applicant continues to qualify for a provisional license. The Board may extend a provisional license on an annual basis after the third renewal if the applicant timely files an application prior to the expiration of the third renewal, and on an annual basis thereafter if further extension is sought by the applicant, that demonstrates that the applicant's progress toward full licensure was delayed by:

(1) a life-altering event, such as the birth or adoption of a child to the applicant or the applicant's spouse or an acute or chronic illness suffered by either the applicant or a member of the applicant's immediate family;

(2) active military service;

(3) a catastrophic natural event, such as a flood, hurricane, or tornado; or

(4) the certifying organization identified in G.S. 90D-7 having imposed a moratorium on testing or certification that has prevented the applicant from sitting for the qualifying examination and obtaining the results thereof prior to the expiration of the provisional license or any annual extension thereof; provided, however, that a provisional license that has been extended because of a moratorium may be extended one additional time following the end of the moratorium to allow sufficient time for the applicant to take the qualifying examination and to receive the results thereof, but it shall not be extended thereafter on the basis of a moratorium.

(f) The Board shall not issue an initial provisional license to anyone who has previously held a provisional license. (g) The Board shall extend the deadline for filing a license renewal application for any individual who currently holds a provisional license and is in good standing with the Board, if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The extension shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

*History Note: Authority G.S. 90D-6; 90D-8; 90D-11; 90D-12; 93B-15; Eff. March 21, 2005; Amended Eff. July 1, 2016; May 1, 2011; August 1, 2007.*