

Regulatory Impact Analysis
Foreign Language and Sign Language Interpreters in Tort Claims
11 NCAC 23B .0209

Agency: North Carolina Industrial Commission
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Rule proposed for adoption 11 NCAC 23B .0209

State Impact: Yes
Local Impact: No
Private Impact: Yes
Substantial Economic Impact: No

Statutory Authority: G.S. § 143-300

Executive Summary

This rule is proposed for adoption partly in response to a petition for rulemaking and partly to align with G.S. 8B-8(e), which requires the State administrative agency to pay fees and expenses for sign language interpreters. It establishes a formal procedure and standard for providing qualified foreign-language and licensed sign-language interpreters for non-English-speaking or hearing/speech-impaired claimants and their witnesses in State tort claims before the Industrial Commission ("Commission") pursuant to G.S. 143-291 (State Tort Claims Act).

The rule specifies that the party requesting the foreign language interpreter is required to pay the foreign language interpreter's fee set by the hearing officer. The only exception to this is for claimants who, by Order of the Commission, have been authorized to bring suit as an indigent person. In these cases, the Commission pays the foreign language interpreter fees. The Commission will retain and pay for sign language interpreters for all parties who qualify. If the hearing officer determines that the request for an interpreter was made without reasonable grounds, the hearing officer may order the party who requested the interpreter to reimburse the Commission.

The rule also requires parties to notify the Commission, in writing, not less than 21 days prior to the date of the hearing of the need for an interpreter. The 21-day notice is intended to give the Commission sufficient time to retain a qualified interpreter, prevent delays in the hearing, and reduce the risk of the hearing being continued. The rule also helps ensure access to qualified interpreter services for limited English proficient and deaf or hard-of-hearing claimants and witnesses consistent with the Americans with Disabilities Act (ADA).

The proposed rule is expected to result in an increase in expenditures for the Industrial Commission. The estimated projected annual cost for interpreter services in each fiscal year from FY 2027-28 through FY 2031-32 ranges from approximately **\$1,900 to \$6,000** under the central planning estimate and the \$45 to \$125 hourly rate range. These estimates incorporate a 4% annual wage growth adjustment for interpreters. The Commission expects that actual annual costs are likely to fall somewhere within this range in any given year. A broader sensitivity analysis produces significantly higher costs under assumptions that general population characteristics translate directly into interpreter utilization; however, these assumptions likely

overstate actual utilization in State tort proceedings. Given the relatively limited number of proceedings expected to require interpreter services, the proposed rule is not expected to result in a substantial economic impact, although improved access may place gradual upward pressure on the number of interpreter requests over time.

The Commission would also experience a small incremental administrative impact from implementing and administering the new tort claim interpreter process. Because the Commission already administers similar interpreter-related procedures in workers' compensation cases, the proposed rule would primarily extend existing administrative capabilities to a new category of proceedings rather than require the Commission to develop an entirely new function.

The proposed rule would benefit both parties who require sign language interpreter services and indigent claimants who require foreign language interpreter services by providing a clear and consistent process for obtaining an interpreter without requiring the party to bear the cost of those services. By reducing financial and procedural barriers to communication, the rule would help ensure that parties who need language assistance are better able to understand the claims process, communicate with the Commission and other parties, and meaningfully participate in proceedings. To the extent the rule enables parties who otherwise might be unable to participate effectively in claims litigation, it could result in some additional claims being pursued, defended against, or resolved on their merits; however, the extent and fiscal effect of any such increase cannot reasonably be predicted.

Overall, the proposed rule is expected to result in a relatively small increase in State expenditures and a small incremental administrative impact on the Industrial Commission, while providing greater access to interpreter services for parties who need language assistance.

Baseline

State tort claims currently lack a formal process for providing interpreters. Parties arrange and pay for their own interpreters, while indigent claimants who cannot afford one commonly face stays that delay proceedings. Unlike workers' compensation proceedings, which are governed by 11 NCAC 23A .0619, tort claims have no parallel rule addressing interpreter qualifications, notice, retention, or payment. As a result, interpreter services are handled inconsistently, leaving some parties, especially indigent claimants, without a clear, accessible path to meaningful language access.

Proposed Rule

The proposed rule would require the Commission to retain and pay for a qualified foreign-language interpreter for indigent claimants and a qualified sign-language interpreter for any party who requires one. The rule establishes a process for a party to notify the Commission of the need for an interpreter and requires the Commission to retain a qualified interpreter when one is needed. The hearing officer would determine the interpreter's fee following the proceeding.

Impact Analysis

Projected Number and Type of Proceedings

The Commission's estimate is based on the number and average length of three types of proceedings: pre-trial conferences, Deputy Commissioner hearings, and Full Commission hearings. Figure 1 shows the total number and type of proceedings held in each fiscal year between FY2018-19 and FY 2025-26, with the exception of FY 2023-24, for which data was not available. Figure 1 shows the total number of docketed pre-trial conferences. The Commission estimates that only about 60% of docketed pre-trial conferences proceed on the record.

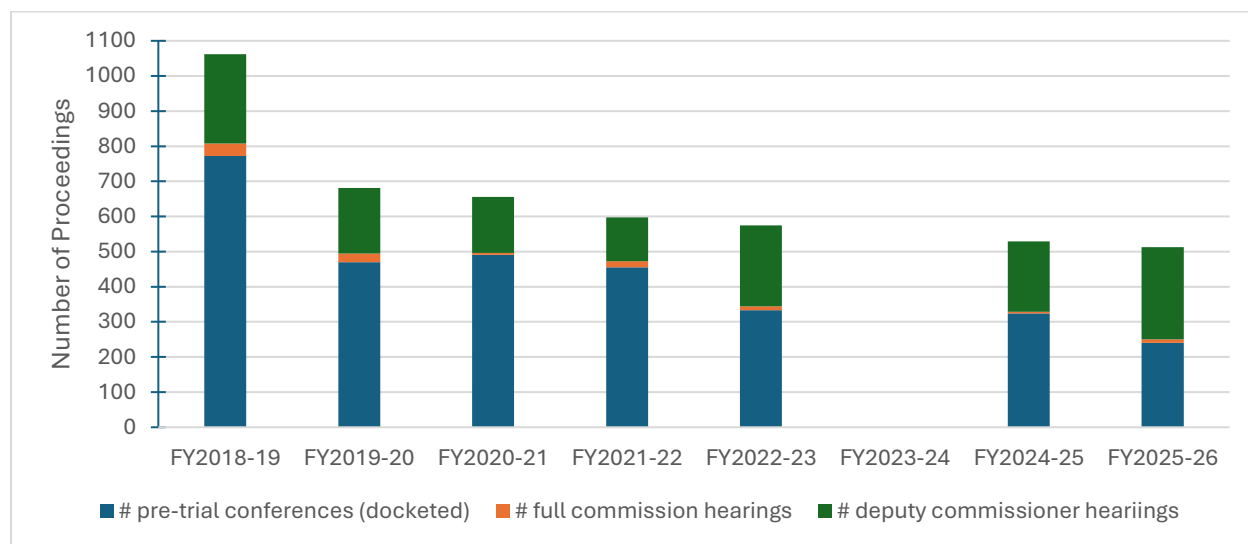


Figure 1. Number and Type of IC Proceedings by Fiscal Year

**data was unavailable for FY2023-24*

While pre-trial conferences in State tort claims have generally declined over the period, Deputy Commissioner hearings in State tort claims have fluctuated more significantly. As a result, overall proceeding volume has remained relatively stable in recent years, although it varies from year to year. Because interpreter demand depends on both the number of proceedings and the proportion of claimants requiring language assistance -- both of which fluctuate from year to year -- it is impossible to precisely predict future interpreter needs in any given year. At the same time, the proposed rule introduces a modest upward pressure on demand that is independent of these trends: by establishing a clearer and more accessible process for requesting interpreter services, it may surface previously unmet needs. Taken together, the costs associated with the proposed rule are likely to remain variable and difficult to forecast year to year, even as improved access places a gradual upward pressure on the overall number of interpreter requests. For this reason, our projections assume a steady number of proceedings for the analysis period.

Projected numbers of proceedings for FY2026-27 and subsequent fiscal years are based on historical proceeding levels from FY2018-19 through FY2025-26, excluding FY2023-24 because data was unavailable for that year. The projection methodology does not assume that the recent decline in State tort claim pre-trial conferences or the recent increase in State tort claim Deputy

Commissioner hearings will continue indefinitely. Instead, the forecast recognizes the apparent shift in the composition of proceedings while assuming that overall workload will stabilize near recent levels.

For pre-trial conferences, historical volume declined from 772 in FY2018-19 to 240 in FY2025-26. However, because the cause of this decline is unknown, the projection does not extrapolate the decline. The planning estimate assumes approximately 280 pre-trial conferences are docketed annually, with a low estimate of 250 and a high estimate of 325.¹

Deputy Commissioner hearings in State tort claims have varied considerably over the analysis period, ranging from 124 in FY2021-22 to 263 in FY2025-26. Although the most recent year had the highest number of hearings since FY2018-19, the available data do not show a consistent trend that would support extrapolating recent growth. The planning estimate therefore assumes approximately 235 Deputy Commissioner State tort claim hearings annually, with a low estimate of 200 and a high estimate of 300.

Full Commission hearings in State tort claims have remained comparatively low and variable, ranging from 5 to 36 annually. Given the absence of a consistent trend, the planning estimate assumes 8 hearings annually, with a low estimate of 6 and a high estimate of 12.

Under these assumptions, the projected annual number of proceedings is approximately 523 under the central planning estimate, with a range from 456 (low estimate) to 637 (high estimate).² These figures are intended as planning estimates to reflect a stable caseload and proceeding mix, rather than to extrapolate past trends. The range provides a practical basis for estimating future interpreter service needs and fiscal impacts, recognizing that demand and costs may vary depending on the mix of proceeding types requiring interpretation.

Recent Observed Demand

The Commission's newer tracking data provides some direct evidence of interpreter demand. From **February 1, 2024, through June 15, 2026**, the Commission recorded **five interpreter requests from indigent claimants**, including four requests for spoken-language interpreters and one request for a sign-language interpreter. All five interpreter requests were related to inmate tort claims. This represents approximately **2.1 requests per year** during the period tracked.

These data provide a useful check on the historical assumptions, but they should not necessarily be interpreted as the full level of interpreter need that would occur under the proposed rule. The proposed rule is intended, in part, to establish a clear process for claimants to request interpreter services. Under the current process, there is not a clear or readily accessible procedure for obtaining these services, and the Commission has reported that some cases involving claimants who cannot afford an interpreter have been stayed.

¹ Note that for purposes of projecting costs, we adjusted the estimated number of pre-trial conferences to reflect historical trends showing that only about 60% of docketed conferences proceed on the record. Because only on-the-record conferences may require interpreter services, we reduced the projected number of pre-trial conferences by 40% (168) before calculating interpreter-related costs.

² When adjusted to include only docketed pre-trial conferences, the central projected number of proceedings is approximately 411 annually.

Therefore, the five requests observed since 2024 may understate the underlying demand that would emerge once a formal process is established. In other words, the observed requests represent demand under the existing process, not necessarily the level of demand that would occur when the barrier to requesting the service is reduced.

At the same time, the five requests do not provide sufficient information to calculate the fiscal impact directly. Two of the five cases were stayed, two cases were dismissed at the request of the plaintiff, and one case was removed from the docket by the hearing officer. So, while the recent data support the conclusion that interpreter services are currently needed in at least some State tort proceedings, they do not provide a sufficient basis for replacing the broader cost estimate presented in this analysis.

Figure 2 shows that the Commission receives a significant number of tort claims each year – between 739 and 860 claims annually from FY2018-19 to FY 2024-25. The data does not indicate how many claims involved indigent parties. Given the volume of claims, the small number of recorded interpreter requests since 2024 almost certainly understates the true underlying need. The Commission has noted that some claimants – particularly those who are unrepresented -- may not know how to request interpreter services or may be unable to afford such services. Because the proposed rule establishes a clearer and more accessible process, demand is likely to increase as these barriers are reduced.

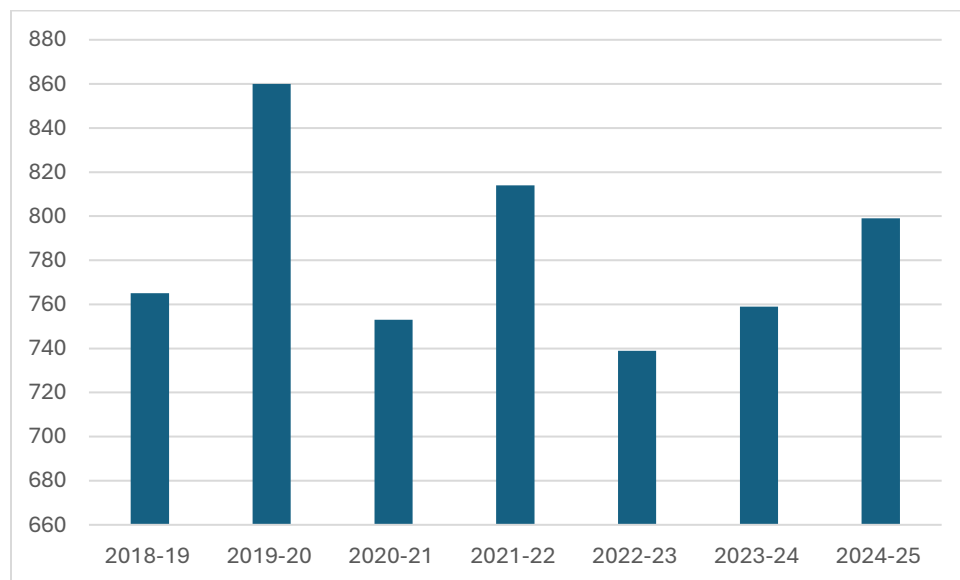


Figure 2. Number of Tort Claims Filed by Fiscal Year³

³ Annual Reports, NC Industrial Commission, <https://www.ic.nc.gov/news-and-announcements/annual-report-archive>

Interpreter Utilization Assumptions

Distribution among types of proceedings

Because the Commission does not have sufficient historical data to estimate interpreter utilization by proceeding type, the analysis applies the same interpreter utilization percentage to each type of proceeding. Costs are then calculated separately based on the projected number and estimated interpreter cost for each proceeding type.

For the **lower end**, the Commission assumes that spoken-language interpreters would be needed in 0.2% of cases and sign-language interpreters in 0.1% of cases. These assumptions are based on the experience of a longtime Deputy Commissioner who hears many of the tort claims and oversees other Deputy Commissioners hearing tort claims, who estimated that approximately one in 500 tort claims has required a spoken-language interpreter and approximately one in 1,000 has required a sign-language interpreter. For purposes of this analysis, we adjusted these percentages upward -- to **1.0% of cases** for spoken-language interpreters and **0.5% of cases** for sign-language interpreters -- to account for uncertainty in projecting future demand and to ensure that the low-end estimates remain conservative. In other words, the analysis applies utilization rates five times higher than the Commission's reported historical experience, helping to mitigate the risk of understating interpreter demand given the limited historical data and the possibility that future demand may differ from past experience.

The 0.5% sign-language utilization assumption is subject to additional uncertainty because the Commission has limited recent data on actual sign-language interpreter requests. Available tracking data indicates very few, if any, sign-language requests during the period for which data is available. Accordingly, the 0.5% assumption may overstate the frequency of sign-language interpreter needs in a typical year. However, given the limited data and the possibility that the proposed rule could improve access to interpreter services, the analysis retains the 0.5% assumption as a conservative planning estimate.

For the **upper end**, the Commission assumes that **5.0% of cases** would require spoken-language interpretation and **3.6%** would require sign-language interpretation. The 5% assumption is based on the share of the North Carolina population that does not speak English⁴, while the 3.6% assumption is based on the estimated share of the U.S. population who self-report with profound or total hearing loss.⁵ These assumptions are not directly comparable measures of demand. The lower assumptions are based on anecdotal experience with actual tort proceedings in North Carolina, while the upper assumptions are based on characteristics of the more general population. As such, the relevant population for purposes of this rule is substantially narrower: indigent claimants and witnesses who require spoken-language interpretation, and all claimants who require sign-language interpretation, in State tort proceedings.

For example, a person who does not speak English would not necessarily require an interpreter in a particular tort proceeding. The person may be represented by counsel, may not be involved in a proceeding requiring oral interpretation, or may otherwise be able to participate without interpreter services. Similarly, the percentage of the general population with profound or total

⁴ American Community Survey, 2020, US Census Bureau, <https://data.census.gov/table/ACSDT1Y2022.B16001?q=speak&g=040XX00US37>

⁵ U.S. Census Bureau, 2021, American Community Survey 1-Year Estimates: Selected Population Profile in the United States (Hearing Difficulty). Retrieved via [U.S. Census Bureau Data Portal](https://data.census.gov).

hearing loss does not represent the percentage of tort proceedings involving a person who requires a sign-language interpreter. Consequently, the 5% and 3.6% assumptions likely substantially overstate actual interpreter utilization in State tort proceedings, making the high-end cost estimates more appropriately characterized as a high-end sensitivity estimate rather than a likely annual cost.

The lower assumptions also have limitations because they are based primarily on anecdotal observations rather than a systematic historical record. The Commission did not begin tracking interpreter requests from tort claimants until 2024. Thus, neither end of the range represents a precise estimate of the likely future utilization rate. Actual costs are likely to fall somewhere between the two scenarios.

Overall, the most reasonable planning estimate is expected to fall between the low-utilization scenarios using the central planning estimate for the number of proceedings. However, utilization may increase somewhat as awareness of the new process improves. This could gradually increase costs above the initial projections, although a dramatic increase is not expected based on the available information.

Estimated Number of Proceedings Requiring Interpreter Services

Applying the interpreter utilization assumptions to the projected number of proceedings provides an estimate of the number of proceedings that may require interpreter services each year. For purposes of this analysis, the central planning estimate is based on approximately 411 proceedings annually that could potentially require an interpreter. This reflects 168 pre-trial conferences expected to proceed on the record, 235 Deputy Commissioner hearings, and 8 Full Commission hearings. The 168 pre-trial conferences represent 60% of the 280 docketed pre-trial conferences included in the planning estimate.

Table 1. Estimated Annual Number of Proceedings Requiring Interpreter Services under Low and High Utilization Scenarios

Projected Annual Proceedings	Utilization Scenario	Spoken-Language Interpreter	Sign-Language Interpreter	Total Interpreter Proceedings*
411	Low	3.6 (1.0%)	1.8 (0.5%)	5.4
411	High	25.3 (5.0%)	18.2 (3.6%)	43.5

* The total assumes that the spoken-language and sign-language utilization estimates represent separate proceedings and therefore can be added together. The number of unique proceedings requiring an interpreter could be somewhat lower if a proceeding requires both types of interpreter services.

Under the central planning estimate, the lower utilization assumptions correspond to approximately five proceedings annually requiring interpreter services, while the high-utilization sensitivity scenario corresponds to approximately 43 proceedings.

Taken together, the available evidence supports using the lower-utilization scenarios as the most reasonable basis for estimating likely costs. The Commission's observed interpreter requests have been limited, although these data may understate future demand because the proposed rule would establish a clearer process for requesting interpreter services. In contrast, the high-utilization

assumptions are based on general population characteristics rather than observed interpreter use in State tort proceedings and therefore likely overstate actual demand. While utilization may increase as awareness of the new process improves, the available information does not suggest that utilization is likely to approach the high-end sensitivity assumptions.

Time and cost per proceeding

The analysis assumes that an interpreter would approximately double the time required for a proceeding. A minimum charge of two hours is then applied, where applicable, to reflect standard industry practice. Additionally, one additional hour is included to account for interpreter travel or waiting time.

For both sign-language interpreters and spoken-language interpreters, the Commission's analysis uses an hourly rate range of **\$45 to \$125**. This range was selected to ensure our analysis is inclusive of actual invoiced rates and published rates identified in our research. These include the North Carolina Administrative Office of the Courts' contract rates for Spanish-language court interpreters (\$45 to \$55 per hour, depending on qualifications), the hourly wages paid to qualified or certified interpreters in federal court proceedings (\$76 to \$87 per hour, depending on qualifications)⁶, and a review of recent sign-language interpreter invoices by the AOC which showed rates from \$65 to \$125 per hour. Notably, the AOC does not have a set rate for sign-language interpreters.

All of these rates exceed the Bureau of Labor Statistics (BLS) reported mean hourly wage of \$28.79 for the Interpreters and Translators occupational group as of May 2025⁷. The BLS wage was not used in our analysis because the interpreters expected to provide services in the affected tort claim cases would generally be self-employed and would charge a service rate rather than receive an hourly employee wage.

Table 2. Estimated Cost per Proceeding

Type of Proceeding	Average length without interpreter	Length if using an interpreter	After minimum billing adjustment	Additional travel/waiting time	Total interpreter hours billed	Estimated cost per proceeding
Pre-trial conference	0.5 hours	1 hour	2 hours	1 hour	3 hours	\$135 (\$45/hr) \$375 (\$125/hr)
Deputy Commissioner hearing	4 hours	8 hours	8 hours	1 hour	9 hours	\$405 (\$45/hr) \$1,125 (\$125/hr)
Full Commission hearing	0.67 hours	1.34 hours	2 hours	1 hour	3 hours	\$135 (\$45/hr) \$375 (\$125/hr)

Projected Costs

Using the proceeding volume and interpreter utilization assumptions described above, the projected annual costs vary depending on the assumed utilization rate and interpreter wage. The

⁶<https://www.uscourts.gov/court-programs/federal-court-interpreters>

⁷ <https://www.bls.gov/ooh/media-and-communication/interpreters-and-translators.htm>

following table presents four scenarios considered in the analysis. The wage rates were also adjusted year over year using historical hourly wage data from the Bureau of Labor Statistics⁸ adjusted with Congressional Budget Office general wage growth projections⁹, which averaged 4.0% per year for 2027-2031.

Table 3. Projected Annual Statewide Costs for Interpreter Services Under Alternative Utilization and Wage Scenarios

Scenario	FY 2027-28	FY 2028-29	FY 2029-30	FY 2030-31	FY 2031-32
Low utilization-low wage	\$1,592	\$1,656	\$1,722	\$1,791	\$1,863
Central utilization-low wage	\$1,855	\$1,930	\$2,007	\$2,087	\$2,171
Central utilization-high wage	\$5,154	\$5,360	\$5,574	\$5,797	\$6,029
High utilization- high wage	\$37,129	\$38,614	\$40,158	\$41,765	\$43,435

The central utilization-low wage and central utilization-high wage scenarios are the most appropriate estimates of likely annual costs because they use the central planning estimate for the number of proceedings and vary only the interpreter wage. Based on these scenarios, annual statewide costs are projected to range from approximately \$1,900 to \$6,000 over the five-year analysis period. The corresponding five-year undiscounted total costs would range from approximately \$10,050 to \$27,915.

The lower utilization scenario is based on anecdotal observations of interpreter use that may understate future demand, while the high utilization scenario relies on general population characteristics that likely overstate the proportion of State tort proceedings requiring interpreter services. The wide range reflects genuine uncertainty: interpreter demand depends largely on the number and type of proceedings, and these counts have fluctuated significantly and often moved in offsetting directions from year to year. There is also uncertainty about the future utilization rate for each group -- indigent claimants requiring spoken-language interpreters and non-indigent claimants requiring sign-language interpreters.

In addition, some assumptions may tend to overstate costs at both the low and high ends, most notably the amount of time assumed to be added to a proceeding by having a sign language or spoken language interpreter present. This effect would be most notable for Deputy Commissioner hearings, for which the analysis assumes an interpreter would add four hours to the proceeding. Costs per proceeding are also likely to be lower than estimated in this analysis because the Commission, drawing on its experience in other types of proceedings, may be able to schedule all cases requiring interpreter services on the same day, thereby reducing the travel and waiting costs associated with securing an interpreter.

⁸ Occupational Employment and Wage Statistics, Interpreters and Translators (27-3091), May 2025, Bureau of Labor Statistics, <https://data.bls.gov/oes/#/home>

⁹ Historical Data and Economic Projections, Feb 2026, Congressional Budget Office, <https://www.cbo.gov/data/budget-economic-data#11>

Estimated Costs by Interpreter Type

Based on the utilization percentages used in the analysis -- between 0.5%-3.6% of cases requiring sign language interpreters and between 1%-5% requiring spoken language interpreters -- sign language interpreters would account for approximately 33.3% of projected interpreter costs at the low end and approximately 41.8% at the high end. On an annualized basis, the sign language component is projected to cost approximately **\$627 to \$2,508 per year**, depending primarily on interpreter utilization and the applicable hourly rate. The spoken language component is projected to cost approximately **\$1,106 - \$4,020 per year**. **The estimates are using the central planning estimate.**

Impacts by Affected Party

Industrial Commission

The primary fiscal impacts of the proposed rule would be incurred by the Industrial Commission. The proposed rule requires the Commission to retain the qualified interpreter and provides that the interpreter's fee is to be paid by the Commission, subject to the hearing officer's determination of the appropriate fee amount following the hearing. In addition to these direct interpreter costs, the rule would result in some additional administrative responsibilities for the Commission, including receiving and processing written notices of interpreter needs, addressing interpreter needs identified during the course of a proceeding, arranging interpreter services, receiving interpreter invoices, and having the hearing officer determine the appropriate amount of interpreter fees following the hearing.

Arranging interpreter services typically occur 6 to 12 months in advance. The interpreter service is not secured separately for individual dates. The interpreter service is notified of scheduled dates at the same time as other parties, so this process does not take any extra time. The relatively small number of requests expected each year means that the work is expected to be absorbed within existing staff capacity and regular duties. Therefore, aside from the interpreter fees themselves, the proposed rule is not expected to require additional staff or result in significant additional administrative expenditures.

The Commission would likely also develop a form or similar administrative process for requesting interpreter services, modeled on the existing process used for interpreter requests in workers' compensation claims. Development of such a form and any related procedural modifications would be expected to result in a one-time, minimal administrative cost.

The available information does not provide sufficient data to precisely estimate the volume of interpreter requests the Commission will receive. Tort claims involving currently or formerly incarcerated individuals are expected to represent a meaningful share of requests, because the Department of Adult Corrections is named as the defendant in a substantial volume of tort claims and this population tends to be more likely to be indigent. The overall volume, however, will depend on the number and type of proceedings in which an interpreter is required.

The Commission already receives and responds to interpreter requests for tort claims under its current practices. As such, aside from the one-time effort needed to create a new request form,

the rule's incremental administrative impact would be limited to the expected modest increase in the number of interpreter requests that will be received as a result of having a clearer and more accessible process. Any ongoing administrative impact would depend primarily on the volume of interpreter requests and the extent to which such requests require additional hearing management activity.

Because the proposed rule is based upon standards adopted by the Administrative Office of the Courts and standards for Spanish language and sign language interpreters as required by North Carolina's court systems, it will ensure uniformity and make it easier for the Commission to navigate and apply the proposed requirements.

Claimants and Other Parties

The proposed rule would benefit indigent tort claimants who need spoken language interpretation and any parties who need sign-language interpretation by establishing a clear and consistent process for requesting interpreter services when those services are needed to participate meaningfully in a tort claim proceeding. Currently, indigent claimants may be unable to afford interpreter services or may not know how to request them, which can prevent them from effectively participating in the claims process. In some cases, the resulting inability to communicate may cause a claim or related proceeding to be stayed and, potentially, dismissed.

By establishing a defined process for obtaining interpreter services and requiring the Commission to pay for those services, the proposed rule would remove a significant financial and procedural barrier for claimants who need language assistance. This change would promote more equitable access to the claims process by helping ensure that a claimant's ability to communicate effectively, understand proceedings, and present or respond to information is not dependent on the claimant's ability to pay for or independently arrange interpreter services.

To the extent that establishing a more transparent and accessible process for obtaining interpreter services enables some individuals to pursue or participate more fully in their claims, it is possible that the proposed rule could indirectly affect the likelihood that some claims are successfully pursued. The extent, if any, of such an effect cannot reasonably be predicted. Any resulting fiscal impact, if one were to occur, would likewise be difficult to quantify and would depend on a number of factors, including the number and circumstances of claims affected. For context, under G.S. 143-299.2, the maximum amount the State may pay to a claimant for a single instance is \$1,000,000. Historically, however, the vast majority of these tort claims have involved amounts far below this statutory maximum, and that pattern is not expected to change under the proposed rule. As a result, any indirect fiscal effect associated with claims being pursued more fully would, in most cases, be measured against these characteristically smaller claim amounts rather than the statutory ceiling.

Because the proposed rule is based upon standards adopted by the Administrative Office of the Courts and standards for Spanish language and sign language interpreters as required by North Carolina's court systems, this will ensure that interpreters are highly trained and capable of providing the necessary language assistance to claimants.

Local Governments

No fiscal impact on local governments is anticipated because the proposed rule would apply to the Industrial Commission and would not impose new interpreter service requirements or other costs on local governmental entities.

Summary

The proposed rule is expected to result in a relatively small increase in State expenditures for interpreter services in tort proceedings involving indigent claimants or witnesses who require spoken language assistance and any parties who need sign language assistance. Based on the Commission's projected caseload and conservative interpreter utilization assumptions, approximately **five proceedings per year** are expected to require interpreter services under the lower-end planning scenario, with annual statewide costs estimated at approximately **\$1,900 to \$6,000**, depending on interpreter rates.

The analysis also considers a higher-utilization scenario in which a substantially larger share of proceedings require interpreter services. This scenario results in a higher estimated number of proceedings requiring interpreters and correspondingly higher annual costs. However, the assumptions underlying this scenario are based on general population characteristics and are not expected to reflect actual utilization in State tort claim proceedings. Based on the available data and the Commission's recent experience, actual utilization is more likely to remain near the lower end of the estimated range or somewhat above it than to approach the higher-end scenario. Nevertheless, actual costs could exceed the lower-end estimates if the clearer process established by the proposed rule results in more previously unmet interpreter needs being identified. The extent of any increase cannot reasonably be quantified based on the available data.

The proposed rule would also require Commission staff to spend time arranging interpreter services. Although this staff time represents an additional administrative cost, the relatively small number of requests expected each year is expected to allow the Commission to absorb this work within existing staff capacity and regular duties, without requiring additional staff or expenditures.

While the proposed rule may increase demand by establishing a clearer process for requesting interpreter services, the higher utilization assumptions considered in the sensitivity analysis are based on general population characteristics and likely overstate actual demand in State tort proceedings. The rule would also result in a small administrative impact on the Industrial Commission while providing greater and more consistent access to interpreter services for parties.

1 11 NCAC 23B .0209 is proposed for adoption as follows:

2
3 **11 NCAC 23B .0209 FOREIGN LANGUAGE AND SIGN LANGUAGE INTERPRETERS IN TORT**
4 **CLAIMS**

5 (a) If a claimant or witness in a tort claim does not speak or understand the English language or is speech or hearing
6 impaired, they shall be assisted by a qualified interpreter in any evidentiary hearing, oral argument, or pre-trial
7 conference. Each party shall pay for its own foreign language interpreter unless Paragraph (d) of this Rule applies.
8 The Industrial Commission shall pay for sign language interpreters in all cases, consistent with G.S. 8B-8(e).

9 (b) To qualify as a foreign language interpreter, a person shall possess sufficient experience and education, or a
10 combination of experience and education, speaking and understanding English and the foreign language to be
11 interpreted, to qualify as an expert witness pursuant to G.S. 8C-1, Rule 702. A Spanish language interpreter shall be
12 "Level A" certified by the North Carolina Administrative Office of the Courts. A person qualified as an interpreter
13 under this Rule shall not be interested in the claim and shall declare under oath or affirmation to interpret accurately
14 and truthfully, meaning without any additions or deletions, all questions propounded to the witness and all responses.
15 In cases where the interpreter is needed for a claimant, the interpreter shall declare under oath or affirmation to interpret
16 accurately and truthfully the entirety of the proceedings for the claimant, without additions or deletions.

17 (c) To qualify as a sign language interpreter, a person shall possess a license from the North Carolina Interpreter and
18 Transliterator Licensing Board, under Chapter 90D of the North Carolina General Statutes.

19 (d) A tort claimant who is authorized by Order of the Industrial Commission to bring suit as an indigent person and
20 who is unable to speak or understand English or who intends to call as a witness a person who is unable to speak or
21 understand English shall notify the Commission in writing not less than 21 days prior to the date of the hearing of the
22 need for a foreign language interpreter and shall send a copy of the notification to the opposing party. The notice shall
23 state the languages to be interpreted for the Commission.

24 (e) Upon receiving the notice required in Paragraph (d) of this Rule or upon the Industrial Commission's own
25 determination that a foreign language interpreter is needed, the Industrial Commission shall retain a foreign language
26 interpreter who possesses the qualifications listed in Paragraph (b) of this Rule to appear at the hearing and interpret
27 the testimony or oral argument of the persons identified in the notice given under Paragraph (d) of this Rule.

28 (f) Any party who is speech or hearing impaired or who intends to call as a witness a person who is speech or hearing
29 impaired shall notify the Commission in writing not less than 21 days prior to the date of the hearing of the need for
30 a sign language interpreter and shall send a copy of the notification to the opposing party.

31 (g) Upon receiving the notice required in Paragraph (f) of this Rule or upon the Industrial Commission's own
32 determination that a sign language interpreter is needed, the Industrial Commission shall retain a qualified sign
33 language interpreter as set forth in Paragraph (c) of this Rule to appear at the hearing and interpret the testimony or
34 oral argument of the persons identified in the notice given under Paragraph (f) of this Rule.

35 (h) Pursuant to G.S. 7A-305(d)(8) and G.S. 6-20, when a qualified interpreter as set forth in Paragraphs (b) and (c) of
36 this Rule interprets testimony or oral argument for the Commission in a hearing, the hearing officer shall, following
37 the hearing and following submission of an invoice from the interpreter, determine in his or her discretion, the amount

1 of the fees to be paid to the interpreter by the party that required interpreter unless Paragraph (d) or (f) of this Rule
2 applies, in which case the Industrial Commission will pay the interpreter. If the hearing officer determines that a
3 request for an interpreter made pursuant to Paragraph (d) or (f) of this Rule was made without reasonable grounds, the
4 hearing officer may order the party that requested the interpreter to reimburse the Industrial Commission in the full
5 amount of the interpreter fee paid by the Industrial Commission.

6 (i) Foreign language interpreters shall abide by the Code of Ethics and Professional Conduct for Court Interpreters,
7 contained in Section 11 of Standards for Language Access Services, North Carolina Judicial Branch and promulgated
8 by the North Carolina Administrative Office of the Courts, and shall interpret word for word as is practicable without
9 editing, commenting, or summarizing, testimony or other communications. The Code of Ethics and Professional
10 Conduct for Court Interpreters is hereby incorporated by reference and includes subsequent amendments and editions.
11 A copy may be obtained at no charge from the North Carolina Administrative Office of the Court's website,
12 [https://www.nccourts.gov/assets/documents/publications/NCAOC-Language-Access-Standards-07-](https://www.nccourts.gov/assets/documents/publications/NCAOC-Language-Access-Standards-07-2024.pdf?VersionId=n5TwbJFTGat3fYARbwKE5GUZzg3raaDF)
13 [2024.pdf?VersionId=n5TwbJFTGat3fYARbwKE5GUZzg3raaDF](https://www.nccourts.gov/assets/documents/publications/NCAOC-Language-Access-Standards-07-2024.pdf?VersionId=n5TwbJFTGat3fYARbwKE5GUZzg3raaDF), or upon request, at the offices of the Commission
14 at the address set forth in Rule .0101 of this Section.

15 (j) Sign language interpreters shall interpret word for word as is practicable without editing, commenting, or
16 summarizing, testimony or other communications. Sign language interpreters shall abide by the ethical standards
17 communicated in the training required by G.S. 90D-8.

18 (k) A Commissioner or Deputy Commissioner is authorized to provide a qualified interpreter during a hearing if the
19 Commissioner or Deputy Commissioner believes a witness or claimant needs an interpreter to facilitate their
20 testimony. If the Commissioner or Deputy Commissioner provides an interpreter, he or she shall assess the interpreter's
21 fees as set out in Paragraph (h) of this Rule.

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23 *History Note: Authority G.S. 143-300;*
24 *Eff. March 1, 2027.*
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