
SENATE BILL 6377

State of Washington 52nd Legislature 1992 Regular Session

By Senator Thorsness

Read first time 01/27/92. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to the TDD state-wide relay system; amending RCW
2 43.20A.725 and 43.20A.730; adding a new section to chapter 80.36 RCW;
3 and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the state of
6 Washington has shown national leadership in providing
7 telecommunications access for the hearing-impaired and speech-impaired
8 communities. The legislature further finds that the federal Americans
9 with Disabilities Act requires states to further enhance
10 telecommunications access for disabled persons and that the state
11 should be positioned to allow this service to be delivered with
12 fairness, flexibility, and efficiency.

1 **Sec. 2.** RCW 43.20A.725 and 1990 c 89 s 3 are each amended to read
2 as follows:

3 (1) The department shall maintain a program whereby TDDs, signal
4 devices, a TDD relay system, and amplifying accessories capable of
5 serving the needs of the hearing and speech impaired shall be provided
6 at no charge additional to the basic exchange rate, to an individual of
7 school age or older, (a) who is certified as hearing impaired by a
8 licensed physician, audiologist, or a qualified state agency, and to
9 any subscriber that is an organization representing the hearing
10 impaired, as determined and specified by the TDD advisory committee; or
11 (b) who is certified as speech impaired by a licensed physician, speech
12 pathologist, or a qualified state agency, and to any subscriber that is
13 an organization representing the speech impaired, as determined and
14 specified by the TDD advisory committee. For the purpose of this
15 section, certification implies that individuals cannot use the
16 telephone for expressive or receptive communications due to hearing or
17 speech impairment.

18 (2) The office shall award contracts on a competitive basis, to
19 qualified persons for which eligibility to contract is determined by
20 the office, for the distribution and maintenance of such TDDs, signal
21 devices, and amplifying accessories as shall be determined by the
22 office. When awarding such contracts, the office may consider the
23 quality of equipment and, with the director's approval, may award
24 contracts on a basis other than cost. Such contracts ~~((shall))~~ may
25 include a provision for the employment and use of a qualified trainer
26 and the training of recipients in the use of such devices.

27 (3) The office shall establish and implement a policy for the
28 ultimate responsibility for recovery of TDDs, signal devices, and
29 amplifying accessories from recipients who are moving from this state
30 or who for other reasons are no longer using them.

1 (4) Pursuant to recommendations of the TDD advisory committee,
2 until June 30, 1993, the office shall maintain a program whereby a
3 relay system will be provided state-wide using operator intervention to
4 connect hearing impaired and speech impaired persons and offices or
5 organizations representing the hearing impaired and speech impaired, as
6 determined and specified by the TDD advisory committee pursuant to RCW
7 43.20A.730. The relay system shall be the most cost-effective possible
8 and shall operate in a manner consistent with federal requirements for
9 such systems.

10 (5) Pursuant to the recommendations of the TDD task force report of
11 December 1991, and with the express purpose of maintaining state
12 control and jurisdiction, the office shall seek certification by the
13 federal communications commission of the state-wide relay service.

14 (6) The office shall award contracts for the operation and
15 maintenance of the state-wide relay service. The initial contract
16 shall be for service commencing July 1, 1993. The contract shall be
17 awarded to any individual or group of companies that are registered as
18 telecommunications companies by the utilities and transportation
19 commission.

20 (7) The program shall be funded by telecommunications devices for
21 the deaf (TDD) excise tax applied to each switched access line provided
22 by the local exchange companies. The office shall determine, in
23 consultation with the TDD advisory committee, the amount of money
24 needed to fund the program on an annual basis, including both
25 operational costs and a reasonable amount for capital improvements such
26 as equipment upgrade and replacement. That information shall be given
27 by the department in an annual budget to the utilities and
28 transportation commission no later than March 1 prior to the beginning
29 of the fiscal year. The utilities and transportation commission shall
30 then determine the amount of TDD excise tax to be placed on each access

1 line and shall inform each local exchange company of this amount no
2 later than May 15. The TDD excise tax shall not exceed (~~ten~~) twenty
3 cents per month per access line. Each local exchange company shall
4 impose the amount of excise tax determined by the commission as of July
5 1, and shall remit the amount collected directly to the department on
6 a monthly basis. The TDD excise tax shall be separately identified on
7 each ratepayer's bill as "Telecommunications devices funds for deaf and
8 hearing impaired". All proceeds from the TDD excise tax shall be put
9 into a fund to be administered by the office through the department.

10 (~~(6)~~) (8) The office shall administer and control the award of
11 money to all parties incurring costs in implementing and maintaining
12 telecommunications services, programs, equipment, and technical support
13 services in accordance with the provisions of RCW 43.20A.725.

14 (~~(7)~~) (9) The department shall provide the legislature with a
15 biennial report on the operation of the program. The first report
16 shall be provided no later than December 1, 1990, and successive
17 reports every two years thereafter. Reports shall be prepared in
18 consultation with the TDD advisory committee and the utilities and
19 transportation commission. The reports shall, at a minimum, briefly
20 outline the accomplishments of the program, the number of persons
21 served, revenues and expenditures, the prioritizing of services to
22 those eligible based on such factors as degree of physical handicap or
23 the allocation of the program's revenue between provision of devices to
24 individuals and operation of the state-wide relay service, other major
25 policy or operational issues, and proposals for improvements or changes
26 for the program. The first report shall contain a study which includes
27 examination of like programs in other states, alternative methods of
28 financing the program, alternative methods of using the
29 telecommunications system, advantages and disadvantages of operating
30 the TDD program from within the department, by telecommunications

1 companies, and by a private, nonprofit corporation, and means to limit
2 demand for system usage.

3 ~~((+8+))~~ (10) The program shall be consistent with the requirements
4 of federal law for the operation of both interstate and intrastate
5 telecommunications services for the deaf or hearing impaired or speech
6 impaired. The department and the utilities and transportation
7 commission shall be responsible for ensuring compliance with federal
8 requirements and shall provide timely notice to the legislature of any
9 legislation that may be required to accomplish compliance.

10 **Sec. 3.** RCW 43.20A.730 and 1990 c 89 s 4 are each amended to read
11 as follows:

12 (1) The department advisory committee on deafness shall establish
13 a TDD advisory committee to oversee operation of the TDD program. The
14 TDD advisory committee shall consist of no more than thirteen
15 individuals representing the hearing impaired and speech impaired
16 communities, the department, the utilities and transportation
17 commission, agencies and services serving the hearing impaired and
18 speech impaired, and local exchange companies in the state. The
19 membership on the TDD advisory committee shall, to the maximum extent
20 possible, include representatives from (a) the major state-wide
21 organizations representing the hearing impaired and speech impaired,
22 (b) organizations for the hearing impaired and speech impaired located
23 in areas of the state with high populations of such persons, and (c)
24 organizations that reflect the different geographic regions of the
25 state. In order to develop, implement, and maintain a state-wide relay
26 system providing cost-effective relay centers at a reasonable cost and
27 that will meet the requirements of the hearing impaired and speech
28 impaired, the TDD advisory committee shall investigate options, conduct
29 public hearings as needed to ~~((determine))~~ develop recommendations on

1 the most cost-effective method of operating a state-wide relay system
2 providing relay centers to the hearing impaired and speech impaired,
3 and solicit the advice, counsel, and assistance of interested parties
4 and nonprofit consumer organizations for hearing impaired and speech
5 impaired persons state-wide. The TDD advisory committee shall also, in
6 conjunction with the department, monitor the activities and moneys that
7 are being spent by the department for the program herein.

8 (2) The TDD advisory committee shall provide reports at least four
9 times per year to the administrators and operators of the TDD state-
10 wide relay service. The committee shall report on the extent to which
11 the relay system is meeting the needs of disabled citizens in the
12 state, and shall include program elements that are successful, program
13 elements in need of improvement, and any recommendations from the
14 committee.

15 (3) The TDD advisory committee shall establish criteria and specify
16 state-wide organizations representing the hearing or speech impaired
17 meeting such criteria that are to receive telecommunications devices
18 pursuant to RCW 43.20A.725(1), and in which offices the equipment shall
19 be installed if an organization has more than one office.

20 NEW SECTION. Sec. 4. A new section is added to chapter 80.36 RCW
21 to read as follows:

22 The commission shall require local exchange companies to file
23 tariffs for discounted intrastate long distance service used in
24 conjunction with the state-wide relay service authorized under RCW
25 43.20A.725. When determining the rates for this type of service, the
26 commission shall consider the additional time required to translate
27 calls through relay operators.

1 NEW SECTION. **Sec. 5.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.