
HOUSE BILL 1752

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Grant, Casada and Miller

Read first time 02/08/93. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to telephone relay service; and amending RCW
2 43.20A.725.

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

4 **Sec. 1.** RCW 43.20A.725 and 1992 c 144 s 3 are each amended to read
5 as follows:

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

1 telephone for expressive or receptive communications due to hearing or
2 speech impairment.

3 (2) The office shall award contracts on a competitive basis, to
4 qualified persons for which eligibility to contract is determined by
5 the office, for the distribution and maintenance of such TTs, signal
6 devices, and amplifying accessories as shall be determined by the
7 office. When awarding such contracts, the office may consider the
8 quality of equipment and, with the director's approval, may award
9 contracts on a basis other than cost. Such contracts may include a
10 provision for the employment and use of a qualified trainer and the
11 training of recipients in the use of such devices.

12 (3) The office shall establish and implement a policy for the
13 ultimate responsibility for recovery of TTs, signal devices, and
14 amplifying accessories from recipients who are moving from this state
15 or who for other reasons are no longer using them.

16 (4) Pursuant to recommendations of the TRS program advisory
17 committee, until July 26, 1993, the office shall maintain a program
18 whereby a relay system will be provided state-wide using operator
19 intervention to connect hearing impaired and speech impaired persons
20 and offices or organizations representing the hearing impaired and
21 speech impaired, as determined and specified by the TDD advisory
22 committee pursuant to RCW 43.20A.730. The relay system shall be the
23 most cost-effective possible and shall operate in a manner consistent
24 with federal requirements for such systems.

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

29 (6) The office shall award contracts for the operation and
30 maintenance of the state-wide relay service. The initial contract
31 shall be for service commencing July 26, 1993. The contract shall be
32 awarded to an individual company registered as a telecommunications
33 company by the utilities and transportation commission, to a group of
34 registered telecommunications companies, or to any other company or
35 organization determined by the office as qualified to provide relay
36 services, contingent upon that company or organization being approved
37 as a registered telecommunications company prior to final contract
38 approval.

1 (7) The program shall be funded by a telecommunications relay
2 service (TRS) excise tax applied to each switched access line provided
3 by the local exchange companies. The office shall determine, in
4 consultation with the TRS program advisory committee, the amount of
5 money needed to fund the program on an annual basis, including both
6 operational costs and a reasonable amount for capital improvements such
7 as equipment upgrade and replacement. That information shall be given
8 by the department in an annual budget to the utilities and
9 transportation commission no later than March 1 prior to the beginning
10 of the fiscal year. The utilities and transportation commission shall
11 then determine the amount of TRS excise tax to be placed on each access
12 line and shall inform each local exchange company of this amount no
13 later than May 15. The utilities and transportation commission shall
14 determine the amount of TRS excise tax by dividing the total of the
15 program budget, as submitted by the office, by the total number of
16 access lines, and shall not exercise any further oversight of the
17 program under this subsection. The TRS excise tax shall not exceed
18 ~~((ten))~~ nineteen cents per month per access line. Each local exchange
19 company shall impose the amount of excise tax determined by the
20 commission as of July 1, and shall remit the amount collected directly
21 to the department on a monthly basis. The TRS excise tax shall be
22 separately identified on each ratepayer's bill with the following
23 statement: "Funds ADA requirement." All proceeds from the TRS excise
24 tax shall be put into a fund to be administered by the office through
25 the department.

26 (8) The office shall administer and control the award of money to
27 all parties incurring costs in implementing and maintaining
28 telecommunications services, programs, equipment, and technical support
29 services in accordance with the provisions of RCW 43.20A.725.

30 (9) The department shall provide the legislature with a biennial
31 report on the operation of the program. The first report shall be
32 provided no later than December 1, 1990, and successive reports every
33 two years thereafter. Reports shall be prepared in consultation with
34 the TRS program advisory committee and the utilities and transportation
35 commission. The reports shall, at a minimum, briefly outline the
36 accomplishments of the program, the number of persons served, revenues
37 and expenditures, the prioritizing of services to those eligible based
38 on such factors as degree of physical handicap or the allocation of the
39 program's revenue between provision of devices to individuals and

1 operation of the state-wide relay service, other major policy or
2 operational issues, and proposals for improvements or changes for the
3 program. The first report shall contain a study which includes
4 examination of like programs in other states, alternative methods of
5 financing the program, alternative methods of using the
6 telecommunications system, advantages and disadvantages of operating
7 the TRS program from within the department, by telecommunications
8 companies, and by a private, nonprofit corporation, and means to limit
9 demand for system usage.

10 (10) The program shall be consistent with the requirements of
11 federal law for the operation of both interstate and intrastate
12 telecommunications services for the deaf or hearing impaired or speech
13 impaired. The department and the utilities and transportation
14 commission shall be responsible for ensuring compliance with federal
15 requirements and shall provide timely notice to the legislature of any
16 legislation that may be required to accomplish compliance.

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