

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6377

52nd Legislature
1992 Regular Session

Passed by the Senate March 8, 1992
Yeas 46 Nays 0

President of the Senate

Passed by the House March 5, 1992
Yeas 98 Nays 0

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6377** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6377

AS AMENDED BY THE HOUSE

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By Senate Committee on Energy & Utilities (originally sponsored by
Senator Thorsness)

Read first time 02/07/92.

1 AN ACT Relating to the TDD state-wide relay system; amending RCW
2 43.20A.720, 43.20A.725, and 43.20A.730; adding a new section to chapter
3 80.36 RCW; 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.720 and 1990 c 89 s 2 are each amended to read
2 as follows:

3 "Hearing impaired" means those persons who are certified to be
4 deaf, deaf-blind, or hard of hearing, and those persons who are
5 certified to have a hearing disability limiting their access to
6 telecommunications.

7 "Speech impaired" means persons who are certified to be unable to
8 speak or who are certified to have a speech impairment limiting their
9 access to telecommunications.

10 "Text telephone (TT)," formerly known as a telecommunications
11 device for the deaf (TDD)((~~TT~~)) means a ((~~teletypewriter~~))
12 telecommunications device that has a typewriter or computer keyboard
13 and a readable display that couples with the telephone, allowing
14 messages to be typed rather than spoken. The device allows a person to
15 make a telephone call directly to another person possessing similar
16 equipment. The conversation is typed through one machine to the other
17 machine instead of spoken.

18 "((~~TDD~~)) Telecommunications relay ((system)) service (TRS)" is a
19 service for hearing and speech impaired people who have a ((~~TDD~~)) TT to
20 call someone who does not have a ((~~TDD~~)) TT or vice versa. The service
21 consists of several telephones being utilized by ((~~TDD-relay-service~~
22 ~~operators~~)) TRS communications assistants who receive either ((~~TDD~~)) TT
23 or voice phone calls. If a ((~~TDD-relay-service-operator~~)) TRS
24 communications assistant receives a phone call from a hearing or speech
25 impaired person wishing to call a hearing person, the operator will
26 call the hearing person and act as an intermediary by translating what
27 is displayed on the ((~~TDD~~)) TT to voice and typing what is voiced into
28 the ((~~TDD~~)) TT to be read by the hearing or speech impaired caller.
29 This process can also be reversed with a hearing person calling a deaf
30 person through the ((~~TDD~~)) telecommunications relay service. TRS

1 program" as used in this chapter includes both the relay function and
2 TTs.

3 "Qualified trainer" is a person who is knowledgeable about ((~~TDDs~~))
4 TTs, signal devices, and amplifying accessories; familiar with the
5 technical aspects of equipment designed to meet hearing impaired
6 people's needs; and is fluent in American sign language.

7 "Qualified contractor" shall have ((~~bilingual~~)) staff bilingual in
8 American sign language and standard English available for quality
9 language/cultural interpretations; quality training of operators; and
10 policies, training, and operational procedures to be determined by the
11 office.

12 "The department" means the department of social and health services
13 of the state of Washington.

14 "Office" means the office of deaf services within the state
15 department of social and health services.

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

18 (1) The department shall maintain a program whereby ((~~TDDs~~)) TTs,
19 signal devices, a ((~~TDD-relay-system~~)) TRS, and amplifying accessories
20 capable of serving the needs of the hearing and speech impaired shall
21 be provided at no charge additional to the basic exchange rate, to an
22 individual of school age or older, (a) who is certified as hearing
23 impaired by a licensed physician, audiologist, or a qualified state
24 agency, and to any subscriber that is an organization representing the
25 hearing impaired, as determined and specified by the ((~~TDD~~)) TRS
26 program advisory committee; or (b) who is certified as speech impaired
27 by a licensed physician, speech pathologist, or a qualified state
28 agency, and to any subscriber that is an organization representing the
29 speech impaired, as determined and specified by the ((~~TDD~~)) TRS program

1 advisory committee. For the purpose of this section, certification
2 implies that individuals cannot use the telephone for expressive or
3 receptive communications due to hearing or speech impairment.

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

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

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

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

1 (6) The office shall award contracts for the operation and
2 maintenance of the state-wide relay service. The initial contract
3 shall be for service commencing July 26, 1993. The contract shall be
4 awarded to an individual company registered as a telecommunications
5 company by the utilities and transportation commission, to a group of
6 registered telecommunications companies, or to any other company or
7 organization determined by the office as qualified to provide relay
8 services, contingent upon that company or organization being approved
9 as a registered telecommunications company prior to final contract
10 approval.

11 (7) The program shall be funded by a telecommunications (~~devices~~
12 ~~for the deaf (TDD))~~ relay service (TRS) excise tax applied to each
13 switched access line provided by the local exchange companies. The
14 office shall determine, in consultation with the (~~TDD~~) TRS program
15 advisory committee, the amount of money needed to fund the program on
16 an annual basis, including both operational costs and a reasonable
17 amount for capital improvements such as equipment upgrade and
18 replacement. That information shall be given by the department in an
19 annual budget to the utilities and transportation commission no later
20 than March 1 prior to the beginning of the fiscal year. The utilities
21 and transportation commission shall then determine the amount of
22 (~~TDD~~) TRS excise tax to be placed on each access line and shall
23 inform each local exchange company of this amount no later than May 15.
24 The utilities and transportation commission shall determine the amount
25 of TRS excise tax by dividing the total of the program budget, as
26 submitted by the office, by the total number of access lines, and shall
27 not exercise any further oversight of the program under this
28 subsection. The (~~TDD~~) TRS excise tax shall not exceed ten cents per
29 month per access line. Each local exchange company shall impose the
30 amount of excise tax determined by the commission as of July 1, and

1 shall remit the amount collected directly to the department on a
2 monthly basis. The ((TDD)) TRS excise tax shall be separately
3 identified on each ratepayer's bill ((as "~~Telecommunications devices~~
4 ~~funds for deaf and hearing impaired~~"). All proceeds from the ((TDD))
5 TRS excise tax shall be put into a fund to be administered by the
6 office through the department.

7 ((+6)) (8) The office shall administer and control the award of
8 money to all parties incurring costs in implementing and maintaining
9 telecommunications services, programs, equipment, and technical support
10 services in accordance with the provisions of RCW 43.20A.725.

11 ((+7)) (9) The department shall provide the legislature with a
12 biennial report on the operation of the program. The first report
13 shall be provided no later than December 1, 1990, and successive
14 reports every two years thereafter. Reports shall be prepared in
15 consultation with the ((TDD)) TRS program advisory committee and the
16 utilities and transportation commission. The reports shall, at a
17 minimum, briefly outline the accomplishments of the program, the number
18 of persons served, revenues and expenditures, the prioritizing of
19 services to those eligible based on such factors as degree of physical
20 handicap or the allocation of the program's revenue between provision
21 of devices to individuals and operation of the state-wide relay
22 service, other major policy or operational issues, and proposals for
23 improvements or changes for the program. The first report shall
24 contain a study which includes examination of like programs in other
25 states, alternative methods of financing the program, alternative
26 methods of using the telecommunications system, advantages and
27 disadvantages of operating the ((TDD)) TRS program from within the
28 department, by telecommunications companies, and by a private,
29 nonprofit corporation, and means to limit demand for system usage.

1 (~~(8)~~) (10) The program shall be consistent with the requirements
2 of federal law for the operation of both interstate and intrastate
3 telecommunications services for the deaf or hearing impaired or speech
4 impaired. The department and the utilities and transportation
5 commission shall be responsible for ensuring compliance with federal
6 requirements and shall provide timely notice to the legislature of any
7 legislation that may be required to accomplish compliance.

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

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

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

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

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

21 NEW SECTION. Sec. 5. A new section is added to chapter 80.36 RCW
22 to read as follows:

23 Each telecommunications company providing intrastate interexchange
24 voice transmission service shall offer discounts from otherwise
25 applicable long distance rates for service used in conjunction with the
26 state-wide relay service authorized under RCW 43.20A.725. Such long
27 distance discounts shall be determined in relation to the additional
28 time required to translate calls through relay operators. In the case

1 of intrastate long distance services provided pursuant to tariff, the
2 commission shall require the incorporation of such discounts.

3 NEW SECTION. **Sec. 6.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.