
SUBSTITUTE SENATE BILL 5875

State of Washington

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By Senate Committee on Economic Development & Telecommunications
(originally sponsored by Senators T. Sheldon and Stevens; by request of
Department of Social and Health Services)

Read first time 03/05/2001. Referred to Committee on .

1 AN ACT Relating to telecommunications devices and services for
2 hearing or speech impaired; and amending RCW 43.20A.720 and 43.20A.725.

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

4 **Sec. 1.** RCW 43.20A.720 and 1992 c 144 s 2 are each amended to read
5 as follows:

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

10 "Speech impaired" means persons who are certified to be unable to
11 speak or who are certified to have a speech impairment limiting their
12 access to telecommunications.

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

1 ~~"Telecommunications relay service (TRS)" is a service for hearing~~
2 ~~and speech impaired people who have a TT to call someone who does not~~
3 ~~have a TT or vice versa. The service consists of several telephones~~
4 ~~being utilized by TRS communications assistants who receive either TT~~
5 ~~or voice phone calls. If a TRS communications assistant receives a~~
6 ~~phone call from a hearing or speech impaired person wishing to call a~~
7 ~~hearing person, the operator will call the hearing person and act as an~~
8 ~~intermediary by translating what is displayed on the TT to voice and~~
9 ~~typing what is voiced into the TT to be read by the hearing or speech~~
10 ~~impaired caller. This process can also be reversed with a hearing~~
11 ~~person calling a deaf person through the telecommunications relay~~
12 ~~service. "TRS program" as used in this chapter includes both the relay~~
13 ~~function and TTs.~~

14 ~~"Qualified trainer" is a person who is knowledgeable about TTs,~~
15 ~~signal devices, and amplifying accessories; familiar with the technical~~
16 ~~aspects of equipment designed to meet hearing impaired people's needs;~~
17 ~~and is fluent in American sign language.~~

18 ~~"Qualified contractor" shall have staff bilingual in American sign~~
19 ~~language and standard English available for quality language/cultural~~
20 ~~interpretations; quality training of operators; and policies, training,~~
21 ~~and operational procedures to be determined by the office.~~

22 ~~"The)) "Department" means the department of social and health~~
23 ~~services ((of the state of Washington)).~~

24 ~~"Office" means the office of deaf ((services)) and hard of hearing~~
25 ~~within the state department of social and health services.~~

26 **Sec. 2.** ~~RCW 43.20A.725 and 1998 c 245 s 59 are each amended to~~
27 ~~read as follows:~~

28 ~~(1) The department, through the sole authority of the office of~~
29 ~~deaf and hard of hearing or its successor organization, shall maintain~~
30 ~~a program whereby ((TTs, signal devices, and amplifying accessories~~
31 ~~capable of serving the needs of the hearing and speech impaired shall~~
32 ~~be provided under the standards established in subsection (10) of this~~
33 ~~section to an individual of school age or older:~~

34 ~~(a) Who is certified as hearing impaired by a licensed physician,~~
35 ~~audiologist, or a qualified state agency, and to any subscriber that is~~
36 ~~an organization representing the hearing impaired, as determined and~~
37 ~~specified by the TRS program advisory committee; or~~

1 ~~(b) Who is certified as speech impaired by a licensed physician,~~
2 ~~speech pathologist, or a qualified state agency, and to any subscriber~~
3 ~~that is an organization representing the speech impaired, as determined~~
4 ~~and specified by the TRS program advisory committee.~~

5 ~~For the purpose of this section, certification implies that~~
6 ~~individuals cannot use the telephone for expressive or receptive~~
7 ~~communications due to hearing or speech impairment.~~

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

17 ~~(3) The office shall establish and implement a policy for the~~
18 ~~ultimate responsibility for recovery of TTs, signal devices, and~~
19 ~~amplifying accessories from recipients who have been provided with the~~
20 ~~equipment without cost and who are moving from this state or who for~~
21 ~~other reasons are no longer using them.~~

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

31 ~~(5) Pursuant to the recommendations of the TDD task force report of~~
32 ~~December 1991, and with the express purpose of maintaining state~~
33 ~~control and jurisdiction, the office shall seek certification by the~~
34 ~~federal communications commission of the statewide relay service.~~

35 ~~(6)) an individual of school age or older who possesses a hearing~~
36 ~~or speech impairment is provided with telecommunications equipment,~~
37 ~~software, and/or peripheral devices, digital or otherwise, that is~~
38 ~~determined by the office to be necessary for such a person to access~~
39 ~~and use telecommunications transmission services effectively.~~

1 (2) The department, through the sole authority of the office of
2 deaf and hard of hearing or its successor organization, shall maintain
3 a program where telecommunications relay services of a human or
4 electronic nature will be provided to connect hearing impaired, deaf-
5 blind, or speech impaired persons with persons who do not have a
6 hearing or speech impairment. Such telecommunications relay services
7 shall provide the ability for an individual who has a hearing or speech
8 impairment to engage in voice, tactile, or visual communication by wire
9 or radio with a hearing individual in a manner that is functionally
10 equivalent to the ability of an individual who does not have a hearing
11 or speech impairment to communicate using voice or visual communication
12 services by wire or radio subject to subsection (4)(c) of this section.

13 (3) The telecommunications relay service and equipment distribution
14 program may operate in such a manner as to provide communications
15 transmission opportunities that are capable of incorporating new
16 technologies that have demonstrated benefits consistent with the intent
17 of this chapter and are in the best interests of the citizens of this
18 state.

19 (4)(a) The office shall administer and control award ((contracts
20 for the operation and maintenance of the statewide relay service. The
21 initial contract shall be for service commencing on or before July 26,
22 1993)) of money to all parties incurring costs in implementing and
23 maintaining telecommunications services, programs, equipment, and
24 technical support services according to this section. The relay
25 service contract shall be awarded to an individual company registered
26 as a telecommunications company by the utilities and transportation
27 commission, to a group of registered telecommunications companies, or
28 to any other company or organization determined by the office as
29 qualified to provide relay services, contingent upon that company or
30 organization being approved as a registered telecommunications company
31 prior to final contract approval. The relay system providers and
32 telecommunications equipment vendors shall be selected on the basis of
33 cost effectiveness and utility to the greatest extent possible under
34 the program and technical specifications established by the office.

35 (b) To the extent funds are available under the then-current rate
36 and not other otherwise held in reserve or required for other purposes
37 authorized by this chapter, the office may award contracts for
38 communications and related services and equipment for hearing impaired
39 or speech impaired individuals accessing or receiving services provided

1 by, or contracted for, the department to meet access obligations under
2 Title 2 of the federal Americans with disabilities act or related
3 federal regulations.

4 (c) The office shall perform its duties under this section with the
5 goal of achieving functional equivalency of access to and use of
6 telecommunications services similar to the enjoyment of access to and
7 use of such services experienced by an individual who does not have a
8 hearing or speech impairment only to the extent that funds are
9 available under the then-current rate and not otherwise held in reserve
10 or required for other purposes authorized by this chapter.

11 ~~((7))~~ (5) The program shall be funded by a telecommunications
12 relay service ~~((TRS))~~ excise tax applied to each switched access line
13 provided by the local exchange companies. The office shall determine,
14 in consultation with the ~~((TRS))~~ office's program advisory committee,
15 the budget needed to fund the program on an annual basis, including
16 both operational costs and a reasonable amount for capital improvements
17 such as equipment upgrade and replacement. The budget proposed by the
18 office, together with documentation and supporting materials, shall be
19 submitted to the office of financial management for review and
20 approval. The approved budget shall be given by the department in an
21 annual budget to the utilities and transportation commission no later
22 than March 1 prior to the beginning of the fiscal year. The utilities
23 and transportation commission shall then determine the amount of
24 ~~((TRS))~~ telecommunications relay service excise tax to be placed on
25 each access line and shall inform each local exchange company of this
26 amount no later than May 15th. The utilities and transportation
27 commission shall determine the amount of ~~((TRS))~~ telecommunications
28 relay service excise tax by dividing the total of the program budget,
29 as submitted by the office, by the total number of access lines, and
30 shall not exercise any further oversight of the program under this
31 subsection. The ~~((TRS))~~ telecommunications relay service excise tax
32 shall not exceed nineteen cents per month per access line. Each local
33 exchange company shall impose the amount of excise tax determined by
34 the commission as of July 1st, and shall remit the amount collected
35 directly to the department on a monthly basis. The ~~((TRS))~~
36 telecommunications relay service excise tax shall be separately
37 identified on each ratepayer's bill with the following statement:
38 "Funds federal ADA requirement." All proceeds from the ~~((TRS))~~

1 telecommunications relay service excise tax shall be put into a fund to
2 be administered by the office through the department.

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

7 ~~(9) The program shall be~~) (6) The relay service program and
8 equipment vendors shall provide services and equipment consistent with
9 the requirements of federal law for the operation of both interstate
10 and intrastate telecommunications services for the ~~((deaf or))~~ hearing
11 impaired or speech impaired. The department and the utilities and
12 transportation commission shall be responsible for ensuring compliance
13 with federal requirements and shall provide timely notice to the
14 legislature of any legislation that may be required to accomplish
15 compliance.

16 ~~((10)(a) The department shall provide TTs, signal devices, and~~
17 ~~amplifying accessories to a person eligible under subsection (1) of~~
18 ~~this section at no charge in addition to the basic exchange rate if:~~

19 ~~(i) The person is eligible for participation in the Washington~~
20 ~~telephone assistance program under RCW 80.36.470;~~

21 ~~(ii) The person's annual family income is equal to or less than one~~
22 ~~hundred sixty five percent of the federal poverty level; or~~

23 ~~(iii) The person is a child eighteen years of age or younger with~~
24 ~~a family income less than or equal to two hundred percent of the~~
25 ~~federal poverty level.~~

26 ~~(b) A person eligible under subsection (1) of this section with a~~
27 ~~family income greater than one hundred sixty five percent and less than~~
28 ~~or equal to two hundred percent of the federal poverty level shall be~~
29 ~~assessed a charge for the cost of TTs, signal devices, and amplifying~~
30 ~~accessories based on a sliding scale of charges established by rule~~
31 ~~adopted by the department.~~

32 ~~(c) The department shall charge a person eligible under subsection~~
33 ~~(1) of this section whose income exceeds two hundred percent of the~~
34 ~~federal poverty level the cost to the department of purchasing the~~
35 ~~equipment provided to that person.~~

36 ~~(d) The department may waive part or all of the charges assessed~~
37 ~~under this subsection if the department finds that (i) the eligible~~
38 ~~person requires telebraille equipment or other equipment of similar~~
39 ~~cost and (ii) the charges normally assessed for the equipment under~~

1 ~~this subsection would create an exceptional or undue hardship on the~~
2 ~~eligible person.~~

3 ~~(e) For the purposes of this subsection, certification of family~~
4 ~~income by the eligible person or the person's guardian or head of~~
5 ~~household is sufficient to determine eligibility.))~~

6 (7) The department shall adopt rules establishing eligibility
7 criteria, ownership obligations, financial contribution, and a program
8 for distribution to individuals requesting and receiving such
9 telecommunications devices distributed by the office, in addition to
10 other rules necessary to administer programs and services consistent
11 with this chapter.

--- END ---