
SUBSTITUTE SENATE BILL 6377

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.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 July 26, 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 26, 1993. The contract shall be
17 awarded to an individual company registered as a telecommunications
18 company by the utilities and transportation commission, to a group of
19 registered telecommunications companies, or to any other company or
20 organization determined by the office as qualified to provide relay
21 services, contingent upon that company or organization being approved
22 as a registered telecommunications company prior to final contract
23 approval.

24 (7) The program shall be funded by telecommunications devices for
25 the deaf (TDD) excise tax applied to each switched access line provided
26 by the local exchange companies. The office shall determine, in
27 consultation with the TDD advisory committee, the amount of money
28 needed to fund the program on an annual basis, including both
29 operational costs and a reasonable amount for capital improvements such
30 as equipment upgrade and replacement. That information shall be given

1 by the department in an annual budget to the utilities and
2 transportation commission no later than March 1 prior to the beginning
3 of the fiscal year. The utilities and transportation commission shall
4 then determine the amount of TDD excise tax to be placed on each access
5 line and shall inform each local exchange company of this amount no
6 later than May 15. The utilities and transportation commission shall
7 determine the amount of TDD excise tax by dividing the total of the
8 program budget, as submitted by the office, by the total number of
9 access lines, and shall not exercise any further oversight of the
10 program under this subsection. The TDD excise tax shall not exceed ten
11 cents per month per access line. Each local exchange company shall
12 impose the amount of excise tax determined by the commission as of July
13 1, and shall remit the amount collected directly to the department on
14 a monthly basis. The TDD excise tax shall be separately identified on
15 each ratepayer's bill ((as "~~Telecommunications devices funds for deaf~~
16 ~~and hearing impaired~~")). All proceeds from the TDD excise tax shall be
17 put into a fund to be administered by the office through the
18 department.

19 ((+6)) (8) The office shall administer and control the award of
20 money to all parties incurring costs in implementing and maintaining
21 telecommunications services, programs, equipment, and technical support
22 services in accordance with the provisions of RCW 43.20A.725.

23 ((+7)) (9) The department shall provide the legislature with a
24 biennial report on the operation of the program. The first report
25 shall be provided no later than December 1, 1990, and successive
26 reports every two years thereafter. Reports shall be prepared in
27 consultation with the TDD advisory committee and the utilities and
28 transportation commission. The reports shall, at a minimum, briefly
29 outline the accomplishments of the program, the number of persons
30 served, revenues and expenditures, the prioritizing of services to

1 those eligible based on such factors as degree of physical handicap or
2 the allocation of the program's revenue between provision of devices to
3 individuals and operation of the state-wide relay service, other major
4 policy or operational issues, and proposals for improvements or changes
5 for the program. The first report shall contain a study which includes
6 examination of like programs in other states, alternative methods of
7 financing the program, alternative methods of using the
8 telecommunications system, advantages and disadvantages of operating
9 the TDD program from within the department, by telecommunications
10 companies, and by a private, nonprofit corporation, and means to limit
11 demand for system usage.

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

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

21 (1) The department advisory committee on deafness shall establish
22 a TDD advisory committee to oversee operation of the TDD program. The
23 TDD advisory committee shall consist of no more than thirteen
24 individuals representing the hearing impaired and speech impaired
25 communities, the department, the utilities and transportation
26 commission, agencies and services serving the hearing impaired and
27 speech impaired, and local exchange companies in the state. The
28 membership on the TDD advisory committee shall, to the maximum extent
29 possible, include representatives from (a) the major state-wide

1 organizations representing the hearing impaired and speech impaired,
2 (b) organizations for the hearing impaired and speech impaired located
3 in areas of the state with high populations of such persons, and (c)
4 organizations that reflect the different geographic regions of the
5 state. In order to develop, implement, and maintain a state-wide relay
6 system providing cost-effective relay centers at a reasonable cost and
7 that will meet the requirements of the hearing impaired and speech
8 impaired, the TDD advisory committee shall investigate options, conduct
9 public hearings as needed to (~~determine~~) develop recommendations on
10 the most cost-effective method of operating a state-wide relay system
11 providing relay centers to the hearing impaired and speech impaired,
12 and solicit the advice, counsel, and assistance of interested parties
13 and nonprofit consumer organizations for hearing impaired and speech
14 impaired persons state-wide. The TDD advisory committee shall also, in
15 conjunction with the department, monitor the activities and moneys that
16 are being spent by the department for the program herein.

17 (2) The TDD advisory committee shall provide reports at least four
18 times per year to the administrators and operators of the TDD state-
19 wide relay service. The committee shall report on the extent to which
20 the relay system is meeting the needs of disabled citizens in the
21 state, and shall include program elements that are successful, program
22 elements in need of improvement, and any recommendations from the
23 committee.

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

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 80.36 RCW
2 to read as follows:

3 Each telecommunications company providing intrastate interexchange
4 voice transmission service shall offer discounts from otherwise
5 applicable long distance rates for service used in conjunction with the
6 state-wide relay service authorized under RCW 43.20A.725. Such long
7 distance discounts shall be determined in relation to the additional
8 time required to translate calls through relay operators. In the case
9 of intrastate long distance services provided pursuant to tariff, the
10 commission shall require the incorporation of such discounts.

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