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**SUBSTITUTE HOUSE BILL 1752**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** House Committee on Energy & Utilities (originally sponsored by Representatives Grant, Casada and Miller)

Read first time 03/03/93.

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  
8 needs of the hearing and speech impaired shall be provided (~~(at no~~  
9 ~~charge additional to the basic exchange rate)~~) under the standards  
10 established in subsection (11) of this section to an individual of  
11 school age or older(~~(7)~~):

12 (a) Who is certified as hearing impaired by a licensed physician,  
13 audiologist, or a qualified state agency, and to any subscriber that is  
14 an organization representing the hearing impaired, as determined and  
15 specified by the TRS program advisory committee; or

16 (b) Who is certified as speech impaired by a licensed physician,  
17 speech pathologist, or a qualified state agency, and to any subscriber  
18 that is an organization representing the speech impaired, as determined  
19 and specified by the TRS program advisory committee.

1 For the purpose of this section, certification implies that  
2 individuals cannot use the telephone for expressive or receptive  
3 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 TTs, signal  
7 devices, and amplifying accessories as shall be determined by the  
8 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 may include a  
11 provision for the employment and use of a qualified trainer and the  
12 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 TTs, signal devices, and  
15 amplifying accessories from recipients who have been provided with the  
16 equipment without cost and who are moving from this state or who for  
17 other reasons are no longer using them.

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

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

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

1 as a registered telecommunications company prior to final contract  
2 approval.

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

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

35 (9) The department shall provide the legislature with a biennial  
36 report on the operation of the program. The first report shall be  
37 provided no later than December 1, 1990, and successive reports every  
38 two years thereafter. Reports shall be prepared in consultation with  
39 the TRS program advisory committee and the utilities and transportation

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

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

22 (11)(a) The department shall provide TTs, signal devices, and  
23 amplifying accessories to a person eligible under subsection (1) of  
24 this section at no charge in addition to the basic exchange rate if:

25 (i) The person is eligible for participation in the Washington  
26 telephone assistance program under RCW 80.36.470;

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

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

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

38 (c) The department shall charge a person eligible under subsection  
39 (1) of this section whose income exceeds two hundred percent of the

1 federal poverty level the cost to the department of purchasing the  
2 equipment provided to that person.

3 (d) The department may waive part or all of the charges assessed  
4 under this subsection if the department finds that (i) the eligible  
5 person requires telebraille equipment or other equipment of similar  
6 cost and (ii) the charges normally assessed for the equipment under  
7 this subsection would create an exceptional or undue hardship on the  
8 eligible person.

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

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