
HOUSE BILL 2769

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By Representatives Cooper, H. Myers, Grant, Miller, Dellwo, Belcher and Jacobsen

Read first time 01/27/92. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to changes in the telecommunications relay service;
2 and amending RCW 43.20A.720, 43.20A.725, and 43.20A.730.

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

4 **Sec. 1.** RCW 43.20A.720 and 1990 c 89 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)((^u)) means a teletypewriter that has a

1 typewriter keyboard and a readable display that couples with the
2 telephone, allowing messages to be typed rather than spoken. The
3 device allows a person to make a telephone call directly to another
4 person possessing similar equipment. The conversation is typed through
5 one machine to the other machine instead of spoken.

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

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

25 "Qualified contractor" shall have bilingual staff available for
26 quality language/cultural interpretations; quality training of
27 operators; and policies, training, and operational procedures to be
28 determined by the office.

29 "The department" means the department of social and health services
30 of the state of Washington.

1 "Office" means the office of deaf services within the state
2 department of social and health services.

3 **Sec. 2.** RCW 43.20A.725 and 1990 c 89 s 3 are each amended to read
4 as follows:

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

20 (2) The office shall award contracts on a competitive basis, to
21 qualified persons for which eligibility to contract is determined by
22 the office, for the distribution and maintenance of such ~~((TDDs))~~ TTs,
23 signal devices, and amplifying accessories as shall be determined by
24 the office. Such contract shall include a provision for the employment
25 and use of a qualified trainer and the training of recipients in the
26 use of such devices.

27 (3) The office shall establish and implement a policy for the
28 ultimate responsibility for recovery of ~~((TDDs))~~ TTs, signal devices,

1 and amplifying accessories from recipients who are moving from this
2 state or who for other reasons are no longer using them.

3 (4) Pursuant to recommendations of the ((TDD)) TRS program advisory
4 committee, the office shall maintain a program whereby a relay system
5 will be provided state-wide using operator intervention to connect
6 hearing impaired and speech impaired persons and offices or
7 organizations representing the hearing impaired and speech impaired, as
8 determined and specified by the ((TDD)) TRS program advisory committee
9 pursuant to RCW 43.20A.730. (~~The relay system shall be the most cost-~~
10 ~~effective possible and shall operate in a manner consistent with~~
11 ~~federal requirements for such systems.~~) Operation of the relay
12 service shall be bid out to a qualified contractor. The department may
13 use factors such as relative qualifications as well as least cost in
14 the selection of a qualified contractor. The contract shall require
15 billing of both interstate and intrastate long distance calls. Billing
16 shall be at rates that accommodate the difference in speed of
17 communication between voice and TT transmissions.

18 (5) The department shall prepare and submit an application for
19 state certification by October 1, 1992, to the federal communications
20 commission. The contract with the qualified contractor shall be
21 concluded in sufficient time for the contractor to be fully operational
22 and in compliance with applicable federal communications commission
23 regulations by July 26, 1993.

24 (6) In establishing the revised service by July 26, 1993, the
25 department and the qualified contractor shall take necessary measures
26 to ensure that the currently provided TRS remains viable until the
27 qualified contractor's revised service is fully operational.

28 (7) The program shall be funded by telecommunications (~~devices for~~
29 ~~the deaf (TDD))~~ relay service (TRS) excise tax applied to each
30 switched access line provided by the local exchange companies. The

1 office shall determine, in consultation with the ((TDD)) TRS program
2 advisory committee, the amount of money needed to fund the program on
3 an annual basis, including both operational costs and a reasonable
4 amount for capital improvements such as equipment upgrade and
5 replacement. That information shall be given by the department in an
6 annual budget to the utilities and transportation commission no later
7 than March 1 prior to the beginning of the fiscal year. The utilities
8 and transportation commission shall then determine the amount of
9 ((TDD)) TRS excise tax to be placed on each access line and shall
10 inform each local exchange company of this amount no later than May 15.
11 The ((TDD)) TRS excise tax shall not exceed ((ten)) twenty cents per
12 month per access line. Each local exchange company shall impose the
13 amount of excise tax determined by the commission as of July 1, and
14 shall remit the amount collected directly to the department on a
15 monthly basis. The ((TDD)) TRS excise tax shall be separately
16 identified on each ratepayer's bill as "~~((Telecommunications devices))~~
17 Funds for relay services to connect with the deaf and hearing
18 impaired". All proceeds from the ((TDD)) TRS excise tax shall be put
19 into a fund to be administered by the office through the department.

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

25 ((+7)) (9) The department shall provide the legislature with a
26 biennial report on the operation of the program. The first report
27 shall be provided no later than December 1, 1990, and successive
28 reports every two years thereafter. Reports shall be prepared in
29 consultation with the ((TDD)) TRS program advisory committee and the
30 utilities and transportation commission. The reports shall, at a

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

15 ~~(8))~~ (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))~~ people with hearing
18 ~~((impaired))~~ or speech ~~((impaired))~~ disabilities. The department and
19 the utilities and transportation commission shall be responsible for
20 ensuring compliance with federal requirements and shall provide timely
21 notice to the legislature of any legislation that may be required to
22 accomplish compliance.

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

25 (1) The department advisory committee on deafness shall establish
26 a ~~((TDD))~~ TRS program advisory committee to oversee operation of the
27 ~~((TDD))~~ TRS program. The ~~((TDD))~~ TRS program advisory committee shall
28 consist of no more than thirteen individuals representing the hearing
29 impaired and speech impaired communities, the department, the utilities

1 and transportation commission, agencies and services serving the
2 hearing impaired and speech impaired, and local exchange companies in
3 the state. The membership on the ((FDD)) TRS program advisory
4 committee shall, to the maximum extent possible, include
5 representatives from (a) the major state-wide organizations
6 representing the hearing impaired and speech impaired, (b)
7 organizations for the hearing impaired and speech impaired located in
8 areas of the state with high populations of such persons, and (c)
9 organizations that reflect the different geographic regions of the
10 state. In order to develop, implement, and maintain a state-wide relay
11 system providing cost-effective relay centers at a reasonable cost and
12 that will meet the requirements of the hearing impaired and speech
13 impaired, the ((FDD)) TRS program advisory committee shall investigate
14 options, conduct public hearings as needed to ~~((determine the most~~
15 ~~cost-effective method of operating a state-wide relay system providing~~
16 ~~relay centers to the hearing impaired and speech impaired, and solicit~~
17 ~~the advice, counsel, and assistance of interested parties and nonprofit~~
18 ~~consumer organizations for hearing impaired and speech impaired persons~~
19 ~~state-wide)) solicit feedback on the relay service and equipment~~
20 distribution program. The ((FDD)) TRS program advisory committee shall
21 also, in conjunction with the department, monitor the activities and
22 moneys that are being spent by the department for the program herein.

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