

**Effective 7/1/2020**

**54-8b-10 Imposing a surcharge to provide deaf, hard of hearing, and speech impaired individuals with telecommunication devices -- Definitions -- Procedures for establishing program -- Surcharge -- Administration and disposition of surcharge money.**

- (1) As used in this section:
  - (a) "Certified deaf, hard of hearing, or severely speech impaired individual" means any state resident who:
    - (i) is so certified by:
      - (A) a licensed physician;
      - (B) a licensed physician assistant;
      - (C) an otolaryngologist;
      - (D) a speech language pathologist;
      - (E) an audiologist; or
      - (F) a qualified state agency; and
    - (ii) qualifies for assistance under any low income public assistance program administered by a state agency.
  - (b) "Certified interpreter" means a person who is a certified interpreter under Title 35A, Chapter 13, Part 6, Interpreter Services for the Deaf and Hard of Hearing Act.
  - (c)
    - (i) "Telecommunication device" means any mechanical adaptation device that enables a deaf, hard of hearing, or severely speech impaired individual to use the telephone.
    - (ii) "Telecommunication device" includes:
      - (A) telecommunication devices for the deaf (TDD);
      - (B) telephone amplifiers;
      - (C) telephone signal devices;
      - (D) artificial larynxes; and
      - (E) adaptive equipment for TDD keyboard access.
- (2) The commission shall establish a program whereby a certified deaf, hard of hearing, or severely speech impaired customer of a telecommunications corporation that provides service through a local exchange or of a wireless telecommunications provider may obtain a telecommunication device capable of serving the customer at no charge to the customer beyond the rate for basic service.
- (3)
  - (a) The program described in Subsection (2) shall provide a dual party relay system using third party intervention to connect a certified deaf, hard of hearing, or severely speech impaired individual with a normal hearing individual by way of telecommunication devices designed for that purpose.
  - (b) The commission may, by rule, establish the type of telecommunications device to be provided to ensure functional equivalence.
- (4) The commission shall cover the costs of the program described in this section from the Universal Public Telecommunications Service Support Fund created in Section 54-8b-15.
- (5) In administering the program described in this section, the commission may use funds from the Universal Public Telecommunications Service Support Fund:
  - (a) for the purchase, maintenance, repair, and distribution of telecommunication devices;
  - (b) for the acquisition, operation, maintenance, and repair of a dual party relay system;
  - (c) for the general administration of the program;
  - (d) to train individuals in the use of telecommunications devices; and
  - (e) to contract, in compliance with Title 63G, Chapter 6a, Utah Procurement Code, with:

- (i) an institution within the state system of higher education listed in Section 53B-1-102 for a program approved by the Utah Board of Higher Education that trains persons to qualify as certified interpreters; or
  - (ii) the Utah State Office of Rehabilitation created in Section 35A-1-202 for a program that trains persons to qualify as certified interpreters.
- (6) The commission may create disbursement criteria and procedures by rule made under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for administering funds under Subsection (5).
- (7) The commission shall solicit advice, counsel, and physical assistance from deaf, hard of hearing, or severely speech impaired individuals and the organizations serving deaf, hard of hearing, or severely speech impaired individuals in the design and implementation of the program.

Amended by Chapter 365, 2020 General Session