AMENDMENTS TO HEARING AND SPEECH

IMPAIRED TELECOMMUNICATIONS PROGRAM

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brent H. Goodfellow

Senate Sponsor: Howard A. Stephenson

Greg J. Curtis

LONG TITLE

General Description:

This bill expands the permissive uses of dedicated credits for provision of

telecommunications devices and services to hearing and speech impaired persons.

Highlighted Provisions:

This bill:

▸ defines terms;

▸ expands the permitted uses of a dedicated credit funded by a telephone surcharge for

services to the deaf, hard of hearing, and severely speech impaired to include

contracting with programs that train persons to serve as certified interpreters; and

▸ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

54-8b-10, as last amended by Chapters 174 and 375, Laws of Utah 1997

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **54-8b-10** is amended to read:

54-8b-10. Imposing a surcharge to provide hearing and speech impaired persons with telecommunication devices -- Definitions -- Procedures for establishing program -- Surcharge -- Administration and disposition of surcharge moneys.

(1) As used in this section:

(a) "Certified deaf or severely hearing or speech impaired person" means any state resident who:

(i) is so certified by:

(A) a licensed physician[;]:

(B) an otolaryngologist[;]:

(C) a speech language pathologist[;]:

(D) an audiologist[;]: or

(E) a qualified state agency; and [who also]

(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 53A, Chapter 26a, Interpreter Services for the Hearing Impaired Act.

[(b)] (c) (i) "Telecommunication device" means any mechanical [telephone] adaptation device [which] that enables a deaf or severely hearing or speech impaired person to use the telephone [and which includes, but is not limited to:].

(ii) "Telecommunication device" includes:

[(i)] (A) telecommunication devices for the deaf (TDD);

[(ii)] (B) telephone amplifiers;

[(iii)] (C) telephone signal devices;

[(iv)] (D) artificial larynxes; and

[(v)] (E) adaptive equipment for TDD keyboard access.

(2) The commission shall hold hearings to establish a program whereby any certified deaf or severely hearing or speech impaired customer of a telephone corporation [which] that provides service through a local exchange may obtain a telecommunication device capable of

serving the customer at no charge to [~~him~~] the customer beyond the rate for basic service.

(3) The program described in Subsection (2) shall provide a dual party relay system using third party intervention to connect a certified deaf or severely hearing or speech impaired person with a normal hearing person by way of telecommunication devices designed for that purpose.

(4) (a) The commission shall impose a surcharge on each residence and business access line of each customer to the local exchange of any telephone corporation providing such lines in this state to cover the costs of:

(i) the program[~~.~~] described in Subsection (2); and

(ii) payments made under Subsection (5).

(b) The commission shall establish by rule the amount to be charged under this section, which may not exceed 25 cents per residence and business access line.

(c) The telephone corporation shall collect the surcharge from its customers and transfer the money collected to the commission under rules adopted by the commission.

(d) The surcharge shall be separately identified on customer bills.

(5) (a) Any money collected from the surcharge imposed under Subsection (4) shall be deposited in the state treasury as [~~nonlapsing~~] dedicated credits to be administered as determined by the Public Service Commission.

(b) These dedicated credits may be used only:

[~~(a)~~] (i) for the purchase, maintenance, repair, and distribution of [~~the devices for telecommunication~~] telecommunication devices;

[~~(b)~~] (ii) for the acquisition, operation, maintenance, and repair of a dual party relay system;

[~~(c)~~] (iii) to reimburse telephone corporations for the expenses incurred in collecting and transferring to the commission the surcharge imposed by the commission;

[~~(d)~~] (iv) for the general administration of the program; [~~and~~]

[~~(e)~~] (v) to train persons in the use of [~~the~~] telecommunications devices[~~.~~]; and

(vi) by the commission to contract, in compliance with Title 63, Chapter 56, Utah Procurement Code, with:

(A) an institution within the state system of higher education listed in Section 53B-1-102 for a program approved by the Board of Regents that trains persons to qualify as certified interpreters; or

(B) the Division of Services to the Deaf and Hard of Hearing for a program that trains persons to qualify as certified interpreters.

(c) (i) The commission shall make rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the administration of monies under Subsection (5)(b)(vi).

(ii) In the initial rulemaking to determine the administration of monies under Subsection (5)(b)(vi), the commission shall give notice and hold a public hearing.

(d) Monies received by the commission under Subsection (4) are nonlapsing.

(6) (a) The telephone surcharge need not be collected by a local exchange company if the amount collected would be less than the actual administrative costs of the collection. [In that case,]

(b) If Subsection (6)(a) applies, the local exchange company shall submit to the commission, in lieu of the revenue from the surcharge collection, a breakdown of the anticipated costs and the expected revenue from the collection, showing that the costs exceed the revenue.

(7) The commission shall solicit the advice, counsel, and physical assistance of severely hearing or speech impaired persons and the organizations serving them in the design and implementation of the program.