

1                                   **AMENDMENTS TO HEARING AND SPEECH**  
2                                   **IMPAIRED TELECOMMUNICATIONS PROGRAM**  
3                                   2005 GENERAL SESSION  
4                                   STATE OF UTAH

5                                   **Sponsor: Brent H. Goodfellow**

6 Greg J. Curtis

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8 **LONG TITLE**

9 **General Description:**

10           This bill expands the permissive uses of dedicated credits for provision of  
11 telecommunications devices and services to hearing and speech impaired persons.

12 **Highlighted Provisions:**

13           This bill:

- 14           ▶ defines terms;
- 15           ▶ expands the permitted uses of a dedicated credit funded by a telephone surcharge for  
16 services to the deaf, hard of hearing, and severely speech impaired to include  
17 contracting with programs that train persons to serve as certified interpreters; and  
18           ▶ makes technical changes.

19 **Monies Appropriated in this Bill:**

20           None

21 **Other Special Clauses:**

22           None

23 **Utah Code Sections Affected:**

24 AMENDS:

25           **54-8b-10**, as last amended by Chapters 174 and 375, Laws of Utah 1997

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



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

29 **54-8b-10. Imposing a surcharge to provide hearing and speech impaired persons**  
30 **with telecommunication devices -- Definitions -- Procedures for establishing program --**  
31 **Surcharge -- Administration and disposition of surcharge moneys.**

32 (1) As used in this section:

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

35 (i) is so certified by:

36 (A) a licensed physician[;];

37 (B) an otolaryngologist[;];

38 (C) a speech language pathologist[;];

39 (D) an audiologist[;]; or

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

41 (ii) qualifies for assistance under any low income public assistance program  
42 administered by a state agency.

43 (b) "Certified interpreter" means a person who is a certified interpreter under Title  
44 53A, Chapter 26a, Interpreter Services for the Hearing Impaired Act.

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

48 (ii) "Telecommunication device" includes:

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

50 [~~(ii)~~] (B) telephone amplifiers;

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

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

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

54 (2) The commission shall hold hearings to establish a program whereby any certified  
55 deaf or severely hearing or speech impaired customer of a telephone corporation [~~which~~] that  
56 provides service through a local exchange may obtain a telecommunication device capable of  
57 serving the customer at no charge to [~~him~~] the customer beyond the rate for basic service.

58 (3) The program described in Subsection (2) shall provide a dual party relay system

59 using third party intervention to connect a certified deaf or severely hearing or speech impaired  
 60 person with a normal hearing person by way of telecommunication devices designed for that  
 61 purpose.

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

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

66 (ii) payments made under Subsection (5).

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

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

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

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

75 (b) These dedicated credits may be used only:

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

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

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

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

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

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

85 Procurement Code, with:

86 (A) an institution within the state system of higher education listed in Section  
 87 53B-1-102 for a program approved by the Board of Regents that trains persons to qualify as  
 88 certified interpreters; or

89 (B) the Division of Services to the Deaf and Hard of Hearing for a program that trains

90 persons to qualify as certified interpreters.

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

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

94 (6) (a) The telephone surcharge need not be collected by a local exchange company if  
95 the amount collected would be less than the actual administrative costs of the collection. [~~fr~~  
96 ~~that case;~~]

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

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

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**Legislative Review Note**

**as of 1-26-05 12:17 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0145**

**Amendments to Hearing and Speech Impaired Telecommunications Program** 31-Jan-05  
10:12 AM

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**State Impact**

This bill expands the permitted uses of a telephone surcharge established by the Public Service Commission (PSC). Any fiscal impact is dependent upon changes to the rate established by rule of the PSC. Statute limits the rate to \$0.25 per line. The current rate is \$0.10 per line.

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**Individual and Business Impact**

Telephone service subscribers may pay higher surcharges if the Public Service Commission deems it necessary to increase rates to cover additional uses established in this bill.

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**Office of the Legislative Fiscal Analyst**