

**PUBLIC SERVICE COMMISSION -  
EQUIPMENT DISTRIBUTION PROGRAM**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brent H. Goodfellow**

House Sponsor: Lynn N. Hemingway

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**LONG TITLE**

**General Description:**

This bill allows the Public Service Commission to determine what telecommunications devices will be distributed to a hearing impaired person.

**Highlighted Provisions:**

This bill:

- ▶ allows the Public Service Commission to determine by rule what telecommunications devices will be distributed to a hearing impaired person;
- ▶ allows distribution of telecommunications devices to customers of wireless telecommunications providers; 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 Chapter 278, Laws of Utah 2005

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*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**

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

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 (c) (i) "Telecommunication device" means any mechanical adaptation device that  
46 enables a deaf or severely hearing or speech impaired person to use the telephone.

47 (ii) "Telecommunication device" includes:

48 (A) telecommunication devices for the deaf (TDD);

49 (B) telephone amplifiers;

50 (C) telephone signal devices;

51 (D) artificial larynxes; and

52 (E) adaptive equipment for TDD keyboard access.

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

58           (3) (a) 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           (b) The commission may, by rule, establish the type of telecommunications device to  
63 be provided to ensure functional equivalence.

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

- 67           (i) the program described in Subsection (2); and
- 68           (ii) payments made under Subsection (5).

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

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

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

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

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

78           (i) for the purchase, maintenance, repair, and distribution of telecommunication  
79 devices;

80           (ii) for the acquisition, operation, maintenance, and repair of a dual party relay system;

81           (iii) to reimburse telephone corporations for the expenses incurred in collecting and  
82 transferring to the commission the surcharge imposed by the commission;

83           (iv) for the general administration of the program;

84           (v) to train persons in the use of telecommunications devices; and

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

86 Procurement Code, with:

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

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

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

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

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

97 (6) (a) The telephone surcharge need not be collected by a local exchange company if  
98 the amount collected would be less than the actual administrative costs of the collection.

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

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