

TELECOMMUNICATIONS AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Jennifer M. Seelig

LONG TITLE

General Description:

This bill provides that the existing surcharge on residential and business lines, for the provision of telecommunications devices to hearing and speech impaired persons, shall apply to residential, business, and mobile telephone numbers.

Highlighted Provisions:

This bill:

- ▶ provides that the existing surcharge on residential and business lines, for the provision of telecommunications devices to hearing and speech impaired persons, shall apply to residential, business, and mobile telephone numbers;
- ▶ reduces the maximum surcharge from 25 cents to 20 cents; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

54-8b-10, as last amended by Laws of Utah 2008, Chapter 382

63J-1-602.3, as enacted by Laws of Utah 2010, Chapter 265



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

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

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

33 (1) As used in this section:

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

36 (i) is so certified by:

37 (A) a licensed physician;

38 (B) an otolaryngologist;

39 (C) a speech language pathologist;

40 (D) an audiologist; or

41 (E) a qualified state agency; and

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

44 (b) "Certified interpreter" means a person who is a certified interpreter under Title
45 53A, Chapter 26a, Interpreter Services for the Hearing Impaired Act.

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

48 (ii) "Telecommunication device" includes:

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

50 (B) telephone amplifiers;

51 (C) telephone signal devices;

52 (D) artificial larynxes; and

53 (E) adaptive equipment for TDD keyboard access.

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

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

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

65 (4) (a) The commission shall impose a surcharge on each ~~[residence and business~~
66 ~~access line of each customer to the local exchange of any telephone corporation providing such~~
67 ~~lines in this state]~~ telephone number of each residential and business customer in this state,
68 which shall be collected by the telecommunications corporation providing public
69 telecommunications service to the customer, to cover the costs of:

70 (i) the program described in Subsection (2); and

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

72 (b) The commission shall establish by rule the amount to be charged under this section,
73 ~~[which may]~~ provided that:

74 (i) the surcharge does not exceed [25] 20 cents per [residence] month for each
75 residential and business [access line:] telephone number; and

76 (ii) if the surcharge is related to a mobile telecommunications service, the surcharge
77 may be imposed, billed, and collected only to the extent permitted by the Mobile
78 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

79 (c) The ~~[telephone]~~ telecommunications corporation shall collect the surcharge from its
80 customers and transfer the money collected to the commission under rules adopted by the
81 commission.

82 (d) The surcharge shall be separately identified on ~~[customer bills]~~ each bill to a
83 customer.

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

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

88 (i) for the purchase, maintenance, repair, and distribution of telecommunication
89 devices;

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

91 (iii) to reimburse telephone corporations for the expenses incurred in collecting and

92 transferring to the commission the surcharge imposed by the commission;

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

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

95 (vi) by the commission to contract, in compliance with Title 63G, Chapter 6, Utah

96 Procurement Code, with:

97 (A) an institution within the state system of higher education listed in Section

98 53B-1-102 for a program approved by the Board of Regents that trains persons to qualify as

99 certified interpreters; or

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

101 persons to qualify as certified interpreters.

102 (c) (i) The commission shall make rules under Title 63G, Chapter 3, Utah

103 Administrative Rulemaking Act, for the administration of [~~monies~~] money under Subsection

104 (5)(b)(vi).

105 (ii) In the initial rulemaking to determine the administration of [~~monies~~] money under

106 Subsection (5)(b)(vi), the commission shall give notice and hold a public hearing.

107 (d) [~~Monies~~] Money received by the commission under Subsection (4) [~~are~~] is

108 nonlapsing.

109 (6) (a) The telephone surcharge need not be collected by a [~~local exchange company~~]

110 telecommunications corporation if the amount collected would be less than the actual

111 administrative costs of the collection.

112 (b) If Subsection (6)(a) applies, the [~~local exchange company~~] telecommunications

113 corporation shall submit to the commission, in lieu of the revenue from the surcharge

114 collection, a breakdown of the anticipated costs and the expected revenue from the collection,

115 showing that the costs exceed the revenue.

116 (7) The commission shall solicit the advice, counsel, and physical assistance of

117 severely hearing or speech impaired persons and the organizations serving them in the design

118 and implementation of the program.

119 Section 2. Section **63J-1-602.3** is amended to read:

120 **63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.**

- 121 (1) Certain funds associated with the Law Enforcement Operations Account, as
122 provided in Section 51-9-411.
- 123 (2) The Public Safety Honoring Heroes Restricted Account created in Section
124 53-1-118.
- 125 (3) Funding for the Search and Rescue Financial Assistance Program, as provided in
126 Section 53-2-107.
- 127 (4) Appropriations made to the Department of Public Safety from the Department of
128 Public Safety Restricted Account, as provided in Section 53-3-106.
- 129 (5) Appropriations to the Motorcycle Rider Education Program, as provided in Section
130 53-3-905.
- 131 (6) The DNA Specimen Restricted Account created in Section 53-10-407.
- 132 (7) Appropriations to the State Board of Education, as provided in Section
133 53A-17a-105.
- 134 (8) Certain funds appropriated from the Uniform School Fund to the State Board of
135 Education for new teacher bonus and performance-based compensation plans, as provided in
136 Section 53A-17a-148.
- 137 (9) Certain funds appropriated from the Uniform School Fund to the State Board of
138 Education for implementation of proposals to improve mathematics achievement test scores, as
139 provided in Section 53A-17a-152.
- 140 (10) The School Building Revolving Account created in Section 53A-21-401.
- 141 (11) Money received by the State Office of Rehabilitation for the sale of certain
142 products or services, as provided in Section 53A-24-105.
- 143 (12) The State Board of Regents, as provided in Section 53B-6-104.
- 144 (13) Certain funds appropriated from the General Fund to the State Board of Regents
145 for teacher preparation programs, as provided in Section 53B-6-104.
- 146 (14) A certain portion of money collected for administrative costs under the School
147 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 148 (15) Certain surcharges on [~~residence~~] residential and business [~~telecommunications~~
149 ~~access lines~~] telephone numbers imposed by the Public Service Commission, as provided in
150 Section 54-8b-10.
- 151 (16) Certain fines collected by the Division of Occupational and Professional Licensing

152 for violation of unlawful or unprofessional conduct that are used for education and enforcement
153 purposes, as provided in Section 58-17b-505.

154 (17) The Nurse Education and Enforcement Account created in Section 58-31b-103.

155 (18) The Certified Nurse Midwife Education and Enforcement Account created in
156 Section 58-44a-103.

157 (19) Certain fines collected by the Division of Occupational and Professional Licensing
158 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
159 Section 58-63-103.

160 (20) The Professional Geologist Education and Enforcement Account created in
161 Section 58-76-103.

162 (21) Certain money in the Water Resources Conservation and Development Fund, as
163 provided in Section 59-12-103.

Legislative Review Note
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Office of Legislative Research and General Counsel