

damages to property, and fifty thousand dollars for injury or damage including death to any one person, and one hundred thousand dollars for injury or damage including death to more than one person or financial responsibility to satisfy these amounts.

(2) Failure to maintain insurance or financial responsibility relative to the contractor's activities shall be cause to suspend or deny the contractor his or her or their registration.

(3)(a) Proof of financial responsibility authorized in this section may be given by providing, in the amount required by subsection (1) of this section, an assigned account acceptable to the department. The assigned account shall be held by the department to satisfy any execution on a judgment issued against the contractor for damage to property or injury or death to any person occurring in the contractor's contracting operations, according to the provisions of the assigned account agreement. The department shall have no liability for payment in excess of the amount of the assigned account.

(b) The assigned account filed with the director as proof of financial responsibility shall be canceled at the expiration of three years after:

(i) The contractor's registration has expired or been revoked; or

(ii) The contractor has furnished proof of insurance as required by subsection (1) of this section;
if, in either case, no legal action has been instituted against the contractor or on the account at the expiration of the three-year period.

(c) If a contractor chooses to file an assigned account as authorized in this section, the contractor shall, on any contracting project, notify each person with whom the contractor enters into a contract or to whom the contractor submits a bid that the contractor has filed an assigned account in lieu of insurance and that recovery from the account for any claim against the contractor for property damage or personal injury or death occurring in the project requires the claimant to obtain a court judgment.

Passed the Senate April 21, 1987.

Passed the House April 17, 1987.

Approved by the Governor May 8, 1987.

Filed in Office of Secretary of State May 8, 1987.

CHAPTER 304

[Engrossed Second Substitute House Bill No. 221]

TELECOMMUNICATIONS DEVICES FOR THE HEARING IMPAIRED

AN ACT Relating to telecommunications devices for the hearing impaired; adding new sections to chapter 43.20A RCW; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that it is more difficult for hearing impaired people to have access to the telecommunications system than hearing persons. It is imperative that hearing impaired people be able to reach government offices and health, human, and emergency services with the same ease as other taxpayers. Regulations to provide telecommunications devices for the deaf with a relay system will help ensure that the hearing impaired community has equal access to the public accommodations and telecommunications system in the state of Washington in accordance with chapter 49.60 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

"Hearing impaired" means those persons who are certified to be deaf, deaf-blind, or hard of hearing, and those persons who are certified to have a hearing disability limiting their access to telecommunications.

"Telecommunications device for the deaf (TDD)" means a teletype-writer that has a typewriter keyboard and a readable display that couples with the telephone, allowing messages to be typed rather than spoken. The device allows a person to make a telephone call directly to another person possessing similar equipment. The conversation is typed through one machine to the other machine instead of spoken.

"TDD relay system" is a service for hearing impaired people who have a TDD to call someone who does not have a TDD or vice versa. The service consists of several telephones being utilized by TDD relay service operators who receive either TDD or voice phone calls. If a TDD relay service operator receives a phone call from a hearing impaired person wishing to call a hearing person, the operator will call the hearing person and act as an intermediary by translating what is displayed on the TDD to voice and typing what is voiced into the TDD to be read by the deaf caller. This process can also be reversed with a hearing person calling a deaf person through the TDD relay service.

"Qualified trainer" is a person who is knowledgeable about TDDs, signal devices, and amplifying accessories; familiar with the technical aspects of equipment designed to meet hearing impaired people's needs; and is fluent in American sign language.

"Qualified contractor" shall have bilingual staff available for quality language/cultural interpretations; quality training of operators; and policies, training, and operational procedures to be determined by the office.

"The department" means the department of social and health services of the state of Washington.

"Office" means the office of deaf services within the state department of social and health services.

NEW SECTION. Sec. 3. A new section is added to chapter 43.20A RCW to read as follows:

(1) The department shall design and implement a program whereby TDDs, signal devices, and amplifying accessories capable of serving the needs of the hearing impaired shall be provided at no charge additional to the basic exchange rate, to an individual of school age or older, who is certified as hearing impaired by a licensed physician, audiologist, or a qualified state agency, and to any subscriber that is an organization representing the hearing impaired, as determined and specified by the TDD advisory committee. For the purpose of this section, certification implies that individuals cannot use the telephone for expressive or receptive communications due to hearing impairment.

(2) The office shall award contracts on a competitive basis, to qualified persons for which eligibility to contract is determined by the office, for the distribution and maintenance of such TDDs, signal devices, and amplifying accessories as shall be determined by the office. Such contract shall include a provision for the employment and use of a qualified trainer and the training of recipients in the use of such devices.

(3) TDDs, signal devices, and amplifying accessories shall be made available to qualified recipients by December 1, 1987.

NEW SECTION. Sec. 4. A new section is added to chapter 43.20A RCW to read as follows:

(1) The department advisory committee on deafness shall establish a TDD advisory committee to study the feasibility of implementing a state-wide telecommunications relay system. The TDD advisory committee shall consist of individuals from hearing impaired communities, representatives from the department, utilities and transportation commission, agencies and services serving the hearing impaired, and local exchange companies in the state. In order to develop and implement a state-wide relay system providing cost-effective relay centers at a reasonable cost and that will meet the requirements of the hearing impaired, the TDD advisory committee shall investigate options, conduct public hearings to determine the most cost-effective method of creating a state-wide relay system providing relay centers to the hearing impaired, and solicit the advice, counsel, and assistance of interested parties and nonprofit consumer organizations for hearing impaired persons state-wide. Such committee shall begin the study within thirty days of the effective date of this section, to be completed within six months after the study begins. The TDD advisory committee, shall also, in conjunction with the department, monitor the activities and moneys that is being spent by the department for the program herein.

(2) Pursuant to the recommendations of the TDD advisory committee, the office shall implement a program whereby relay centers will be provided state-wide using operator intervention to connect hearing impaired persons and offices of organizations representing the hearing impaired, as determined and specified by the TDD advisory committee pursuant to subsection

(4) of this section, and connect hearing persons within six months after the office receives the recommendations.

(3) The program will be funded by telecommunications devices for the deaf (TDD) excise tax applied to each switched access line provided by the local exchange companies. The office shall determine the amount of money needed to fund the program. That information shall be given to the utilities and transportation commission. The utilities and transportation commission shall then determine the amount of TDD excise tax to be placed on each access line. The TDD excise tax shall not exceed ten cents per month per access line. The TDD excise tax shall be separately identified on each ratepayer's bill as "Telecommunications devices funds for deaf and hearing impaired." All proceeds from the TDD excise tax will be put into a fund to be administered by the office through the department.

(4) The TDD advisory committee shall establish criteria and specify state-wide organizations representing the hearing impaired meeting such criteria that are to receive telecommunications devices pursuant to section 3(1) of this act, and in which offices the equipment shall be installed if an organization has more than one office.

(5) The office shall establish a policy determining the ultimate ownership and responsibility for the recovery of TDDs, signal devices, and amplifying accessories from recipients who are moving from this state.

(6) The office shall administer and control the award of money to all parties incurring costs in implementing and maintaining telecommunications services, programs, equipment, and technical support services in accordance with the provisions of section 3 of this act.

(7) A study will be authorized to determine the number of hearing impaired people who have party lines and the costs of converting them to single lines. The TDD advisory committee will report the study findings to the utilities and transportation commission. The study will be completed by the TDD advisory committee within a year of the effective date of this section.

NEW SECTION. Sec. 5. Nothing in sections 3 and 4 of this act is inconsistent with any telecommunications device systems created by county legislative authorities under RCW 70.54.180. To the extent possible, the office, utilities and transportation commission, the TDD advisory committee, and any other persons or organizations implementing the provisions of sections 3 and 4 of this act will use the telecommunications devices already in place and work with county governments in ensuring that no duplication of services occurs.

NEW SECTION. Sec. 6. This act shall be known as the "Clyde Randolph Ketchum Act."

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall expire June 30, 1990. A review and determination on its continuation beyond this date shall be made prior to its expiration.

Passed the House April 22, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 11, 1987.

Filed in Office of Secretary of State May 11, 1987.

CHAPTER 305

[Engrossed House Bill No. 1021]

EDUCATION FOR LOW-INCOME WORKING PERSONS AND SINGLE HEADS OF HOUSEHOLDS—WASHINGTON STATE AND EMPLOYERS' HIGHER EDUCATIONAL OPPORTUNITIES PROGRAM

AN ACT Relating to higher educational opportunities; adding a new chapter to Title 28B RCW; adding a new section to chapter 28B.15 RCW; creating a new section; making an appropriation; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature recognizes that families headed by women constitute the largest percentage group below the poverty level in Washington state. Due to financial and familial obligations certain persons are not able to attend institutions of higher education. The legislature further recognizes that education enhances a person's chances of being productive and improving his or her economic status. The legislature intends to cooperate with the higher education coordinating board, and with selected private business entities in the development of a scholarship program aimed at providing higher educational opportunities for low-income working persons and single heads of households.

NEW SECTION. Sec. 2. (1) The Washington state and employers' higher educational opportunities program is created. The higher education coordinating board shall develop and revise, as necessary, the Washington state and employers' higher educational opportunities program. The pilot program shall be made available to three selected private business entities for each congressional district.

(2) The pilot program shall be administered by the higher education coordinating board and designed to:

(a) Provide socially and economically disadvantaged working persons with an increased chance to improve their social and economic status through public higher educational opportunities;

(b) Encourage and permit certain employees through higher education to acquire skills to meet the responsibilities and challenges of their present vocation or profession;

(c) Encourage and permit certain employees through higher education to acquire skills to pursue new career opportunities;