

## CHAPTER 89

[Substitute Senate Bill No. 6290]

TELECOMMUNICATIONS DEVICES FOR THE HEARING AND SPEECH  
IMPAIRED

AN ACT Relating to telecommunications devices for the hearing impaired and speech impaired; amending RCW 43.20A.720, 43.20A.725, and 43.20A.730; creating a new section; repealing section 7, chapter 304, Laws of 1987 (uncodified); and declaring an emergency.

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

**NEW SECTION.** Sec. 1. The legislature finds that provision of telecommunications devices and relay capability for hearing impaired persons is an effective and needed service which should be continued. The legislature further finds that the same devices and relay capability can serve and should be extended to serve speech impaired persons.

Sec. 2. Section 2, chapter 304, Laws of 1987 and RCW 43.20A.720 are each amended 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.

"Speech impaired" means persons who are certified to be unable to speak or who are certified to have a speech impairment limiting their access to telecommunications.

"Telecommunications device for the deaf (TDD)" means a teletypewriter 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 and speech 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 or speech 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)) hearing or speech impaired 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.

Sec. 3. Section 3, chapter 304, Laws of 1987 and RCW 43.20A.725 are each amended to read as follows:

(1) The department shall (~~design and implement~~) maintain a program whereby TDDs, signal devices, a TDD relay system, and amplifying accessories capable of serving the needs of the hearing and speech impaired shall be provided at no charge additional to the basic exchange rate, to an individual of school age or older, (a) 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; or (b) who is certified as speech impaired by a licensed physician, speech pathologist, or a qualified state agency, and to any subscriber that is an organization representing the speech 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 or speech 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~~) The office shall establish and implement a policy for the ultimate responsibility for recovery of TDDs, signal devices, and amplifying accessories from recipients who are moving from this state or who for other reasons are no longer using them.

(4) Pursuant to recommendations of the TDD advisory committee, the office shall maintain a program whereby a relay system will be provided state-wide using operator intervention to connect hearing impaired and speech impaired persons and offices or organizations representing the hearing impaired and speech impaired, as determined and specified by the TDD advisory committee pursuant to section 4 of this act. The relay system shall be the most cost-effective possible and shall operate in a manner consistent with federal requirements for such systems.

(5) The program shall 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, in consultation with the TDD advisory committee, the amount of money needed to fund the program on an annual basis, including both operational costs and a reasonable amount for capital improvements such as equipment upgrade and replacement. That information shall be given by the department in an annual budget to the utilities and transportation commission no later than March 1 prior to the beginning of the fiscal year. The utilities and transportation commission shall then determine the amount of TDD excise tax to be placed on each access line and shall inform each local exchange company of this amount no later than May 15. The TDD excise tax shall not exceed ten cents per month per access line. Each local exchange company shall impose the amount of excise tax determined by the commission as of July 1, and shall remit the amount collected directly to the department on a monthly basis. 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 shall be put into a fund to be administered by the office through the department.

(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 RCW 43.20A.725.

(7) The department shall provide the legislature with a biennial report on the operation of the program. The first report shall be provided no later than December 1, 1990, and successive reports every two years thereafter. Reports shall be prepared in consultation with the TDD advisory committee and the utilities and transportation commission. The reports shall, at a minimum, briefly outline the accomplishments of the program, the number of persons served, revenues and expenditures, the prioritizing of services to those eligible based on such factors as degree of physical handicap or the allocation of the program's revenue between provision of devices to individuals and operation of the state-wide relay service, other major policy or operational issues, and proposals for improvements or changes for the program. The first report shall contain a study which includes examination of like programs in other states, alternative methods of financing the program, alternative methods of using the telecommunications system, advantages and disadvantages of operating the TDD program from within the department, by telecommunications companies, and by a private, nonprofit corporation, and means to limit demand for system usage.

(8) The program shall be consistent with the requirements of federal law for the operation of both interstate and intrastate telecommunications services for the deaf or hearing impaired or speech impaired. The department and the utilities and transportation commission shall be responsible for

ensuring compliance with federal requirements and shall provide timely notice to the legislature of any legislation that may be required to accomplish compliance.

Sec. 4. Section 4, chapter 304, Laws of 1987 and RCW 43.20A.730 are each amended 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)) to oversee operation of the TDD program. The TDD advisory committee shall consist of no more than thirteen individuals ((from)) representing the hearing impaired and speech impaired communities, ((representatives from)) the department, the utilities and transportation commission, agencies and services serving the hearing impaired and speech impaired, and local exchange companies in the state. The membership on the TDD advisory committee shall, to the maximum extent possible, include representatives from (a) the major state-wide organizations representing the hearing impaired and speech impaired, (b) organizations for the hearing impaired and speech impaired located in areas of the state with high populations of such persons, and (c) organizations that reflect the different geographic regions of the state. In order to develop ((and)), implement, and maintain a state-wide relay system providing cost-effective relay centers at a reasonable cost and that will meet the requirements of the hearing impaired and speech impaired, the TDD advisory committee shall investigate options, conduct public hearings as needed to determine the most cost-effective method of ((creating)) operating a state-wide relay system providing relay centers to the hearing impaired and speech impaired, and solicit the advice, counsel, and assistance of interested parties and nonprofit consumer organizations for hearing impaired and speech impaired persons state-wide. ((Such committee shall begin the study within thirty days of July 26, 1987, 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 are)) are 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 or speech impaired meeting such criteria that are to receive telecommunications devices pursuant to RCW 43.20A.725(1), 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 RCW 43.20A.725.~~

~~(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 July 26, 1987;))~~

NEW SECTION. Sec. 5. Section 7, chapter 304, Laws of 1987 (uncodified) is repealed.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 3, 1990.

Passed the House February 28, 1990.

Approved by the Governor March 19, 1990.

Filed in Office of Secretary of State March 19, 1990.

## CHAPTER 90

[House Bill No. 2331]

### TEACHER PREPARATION—ABUSE ISSUES

AN ACT Relating to teacher preparation on issues of abuse; and adding a new section to Title 28A RCW.

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

NEW SECTION. Sec. 1. A new section is added to Title 28A RCW to read as follows: