

CHAPTER 23

(SB 88)

AN ACT relating to telecommunications equipment for the deaf.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 163.525 is amended to read as follows:

- (1) As used in this section and KRS 163.527:
 - (a) "***Specialized telecommunications equipment***~~[Telecommunications device for the deaf" or "TDD]"~~ means ***devices such as, but not limited to, telecommunications devices for the deaf, amplified phones, loud ringers, visual alert signalers, tactile signalers, captioned telephones, and appropriate wireless devices***~~[a keyboard mechanism attached to a standard telephone set which allows for messages to be typed rather than spoken];~~ and
 - (b) "***Telecommunications Access***~~[TDD distribution]~~ program" means the program to furnish ***specialized telecommunications equipment***~~[TDDs]~~ to deaf, hard-of-hearing, and speech-impaired persons in order that they may ***have equal access to telecommunications services through***~~[use]~~ the telecommunications relay service established pursuant to KRS 278.548. The program shall include maintenance and repair of the equipment.
- (2)
 - (a) On or before July 1, 1995, the Commission on the Deaf and Hard of Hearing shall establish a program to distribute ***specialized telecommunications equipment***~~[TDDs]~~ to any deaf, hard-of-hearing, or speech-impaired person qualified to receive the equipment pursuant to subsection (3) of this section.
 - (b) Prior to the establishment of the ***Telecommunications Access***~~[TDD distribution]~~ program, the Commission on the Deaf and Hard of Hearing shall initiate an investigation, conduct public hearings, and solicit the advice and counsel of deaf, hard-of-hearing, and speech-impaired persons and the organizations serving them.
 - (c) The Commission on the Deaf and Hard of Hearing may contract with any person, public, or private organization to provide part or all components of the ***Telecommunications Access***~~[TDD distribution]~~ program, if applicable statutory procurement provisions are followed. The Commission on the Deaf and Hard of Hearing may use assistance from public agencies of the state or federal government or from private organizations to accomplish the purposes of this section. The Kentucky Commission on the Deaf and Hard of Hearing shall enter into memoranda of agreement with the Public Service Commission for coordination and oversight of funding and operations to meet the objectives of this section and KRS 278.5499. The Commission on the Deaf and Hard of Hearing may also enter into memoranda of agreement with other state agencies to accomplish the purposes of this section.
- (3) Factors to determine a person's eligibility to receive ***specialized telecommunications equipment***~~[a TDD]~~ shall include, but not be limited to:
 - (a) Kentucky residency;
 - (b) Attainment of at least five (5) years of age; and
 - (c) Certification as deaf, hard of hearing, or severely speech-impaired by a licensed physician, audiologist, speech pathologist, or by any other method recognized by the Commission on the Deaf and Hard of Hearing. Certification implies that the individual cannot use the telephone for communication without adaptive equipment.
- (4) No more than one (1) ***piece of specialized telecommunications equipment***~~[TDD]~~ shall be provided to a person qualified to receive the equipment pursuant to subsection (3) of this section. However, a malfunctioning ***piece of specialized telecommunications equipment***~~[TDD]~~ originally distributed by the program may be returned for repair or replacement. The Commission on the Deaf and Hard of Hearing may prioritize distribution of the ***specialized telecommunications equipment***~~[TDDs]~~ on the basis of need.
- (5) The Commission on the Deaf and Hard of Hearing shall establish procedures for application and distribution of ***specialized telecommunications equipment***~~[TDDs]~~ by the promulgation of administrative regulations in accordance with provisions of KRS Chapter 13A.

Section 2. KRS 163.527 is amended to read as follows:

The Commission on the Deaf and Hard of Hearing shall provide to the General Assembly an annual report on the operation of the **Telecommunications Access**~~{TDD distribution}~~ program. The report shall be due on July 1 of each year, beginning July 1, 1995, and, at a minimum, provide:

- (1) The number of persons served and the number of *pieces of specialized telecommunications equipment*~~{TDDs}~~ distributed;
- (2) The revenues and expenditures of the program;
- (3) Discussion of any major policy or operational issues;
- (4) Any changes the commission plans to make in the program that does not require legislative action; and
- (5) Any proposals for legislative changes in the program.

Section 3. KRS 278.547 is amended to read as follows:

As used in KRS 278.547 to 278.5499, unless the context requires otherwise:

- (1) "**Specialized telecommunications equipment**~~{Telecommunications device for the deaf" or "TDD}"~~" means *devices such as, but not limited to telecommunications devices for the deaf, amplified phones, loud ringers, visual alert signalers, tactile signalers, captioned telephones, and appropriate wireless devices*~~{a keyboard mechanism attached to a standard telephone set which allows for messages to be typed rather than spoken}~~.
- (2) "Telecommunications relay service" means a procedure by which a deaf, hard-of-hearing, or speech-impaired *user of specialized telecommunications equipment*~~{TDD user}~~ can communicate with an intermediary party, who then verbally relays the first party's message or request to a third party, or vice versa. The service includes, **but is not limited to** the switching, transmitting, and the voice and typed translation of calls.
- (3) "**Telecommunications Access**~~{TDD distribution}~~ program" means the program to furnish *specialized telecommunications equipment*~~{TDDs}~~ to deaf, hard-of-hearing, and speech-impaired persons in order that they may use the telecommunications relay service. The program shall include maintenance and repair of the equipment.

Section 4. KRS 278.5499 is amended to read as follows:

- (1) The Public Service Commission shall determine the appropriate funding mechanism for the **Telecommunications Access**~~{TDD distribution}~~ program established pursuant to KRS 163.525. The funding mechanism shall be designed to collect reasonably necessary funds, not to exceed one cent (\$.01) per access line per month, from subscribers of telecommunication utilities. The telecommunications industry shall not be required to absorb the cost of funding the **Telecommunications Access**~~{TDD distribution}~~ program.
- (2) The Public Service Commission shall distribute the funds collected from this funding mechanism to the Commission on the Deaf and Hard of Hearing for the purpose of implementing and operating the **Telecommunications Access**~~{TDD distribution}~~ program. The secretary of the cabinet to which the Commission on the Deaf and Hard of Hearing is attached by statute or executive order shall establish oversight conditions with the Commission on the Deaf and Hard of Hearing to ensure the funds are being used solely for the purposes consistent with this section and KRS 163.525.
- (3) The Public Service Commission, with the advice of the Commission on the Deaf and Hard of Hearing, shall initiate an investigation, conduct public hearings, and determine the appropriate funding mechanism for the **Telecommunications Access**~~{TDD distribution}~~ program no later than January 1, 1995. As part of this determination, the commission may review the funding mechanism for the telecommunications relay service pursuant to KRS 278.549. The commission shall consider whether a telecommunications utility experiences a competitive disadvantage resulting from the funding mechanism when compared to other telecommunication utilities.

Approved March 17, 2006.