

House Bill 1003

By: Representatives Childers of the 13th, Orrock of the 56th, Henson of the 65th, Drenner of the 66th, Reece of the 11th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to
2 telephone and telegraph service, so as to provide for the establishment of a
3 telecommunications equipment distribution program; to authorize the use of surcharge funds
4 for the administration and operation of the program; to authorize the Public Service
5 Commission to select a distribution agency to manage the program, establish guidelines for
6 recipients of the program, and establish an advisory committee to review and evaluate the
7 program; to set a date to begin operation of the program; to provide for related matters; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and
12 telegraph service, is amended by striking Code Section 46-5-30, relating to the establishment,
13 administration, and operation of a state-wide dual party relay service, and inserting in its
14 place the following:

15 "46-5-30.

16 (a) The General Assembly finds and declares that it is in the public interest to provide
17 basic telecommunication services to all citizens of this state who, because of physical
18 impairments, particularly hearing and speech impairments, cannot otherwise communicate
19 over the telephone.

20 (b) The commission shall establish, implement, administer, and promote a state-wide
21 single provider dual party relay service operating seven days per week, 24 hours per day,
22 and contract for the administration and operation of such relay service. The commission
23 shall also establish, implement, administer, and promote a telecommunications equipment
24 distribution program and contract for the administration and operation of such program.

25 (c) The commission shall require all local exchange telephone companies in this state,
26 except those operated by telephone membership corporations, to impose a monthly

1 maintenance surcharge on all residential and business local exchange access facilities. For
2 the purpose of this subsection, 'exchange access facility' means the access from a particular
3 telephone subscriber's premise to the telephone system of a local exchange telephone
4 company. 'Exchange access facility' includes local exchange company provided access
5 lines, private branch exchange trunks, and centrex network access registers, all as defined
6 by tariffs of telephone companies as approved by the commission. The amount of the
7 surcharge shall be determined by the commission based upon the amount of funding
8 necessary to accomplish the purposes of this Code section and provide the services on an
9 ongoing basis; however, in no case shall the amount exceed 20¢ per month. No additional
10 fees other than the surcharge authorized by this subsection shall be imposed on any user
11 of such relay service. The local exchange companies shall collect the surcharge from their
12 customers and transfer the monies collected to a special fund to be held separate from all
13 other funds. The fund shall be used solely for the administration and operation of the relay
14 service and the telecommunications equipment distribution program and shall not be used
15 ~~for the distribution of telecommunication devices for the deaf or similar such devices or be~~
16 imposed, collected, or expended for any other purpose.

17 (d) The dual party relay system shall protect the privacy of persons to whom relay services
18 are provided and shall require all operators to maintain the confidentiality of all telephone
19 messages. The confidentiality and privacy of persons to whom relay services are provided
20 will be protected by means of the following:

21 (1) The relay center shall not maintain any form of permanent copies of messages
22 relayed by their operators or allow the content of telephone messages to be
23 communicated to, or accessible to, nonstaff members;

24 (2) Persons using the relay services shall not be required to provide any personal
25 identifying information until the party they are calling is on the line, and shall only be
26 required to identify themselves to the extent necessary to fulfill the purpose of their call;

27 (3) Relay operators shall not leave messages with third parties unless instructed to do so
28 by the person making the call;

29 (4) Relay operators shall not intentionally alter a relayed conversation; and

30 (5) Relay operators shall not refuse calls or limit the length of calls.

31 (e) Neither the commission nor the provider of the dual party relay system service nor,
32 except in cases of willful misconduct, gross negligence, or bad faith, the employees of the
33 provider of the dual party relay system service shall be liable for any claims, actions,
34 damages, or causes of action arising out of or resulting from the establishment,
35 participation in, or operation of the dual party relay system service.

36 (f) The commission shall select the telecommunications carrier which will provide the
37 relay system service and award the contract for this service to the offerer whose proposal

1 is the most advantageous to the state, considering price, the interests of the hearing
2 impaired and speech impaired community in having access to a high quality and
3 technologically advanced telecommunication system, and all other factors listed in the
4 commission's request for proposals.

5 (g) The commission shall select a distribution agency to manage the telecommunications
6 equipment distribution program and award the contract for this service to the offerer whose
7 proposal is the most advantageous to the state, considering price, the interests of the
8 hearing impaired and speech impaired community in obtaining appropriate and effective
9 telecommunications equipment, the training of recipients on the use of telecommunication
10 devices, outreach efforts, and all other factors listed in the commission's request for
11 proposals.

12 (h) The commission shall establish guidelines for eligibility for participation in the
13 distribution program, taking into consideration a person's certified medical need and
14 income.

15 (i) The commission shall establish a telecommunications equipment distribution program
16 advisory committee to review the general operation of the program and to evaluate and
17 select equipment to be distributed by the program.

18 (j) The commission shall provide that the dual party telephone relay telephone system shall
19 be operational no later than July 1, 1991, and that the telecommunications equipment
20 distribution program shall be operational no later than January 1, 2003."

21 SECTION 2.

22 All laws and parts of laws in conflict with this Act are repealed.