

Senate Bill 396

By: Senators Shafer of the 48th, Ginn of the 47th, Ligon, Jr. of the 3rd, Unterman of the 45th, Payne of the 54th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1A of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia
2 Annotated, relating to telephone system for the physically impaired, so as to change certain
3 provisions relating to the establishment, administration, and operation of the state-wide dual
4 party relay service and audible universal information access service; to change certain
5 legislative findings and declarations; to modify the prohibition as to the distribution of
6 telecommunications equipment under the telecommunications equipment distribution
7 program based on a certain income level; to provide that wireless devices and applications
8 may be distributed as part of the telecommunications equipment distribution program; to
9 provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 1A of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,
13 relating to telephone system for the physically impaired, is amended by revising Code
14 Section 46-5-30, relating to the establishment, administration, and operation of the state-wide
15 dual party relay service and audible universal information access service, as follows:

16 "46-5-30.

17 (a) The General Assembly finds and declares that it is in the public interest to provide
18 ~~basic~~ telecommunications services to all citizens of this state who, because of physical
19 impairments, particularly hearing and speech impairments, cannot otherwise communicate
20 over the telephone. It is further in the public interest to take advantage of innovative
21 technological uses of ~~basic~~ telecommunications services to allow for universal access to
22 information by blind and otherwise print disabled citizens of this state.

23 (b) The commission shall establish, implement, administer, and promote a state-wide
24 single provider dual party relay service operating seven days per week, 24 hours per day,
25 and contract for the administration and operation of such relay service. The commission
26 shall also establish, implement, administer, and promote a state-wide audible universal

27 information access service operating seven days per week and 24 hours per day and shall
 28 contract for the administration and operation of such information access service. The
 29 commission shall further establish, implement, administer, and promote a
 30 telecommunications equipment distribution program and contract for the administration
 31 and operation of such program.

32 (c) The commission shall require all local exchange telephone companies in this state,
 33 except those operated by telephone membership corporations, to impose a monthly
 34 maintenance surcharge on all residential and business local exchange access facilities. For
 35 the purpose of this subsection, 'exchange access facility' means the access from a particular
 36 telephone subscriber's premise to the telephone system of a local exchange telephone
 37 company. 'Exchange access facility' includes local exchange company provided access
 38 lines, private branch exchange trunks, and centrex network access registers, all as defined
 39 by tariffs of telephone companies as approved by the commission. The amount of the
 40 surcharge shall be determined by the commission based upon the amount of funding
 41 necessary to accomplish the purposes of this Code section and provide the services on an
 42 ongoing basis; however, in no case shall the amount exceed 20¢ per month. A maximum
 43 of 5¢ of this monthly surcharge per access line shall be utilized for a telecommunications
 44 equipment distribution program and a maximum of 1¢ of this monthly surcharge per access
 45 line shall be utilized to fund an audible universal information access service. If the
 46 projected cost of the operation of the relay service exceeds a monthly surcharge of 15¢ at
 47 any time, funding for the telecommunications equipment distribution program and the
 48 audible universal information access service ~~will~~ shall be reduced by the amount required
 49 to fully fund the relay service, under the existing cap of 20¢ for the period of time
 50 necessary. No additional fees other than the surcharge authorized by this subsection, if
 51 applicable, shall be imposed on any user of such relay or information access service. The
 52 local exchange companies shall collect the surcharge from their customers and transfer the
 53 moneys collected to a special fund to be held separate from all other funds. The fund shall
 54 be used solely for the administration and operation of the relay service, the information
 55 access service, and the telecommunications equipment distribution program and for other
 56 hearing technology and shall not be imposed, collected, or expended for any other purpose.

57 (d) The dual party relay system shall protect the privacy of persons to whom relay services
 58 are provided and shall require all operators to maintain the confidentiality of all telephone
 59 messages. The confidentiality and privacy of persons to whom relay services are provided
 60 ~~will~~ shall be protected by means of the following:

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

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

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

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

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

71 (e) Neither the commission nor the providers of the dual party relay system service or the
 72 audible universal information access service nor, except in cases of willful misconduct,
 73 gross negligence, or bad faith, the employees of the providers of the dual party relay system
 74 service or the audible universal information access service shall be liable for any claims,
 75 actions, damages, or causes of action arising out of or resulting from the establishment,
 76 participation in, or operation of the dual party relay system service or the audible universal
 77 information access service.

78 (f) The commission shall select the telecommunications carrier which ~~will~~ shall provide
 79 the relay system service and award the contract for this service to the offerer whose
 80 proposal is the most advantageous to the state, considering price, the interests of the
 81 hearing impaired and speech impaired community in having access to a high quality and
 82 technologically advanced telecommunications system, and all other factors listed in the
 83 commission's request for proposals.

84 ~~(f.1)~~(g) The commission shall select the service provider which ~~will~~ shall provide and
 85 manage the audible universal information access service and shall award the contract for
 86 this service to the offerer whose proposal is the most advantageous to the state, considering
 87 price, the interests of the blind and print disabled community in having access to a high
 88 quality and technologically advanced interactive audible universal information access
 89 system, the maintenance of such system, the training provided on the use of such service,
 90 outreach efforts, and all other factors listed in the commission's request for proposals.

91 ~~(g)~~(h) The commission shall select a distribution agency to manage the telecommunications
 92 equipment distribution program and award the contract for this service to the offerer whose
 93 proposal is the most advantageous to the state, considering price, the interests of the
 94 hearing impaired and speech impaired community in obtaining appropriate and effective
 95 telecommunications equipment, the training of recipients on the use of telecommunications
 96 devices, outreach efforts, and all other factors listed in the commission's request for
 97 proposals. The telecommunications equipment distributed as part of the
 98 telecommunications equipment distribution program may include wireless devices and
 99 applications.

100 ~~(h)~~(i) The commission shall establish guidelines for eligibility for participation in the
 101 telecommunications equipment distribution program, taking into consideration a person's
 102 certified medical need and prohibiting distribution of telecommunications equipment to any
 103 person whose income exceeds 200 percent of the federal poverty level. The commission
 104 shall utilize appropriate external expertise, as necessary, to establish these guidelines,
 105 including contracting with public agencies or private entities. Funding for any such
 106 contracts ~~will~~ shall be covered by the \$0.05 portion of the monthly surcharge utilized for
 107 the telecommunications equipment distribution program.

108 ~~(i)~~(j) The commission shall establish eligibility guidelines for participation in the audible
 109 universal information access service, taking into account a person's certified medical need.
 110 The commission shall utilize appropriate external expertise, as necessary, to establish these
 111 guidelines, including contracting with public agencies or private entities. Funding for such
 112 contracts ~~will~~ shall be covered by the 1¢ portion of the monthly surcharge utilized for the
 113 audible universal information access service.

114 ~~(j)~~(k) The commission shall establish a telecommunications equipment distribution
 115 program advisory committee to provide input on program operation and the types of
 116 equipment to be, and being, distributed by the program. The commission shall select the
 117 equipment to be distributed by the program and shall incorporate this selection into the
 118 commission's request for proposals for a distribution agency.

119 ~~(k) The commission shall provide that the dual party telephone relay telephone system
 120 shall be operational no later than July 1, 1991, that the telecommunications equipment
 121 distribution program shall be operational no later than March 31, 2003, and the audible
 122 universal information access service shall be operational no later than July 1, 2006."~~

123 **SECTION 2.**

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