

No. 1995-34

AN ACT

HB 961

Providing for dual party relay services and for telecommunication device distribution.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Dual Party Relay Service and Telecommunication Device Distribution Program Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Center for independent living.” A consumer-controlled, community-based, cross-disability, nonresidential private, nonprofit agency that is designed and operated within a local community by people with disabilities and provides an array of independent living services, as defined by the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.).

“Commission.” The Pennsylvania Public Utility Commission.

“Department.” The Department of Labor and Industry of the Commonwealth.

“Persons with a disability” or “people with disabilities.” A person certified as being deaf, deaf-blind, hard-of-hearing, having a hearing loss or speech impaired by a licensed physician, audiologist, speech pathologist or a qualified State agency.

“Program.” The Telecommunication Device Distribution Program established under this act.

“Telecommunication device.” Equipment necessary for a person with a disability to engage in communication by wire or radio with another person with a disability or with a hearing individual.

“Telecommunication relay service.” Telephone transmission services that provide the ability for a person with a disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of a person who does not have a disability to communicate using voice communication services by wire or radio. The term includes services that enable two-way communication between an individual who uses a telecommunication device or other nonvoice terminal device and an individual who does not use such a device.

Section 3. Establishment of Telecommunication Device Distribution Program.

(a) Establishment.—The Telecommunication Device Distribution Program is hereby established. It shall be a program whereby telecommunication devices for people with disabilities are distributed at no charge to the distributee.

(b) Administration.—The executive director of the Office of Vocational Rehabilitation of the department, in cooperation with other State agencies which serve people with disabilities, shall oversee implementation of the program. To this end, the executive director may do any of the following:

(1) Establish criteria of eligibility in accordance with subsection (c) and adopt regulations and forms consistent with the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(2) Facilitate coordination of funds required for the distribution system with selected centers for independent living or selected not-for-profit agencies having experience in serving persons with hearing or speech disabilities.

(3) Determine, in cooperation with other State agencies, the funds required for the distribution system and provide information to the commission as required under section 4.

(c) To qualify as distributee.—Each recipient of a telecommunication device shall meet the following criteria:

(1) Be a resident of this Commonwealth.

(2) Qualify as a person with a disability.

(3) Have telephone service, possess the ability to learn how to use a telecommunication device.

(4) Be six years of age or older.

(5) Have a gross income of less than 200% of the Federal poverty level as determined in accordance with the Link Up America guidelines. Section 4. Establishment of dual party relay service.

(a) Telecommunication relay services.—The commission shall design and implement a telecommunication relay service program for the Commonwealth that is consistent with and meets or exceeds the requirements of the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

(b) Certification.—The commission is authorized to seek on behalf of this Commonwealth certification of the telecommunication relay service program from the Federal Communications Commission.

(c) Additional use of surcharge.—The program shall be funded by the Telecommunication Relay Service Program surcharge, as calculated by the commission on an annual basis under the methodology established by the commission in order entered May 29, 1990, and July 9, 1990, at Docket Number M900239. The executive director of the Office of Vocational Rehabilitation in the department shall provide the commission with an annual budget and supporting information for the purchase of telecommunication devices for the program. The surcharge shall not be used to fund administrative costs of the program.

(d) Limits on expenditures.—Expenditures for the program shall not exceed collections from the Telecommunication Relay Service Program surcharge.

(e) Annual report.—The commission shall prepare and submit an annual report to the General Assembly on the program.

(1) The report shall include the fiscal status of the program, a statement of the surcharge level established under subsection (c) and the revenues produced by the surcharge, an account of program expenses and the fund balance.

(2) The executive director of the Office of Vocational Rehabilitation in the department shall provide the commission with information on the program, including the purchase and distribution of telecommunication devices, for inclusion in the annual report to the General Assembly.

(3) If the commission determines any of the information is proprietary, the information shall be filed under seal and made available under the terms of an appropriate protective agreement of the type used in cases before the commission.

Section 5. Effective date.

This act shall take effect immediately.

APPROVED—The 6th day of July, A.D. 1995.

THOMAS J. RIDGE