

**ACT 50**

S.B. NO. 1306

A Bill for an Act Relating to Telecommunications Relay Services.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that telecommunications relay services (TRS) provide individuals with hearing and speech disabilities telephone transmis-

sion services that enable these individuals to communicate by wire or radio with other individuals in a manner that is functionally equivalent to individuals without such disabilities.

The legislature further finds that the means to collect moneys that are assessed to pay for TRS is important to the provision and quality of TRS.

The purpose of this Act is to provide the state public utilities commission with greater flexibility in administering and providing intrastate telecommunications relay services in the State.

SECTION 2. Section 269-16.6, Hawaii Revised Statutes, is amended to read as follows:

**“§269-16.6 [Relay] Telecommunications relay services for the deaf, [hearing-impaired, and speech-impaired,] persons with hearing disabilities, and persons with speech disabilities.** (a) The public utilities commission shall implement [a program to achieve] intrastate telecommunications relay services for the deaf [and hearing-impaired not later than July 1, 1989, and the speech-impaired not later than July 1, 1992], persons with hearing disabilities, and persons with speech disabilities.

[(b) “Relay services for the deaf, hearing-impaired, and speech-impaired” means a twenty-four hour operator-assisted telephone relay service staffed by persons who are able to receive and transmit phone calls between deaf, hearing-impaired, and speech-impaired and hearing persons using a telecommunication device for the deaf in conjunction with a telephone.

(e) (b) The commission shall investigate the availability of experienced providers of quality telecommunications relay services for the deaf, [hearing-impaired, and speech-impaired. Contracts for the] persons with hearing disabilities, and persons with speech disabilities. The provision of these telecommunications relay services to be rendered on or after July 1, 1992, shall be awarded by the commission to the provider or providers [which] the commission determines to be best qualified to provide these services. In reviewing the qualifications of the provider or providers, the commission shall consider the factors of cost, quality of services, and experience, and such other factors as the commission deems appropriate.

[(d)] (c) If the commission determines that the telecommunications relay service can be provided in a cost-effective manner by a service provider[, or service providers, the commission may require every [telephone-public-utility, including] intrastate telecommunications [carriers,] carrier to contract with [that] such provider or providers for the provision of the telecommunications relay service under the terms established by the commission.

[(e) Notwithstanding subsections (c) and (d), relay services for the period beginning July 1, 1989, and ending June 30, 1992, shall be provided by every telephone-public-utility providing local service; provided that the commission and the provider or providers can agree on the terms and conditions for the provision of those relay services.]

(d) The commission may establish a surcharge to collect customer contributions for telecommunications relay services required under this section.

(e) The commission may adopt rules to establish a mechanism to recover the costs of administering and providing telecommunications relay services required under this section.

(f) The commission shall require every [telephone-public-utility, including] intrastate telecommunications [carriers, providing local telephone service] carrier to file a schedule of rates and charges and every provider of telecommunications relay service to maintain a separate accounting for the costs of providing [for] telecom-

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munications relay services for the deaf, [~~hearing-impaired, and speech-impaired,~~ persons with hearing disabilities, and persons with speech disabilities.

(g) Nothing in this section shall preclude the commission from changing any rate established pursuant to this section either specifically or pursuant to any general restructuring of all telephone rates, charges, and classifications.

(h) As used in this section:

“Telecommunications relay services” means telephone transmission services that provide an individual who has a hearing or speech disability the ability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using wire or radio voice communication services. “Telecommunications relay services” includes services that enable two-way communication using text telephones or other nonvoice terminal devices, speech-to-speech services, video relay services, and non-English relay services.”

SECTION 3. Section 269-16.7, Hawaii Revised Statutes, is repealed.

SECTION 4. Statutory material to be repealed is bracketed and stricken.<sup>1</sup> New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 7, 2003.)

**Note**

1. Edited pursuant to HRS §23G-16.5.