

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 838  
SENATE BILL 494

AN ACT TO ENSURE THAT THE HEARING- AND SPEECH-IMPAIRED HAVE  
ACCESS TO BASIC TELEPHONE SERVICE.

The General Assembly of North Carolina enacts:

Section 1. Part 24 of Article 3 of Chapter 143B of the General Statutes is amended by adding new sections to read:

"§ 143B-216.6. **North Carolina Council for the Hearing Impaired; communications services for the deaf; findings and purpose; definitions.** – (a) The General Assembly of North Carolina finds:

- (1) That telephone service provides a rapid and essential communications link among the general public, and with essential offices and organizations such as police, fire and medical facilities;
- (2) That all persons should have basic telephone service available to them at a fair and equitable cost;
- (3) That a significant portion of North Carolina's hearing and speech impaired population have profound disabilities which render normal telephone equipment useless without additional specialized devices which cost several hundred dollars;
- (4) That there exists a need for a program whereby access to basic telephone service for hearing and speech impaired persons is equal in cost to the amount paid by other telephone customers; and
- (5) That is the declared purpose of this section to establish a program whereby the cost of specialized telecommunications equipment necessary to ensure that the hearing and speech impaired have access to basic telephone service is borne by all the citizens of the State.

(b) The following terms and phrases when used in G.S. 143B-216.6 and G.S. 143B-216.7 have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) 'Deaf person' means an individual who is unable to hear and understand oral communication, with or without the assistance of amplification devices.
- (2) 'Hearing impaired person' means an individual who has suffered a permanent hearing loss which is severe enough to necessitate the use of amplification devices to hear oral communication.

- (3) 'Speech impaired person' means an individual who has suffered a permanent loss of oral communication ability which prohibits normal usage of a standard telephone handset.
- (4) 'Telecommunications device' or 'telecommunications device for the deaf, hearing or speech impaired' or 'TDD' means a keyboard mechanism attached to or in place of a standard telephone by some coupling device, used to transmit or receive signals through telephone lines.
- (5) 'Ring signaling device' means a mechanism such as a flashing light which visually indicates that a communication is being received through a telephone line. This phrase also means mechanism such as adjustable volume ringers and buzzers which audibly and loudly indicate an incoming telephone communication.
- (6) 'Volume control handset' means a telephone handset or other telephone listening device which has an adjustable control for increasing the volume of the sound being produced by the telephone receiving unit.
- (7) 'Dual party relay system' means a procedure whereby a deaf, hearing or speech impaired TDD user can communicate with an intermediary party, who then orally relays the first party's message or request to a third party, or vice versa.
- (8) '911 system' means the emergency telephone number system.
- (9) 'Utilities Commission' or 'Commission' means the State agency established pursuant to Chapter 62 of the General Statutes.
- (10) 'Telephone company' means every corporation, company, association, joint stock association, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town owning, operating, or managing any telephone line or part of a telephone line used in the conduct of the business of affording telephonic communication service for hire within this State.
- (11) 'Telephone line' includes conduits, ducts, poles, wires, cables, crossarms, receivers, transmitters, instruments, machines, appliances, instrumentalities, and all devices, including radio and other advancements of the art of telephony, real estate, easements, apparatus, property, and routes used and operated to facilitate the business of affording telephonic communication services to the public for hire within this State.

**"§ 143B-216.7. North Carolina Council for the Hearing Impaired; communication services program establishment; administration; trust fund.** – (a) There is established within the Department of Human Resources a communications services program for the hearing and speech impaired, to be administered, developed, and implemented by the North Carolina Council for the Hearing Impaired, pursuant to G.S. 143B-213.

(b) In addition to the duties provided in G.S. 143B-216, the Council shall:

- (1) Serve as a forum for the discussion and review of deaf, hearing impaired, and speech impaired communication problems;
- (2) Exercise all power necessary, required, or incidental to developing and implementing the functions and purposes mandated by this section;
- (3) Make contracts of every type and nature and execute all instruments necessary to implement the provisions of this section;
- (4) Develop programs for the delivery or improvement of communication services to the deaf, hearing impaired, and speech impaired, and develop a financial evaluation procedure to ensure that the communication devices made available by this section are provided by this section only to those deaf, hearing impaired, and speech impaired persons whose financial resources would not enable them to purchase these devices;
- (5) Coordinate such programs with the appropriate municipalities, counties, State agencies, and nonprofit organizations and coordinate such programs with affected telephone companies;
- (6) Apply for, contract for, receive, and expend for the purposes of this section any appropriation, grant, gift, or donation from the Federal Government or any other public or private source;
- (7) Devise procedures for certifying persons as deaf, hearing impaired, or speech impaired. Such certification process shall include a statement attesting to such impairment by a licensed physician, audiologist, speech pathologist, or appropriate State or federal agency; and
- (8) Prescribe and promulgate necessary rules consistent with the provisions of this section.

(c) The Council or its agent shall develop and implement a schedule for the purchase and distribution of the devices and equipment required by this section. In no event may more than one-third of the total number of devices estimated to be needed for this program be purchased or distributed in fiscal year 1987-88.

(d) There is established within the Office of State Treasurer the Telecommunication Devices for the Deaf Trust Fund, to be used as a nonreverting fund for the purposes of this section.

Monies in this fund shall include any appropriations authorized by the Legislature, grants from other governmental entities, and any contributions or donations received by the Council.

Monies in this fund that are not necessary to meet current obligations authorized by this section shall be invested by the State Treasurer as provided by law. Interest earned from such investment shall be deposited in the fund and available to the Council for endeavors relating to the program authorized by this section.

The Council may expend the monies residing in this fund only for the purchase, distribution and maintenance of equipment as discussed in this section, subject to the fiscal and budgetary provisions of general law. Training of recipients in the use of this equipment may be paid for with these funds, but the Council's operating expenses may not be paid with these funds.

(e) The Council is directed to establish characteristics and performance standards for TDD's, ring signaling devices, and volume control handsets, and shall select equipment to be purchased for distribution to qualifying recipients.

The Council is encouraged to require the purchase of equipment required by this section on a competitive bid basis, so that the lowest possible per unit price may be obtained on the equipment selected for purchase.

The equipment discussed in this section shall be subleased at no cost to qualifying recipients for a period of time not exceeding five years. Nothing herein shall be construed to prevent the renewal of any lease previously executed with a qualified recipient.

(f) The central communications office of each county sheriff's department shall purchase and continually operate at least one TDD:

- (1) The central communications office of each police department and firefighting agency in municipalities with a population of 25,000 to 250,000 shall purchase and continually operate at least one TDD.
- (2) The central communications office of each police department and firefighting agency in municipalities with a population exceeding 250,000 persons shall purchase, and continually operate, at least two TDD's.

At least one hospital in each county shall purchase and continually operate at least one TDD.

Each 911 emergency number system and each agency receiving automatically routed calls through a 911 emergency system shall purchase and continually operate at least one TDD.

Each public safety office, health care provider, and 911 emergency number system required to obtain a TDD pursuant to this section shall continually operate and staff such equipment on a 24-hour basis:

- (1) Offices and organizations required to purchase TDD's pursuant to this section may buy such equipment from the Council, or from private vendors who can supply devices identical to or compatible with those selected by the Council at a lower price than the Council offers.
- (2) The purchase price imposed on such offices and organizations by the Council shall not exceed the actual per unit cost including shipping and storage charges.

(g) The Council shall review the potential benefits and problems associated with implementation of a dual party relay system in North Carolina.

While deliberating the feasibility of such a system for this state, the Council shall consider or review:

- (1) The public sector and private sector costs which would be incurred;
- (2) What geographic regions of the State should have this system available to the deaf, hearing impaired, and speech impaired;
- (3) What private sector businesses should be asked to participate;
- (4) How this system should be funded;
- (5) Any dual party relay systems currently operating in other states; and

(6) A proposed schedule for implementing any recommendations made pursuant to this section.

The Council shall report its findings concerning a dual party relay system to the presiding officers of the Legislature by May 1, 1988."

Sec. 2. Of the funds appropriated by Section 2 of Chapter 738, Session Laws of 1987, to the office of the State Treasurer for the 1987-88 fiscal year, the sum of two hundred thousand dollars (\$200,000) shall be used to establish the Telecommunications Devices for the Deaf Trust Fund, established by Section 1 of this act.

Sec. 3. This act shall become effective September 1, 1987.

In the General Assembly read three times and ratified this the 14th day of August, 1987.