

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 56-484.4, 56-484.5, and 56-484.6 of the Code of Virginia, and to repeal § 56-484.7 of the Code of Virginia, relating to the telecommunications relay service.

[S 468]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-484.4, 56-484.5, and 56-484.6 of the Code of Virginia are amended and reenacted as follows:

§ 56-484.4. Definitions.

As used in this article, unless the context otherwise requires, the term:

"Department" means the Department for the Deaf and Hard-of-Hearing.

"Operation" means those functions reasonably and directly necessary for the provision of telecommunications relay service, including contract procurement and administration, and public education and information regarding such service.

"Telecommunications relay service" means a facility whereby a person who has a hearing or speech disability using a text telephone and a person using a conventional telephone device can communicate with each other via telephone.

"Telephone company" means a certificated local exchange telephone company which owns, manages, or controls any plant or equipment or any part of a plant or equipment within the Commonwealth for the conveyance of telephone messages, either directly or indirectly.

"Voice carry over" means technology that will enable a deaf or hard-of-hearing person with good speech to use his voice, instead of the text telephone, to communicate back to the hearing person.

§ 56-484.5. Provision of service; minimum standards.

The ~~Commission~~ Department, with the ~~concurrence~~ assistance of the Commission, shall establish a ~~be responsible for the provision and operation of~~ telecommunications relay service for all text telephones within the Commonwealth. Such service shall include at a minimum:

1. Twenty-four-hour-a-day, seven-day-a-week statewide access with no limitations or restrictions that are not applicable to voice users of the telephone network;

2. An answer rate that ensures that at least 85 percent of the incoming calls are operator-answered within twenty seconds and ~~100 at least~~ 99 percent of incoming calls answered within ~~ninety~~ sixty seconds;

3. Technological advances, including the capability of voice carry over; and

4. Adequate facilities and personnel to ensure that calls are interpreted accurately; notwithstanding this provision, unless miscommunication on a call is caused by the willful misconduct of the telecommunications relay service provider, liability of the telecommunications relay service provider shall be limited to the charges imposed on users for the call.

§ 56-484.6. Funding.

A. All costs associated with the establishment and operation of the telecommunications relay service, including ~~expenses incurred by the advisory board created pursuant to § 56-484.7 but not limited to,~~ personnel costs incurred by the Department for administering the service, shall be funded through an assessment made by the Commission to telephone companies and any money transferred from the Department as provided for in subsection C of this section. The Commission shall consider market share, revenue, number of customers, and any other factors the Commission considers relevant in fairly apportioning such costs among the companies; such assessments, when appropriate, may be zero. The assessments shall be based on projected costs and special interim assessments may be made if actual costs exceed projections. *No assessment shall be made and no funds shall be expended to support any activities which are not reasonably and directly necessary for the operation of the telecommunications relay service as defined herein.*

B. In order to defray the assessments referred to in subsection A of this section, the Commission shall authorize such rate surcharges as it deems reasonable. Each telephone company shall be allowed a commission, as determined by the Commission not to exceed three percent of the surcharge, to cover the costs associated with the collection of the surcharge.

C. *The Department shall transfer any funds received from the National Exchange Carrier Association, or other funding sources for purposes of operating telecommunications relay services, to the Commission for costs associated with telecommunications relay service.*

2. That § 56-484.7 of the Code of Virginia is repealed.