

PUBLIC ACTS, 1999

CHAPTER NO. 417

HOUSE BILL NO. 529

By Representatives Hargrove, Head

Substituted for: Senate Bill No. 659

By Senator Cooper

AN ACT to amend Tennessee Code Annotated, Title 6; Title 7; Title 8; Title 47; Title 65 and Title 67, relative to telecommunications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 21, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) The Tennessee Regulatory Authority shall develop by rule an assistive telecommunications device distribution program no later than January 1, 2000, to be administered by the authority. Such plan shall require all telecommunications service providers to contribute in the aggregate a total of no more than seven hundred and fifty thousand dollars (\$750,000) each year to fund the program. The authority shall create a reserve fund for such program which shall not exceed one million dollars (\$1,000,000) in any given year. The authority shall by rule determine the annual contribution to be made each year by each telecommunications service provider to fund the program, based upon Tennessee telecommunications total revenue.

(b) It is the legislative intent that such program be designed with consideration of fair distribution of the equipment to Tennessee's hearing impaired and deaf population based on medical and financial need. The type of equipment to be distributed under the program shall be restricted to text telephones (TTYs), telephone devices for the deaf (TDDs) and the blind (Telebraille (TB)) machines.

(c) A telecommunications service provider with less than five million dollars (\$5,000,000) of Tennessee intrastate gross receipts for the calendar year is not required to make a contribution to the assistive telecommunications device distribution program established pursuant to subsection (a).

(d) The administrative cost of the authority to implement this act shall come from the contributions collected as described in Section 1(a) of this act.

(e) Contributions to this fund are not to be line-itemized on an end-users telephone bill.

(f) In establishing the distribution procedures, the Tennessee Regulatory Authority, or its designee, shall base its procedures on the former TTY distribution program funded by annual appropriations during 1987 to 1990 with regard to: the application procedure, purchasing of equipment, maintenance and repair, monthly telephone charges, priority of selection, certification of disability, verification of information, confidentiality, eligibility requirements and special considerations.

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(g) The Tennessee Regulatory Authority is authorized to promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, to implement this act.

SECTION 2. For the purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 1999, the public welfare requiring it.

PASSED: May 28, 1999


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 17th day of June 1999


DON SUNDQUIST, GOVERNOR