

S T A T E O F N E W Y O R K

10101

I N A S S E M B L Y

March 4, 2010

Introduced by M. of A. KOON -- read once and referred to the Committee
on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to telephone access
for all New Yorkers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:

- 1 Section 1. The public service law is amended by adding a new section
2 91-b to read as follows:
3 S 91-B. TELEPHONE ACCESS FOR ALL NEW YORKERS. 1. THE COMMISSION SHALL
4 ESTABLISH AND ADMINISTER A STATEWIDE PROGRAM TO DISTRIBUTE, AT NO COST
5 TO THE RECIPIENTS, ASSISTIVE TELECOMMUNICATIONS DEVICES TO PERSONS WHO
6 ARE DEAF, HARD OF HEARING, SEVERELY SPEECH IMPAIRED, OR DEAF-BLIND, OR
7 ADAPTIVE EQUIPMENT TO PERMIT THE USE OF TELECOMMUNICATIONS EQUIPMENT TO
8 PERSONS WITH OTHER PHYSICAL DISABILITIES SO THAT TELEPHONE SERVICE SHALL
9 BE MADE GENERALLY AVAILABLE TO ALL DISABLED PERSONS IN THE STATE.
10 2. IN ORDER TO BE ELIGIBLE TO RECEIVE ASSISTIVE TELECOMMUNICATION
11 DEVICES OR ADAPTIVE EQUIPMENT, INDIVIDUALS MUST BE AT LEAST FIVE YEARS
12 OLD AND MUST BE CERTIFIED AS HAVING THE DISABILITY THAT REQUIRES THE
13 PARTICULAR ASSISTIVE TELECOMMUNICATION DEVICES OR ADAPTIVE EQUIPMENT
14 REQUESTED BY THE INDIVIDUAL BY A PERSON OR AGENCY AUTHORIZED BY THE
15 COMMISSION TO MAKE SUCH CERTIFICATIONS. SUCH PERSONS SHALL INCLUDE BUT
16 NEED NOT BE LIMITED TO PHYSICIANS, AUDIOLOGISTS, SPEECH-LANGUAGE PATHOL-
17 OGISTS, VOCATIONAL REHABILITATION COUNSELORS, OR OTHER QUALIFIED PROFES-
18 SIONALS WITHIN THE AREA OF THEIR QUALIFICATIONS.
19 3. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN INDIVIDUAL
20 WHO IS HEARING IMPAIRED TO A DEGREE THAT THE ONLY ASSISTIVE TELECOMMUNI-
21 CATION DEVICES REQUIRED FOR EFFECTIVE TELEPHONE COMMUNICATIONS WOULD BE
22 AN AMPLIFIER, AMPLIFIED TELEPHONE, AN AUDIBLE SIGNALING DEVICE, OR ANY
23 COMBINATION THEREOF THAT ARE READILY AVAILABLE ON THE RETAIL MARKET AT A
24 PRICE SUCH THAT THE COST (AS DETERMINED BY THE COMMISSION) OF THE COMBI-
25 NATION OF SUCH DEVICES DOES NOT EXCEED TWO HUNDRED PERCENT OF THE AVER-
26 AGE COST OF A NON-AMPLIFIED TELEPHONE OF SIMILAR QUALITY SHALL NOT BE
27 ENTITLED TO RECEIVE SUCH ASSISTIVE TELECOMMUNICATION DEVICES UNLESS THE

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 INDIVIDUAL IS A MEMBER OF A FAMILY WITH A FAMILY INCOME OF LESS THAN TWO
2 HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL.
3 4. THE COMMISSION SHALL PROMULGATE SUCH REGULATIONS AS ARE NECESSARY
4 TO IMPLEMENT THE PROGRAM ESTABLISHED BY THIS SECTION, INCLUDING, BUT NOT
5 LIMITED TO, REGULATIONS CONCERNING TECHNOLOGY ELIGIBLE FOR DISTRIBUTION,
6 METHODS OF ENCOURAGING AND TAKING ADVANTAGE OF TECHNOLOGICAL ADVANCES,
7 AND METHODS OF ESTABLISHING PRIORITIES AMONG APPLICANTS, WHICH SHALL
8 TAKE INTO CONSIDERATION THE FACT THAT AN APPLICANT HAS ASSISTIVE EQUIP-
9 MENT AT THE TIME OF APPLICATION REGARDLESS OF THE SOURCE OF FUNDING FOR
10 SUCH ASSISTIVE EQUIPMENT.

11 5. THE DEPARTMENT SHALL UTILIZE THE ASSISTANCE OF AND COOPERATE WITH
12 COMMUNITY-BASED PROGRAMS FOR PEOPLE WITH DISABILITIES IN THE AREAS OF
13 TRAINING, OUTREACH, EQUIPMENT DISTRIBUTION, TROUBLESHOOTING, AND OTHER
14 AREAS WHICH MAY BE APPROPRIATE FOR COMMUNITY BASED PROGRAMS. COMMUNI-
15 TY-BASED PROGRAMS SHALL BE COMPENSATED FOR THE SERVICES WHICH THEY
16 PROVIDE.

17 6. THE DEPARTMENT SHALL CONVENE AND SUPPORT A CITIZENS ADVISORY
18 COMMITTEE ON TELEPHONE ACCESS FOR ALL NEW YORKERS. THE ADVISORY COMMIT-
19 TEE SHALL CONSIST OF ONE MEMBER EACH APPOINTED BY THE GOVERNOR, THE
20 TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY, AND
21 AT LEAST FOUR ADDITIONAL MEMBERS WHO REPRESENT PEOPLE WITH DISABILITIES,
22 INCLUDING, BUT NOT LIMITED TO, PEOPLE WHO ARE HARD OF HEARING, DEAF, OR
23 DEAF-BLIND. THE LATTER MEMBERS SHALL BE APPOINTED BY THE GOVERNOR UPON
24 NOMINATION BY PROVIDERS OF COMMUNITY-BASED SERVICES TO PEOPLE WITH DISA-
25 BILITIES, INDIVIDUALS WITH DISABILITIES, AND OTHER INTERESTED PARTIES.

26 7. THE DEPARTMENT, IN COOPERATION WITH THE ADVISORY COMMITTEE, SHALL
27 PROVIDE A REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE,
28 AND THE SPEAKER OF THE ASSEMBLY ONE YEAR FROM THE EFFECTIVE DATE OF THIS
29 SECTION AND ANNUALLY ON THAT DATE THEREAFTER. THE REPORT SHALL DOCUMENT
30 THE PROGRESS OF THE PROGRAM IN PROVIDING TELEPHONE ACCESS TO ALL NEW
31 YORKERS.

32 S 2. Section 18-a of the public service law is amended by adding a new
33 subdivision 3-a to read as follows:

34 3-A. THE CHAIRPERSON OF THE COMMISSION SHALL ESTIMATE, PRIOR TO THE
35 START OF EACH FISCAL YEAR BEGINNING AFTER MARCH THIRTY-FIRST OF THE YEAR
36 AFTER THE YEAR IN WHICH THIS SUBDIVISION WAS ADDED, THE TOTAL COSTS AND
37 EXPENSES OF OPERATING THE PROGRAM TO PROVIDE EQUIPMENT TO ALLOW TELE-
38 PHONE ACCESS TO ALL NEW YORKERS ESTABLISHED PURSUANT TO SECTION NINETY-
39 ONE-B OF THIS CHAPTER FOR THE FOLLOWING FISCAL YEAR, INCLUDING THE COSTS
40 OF EQUIPMENT AND OF ADMINISTERING THE PROGRAM. BASED ON SUCH ESTIMATE,
41 THE CHAIRPERSON SHALL DETERMINE THE AMOUNT TO BE PAID AS A CONDITION OF
42 DOING BUSINESS WITHIN THIS STATE BY EACH TELECOMMUNICATIONS COMPANY THAT
43 PROVIDES LOCAL SERVICE IN THIS STATE; PROVIDED, HOWEVER, THAT THE TOTAL
44 COSTS AND EXPENSES SHALL BE ALLOCATED TO EACH SUCH TELECOMMUNICATIONS
45 COMPANY IN THE PROPORTION THAT THE NUMBER OF TELEPHONE LINES IN THIS
46 STATE OF EACH SUCH TELECOMMUNICATIONS COMPANY BEARS TO THE TOTAL NUMBER
47 OF LINES IN THE STATE, AND A BILL SHALL BE RENDERED THEREFOR TO EACH
48 SUCH TELECOMMUNICATIONS COMPANY ACCORDINGLY.

49 S 3. Subdivision 5 of section 18-a of the public service law, as
50 amended by chapter 788 of the laws of 1978, is amended to read as
51 follows:

52 5. On demand made within thirty days of the rendition of any bill
53 pursuant to subdivision two, three, THREE-A, or four of this section,
54 the party so charged shall be afforded an opportunity to be heard as to
55 the amount thereof. Any amounts of such bills not paid within thirty
56 days from the date of determination upon such hearings, or, if none

1 shall be demanded, on the date upon which such payment is due, shall
2 bear interest at a rate to be prescribed by regulation of the commis-
3 sion. Such rate shall be not less than six [percentum] PER CENTUM per
4 annum nor more than the rate of interest prescribed by the banking board
5 pursuant to the provisions of section fourteen-a of the banking law in
6 effect on the day immediately [preceeding] PRECEDING the date on which
7 the provisions of this subdivision, as amended, become effective, but if
8 the commission has not set such rate, interest at six [percentum] PER
9 CENTUM per annum shall apply. Any interest rate set by the commission
10 shall become effective not less than sixty days after such rate is
11 promulgated.
12 S 4. This act shall take effect immediately.