

LAWS OF DELAWARE
VOLUME 85
CHAPTER 101
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 53
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO TELECOMMUNICATIONS SERVICE AND DEVICES FOR PERSONS WHO HAVE DEAFNESS, HEARING LOSS, OR SPEECH DISABILITIES.

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

Section 1. Amend § 220, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 220. Telecommunications service for persons who have deafness, hearing ~~loss-loss,~~ or speech disabilities for wireline communications service and devices.

(a) All telephone corporations or any corporation supplying wireline communications service within this State shall participate in a program to provide telecommunications service for ~~analog-communication devices-devices,~~ ~~and a telecommunications relay service-service,~~ and assistive devices for persons who have deafness, hearing ~~loss~~ loss, or speech ~~disabilities.~~ disabilities related to or resulting from an individual being deaf or hard of hearing.

(b) Telephone corporations or corporations supplying wireline telephone service within this State shall impose a surcharge as set forth in this section to recover the cost of providing said service through a separately identified charge on subscribers' bills as further outlined in subsection (e) of this section below. The surcharge shall be subject to adjustment annually with notification to providers required at least 90 days in advance of the effective date of such adjustment. The moneys recovered shall be deposited in a special fund created by the State for the purpose designated as the telecommunications service and devices for persons who have deafness, hearing ~~loss-loss,~~ or speech disabilities.

(c) (1) The ~~Delaware~~ Office of the Deaf and Hard of Hearing of the Department of Labor is hereby directed to administer the program to provide access to public telecommunications service by residents of Delaware who have deafness, hearing ~~loss-loss,~~ or speech disabilities using devices for ~~analog-communications.~~ communications, and to provide devices to facilitate communication or provide information pertaining to emergency services to residents of Delaware who have deafness, hearing loss, or speech disabilities. The Office shall develop, accept, process, and

approve applications for such service. ~~This program shall be graduated so that not more than 10 new users are approved per month on a first come, first served basis.~~

(2) The Department of Technology and Information is hereby directed to provide a statewide telecommunications relay service that will allow persons who have deafness, hearing ~~loss-loss,~~ or speech disabilities to communicate by telephone through attendants or equipment at a service answering facility with persons having normal hearing and speech. The Department may enter into contractual agreements with 1 or more other persons or entities requiring such other persons or entities to perform all or any part of the service. The cost of providing the telecommunications relay service shall be paid out of the Fund.

(3) The Office of the Deaf and Hard of Hearing is authorized to create a list of devices eligible for the Fund, which may include devices that both directly and indirectly facilitate communication or provide users with information pertaining to emergency situations, and publish the list online. The cost of providing such devices to residents of Delaware with deafness, hearing loss, or speech disabilities shall be paid out of the Fund. Eligible items may include the following:

- a. Everyday items such as alarm clocks, baby monitors, doorbells, and smoke detectors.
- b. Assistive devices to facilitate communication for people with deafness, hearing loss, or speech disabilities.
- c. Hearing-related emergency response kits.
- d. Specialized telecommunication equipment such as hearing-aid compatible cell phones, computer conversion packages, large visual displays, pagers, phones with amplifiers, and devices to alert people to audible warnings.

(4) The Office of the Deaf and Hard of Hearing is authorized to employ individuals as may be necessary to administer the program, provide education to the public about the program, and manage program resources.

~~(3)-(5)~~ The Office of the Deaf and Hard of Hearing is authorized to promulgate procedures, regulations, rules, and criteria necessary to implement and administer this statewide program.

(m) Money in the Fund may only be used to fund the costs of providing the services specified in subsection (a) of this section above, telecommunications relay service costs specified in paragraph (c)(2) of this ~~section-section,~~ costs related to the purchase of devices as specified in paragraph (c)(3) of this section, costs related to the

administration and management of the program as specified in paragraph (c)(4) of this section, and administrative costs as specified in subsection (j) of this section, subject to the following restrictions:

(1) No more than 15 percent of the money in the Fund revenue received during the fiscal year may be allocated or used to employ individuals as may be necessary to administer and manage the programs as specified in paragraph (c)(2) of this section.

(2) No more than 15 percent of the money in the Fund may be allocated or used to pay for administrative costs.

(3) The Fund must always retain a sufficient reserve to cover the following expenses for at least three months, as estimated based on the average actual expenses in the prior year:

a. The telecommunications relay service costs under paragraph (c)(2) of this section.

b. The costs associated with providing the devices under paragraph (c)(1) of this section to residents of Delaware with deafness, hearing loss, or speech disabilities.

c. Any administrative costs associated with employing individuals to administer and manage the program as specified in paragraph (c)(2) of this section and the administrative costs under subsection (j) of this section.

(n) The Fund is created as a nonappropriated special fund. Balances in the Fund on June 30 of each year shall carry forward and shall not revert to the General Fund.

(o) ~~This section shall become effective January 1, 2013.~~ The Office of the Deaf and Hard of Hearing must submit an annual report by September 30 concerning the previous fiscal year to the Governor, the Secretary of the Senate, the Chief Clerk of the House, and the Director and Librarian of the Division of Legislative Services. The annual report must be posted on the website of the Office of the Deaf and Hard of Hearing and include the following:

(1) The total number of applications submitted to the Office.

(2) The total number of applicants approved for assistance.

(3) The total number of applicants denied assistance.

(4) The total amount of funds spent during the fiscal year, including administrative costs and any costs associated with employing individuals to administer and manage the program as specified in paragraph (c)(2) of this section.

(5) A breakdown of funds spent on allowable expenditures within subsections (c)(2) and (c)(3) of this section, including how many of each allowable item is distributed to applicants.

(6) The total amount remaining in the Fund at the end of the fiscal year.

Section 2. This Act takes effect one year after its enactment into law.

Approved July 21, 2025