
By: Chairman, Environmental Matters Committee (Departmental - General Services)

Introduced and read first time: February 2, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 Dual Party Telephone Relay Program - Wireless Telephone and Related Services

3 FOR the purpose of extending the Universal Service Fee to apply to wireless telephone
4 service and certain other services; defining certain terms; establishing certain
5 responsibilities to be met by carriers of the Maryland Relay Service; providing for
6 the remittance and deposit of proceeds generated by the fee; and generally relating
7 to the dual party telephone relay program.

8 BY repealing and reenacting, with amendments,
9 Article - State Finance and Procurement
10 Section 4-1001 and 4-1007
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1995 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article - State Finance and Procurement
15 Section 4-1006
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1995 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 Article - State Finance and Procurement

21 4-1001.

22 (a) In this subtitle the following words have the meanings indicated.

23 (b) "Board" means the Governor's Advisory Board for Telecommunications
24 Relay.

25 (c) "Dual party telephone relay program" means a service whereby a person using
26 a telecommunications device for the deaf communicates with an intermediary party who
27 then verbally relays the first party's message to the third party, and vice versa.

28 (d) "Program" means the dual party telephone relay program.

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1 (e) "Program participant" means a resident of the State, whether hearing or deaf,
2 who uses the relay system to facilitate communication in the manner described in
3 subsection (c) of this section.

4 (f) "Telephone company" includes any public service company that owns
5 telephone lines for the reception, transmission, or communication of messages by
6 telephone or teletype, or that leases or sells telephonic or teletype communication
7 equipment.

8 (g) "Telecommunications device for the deaf" or "TDD" means all types of
9 mechanical devices that enable disabled individuals to type phone messages through the
10 telephone network.

11 (H) (1) "WIRELESS TELEPHONE SERVICE" MEANS PUBLIC TELEPHONE
12 SERVICES PROVIDED FOR TWO-WAY VOICE OR DATA COMMUNICATION WHICH IS
13 TRANSMITTED INDEPENDENT OF SWITCHED LOCAL EXCHANGE ACCESS TELEPHONE
14 SERVICE AND WHICH MAY IN PART BE TRANSMITTED VIA CABLE OR WIRE AS PART
15 OF A LARGER TELEPHONE CABLE SYSTEM.

16 (2) "WIRELESS TELEPHONE SERVICE" INCLUDES:

17 (I) CELLULAR TELEPHONE SERVICE (CELLULAR);

18 (II) PERSONAL COMMUNICATION SERVICE (PCS); AND

19 (III) SPECIALIZED MOBILE RADIO (SMR).

20 (3) "WIRELESS TELEPHONE SERVICE" DOES NOT INCLUDE ANY
21 SERVICE THAT CANNOT CONNECT A PERSON DIALING THE MARYLAND RELAY
22 SERVICE.

23 4-1006.

24 The Department of General Services in consultation with the Board shall adopt
25 regulations to carry out the purposes of this subtitle.

26 4-1007.

27 (a) The program shall be funded as provided in the State budget.

28 (b) There is a Universal Service Trust Fund created for the purpose of paying the
29 costs of maintaining and operating the program subject to the limitations and controls
30 provided in this subtitle. Moneys in the Universal Service Trust Fund shall be held in the
31 State Treasury.

32 (c) (1) The costs of the program shall be funded by revenues generated by a
33 surcharge to be paid by the subscribers to switched local exchange access service AND
34 WIRELESS TELEPHONE SERVICE and by other funds as the budget may provide.

35 (2) THE MARYLAND RELAY SERVICE CARRIERS SHALL ADD THE
36 UNIVERSAL SERVICE FEE TO ALL CURRENT BILLS RENDERED FOR WIRELESS
37 TELEPHONE SERVICE. THE CARRIERS SHALL ACT AS COLLECTION AGENTS FOR THE
38 UNIVERSAL SERVICES TRUST FUND WITH RESPECT TO THE FEE AND SHALL REMIT
39 ALL PROCEEDS TO THE COMPTROLLER ON A MONTHLY BASIS. THE MARYLAND

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1 RELAY SERVICE CARRIERS SHALL BE ENTITLED TO CREDIT AGAINST THE
2 PROCEEDS OF THE UNIVERSAL TRUST FUND FEE TO BE REMITTED AN AMOUNT
3 EQUAL TO 1 AND 1/2 PERCENT OF THE UNIVERSAL TRUST FUND FEE TO COVER THE
4 EXPENSES OF BILLING, COLLECTING, AND REMITTING THE UNIVERSAL TRUST FUND
5 FEE AND ANY ADDITIONAL CHARGES. THE COMPTROLLER SHALL DEPOSIT THE
6 FUNDS IN THE UNIVERSAL TRUST FUND.

7 [(2)] (3) The surcharge may not exceed 45 cents per month and shall be
8 applied to all current bills rendered for switched local exchange access service AND
9 WIRELESS TELEPHONE SERVICE in the State. The surcharge is payable at the time the
10 bills for telephone service are due.

11 (d) (1) The Secretary of the Department of General Services shall annually
12 certify to the Public Service Commission the costs of the program to be paid by the
13 Universal Service Trust Fund.

14 (2) The Public Service Commission shall determine the surcharge necessary
15 to fund the program and shall, on 60 days' notice, direct the affected telephone
16 companies to add the surcharge to all current bills rendered for switched local exchange
17 access service in the State.

18 (e) The affected telephone companies shall act as collection agents for the
19 Universal Service Trust Fund and shall remit all proceeds monthly to the Comptroller for
20 deposit to the Universal Service Trust Fund. The telephone companies shall be entitled to
21 credit against these proceeds an amount equal to 1 1/2 percent of these proceeds to cover
22 the expenses of billing, collecting, and remitting the surcharge and any additional charges.

23 (f) The Secretary of General Services shall administer the Universal Service Trust
24 Fund subject to the provisions for financial management and budgeting established by the
25 Department of Budget and Fiscal Planning. The income derived from investment of
26 money in the Fund shall accrue to the Fund.

27 (g) The Legislative Auditor shall conduct post audits of a fiscal and compliance
28 nature of the Universal Service Trust Fund and of the expenditures made for purposes of
29 this subtitle. The cost of the fiscal portion of the post audit examination shall be paid from
30 the Universal Service Trust Fund as an administrative cost.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1996.