

# HOUSE BILL 601

P2, C5

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CF SB 248

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By: **Delegates Kramer, Aumann, Barkley, Branch, Carey, Chang, Cullison, Fennell, Fraser-Hidalgo, Frush, Jameson, Krimm, Morales, Stein, Turner, and Valderrama**

Introduced and read first time: January 30, 2017

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Senior Call–Check Service and Notification Program – Establishment**

3 FOR the purpose of altering the purpose of and programs to be funded by the Universal  
4 Service Trust Fund; requiring the Secretary of Information Technology to certify  
5 certain information; requiring the Public Service Commission to determine the  
6 amount of a certain monthly surcharge; authorizing the Legislative Auditor to  
7 conduct certain postaudits for a certain additional purpose; establishing the Senior  
8 Call–Check Service and Notification Program; providing a mechanism for the  
9 funding of the Program; requiring the Program to be funded at a certain amount  
10 based on a certain estimate by the Department of Aging, subject to a certain  
11 limitation; specifying that an individual who meets a certain requirement is eligible  
12 for the Program; requiring the Department of Aging to establish and maintain the  
13 Program and to adopt certain regulations; specifying a sequence of telephone calls  
14 and notifications that satisfies Program requirements; authorizing the Department  
15 of Aging to contract with a certain private vendor or nonprofit organization to provide  
16 a certain service; providing for immunity from civil liability and criminal penalty for  
17 entities and individuals participating in the Program; defining certain terms; and  
18 generally relating to telephone service and the Senior Call–Check Service and  
19 Notification Program.

20 BY repealing and reenacting, without amendments,  
21 Article – State Finance and Procurement  
22 Section 3A–101 and 3A–501  
23 Annotated Code of Maryland  
24 (2015 Replacement Volume and 2016 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article – State Finance and Procurement  
27 Section 3A–506

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   Annotated Code of Maryland  
2                   (2015 Replacement Volume and 2016 Supplement)

3    BY adding to  
4      Article – State Finance and Procurement  
5      Section 3A–701 and 3A–702 to be under the new subtitle “Subtitle 7. Senior  
6                   Call–Check Service and Notification Program”  
7                   Annotated Code of Maryland  
8                   (2015 Replacement Volume and 2016 Supplement)

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

11                   **Article – State Finance and Procurement**

12   3A–101.

13                   (a)    In this title the following words have the meanings indicated.

14                   (b)    “Department” means the Department of Information Technology.

15                   (c)    “Secretary” means the Secretary of Information Technology.

16                   (d)    “Telecommunication” means the transmission of information, images,  
17    pictures, voice, or data by radio, video, or other electronic or impulse means.

18                   (e)    “Unit of State government” means an agency or unit of the Executive Branch  
19    of State government.

20   3A–501.

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

22                   (b)    “Board” means the Governor’s Advisory Board for Telecommunications Relay.

23                   (c)    “Communications company” means a public service company, as defined in §  
24    1–101 of the Public Utilities Article, or any other company, that provides a communications  
25    service.

26                   (d)    “Communications service” means:

27                   (1)    landline telephone service;

28                   (2)    wireless or cellular telephone service; or

29                   (3)    Voice over Internet Protocol (VoIP) service, as defined in § 8–601 of the  
30    Public Utilities Article.

1       (e) "Dual party telephone relay program" means a service that provides full and  
2 simultaneous communication between a person or persons with a disability that prevents  
3 them from using a standard telephone and a person or persons without that disability using  
4 conventional telephone equipment or other technology or equipment, whereby the disabled  
5 person or persons have their message relayed through an intermediary party using  
6 specialized telecommunications equipment.

7       (f) "Program" means the dual party telephone relay program.

8       (g) "Program participant" means a resident of the State who uses the dual party  
9 telephone relay program.

10       (h) (1) "Specialized customer telephone equipment" means any  
11 communications device that enables or assists a person with a disability to communicate  
12 with others by means of the public switched telephone network or Internet  
13 protocol–enabled voice communications service.

14       (2) "Specialized customer telephone equipment" includes:

15               (i) TDD/TT/TTY;

16               (ii) amplifiers;

17               (iii) captioned telephones;

18               (iv) VRS equipment;

19               (v) cell phones;

20               (vi) pagers;

21               (vii) puff blow devices;

22               (viii) Braille–TTY devices; and

23               (ix) equipment for the mobility disabled.

24       (i) "Telecommunications device for the deaf" or "TDD/TT/TTY" means all types of  
25 mechanical devices that enable disabled individuals to communicate through messages  
26 sent and received through a telephone or wireless network.

27 3A–506.

28       (a) **(1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**  
29 programs under § 3A–504(a) of this subtitle and **[§ 3A–602(a)] §§ 3A–602(A) AND 3A–702**  
30 of this title shall be funded as provided in the State budget.

4 (I) IS EQUAL TO THE COST THAT THE DEPARTMENT OF AGING  
5 IS EXPECTED TO INCUR FOR THE UPCOMING FISCAL YEAR TO PROVIDE THE SERVICE  
6 AND ADMINISTER THE PROGRAM; AND

10 (b) (1) There is a Universal Service Trust Fund created for the purpose of  
11 paying the costs of maintaining and operating the [program] PROGRAMS under:

16 (III) § 3A-702 OF THIS TITLE, SUBJECT TO THE LIMITATIONS  
17 AND CONTROLS PROVIDED IN SUBTITLE 7 OF THIS TITLE.

18 (2) Money in the Universal Service Trust Fund shall be held in the State  
19 Treasury.

20 (3) Money in the Universal Service Trust Fund may only be used:

21 (i) to fund the costs of the programs specified in paragraph (1) of  
22 this subsection; and

23 (ii) to pay for the administration of the Universal Service Trust  
24 Fund.

25 (c) (1) The costs of the programs under § 3A-504(a) of this subtitle and  
26 [§ 3A-602(a)] **§§ 3A-602(A) AND 3A-702** of this title shall be funded by revenues  
27 generated by:

28 (i) a surcharge to be paid by the subscribers to a communications  
29 service; and

30 (ii) other funds as provided in the State budget.

4 (ii) The surcharge is payable at the time the bills for a  
5 communications service are due.

(3) The surcharge to be collected under this section applies only to a communications service for which charges are billed by, or on behalf of, a communications company to a subscriber of the communications service.

36 (f) (1) The Secretary shall administer the Universal Service Trust Fund.

(2) The income derived from investment of money in the Universal Service Trust Fund shall accrue to the Universal Service Trust Fund.

(3) Any funds remaining at the end of a fiscal year in the Universal Service Trust Fund shall be carried forward within the Universal Service Trust Fund for the maintenance and operation of the programs specified under subsection (b) of this section in the following fiscal year.

## **SUBTITLE 7. SENIOR CALL-CHECK SERVICE AND NOTIFICATION PROGRAM.**

14 3A-701.

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
16 INDICATED.

17 (B) "ELIGIBLE PARTICIPANT" MEANS A RESIDENT OF THE STATE WHO IS AT  
18 LEAST 65 YEARS OLD.

19 (C) "PERSON OF RECORD" INCLUDES A LOCAL LAW ENFORCEMENT UNIT OR  
20 OTHER LOCAL GOVERNMENT AGENCY THAT CHOOSES TO PARTICIPATE IN THE  
21 PROGRAM.

22 (D) "PROGRAM" MEANS THE SENIOR CALL-CHECK SERVICE AND  
23 NOTIFICATION PROGRAM.

30 (2) "SENIOR CALL-CHECK SERVICE AND NOTIFICATION" INCLUDES:

31 (I) AN AUTOMATED OR LIVE TELEPHONE CALL PLACED BY AN  
32 ELIGIBLE PARTICIPANT OR RECEIVED BY AN ELIGIBLE PARTICIPANT AT A  
33 REGULARLY SCHEDULED TIME EACH DAY;

9 (IV) A NOTIFICATION TO THE ELIGIBLE PARTICIPANT  
10 REGARDING INFORMATION THAT THE SECRETARY OF AGING HAS DETERMINED TO  
11 BE RELEVANT.

12 3A-702.

**(A) THE DEPARTMENT OF AGING SHALL:**

16 (2) ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE PROGRAM.

20 (c) (1) ALL INDIVIDUALS AND ENTITIES INVOLVED IN ADMINISTERING  
21 THE PROGRAM SHALL BE IMMUNE FROM LIABILITY OR CRIMINAL PENALTY FOR THE  
22 PERFORMANCE OR NONPERFORMANCE OF THE REQUIREMENTS UNDER THE  
23 PROGRAM.

24 (2) ENTITIES OR INDIVIDUALS THAT ARE IMMUNE FROM CIVIL  
25 LIABILITY AND CRIMINAL PENALTY INCLUDE:

26 (I) THE DEPARTMENT OF AGING;

29 (III) THE PUBLIC SERVICE COMMISSION:

30 (IV) A TELEPHONE COMPANY:

**(V) A LOCAL LAW ENFORCEMENT UNIT;**

**(VI) A LOCAL GOVERNMENT AGENCY;**

**(VII) A PERSON OF RECORD; AND**

## (VIII) A VOLUNTEER-BASED ORGANIZATION.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
6 1, 2017.