

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 275
91ST GENERAL ASSEMBLY

Reported from the Committee on Motor Vehicle and Traffic Regulations, May 9, 2001, with recommendation that the House Committee Substitute for Senate Bill No. 275 Do Pass.

TED WEDEL, Chief Clerk

1024L.04C

AN ACT

To repeal section 209.251, RSMo, and to enact in lieu thereof two new sections relating to the hearing impaired.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 209.251, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as section sections 209.251 and 302.174, to read as follows:

209.251. As used in sections 209.251 to 209.259, the following terms mean:

- 2 (1) "Adaptive telecommunications equipment", equipment that translates, enhances or
3 otherwise transforms the receiving or sending of telecommunications into a form accessible to
4 individuals with disabilities. The term adaptive telecommunications equipment includes adaptive
5 telephone equipment and other types of adaptive devices such as computer input and output adaptations
6 necessary for telecommunications access;
- 7 (2) "Basic telecommunications access line", a telecommunications line which provides service
8 from the telephone company central office to the customer's premises which enables the customer to
9 originate and terminate long distance and local telecommunications;
- 10 (3) "Commission", the public service commission;
- 11 (4) "Consumer support and outreach", services that include, but are not limited to, assisting
12 individuals with disabilities or their families or caregivers in the selection of the most appropriate
13 adaptive telecommunications equipment to meet their needs, providing basic training and technical
14 assistance in the installation and use of adaptive telecommunications equipment, and development and
15 dissemination of information to increase awareness and use of adaptive telecommunications equipment;
- 16 (5) "Department", the department of labor and industrial relations;

17 (6) "Eligible subscriber", any individual who has been certified as deaf, hearing-impaired,
18 speech-impaired or as having another disability that causes the inability to use telecommunications
19 equipment and services by a licensed physician, audiologist, speech pathologist, **hearing instrument**
20 **specialist** or a qualified agency;

21 (7) "Missouri assistive technology advisory council" or "council", the body which directs the
22 Missouri assistive technology program pursuant to sections 191.850 to 191.865, RSMo;

23 (8) "Program administrator", the entity or entities designated to design the statewide
24 telecommunications equipment distribution program, develop and implement the program policies and
25 procedures, assure delivery of consumer support and outreach and account for and pay all program
26 expenses;

27 (9) "Surcharge", an additional charge which is to be paid by local exchange telephone
28 company subscribers pursuant to the rate recovery mechanism established pursuant to sections
29 209.255, 209.257 and 209.259 in order to implement the programs described in sections 209.251 to
30 209.259;

31 (10) "Telecommunications", the transmission of any form of information including, but not
32 limited to, voice, graphics, text, dynamic content, and data structures of all types whether they are in
33 electronic, visual, auditory, optical or any other form;

34 (11) "Telecommunications device for the deaf" or "TDD", a telecommunications device
35 capable of allowing deaf, hearing-impaired or speech-impaired individuals to transmit messages over
36 basic telephone access lines by sending and receiving typed messages.

37 **302.174. 1. As used in this section, the following terms mean:**

38 (1) "Deaf person", any person who, because of hearing loss, is not able to
39 discriminate speech when spoken in a normal conversation tone regardless of the use of
40 amplification devices;

41 (2) "Hard of hearing", a condition in which a person who, because of hearing loss, has
42 a diminished capacity to discriminate speech when spoken in a normal conversational tone;

43 (3) "J88", a notation on a driver's license that indicates the person is a deaf or is hard
44 of hearing who uses alternative communication.

45 **2. Any resident of this state who is deaf or hard of hearing may apply to the**
46 **department of revenue to have the notation "J88" placed on the person's driver's license.**
47 **The department of revenue, by rule, may establish the cost and criteria for placement of the**
48 **"J88" notation, such as requiring an applicant to submit certain medical proof of deafness or**
49 **hearing loss.**

50 **3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that**

51 is created under the authority delegated in this section shall become effective only if it
52 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
53 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any
54 of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review,
55 to delay the effective date or to disapprove and annul a rule are subsequently held
56 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
57 after August 28, 2001, shall be invalid and void.

Unofficial

Bill

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