
SECOND SUBSTITUTE HOUSE BILL 2055

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Flannigan, Ahern, McCoy, Ormsby and Santos)

READ FIRST TIME 3/5/07.

1 AN ACT Relating to traumatic brain injury; amending RCW 46.20.311
2 and 46.68.041; reenacting and amending RCW 43.84.092; adding a new
3 section to chapter 46.20 RCW; and adding a new chapter to Title 74 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The center for disease control estimates
6 that at least five million three hundred thousand Americans,
7 approximately two percent of the United States population, currently
8 have a long-term or lifelong need for help to perform activities of
9 daily living as a result of a traumatic brain injury. Each year
10 approximately one million four hundred thousand people in this country,
11 including children, sustain traumatic brain injuries as a result of a
12 variety of causes including falls, motor vehicle injuries, being struck
13 by an object, or as a result of an assault and other violent crimes,
14 including domestic violence. Additionally, there are significant
15 numbers of veterans who sustain traumatic brain injuries as a result of
16 their service in the military.

17 Traumatic brain injury can cause a wide range of functional changes
18 affecting thinking, sensation, language, or emotions. It can also
19 cause epilepsy and increase the risk for conditions such as Alzheimer's

1 disease, Parkinson's disease, and other brain disorders that become
2 more prevalent with age. The impact of a traumatic brain injury on the
3 individual and family can be devastating.

4 The legislature recognizes that current programs and services are
5 not funded or designed to address the diverse needs of this population.
6 It is the intent of the legislature to develop a comprehensive plan to
7 help individuals with traumatic brain injuries meet their needs. The
8 legislature also recognizes the efforts of many in the private sector
9 who are providing services and assistance to individuals with traumatic
10 brain injuries. The legislature intends to bring together those in
11 both the public and private sectors with expertise in this area to
12 address the needs of this growing population.

13 NEW SECTION. **Sec. 2.** The definitions in this section apply
14 throughout this chapter unless the context clearly requires otherwise.

15 (1) "Department" means the department of social and health
16 services.

17 (2) "Department of health" means the Washington state department of
18 health created pursuant to RCW 43.70.020.

19 (3) "Secretary" means the secretary of social and health services.

20 (4) "Traumatic brain injury" means injury to the brain caused by
21 physical trauma resulting from, but not limited to, incidents involving
22 motor vehicles, sporting events, falls, and physical assaults.
23 Documentation of traumatic brain injury shall be based on adequate
24 medical history, neurological examination, mental status testing, or
25 neuropsychological evaluation. A traumatic brain injury shall be of
26 sufficient severity to result in impairments in one or more of the
27 following areas: Cognition; language memory; attention; reasoning;
28 abstract thinking; judgment; problem solving; sensory, perceptual, and
29 motor abilities; psychosocial behavior; physical functions; or
30 information processing. The term does not apply to brain injuries that
31 are congenital or degenerative, or to brain injuries induced by birth
32 trauma.

33 (5) "Traumatic brain injury account" means the account established
34 under section 7 of this act.

35 (6) "Council" means the Washington traumatic brain injury strategic
36 partnership advisory council created under section 3 of this act.

1 NEW SECTION. **Sec. 3.** (1) The Washington traumatic brain injury
2 strategic partnership advisory council is created within the
3 department.

4 (2) The council shall be composed of the following members who
5 shall be appointed by the governor:

6 (a) The secretary or the secretary's designee, and representatives
7 from the following: Children's administration, mental health division,
8 aging and disability services administration, and vocational
9 rehabilitation;

10 (b) The executive director of a state brain injury association;

11 (c) A representative from a nonprofit organization serving
12 individuals with traumatic brain injury;

13 (d) The secretary of the department of health or the secretary's
14 designee;

15 (e) The secretary of the department of corrections or the
16 secretary's designee;

17 (f) A representative of the department of community, trade, and
18 economic development;

19 (g) A representative from an organization serving veterans;

20 (h) A representative from the national guard;

21 (i) A representative of a Native American tribe located in
22 Washington;

23 (j) The executive director of the Washington protection and
24 advocacy system;

25 (k) A neurologist who has experience working with individuals with
26 traumatic brain injuries;

27 (l) A neuropsychologist who has experience working with persons
28 with traumatic brain injuries;

29 (m) A social worker or clinical psychologist who has experience in
30 working with persons who have sustained traumatic brain injuries;

31 (n) A rehabilitation specialist, such as a speech pathologist,
32 vocational rehabilitation counselor, occupational therapist, or
33 physical therapist who has experience working with persons with
34 traumatic brain injuries;

35 (o) Two persons who are individuals with a traumatic brain injury;

36 (p) Two persons who are family members of individuals with
37 traumatic brain injuries; and

1 (q) Two members of the public who have experience with issues
2 related to the causes of traumatic brain injuries.

3 (3) Council members shall not be compensated for serving on the
4 council, but may be reimbursed for all reasonable expenses related to
5 costs incurred in participating in meetings for the council.

6 (4) Initial appointments to the council shall be made by July 30,
7 2007. The terms of appointed council members shall be three years,
8 except that the terms of the appointed members who are initially
9 appointed shall be staggered by the governor to end as follows:

10 (a) Four members on June 30, 2008;

11 (b) Three members on June 30, 2009; and

12 (c) Three members on June 30, 2010.

13 (5) No member may serve more than two consecutive terms.

14 (6) The appointed members of the council shall, to the extent
15 possible, represent rural and urban areas of the state.

16 (7) A chairperson shall be elected every two years by majority vote
17 from among the council members. The chairperson shall act as the
18 presiding officer of the council.

19 (8) The duties of the council include:

20 (a) Collaborating with the department to develop a comprehensive
21 statewide plan to address the needs of individuals with traumatic brain
22 injuries;

23 (b) By November 1, 2007, providing recommendations to the
24 department on criteria to be used to select programs facilitating
25 support groups for individuals with traumatic brain injuries and their
26 families under section 6 of this act;

27 (c) By December 1, 2007, submitting a report to the legislature and
28 the governor on the following:

29 (i) The development of a comprehensive statewide information and
30 referral network for individuals with traumatic brain injuries;

31 (ii) The development of a statewide registry to collect data
32 regarding individuals with traumatic brain injuries;

33 (iii) The efforts of the department to provide services for
34 individuals with traumatic brain injuries;

35 (d) By December 30, 2007, reviewing the preliminary comprehensive
36 statewide plan developed by the department to meet the needs of
37 individuals with traumatic brain injuries as required in section 4 of

1 this act and submitting a report to the legislature and the governor
2 containing comments and recommendations regarding the plan.

3 (9) The council may utilize the advice or services of a nationally
4 recognized expert, or other individuals as the council deems
5 appropriate, to assist the council in carrying out its duties under
6 this section.

7 NEW SECTION. **Sec. 4.** (1) By July 30, 2007, the department shall
8 designate a staff person who shall be responsible for the following:

9 (a) Coordinating policies, programs, and services for individuals
10 with traumatic brain injuries; and

11 (b) Providing staff support to the council created in section 3 of
12 this act.

13 (2) The department shall provide data and information to the
14 council established under section 3 of this act that is requested by
15 the council and is in the possession or control of the department.

16 (3) By December 1, 2007, the department shall provide a preliminary
17 report to the legislature and the governor, and shall provide a final
18 report by December 1, 2008, containing recommendations for a
19 comprehensive statewide plan to address the needs of individuals with
20 traumatic brain injuries, including the use of public-private
21 partnerships and a public awareness campaign. The comprehensive plan
22 should be created in collaboration with the council and should consider
23 the following:

24 (a) Building provider capacity and provider training;

25 (b) Improving the coordination of services;

26 (c) The feasibility of establishing agreements with private sector
27 agencies to develop services for individuals with traumatic brain
28 injuries; and

29 (d) Other areas the council deems appropriate.

30 (4) By December 1, 2007, the department shall:

31 (a) Provide information and referral services to individuals with
32 traumatic brain injuries until the statewide referral and information
33 network is developed. The referral services may be funded from the
34 traumatic brain injury account established under section 7 of this act;
35 and

36 (b) Encourage and facilitate the following:

1 (i) Collaboration among state agencies that provide services to
2 individuals with traumatic brain injuries;

3 (ii) Collaboration among organizations and entities that provide
4 services to individuals with traumatic brain injuries; and

5 (iii) Community participation in program implementation.

6 (5) By December 1, 2007, and by December 1st each year thereafter,
7 the department shall issue a report to the governor and the legislature
8 containing the following:

9 (a) A summary of action taken by the department to meet the needs
10 of individuals with traumatic brain injuries; and

11 (b) Recommendations for improvements in services to address the
12 needs of individuals with traumatic brain injuries.

13 NEW SECTION. **Sec. 5.** By December 1, 2007, in collaboration with
14 the council, the department shall institute a public awareness campaign
15 that utilizes funding from the traumatic brain injury account to
16 leverage a private advertising campaign to persuade Washington
17 residents to be aware and concerned about the issues facing individuals
18 with traumatic brain injuries through all forms of media including
19 television, radio, and print.

20 NEW SECTION. **Sec. 6.** (1) By March 1, 2008, the department shall
21 provide funding to programs that facilitate support groups to
22 individuals with traumatic brain injuries and their families.

23 (2) The department shall use a request for proposal process to
24 select the programs to receive funding. The council shall provide
25 recommendations to the department on the criteria to be used in
26 selecting the programs.

27 (3) The programs shall be funded solely from the traumatic brain
28 injury account established in section 7 of this act, to the extent that
29 funds are available.

30 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.20 RCW
31 to read as follows:

32 The traumatic brain injury account is created in the state
33 treasury. Twenty-four percent of the receipts from RCW 46.20.311
34 (1)(e)(ii), (2)(b)(ii), and (3)(b) must be deposited into the account.
35 Moneys in the account may be spent only after appropriation, and may be

1 used only to provide information and services relating to traumatic
2 brain injury under sections 5 and 6 of this act, for information and
3 referral services, and for costs of required department staff who are
4 providing support for the council established in section 3 of this act.
5 The secretary of the department of social and health services has the
6 authority to administer the funds.

7 **Sec. 8.** RCW 46.20.311 and 2006 c 73 s 15 are each amended to read
8 as follows:

9 (1)(a) The department shall not suspend a driver's license or
10 privilege to drive a motor vehicle on the public highways for a fixed
11 period of more than one year, except as specifically permitted under
12 RCW 46.20.267, 46.20.342, or other provision of law.

13 (b) Except for a suspension under RCW 46.20.267, 46.20.289,
14 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving
15 privilege of any person is suspended by reason of a conviction, a
16 finding that a traffic infraction has been committed, pursuant to
17 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the
18 suspension shall remain in effect until the person gives and thereafter
19 maintains proof of financial responsibility for the future as provided
20 in chapter 46.29 RCW.

21 (c) If the suspension is the result of a nonfelony violation of RCW
22 46.61.502 or 46.61.504, the department shall determine the person's
23 eligibility for licensing based upon the reports provided by the
24 alcoholism agency or probation department designated under RCW
25 46.61.5056 and shall deny reinstatement until enrollment and
26 participation in an approved program has been established and the
27 person is otherwise qualified. If the suspension is the result of a
28 violation of RCW 46.61.502(6) or 46.61.504(6), the department shall
29 determine the person's eligibility for licensing based upon the reports
30 provided by the alcohol or drug dependency agency required under RCW
31 46.61.524 and shall deny reinstatement until satisfactory progress in
32 an approved program has been established and the person is otherwise
33 qualified. If the suspension is the result of a violation of RCW
34 46.61.502 or 46.61.504, and the person is required pursuant to RCW
35 46.20.720 to drive only a motor vehicle equipped with a functioning
36 ignition interlock, the department shall determine the person's
37 eligibility for licensing based upon written verification by a company

1 doing business in the state that it has installed the required device
2 on a vehicle owned or operated by the person seeking reinstatement.
3 If, based upon notification from the interlock provider or otherwise,
4 the department determines that an interlock required under RCW
5 46.20.720 is no longer installed or functioning as required, the
6 department shall suspend the person's license or privilege to drive.
7 Whenever the license or driving privilege of any person is suspended or
8 revoked as a result of noncompliance with an ignition interlock
9 requirement, the suspension shall remain in effect until the person
10 provides notice issued by a company doing business in the state that a
11 vehicle owned or operated by the person is equipped with a functioning
12 ignition interlock device.

13 (d) Whenever the license or driving privilege of any person is
14 suspended as a result of certification of noncompliance with a child
15 support order under chapter 74.20A RCW or a residential or visitation
16 order, the suspension shall remain in effect until the person provides
17 a release issued by the department of social and health services
18 stating that the person is in compliance with the order.

19 (e)(i) The department shall not issue to the person a new,
20 duplicate, or renewal license until the person pays a reissue fee of
21 seventy-five dollars.

22 (ii) If the suspension is the result of a violation of RCW
23 46.61.502 or 46.61.504, or is the result of administrative action under
24 RCW 46.20.308, the reissue fee (~~(shall)~~) must be (~~(one)~~) two hundred
25 (~~(fifty)~~) dollars.

26 (2)(a) Any person whose license or privilege to drive a motor
27 vehicle on the public highways has been revoked, unless the revocation
28 was for a cause which has been removed, is not entitled to have the
29 license or privilege renewed or restored until: (i) After the
30 expiration of one year from the date the license or privilege to drive
31 was revoked; (ii) after the expiration of the applicable revocation
32 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
33 expiration of two years for persons convicted of vehicular homicide; or
34 (iv) after the expiration of the applicable revocation period provided
35 by RCW 46.20.265.

36 (b)(i) After the expiration of the appropriate period, the person
37 may make application for a new license as provided by law together with
38 a reissue fee in the amount of seventy-five dollars.

1 (ii) If the revocation is the result of a violation of RCW
2 46.20.308, 46.61.502, or 46.61.504, the reissue fee (~~((shall))~~) must be
3 (~~((one))~~) two hundred (~~((fifty))~~) dollars. If the revocation is the result
4 of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department
5 shall determine the person's eligibility for licensing based upon the
6 reports provided by the alcoholism agency or probation department
7 designated under RCW 46.61.5056 and shall deny reissuance of a license,
8 permit, or privilege to drive until enrollment and participation in an
9 approved program has been established and the person is otherwise
10 qualified. If the suspension is the result of a violation of RCW
11 46.61.502(6) or 46.61.504(6), the department shall determine the
12 person's eligibility for licensing based upon the reports provided by
13 the alcohol or drug dependency agency required under RCW 46.61.524 and
14 shall deny reinstatement until satisfactory progress in an approved
15 program has been established and the person is otherwise qualified. If
16 the revocation is the result of a violation of RCW 46.61.502 or
17 46.61.504, and the person is required pursuant to RCW 46.20.720 to
18 drive only a motor vehicle equipped with a functioning ignition
19 interlock or other biological or technical device, the department shall
20 determine the person's eligibility for licensing based upon written
21 verification by a company doing business in the state that it has
22 installed the required device on a vehicle owned or operated by the
23 person applying for a new license. If, following issuance of a new
24 license, the department determines, based upon notification from the
25 interlock provider or otherwise, that an interlock required under RCW
26 46.20.720 is no longer functioning, the department shall suspend the
27 person's license or privilege to drive until the department has
28 received written verification from an interlock provider that a
29 functioning interlock is installed.

30 (c) Except for a revocation under RCW 46.20.265, the department
31 shall not then issue a new license unless it is satisfied after
32 investigation of the driving ability of the person that it will be safe
33 to grant the privilege of driving a motor vehicle on the public
34 highways, and until the person gives and thereafter maintains proof of
35 financial responsibility for the future as provided in chapter 46.29
36 RCW. For a revocation under RCW 46.20.265, the department shall not
37 issue a new license unless it is satisfied after investigation of the

1 driving ability of the person that it will be safe to grant that person
2 the privilege of driving a motor vehicle on the public highways.

3 (3)(a) Whenever the driver's license of any person is suspended
4 pursuant to Article IV of the nonresident violators compact or RCW
5 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
6 to the person any new or renewal license until the person pays a
7 reissue fee of seventy-five dollars.

8 (b) If the suspension is the result of a violation of the laws of
9 this or any other state, province, or other jurisdiction involving (i)
10 the operation or physical control of a motor vehicle upon the public
11 highways while under the influence of intoxicating liquor or drugs, or
12 (ii) the refusal to submit to a chemical test of the driver's blood
13 alcohol content, the reissue fee (~~shall~~) must be (~~one~~) two hundred
14 (~~fifty~~) dollars.

15 **Sec. 9.** RCW 46.68.041 and 2004 c 95 s 15 are each amended to read
16 as follows:

17 (1) Except as provided in subsections (2) and (3) of this section,
18 the department shall forward all funds accruing under the provisions of
19 chapter 46.20 RCW together with a proper identifying, detailed report
20 to the state treasurer who shall deposit such moneys to the credit of
21 the highway safety fund.

22 (2) (~~Sixty-three~~) Forty-eight percent of each fee collected by
23 the department under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b)
24 (~~shall~~) must be deposited in the impaired driving safety account.

25 (3) Twenty-four percent of each fee collected by the department
26 under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b) must be
27 deposited in the traumatic brain injury account created in section 7 of
28 this act.

29 **Sec. 10.** RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006
30 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each reenacted and
31 amended to read as follows:

32 (1) All earnings of investments of surplus balances in the state
33 treasury shall be deposited to the treasury income account, which
34 account is hereby established in the state treasury.

35 (2) The treasury income account shall be utilized to pay or receive
36 funds associated with federal programs as required by the federal cash

1 management improvement act of 1990. The treasury income account is
2 subject in all respects to chapter 43.88 RCW, but no appropriation is
3 required for refunds or allocations of interest earnings required by
4 the cash management improvement act. Refunds of interest to the
5 federal treasury required under the cash management improvement act
6 fall under RCW 43.88.180 and shall not require appropriation. The
7 office of financial management shall determine the amounts due to or
8 from the federal government pursuant to the cash management improvement
9 act. The office of financial management may direct transfers of funds
10 between accounts as deemed necessary to implement the provisions of the
11 cash management improvement act, and this subsection. Refunds or
12 allocations shall occur prior to the distributions of earnings set
13 forth in subsection (4) of this section.

14 (3) Except for the provisions of RCW 43.84.160, the treasury income
15 account may be utilized for the payment of purchased banking services
16 on behalf of treasury funds including, but not limited to, depository,
17 safekeeping, and disbursement functions for the state treasury and
18 affected state agencies. The treasury income account is subject in all
19 respects to chapter 43.88 RCW, but no appropriation is required for
20 payments to financial institutions. Payments shall occur prior to
21 distribution of earnings set forth in subsection (4) of this section.

22 (4) Monthly, the state treasurer shall distribute the earnings
23 credited to the treasury income account. The state treasurer shall
24 credit the general fund with all the earnings credited to the treasury
25 income account except:

26 (a) The following accounts and funds shall receive their
27 proportionate share of earnings based upon each account's and fund's
28 average daily balance for the period: The capitol building
29 construction account, the Cedar River channel construction and
30 operation account, the Central Washington University capital projects
31 account, the charitable, educational, penal and reformatory
32 institutions account, the Columbia river basin water supply development
33 account, the common school construction fund, the county criminal
34 justice assistance account, the county sales and use tax equalization
35 account, the data processing building construction account, the
36 deferred compensation administrative account, the deferred compensation
37 principal account, the department of retirement systems expense
38 account, the developmental disabilities community trust account, the

1 drinking water assistance account, the drinking water assistance
2 administrative account, the drinking water assistance repayment
3 account, the Eastern Washington University capital projects account,
4 the education construction fund, the education legacy trust account,
5 the election account, the emergency reserve fund, the energy freedom
6 account, The Evergreen State College capital projects account, the
7 federal forest revolving account, the freight mobility investment
8 account, the freight mobility multimodal account, the health services
9 account, the public health services account, the health system capacity
10 account, the personal health services account, the state higher
11 education construction account, the higher education construction
12 account, the highway infrastructure account, the high-occupancy toll
13 lanes operations account, the industrial insurance premium refund
14 account, the judges' retirement account, the judicial retirement
15 administrative account, the judicial retirement principal account, the
16 local leasehold excise tax account, the local real estate excise tax
17 account, the local sales and use tax account, the medical aid account,
18 the mobile home park relocation fund, the multimodal transportation
19 account, the municipal criminal justice assistance account, the
20 municipal sales and use tax equalization account, the natural resources
21 deposit account, the oyster reserve land account, the pension funding
22 stabilization account, the perpetual surveillance and maintenance
23 account, the public employees' retirement system plan 1 account, the
24 public employees' retirement system combined plan 2 and plan 3 account,
25 the public facilities construction loan revolving account beginning
26 July 1, 2004, the public health supplemental account, the public works
27 assistance account, the Puyallup tribal settlement account, the real
28 estate appraiser commission account, the regional mobility grant
29 program account, the resource management cost account, the rural
30 Washington loan fund, the site closure account, the small city pavement
31 and sidewalk account, the special wildlife account, the state
32 employees' insurance account, the state employees' insurance reserve
33 account, the state investment board expense account, the state
34 investment board commingled trust fund accounts, the supplemental
35 pension account, the Tacoma Narrows toll bridge account, the teachers'
36 retirement system plan 1 account, the teachers' retirement system
37 combined plan 2 and plan 3 account, the tobacco prevention and control
38 account, the tobacco settlement account, the transportation

1 infrastructure account, the transportation partnership account, the
2 traumatic brain injury account, the tuition recovery trust fund, the
3 University of Washington bond retirement fund, the University of
4 Washington building account, the volunteer fire fighters' and reserve
5 officers' relief and pension principal fund, the volunteer fire
6 fighters' and reserve officers' administrative fund, the Washington
7 fruit express account, the Washington judicial retirement system
8 account, the Washington law enforcement officers' and fire fighters'
9 system plan 1 retirement account, the Washington law enforcement
10 officers' and fire fighters' system plan 2 retirement account, the
11 Washington public safety employees' plan 2 retirement account, the
12 Washington school employees' retirement system combined plan 2 and 3
13 account, the Washington state health insurance pool account, the
14 Washington state patrol retirement account, the Washington State
15 University building account, the Washington State University bond
16 retirement fund, the water pollution control revolving fund, and the
17 Western Washington University capital projects account. Earnings
18 derived from investing balances of the agricultural permanent fund, the
19 normal school permanent fund, the permanent common school fund, the
20 scientific permanent fund, and the state university permanent fund
21 shall be allocated to their respective beneficiary accounts. All
22 earnings to be distributed under this subsection (4)(a) shall first be
23 reduced by the allocation to the state treasurer's service fund
24 pursuant to RCW 43.08.190.

25 (b) The following accounts and funds shall receive eighty percent
26 of their proportionate share of earnings based upon each account's or
27 fund's average daily balance for the period: The aeronautics account,
28 the aircraft search and rescue account, the county arterial
29 preservation account, the department of licensing services account, the
30 essential rail assistance account, the ferry bond retirement fund, the
31 grade crossing protective fund, the high capacity transportation
32 account, the highway bond retirement fund, the highway safety account,
33 the motor vehicle fund, the motorcycle safety education account, the
34 pilotage account, the public transportation systems account, the Puget
35 Sound capital construction account, the Puget Sound ferry operations
36 account, the recreational vehicle account, the rural arterial trust
37 account, the safety and education account, the special category C
38 account, the state patrol highway account, the transportation 2003

1 account (nickel account), the transportation equipment fund, the
2 transportation fund, the transportation improvement account, the
3 transportation improvement board bond retirement account, and the urban
4 arterial trust account.

5 (5) In conformance with Article II, section 37 of the state
6 Constitution, no treasury accounts or funds shall be allocated earnings
7 without the specific affirmative directive of this section.

8 NEW SECTION. **Sec. 11.** Sections 1 through 6 of this act constitute
9 a new chapter in Title 74 RCW.

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