

2 **2SSB 5127** - CONF REPT
3 By Conference Committee

4 ADOPTED 4/27/97

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.168
8 RCW to read as follows:

9 The department shall establish by rule a grant program for
10 designated trauma care services. The grants shall be made from the
11 emergency medical services and trauma care system trust account and
12 shall require regional matching funds. The trust account funds and
13 regional match shall be in a seventy-five to twenty-five percent ratio.

14 **Sec. 2.** RCW 70.168.040 and 1990 c 269 s 17 are each amended to
15 read as follows:

16 The emergency medical services and trauma care system trust account
17 is hereby created in the state treasury. Moneys shall be transferred
18 to the emergency medical services and trauma care system trust account
19 from the public safety education account or other sources as
20 appropriated, and as collected under RCW 46.63.110(6) and section 5 of
21 this act. Disbursements shall be made by the department subject to
22 legislative appropriation. Expenditures may be made only for the
23 purposes of the state trauma care system under this chapter, including
24 emergency medical services, trauma care services, rehabilitative
25 services, and the planning and development of related services under
26 this chapter and for reimbursement by the department of social and
27 health services for trauma care services provided by designated trauma
28 centers.

29 **Sec. 3.** RCW 46.63.110 and 1993 c 501 s 11 are each amended to read
30 as follows:

31 (1) A person found to have committed a traffic infraction shall be
32 assessed a monetary penalty. No penalty may exceed two hundred and
33 fifty dollars for each offense unless authorized by this chapter or
34 title.

1 (2) The supreme court shall prescribe by rule a schedule of
2 monetary penalties for designated traffic infractions. This rule shall
3 also specify the conditions under which local courts may exercise
4 discretion in assessing fines and penalties for traffic infractions.
5 The legislature respectfully requests the supreme court to adjust this
6 schedule every two years for inflation.

7 (3) There shall be a penalty of twenty-five dollars for failure to
8 respond to a notice of traffic infraction except where the infraction
9 relates to parking as defined by local law, ordinance, regulation, or
10 resolution or failure to pay a monetary penalty imposed pursuant to
11 this chapter. A local legislative body may set a monetary penalty not
12 to exceed twenty-five dollars for failure to respond to a notice of
13 traffic infraction relating to parking as defined by local law,
14 ordinance, regulation, or resolution. The local court, whether a
15 municipal, police, or district court, shall impose the monetary penalty
16 set by the local legislative body.

17 (4) Monetary penalties provided for in chapter 46.70 RCW which are
18 civil in nature and penalties which may be assessed for violations of
19 chapter 46.44 RCW relating to size, weight, and load of motor vehicles
20 are not subject to the limitation on the amount of monetary penalties
21 which may be imposed pursuant to this chapter.

22 (5) Whenever a monetary penalty is imposed by a court under this
23 chapter it is immediately payable. If the person is unable to pay at
24 that time the court may, in its discretion, grant an extension of the
25 period in which the penalty may be paid. If the penalty is not paid on
26 or before the time established for payment the court shall notify the
27 department of the failure to pay the penalty, and the department shall
28 suspend the person's driver's license or driving privilege until the
29 penalty has been paid and the penalty provided in subsection (3) of
30 this section has been paid.

31 (6) In addition to any other penalties imposed under this section
32 and not subject to the limitation of subsection (1) of this section, a
33 person found to have committed a traffic infraction shall be assessed
34 a fee of five dollars per infraction. Under no circumstances shall
35 this fee be reduced or waived. Revenue from this fee shall be
36 forwarded to the state treasurer for deposit in the emergency medical
37 services and trauma care system trust account under RCW 70.168.040.

1 **Sec. 4.** RCW 3.62.090 and 1995 c 332 s 7 are each amended to read
2 as follows:

3 (1) There shall be assessed and collected in addition to any fines,
4 forfeitures, or penalties assessed, other than for parking infractions,
5 by all courts organized under Title 3 or 35 RCW a public safety and
6 education assessment equal to sixty percent of such fines, forfeitures,
7 or penalties, which shall be remitted as provided in chapters 3.46,
8 3.50, 3.62, and 35.20 RCW. The assessment required by this section
9 shall not be suspended or waived by the court.

10 (2) There shall be assessed and collected in addition to any fines,
11 forfeitures, or penalties assessed, other than for parking infractions
12 and for fines levied under RCW 46.61.5055, and in addition to the
13 public safety and education assessment required under subsection (1) of
14 this section, by all courts organized under Title 3 or 35 RCW, an
15 additional public safety and education assessment equal to fifty
16 percent of the public safety and education assessment required under
17 subsection (1) of this section, which shall be remitted to the state
18 treasurer and deposited as provided in RCW 43.08.250. The additional
19 assessment required by this subsection shall not be suspended or waived
20 by the court.

21 (3) This section does not apply to the fee imposed under RCW
22 43.63.110(6).

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.12 RCW
24 to read as follows:

25 (1) Upon the retail sale or lease of any new or used motor vehicle
26 by a vehicle dealer, the dealer shall collect from the consumer an
27 emergency medical services fee of six dollars and fifty cents, two
28 dollars and fifty cents of which shall be an administrative fee to be
29 retained by the vehicle dealer. The remainder of the fee shall be
30 forwarded with the required title application and all other fees to the
31 department of licensing, or any of its authorized agents. The four-
32 dollar fee collected in this section shall be deposited in the
33 emergency medical services and trauma care system trust account created
34 in RCW 70.168.040. The administrative fee charged by a dealer shall
35 not be considered a violation of RCW 46.70.180(2).

36 (2) If a fee is not imposed under subsection (1) of this section,
37 there is hereby imposed a fee of six dollars and fifty cents at the
38 time of application for (a) an original title or transfer of title

1 issued on any motor vehicle pursuant to this chapter or chapter 46.09
2 RCW, or (b) an original transaction or transfer of ownership
3 transaction of a vehicle under chapter 46.10 RCW. The department of
4 licensing or any of its authorized agents shall collect the fee when
5 processing these transactions. The fee shall be transmitted to the
6 emergency medical services and trauma care system trust account created
7 in RCW 70.168.040.

8 (3) This section does not apply to a motor vehicle that has been
9 declared a total loss by an insurer or self-insurer unless an
10 application for certificate of ownership or license registration is
11 made to the department of licensing after the declaration of total
12 loss.

13 **Sec. 6.** RCW 63.14.010 and 1993 sp.s. c 5 s 1 are each amended to
14 read as follows:

15 In this chapter, unless the context otherwise requires:

16 (1) "Goods" means all chattels personal when purchased primarily
17 for personal, family, or household use and not for commercial or
18 business use, but not including money or, except as provided in the
19 next sentence, things in action. The term includes but is not limited
20 to merchandise certificates or coupons, issued by a retail seller, to
21 be used in their face amount in lieu of cash in exchange for goods or
22 services sold by such a seller and goods which, at the time of sale or
23 subsequently, are to be so affixed to real property as to become a part
24 thereof, whether or not severable therefrom;

25 (2) "Lender credit card" means a card or device under a lender
26 credit card agreement pursuant to which the issuer gives to a
27 cardholder residing in this state the privilege of obtaining credit
28 from the issuer or other persons in purchasing or leasing property or
29 services, obtaining loans, or otherwise, and the issuer of which is
30 not: (a) Principally engaged in the business of selling goods; or (b)
31 a financial institution;

32 (3) "Lender credit card agreement" means an agreement entered into
33 or performed in this state prescribing the terms of retail installment
34 transactions pursuant to which the issuer may, with the buyer's
35 consent, purchase or acquire one or more retail sellers' indebtedness
36 of the buyer under a sales slip or memorandum evidencing the purchase,
37 lease, loan, or otherwise to be paid in accordance with the agreement.

1 The issuer of a lender credit card agreement shall not be principally
2 engaged in the business of selling goods or be a financial institution;

3 (4) "Financial institution" means any bank or trust company, mutual
4 savings bank, credit union, or savings and loan association organized
5 pursuant to the laws of any one of the United States of America or the
6 United States of America, or the laws of a foreign country if also
7 qualified to conduct business in any one of the United States of
8 America or pursuant to the laws of the United States of America;

9 (5) "Services" means work, labor, or services of any kind when
10 purchased primarily for personal, family, or household use and not for
11 commercial or business use whether or not furnished in connection with
12 the delivery, installation, servicing, repair, or improvement of goods
13 and includes repairs, alterations, or improvements upon or in
14 connection with real property, but does not include services for which
15 the price charged is required by law to be determined or approved by or
16 to be filed, subject to approval or disapproval, with the United States
17 or any state, or any department, division, agency, officer, or official
18 of either as in the case of transportation services;

19 (6) "Retail buyer" or "buyer" means a person who buys or agrees to
20 buy goods or obtain services or agrees to have services rendered or
21 furnished, from a retail seller;

22 (7) "Retail seller" or "seller" means a person engaged in the
23 business of selling goods or services to retail buyers;

24 (8) "Retail installment transaction" means any transaction in which
25 a retail buyer purchases goods or services from a retail seller
26 pursuant to a retail installment contract, a retail charge agreement,
27 or a lender credit card agreement, as defined in this section, which
28 provides for a service charge, as defined in this section, and under
29 which the buyer agrees to pay the unpaid balance in one or more
30 installments or which provides for no service charge and under which
31 the buyer agrees to pay the unpaid balance in more than four
32 installments;

33 (9) "Retail installment contract" or "contract" means a contract,
34 other than a retail charge agreement, a lender credit card agreement,
35 or an instrument reflecting a sale made pursuant thereto, entered into
36 or performed in this state for a retail installment transaction. The
37 term "retail installment contract" may include a chattel mortgage, a
38 conditional sale contract, and a contract in the form of a bailment or
39 a lease if the bailee or lessee contracts to pay as compensation for

1 their use a sum substantially equivalent to or in excess of the value
2 of the goods sold and if it is agreed that the bailee or lessee is
3 bound to become, or for no other or a merely nominal consideration, has
4 the option of becoming the owner of the goods upon full compliance with
5 the provisions of the bailment or lease. The term "retail installment
6 contract" does not include: (a) A "consumer lease," heretofore or
7 hereafter entered into, as defined in RCW 63.10.020; (b) a lease which
8 would constitute such "consumer lease" but for the fact that: (i) It
9 was entered into before April 29, 1983; (ii) the lessee was not a
10 natural person; (iii) the lease was not primarily for personal, family,
11 or household purposes; or (iv) the total contractual obligations
12 exceeded twenty-five thousand dollars; or (c) a lease-purchase
13 agreement under chapter 63.19 RCW;

14 (10) "Retail charge agreement," "revolving charge agreement," or
15 "charge agreement" means an agreement between a retail buyer and a
16 retail seller that is entered into or performed in this state and that
17 prescribes the terms of retail installment transactions with one or
18 more sellers which may be made thereunder from time to time and under
19 the terms of which a service charge, as defined in this section, is to
20 be computed in relation to the buyer's unpaid balance from time to
21 time;

22 (11) "Service charge" however denominated or expressed, means the
23 amount which is paid or payable for the privilege of purchasing goods
24 or services to be paid for by the buyer in installments over a period
25 of time. It does not include the amount, if any, charged for insurance
26 premiums, delinquency charges, attorneys' fees, court costs, any
27 vehicle dealer administrative fee under section 5 of this act, or
28 official fees;

29 (12) "Sale price" means the price for which the seller would have
30 sold or furnished to the buyer, and the buyer would have bought or
31 obtained from the seller, the goods or services which are the subject
32 matter of a retail installment transaction. The sale price may include
33 any taxes, registration and license fees, any vehicle dealer
34 administrative fee, and charges for transferring vehicle titles,
35 delivery, installation, servicing, repairs, alterations, or
36 improvements;

37 (13) "Official fees" means the amount of the fees prescribed by law
38 and payable to the state, county, or other governmental agency for
39 filing, recording, or otherwise perfecting, and releasing or

1 satisfying, a retained title, lien, or other security interest created
2 by a retail installment transaction;

3 (14) "Time balance" means the principal balance plus the service
4 charge;

5 (15) "Principal balance" means the sale price of the goods or
6 services which are the subject matter of a retail installment contract
7 less the amount of the buyer's down payment in money or goods or both,
8 plus the amounts, if any, included therein, if a separate identified
9 charge is made therefor and stated in the contract, for insurance, any
10 vehicle dealer administrative fee, and official fees;

11 (16) "Person" means an individual, partnership, joint venture,
12 corporation, association, or any other group, however organized;

13 (17) "Rate" means the percentage which, when multiplied times the
14 outstanding balance for each month or other installment period, yields
15 the amount of the service charge for such month or period.

16 **Sec. 7.** RCW 63.14.130 and 1992 c 193 s 1 are each amended to read
17 as follows:

18 The service charge shall be inclusive of all charges incident to
19 investigating and making the retail installment contract or charge
20 agreement and for the privilege of making the installment payments
21 thereunder and no other fee, expense or charge whatsoever shall be
22 taken, received, reserved or contracted therefor from the buyer, except
23 for any vehicle dealer administrative fee under section 5 of this act.

24 (1) The service charge, in a retail installment contract, shall not
25 exceed the dollar amount or rate agreed to by contract and disclosed
26 under RCW 63.14.040(1)(7)(g).

27 (2) The service charge in a retail charge agreement, revolving
28 charge agreement, lender credit card agreement, or charge agreement,
29 shall not exceed the schedule or rate agreed to by contract and
30 disclosed under RCW 63.14.120(1). If the service charge so computed is
31 less than one dollar for any month, then one dollar may be charged.

32 NEW SECTION. **Sec. 8.** The legislature finds as follows:

33 Emergency medical services and trauma care are provided to all
34 residents of the state regardless of a person's ability to pay.
35 Historically, hospitals and health care providers have been able to
36 recover some of their financial losses incurred in caring for an
37 uninsured or underinsured person by charging persons able to pay more.

1 In recent years, the health care industry has undergone substantial
2 changes. With the advent of managed health care programs and the
3 adoption of new cost control measures, some hospitals and health care
4 providers assert that it is difficult to shift costs for uninsured and
5 underinsured patients onto insured patients.

6 In 1990 the legislature established a coordinated trauma care
7 system. Part of the 1990 legislation included funding for a study to
8 determine the extent to which trauma care is uncompensated and
9 undercompensated. This study focused exclusively on trauma care. The
10 legislature finds that, as a prerequisite to determining the amount of
11 state aid that may be necessary to assist health care providers and
12 facilities, it is necessary to examine trauma care losses within the
13 context of a health care provider or facility's total financial
14 operations.

15 NEW SECTION. **Sec. 9.** The committees on finance and health care of
16 the house of representatives and the committee on health and long-term
17 care of the senate shall jointly review the rules implementing the
18 grant program established pursuant to section 1 of this act. The
19 committees shall additionally conduct joint work sessions and hearings
20 during 1997 to verify that public funds are being used in a fiscally
21 accountable and efficient fashion that maximizes the availability of
22 quality trauma care services. Representatives of verified ambulance
23 services, designated trauma services, physicians who are active members
24 of a trauma care service team at a designated facility, and the
25 department of health shall present financial information associated
26 with trauma care and administrative costs of the trauma system at these
27 hearings.

28 NEW SECTION. **Sec. 10.** The department of health, in cooperation
29 with the department of social and health services, shall monitor the
30 adequacy of the funding mechanisms created in this act. The department
31 of health shall report to the legislature by December 1998 the extent
32 to which these funds covered the cost of uncompensated care in
33 designated trauma care services in the state.

34 NEW SECTION. **Sec. 11.** Sections 1 through 8 of this act take
35 effect January 1, 1998."

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2 By Conference Committee

ADOPTED 4/27/97

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4 On page 1, on line 1 of the title, after "services", strike the
5 remainder of the title and insert "amending RCW 70.168.040, 46.63.110,
6 3.62.090, 63.14.010, and 63.14.130; adding a new section to chapter
7 70.168 RCW; adding a new section to chapter 46.12 RCW; creating new
8 sections; prescribing penalties; and providing an effective date."

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