
SUBSTITUTE HOUSE BILL 2055

State of Washington 60th Legislature 2007 Regular Session

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

READ FIRST TIME 02/27/07.

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.

15 Traumatic brain injury can cause a wide range of functional changes
16 affecting thinking, sensation, language, or emotions. It can also
17 cause epilepsy and increase the risk for conditions such as Alzheimer's
18 disease, Parkinson's disease, and other brain disorders that become

1 more prevalent with age. The impact of a traumatic brain injury on the
2 individual and family can be devastating.

3 The legislature recognizes that current programs and services are
4 not funded or designed to address the diverse needs of this population.
5 It is the intent of the legislature to develop a comprehensive plan to
6 help individuals with traumatic brain injuries meet their needs.

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

9 (1) "Department" means the department of social and health
10 services.

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

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

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

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

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

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

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

1 (a) The secretary or the secretary's designee, and representatives
2 from the following: Children's administration, mental health division,
3 aging and disability services administration, and vocational
4 rehabilitation;

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

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

8 (d) The secretary of the department of health or the secretary's
9 designee;

10 (e) The secretary of the department of corrections or the
11 secretary's designee;

12 (f) A representative of the department of community, trade, and
13 economic development;

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

15 (h) A representative from the national guard;

16 (i) A representative of a Native American tribe located in
17 Washington;

18 (j) The executive director of the Washington protection and
19 advocacy system;

20 (k) A neurologist who has experience working with individuals with
21 traumatic brain injuries;

22 (l) A neuropsychologist who has experience working with persons
23 with traumatic brain injuries;

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

26 (n) A rehabilitation specialist, such as a speech pathologist,
27 vocational rehabilitation counselor, occupational therapist, or
28 physical therapist who has experience working with persons with
29 traumatic brain injuries;

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

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

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

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

1 (4) Initial appointments to the council shall be made by July 30,
2 2007. The terms of appointed council members shall be three years,
3 except that the terms of the appointed members who are initially
4 appointed shall be staggered by the governor to end as follows:

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

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

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

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

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

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

14 (8) The duties of the council include:

15 (a) Collaborating with the department to develop a comprehensive
16 statewide plan to address the needs of individuals with traumatic brain
17 injuries;

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

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

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

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

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

30 (d) By December 30, 2007, reviewing the preliminary comprehensive
31 statewide plan developed by the department to meet the needs of
32 individuals with traumatic brain injuries as required in section 4 of
33 this act and submitting a report to the legislature and the governor
34 containing comments and recommendations regarding the plan.

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

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

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

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

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

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

18 (a) Building provider capacity and provider training;

19 (b) Improving the coordination of services;

20 (c) The feasibility of establishing agreements with private sector
21 agencies to develop services for individuals with traumatic brain
22 injuries; and

23 (d) Other areas the council deems appropriate.

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

25 (a) Provide information and referral services to individuals with
26 traumatic brain injuries until the statewide referral and information
27 network is developed. The referral services may be funded from the
28 traumatic brain injury account established under section 7 of this act;
29 and

30 (b) Encourage and facilitate the following:

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

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

35 (iii) Community participation in program implementation.

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

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

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

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

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

15 (2) The department shall use a request for proposal process to
16 select the programs to receive funding. The council shall provide
17 recommendations to the department on the criteria to be used in
18 selecting the programs.

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

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

24 The traumatic brain injury account is created in the state
25 treasury. Twenty-four percent of the receipts from RCW 46.20.311
26 (1)(e)(ii), (2)(b)(ii), and (3)(b) must be deposited into the account.
27 Moneys in the account may be spent only after appropriation, and may be
28 used only to provide information and services relating to traumatic
29 brain injury under sections 5 and 6 of this act, and for information
30 and referral services. The secretary of the department of social and
31 health services has the authority to administer the funds.

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

34 (1)(a) The department shall not suspend a driver's license or

1 privilege to drive a motor vehicle on the public highways for a fixed
2 period of more than one year, except as specifically permitted under
3 RCW 46.20.267, 46.20.342, or other provision of law.

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

12 (c) If the suspension is the result of a nonfelony violation of RCW
13 46.61.502 or 46.61.504, the department shall determine the person's
14 eligibility for licensing based upon the reports provided by the
15 alcoholism agency or probation department designated under RCW
16 46.61.5056 and shall deny reinstatement until enrollment and
17 participation in an approved program has been established and the
18 person is otherwise qualified. If the suspension is the result of a
19 violation of RCW 46.61.502(6) or 46.61.504(6), the department shall
20 determine the person's eligibility for licensing based upon the reports
21 provided by the alcohol or drug dependency agency required under RCW
22 46.61.524 and shall deny reinstatement until satisfactory progress in
23 an approved program has been established and the person is otherwise
24 qualified. If the suspension is the result of a violation of RCW
25 46.61.502 or 46.61.504, and the person is required pursuant to RCW
26 46.20.720 to drive only a motor vehicle equipped with a functioning
27 ignition interlock, the department shall determine the person's
28 eligibility for licensing based upon written verification by a company
29 doing business in the state that it has installed the required device
30 on a vehicle owned or operated by the person seeking reinstatement.
31 If, based upon notification from the interlock provider or otherwise,
32 the department determines that an interlock required under RCW
33 46.20.720 is no longer installed or functioning as required, the
34 department shall suspend the person's license or privilege to drive.
35 Whenever the license or driving privilege of any person is suspended or
36 revoked as a result of noncompliance with an ignition interlock
37 requirement, the suspension shall remain in effect until the person

1 provides notice issued by a company doing business in the state that a
2 vehicle owned or operated by the person is equipped with a functioning
3 ignition interlock device.

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

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

13 (ii) If the suspension is the result of a violation of RCW
14 46.61.502 or 46.61.504, or is the result of administrative action under
15 RCW 46.20.308, the reissue fee (~~shall~~) must be (~~one~~) two hundred
16 (~~fifty~~) dollars.

17 (2)(a) Any person whose license or privilege to drive a motor
18 vehicle on the public highways has been revoked, unless the revocation
19 was for a cause which has been removed, is not entitled to have the
20 license or privilege renewed or restored until: (i) After the
21 expiration of one year from the date the license or privilege to drive
22 was revoked; (ii) after the expiration of the applicable revocation
23 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
24 expiration of two years for persons convicted of vehicular homicide; or
25 (iv) after the expiration of the applicable revocation period provided
26 by RCW 46.20.265.

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

30 (ii) If the revocation is the result of a violation of RCW
31 46.20.308, 46.61.502, or 46.61.504, the reissue fee (~~shall~~) must be
32 (~~one~~) two hundred (~~fifty~~) dollars. If the revocation is the result
33 of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department
34 shall determine the person's eligibility for licensing based upon the
35 reports provided by the alcoholism agency or probation department
36 designated under RCW 46.61.5056 and shall deny reissuance of a license,
37 permit, or privilege to drive until enrollment and participation in an
38 approved program has been established and the person is otherwise

1 qualified. If the suspension is the result of a violation of RCW
2 46.61.502(6) or 46.61.504(6), the department shall determine the
3 person's eligibility for licensing based upon the reports provided by
4 the alcohol or drug dependency agency required under RCW 46.61.524 and
5 shall deny reinstatement until satisfactory progress in an approved
6 program has been established and the person is otherwise qualified. If
7 the revocation is the result of a violation of RCW 46.61.502 or
8 46.61.504, and the person is required pursuant to RCW 46.20.720 to
9 drive only a motor vehicle equipped with a functioning ignition
10 interlock or other biological or technical device, the department shall
11 determine the person's eligibility for licensing based upon written
12 verification by a company doing business in the state that it has
13 installed the required device on a vehicle owned or operated by the
14 person applying for a new license. If, following issuance of a new
15 license, the department determines, based upon notification from the
16 interlock provider or otherwise, that an interlock required under RCW
17 46.20.720 is no longer functioning, the department shall suspend the
18 person's license or privilege to drive until the department has
19 received written verification from an interlock provider that a
20 functioning interlock is installed.

21 (c) Except for a revocation under RCW 46.20.265, the department
22 shall not then issue a new license unless it is satisfied after
23 investigation of the driving ability of the person that it will be safe
24 to grant the privilege of driving a motor vehicle on the public
25 highways, and until the person gives and thereafter maintains proof of
26 financial responsibility for the future as provided in chapter 46.29
27 RCW. For a revocation under RCW 46.20.265, the department shall not
28 issue a new license unless it is satisfied after investigation of the
29 driving ability of the person that it will be safe to grant that person
30 the privilege of driving a motor vehicle on the public highways.

31 (3)(a) Whenever the driver's license of any person is suspended
32 pursuant to Article IV of the nonresident violators compact or RCW
33 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
34 to the person any new or renewal license until the person pays a
35 reissue fee of seventy-five dollars.

36 (b) If the suspension is the result of a violation of the laws of
37 this or any other state, province, or other jurisdiction involving (i)
38 the operation or physical control of a motor vehicle upon the public

1 highways while under the influence of intoxicating liquor or drugs, or
2 (ii) the refusal to submit to a chemical test of the driver's blood
3 alcohol content, the reissue fee (~~(shall)~~) must be (~~(one)~~) two hundred
4 (~~(fifty)~~) dollars.

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

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

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

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

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

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

25 (2) The treasury income account shall be utilized to pay or receive
26 funds associated with federal programs as required by the federal cash
27 management improvement act of 1990. The treasury income account is
28 subject in all respects to chapter 43.88 RCW, but no appropriation is
29 required for refunds or allocations of interest earnings required by
30 the cash management improvement act. Refunds of interest to the
31 federal treasury required under the cash management improvement act
32 fall under RCW 43.88.180 and shall not require appropriation. The
33 office of financial management shall determine the amounts due to or
34 from the federal government pursuant to the cash management improvement
35 act. The office of financial management may direct transfers of funds
36 between accounts as deemed necessary to implement the provisions of the

1 cash management improvement act, and this subsection. Refunds or
2 allocations shall occur prior to the distributions of earnings set
3 forth in subsection (4) of this section.

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

12 (4) Monthly, the state treasurer shall distribute the earnings
13 credited to the treasury income account. The state treasurer shall
14 credit the general fund with all the earnings credited to the treasury
15 income account except:

16 (a) The following accounts and funds shall receive their
17 proportionate share of earnings based upon each account's and fund's
18 average daily balance for the period: The capitol building
19 construction account, the Cedar River channel construction and
20 operation account, the Central Washington University capital projects
21 account, the charitable, educational, penal and reformatory
22 institutions account, the Columbia river basin water supply development
23 account, the common school construction fund, the county criminal
24 justice assistance account, the county sales and use tax equalization
25 account, the data processing building construction account, the
26 deferred compensation administrative account, the deferred compensation
27 principal account, the department of retirement systems expense
28 account, the developmental disabilities community trust account, the
29 drinking water assistance account, the drinking water assistance
30 administrative account, the drinking water assistance repayment
31 account, the Eastern Washington University capital projects account,
32 the education construction fund, the education legacy trust account,
33 the election account, the emergency reserve fund, the energy freedom
34 account, The Evergreen State College capital projects account, the
35 federal forest revolving account, the freight mobility investment
36 account, the freight mobility multimodal account, the health services
37 account, the public health services account, the health system capacity
38 account, the personal health services account, the state higher

1 education construction account, the higher education construction
2 account, the highway infrastructure account, the high-occupancy toll
3 lanes operations account, the industrial insurance premium refund
4 account, the judges' retirement account, the judicial retirement
5 administrative account, the judicial retirement principal account, the
6 local leasehold excise tax account, the local real estate excise tax
7 account, the local sales and use tax account, the medical aid account,
8 the mobile home park relocation fund, the multimodal transportation
9 account, the municipal criminal justice assistance account, the
10 municipal sales and use tax equalization account, the natural resources
11 deposit account, the oyster reserve land account, the pension funding
12 stabilization account, the perpetual surveillance and maintenance
13 account, the public employees' retirement system plan 1 account, the
14 public employees' retirement system combined plan 2 and plan 3 account,
15 the public facilities construction loan revolving account beginning
16 July 1, 2004, the public health supplemental account, the public works
17 assistance account, the Puyallup tribal settlement account, the real
18 estate appraiser commission account, the regional mobility grant
19 program account, the resource management cost account, the rural
20 Washington loan fund, the site closure account, the small city pavement
21 and sidewalk account, the special wildlife account, the state
22 employees' insurance account, the state employees' insurance reserve
23 account, the state investment board expense account, the state
24 investment board commingled trust fund accounts, the supplemental
25 pension account, the Tacoma Narrows toll bridge account, the teachers'
26 retirement system plan 1 account, the teachers' retirement system
27 combined plan 2 and plan 3 account, the tobacco prevention and control
28 account, the tobacco settlement account, the transportation
29 infrastructure account, the transportation partnership account, the
30 traumatic brain injury account, the tuition recovery trust fund, the
31 University of Washington bond retirement fund, the University of
32 Washington building account, the volunteer fire fighters' and reserve
33 officers' relief and pension principal fund, the volunteer fire
34 fighters' and reserve officers' administrative fund, the Washington
35 fruit express account, the Washington judicial retirement system
36 account, the Washington law enforcement officers' and fire fighters'
37 system plan 1 retirement account, the Washington law enforcement
38 officers' and fire fighters' system plan 2 retirement account, the

1 Washington public safety employees' plan 2 retirement account, the
2 Washington school employees' retirement system combined plan 2 and 3
3 account, the Washington state health insurance pool account, the
4 Washington state patrol retirement account, the Washington State
5 University building account, the Washington State University bond
6 retirement fund, the water pollution control revolving fund, and the
7 Western Washington University capital projects account. Earnings
8 derived from investing balances of the agricultural permanent fund, the
9 normal school permanent fund, the permanent common school fund, the
10 scientific permanent fund, and the state university permanent fund
11 shall be allocated to their respective beneficiary accounts. All
12 earnings to be distributed under this subsection (4)(a) shall first be
13 reduced by the allocation to the state treasurer's service fund
14 pursuant to RCW 43.08.190.

15 (b) The following accounts and funds shall receive eighty percent
16 of their proportionate share of earnings based upon each account's or
17 fund's average daily balance for the period: The aeronautics account,
18 the aircraft search and rescue account, the county arterial
19 preservation account, the department of licensing services account, the
20 essential rail assistance account, the ferry bond retirement fund, the
21 grade crossing protective fund, the high capacity transportation
22 account, the highway bond retirement fund, the highway safety account,
23 the motor vehicle fund, the motorcycle safety education account, the
24 pilotage account, the public transportation systems account, the Puget
25 Sound capital construction account, the Puget Sound ferry operations
26 account, the recreational vehicle account, the rural arterial trust
27 account, the safety and education account, the special category C
28 account, the state patrol highway account, the transportation 2003
29 account (nickel account), the transportation equipment fund, the
30 transportation fund, the transportation improvement account, the
31 transportation improvement board bond retirement account, and the urban
32 arterial trust account.

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

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

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