

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE SENATE BILL 5127**

Chapter 331, Laws of 1997

(partial veto)

55th Legislature  
1997 Regular Session

TRAUMA CARE SERVICE FUNDING

EFFECTIVE DATE: 7/27/97 - Except sections 1 through 8 which become effective 1/1/98.

Passed by the Senate April 27, 1997  
YEAS 45 NAYS 3

BRAD OWEN

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**President of the Senate**

Passed by the House April 27, 1997  
YEAS 70 NAYS 28

CLYDE BALLARD

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**Speaker of the  
House of Representatives**

Approved May 13, 1997, with the exception of section 9, which is vetoed.

GARY LOCKE

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**Governor of the State of Washington**

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5127** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

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**Secretary**

FILED

May 13, 1997 - 9:10 a.m.

**Secretary of State  
State of Washington**

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**SECOND SUBSTITUTE SENATE BILL 5127**

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AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1997 Regular Session

**State of Washington                      55th Legislature                      1997 Regular Session**

**By** Senate Committee on Ways & Means (originally sponsored by Senators Wojahn, Deccio, Thibaudeau, Wood, Oke, Loveland, Sellar, Snyder, Fairley, Spanel, Sheldon, McCaslin, West, Bauer, Winsley, Goings and Schow)

Read first time 03/10/97.

1            AN ACT Relating to funding trauma care services; amending RCW  
2 70.168.040, 46.63.110, 3.62.090, 63.14.010, and 63.14.130; adding a new  
3 section to chapter 70.168 RCW; adding a new section to chapter 46.12  
4 RCW; creating new sections; prescribing penalties; and providing an  
5 effective date.

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

7            NEW SECTION.    **Sec. 1.** A new section is added to chapter 70.168 RCW  
8 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

1 from the public safety education account or other sources as  
2 appropriated, and as collected under RCW 46.63.110(6) and section 5 of  
3 this act. Disbursements shall be made by the department subject to  
4 legislative appropriation. Expenditures may be made only for the  
5 purposes of the state trauma care system under this chapter, including  
6 emergency medical services, trauma care services, rehabilitative  
7 services, and the planning and development of related services under  
8 this chapter and for reimbursement by the department of social and  
9 health services for trauma care services provided by designated trauma  
10 centers.

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

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

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

23 (3) There shall be a penalty of twenty-five dollars for failure to  
24 respond to a notice of traffic infraction except where the infraction  
25 relates to parking as defined by local law, ordinance, regulation, or  
26 resolution or failure to pay a monetary penalty imposed pursuant to  
27 this chapter. A local legislative body may set a monetary penalty not  
28 to exceed twenty-five dollars for failure to respond to a notice of  
29 traffic infraction relating to parking as defined by local law,  
30 ordinance, regulation, or resolution. The local court, whether a  
31 municipal, police, or district court, shall impose the monetary penalty  
32 set by the local legislative body.

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

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

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

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

19 (1) There shall be assessed and collected in addition to any fines,  
20 forfeitures, or penalties assessed, other than for parking infractions,  
21 by all courts organized under Title 3 or 35 RCW a public safety and  
22 education assessment equal to sixty percent of such fines, forfeitures,  
23 or penalties, which shall be remitted as provided in chapters 3.46,  
24 3.50, 3.62, and 35.20 RCW. The assessment required by this section  
25 shall not be suspended or waived by the court.

26 (2) There shall be assessed and collected in addition to any fines,  
27 forfeitures, or penalties assessed, other than for parking infractions  
28 and for fines levied under RCW 46.61.5055, and in addition to the  
29 public safety and education assessment required under subsection (1) of  
30 this section, by all courts organized under Title 3 or 35 RCW, an  
31 additional public safety and education assessment equal to fifty  
32 percent of the public safety and education assessment required under  
33 subsection (1) of this section, which shall be remitted to the state  
34 treasurer and deposited as provided in RCW 43.08.250. The additional  
35 assessment required by this subsection shall not be suspended or waived  
36 by the court.

37 (3) This section does not apply to the fee imposed under RCW  
38 43.63.110(6).

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

3        (1) Upon the retail sale or lease of any new or used motor vehicle  
4 by a vehicle dealer, the dealer shall collect from the consumer an  
5 emergency medical services fee of six dollars and fifty cents, two  
6 dollars and fifty cents of which shall be an administrative fee to be  
7 retained by the vehicle dealer.    The remainder of the fee shall be  
8 forwarded with the required title application and all other fees to the  
9 department of licensing, or any of its authorized agents.    The four-  
10 dollar fee collected in this section shall be deposited in the  
11 emergency medical services and trauma care system trust account created  
12 in RCW 70.168.040.    The administrative fee charged by a dealer shall  
13 not be considered a violation of RCW 46.70.180(2).

14        (2) If a fee is not imposed under subsection (1) of this section,  
15 there is hereby imposed a fee of six dollars and fifty cents at the  
16 time of application for (a) an original title or transfer of title  
17 issued on any motor vehicle pursuant to this chapter or chapter 46.09  
18 RCW, or (b) an original transaction or transfer of ownership  
19 transaction of a vehicle under chapter 46.10 RCW.    The department of  
20 licensing or any of its authorized agents shall collect the fee when  
21 processing these transactions.    The fee shall be transmitted to the  
22 emergency medical services and trauma care system trust account created  
23 in RCW 70.168.040.

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

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

31        In this chapter, unless the context otherwise requires:

32        (1) "Goods" means all chattels personal when purchased primarily  
33 for personal, family, or household use and not for commercial or  
34 business use, but not including money or, except as provided in the  
35 next sentence, things in action.    The term includes but is not limited  
36 to merchandise certificates or coupons, issued by a retail seller, to  
37 be used in their face amount in lieu of cash in exchange for goods or  
38 services sold by such a seller and goods which, at the time of sale or

1 subsequently, are to be so affixed to real property as to become a part  
2 thereof, whether or not severable therefrom;

3 (2) "Lender credit card" means a card or device under a lender  
4 credit card agreement pursuant to which the issuer gives to a  
5 cardholder residing in this state the privilege of obtaining credit  
6 from the issuer or other persons in purchasing or leasing property or  
7 services, obtaining loans, or otherwise, and the issuer of which is  
8 not: (a) Principally engaged in the business of selling goods; or (b)  
9 a financial institution;

10 (3) "Lender credit card agreement" means an agreement entered into  
11 or performed in this state prescribing the terms of retail installment  
12 transactions pursuant to which the issuer may, with the buyer's  
13 consent, purchase or acquire one or more retail sellers' indebtedness  
14 of the buyer under a sales slip or memorandum evidencing the purchase,  
15 lease, loan, or otherwise to be paid in accordance with the agreement.  
16 The issuer of a lender credit card agreement shall not be principally  
17 engaged in the business of selling goods or be a financial institution;

18 (4) "Financial institution" means any bank or trust company, mutual  
19 savings bank, credit union, or savings and loan association organized  
20 pursuant to the laws of any one of the United States of America or the  
21 United States of America, or the laws of a foreign country if also  
22 qualified to conduct business in any one of the United States of  
23 America or pursuant to the laws of the United States of America;

24 (5) "Services" means work, labor, or services of any kind when  
25 purchased primarily for personal, family, or household use and not for  
26 commercial or business use whether or not furnished in connection with  
27 the delivery, installation, servicing, repair, or improvement of goods  
28 and includes repairs, alterations, or improvements upon or in  
29 connection with real property, but does not include services for which  
30 the price charged is required by law to be determined or approved by or  
31 to be filed, subject to approval or disapproval, with the United States  
32 or any state, or any department, division, agency, officer, or official  
33 of either as in the case of transportation services;

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

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

1 (8) "Retail installment transaction" means any transaction in which  
2 a retail buyer purchases goods or services from a retail seller  
3 pursuant to a retail installment contract, a retail charge agreement,  
4 or a lender credit card agreement, as defined in this section, which  
5 provides for a service charge, as defined in this section, and under  
6 which the buyer agrees to pay the unpaid balance in one or more  
7 installments or which provides for no service charge and under which  
8 the buyer agrees to pay the unpaid balance in more than four  
9 installments;

10 (9) "Retail installment contract" or "contract" means a contract,  
11 other than a retail charge agreement, a lender credit card agreement,  
12 or an instrument reflecting a sale made pursuant thereto, entered into  
13 or performed in this state for a retail installment transaction. The  
14 term "retail installment contract" may include a chattel mortgage, a  
15 conditional sale contract, and a contract in the form of a bailment or  
16 a lease if the bailee or lessee contracts to pay as compensation for  
17 their use a sum substantially equivalent to or in excess of the value  
18 of the goods sold and if it is agreed that the bailee or lessee is  
19 bound to become, or for no other or a merely nominal consideration, has  
20 the option of becoming the owner of the goods upon full compliance with  
21 the provisions of the bailment or lease. The term "retail installment  
22 contract" does not include: (a) A "consumer lease," heretofore or  
23 hereafter entered into, as defined in RCW 63.10.020; (b) a lease which  
24 would constitute such "consumer lease" but for the fact that: (i) It  
25 was entered into before April 29, 1983; (ii) the lessee was not a  
26 natural person; (iii) the lease was not primarily for personal, family,  
27 or household purposes; or (iv) the total contractual obligations  
28 exceeded twenty-five thousand dollars; or (c) a lease-purchase  
29 agreement under chapter 63.19 RCW;

30 (10) "Retail charge agreement," "revolving charge agreement," or  
31 "charge agreement" means an agreement between a retail buyer and a  
32 retail seller that is entered into or performed in this state and that  
33 prescribes the terms of retail installment transactions with one or  
34 more sellers which may be made thereunder from time to time and under  
35 the terms of which a service charge, as defined in this section, is to  
36 be computed in relation to the buyer's unpaid balance from time to  
37 time;

38 (11) "Service charge" however denominated or expressed, means the  
39 amount which is paid or payable for the privilege of purchasing goods

1 or services to be paid for by the buyer in installments over a period  
2 of time. It does not include the amount, if any, charged for insurance  
3 premiums, delinquency charges, attorneys' fees, court costs, any  
4 vehicle dealer administrative fee under section 5 of this act, or  
5 official fees;

6 (12) "Sale price" means the price for which the seller would have  
7 sold or furnished to the buyer, and the buyer would have bought or  
8 obtained from the seller, the goods or services which are the subject  
9 matter of a retail installment transaction. The sale price may include  
10 any taxes, registration and license fees, any vehicle dealer  
11 administrative fee, and charges for transferring vehicle titles,  
12 delivery, installation, servicing, repairs, alterations, or  
13 improvements;

14 (13) "Official fees" means the amount of the fees prescribed by law  
15 and payable to the state, county, or other governmental agency for  
16 filing, recording, or otherwise perfecting, and releasing or  
17 satisfying, a retained title, lien, or other security interest created  
18 by a retail installment transaction;

19 (14) "Time balance" means the principal balance plus the service  
20 charge;

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

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

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

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

34 The service charge shall be inclusive of all charges incident to  
35 investigating and making the retail installment contract or charge  
36 agreement and for the privilege of making the installment payments  
37 thereunder and no other fee, expense or charge whatsoever shall be



1 taken, received, reserved or contracted therefor from the buyer, except  
2 for any vehicle dealer administrative fee under section 5 of this act.

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

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

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

12 Emergency medical services and trauma care are provided to all  
13 residents of the state regardless of a person's ability to pay.  
14 Historically, hospitals and health care providers have been able to  
15 recover some of their financial losses incurred in caring for an  
16 uninsured or underinsured person by charging persons able to pay more.  
17 In recent years, the health care industry has undergone substantial  
18 changes. With the advent of managed health care programs and the  
19 adoption of new cost control measures, some hospitals and health care  
20 providers assert that it is difficult to shift costs for uninsured and  
21 underinsured patients onto insured patients.

22 In 1990 the legislature established a coordinated trauma care  
23 system. Part of the 1990 legislation included funding for a study to  
24 determine the extent to which trauma care is uncompensated and  
25 undercompensated. This study focused exclusively on trauma care. The  
26 legislature finds that, as a prerequisite to determining the amount of  
27 state aid that may be necessary to assist health care providers and  
28 facilities, it is necessary to examine trauma care losses within the  
29 context of a health care provider or facility's total financial  
30 operations.

31 \*NEW SECTION. **Sec. 9.** *The committees on finance and health care*  
32 *of the house of representatives and the committee on health and long-*  
33 *term care of the senate shall jointly review the rules implementing the*  
34 *grant program established pursuant to section 1 of this act. The*  
35 *committees shall additionally conduct joint work sessions and hearings*  
36 *during 1997 to verify that public funds are being used in a fiscally*  
37 *accountable and efficient fashion that maximizes the availability of*

1 *quality trauma care services. Representatives of verified ambulance*  
2 *services, designated trauma services, physicians who are active members*  
3 *of a trauma care service team at a designated facility, and the*  
4 *department of health shall present financial information associated*  
5 *with trauma care and administrative costs of the trauma system at these*  
6 *hearings.*

7 \*Sec. 9 was vetoed. See message at end of chapter.

8 NEW SECTION. **Sec. 10.** The department of health, in cooperation  
9 with the department of social and health services, shall monitor the  
10 adequacy of the funding mechanisms created in this act. The department  
11 of health shall report to the legislature by December 1998 the extent  
12 to which these funds covered the cost of uncompensated care in  
13 designated trauma care services in the state.

14 NEW SECTION. **Sec. 11.** Sections 1 through 8 of this act take  
15 effect January 1, 1998.

Passed the Senate April 27, 1997.

Passed the House April 27, 1997.

Approved by the Governor May 13, 1997, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State May 13, 1997.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 9,  
3 Second Substitute Senate Bill No. 5127 entitled:

4 "AN ACT Relating to funding trauma care services;"

5 Second Substitute Senate Bill No. 5127 establishes a grant program  
6 for designated trauma services under the Department of Health. Section  
7 9 of the bill would direct legislative committees to review executive  
8 agency rules and to conduct work sessions and hearings outside of the  
9 regular legislative sessions to verify that funds are being used  
10 properly and efficiently. This is an inappropriate use of legislative  
11 committees. Reviews such as this, if necessary, should be done by the  
12 Joint Legislative Audit and Review Committee.

13 For these reasons, I have vetoed section 9 of Second Substitute  
14 Senate Bill No. 5127.

15 With the exception of section 9, I am approving Second Substitute  
16 Senate Bill No. 5127."