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HOUSE BILL 2055

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Flannigan, Ahern, McCoy, Ormsby and Santos

Read first time 02/06/2007. Referred to Committee on Human Services.

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 produce partial or total disability as a result  
21 of impaired cognitive ability and physical function.

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

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

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

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

31 (a) The secretary or the secretary's designee, and representatives  
32 from the following divisions: Mental health, aging and adult services,  
33 and vocational rehabilitation;

34 (b) The president of a state brain injury association or the  
35 president's designee;

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

3 (d) The secretary of the department of health or the secretary's  
4 designee;

5 (e) The secretary of the department of corrections or the  
6 secretary's designee;

7 (f) A representative from an organization serving veterans;

8 (g) The executive director of the Washington protection and  
9 advocacy system;

10 (h) A neurologist who has experience working with persons with  
11 traumatic brain injuries;

12 (i) A neuropsychologist who has experience working with persons  
13 with traumatic brain injuries;

14 (j) A social worker or clinical psychologist who has experience in  
15 working with persons who have sustained traumatic brain injuries;

16 (k) A rehabilitation specialist, such as a speech pathologist,  
17 vocational rehabilitation counselor, occupational therapist, or  
18 physical therapist who has experience working with persons with  
19 traumatic brain injuries;

20 (l) Two persons who are individuals with a traumatic brain injury;

21 (m) Two persons who are family members of individuals with  
22 traumatic brain injuries; and

23 (n) Two members of the public who have experience with persons with  
24 traumatic brain injuries.

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

28 (4) Initial appointments to the council shall be made by September  
29 1, 2007. The terms of appointed council members shall be three years,  
30 except that the terms of the appointed members who are initially  
31 appointed shall be staggered by the governor to end as follows:

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

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

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

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

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

1 (7) The council shall annually elect, by majority vote, a  
2 chairperson from among the council members who shall act as the  
3 presiding officer of the council.

4 (8) The duties of the council include:

5 (a) Providing oversight in acquiring and utilizing state and  
6 federal funding dedicated to services for individuals with traumatic  
7 brain injuries;

8 (b) By September 1, 2007, providing recommendations to the  
9 department on criteria to be used to select programs facilitating  
10 support groups for individuals with traumatic brain injuries and their  
11 families under section 6 of this act;

12 (c) By December 1, 2007, submitting a report to the department  
13 containing recommendations regarding the following:

14 (i) The needs of individuals with traumatic brain injury;

15 (ii) Identified gaps in services to individuals with traumatic  
16 brain injuries;

17 (iii) Building provider capacity and provider training that address  
18 the needs of individuals with traumatic brain injuries;

19 (iv) Improving the coordination of services for individuals with  
20 traumatic brain injuries; and

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

24 (d) By December 1, 2008, submitting a report to the governor and  
25 legislature that evaluates the work of the department to develop and  
26 implement a comprehensive plan to address the needs of individuals with  
27 traumatic brain injuries, as well as to make recommendations to the  
28 department and the legislature on improvements in services and programs  
29 for individuals with traumatic brain injuries.

30 (9) The council may utilize the advice or services of a nationally  
31 recognized expert to assist the council in carrying out its duties  
32 under this section.

33 NEW SECTION. **Sec. 4.** (1) By August 1, 2007, the department shall  
34 designate a staff person to coordinate policies, programs, and services  
35 for individuals with traumatic brain injuries.

36 (2) By December 1, 2007, the department shall, in collaboration  
37 with the council:

1 (a) Investigate the needs of citizens with traumatic brain  
2 injuries;

3 (b) Identify gaps in services to citizens with traumatic brain  
4 injuries;

5 (c) Facilitate collaboration among state agencies that provide  
6 services to individuals with traumatic brain injuries;

7 (d) Facilitate collaboration among organizations and entities that  
8 provide services to individuals with traumatic brain injuries; and

9 (e) Encourage and facilitate community participation in program  
10 implementation.

11 (3) By December 1, 2007, and by December 1st each year thereafter,  
12 the department shall issue a report to the governor and the legislature  
13 containing the following:

14 (a) A summary of the actions of the council;

15 (b) A summary of action taken by the department to meet the needs  
16 of individuals with traumatic brain injuries; and

17 (c) Recommendations for the development and implementation of a  
18 comprehensive plan, or improvements to the plan, to address the needs  
19 of individuals with traumatic brain injuries, including the use of  
20 public-private partnerships and a public awareness campaign.

21 NEW SECTION. **Sec. 5.** By December 1, 2007, in collaboration with  
22 the council, the department shall institute a public awareness campaign  
23 that utilizes state or federal funding to leverage a private  
24 advertising campaign to promote awareness of traumatic brain injuries  
25 through all forms of media including television, radio, and print. The  
26 public awareness campaign shall be funded solely from the traumatic  
27 brain injury account established in section 7 of this act, to the  
28 extent that funds are available.

29 NEW SECTION. **Sec. 6.** (1) By December 1, 2007, the department  
30 shall provide funding to programs that facilitate support groups to  
31 individuals with traumatic brain injuries and their families.

32 (2) The department shall use a request for proposal process to  
33 select the programs to receive funding. The council shall provide  
34 recommendations to the department on the criteria to be used in  
35 selecting the programs.

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

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

6 The traumatic brain injury account is created in the state  
7 treasury. Twenty-four percent of the receipts from RCW 46.20.311  
8 (1)(e)(ii), (2)(b)(ii), and (3)(b) must be deposited into the account.  
9 Moneys in the account may be spent only after appropriation, and may be  
10 used only to provide information and services relating to traumatic  
11 brain injury under sections 5 and 6 of this act. The secretary of the  
12 department of social and health services has the authority to  
13 administer the funds.

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

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

20 (b) Except for a suspension under RCW 46.20.267, 46.20.289,  
21 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving  
22 privilege of any person is suspended by reason of a conviction, a  
23 finding that a traffic infraction has been committed, pursuant to  
24 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the  
25 suspension shall remain in effect until the person gives and thereafter  
26 maintains proof of financial responsibility for the future as provided  
27 in chapter 46.29 RCW.

28 (c) If the suspension is the result of a nonfelony violation of RCW  
29 46.61.502 or 46.61.504, the department shall determine the person's  
30 eligibility for licensing based upon the reports provided by the  
31 alcoholism agency or probation department designated under RCW  
32 46.61.5056 and shall deny reinstatement until enrollment and  
33 participation in an approved program has been established and the  
34 person is otherwise qualified. If the suspension is the result of a  
35 violation of RCW 46.61.502(6) or 46.61.504(6), the department shall  
36 determine the person's eligibility for licensing based upon the reports

1 provided by the alcohol or drug dependency agency required under RCW  
2 46.61.524 and shall deny reinstatement until satisfactory progress in  
3 an approved program has been established and the person is otherwise  
4 qualified. If the suspension is the result of a violation of RCW  
5 46.61.502 or 46.61.504, and the person is required pursuant to RCW  
6 46.20.720 to drive only a motor vehicle equipped with a functioning  
7 ignition interlock, the department shall determine the person's  
8 eligibility for licensing based upon written verification by a company  
9 doing business in the state that it has installed the required device  
10 on a vehicle owned or operated by the person seeking reinstatement.  
11 If, based upon notification from the interlock provider or otherwise,  
12 the department determines that an interlock required under RCW  
13 46.20.720 is no longer installed or functioning as required, the  
14 department shall suspend the person's license or privilege to drive.  
15 Whenever the license or driving privilege of any person is suspended or  
16 revoked as a result of noncompliance with an ignition interlock  
17 requirement, the suspension shall remain in effect until the person  
18 provides notice issued by a company doing business in the state that a  
19 vehicle owned or operated by the person is equipped with a functioning  
20 ignition interlock device.

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

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

30 (ii) If the suspension is the result of a violation of RCW  
31 46.61.502 or 46.61.504, or is the result of administrative action under  
32 RCW 46.20.308, the reissue fee (~~shall~~) must be (~~one~~) two hundred  
33 (~~fifty~~) dollars.

34 (2)(a) Any person whose license or privilege to drive a motor  
35 vehicle on the public highways has been revoked, unless the revocation  
36 was for a cause which has been removed, is not entitled to have the  
37 license or privilege renewed or restored until: (i) After the  
38 expiration of one year from the date the license or privilege to drive

1 was revoked; (ii) after the expiration of the applicable revocation  
2 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the  
3 expiration of two years for persons convicted of vehicular homicide; or  
4 (iv) after the expiration of the applicable revocation period provided  
5 by RCW 46.20.265.

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

9 (ii) If the revocation is the result of a violation of RCW  
10 46.20.308, 46.61.502, or 46.61.504, the reissue fee (~~(shall)~~) must be  
11 (~~(one)~~) two hundred (~~(fifty)~~) dollars. If the revocation is the result  
12 of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department  
13 shall determine the person's eligibility for licensing based upon the  
14 reports provided by the alcoholism agency or probation department  
15 designated under RCW 46.61.5056 and shall deny reissuance of a license,  
16 permit, or privilege to drive until enrollment and participation in an  
17 approved program has been established and the person is otherwise  
18 qualified. If the suspension is the result of a violation of RCW  
19 46.61.502(6) or 46.61.504(6), the department shall determine the  
20 person's eligibility for licensing based upon the reports provided by  
21 the alcohol or drug dependency agency required under RCW 46.61.524 and  
22 shall deny reinstatement until satisfactory progress in an approved  
23 program has been established and the person is otherwise qualified. If  
24 the revocation is the result of a violation of RCW 46.61.502 or  
25 46.61.504, and the person is required pursuant to RCW 46.20.720 to  
26 drive only a motor vehicle equipped with a functioning ignition  
27 interlock or other biological or technical device, the department shall  
28 determine the person's eligibility for licensing based upon written  
29 verification by a company doing business in the state that it has  
30 installed the required device on a vehicle owned or operated by the  
31 person applying for a new license. If, following issuance of a new  
32 license, the department determines, based upon notification from the  
33 interlock provider or otherwise, that an interlock required under RCW  
34 46.20.720 is no longer functioning, the department shall suspend the  
35 person's license or privilege to drive until the department has  
36 received written verification from an interlock provider that a  
37 functioning interlock is installed.



1 (c) Except for a revocation under RCW 46.20.265, the department  
2 shall not then issue a new license unless it is satisfied after  
3 investigation of the driving ability of the person that it will be safe  
4 to grant the privilege of driving a motor vehicle on the public  
5 highways, and until the person gives and thereafter maintains proof of  
6 financial responsibility for the future as provided in chapter 46.29  
7 RCW. For a revocation under RCW 46.20.265, the department shall not  
8 issue a new license unless it is satisfied after investigation of the  
9 driving ability of the person that it will be safe to grant that person  
10 the privilege of driving a motor vehicle on the public highways.

11 (3)(a) Whenever the driver's license of any person is suspended  
12 pursuant to Article IV of the nonresident violators compact or RCW  
13 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue  
14 to the person any new or renewal license until the person pays a  
15 reissue fee of seventy-five dollars.

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

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

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

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

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

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

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

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

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

30           (4) Monthly, the state treasurer shall distribute the earnings  
31 credited to the treasury income account. The state treasurer shall  
32 credit the general fund with all the earnings credited to the treasury  
33 income account except:

34           (a) The following accounts and funds shall receive their  
35 proportionate share of earnings based upon each account's and fund's  
36 average daily balance for the period: The capitol building  
37 construction account, the Cedar River channel construction and  
38 operation account, the Central Washington University capital projects

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

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

33 (b) The following accounts and funds shall receive eighty percent  
34 of their proportionate share of earnings based upon each account's or  
35 fund's average daily balance for the period: The aeronautics account,  
36 the aircraft search and rescue account, the county arterial  
37 preservation account, the department of licensing services account, the  
38 essential rail assistance account, the ferry bond retirement fund, the

1 grade crossing protective fund, the high capacity transportation  
2 account, the highway bond retirement fund, the highway safety account,  
3 the motor vehicle fund, the motorcycle safety education account, the  
4 pilotage account, the public transportation systems account, the Puget  
5 Sound capital construction account, the Puget Sound ferry operations  
6 account, the recreational vehicle account, the rural arterial trust  
7 account, the safety and education account, the special category C  
8 account, the state patrol highway account, the transportation 2003  
9 account (nickel account), the transportation equipment fund, the  
10 transportation fund, the transportation improvement account, the  
11 transportation improvement board bond retirement account, and the urban  
12 arterial trust account.

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

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

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