

HOUSE BILL REPORT

ESSB 5127

As Passed House - Amended:
April 10, 2019

Title: An act relating to increasing the traumatic brain injury fee.

Brief Description: Increasing the traumatic brain injury fee.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators McCoy, Billig, Darneille, Hunt, Rolfes and Schoesler).

Brief History:

Committee Activity:

Appropriations: 3/18/19, 4/1/19 [DPA].

Floor Activity:

Passed House - Amended: 4/10/19, 95-0.

**Brief Summary of Engrossed Substitute Bill
(As Amended by House)**

- Increases the Traumatic Brain Injury Account fee from \$2 per traffic infraction to \$5 per traffic infraction.
- Prohibits the Traumatic Brain Injury Account fee from being reduced or waived.
- Requires the Department of Social and Health Services to disburse incremental revenue from the fee increase in a diverse manner that includes rural areas of the state.
- Modifies the membership of the Washington Traumatic Brain Injury Council.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended. Signed by 32 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger, Volz and Ybarra.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 1 member: Representative Chandler.

Staff: Mary Mulholland (786-7391).

Background:

Traffic Infraction Penalties, Assessments, and Fees.

The base penalties for the majority of traffic infractions are set by the Washington Supreme Court, the most common of which is \$48. Once additional assessments and fees are included, the total amount owed for infractions with base penalties of \$48 comes to \$136. This total includes the following additional penalties and fees, which are assessed for all traffic offenses: two public safety and education assessments (105 percent of base penalty); a legislative assessment (\$20 assessment); a trauma care fee (\$5 fee); an auto theft prevention fee (\$10 fee); and a Traumatic Brain Injury Account fee (\$2 fee).

The public safety and education assessments, legislative assessment, trauma care fee, and auto theft prevention fee may not be reduced or waived. The Traumatic Brain Injury Account fee may be reduced or waived.

Funds collected from the Traumatic Brain Injury fee must be deposited in the Traumatic Brain Injury Account.

Traumatic Brain Injury Account.

The Traumatic Brain Injury Account is an appropriated account administered by the Department of Social and Health Services (DSHS). Funds from this account may only be used:

- to support activities listed in the Statewide Traumatic Brain Injury Comprehensive Plan;
- to provide a public awareness campaign and services relating to traumatic brain injury (including programs that facilitate support groups to individuals with traumatic brain injuries and their families);
- for information and referral services; and
- for costs of DSHS staff providing support for the Washington Traumatic Brain Injury Strategic Partnership Advisory Council.

Washington Traumatic Brain Injury Strategic Partnership Advisory Council.

The Washington Traumatic Brain Injury Strategic Partnership Advisory Council (Council) is responsible for coordinating with the DSHS on a comprehensive statewide plan to address the needs of individuals with traumatic brain injuries, providing recommendations to the DSHS on criteria used to select programs that receive support from the Traumatic Brain Injury Account, and reporting periodically to the Legislature and Governor. Membership is established in statute and includes gubernatorial appointees and representatives of state and nonprofit agencies.

Summary of Amended Bill:

The Traumatic Brain Injury Account fee is increased from \$2 per traffic infraction to \$5 per traffic infraction, and the fee may no longer be reduced or waived. The DSHS must disburse

incremental revenue from the fee increase in a diverse manner that includes rural areas of the state.

The membership of the Council is modified in the following ways:

- increases the number of representatives from a nonprofit organization serving individuals with traumatic brain injury from one to two;
- removes the executive director of the state brain injury association, or the executive director's designee, from the Council; and
- removes language that states that if any of the agencies with members on the Council are renamed, reorganized, or eliminated, the director or secretary of the agency that assumes the responsibilities of the renamed, reorganized, or eliminated agency shall designate a substitute representative.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on April 4, 2019.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Traumatic brain injury (TBI) survivors volunteer extensively to help friends with TBI who are victims of abuse and need help and attention. The Senate amendment produced a significant change and would benefit a particular private organization. State funding should be used in the most cost-effective way. It is strongly recommended the bill return to the original language.

People experience TBI for many reasons and it is not always the result of a direct impact to the head. One TBI survivor experienced a massive stroke that has affected every area of his life and led to memory problems, physical and neurological issues, and difficulty walking. Many people have undiagnosed TBIs. Other populations with TBI include domestic violence victims and children in foster care.

Support for TBI survivors and caregivers is particularly needed in rural areas and in Spokane County, where it is very difficult to find appropriate medical providers and attorneys.

(Opposed) None.

(Other) The role of the TBI Council is to come up with a comprehensive TBI state plan. It will be beneficial for more revenue to be generated for the Traumatic Brain Injury Strategic Partnership Advisory Council. It is not the best use of the new revenue to carve it up for specific purposes. The original bill language is preferred.

Persons Testifying: (In support) Isaac Peterson; Daniella Clark, Penny and Raymond Wayment, and Mike Hoover, Traumatic Brain Injury Advocates.

(Other) David Lord, Disability Rights Washington.

Persons Signed In To Testify But Not Testifying: None.