

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H2/28/07

A Bill

HOUSE BILL 1575

5 By: Representatives Sumpter, Shelby, Adcock, Blount, T. Bradford, Breedlove, E. Brown, Burris, Cash,
6 Cheatham, Cornwell, Davenport, Davis, Dunn, Flowers, Garner, Gaskill, George, R. Green, Greenberg,
7 Hall, Harrelson, House, D. Hutchinson, Jeffrey, Key, Kidd, Lovell, Patterson, Pennartz, Pierce, Powers,
8 S. Prater, Ragland, J. Roebuck, Saunders, L. Smith, Stewart, Wagner, Webb, Wills
9

For An Act To Be Entitled

10
11 AN ACT TO AMEND THE TRAUMA SYSTEM ACT, § 20-13-
12 801 ET SEQ.; TO CREATE THE TRAUMA SYSTEM
13 REVOLVING TRUST *FUND*; TO *FUND THE STATEWIDE*
14 *TRAUMA SYSTEM*; AND FOR OTHER PURPOSES.
15
16

Subtitle

17
18 TO AMEND THE TRAUMA SYSTEM ACT AND TO
19 CREATE THE TRAUMA SYSTEM REVOLVING TRUST
20 FUND.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 20-13-802 is amended to read as follows:

26 20-13-802. Legislative findings.

27 The General Assembly finds that:

28 (1) Trauma is recognized as the leading killer of persons one
29 (1) year to forty-four (44) years of age and is a serious yet preventable
30 disease;

31 (2) Traumatic injuries are estimated to be responsible for over
32 one hundred sixty-one thousand (161,000) deaths each year and children
33 account for twenty-five percent (25%) of those deaths;

34 (3) In 2006, two thousand one hundred nineteen (2,119) Arkansans
35 lost their lives due to trauma and twenty-five thousand three hundred eight
36 (25,308) were admitted to hospitals;



1 (4) The State of Arkansas incurs a massive expense from trauma
2 in lives lost, productive years destroyed, and the emotional and monetary
3 expense of caring for victims of trauma-; and

4 (5) The experience of other states has shown that a
5 comprehensive trauma system including all phases of trauma care, from
6 prevention, prehospital care, and trauma center designation to rehabilitative
7 care, can vastly improve overall trauma problems.

8
9 SECTION 2. Arkansas Code § 20-13-804 is amended to read as follows:
10 20-13-804. Powers and duties of the division.

11 (a) The Division of Health of the Department of Health and Human
12 Services may develop and implement a comprehensive trauma care system that
13 provides guidelines for the care of trauma victims and is fully integrated
14 with all available resources, including, but not limited to, existing
15 emergency medical services providers, hospitals, or other health care
16 providers that would like to participate in the program.

17 (b)(1) The division shall develop a methodology for the allocation of
18 funds deposited into the Trauma System Revolving Trust Fund.

19 (2) Allocations of funds from the Trauma System Revolving Trust
20 Fund shall be made to:

21 (A) Ambulance providers;

22 (B) Hospitals;

23 (C) Physicians;

24 (D) Rehabilitation services; and

25 (E) Program administration, trauma injury prevention
26 programs, and the trauma registry within the Division of Health.

27 (3) The methodology for allocation of funds shall be developed
28 with the advice of the Trauma Advisory Council.

29 ~~(b)(c)~~ The division shall promulgate ~~such rules and regulations as are~~
30 rules necessary to implement and administer this subchapter.

31
32 SECTION 3. Arkansas Code § 20-13-807 is amended to read as follows:
33 20-13-807. Trauma Advisory Council.

34 (a)(1) There is established an advisory council, to be known as the
35 "Trauma Advisory Council", for the purpose of making recommendations,
36 advising, and providing assistance to the Division of Emergency Medical

1 Services of the Division of Health of the Department of Health and Human
2 Services concerning the development of a statewide trauma system.

3 (2) The council shall provide advice to the Division of
4 Emergency Medical Services on the methodology for allocations from the Trauma
5 System Revolving Trust Fund.

6 (b) The council shall consist of ~~twelve (12)~~ fifteen (15) members who
7 have a demonstrated interest in trauma systems, to be appointed by the
8 Governor as follows:

9 (1) One (1) member appointed from a list of two (2) nominees
10 submitted by the Arkansas Chapter of the American College of Emergency
11 Physicians;

12 (2) One (1) member appointed from a list of two (2) nominees
13 submitted by the Arkansas Academy of Family Physicians;

14 (3) One (1) member appointed from a list of two (2) nominees
15 submitted by the Arkansas Chapter of the American College of Surgeons;

16 (4) One (1) member appointed from a list of two (2) nominees
17 submitted by the Arkansas Medical Society;

18 (5) ~~One (1) member~~ Four members appointed from a list of ~~two (2)~~
19 eight (8) nominees submitted by the Arkansas Hospital Association;

20 (6) One (1) member appointed from a list of two (2) nominees
21 submitted by the Governor's Emergency Medical Services Advisory Council;

22 (7) One (1) member appointed from a list of two (2) nominees
23 submitted by the Arkansas Emergency Nurses' Association;

24 (8) One (1) member appointed from a list of two (2) nominees
25 submitted by the Arkansas Emergency Medical Technicians' Association;

26 (9) One (1) member appointed from a list of two (2) nominees
27 submitted by the Arkansas Ambulance Association;

28 (10) One (1) member appointed from a list of two (2) nominees
29 submitted by the Arkansas Emergency Medical Services for Children Program;

30 (11) One (1) member appointed from a list of two (2) nominees
31 submitted by the Arkansas Trauma Society; and

32 (12) One (1) member appointed from the public at large as a
33 consumer representative who has an interest in trauma systems.

34 (c) The following shall also be members of the council:

35 (1) The Director of the Department of Health and Human Services
36 or the director's designee;

1 ~~(2) The Director of the Highway Safety Program of the Arkansas~~
2 ~~State Highway and Transportation Department;~~

3 ~~(3) The Director of the Department of Arkansas State Police or~~
4 ~~the director's designee;~~

5 ~~(4)(3) Two (2) members to be appointed by and to serve at the~~
6 ~~pleasure of the President Pro Tempore of the Senate; and~~

7 ~~(5)(4) Four (4) members~~ Two (2) members to be appointed by and
8 to serve at the pleasure of the Speaker of the House of Representatives.

9
10 SECTION 4. Arkansas Code § 20-13-808(c), concerning required meetings
11 of the Trauma Advisory Council, is amended to read as follows:

12 (c) The council shall meet at least ~~two (2)~~ four (4) times a year but
13 may meet more frequently upon the call of the chair or at the request, stated
14 in writing, of any seven (7) members of the council.

15
16 SECTION 5. Arkansas Code Title 20, Chapter 13, Subchapter 8 is amended
17 to add an additional section to read as follows:

18 20-13-809. Trauma System Revolving Trust Fund.

19 (a)(1) There is created on the books of the Treasurer of State, the
20 Auditor of State, and the Chief Fiscal Officer of the State a revolving loan
21 fund to be known as the "Trauma System Revolving Trust Fund".

22 (2) The Trauma System Revolving Trust Fund shall be used by the
23 Division of Health of the Department of Health and Human Services to fund the
24 state trauma system with the advice of the Trauma Advisory Council.

25 (b)(1) The Trauma System Revolving Trust Fund shall consist of:

26 (A) Moneys appropriated for the state trauma system;

27 (B) Federal funds;

28 (C) Gifts, grants, bequests, devises, and donations;

29 (D) Interest earned on the Trauma System Revolving Trust
30 Fund;

31 (E) Any other funds received by the Division of Health of
32 the Department of Health and Human Services for the development and operation
33 of a state trauma system; and

34 (F) Any other funds as authorized by law.

35 (2) The Trauma System Revolving Trust Fund shall retain fund
36 balances remaining each fiscal year and all amounts earned as interest.

1 (3) According to the rules set forth by the Division of Health,
2 funds may be transferred to the Medicaid Trust Fund for payments to health
3 care providers that treat eligible Medicaid patients for trauma care.

4
5 SECTION 6. Arkansas Code § 5-65-112 is amended to read as follows:
6 5-65-112. Fines.

7 (a) Any person who pleads guilty or nolo contendere to or is found
8 guilty of violating § 5-65-103 shall be fined:

9 (1) No less than one hundred fifty dollars (\$150) and no more
10 than one thousand dollars (\$1,000) for the first offense;

11 (2) No less than four hundred dollars (\$400) and no more than
12 three thousand dollars (\$3,000) for the second offense occurring within five
13 (5) years of the first offense; and

14 (3) No less than nine hundred dollars (\$900) and no more than
15 five thousand dollars (\$5,000) for the third or subsequent offense occurring
16 within five (5) years of the first offense.

17 (b)(1) In addition to the fines levied under subsection (a) of this
18 section, the trial judge shall assess an additional fine of fifty dollars
19 (\$50.00) imposed by law against each defendant for each conviction, each plea
20 of guilty or nolo contendere, or each forfeiture of bond for a violation of §
21 5-65-103.

22 (2) The fine provided under this subsection (b) and collected by
23 a circuit court, district court, or city court shall be remitted by the tenth
24 day of each month to the Administration of Justice Fund Section of the Office
25 of Administrative Services of the Department of Finance and Administration on
26 a form provided by that office for deposit into the Trauma System Revolving
27 Trust Fund.

28
29 SECTION 7. Arkansas Code § 5-65-305, regarding fines for underage
30 driving under the influence, is amended to add an additional subsection to
31 read as follows:

32 (c)(1) In addition to the fines levied under subsection (a) of this
33 section, the trial judge shall assess an additional fine of fifty dollars
34 (\$50.00) imposed by law against each defendant for each conviction, each plea
35 of guilty or nolo contendere, or each forfeiture of bond for a violation of §
36 5-65-303.

1 (2) The fine provided under this subsection (c) and collected by
2 a circuit court, district court, or city court shall be remitted by the tenth
3 day of each month to the Administration of Justice Fund Section of the Office
4 of Administrative Services of the Department of Finance and Administration on
5 a form provided by that office for deposit into the Trauma System Revolving
6 Trust Fund.

7
8 SECTION 8. Arkansas Code Title 27, Chapter 50, Subchapter 3 is amended
9 to add an additional section to read as follows:

10 27-50-312. Additional penalty to fund statewide trauma system.

11 (a)(1) As used in this section, "moving traffic violation" means a
12 traffic violation under § 27-50-302 or a violation of §§ 27-51-101 et seq.

13 (2) "Moving traffic violation" includes without limitation:

14 (A) Careless or prohibited driving;

15 (B) Driving while intoxicated;

16 (C) Underage driving under the influence;

17 (D) Refusal to submit;

18 (E) Leaving the scene of an accident;

19 (F) Driving with lights off;

20 (G) Driving on an expired, suspended, or revoked license;

21 (H) Improper use of lighting equipment;

22 (I) Failure to obey traffic control devices and signs;

23 (J) Failure to operate a vehicle in accordance with the

24 rules of the road;

25 (K) Failure to stop and render aid;

26 (L) Following too closely;

27 (M) Driving the wrong way on a one-way street;

28 (N) Hazardous driving;

29 (O) Impeding the flow of traffic;

30 (P) Improper backing;

31 (Q) Improper lane change;

32 (R) Improper entrance or exit to avoid an intersection;

33 (S) Improper towing;

34 (T) Improper turning;

35 (U) Passing a stopped school bus;

36 (V) Racing on the highway;

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(W) Reckless driving; and
(X) Exceeding the speed limit.

(b) In addition to the fine otherwise provided by law, the trial judge shall assess an additional fine of twenty-five dollars (\$25.00) imposed by law against each defendant for each conviction, each plea of guilty or nolo contendere, or each forfeiture of bond for committing a moving traffic violation.

(c) The fine provided under subsection (b) of this section and collected by a circuit court, district court, or city court shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by that office for deposit into the Trauma System Revolving Trust Fund.

/s/ Sumpter, et al