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HOUSE BILL NO. 1137

House Amendments in [] — February 12, 2004

A *BILL to amend and reenact §§ 15.2-1716.1 [; ~~46.2-364~~] and 46.2-417 of the Code of Virginia, relating to reimbursement for response to emergency calls.*

Patron Prior to Engrossment—Delegate McDonnell

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1716.1 [; ~~46.2-364~~] and 46.2-417 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1716.1. Reimbursement of expenses incurred in responding to terrorism hoax incident.

Any locality may provide by ordinance that any person who is convicted of a violation of subsection B or C of § 18.2-46.6, when his violation of such section is the proximate cause of any incident resulting in an appropriate emergency response, shall be liable in a separate civil action to the locality or to any volunteer rescue squad, or both, which may provide such emergency response for the reasonable expense thereof, in an amount not to exceed \$1,000 in the aggregate for a particular incident occurring in such locality. In determining the "reasonable expense," a locality may bill a flat fee of \$100 or a minute-by-minute accounting of the actual costs incurred. *Any such bill shall constitute a judgment in accordance with § 19.2-341.* As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the locality or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an incident not involving a terroristic hoax as set forth herein.

[~~§ 46.2-364. Definitions.~~

For the purposes of this chapter, unless a different meaning is clearly required by the context:

"Conviction" means conviction on a plea of guilty or the determination of guilt by a jury or by a court though no sentence has been imposed or, if imposed, has been suspended and includes a forfeiture of bail or collateral deposited to secure appearance in court of the defendant unless the forfeiture has been vacated; in any case of a charge, the conviction of which requires or authorizes the Commissioner to suspend or revoke the license of the defendant;

"Insured" means the person in whose name a motor vehicle liability policy has been issued, as defined in this section, and any other person insured under its terms;

"Judgment" means any judgment for \$200 ~~\$100~~ or more arising out of (i) a civil action filed pursuant to ~~§ 15.2-1716~~ or (ii) a motor vehicle accident because of injury to or destruction of property, including loss of its use, or any judgment for damages, including damages for care and loss of services, because of bodily injury to or death of any person arising out of the ownership, use or operation of any motor vehicle, including any judgment for contribution between joint tort-feasors arising out of any motor vehicle accident which occurred within the Commonwealth, except a judgment rendered against the Commonwealth, which has become final by expiration without appeal in the time within which an appeal might be perfected or by final affirmance on appeal rendered by a court of competent jurisdiction of the Commonwealth or any other state or court of the United States or Canada or its provinces;

"Motor vehicle" means every vehicle which is self-propelled or designed for self-propulsion and every vehicle drawn by or designed to be drawn by a motor vehicle and includes every device in, on or by which any person or property is or can be transported or drawn on a highway, except devices moved by human or animal power and devices used exclusively on rails or tracks, and vehicles used in the Commonwealth but not required to be licensed by the Commonwealth;

"Motor vehicle liability policy" means an owner's or a driver's policy of liability insurance certified, as provided in this chapter, by an insurance carrier licensed to do business in the Commonwealth or by an insurance carrier not licensed to do business in the Commonwealth on compliance with the provisions of this chapter, as proof of financial responsibility.]

§ 46.2-417. Suspension for failure to satisfy motor vehicle accident judgment; exceptions; insurance in liquidated company; insurer obligated to pay judgment.

A. Upon the application of any judgment creditor, the Commissioner shall suspend the driver's license and all of the registration certificates and license plates of any person who has failed for ~~thirty~~ 30 days to satisfy any judgment (i) in an amount and on a cause of action as hereinafter stated in this subsection and (ii) in an amount and on a cause of action pursuant to [~~§ 15.2-1716~~ §§ 15.2-1716 and 15.2-1716.1] , immediately upon receiving an authenticated judgment order or abstract thereof in an

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59 action for damages in a motor vehicle accident *or pursuant to* [~~§ 15.2-1716~~ §§ 15.2-1716 and
60 15.2-1716.1] , if (i) the order or abstract is received by the Commissioner within ~~ten~~ 10 years of the
61 date of judgment or (ii) *if* the judgment has been revived. However, if judgment is marked satisfied on
62 the court records on or before the Commissioner's issuance of suspension, the order of suspension shall
63 be invalid.

64 B. The Commissioner shall not, however, suspend the license of an owner or driver if the insurance
65 carried by him was in a company which was authorized to transact business in this Commonwealth and
66 which subsequent to an accident involving the owner or driver and prior to settlement of the claim
67 therefor went into liquidation, so that the owner or driver is thereby unable to satisfy the judgment
68 arising out of the accident.

69 C. The Commissioner shall not suspend the driver's license or driving privilege or any registration
70 certificate, license plates, or decals under *clause (i) of subsection A of* this section or § 46.2-418, if the
71 Commissioner finds that an insurer authorized to do business in the Commonwealth was obligated to
72 pay the judgment upon which suspension is based, or that a policy of the insurer covers the person
73 subject to the suspension, if the insurer's obligation or the limits of the policy are in an amount
74 sufficient to meet the minimum amounts required by § 46.2-472, even though the insurer has not paid
75 the judgment for any reason. A finding by the Commissioner that an insurer is obligated to pay a
76 judgment, or that a policy of an insurer covers the person, shall not be binding upon the insurer and
77 shall have no legal effect whatever except for the purpose of administering this article. Whenever in any
78 judicial proceeding it is determined by any final judgment, decree, or order that an insurer is not
79 obligated to pay the judgment, the Commissioner, notwithstanding any contrary finding made by him,
80 forthwith shall suspend the driver's license or driving privilege, or any registration card, license plates or
81 decals of any person against whom the judgment was rendered, as provided in subsection A of this
82 section.