

2004 SESSION

INTRODUCED

047221308

HOUSE BILL NO. 303

Offered January 14, 2004

Prefiled January 9, 2004

A BILL to amend and reenact § 15.2-1716 of the Code of Virginia, relating to reimbursement of certain traffic incident expenses.

Patrons—Fralin, Gear and Ware, O.

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1716 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1716. Reimbursement of expenses incurred in responding to DUI incident and other traffic incidents.

A. Any locality may provide by ordinance that a person convicted of violating any of the following provisions shall be liable in a separate civil action for reasonable expenses incurred by the locality or by any volunteer rescue squad, or both, when providing an appropriate emergency response to any accident or incident related to such violation:

1. The provisions of §§ 18.2-51.4, 18.2-266 or § 29.1-738, or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;

2. The provisions of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;

3. The provisions of Article 1 (§ 46.2-300 et seq.) of Chapter 3 of Title 46.2 relating to driving without a license or driving with a suspended or revoked license; and

4. The provisions of § 46.2-894 relating to improperly leaving the scene of an accident.

B. Personal liability under this section for reasonable expenses of an appropriate emergency response shall not exceed \$1,000 in the aggregate for a particular accident or incident occurring in such locality. In determining the "reasonable expenses," a locality may bill a flat fee of ~~\$100~~ \$500 or a minute-by-minute accounting of the actual costs incurred. *Such fee may be assessed as part of the court costs in criminal or traffic court proceedings.* 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 accident or incident not involving impaired driving, operation of a vehicle or other conduct as set forth herein.

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