

2004 SESSION

HOUSE SUBSTITUTE

041009302

HOUSE BILL NO. 303

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 13, 2004)

(Patron Prior to Substitute—Delegate Fralin)

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

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~~ \$250 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue, and emergency medical services. *The court may order as restitution the reasonable expenses incurred by the locality for 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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