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HOUSE BILL NO. 1387

Offered January 12, 2006

A BILL to amend and reenact §§ 9.1-401 and 15.2-1716 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 9.1-401.1 relating to Line of Duty benefits and funding.

Patrons—Callahan, Caputo, Englin and Moran

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-401 and 15.2-1716 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 9.1-401.1 as follows:

§ 9.1-401. Continued health insurance coverage for disabled persons, their spouses and dependents, and for the surviving spouse and dependents of certain deceased law-enforcement officers, firefighters, etc.

A. The surviving spouse and any dependents of a deceased person shall be afforded continued health insurance coverage, the cost of which shall be paid in full out of the general fund of the state treasury.

B. If the disabled person's disability (i) occurred while in the line of duty as the direct or proximate result of the performance of his duty or (ii) was subject to the provisions of §§ 27-40.1, 27-40.2, 51.1-813 or § 65.2-402, and arose out of and in the course of his employment, the disabled person, his surviving spouse and any dependents shall be afforded continued health insurance coverage. The cost of such health insurance coverage shall be paid in full out of the general fund of the state treasury. *Any local employee included in the definition of a deceased or disabled person who was disabled on or after January 1, 1972, not otherwise already receiving the continued health insurance coverage benefit under this section, shall be entitled to the continued health insurance coverage benefit beginning July 1, 2006.*

C. The continued health insurance coverage provided by this section shall be the same plan of benefits which the deceased or disabled person was entitled to on the last day of his active duty or comparable benefits established as a result of a replacement plan.

D. For any spouse, continued health insurance provided by this section shall terminate upon such spouse's death or coverage by alternate health insurance.

E. For dependents, continued health insurance provided by this section shall terminate upon such dependent's death, marriage, coverage by alternate health insurance or twenty-first birthday. Continued health care insurance shall be provided beyond the dependent's twenty-first birthday if the dependent is a full-time college student and shall continue until such time as the dependent ceases to be a full-time student or reaches his twenty-fifth birthday, whichever occurs first. Continued health care insurance shall also be provided beyond the dependent's twenty-first birthday if the dependent is mentally or physically disabled, and such coverage shall continue until three months following the cessation of the disability.

F. For any disabled person, continued health insurance provided by this section shall automatically terminate upon the disabled person's death, recovery or return to full duty in any position listed in the definition of deceased person in § 9.1-400.

§ 9.1-401.1. Line of Duty Disability Fund.

There is hereby created in the Department of the Treasury a special nonreverting fund that shall be known as the Line of Duty Disability Fund (the Fund). The Fund shall consist of deposits pursuant to subsection A of § 15.2-1716 and shall include such other funds as may be appropriated by the General Assembly from time to time and designated for this Fund and all interest, dividends, and appreciation that may accrue thereto. Any moneys remaining in the Fund at the end of any fiscal year shall not revert to the general fund but shall remain in the Fund. The Fund shall be used solely to pay the cost of the benefits provided pursuant to § 9.1-401.

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

A. The Commonwealth shall impose as a recoverable cost upon any person convicted of violating any of the provisions of subdivisions B 1 through B 4 the amount of \$50 to be deposited into the Line of Duty Disability Fund pursuant to § 9.1-401.1.

AB. 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, including by the sheriff's office of such locality, or by any volunteer fire or rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation:

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HB1387

59 1. The provisions of § 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02, or a similar ordinance,
60 when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate
61 cause of the accident or incident;

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

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

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

67 BC. Personal liability under this section for reasonable expenses of an appropriate emergency
68 response shall not exceed \$1,000 in the aggregate for a particular accident or incident occurring in such
69 locality. In determining the "reasonable expenses," a locality may bill a flat fee of \$250 or a
70 minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate
71 emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue, and
72 emergency medical services. The court may order as restitution the reasonable expenses incurred by the
73 locality for fire-fighting, rescue and emergency medical services. The provisions of this section shall not
74 preempt or limit any remedy available to the Commonwealth, to the locality or to any volunteer rescue
75 squad to recover the reasonable expenses of an emergency response to an accident or incident not
76 involving impaired driving, operation of a vehicle or other conduct as set forth herein.