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HOUSE BILL NO. 2822

Offered January 10, 2007

Prefiled January 10, 2007

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

Patron—Sickles

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 incidents and other traffic incidents.

A. The Commonwealth shall impose as a taxable cost upon any person convicted of violating any of the provisions of subsection B a levy of \$25 to be credited to the Office of the Comptroller, Line of Duty Disability Benefits Fund, pursuant to Chapter 4 (§ 9.1-400 et seq.) of Title 9.1.

AB. Any locality may provide by ordinance that a person convicted of violating any of the following provisions shall be liable for restitution at the time of sentencing or in a separate civil action to the locality or to any responding volunteer fire or rescue squad, or both, for reasonable expenses incurred by the locality for responding law enforcement, firefighting, rescue and emergency services, 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:

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, 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.

BC. 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 \$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 responding 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.

INTRODUCED

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