

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**O-05-07**

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the County Administration Building in New Kent, Virginia, on the 9th day of April, 2007:

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Present:	Vote:
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
D. M. Sparks	Aye
Stran L. Trout	Aye

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Motion was made by Mr. Hill, which carried 5:0 to adopt the following ordinance:

**AN ORDINANCE IMPOSING PERSONAL LIABILITY ON PERSONS  
CONVICTED OF CERTAIN MOTOR VEHICLE OFFENSES  
FOR THE COSTS OF AN EMERGENCY RESPONSE TO AN ASSOCIATED  
ACCIDENT OR INCIDENT**

WHEREAS, the taxpayers of New Kent County have to bear the financial burdens incurred in providing a emergency response to a motor vehicle accident; and

WHEREAS, the costs of providing emergency response to accidents and incidents is steadily increasing; and

WHEREAS, section 15.2-1716 of the Code of Virginia permits New Kent County to impose personal liability on persons convicted of certain motor vehicle offenses for the costs of an emergency response to an accident or incident related to such violations.

NOW THEREFORE BE IT ORDAINED this, the 9th day of April 2007, by the New Kent County Board of Supervisors that Article V of Chapter 70 of the Code of New Kent County is amended by renumbering section 70-187 and reenacting it as section 70-188

and adding a new section, section 70-187, providing for the reimbursement of certain expenses in providing an emergency response to a motor vehicle accident or incident:

**Sec. 70-187. Reimbursement for expenses incurred for emergency response.**

(a) Any person convicted of violating any of the following provisions of the Code of Virginia, or any similar ordinance in the County Code, shall be liable in a separate civil action for reasonable expenses incurred by the County of New Kent or by any volunteer fire or rescue squad, or both, when providing a appropriate emergency response to any accident or incident related to such violation.

(1) The provisions of Code of Virginia sections 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-783, or 29.1-738.02, or similar ordinance, as amended, when such operation of motor vehicle, engine, train, or watercraft while so impaired is the proximate cause of the accident or incident;

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

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

(4) The provisions of Code of Virginia section 46.2-894, as amended, 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 one thousand dollars (\$1,000.00) taken together for a particular accident or incident. In determining the "reasonable expenses," a flat fee of two hundred and fifty dollars (\$250.00) may be billed, or a minute-by-minute accounting of the actual cost incurred may be billed. The court may order as restitution the reasonable expenses incurred by the County of New Kent for an appropriate emergency response.

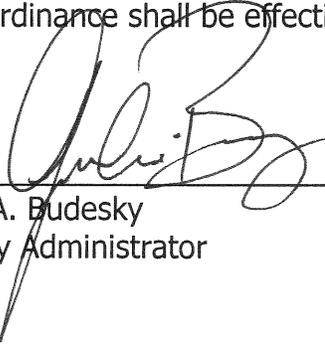
(c) As used in this section, "appropriate emergency response" includes all cost of providing law enforcement, fire fighting, rescue, and emergency medical services.

(d) The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, the County of New Kent, 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.

**Sec. 70-188. Penalties**

(a) Any person convicted of violating any provision of this article shall be guilty of a Class I misdemeanor, if an accident results only in damage to property. However, if an accident results only in damage to property and the vehicle or other property struck is unattended and such damage is less than \$250.00, such person shall be guilty of a Class 4 misdemeanor. A motor vehicle operator convicted of a Class 4 misdemeanor under this section shall be assigned three demerit points by the commissioner of the state department of motor vehicles.

This ordinance shall be effective July 1, 2007.



John A. Budesky  
County Administrator



Stran L. Trout  
Chairman