

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

O-21-07

At the regular business meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 10th day of December, 2007:

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

Motion was made by Mr. Sparks, 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; and

WHEREAS, the Board wishes to clarify the authority of the courts to order the recovery of costs as restitution imposed at the time of sentencing,

NOW THEREFORE BE IT ORDAINED this, the 10th day of December 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 revising section 70-187 to add the words underlined:

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 this Code, shall be liable for restitution at the time of sentencing or in a separate civil action for reasonable expenses incurred by the County of New Kent or by 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 New Kent County Sheriff's Office 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 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

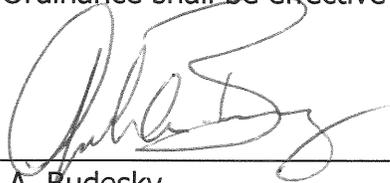
(4) The provisions of Code of Virginia section 46.2-894, as amended, relating to improperly leaving the scene of an accident.

(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.

This Ordinance shall be effective upon its adoption.



John A. Budesky
County Administrator



Stran L. Trout
Chairman