

**AN ORDINANCE REQUIRING REIMBURSEMENT OF EXPENSES
INCURRED IN RESPONDING TO DUI AND TRAFFIC INCIDENTS**

WHEREAS, §15.2- 1716 of the Code of Virginia, 1950, as amended, allows Floyd County to obtain reimbursement to Floyd County or to any responding volunteer fire or rescue squad, or both, for the reasonable expenses incurred by Floyd County for the responding law enforcement, firefighting, rescue and emergency services when the same are responding to certain accidents or incidents related to specific itemized violations; and,

WHEREAS, Floyd County provides financial support to the volunteer fire and rescue squads operating in Floyd County and to the Sheriff and other local law enforcement agencies; and,

WHEREAS, the Board of Supervisors finds that it is both reasonable and appropriate that those individuals convicted of certain traffic and other violations as provided by law pay the costs of response for those incidents under the conditions and limitations as established by the Code of Virginia.

NOW THEREFORE, BE IT ORDAINED, that the following Ordinance of the County of Floyd be **ADOPTED**:

Sec. _____ Reimbursement of expenses incurred in responding to DUI and traffic incidents

A) Any 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 Floyd County or to any responding volunteer fire or rescue squad, or both, for reasonable expenses incurred by Floyd County for responding law enforcement, firefighting, rescue or emergency services, including by the sheriff's office of Floyd County, 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 §§ 18.2-36.1; 18.2-51.4, 18.2-266; 18.2-266.1; 29.1-738; 29.1-738.02 or 46.2-341.24 of the Code of Virginia, 1950, as amended, or a similar ordinance of Floyd County, Virginia, 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, of the Code of Virginia, 1950, 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 (§46.2-300 et seq.) of Chapter 3 of Title 46.2, of the Code of Virginia, 1950, as amended, relating to driving without a license or driving with a suspended or revoked license; and
- (4) The provisions of §46.2-894, of the Code of Virginia, 1950, 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 \$1,000 in the aggregate for a particular accident or incident occurring in Floyd County, Virginia. In determining the "reasonable expenses," the county may bill a flat fee of \$350 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 Floyd County 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 Floyd County or to any volunteer rescue squad to recover the reasonable expenses of any emergency response to an accident or incident not involving impaired driving, operation of a vehicle or other conduct as set forth herein.

A copy of this Ordinance shall be distributed to the Clerk of the Circuit Court of Floyd County, Virginia; the Clerk of the General District Court of Floyd County, Virginia; the Sheriff of Floyd County; the Commonwealth Attorney for Floyd County; and the Office of Probation and Parole serving the Courts of Floyd County.

Adopted by the following recorded vote this 6th day of Sept. 2012:

	Aye	Nay
Case C. Clinger	<u>X</u>	<u> </u>
Virgel H. Allen	<u>X</u>	<u> </u>
Joe D. Turman	<u>X</u>	<u> </u>
Lauren D. Yoder	<u>X</u>	<u> </u>
J. Fred Gerald	<u>X</u>	<u> </u>

I, Daniel J. Campbell, hereby attest that this is a true and accurate copy of said ordinance.


 Daniel J. Campbell, County Administrator