

**Caroline County  
Board of Supervisors Agenda  
Executive Summary**

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**Meeting Date:** February 11, 2020

**Title:** Public Hearing – Proposed Amendments to Chapter 15, Article III, §15-20 of the Code of Caroline County – Reimbursement of Expenses Incurred in Responding to DUI Incidents and Other Traffic Incidents

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*(Check Mark)*

<input type="checkbox"/> Consent	<input type="checkbox"/> Closed Meeting
<input type="checkbox"/> Action	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> No Action (Information Only)	<input type="checkbox"/> Ordinance
<input type="checkbox"/> Resolution	<input type="checkbox"/> PowerPoint Presentation

**Background:** Chapter 15, Article III, §15-20 of the Code of Caroline County enables the County to be reimbursed for reasonable expenses incurred by the Sheriff's Office and Department of Fire & Rescue in responding to vehicle accidents caused by impaired drivers, reckless driving, driving without a license or with a suspended or revoked license or improperly leaving the scene of an accident.

The current ordinance provides that in determining reasonable expenses, the County may bill a flat fee of \$250 or a minute-by-minute accounting of the actual costs incurred. The Code of Virginia now permits localities to bill a flat fee of \$350 for reasonable expenses. As a result, the purpose of the proposed ordinance amendment is to increase the flat fee to \$350. Sheriff Lipka has also asked that the County incorporate a reference to Virginia Code §46.2-341.24 (which relates to driving a commercial motor vehicle while intoxicated) into the County ordinance.

The amendments have been prepared in consultation with Sheriff Lipka and County Attorney Ben Emerson. A redlined version of the proposed amendments is attached.

Following a first reading and authorization by the Board, a public hearing on the proposed ordinance amendment has been advertised for the February 11<sup>th</sup> Board of Supervisors meeting

**Budget Impact:** The amount of additional revenue generated by this ordinance amendment is unknown.

**Requested Action(s) of Board:** Following the public hearing, Board members may again ask questions, offer amendments and debate the merits of the issue.

A vote to adopt the proposed ordinance may be taken following the public hearing, unless the majority of Board members vote to place it under unfinished business for a third reading and action at a future Board meeting.

## Chapter 15. Public Safety

### Article III Reimbursement of Expenses

#### **§ 15-20. Reimbursement of expenses incurred in responding to DUI incidents and other traffic incidents.**

#### **§ 15-20 Reimbursement of expenses incurred in responding to DUI incidents and other traffic incidents.**

**A.** Any person convicted of violating any of the following provisions of the State Code shall be liable for restitution at the time of sentencing to the County for reasonable expenses incurred by the County for responding law enforcement, firefighting, rescue and emergency services, including by the County's Sheriff Office, the Department of Fire — Rescue and Emergency Management when providing an appropriate emergency response to any accident or incident relating 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, 46.2-341.24 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.

**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 the County.

**C.** In determining the "reasonable expenses," the County may bill a flat fee of ~~\$250~~ \$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, firefighting, rescues, and emergency medical services.

**D.** The court may order as restitution the reasonable expenses incurred by the County for responding law enforcement, firefighting, rescue and emergency medical services.

**E.** The provisions of this section shall not preempt or limit any remedy available to the commonwealth or to the County 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.

**F.** The Department of Fire – Rescue and Emergency Management and the Sheriff's Office shall compile a report of the reasonable expenses of the appropriate emergency response for each accident or incident as requested by the Office of the Commonwealth Attorney for the County.