

ORDINANCE NO. 3965

AN ORDINANCE to add a new section 10-3-14 (REIMBURSEMENT OF EXPENSES INCURRED IN RESPONDING TO DUI INCIDENT) and a new section 10-3-15 (MAIMING, ETC., OF ANOTHER RESULTING FROM DRIVING WHILE INTOXICATED) to Article A (GENERAL PROVISIONS), Chapter 3 (OPERATION OF MOTOR VEHICLES), Title 10 (MOTOR VEHICLES AND TRAFFIC) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 3 of Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding a new Section 10-3-14, to read as follows:

Sec. 10-3-14 Reimbursement of expenses incurred in responding to DUI incident.

(a) If a person is convicted of a violation of section 10-3-15 or section 10-3-266 of this code, or of section 18.2-51.4 or 18.2-266 of the Virginia Code, all of which relate to driving while intoxicated, and the person's operation of a motor vehicle while intoxicated is the proximate cause of an accident or incident resulting in an appropriate emergency response by the city, such person shall be liable to the city in a separate civil action for the expenses actually incurred in providing the emergency response; provided, that the amount of liability shall not exceed \$1,000 for any one accident or incident.

(b) As used in this section, "appropriate emergency response" includes, but is not limited to, the provision of law-enforcement, fire-fighting, rescue and emergency medical services.

(c) The provisions of this section shall not preempt or limit any remedy available to the city to recover the reasonable expenses of an emergency response to an accident or incident not involving the impaired operation of a motor vehicle.

Section 2. That Article B of Chapter 3, Title 10 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new section 10-3-15 to read as follows:

Sec. 10-3-15 Maiming, etc., of another resulting from driving while intoxicated.

(a) Any person who, as a result of driving while intoxicated in violation of section 10-3-266 of this code, or section 18.2-266 of the Virginia Code, and in a manner that shows a reckless disregard for human life, unintentionally causes the serious bodily injury of another person that results in permanent and significant physical impairment shall be guilty of a class 6 felony.

(b) In addition to the penalties otherwise prescribed, a judgment of conviction for a first offense under this section shall operate to deprive the person so convicted of the privilege to drive or operate any motor vehicle in the Commonwealth of Virginia for a period of one year from the date of such judgment. This suspension period shall be in addition to the suspension period

provided under section 10-3-391.2 of this code and section 46.2-391.2 of the Virginia Code. However, upon conviction and after sentencing of any person for a first offense under this section, if the court finds that the person has not before entered an alcohol safety action program pursuant to section 10-3-271.1 of this code or section 18.2-271.1 of the Virginia Code, the court shall order, as a condition of probation or otherwise, that the person enter and successfully complete such a program.

(c) If a person is convicted of a violation of this section within ten years of a prior offense (as defined below) that resulted in a conviction, such person's license or privilege to operate a motor vehicle shall be revoked for a period of three years from the date of the judgment of conviction. This revocation period shall be in addition to the suspension period provided under section 10-3-391.2 of this code or section 46.2-391.2 of the Virginia Code.

(d) If a person is convicted of a violation of this section within ten years of two prior offenses that resulted in convictions, such person shall not be eligible for participation in an alcohol safety action program pursuant to section 10-3-271.1 of this code or section 18.2-271.1 of the Virginia Code, and shall have his license revoked indefinitely as provided in section 46.2-391(B) of the Virginia Code. The court trying such case shall order the surrender of the driver's license of the person so convicted, to be disposed of in accordance with section 46.2-398 of the Virginia Code, and shall notify the person that his license has been revoked indefinitely.

(e) Notwithstanding any other provision of this section, a period of license revocation or suspension imposed in any case pursuant to this section shall not begin to run until the person convicted has surrendered his license to the court or to the Virginia department of motor vehicles, and shall run consecutively to any period of suspension for failure to permit a blood or breath sample to be taken, as required by sections 10-3-268.1 through 10-3-268.11 or sections 10-3-341.26:1 through 10-3-341.26:11 of this code, or by sections 18.2-268.1 through 18.2-268.11 or sections 46.2-341.26:1 through 46.2-341.26:11 of the Virginia Code.

(f) The provisions of this section shall not apply to, and shall have no effect upon, the disqualification from operating a commercial motor vehicle imposed under the provisions of the Commercial Driver's License Act, sections 46.2-341.1 through 46.2-341.34 of the Virginia Code.

(g) For purposes of this section, a "prior offense" means a violation of (i) this section, section 10-3-266 of this code, or the provisions of section 18.2-51.4 (or former sections 18.1-54 or 18-75) or 18.2-266 of the Virginia Code, or the laws of any other state or of the United States which are substantially similar to this section or the provisions of section 18.2-51.4 or sections 18.2-266 through 18.2-269 of the Virginia Code, or (ii) the provisions of subsection (A) of section 46.2-341.24 of the Virginia Code or the substantially similar laws of any other state or of the United States.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: 11/11/97
First Reading: 11/11/97
Publication: 11/12/97; 11/13/97
Public Hearing: 11/15/97
Second Reading: 11/15/97
Final Passage: 11/15/97