

LARRY GOSSETT
RON SIMS
Jane Hague

November 29, 1995

Introduced By: Chris Vance

duicost.doc

Proposed No.:

96 - 013

MOTION NO.

9731

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A MOTION requesting the executive develop and submit to the council a plan for recovering the costs for emergency response from persons convicted or granted deferred prosecution for driving under the influence of alcohol or any drug, in accordance with RCW 38.52.430.

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WHEREAS, in 1994 King County Police investigated more than two-hundred and eighty motor vehicle accidents in which alcohol or drugs were a contributing factor, including thirty-two serious injury or fatality accidents, and arrested one thousand three hundred and thirty-six individuals for driving under the influence of alcohol or drugs, and

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WHEREAS, the financial cost to taxpayers for providing emergency response to such incidents is substantial, and

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WHEREAS, the council wishes to deter persons from operating vehicles under the influence of alcohol or drugs, and

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WHEREAS, the Washington legislature adopted in 1993 RCW 38.52.430 authorizing public agencies to recover costs for emergency response from persons found guilty or granted deferred prosecution for operating a motor vehicle, aircraft, boat or vessel under the influence of alcohol or drugs;

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NOW, THEREFORE BE IT MOVED by the Council of King County:

1 The county executive is hereby requested to submit by
2 April 15, 1996, for council approval, a plan for recovering
3 costs for emergency responses from persons convicted or
4 granted deferred prosecution for driving under the influence
5 of alcohol or drugs, in accordance with RCW 38.450.430.

6 PASSED by a vote of 9 to 0 this 11th day of
7 December, 1995.

8 KING COUNTY COUNCIL
9 KING COUNTY, WASHINGTON

10 Kent Pullen
11 Chair

12 ATTEST:

13 Gerald A. Peterson
14 Clerk of the Council

15 Attachments:

- 16 RCW 38.52.430 Emergency Response caused by person's intoxication
17 RCW 38.52.010 Definitions

RCW 38.52.430 Emergency response caused by person's intoxication--Recovery of costs from convicted person. A person whose intoxication causes an incident resulting in an appropriate emergency response, and who, in connection with the incident, has been found guilty of or has had their prosecution deferred for (1) driving while under the influence of intoxicating liquor or any drug, RCW 46.61.502; (2) operating an aircraft under the influence of intoxicants or drugs, RCW 47.68.220; (3) use of a vessel while under the influence of alcohol or drugs, *RCW 88.12.100; (4) vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a); or (5) vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), is liable for the expense of an emergency response by a public agency to the incident.

The expense of an emergency response is a charge against the person liable for expenses under this section. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

In no event shall a person's liability under this section for the expense of an emergency response exceed one thousand dollars for a particular incident.

If more than one public agency makes a claim for payment from an individual for an emergency response to a single incident under the provisions of this section, and the sum of the claims exceeds the amount recovered, the division of the amount recovered shall be determined by an interlocal agreement consistent with the requirements of chapter 39.34 RCW. [1993 c 251 § 2.]

NOTES:

*Reviser's note: RCW 88.12.100 was recodified as RCW 88.12.025 pursuant to 1993 c 244 § 45.

Finding--Intent--1993 c 251: "The legislature finds that a public agency incurs expenses in an emergency response. It is the intent of the legislature to allow a public agency to recover the expenses of an emergency response to an incident involving persons who operate a motor vehicle, boat or vessel, or a civil aircraft while under the influence of an alcoholic beverage or a drug, or the combined influence of an alcoholic beverage and a drug. It is the intent of the legislature that the recovery of expenses of an emergency response under this act shall supplement and shall not supplant other provisions of law relating to the recovery of those expenses." [1993 c 251 § 1.]

RCW 38.52.010 Definitions. As used in this chapter:

"Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

"Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, fire fighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

"Public agency" means the state, and a city, county, municipal corporation, district, or public authority located, in whole or in part, within this state which provides or may provide fire fighting, police, ambulance, medical, or other emergency services.

KING COUNTY COUNCIL
LAW, JUSTICE & HUMAN SERVICES COMMITTEE

9731

COMMITTEE RECOMMENDATION

DATE: December 5, 1995

PROPOSED NO. 96-13

A MOTION requesting the executive to develop and submit to the council a plan for recovering the costs for emergency response from persons convicted or granted deferred prosecution for driving under the influence of alcohol or any durg, in accordance with RCW 38.52.430.

COMMITTEE RECOMMENDATION:

- DO PASS
- DO PASS SUBSTITUTE DATED _____
- DO NOT PASS
- POSTPONE INDEFINITELY
- PASS OUT OF COMMITTEE (WITH NO RECOMMENDATION)
- REFER TO _____ COMMITTEE
(cc: Clerk's Office for Tracking)

RECEIVED
95 DEC -6 PM 1:19
CLERK
KING COUNTY COUNCIL


ATTACHMENTS ADOPTED BY THE ORDINANCE OR MOTION:

- NONE
- APPROVED AS REFERRED TO COMMITTEE
- AMENDED BY COMMITTEE AND DATED _____ (List if more than one)

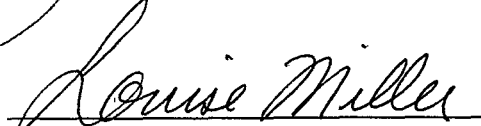
CONSENT ITEM: no



JANE HAGUE, CHAIR

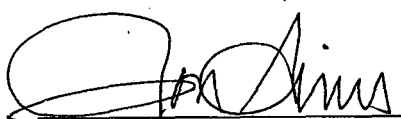


LARRY GOSSETT, VICE-CHAIR



LOUISE MILLER, MEMBER

KENT PULLEN, MEMBER



RON SIMS, MEMBER



CHRIS VANCE, MEMBER

9731

INTRODUCTION SLIP RECEIVED

95 NOV 30 AM 8:23

CLERK
KING COUNTY COUNCIL

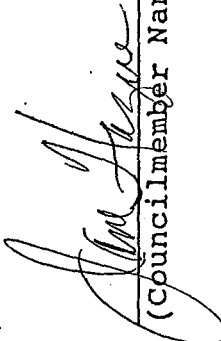
DATE: 11/30/95

TO: CLERK OF THE COUNCIL

96-013

PROPOSED MOTION/ORDINANCE NO.

THE ATTACHED MOTION/ORDINANCE IS FOR INTRODUCTION.


(Councilmember Name)

RECEIVED

9731

95 NOV 30 AM 8:23
INTRODUCTION SLIP

CLERK
KING COUNTY COUNCIL

DATE: 11/30/95

TO: CLERK OF THE COUNCIL

PROPOSED MOTION/ORDINANCE NO. 96-013

C. V. [Signature]

INTRODUCTION SLIP

DATE: 12-5-95

TO: CLERK OF THE COUNCIL


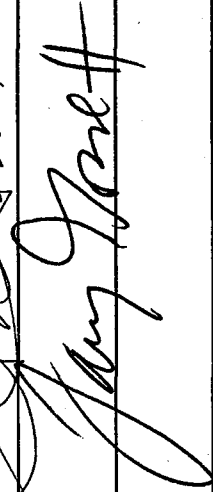
PROPOSED MOTION/ORDINANCE NO.

96-13

REC

95 DEC -

KING COU

9731

Consent Items Nos. _____

	Ayes	Noes	Excused
Derdowski	1		
Fimia	2		
Gossett	3		
Hague	4		
Laing			1
Miller	5		
Nickels	6		
Phillips			2
Sims			3
Sullivan	7		
Vance	8		
von Reichbauer			4
Mr. Chair	9		

9-0

BL
LP
RS
PK exc.



**Metropolitan King County Council
Law, Justice and Human Services Committee**

STAFF REPORT

AGENDA ITEM: 8

DATE: November 30, 1995

PROPOSED NO: 96-13

PREPARED BY: Steve Nolen

SUBJECT

A MOTION requesting that the executive develop and submit to the council a plan for recovering the costs for emergency response from persons convicted or granted deferred prosecution for driving under the influence of alcohol or any drug, in accordance with RCW 38.52.430.

SUMMARY

In 1993 the Washington Legislature adopted RCW 38.52.430, which allows public agencies to recover costs for emergency response from persons found guilty or granted deferred prosecution for operating a motor vehicle, aircraft, boat or vessel while under the influence of alcohol or drugs.

This proposed motion requests that the Executive develop and submit to the Council by April 15, 1996, a plan for implementing RCW 38.52.430 in King County.

ATTACHMENTS

Proposed Motion 96-13

December 31, 1995

Gary Locke
King County Executive
400 King County Courthouse

Dear Mr. Locke:

Motion NO. 9731. was passed by the King County Council on December 11, 1995.
Attached please find a copy for your file. The motion has been sent to the following:

Sincerely,

Gerald A. Peterson
Clerk of the Council

GAP:lb

Attachments