

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER INFLUENCE OF ANY DRUG, BY AMENDING SECTION 11-30, SAME -- USE OF CHEMICAL TESTS TO DETERMINE ALCOHOL IN BLOOD; PROCEDURE; QUALIFICATIONS AND LIABILITY OF PERSON WITHDRAWING BLOOD; COSTS; EVIDENCE; SUSPENSION OF LICENSE FOR REFUSAL TO SUBMIT TO TEST.


BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 11, Motor Vehicles and Traffic, Article II, Driving Automobiles, Etc., While Intoxicated or Under Influence of Any Drug, be and the same is, hereby, amended and reordained by amending Section 11-30, Same - Use of Chemical Test to Determine Alcohol in Blood; Procedure; Qualifications and Liability of Person Withdrawing Blood; Costs; Evidence; Suspension of License for Refusal to Submit to Test, to read as follows:

Chapter 11
Motor Vehicles and Traffic
Article II. Driving Automobiles, Etc.,
While Intoxicated Or Under
Influence Of Any Drug.


Section 11-30. Same - Use of chemical test to determine alcohol in blood; procedure; qualifications and liability of person, withdrawing blood; costs; evidence; suspension of license for refusal to submit to test.

- (d) Only a physician, registered professional nurse, graduate laboratory technician or nurse designated by order of the Circuit Court acting upon the recommendation of a licensed physician, using soap and water to cleanse the part of the body from which the blood is taken and using instruments sterilized by the accepted steam sterilizer or some other sterilizer which will not affect the accuracy of the test, or using chemically clean sterile disposable syringes, shall withdraw blood for the purpose of determining the alcoholic content thereof. No civil liability shall attach to any person authorized to withdraw blood as provided herein as a result of the act of withdrawing blood from any person submitting thereto, provided the blood was withdrawn according to recognized medical procedures; and provided further that the foregoing shall not relieve any such person from liability for negligence in the withdrawing of any blood sample.
- (n) If the court shall find the defendant guilty as charged in the warrant, the court shall suspend the defendant's license for a period of ninety days for a first offense and for six months for a second or subsequent offense or refusal within one year of the first or other such refusals: the time shall be computed as follows: the date of the first offense and the date of the second or subsequent offense; provided, that if the defendant shall plead guilty to a violation of Section 11-28, the court may dismiss the warrant.

This ordinance shall be in full force and effect from the date of its adoption.


Jack D. Edwards, Chairman
Board of Supervisors
James City County, Virginia

ATTEST:


Thomas R. McCann, Jr.
Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia, this 25th day of November 1974.