

26103402D

HOUSE BILL NO. 788

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend and reenact §§ 46.2-379 and 46.2-380 of the Code of Virginia, relating to vehicle crash reports; open to inspection by certain persons; towing and recovery operators.

Patron—Austin

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-379 and 46.2-380 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-379. Use of crash reports made by investigating officers.

13 All crash reports made by investigating officers shall be for the confidential use of the Department and of
14 other state agencies for accident prevention purposes and shall not be used as evidence in any trial, civil or
15 criminal, arising out of any accident. *However, any such crash report shall be made available to any towing*
16 *and recovery operator that responded to a public safety towing request for the removal of any vehicle*
17 *involved in such crash for purposes of obtaining registered owner information and insurance information for*
18 *any such vehicle.* If otherwise authorized by law, the Department may disclose from the reports, on request of
19 any person, the date, time, and location of the accident and the names and addresses of the drivers, the owners
20 of the vehicles involved, the injured persons, the witnesses, and one investigating officer. A law-enforcement
21 agency may release nonpersonally identifiable vehicle information from crash reports to a contracted service
22 provider.

§ 46.2-380. Reports made under certain sections open to inspection by certain persons; copies; maintenance of reports and photographs for three-year period.

25 A. Any report of a crash made pursuant to § 46.2-372, 46.2-373, 46.2-375, or 46.2-377 shall be
26 maintained by the Department in either hard copy or electronic form for a period of at least 36 months from
27 the date of the crash. The report shall be open to the inspection of (i) any person involved or injured in the
28 crash or as a result thereof, or his attorney, or any person who, at the time of the crash, owned a vehicle or
29 property involved in the crash, or his attorney, (ii) any authorized representative of any insurance carrier
30 reasonably anticipating exposure to civil liability as a consequence of the crash or to which the person has
31 applied for issuance or renewal of a policy of automobile insurance, (iii) *any towing and recovery operator*
32 *that responded to a public safety towing request for the removal of any vehicle involved in the crash for*
33 *purposes of obtaining registered owner information and insurance information for any such vehicle*, or (iv)
34 (iv) the FMCSA or any authorized agent thereof. The Commissioner shall, upon written request of the person
35 authorized to inspect the report, furnish a copy of the report, in either hard copy or electronic form, at the
36 expense of the requester. Any such report shall also be open to inspection by the personal representative of
37 any person injured or killed in the crash, including his guardian, conservator, executor, committee, next of kin
38 as defined in § 54.1-2800, or administrator, or, if the person injured or killed is under 18 years of age, his
39 parent or guardian. The Commissioner shall only be required to furnish under this section copies of reports
40 required by the provisions of this article to be made directly to the Commissioner. The Commissioner may set
41 a reasonable fee for furnishing a copy of any report, provide to whom payment shall be made, and establish a
42 procedure for payment.

43 B. The Commissioner or Superintendent of State Police having a copy of any photograph taken by a law-
44 enforcement officer relating to a nonfatal crash shall maintain the negatives for or an electronic record of
45 such photographs in their records for at least 36 months from the date of the crash.