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1 SENATE BILL NO. 376

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 A BILL to amend and reenact § 46.2-373 of the Code of Virginia and to amend the Code of Virginia by
5 adding a section numbered 8.01-417.02, relating to motor vehicle collisions; preservation and collection
6 of certain mobile telephone data; collision reports.

7 Patron—Surovell

8 Referred to Committee on Transportation

9 Be it enacted by the General Assembly of Virginia:

10 1. That § 46.2-373 of the Code of Virginia is amended and reenacted and that the Code of Virginia is
11 amended by adding a section numbered 8.01-417.02 as follows:12 § 8.01-417.02. *Motor vehicle collisions; requests for certain mobile telephone information to be
13 preserved.*14 A. After an attorney certifies that he represents an injured person pursuant to subsection C to the mobile
15 telephone provider of the individual alleged to have caused such injured person's injuries, such attorney may,
16 prior to the filing of a civil action for personal injuries sustained as a result of a collision, request in writing
17 that the mobile telephone provider of the individual alleged to have caused the injured person's injuries
18 preserve for a period of 180 days from the date of such request the following records or information relating
19 to a specific phone number, to the extent that such records or information are available when such request is
20 received by the mobile telephone provider, from the two hours immediately preceding and the two hours
21 immediately following such collision: (i) subscriber information; (ii) incoming and outgoing call logs; (iii)
22 incoming and outgoing text message logs, not including the content of such text messages; (iv) any Internet
23 Protocol (IP) addresses assigned to the phone; (v) the Media Access Control (MAC) address or other unique
24 identifier of the mobile telephone; (vi) the history of any servers accessed by the phone, including the date
25 and time accessed; and (vii) real-time location data. Such records may be preserved for 180 days in a
26 manner consistent with the policies of the mobile telephone provider and shall be retained in the event that
27 such records are subpoenaed or otherwise requested by a party in a pending action. Any request to preserve
28 such records or information for 180 days may be renewed by the injured person's attorney, in writing, as
29 needed.30 B. Upon request from the attorney representing an injured person, the insurance carrier of the individual
31 alleged to have caused the injured person's injuries shall advise such attorney whether the individual was
32 utilizing an application through the insurance carrier to monitor the individual's driving. If such application
33 was utilized, the insurance carrier shall, upon request from the injured person's attorney, preserve for three
34 years from the date of the collision the application data for the two hours immediately preceding and the two
35 hours immediately following such collision.36 C. For the purposes of this section, an attorney representing an injured person shall certify in accordance
37 with the provisions of § 8.01-4.3 that such attorney has been retained to represent the injured person in
38 relation to a specific collision. Such certification shall include the date, time, and place of the collision and
39 shall include the name of the injured person the attorney has been retained to represent. The attorney shall
40 notify the mobile telephone provider within 15 days of a termination of his representation or decision not to
41 file an action.

42 § 46.2-373. Report by law-enforcement officer investigating collision.

43 A. Every law-enforcement officer who in the course of duty investigates a ~~motor vehicle accident~~
44 ~~collision~~ resulting in injury to or death of any person or total property damage to an apparent extent of \$1,500
45 or more, either at the time of and at the scene of the ~~accident~~ ~~collision~~ or thereafter and elsewhere, by
46 interviewing participants or witnesses shall, within ~~twenty-four~~ 24 hours after completing the investigation,
47 forward a written report of the ~~accident~~ ~~collision~~ to the Department. *The investigating law-enforcement
48 officer shall ask any driver involved in the collision about such driver's mobile telephone usage leading up to
49 and at the time of the collision and whether such driver uses an insurance or other telematics application to
50 monitor driving.* The report shall include the name or names of the insurance carrier or of the insurance agent
51 of the automobile liability policy on each vehicle involved in the ~~accident~~ ~~collision~~ and if the driver of any
52 vehicle involved in the collision uses an application to monitor driving through such insurance carrier. A
53 law-enforcement agency may utilize a contracted service provider to forward reports electronically to the
54 Department in compliance with this section and to manage or disseminate copies of such reports to persons
55 identified in, and in a manner consistent with, § 46.2-380, provided such contracted service provider complies
56 with the requirements applicable to an agency in Chapter 38 (§ 2.2-3800 et seq.) of Title 2.2.

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59 B. Any *collision* report filed pursuant to subsection A of ~~this section~~ shall include information as to (i) the
60 speed of each vehicle involved in the ~~accident and~~ *collision*, (ii) the type of vehicles involved in all ~~accidents~~
61 *collisions* between passenger vehicles and vehicles or combinations of vehicles used to transport property,
62 and (iii) whether any trucks involved in such ~~accidents~~ *collisions* were covered or uncovered.

63 C. The Department shall supply copies of ~~accident~~ *collision* reports received under this section to the
64 Commissioner of Highways who shall exercise the authority granted to him under §§ 46.2-870 through
65 46.2-878 to reduce speed limits where ~~accident~~ *collision* frequency or severity or other factors may indicate
66 the course of action to be warranted.

67 D. Any *collision* report filed pursuant to subsection A shall include the mobile telephone number and
68 name of the mobile telephone provider of any driver of a vehicle involved in the *collision*, and the
69 International Mobile Equipment Identity (IMEI) number. The report shall include whether such driver
70 refused to provide the mobile telephone number, mobile telephone provider, or IMEI number. The failure of
71 any person involved in a *collision* to provide such information to a law-enforcement officer shall create a
72 rebuttable presumption of spoliation of evidence in accordance with § 8.01-379.2:1.

73 2. That the Department of Motor Vehicles shall amend its collision report form in accordance with
74 § 46.2-373 of the Code of Virginia, as amended by this act.

75 3. That the provisions of this act may result in a net increase in periods of imprisonment or
76 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary
77 appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;
78 therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing
79 Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of
80 Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of
81 commitment to the custody of the Department of Juvenile Justice.