

HOUSE BILL NO. 788

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation

on _____)

(Patron Prior to Substitute—Delegate Austin)

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

Be it enacted by the General Assembly of Virginia:

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

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

A. Any report of a crash made pursuant to § 46.2-372, 46.2-373, 46.2-375, or 46.2-377 shall be maintained by the Department in either hard copy or electronic form for a period of at least 36 months from the date of the crash. The report shall be open to the inspection of (i) any person involved or injured in the crash or as a result thereof, or his attorney, or any person who, at the time of the crash, owned a vehicle or property involved in the crash, or his attorney, (ii) any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the crash or to which the person has applied for issuance or renewal of a policy of automobile insurance, or (iii) the FMCSA or any authorized agent thereof. *Additionally, any report made pursuant to § 46.2-373 shall be open to the inspection of any towing and recovery operator that responded to a public safety towing request for the removal of any vehicle involved in the crash for the sole purpose of obtaining registered owner information and insurance information for any such vehicle. Any such crash report received by a towing and recovery operator that responded to a public safety towing request for the removal of any vehicle involved in such crash shall not be disseminated to any other party.* The Commissioner shall, upon written request of the person authorized to inspect the report, furnish a copy of the report, in either hard copy or electronic form, at the expense of the requester. Any such report shall also be open to inspection by the personal representative of any person injured or killed in the crash, including his guardian, conservator, executor, committee, next of kin as defined in § 54.1-2800, or administrator, or, if the person injured or killed is under 18 years of age, his parent or guardian. The Commissioner shall only be required to furnish under this section copies of reports required by the provisions of this article to be made directly to the Commissioner. The Commissioner may set a reasonable fee for furnishing a copy of any report, provide to whom payment shall be made, and establish a procedure for payment.

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