

**Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement**

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ORIGINAL

Bill Number: SB376ES1

Patron: Surovell

Bill Title: Motor vehicle collisions; preservation and collection of certain mobile telephone data; collision reports.

Bill Summary: Allows an attorney who has certified that he represents a party involved in a motor vehicle collision to request in writing that the mobile telephone provider of the injured person preserve for a period of 180 days from the date of such preservation request certain information related to the injured person's mobile telephone. The bill allows the attorney to request from the insurance carrier whether the individual alleged to have caused the collision was utilizing a device to monitor the individual's driving and to preserve the data collected for 180 days from the date of such request. In addition, the bill requires that a law-enforcement officer include on any collision report the mobile telephone number, mobile telephone provider, and International Mobile Equipment Identity (IMEI) number for any driver involved in a motor vehicle collision. The bill requires that the IMEI number be redacted from any report provided to a member of the public unless the requesting party is one of the individuals involved in the collision or their attorney. The bill also creates a rebuttable presumption of spoliation of evidence where a person fails to preserve mobile telephone records or provide the required information for a collision report.

Budget Amendment Necessary: Yes

Items Impacted: Item 390

Explanation: See below

Fiscal Summary: This proposal requires the minimum "Woodrum" impact funding per § 30-19.1:4, Code of Virginia, under the Department of Corrections (DOC) Item 390 to account for a possible increase in the need for state prison beds due to this legislation. There is no anticipated state fiscal impact for the Department of Motor Vehicles and the Virginia State Police associated with this proposed legislation. Any unanticipated fiscal impact that may result from this proposal is expected to be absorbed with existing resources.

General Fund Expenditure Impact:

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
DOC	\$0	\$50,000	\$0	\$0	\$0	\$0
TOTAL	\$0	\$50,000	\$0	\$0	\$0	\$0

Fiscal Analysis: The proposal allows attorneys representing a person involved in a motor vehicle collision to request preservation of certain mobile telephone and insurance data. These attorneys must certify, under

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penalty of perjury, that they have been retained to represent the involved party. Any violation is punishable as perjury, a Class 5 felony with a maximum penalty of ten years.

For Class 5 felonies, a term of imprisonment of not less than one year nor more than 10 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$5.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail and \$15.00 a day for each state-responsible prisoner. It also funds a considerable portion of the jails' operating costs, e.g., correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2025), the estimated total state support for local jails averaged \$58.25 per inmate, per day in FY 2024.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 725, 2025 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

There is no anticipated state fiscal impact to the Department of Motor Vehicles and Virginia State Police.