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SENATE BILL NO. 376

Offered January 14, 2026

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

Patron—Surovell

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-373 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 8.01-417.02 as follows:

§ 8.01-417.02. Motor vehicle collisions; requests for certain mobile telephone information to be preserved.

A. After an attorney certifies that he represents an injured person pursuant to subsection C to the mobile telephone provider of the individual alleged to have caused such injured person's injuries, such attorney may, prior to the filing of a civil action for personal injuries sustained as a result of a collision, request in writing that the mobile telephone provider of the individual alleged to have caused the injured person's injuries preserve for a period of 180 days from the date of such request the following records or information relating to a specific phone number, to the extent that such records or information are available when such request is received by the mobile telephone provider, from the two hours immediately preceding and the two hours immediately following such collision: (i) subscriber information; (ii) incoming and outgoing call logs; (iii) incoming and outgoing text message logs, not including the content of such text messages; (iv) any Internet Protocol (IP) addresses assigned to the phone; (v) the Media Access Control (MAC) address or other unique identifier of the mobile telephone; (vi) the history of any servers accessed by the phone, including the date and time accessed; and (vii) real-time location data. Such records may be preserved for 180 days in a manner consistent with the policies of the mobile telephone provider and shall be retained in the event that such records are subpoenaed or otherwise requested by a party in a pending action. Any request to preserve such records or information for 180 days may be renewed by the injured person's attorney, in writing, as needed.

B. Upon request from the attorney representing an injured person, the insurance carrier of the individual alleged to have caused the injured person's injuries shall advise such attorney whether the individual was utilizing an application through the insurance carrier to monitor the individual's driving. If such application was utilized, the insurance carrier shall, upon request from the injured person's attorney, preserve for three years from the date of the collision the application data for the two hours immediately preceding and the two hours immediately following such collision.

C. For the purposes of this section, an attorney representing an injured person shall certify in accordance with the provisions of § 8.01-4.3 that such attorney has been retained to represent the injured person in relation to a specific collision. Such certification shall include the date, time, and place of the collision and shall include the name of the injured person the attorney has been retained to represent. The attorney shall notify the mobile telephone provider within 15 days of a termination of his representation or decision not to file an action.

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

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

B. Any collision report filed pursuant to subsection A of this section shall include information as to (i) the

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59 speed of each vehicle involved in the ~~accident~~ and collision, (ii) the type of vehicles involved in all ~~accidents~~
60 collisions between passenger vehicles and vehicles or combinations of vehicles used to transport property,
61 and (iii) whether any trucks involved in such ~~accidents~~ collisions were covered or uncovered.

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

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

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

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