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HOUSE BILL NO. 172

Offered January 9, 2008

Prefiled December 26, 2007

A BILL to amend and reenact § 8.01-417 of the Code of Virginia, relating to copies of statements or transcriptions by injured person to be delivered to him; copies of subpoenaed documents to be provided.

Patron—Kilgore

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-417 of the Code of Virginia is amended and reenacted as follows:**

§ 8.01-417. Copies of written statements or transcriptions of verbal statements by injured person to be delivered to him; copies of subpoenaed documents to be provided to other party.

A. Any person who takes from a person who has sustained a personal injury a signed written statement or voice recording of any statement relative to such injury shall deliver to such injured person a copy of such written statement forthwith or a verified typed transcription of such recording within 30 days from the date such statement was given or recording made, when and if the statement or recording is transcribed or in all cases when requested by the injured person or his attorney.

B. Unless otherwise ordered for good cause shown, when one party to a civil proceeding subpoenas documents, the subpoenaing party, upon receipt of the subpoenaed documents, shall, if requested in writing, provide true and full copies of the same to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing the subpoenaed documents. This provision does not apply where the subpoenaed documents are returnable to and maintained by the clerk of court in which the action is pending.

C. After he gives written notice that he represents an injured person, an attorney may, prior to the filing of a civil action for personal injuries sustained as a result of a motor vehicle accident, request from any person who has issued an insurance agreement as described in Rule 4:1(b)(2) of the Rules of the Supreme Court of Virginia, and that person shall disclose the limits of liability of such insurance agreement in writing within 30 days of the receipt of such request. The disclosure shall be made by sending a copy of the declarations page of such agreement or its equivalent setting forth the limits of liability. The disclosure shall be provided whether or not the person who issued the insurance agreement contests the applicability of the agreement to the injured person's claim. Information concerning the insurance agreement is not by reason of disclosure pursuant to this subsection admissible as evidence in trial. Nothing in this subsection shall be deemed to abrogate the provisions of Rule 4:1(b)(2) of the Rules of the Supreme Court of Virginia.

INTRODUCED

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