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**SENATE BILL NO. 948**

Offered January 9, 2013

Prefiled January 7, 2013

*A BILL to amend and reenact § 46.2-380 of the Code of Virginia, relating to the Department of State Police; crash reports maintained by the Department.*

Patron—Carrico

Referred to Committee on Transportation

**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 an accident 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 ~~thirty-six~~ *36* months from the date of the accident and shall be open to the inspection of any person involved or injured in the accident or as a result thereof, or his attorney or any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident or to which the person has applied for issuance or renewal of a policy of automobile insurance. The Commissioner ~~or Superintendent, or the area or division offices of the Department of State Police having a copy of the report,~~ shall on written request of the person or attorney or any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident or to which the person has applied for issuance or renewal of a policy of automobile insurance, furnish a copy of the report, *in either hard copy or electronic form,* at the expense of the person, attorney, or representative. Any such report shall also be open to inspection by the personal representative of any person injured or killed in the accident, including his guardian, conservator, executor, committee, or administrator, or, if the person injured or killed is under ~~eighteen~~ *18* years ~~old~~ *of age*, his parent or guardian. The Commissioner ~~or Superintendent~~ 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 ~~or Superintendent, or to the area or division offices of the Department of State Police having a copy of any such report, as the case may be~~. The Commissioner ~~and the Superintendent, acting jointly,~~ 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. ~~Nothing contained in this section shall require any division office of the Department of State Police to furnish any copy when duplicating equipment is not available.~~

B. The Commissioner or Superintendent of State Police having a copy of any photograph taken by a law-enforcement officer relating to a nonfatal accident, shall maintain the negatives for such photographs in their records for at least ~~thirty-six~~ *36* months from the date of the accident.