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SENATE BILL NO. 99

Offered January 8, 2014

Prefiled December 27, 2013

A BILL to amend and reenact § 46.2-380 of the Code of Virginia, relating to State Police maintenance of reports; traffic accidents.

Patrons—Ruff; Delegate: Landes

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 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 18 years 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.

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 36 months from the date of the accident.

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