

# HOUSE BILL 388

D3

11r1507  
CF 11r1570

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By: **Delegates Anderson, Carter, and Glenn**  
Introduced and read first time: February 3, 2011  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Service of Process – Motor Vehicle Administration as Agent for**  
3 **Driver**

4 FOR the purpose of expanding provisions of law designating the Motor Vehicle  
5 Administration as agent with respect to service of process in an action related to  
6 a motor vehicle accident or collision to include certain resident drivers under  
7 certain circumstances; requiring the Administration to serve as an agent for  
8 service of process under certain circumstances, take certain actions, and report  
9 certain information annually to the General Assembly; defining a certain term;  
10 providing for the application of this Act; and generally relating to service of  
11 process on certain drivers under certain circumstances.

12 BY repealing and reenacting, with amendments,  
13 Article – Courts and Judicial Proceedings  
14 Section 6–313  
15 Annotated Code of Maryland  
16 (2006 Replacement Volume and 2010 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Transportation  
19 Section 12–104(f)  
20 Annotated Code of Maryland  
21 (2009 Replacement Volume and 2010 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Courts and Judicial Proceedings**

25 6–313.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section the following words have the meanings indicated.

2 (2) "Motor vehicle" has the meaning stated in § 11-135 of the  
3 Transportation Article.

4 (3) "Nonresident" has the meaning stated in § 11-139 of the  
5 Transportation Article.

6 [(4) "Nonresident's privilege to drive" has the meaning stated in §  
7 11-140 of the Transportation Article.]

8 (4) **"RESIDENT" HAS THE MEANING STATED IN § 11-149 OF THE**  
9 **TRANSPORTATION ARTICLE.**

10 (b) (1) By [exercising a nonresident's privilege to drive] **DRIVING** a motor  
11 vehicle in the State, a nonresident **OR RESIDENT** irrevocably appoints the Motor  
12 Vehicle Administration as agent to receive a subpoena, a summons, or other process  
13 that is:

14 [(1) (I) Issued in an action that is related to an accident or collision  
15 involving a motor vehicle driven by the nonresident driver and in which the  
16 nonresident driver is named as a party; and

17 [(2) (II) Directed to the nonresident driver.

18 (2) **THE MOTOR VEHICLE ADMINISTRATION MAY BE SERVED AS**  
19 **AGENT OF A NONRESIDENT UNDER THIS SUBSECTION ONLY IF THE PARTY**  
20 **SEEKING SERVICE CERTIFIES TO THE MOTOR VEHICLE ADMINISTRATION THE**  
21 **NONRESIDENT'S LAST KNOWN ADDRESS.**

22 (3) **THE MOTOR VEHICLE ADMINISTRATION MAY BE SERVED AS**  
23 **AGENT OF A RESIDENT UNDER THIS SUBSECTION ONLY IF THE PARTY SEEKING**  
24 **SERVICE CERTIFIES TO THE MOTOR VEHICLE ADMINISTRATION:**

25 (I) **THE RESIDENT'S LAST KNOWN ADDRESS; AND**

26 (II) **THAT THE PARTY, AFTER EXERCISING DUE DILIGENCE,**  
27 **WAS UNABLE TO SERVE THE RESIDENT AT THE RESIDENT'S LAST KNOWN**  
28 **ADDRESS.**

29 (c) Service of process **UNDER THIS SECTION** is sufficient service on a  
30 nonresident **OR RESIDENT** driver if:

31 (1) Service is made by the personal delivery and leaving of a copy of  
32 the process, with [a certification of the last known address of the nonresident driver]

1 THE APPLICABLE CERTIFICATION REQUIRED UNDER SUBSECTION (B) OF THIS  
2 SECTION, with the Motor Vehicle Administration;

3 (2) A fee for service of process is paid to the Motor Vehicle  
4 Administration;

5 (3) The Motor Vehicle Administration sends a copy of the process by  
6 certified mail, return receipt requested, to the nonresident **OR RESIDENT** driver at the  
7 [nonresident] driver's last known address; and

8 (4) The Motor Vehicle Administration files an affidavit of compliance  
9 with the provisions of this section with the clerk of the court in which the action is  
10 pending.

11 (d) The Motor Vehicle Administration shall provide a copy of the affidavit of  
12 compliance to the party seeking service.

13 (e) The party seeking service shall send by certified mail, return receipt  
14 requested, a copy of the affidavit of compliance to the motor vehicle insurer, **IF ANY**, of  
15 the nonresident **OR RESIDENT** driver.

16 (f) (1) The Motor Vehicle Administration shall keep a record of all process  
17 served under this section that shows the date and hour of service on the  
18 Administration by the party seeking service.

19 (2) When the certified return receipt is returned to the Motor Vehicle  
20 Administration, the Administration shall:

21 (i) Deliver it to the party seeking service; and

22 (ii) Keep a record of the date of its receipt and the date of its  
23 delivery to the party seeking service.

24 (g) The Motor Vehicle Administration is authorized to establish and collect a  
25 reasonable fee to recover the Administration's costs under this section.

26 (h) The Motor Vehicle Administration shall report to the General Assembly  
27 on or before January 1 of each year, in accordance with § 2-1246 of the State  
28 Government Article, the following information for the preceding calendar year:

29 (1) The total number of subpoenas, summonses, and other service of  
30 process issued in accordance with the provisions of this section;

31 (2) The number of instances in which the Motor Vehicle  
32 Administration failed to reach the individual being served and the reasons that those  
33 attempts failed;

1 (3) A breakdown of all direct and indirect costs incurred by the Motor  
2 Vehicle Administration in carrying out the requirements of this section; and

3 (4) The total fees collected by the Motor Vehicle Administration from  
4 persons requesting service of process under this section.

5 **Article – Transportation**

6 12–104.

7 (f) In accordance with § 6–313 of the Courts Article and the Maryland Rules,  
8 the Administration shall serve as the agent to receive a subpoena, a summons, or  
9 other process for a nonresident driver **OR A RESIDENT DRIVER** named as a party in  
10 an action brought in a court of this State.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
12 construed to apply only prospectively and may not be applied or interpreted to have  
13 any effect on or application to any cause of action arising before the effective date of  
14 this Act.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2011.