

# SENATE BILL 586

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11r1570  
CF HB 388

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By: **Senators Ramirez and Zirkin**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 27, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Courts – Service of Process – Motor Vehicle Administration and Insurer as**  
3 **Agent for 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; requiring a motor  
10 vehicle insurer to act as the agent for a certain resident driver with regard to a  
11 subpoena, summons, or other process issued in a certain action related to a  
12 certain motor vehicle accident under certain circumstances; requiring the motor  
13 vehicle insurer to take certain actions, provide copies of certain documents, and  
14 keep certain records; authorizing the motor vehicle insurer to collect a certain  
15 fee; defining a certain term; providing for the application of this Act; and  
16 generally relating to service of process on certain drivers under certain  
17 circumstances.

18 BY repealing and reenacting, with amendments,  
19 Article – Courts and Judicial Proceedings  
20 Section 6–313  
21 Annotated Code of Maryland  
22 (2006 Replacement Volume and 2010 Supplement)

23 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Courts and Judicial Proceedings  
 2 Section 6–314  
 3 Annotated Code of Maryland  
 4 (2006 Replacement Volume and 2010 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article – Transportation  
 7 Section 12–104(f)  
 8 Annotated Code of Maryland  
 9 (2009 Replacement Volume and 2010 Supplement)

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

12 **Article – Courts and Judicial Proceedings**

13 6–313.

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

15 (2) “Motor vehicle” has the meaning stated in § 11–135 of the  
 16 Transportation Article.

17 (3) “Nonresident” has the meaning stated in § 11–139 of the  
 18 Transportation Article.

19 [(4) “Nonresident’s privilege to drive” has the meaning stated in §  
 20 11–140 of the Transportation Article.]

21 **(4) “RESIDENT” HAS THE MEANING STATED IN § 11–149 OF THE**  
 22 **TRANSPORTATION ARTICLE.**

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

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

30 [(2) (II) Directed to the ~~nonresident~~ driver.

31 **(2) THE MOTOR VEHICLE ADMINISTRATION MAY BE SERVED AS**  
 32 **AGENT OF A NONRESIDENT UNDER THIS SUBSECTION ONLY IF THE PARTY**

1 SEEKING SERVICE CERTIFIES TO THE MOTOR VEHICLE ADMINISTRATION THE  
2 NONRESIDENT'S LAST KNOWN ADDRESS.

3 (3) THE MOTOR VEHICLE ADMINISTRATION MAY BE SERVED AS  
4 AGENT OF A RESIDENT UNDER THIS SUBSECTION ONLY IF THE PARTY SEEKING  
5 SERVICE CERTIFIES UNDER OATH TO THE MOTOR VEHICLE ADMINISTRATION:

6 (I) THE RESIDENT'S LAST KNOWN ADDRESS; ~~AND~~

7 (II) THAT THE PARTY, AFTER EXERCISING DUE DILIGENCE,  
8 WAS UNABLE TO SERVE THE RESIDENT AT THE RESIDENT'S LAST KNOWN  
9 ADDRESS; AND

10 (III) THAT THE PARTY, AFTER EXERCISING DUE DILIGENCE,  
11 WAS UNABLE TO SERVE THE RESIDENT'S MOTOR VEHICLE INSURER, IF ANY, IN  
12 ACCORDANCE WITH § 6-314 OF THIS SUBTITLE.

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

15 (1) Service is made by the personal delivery and leaving of a copy of  
16 the process, with [a certification of the last known address of the nonresident driver]  
17 THE APPLICABLE CERTIFICATION REQUIRED UNDER SUBSECTION (B) OF THIS  
18 SECTION, with the Motor Vehicle Administration;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **6-314.**

24 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
25 **MEANINGS INDICATED.**

26 **(2) "MOTOR VEHICLE" HAS THE MEANING STATED IN § 11-135 OF**  
27 **THE TRANSPORTATION ARTICLE.**

28 **(3) "RESIDENT" HAS THE MEANING STATED IN § 11-149 OF THE**  
29 **TRANSPORTATION ARTICLE.**

30 **(B) BY PURCHASING MOTOR VEHICLE LIABILITY INSURANCE FROM A**  
31 **MOTOR VEHICLE INSURER, A RESIDENT APPOINTS THE MOTOR VEHICLE**

1 INSURER AS AGENT TO RECEIVE A SUBPOENA, A SUMMONS, OR OTHER PROCESS  
2 THAT IS:

3 (1) ISSUED IN AN ACTION THAT IS RELATED TO AN ACCIDENT OR  
4 COLLISION INVOLVING A MOTOR VEHICLE DRIVEN BY THE RESIDENT DRIVER  
5 AND IN WHICH THE RESIDENT DRIVER IS NAMED AS A PARTY; AND

6 (2) DIRECTED TO THE RESIDENT DRIVER.

7 (C) A MOTOR VEHICLE INSURER MAY BE SERVED AS AGENT OF A  
8 RESIDENT UNDER THIS SECTION ONLY IF THE PARTY SEEKING SERVICE  
9 CERTIFIES UNDER OATH TO THE MOTOR VEHICLE INSURER:

10 (1) THE RESIDENT'S LAST KNOWN ADDRESS; AND

11 (2) THAT THE PARTY, AFTER EXERCISING DUE DILIGENCE, WAS  
12 UNABLE TO SERVE THE RESIDENT AT THE RESIDENT'S LAST KNOWN ADDRESS.

13 (D) SERVICE OF PROCESS IS SUFFICIENT SERVICE ON A RESIDENT  
14 DRIVER UNDER THIS SECTION IF:

15 (1) SERVICE IS MADE BY THE PERSONAL DELIVERY AND LEAVING  
16 OF A COPY OF THE PROCESS, WITH A CERTIFICATION OF THE LAST KNOWN  
17 ADDRESS OF THE RESIDENT DRIVER, WITH THE MOTOR VEHICLE INSURER;

18 (2) THE FEE FOR SERVICE OF PROCESS IS PAID TO THE MOTOR  
19 VEHICLE LIABILITY INSURER;

20 (3) THE MOTOR VEHICLE INSURER SENDS A COPY OF THE  
21 PROCESS BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE RESIDENT  
22 DRIVER AT THE RESIDENT DRIVER'S LAST KNOWN ADDRESS; AND

23 (4) THE MOTOR VEHICLE INSURER FILES AN AFFIDAVIT OF  
24 COMPLIANCE WITH THE PROVISIONS OF THIS SECTION WITH THE CLERK OF THE  
25 COURT IN WHICH THE ACTION IS PENDING.

26 (E) THE MOTOR VEHICLE INSURER SHALL PROVIDE A COPY OF THE  
27 AFFIDAVIT OF COMPLIANCE TO THE PARTY SEEKING SERVICE.

28 (F) (1) THE MOTOR VEHICLE INSURER SHALL KEEP A RECORD OF  
29 ALL PROCESS SERVED UNDER THIS SECTION THAT SHOWS THE DATE AND HOUR  
30 OF SERVICE ON THE MOTOR VEHICLE INSURER BY THE PARTY SEEKING  
31 SERVICE.

