

SENATE BILL 891

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By: **Senator Zirkin**

Introduced and read first time: February 11, 2013

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Service of Process – Driver of Motor Vehicle or Driver’s Estate**

3 FOR the purpose of designating a motor vehicle insurer or the Maryland Automobile
4 Insurance Fund as the agent for a certain driver or the estate of the driver with
5 regard to a subpoena, summons, or other process issued in a certain action
6 involving a certain motor vehicle under certain circumstances; authorizing
7 process to be served on a motor vehicle insurer or the Maryland Automobile
8 Insurance Fund under certain circumstances; defining a certain term; providing
9 for the application of this Act; and generally relating to service of process under
10 certain circumstances.

11 BY adding to

12 Article – Courts and Judicial Proceedings

13 Section 6–314

14 Annotated Code of Maryland

15 (2006 Replacement Volume and 2012 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 **6–314.**

20 **(A) IN THIS SECTION, “UNINSURED MOTOR VEHICLE” MEANS A MOTOR**
21 **VEHICLE FOR WHICH:**

22 **(1) THE SECURITY REQUIRED UNDER § 17–103 OF THE**
23 **TRANSPORTATION ARTICLE IS NOT IN FORCE; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) THE SECURITY REQUIRED UNDER § 17-103 OF THE**
2 **TRANSPORTATION ARTICLE IS IN FORCE BUT A RECEIVER OR CONSERVATOR**
3 **HAS BEEN APPOINTED BY A COURT FOR THE INSURER THAT ISSUED THE**
4 **SECURITY.**

5 **(B) (1) THIS SECTION APPLIES TO AN ACTION THAT IS RELATED TO**
6 **AN ACCIDENT OR COLLISION INVOLVING A MOTOR VEHICLE DRIVEN BY A**
7 **PERSON WHO:**

8 **(I) IS NAMED AS A PARTY TO THE ACTION; AND**

9 **(II) HAS DIED.**

10 **(2) PARAGRAPH (1) OF THIS SUBSECTION APPLIES WHETHER OR**
11 **NOT THE ACTION WAS COMMENCED DURING THE LIFETIME OF THE PERSON**
12 **DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.**

13 **(C) BY DRIVING A MOTOR VEHICLE IN THIS STATE, A PERSON, SUBJECT**
14 **TO SUBSECTIONS (D) AND (E) OF THIS SECTION, IRREVOCABLY APPOINTS THE**
15 **PERSON'S MOTOR VEHICLE INSURER OR THE MARYLAND AUTOMOBILE**
16 **INSURANCE FUND AS AGENT TO RECEIVE A SUBPOENA, A SUMMONS, OR OTHER**
17 **PROCESS DIRECTED TO THE PERSON.**

18 **(D) IN AN ACTION AGAINST A PERSON WHO WAS THE DRIVER OF A**
19 **MOTOR VEHICLE INSURED UNDER AN INSURANCE POLICY OR SELF-INSURANCE**
20 **PLAN AT THE TIME THE ALLEGED LIABILITY THAT IS THE SUBJECT OF THE**
21 **ACTION WAS INCURRED OR IN AN ACTION AGAINST THE ESTATE OF THE PERSON,**
22 **PROCESS MAY BE SERVED ON THE MOTOR VEHICLE INSURER OF THE PERSON.**

23 **(E) IN AN ACTION AGAINST A PERSON WHO WAS THE DRIVER OF AN**
24 **UNINSURED MOTOR VEHICLE AT THE TIME THE ALLEGED LIABILITY THAT IS**
25 **THE SUBJECT OF THE ACTION WAS INCURRED OR IN AN ACTION AGAINST THE**
26 **ESTATE OF THE PERSON, PROCESS MAY BE SERVED ON THE MARYLAND**
27 **AUTOMOBILE INSURANCE FUND.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
29 construed to apply only prospectively and may not be applied or interpreted to have
30 any effect on or application to any case filed before the effective date of this Act.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2013.