

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 15 (Senator Stone)
Judicial Proceedings

Change of Name by Court Order - Notification of Motor Vehicle Administration

This bill requires that, whenever a court issues an order changing the name of an individual who is at least 16 years old, the clerk of the court provide a copy of the order to the Motor Vehicle Administration (MVA).

Fiscal Summary

State Effect: Increased MVA and Judiciary expenditures for computer reprogramming costs.

Local Effect: Potentially significant increase in circuit court expenditures due to increased workload for circuit court clerks. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Potential minimal. Process servers employed by small businesses may find it easier to locate certain individuals they are trying to serve.

Analysis

Current Law: An individual may change his or her name because of adoption, marriage, divorce, or for any other nonfraudulent purpose. Court orders are typically used for adoptions and divorces. An individual may also seek a court order for the specific purpose of changing his or her name. In addition, there is a common law right to adopt a new name without court intervention, as long as the individual uses the new name consistently and nonfraudulently.

An individual who has applied for or obtained a driver's license must notify the MVA in writing within 30 days of any name change: (1) under the common law of the State; (2) by marriage; or (3) by court order. The notification must include the former name, the new name, and the identifying number of any license that has been issued.

Background: Individuals have the right to request that records held by the MVA that include personal information not be disclosed to the public. However, there is an exception to this general rule where the information is required for service of process.

State Expenditures: The MVA estimates that it will cost \$22,500 to make the necessary changes to its computerized driver database. Entering the new name changes required by this bill could be handled with existing resources.

The Judiciary advises that all but two counties are connected to a unified court computer system. They estimate that computers in those counties connected to the unified system could be reprogrammed at a cost of \$3,000 per county, for a total cost of \$66,000 in fiscal 2005. This cost would be borne by the State.

The Department of Legislative Services (DLS) advises that if other legislation is passed requiring computer reprogramming changes, economies of scale could be realized. This would reduce the costs associated with this bill and other legislation affecting the MVA and Judiciary computer systems.

Local Expenditures: While the number of court orders issued for the sole purpose of changing an individual's name is not significant, there were approximately 18,000 divorces granted in Maryland in 2001. It is unknown how many of these resulted in a court-ordered name change, but the number is likely to be significant.

In addition, if the name of an adoptee is changed, the judgment of adoption contains the new name. While the large majority of adoptees are under the age of 16, Maryland law permits an individual of any age to be adopted. The Maryland Rules specifically contemplate that an adult adoptee may wish to change his or her name, and establish procedures for doing so.

Circuit court clerks will thus have two new responsibilities under this bill: (1) checking all divorce decrees and judgments of adoption to determine if they involve a name change of an individual at least 16 years of age; and (2) forwarding copies of those that do, as well as copies of court orders specifically entered for this purpose, to the MVA. Additional resources would thus be required, although the amount and nature of the resources cannot be validly estimated at this time. The costs will also vary from court to court, depending on the volume of divorces, adoptions, and requests for name change handled by each.

Montgomery and Prince George's counties are not connected to the statewide computer system and may require new computer systems to handle this new responsibility, in addition to increased personnel costs. Prince George's County estimates that the cost of a new computer system would be between \$700,000 and \$1,000,000.

Additional Information: DLS notes that both the MVA and the Judiciary have expressed concern that court orders relating to name changes typically do not contain driver's license numbers, Social Security numbers, or other identifying information. Thus it may be difficult for MVA employees to change their records based on these orders.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

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Analysis by: Rita A. Reimer

Direct Inquiries to:
(410) 946-5510
(301) 970-5510