

HOUSE BILL 496

D3
HB 1279/06 – JUD

71r2340

By: **Delegates Anderson, Cane, Conaway, Glenn, Harrison, Howard, Jones, Kirk, Krysiak, Oaks, Ramirez, Robinson, Rosenberg, Stukes, Tarrant, Taylor, and Vallario**

Introduced and read first time: February 6, 2007
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 6, 2007

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of designating the Motor Vehicle Administration as the agent for a
5 certain nonresident driver with regard to a subpoena, summons, or other
6 process issued in a certain action related to a certain motor vehicle accident
7 under certain circumstances; requiring the Administration to take certain
8 action, provide copies of certain documents on request, and keep certain records;
9 authorizing the Administration to establish and collect a certain fee;
10 authorizing the Administration to serve as an agent for service of certain papers
11 in certain circumstances; requiring a certain party seeking service of process on
12 a nonresident driver to provide a copy of a certain affidavit to the nonresident's
13 insurer; defining certain terms; providing for the application of this Act; and
14 generally relating to service of process on nonresident drivers under certain
15 circumstances.

16 BY adding to
17 Article – Courts and Judicial Proceedings
18 Section 6–313

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 Annotated Code of Maryland
2 (2006 Replacement Volume)

3 BY repealing and reenacting, without amendments,
4 Article – Transportation
5 Section 11–135, 11–139, 11–140, and 12–104(a)
6 Annotated Code of Maryland
7 (2006 Replacement Volume and 2006 Supplement)

8 BY adding to
9 Article – Transportation
10 Section 12–104(f)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2006 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 **6–313.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
18 MEANINGS INDICATED.

19 (2) “MOTOR VEHICLE” HAS THE MEANING STATED IN § 11–135 OF
20 THE TRANSPORTATION ARTICLE.

21 (3) “NONRESIDENT” HAS THE MEANING STATED IN § 11–139 OF
22 THE TRANSPORTATION ARTICLE.

23 (4) “NONRESIDENT’S PRIVILEGE TO DRIVE” HAS THE MEANING
24 STATED IN § 11–140 OF THE TRANSPORTATION ARTICLE.

25 (B) BY EXERCISING A NONRESIDENT’S PRIVILEGE TO DRIVE A MOTOR
26 VEHICLE IN THE STATE, A NONRESIDENT IRREVOCABLY APPOINTS THE MOTOR
27 VEHICLE ADMINISTRATION AS AGENT TO RECEIVE A SUBPOENA, A SUMMONS,
28 OR OTHER PROCESS THAT IS:

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

4 (2) DIRECTED TO THE NONRESIDENT DRIVER.

5 (C) SERVICE OF PROCESS IS SUFFICIENT SERVICE ON A NONRESIDENT
6 DRIVER IF:

7 (1) SERVICE IS MADE BY THE PERSONAL DELIVERY AND LEAVING
8 OF A COPY OF THE PROCESS, WITH A CERTIFICATION OF THE LAST KNOWN
9 ADDRESS OF THE NONRESIDENT DRIVER, WITH THE MOTOR VEHICLE
10 ADMINISTRATION;

11 (2) A FEE FOR SERVICE OF PROCESS IS PAID TO THE MOTOR
12 VEHICLE ADMINISTRATION;

13 (3) THE MOTOR VEHICLE ADMINISTRATION SENDS A COPY OF
14 THE PROCESS BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE
15 NONRESIDENT DRIVER AT THE NONRESIDENT DRIVER'S LAST KNOWN ADDRESS;
16 AND

17 (4) THE MOTOR VEHICLE ADMINISTRATION FILES AN AFFIDAVIT
18 OF COMPLIANCE WITH THE PROVISIONS OF THIS SECTION WITH THE CLERK OF
19 THE COURT IN WHICH THE ACTION IS PENDING.

20 (D) THE MOTOR VEHICLE ADMINISTRATION SHALL PROVIDE A COPY
21 OF THE AFFIDAVIT OF COMPLIANCE TO THE PARTY SEEKING SERVICE.

22 (E) THE PARTY SEEKING SERVICE SHALL SEND BY CERTIFIED MAIL,
23 RETURN RECEIPT REQUESTED, A COPY OF THE AFFIDAVIT OF COMPLIANCE TO
24 THE AUTOMOBILE INSURER OF THE NONRESIDENT DRIVER.

25 (F) (1) THE MOTOR VEHICLE ADMINISTRATION SHALL KEEP A
26 RECORD OF ALL PROCESS SERVED UNDER THIS SECTION THAT SHOWS THE
27 DATE AND HOUR OF SERVICE ON THE ADMINISTRATION BY THE PARTY SEEKING
28 SERVICE.

29 (2) WHEN THE CERTIFIED RETURN RECEIPT IS RETURNED TO
30 THE MOTOR VEHICLE ADMINISTRATION, THE ADMINISTRATION SHALL:

1 (I) DELIVER IT TO THE PARTY SEEKING SERVICE; AND

2 (II) KEEP A RECORD OF THE DATE OF ITS RECEIPT AND THE
3 DATE OF ITS DELIVERY TO THE PARTY SEEKING SERVICE.

4 (G) THE MOTOR VEHICLE ADMINISTRATION IS AUTHORIZED TO
5 ESTABLISH AND COLLECT A REASONABLE FEE TO RECOVER THE
6 ADMINISTRATION'S COSTS UNDER THIS SECTION.

7 **Article - Transportation**

8 11-135.

9 (a) (1) "Motor vehicle" means, except as provided in subsection (b) of this
10 section, a vehicle that:

11 (i) Is self-propelled or propelled by electric power obtained
12 from overhead electrical wires; and

13 (ii) Is not operated on rails.

14 (2) "Motor vehicle" includes a low speed vehicle.

15 (b) "Motor vehicle" does not include:

16 (1) A moped, as defined in § 11-134.1 of this subtitle; or

17 (2) A motor scooter, as defined in § 11-134.5 of this subtitle.

18 11-139.

19 "Nonresident" means any person who is not a resident, as that term is defined
20 in this subtitle.

21 11-140.

22 "Nonresident's privilege to drive" means the privilege granted to a nonresident
23 by the laws of this State to drive a motor vehicle in this State or to use in this State a
24 vehicle owned by the nonresident.

25 12-104.

1 (a) In addition to the specific powers granted and duties imposed by this
2 title, the Administration has the powers and duties set forth in this section.

3 (F) IN ACCORDANCE WITH § 6-313 OF THE COURTS ARTICLE AND THE
4 MARYLAND RULES, THE ADMINISTRATION SHALL SERVE AS THE AGENT TO
5 RECEIVE A SUBPOENA, A SUMMONS, OR OTHER PROCESS FOR A NONRESIDENT
6 DRIVER NAMED AS A PARTY IN AN ACTION BROUGHT IN A COURT OF THIS STATE.

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

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.