

**SB0586/648579/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 586  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Administration” insert “and Insurer”; in line 9, after “Assembly;” insert “requiring a motor vehicle insurer to act as the agent for a certain resident driver with regard to a subpoena, summons, or other process issued in a certain action related to a certain motor vehicle accident under certain circumstances; requiring the motor vehicle insurer to take certain actions, provide copies of certain documents, and keep certain records; authorizing the motor vehicle insurer to collect a certain fee;”; and after line 16, insert:

“BY adding to

Article - Courts and Judicial Proceedings

Section 6-314

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On page 2, in lines 15, 16, and 17, in each instance, strike “nonresident”; in line 24, after “CERTIFIES” insert “UNDER OATH”; in line 25, strike “AND”; and in line 28, after “ADDRESS” insert “; AND

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

AMENDMENT NO. 3

On page 4, after line 4, insert:

(Over)

“6-314.

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

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

(3) “RESIDENT” HAS THE MEANING STATED IN § 11-149 OF THE TRANSPORTATION ARTICLE.

(B) BY PURCHASING MOTOR VEHICLE LIABILITY INSURANCE FROM A MOTOR VEHICLE INSURER, A RESIDENT APPOINTS THE MOTOR VEHICLE INSURER AS AGENT TO RECEIVE A SUBPOENA, A SUMMONS, OR OTHER PROCESS THAT IS:

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

(2) DIRECTED TO THE RESIDENT DRIVER.

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

(1) THE RESIDENT’S LAST KNOWN ADDRESS; AND

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

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

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

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

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

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

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

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

**(2) WHEN THE CERTIFIED RETURN RECEIPT IS RETURNED TO THE MOTOR VEHICLE INSURER, THE MOTOR VEHICLE INSURER SHALL:**

**(i) DELIVER IT TO THE PARTY SEEKING SERVICE; AND**

**(ii) KEEP A RECORD OF THE DATE OF ITS RECEIPT AND THE DATE OF ITS DELIVERY TO THE PARTY SEEKING SERVICE.**

**(g) THE MOTOR VEHICLE INSURER IS AUTHORIZED TO COLLECT A FEE TO RECOVER THE MOTOR VEHICLE INSURER'S COSTS UNDER THIS SECTION THAT IS EQUIVALENT TO THE FEE CHARGED BY THE MOTOR VEHICLE ADMINISTRATION UNDER § 6-313 OF THIS SUBTITLE."**