

SENATE BILL 140

D3

11r0546

By: **Senator Zirkin**

Introduced and read first time: January 24, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of expanding provisions of law designating the Motor Vehicle
5 Administration as the agent for a nonresident driver with respect to a certain
6 subpoena, summons, or other process to apply to any person driving or
7 attempting to drive a motor vehicle in the State; requiring the Administration
8 to serve as an agent for service of certain papers under certain circumstances,
9 take certain actions, and report certain information annually to the General
10 Assembly; authorizing the Administration to establish and collect a certain fee;
11 requiring a party seeking service to mail in a certain manner a copy of a certain
12 affidavit to a driver's motor vehicle insurer under certain circumstances;
13 making conforming and clarifying changes; providing for the application of this
14 Act; and generally relating to service of process on a driver of a motor vehicle
15 under certain circumstances.

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

21 BY repealing and reenacting, without amendments,
22 Article – Transportation
23 Section 11–135
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2010 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Transportation
28 Section 12–104(f)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2010 Supplement)

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

5 **Article – Courts and Judicial Proceedings**

6 6–313.

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

8 (2) “Motor] **IN THIS SECTION, “MOTOR** vehicle” has the meaning
9 stated in § 11–135 of the Transportation Article.

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

12 (4) “Nonresident’s privilege to drive” has the meaning stated in §
13 11–140 of the Transportation Article.]

14 (b) By [exercising a nonresident’s privilege] **DRIVING OR ATTEMPTING** to
15 drive a motor vehicle in the State, a [nonresident] **PERSON** irrevocably appoints the
16 Motor Vehicle Administration as agent to receive a subpoena, a summons, or other
17 process that is:

18 (1) Issued in an action that is related to an accident or collision
19 involving a motor vehicle driven by the [nonresident] driver and in which the
20 [nonresident] driver is named as a party; and

21 (2) Directed to the [nonresident] driver.

22 (c) Service of process is sufficient service on a [nonresident] driver if:

23 (1) Service is made by the personal delivery and leaving of a copy of
24 the process, with a certification of the last known address of the [nonresident] driver,
25 with the Motor Vehicle Administration;

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

28 (3) The Motor Vehicle Administration sends a copy of the process by
29 certified mail, return receipt requested, to the [nonresident] driver at the
30 [nonresident] driver’s last known address; and

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

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

6 (e) The party seeking service shall send by certified mail, return receipt
7 requested, a copy of the affidavit of compliance to the motor vehicle insurer of the
8 [nonresident] driver.

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

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

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

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

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

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

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

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

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

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

31 **Article – Transportation**

32 11-135.

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

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

5 (ii) Is not operated on rails.

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

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

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

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

10 12-104.

11 (f) In accordance with § 6-313 of the Courts Article and the Maryland Rules,
12 the Administration shall serve as the agent to receive a subpoena, a summons, or
13 other process for a [nonresident] driver named as a party in an action brought in a
14 court of this State.

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

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2011.