
By: **Montgomery County Delegation**

Introduced and read first time: February 8, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Small Claim Actions - Service of Process - Business**
3 **Entities**
4 **MC 906-99**

5 FOR the purpose of authorizing service of process in a small claim action in
6 Montgomery County on an employee, of suitable age and discretion, of a
7 corporation, partnership, limited partnership, limited liability partnership, or
8 limited liability company at the principal office; providing for the application of
9 this Act; and generally relating to service of process in Montgomery County.

10 BY repealing and reenacting, with amendments,
11 Article - Corporations and Associations
12 Section 1-401
13 Annotated Code of Maryland
14 (1993 Replacement Volume and 1998 Supplement)

15 BY adding to
16 Article - Courts and Judicial Proceedings
17 Section 6-311
18 Annotated Code of Maryland
19 (1998 Replacement Volume)

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

22 **Article - Corporations and Associations**

23 1-401.

24 (a) Service of process on the resident agent of a corporation, partnership,
25 limited partnership, limited liability partnership, or limited liability company, or any
26 other person binds the corporation, partnership, limited partnership, limited liability
27 partnership, or limited liability company, or other person in any action, suit, or

1 proceeding which is pending, filed, or instituted against it under the provisions of this
2 article.

3 (B) SERVICE OF PROCESS ON AN EMPLOYEE, OF SUITABLE AGE AND
4 DISCRETION, OF A CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP, LIMITED
5 LIABILITY PARTNERSHIP, OR LIMITED LIABILITY COMPANY AT THE PRINCIPAL
6 OFFICE BINDS THE CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP, LIMITED
7 LIABILITY PARTNERSHIP, OR LIMITED LIABILITY COMPANY, OR OTHER PERSON IN
8 ANY SMALL CLAIM ACTION FOR LESS THAN \$2,500 WHICH IS PENDING, FILED, OR
9 INSTITUTED AGAINST IT UNDER THE PROVISIONS OF THIS ARTICLE IN THE DISTRICT
10 COURT IN MONTGOMERY COUNTY.

11 [(b)] (C) (1) Any notice required by law to be served by personal service on a
12 resident agent or other agent or officer of any Maryland or foreign corporation,
13 partnership, limited partnership, limited liability partnership, or limited liability
14 company required by statute to have a resident agent in this State may be served on
15 the corporation, partnership, limited partnership, limited liability partnership, or
16 limited liability company in the manner provided by the Maryland Rules relating to
17 the service of process on corporations.

18 (2) Service under the Maryland Rules is equivalent to personal service
19 on a resident agent or other agent or officer of a corporation, partnership, limited
20 partnership, limited liability partnership, or limited liability company mentioned in
21 paragraph (1) of this subsection.

22 **Article - Courts and Judicial Proceedings**

23 6-311.

24 IN A SMALL CLAIM ACTION FOR LESS THAN \$2,500 FILED IN THE DISTRICT
25 COURT IN MONTGOMERY COUNTY, PROCESS MAY BE SERVED ON A CORPORATION,
26 PARTNERSHIP, LIMITED PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR
27 LIMITED LIABILITY COMPANY BY SERVING IT ON AN EMPLOYEE, OF SUITABLE AGE
28 AND DISCRETION, AT THE PRINCIPAL OFFICE OF THE CORPORATION, PARTNERSHIP,
29 LIMITED PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY
30 COMPANY.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
32 construed only prospectively and may not be applied or interpreted to have any effect
33 on or application to any action filed before the effective date of this Act.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 1999.