

SENATE BILL 281

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D3

1999 Regular Session  
9r1118  
CF 9r1117

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By: **Chairman, Judicial Proceedings Committee (Maryland Judicial Conference)**

Introduced and read first time: February 4, 1999  
Assigned to: Economic and Environmental Affairs  
Reassigned: Judicial Proceedings, February 5, 1999

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A BILL ENTITLED

1 AN ACT concerning

2 **Resident Agents - Governmental Agencies**

3 FOR the purpose of authorizing certain units of the State government and political  
4 subdivisions and other local entities to file with the Department of Assessments  
5 and Taxation the names, addresses, designations, and written consents of  
6 persons on whom process and notice may be served on behalf of the entities;  
7 authorizing resident agents to change addresses and resign; specifying that  
8 there is no charge for these filings; providing for the effect of these filings;  
9 providing for the effect of service on a resident agent; providing for the  
10 construction of this Act; providing for the effective date of this Act; and generally  
11 relating to resident agents for certain governmental agencies.

12 BY adding to  
13 Article 24 - Political Subdivisions - Miscellaneous Provisions  
14 Section 1-108  
15 Annotated Code of Maryland  
16 (1998 Replacement Volume and 1998 Supplement)

17 BY adding to  
18 Article - State Government  
19 Section 6-109  
20 Annotated Code of Maryland  
21 (1995 Replacement Volume and 1998 Supplement)

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

**Article 24 - Political Subdivisions - Miscellaneous Provisions**

1-108.

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

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(3) "GOVERNING BODY" MEANS THE BOARD OF COMMISSIONERS, COUNTY OR MUNICIPAL COUNCIL, BOARD OF DIRECTORS, OR OTHER GOVERNING BODY OF A LOCAL ENTITY.

(4) "LOCAL ENTITY" MEANS A COUNTY, MUNICIPAL CORPORATION, BICOUNTY OR MULTICOUNTY AGENCY, PUBLIC AUTHORITY, SPECIAL TAXING DISTRICT, OR OTHER POLITICAL SUBDIVISION OR UNIT OF A POLITICAL SUBDIVISION OF THIS STATE.

(B) (1) A LOCAL ENTITY MAY DESIGNATE A CITIZEN OF THIS STATE, WHO RESIDES IN THE STATE, OR A MARYLAND CORPORATION AS RESIDENT AGENT FOR THE LOCAL ENTITY AND CHANGE ITS RESIDENT AGENT BY FILING FOR RECORD WITH THE DEPARTMENT A CERTIFIED COPY OF A RESOLUTION OF ITS GOVERNING BODY THAT AUTHORIZES THE DESIGNATION OR CHANGE.

(2) A LOCAL ENTITY MAY CHANGE THE ADDRESS FOR ITS RESIDENT AGENT BY FILING FOR RECORD WITH THE DEPARTMENT A STATEMENT OF THE CHANGE SIGNED BY THE CHAIRMAN OR OTHER PRINCIPAL OFFICER OF ITS GOVERNING BODY.

(C) (1) A RESIDENT AGENT WHO CHANGES ADDRESS MAY NOTIFY THE DEPARTMENT BY FILING FOR RECORD WITH THE DEPARTMENT A STATEMENT OF THE CHANGE SIGNED BY OR FOR THE RESIDENT AGENT.

(2) A RESIDENT AGENT MAY RESIGN BY FILING WITH THE DEPARTMENT A STATEMENT.

(D) THERE IS NO FEE FOR A FILING UNDER THIS SECTION.

(E) A DESIGNATION, CHANGE OF AGENT, CHANGE OF ADDRESS, OR RESIGNATION IS EFFECTIVE AS PROVIDED IN THE CORPORATIONS AND ASSOCIATIONS ARTICLE FOR A CORPORATE RESIDENT AGENT.

(F) (1) SERVICE OF PROCESS ON A RESIDENT AGENT OF A LOCAL ENTITY BINDS THE LOCAL ENTITY IN AN ACTION, SUIT, OR PROCEEDING THAT IS PENDING, FILED, OR INSTITUTED AGAINST THE LOCAL ENTITY.

(2) ANY NOTICE REQUIRED BY LAW TO BE SERVED BY PERSONAL SERVICE ON A RESIDENT AGENT OR OTHER AGENT OR OFFICER OF A LOCAL ENTITY

1 MAY BE SERVED IN THE MANNER PROVIDED BY THE MARYLAND RULES RELATING TO  
2 SERVICE OF PROCESS ON LOCAL ENTITIES.

3 (3) SERVICE UNDER THE MARYLAND RULES IS EQUIVALENT TO  
4 PERSONAL SERVICE ON A RESIDENT AGENT OR OTHER AGENT OR OFFICER OF A  
5 LOCAL ENTITY.

6 **Article - State Government**

7 6-109.

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

10 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF ASSESSMENTS AND  
11 TAXATION.

12 (3) "GOVERNING BODY" MEANS THE HEAD, BOARD, COUNCIL, BOARD OF  
13 DIRECTORS, OR OTHER GOVERNING BODY OF A STATE AGENCY.

14 (B) (1) A STATE AGENCY NOT REPRESENTED BY THE ATTORNEY GENERAL  
15 MAY DESIGNATE A CITIZEN OF THIS STATE, WHO RESIDES IN THE STATE, OR A  
16 MARYLAND CORPORATION AS RESIDENT AGENT FOR THE STATE AGENCY AND  
17 CHANGE ITS RESIDENT AGENT BY FILING FOR RECORD WITH THE DEPARTMENT A  
18 CERTIFIED COPY OF A RESOLUTION OF ITS GOVERNING BODY THAT AUTHORIZES  
19 THE DESIGNATION OR CHANGE.

20 (2) A STATE AGENCY MAY CHANGE THE ADDRESS FOR ITS RESIDENT  
21 AGENT BY FILING FOR RECORD WITH THE DEPARTMENT A STATEMENT OF THE  
22 CHANGE SIGNED BY THE CHAIRMAN OR OTHER PRINCIPAL OFFICER OF ITS  
23 GOVERNING BODY.

24 (C) (1) A RESIDENT AGENT WHO CHANGES ADDRESS MAY NOTIFY THE  
25 DEPARTMENT BY FILING FOR RECORD WITH THE DEPARTMENT A STATEMENT OF  
26 THE CHANGE SIGNED BY OR FOR THE RESIDENT AGENT.

27 (2) A RESIDENT AGENT MAY RESIGN BY FILING WITH THE DEPARTMENT  
28 A STATEMENT.

29 (D) THERE IS NO FEE FOR A FILING UNDER THIS SECTION.

30 (E) A DESIGNATION, CHANGE OF AGENT, CHANGE OF ADDRESS, OR  
31 RESIGNATION IS EFFECTIVE AS PROVIDED IN THE CORPORATIONS AND  
32 ASSOCIATIONS ARTICLE FOR A CORPORATE RESIDENT AGENT.

33 (F) (1) SERVICE OF PROCESS ON A RESIDENT AGENT OF A STATE AGENCY  
34 BINDS THE STATE AGENCY IN AN ACTION, SUIT, OR PROCEEDING THAT IS PENDING,  
35 FILED, OR INSTITUTED AGAINST THE STATE AGENCY.

1           (2)       ANY NOTICE REQUIRED BY LAW TO BE SERVED BY PERSONAL  
2 SERVICE ON A RESIDENT AGENT OR OTHER AGENT OR OFFICER OF A STATE AGENCY  
3 MAY BE SERVED IN THE MANNER PROVIDED BY THE MARYLAND RULES RELATING TO  
4 SERVICE OF PROCESS ON STATE AGENCIES.

5           (3)       SERVICE UNDER THE MARYLAND RULES IS EQUIVALENT TO  
6 PERSONAL SERVICE ON A RESIDENT AGENT OR OTHER AGENT OR OFFICER OF A  
7 STATE AGENCY.

8       SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not affect a  
9 designation, change, or resignation of a resident agent or a change of address for a  
10 resident agent that may be on file with the Department of Assessments and Taxation  
11 on the effective date of this Act.

12       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 January 1, 2000.