

SENATE BILL 281

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1999 Regular Session
9r1118
CF 9r1117

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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 10, 1999

CHAPTER _____

1 AN ACT concerning

2 **Resident Agents - ~~Governmental Agencies~~ Service**

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 providing for a change of address of a resident agent under certain
8 circumstances; authorizing resident agents to ~~change addresses and resign~~
9 resign under certain circumstances; specifying that there is no charge for these
10 filings; providing for the effect of these filings; providing for the effect of service
11 on a resident agent; providing for the construction of this Act; providing for the
12 effective date of this Act; and generally relating to resident agents for certain
13 governmental agencies and other persons.

14 BY adding to
15 Article 24 - Political Subdivisions - Miscellaneous Provisions
16 Section 1-108
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 1998 Supplement)

19 BY adding to
20 Article - State Government
21 Section 6-109
22 Annotated Code of Maryland
23 (1995 Replacement Volume and 1998 Supplement)

1 BY repealing and reenacting, with amendments,
 2 Article - Corporations and Associations
 3 Section 1-401(a)
 4 Annotated Code of Maryland
 5 (1993 Replacement Volume and 1998 Supplement)

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

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

9 1-108.

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

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

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

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

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

26 (B) (1) A LOCAL ENTITY MAY DESIGNATE A CITIZEN OF THIS STATE WHO
 27 RESIDES IN THE STATE OR A MARYLAND CORPORATION AS RESIDENT AGENT FOR
 28 THE LOCAL ENTITY BY FILING FOR RECORD WITH THE DEPARTMENT:

29 (I) UNLESS OTHERWISE PROVIDED FOR IN THE CHARTER OF THE
 30 LOCAL ENTITY, A CERTIFIED COPY OF A RESOLUTION OF ITS GOVERNING BODY THAT
 31 AUTHORIZES THE DESIGNATION; OR

32 (II) A CERTIFICATION OF THE PERSON OR OFFICER WHO IS
 33 AUTHORIZED, AS PROVIDED IN THE CHARTER OF THE LOCAL ENTITY, TO ACCEPT
 34 SERVICE OF PROCESS ON BEHALF OF THE COUNTY.

35 (2) IF A LOCAL ENTITY CHANGES ITS RESIDENT AGENT, THE LOCAL
 36 ENTITY MAY FILE FOR RECORD WITH THE DEPARTMENT:

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

3 (B) (1) A STATE AGENCY NOT REPRESENTED BY THE ATTORNEY GENERAL
4 MAY DESIGNATE A CITIZEN OF THIS STATE, WHO RESIDES IN THE STATE, OR A
5 MARYLAND CORPORATION AS RESIDENT AGENT FOR THE STATE AGENCY AND
6 CHANGE ITS RESIDENT AGENT BY FILING FOR RECORD WITH THE DEPARTMENT A
7 CERTIFIED COPY OF A RESOLUTION OF ITS GOVERNING BODY THAT AUTHORIZES
8 THE DESIGNATION OR CHANGE.

9 (2) A STATE AGENCY MAY CHANGE THE ADDRESS FOR ITS RESIDENT
10 AGENT BY FILING FOR RECORD WITH THE DEPARTMENT A STATEMENT OF THE
11 CHANGE SIGNED BY THE CHAIRMAN OR OTHER PRINCIPAL OFFICER OF ITS
12 GOVERNING BODY.

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

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

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

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

22 (F) (1) SERVICE OF PROCESS ON A RESIDENT AGENT OF A STATE AGENCY
23 ~~BINDS~~ CONSTITUTES EFFECTIVE SERVICE OF PROCESS UNDER THE MARYLAND
24 RULES ON THE STATE AGENCY IN AN ACTION, SUIT, OR PROCEEDING THAT IS
25 PENDING, FILED, OR INSTITUTED AGAINST THE STATE AGENCY.

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

30 (3) SERVICE UNDER THE MARYLAND RULES IS EQUIVALENT TO
31 PERSONAL SERVICE ON A RESIDENT AGENT OR OTHER AGENT OR OFFICER OF A
32 STATE AGENCY.

33 **Article - Corporations and Associations**

34 1-401.

35 (a) Service of process on the resident agent of a corporation, partnership,
36 limited partnership, limited liability partnership, or limited liability company, or any
37 other person [binds] CONSTITUTES EFFECTIVE SERVICE OF PROCESS UNDER
38 MARYLAND RULES ON the corporation, partnership, limited partnership, limited

1 liability partnership, or limited liability company, or other person in any action, suit,
2 or proceeding which is pending, filed, or instituted against it under the provisions of
3 this article.

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

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