

HOUSE BILL 481

Unofficial Copy
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HB 249/99 - JUD

2000 Regular Session
0lr1458
CF 0lr1457

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

Introduced and read first time: February 4, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Resident Agents - Service**

3 FOR the purpose of allowing 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 a resident agent to resign under certain
9 circumstances; specifying that there is no charge for these filings; providing for
10 the effect of these filings; providing for the effect of service on a resident agent;
11 providing for the construction of this Act; providing for the effective date of this
12 Act; and generally relating to resident agents for certain governmental agencies.

13 BY adding to
14 Article 24 - Political Subdivisions - Miscellaneous Provisions
15 Section 1-109
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 1999 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Corporations and Associations
20 Section 1-401(a)
21 Annotated Code of Maryland
22 (1999 Replacement Volume)

23 BY adding to
24 Article - State Government
25 Section 6-109
26 Annotated Code of Maryland
27 (1999 Replacement Volume)

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

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

2 1-109.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.5 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF ASSESSMENTS AND
6 TAXATION.7 (3) "GOVERNING BODY" MEANS THE BOARD OF COMMISSIONERS,
8 COUNTY OR MUNICIPAL COUNCIL, BOARD OF DIRECTORS, OR OTHER GOVERNING
9 BODY OF A LOCAL ENTITY.10 (4) "LOCAL ENTITY" MEANS A COUNTY, MUNICIPAL CORPORATION,
11 BICOUNTY OR MULTICOUNTY AGENCY, PUBLIC AUTHORITY, SPECIAL TAXING
12 DISTRICT, OR OTHER POLITICAL SUBDIVISION OR UNIT OF A POLITICAL SUBDIVISION
13 OF THIS STATE.14 (B) (1) A LOCAL ENTITY MAY DESIGNATE A CITIZEN OF THIS STATE WHO
15 RESIDES IN THE STATE, A MARYLAND CORPORATION, OR AN OFFICER OF THE LOCAL
16 ENTITY AS ITS RESIDENT AGENT BY FILING FOR RECORD WITH THE DEPARTMENT:17 (I) A CERTIFICATION OF THE PERSON WHOM THE CHARTER OF
18 THE LOCAL ENTITY AUTHORIZES TO ACCEPT SERVICE OF PROCESS FOR THE LOCAL
19 ENTITY; OR20 (II) IF THE CHARTER DOES NOT DESIGNATE A PERSON FOR
21 SERVICE, A CERTIFIED COPY OF A RESOLUTION OF THE LOCAL ENTITY'S GOVERNING
22 BODY THAT AUTHORIZES THE DESIGNATION.23 (2) IF A LOCAL ENTITY CHANGES ITS RESIDENT AGENT, THE LOCAL
24 ENTITY MAY FILE FOR RECORD WITH THE DEPARTMENT:25 (I) A CERTIFICATION OF THE PERSON WHOM THE CHARTER OF
26 THE LOCAL ENTITY AUTHORIZES TO ACCEPT SERVICE OF PROCESS FOR THE LOCAL
27 ENTITY; OR28 (II) IF THE CHARTER DOES NOT DESIGNATE A PERSON FOR
29 SERVICE, A CERTIFIED COPY OF A RESOLUTION OF THE LOCAL ENTITY'S GOVERNING
30 BODY THAT AUTHORIZES THE DESIGNATION.31 (3) A LOCAL ENTITY MAY CHANGE THE ADDRESS FOR ITS RESIDENT
32 AGENT BY FILING FOR RECORD WITH THE DEPARTMENT A STATEMENT OF THE
33 CHANGE SIGNED BY THE CHAIRMAN OR OTHER PRINCIPAL OFFICER OF ITS
34 GOVERNING BODY.35 (C) (1) A RESIDENT AGENT WHOSE ADDRESS CHANGES MAY NOTIFY THE
36 DEPARTMENT BY FILING FOR RECORD WITH THE DEPARTMENT A STATEMENT OF
37 THE CHANGE SIGNED BY OR FOR THE RESIDENT AGENT.

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

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

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

7 (F) (1) SERVICE OF PROCESS ON A RESIDENT AGENT OF A LOCAL ENTITY
8 CONSTITUTES EFFECTIVE SERVICE OF PROCESS UNDER THE MARYLAND RULES ON
9 THE LOCAL ENTITY IN AN ACTION, SUIT, OR PROCEEDING THAT IS PENDING, FILED,
10 OR INSTITUTED AGAINST THE LOCAL ENTITY.

11 (2) ANY NOTICE REQUIRED BY LAW TO BE SERVED BY PERSONAL
12 SERVICE ON A RESIDENT AGENT OR OTHER AGENT OR OFFICER OF A LOCAL ENTITY
13 MAY BE SERVED IN THE MANNER PROVIDED BY THE MARYLAND RULES RELATING TO
14 SERVICE OF PROCESS ON LOCAL ENTITIES.

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

18 **Article - Corporations and Associations**

19 1-401.

20 (a) Service of process on the resident agent of a corporation, partnership,
21 limited partnership, limited liability partnership, limited liability company, or real
22 estate investment trust, or any other person [binds] CONSTITUTES EFFECTIVE
23 SERVICE OF PROCESS UNDER THE MARYLAND RULES ON the corporation,
24 partnership, limited partnership, limited liability partnership, limited liability
25 company, or real estate investment trust, or other person in any action, suit, or
26 proceeding which is pending, filed, or instituted against it under the provisions of this
27 article.

28 **Article - State Government**

29 6-109.

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

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

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

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

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

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

14 (2) A RESIDENT AGENT MAY RESIGN BY FILING WITH THE DEPARTMENT
15 A STATEMENT OF RESIGNATION.

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

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

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

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

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

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

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 July 1, 2001.