

HOUSE BILL 481

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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

Committee Report: Favorable

House action: Adopted

Read second time: February 29, 2000

CHAPTER _____

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

1 Section 6-109
2 Annotated Code of Maryland
3 (1999 Replacement Volume)

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

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

7 1-109.

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 BOARD OF COMMISSIONERS,
13 COUNTY OR MUNICIPAL COUNCIL, BOARD OF DIRECTORS, OR OTHER GOVERNING
14 BODY OF A LOCAL ENTITY.

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

19 (B) (1) A LOCAL ENTITY MAY DESIGNATE A CITIZEN OF THIS STATE WHO
20 RESIDES IN THE STATE, A MARYLAND CORPORATION, OR AN OFFICER OF THE LOCAL
21 ENTITY AS ITS RESIDENT AGENT BY FILING FOR RECORD WITH THE DEPARTMENT:

22 (I) A CERTIFICATION OF THE PERSON WHOM THE CHARTER OF
23 THE LOCAL ENTITY AUTHORIZES TO ACCEPT SERVICE OF PROCESS FOR THE LOCAL
24 ENTITY; OR

25 (II) IF THE CHARTER DOES NOT DESIGNATE A PERSON FOR
26 SERVICE, A CERTIFIED COPY OF A RESOLUTION OF THE LOCAL ENTITY'S GOVERNING
27 BODY THAT AUTHORIZES THE DESIGNATION.

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

30 (I) A CERTIFICATION OF THE PERSON WHOM THE CHARTER OF
31 THE LOCAL ENTITY AUTHORIZES TO ACCEPT SERVICE OF PROCESS FOR THE LOCAL
32 ENTITY; OR

33 (II) IF THE CHARTER DOES NOT DESIGNATE A PERSON FOR
34 SERVICE, A CERTIFIED COPY OF A RESOLUTION OF THE LOCAL ENTITY'S GOVERNING
35 BODY THAT AUTHORIZES THE DESIGNATION.

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

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

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

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

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

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

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

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

25 **Article - Corporations and Associations**

26 1-401.

27 (a) Service of process on the resident agent of a corporation, partnership,
28 limited partnership, limited liability partnership, limited liability company, or real
29 estate investment trust, or any other person [binds] CONSTITUTES EFFECTIVE
30 SERVICE OF PROCESS UNDER THE MARYLAND RULES ON the corporation,
31 partnership, limited partnership, limited liability partnership, limited liability
32 company, or real estate investment trust, or other person in any action, suit, or
33 proceeding which is pending, filed, or instituted against it under the provisions of this
34 article.

Article - State Government

1 6-109.

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

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

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

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

14 (2) A STATE AGENCY MAY CHANGE THE ADDRESS FOR ITS RESIDENT
15 AGENT BY FILING FOR RECORD WITH THE DEPARTMENT A STATEMENT OF THE
16 CHANGE SIGNED BY THE CHAIRMAN OR OTHER PRINCIPAL OFFICER OF ITS
17 GOVERNING BODY.

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

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

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

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

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

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

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

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 July 1, 2001.