

SENATE BILL 215

Unofficial Copy  
D3  
HB 249/99 - JUD

2000 Regular Session  
0lr1457  
CF 0lr1458

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

Introduced and read first time: January 25, 2000

Assigned to: Judicial Proceedings

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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)

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

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

4 1-109.

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

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

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

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

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

19 (I) A CERTIFICATION OF THE PERSON WHOM THE CHARTER OF  
20 THE LOCAL ENTITY AUTHORIZES TO ACCEPT SERVICE OF PROCESS FOR THE LOCAL  
21 ENTITY; OR

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

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

27 (I) A CERTIFICATION OF THE PERSON WHOM THE CHARTER OF  
28 THE LOCAL ENTITY AUTHORIZES TO ACCEPT SERVICE OF PROCESS FOR THE LOCAL  
29 ENTITY; OR

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

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

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

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

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

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

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

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

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

21 **Article - Corporations and Associations**

22 1-401.

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

31 **Article - State Government**

32 6-109.

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

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

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 THIS STATE, A  
5 MARYLAND CORPORATION, OR AN OFFICER OF THE STATE AGENCY AS ITS RESIDENT  
6 AGENT AND CHANGE ITS RESIDENT AGENT BY FILING FOR RECORD WITH THE  
7 DEPARTMENT A CERTIFIED COPY OF A RESOLUTION OF ITS GOVERNING BODY THAT  
8 AUTHORIZES 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 WHOSE ADDRESS CHANGES 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 OF RESIGNATION.

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 CONSTITUTES EFFECTIVE SERVICE OF PROCESS UNDER THE MARYLAND RULES ON  
24 THE STATE AGENCY IN AN ACTION, SUIT, OR PROCEEDING THAT IS PENDING, FILED,  
25 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 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not affect a  
34 designation, change, or resignation of a resident agent or a change of address for a  
35 resident agent that may be on file with the Department of Assessments and Taxation  
36 on the effective date of this Act.

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