
By: **Delegate Vallario**

Introduced and read first time: February 9, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Service of Process and Subpoenas - Governmental Entities**

3 FOR the purpose of requiring certain units of the State government and political
4 subdivisions and other local entities to file with the Department of Assessments
5 and Taxation designations of persons as resident agents on whom process and
6 notice may be served under certain circumstances; clarifying that process may
7 be served on certain resident agents and the Attorney General for service on
8 certain governmental entities; providing that a subpoena for certain custodians
9 of public records may be served on certain resident agents and the Attorney
10 General under certain circumstances; and generally relating to requiring the
11 designation of certain resident agents, and service of process and subpoenas on
12 certain persons for State and local governmental entities and certain custodians
13 of records.

14 BY repealing and reenacting, with amendments,
15 Article 24 - Political Subdivisions - Miscellaneous Provisions
16 Section 1-110
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 2000 Supplement)
19 (As enacted by Chapter 608 of the Acts of the General Assembly of 2000)

20 BY adding to
21 Article - Courts and Judicial Proceedings
22 Section 6-313 and 6-410
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 2000 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - State Government
27 Section 6-109
28 Annotated Code of Maryland
29 (1999 Replacement Volume and 2000 Supplement)
30 (As enacted by Chapter 608 of the Acts of the General Assembly of 2000)

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 1-110.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) "Department" means the Department of Assessments and Taxation.

7 (3) "Governing body" means the board of commissioners, county or
8 municipal council, board of directors, or other governing body of a local entity.

9 (4) "Local entity" means a county, municipal corporation, bicounty or
10 multicounty agency, public authority, special taxing district, or other political
11 subdivision or unit of a political subdivision of this State.

12 (b) (1) A local entity [may] SHALL designate a citizen of this State who
13 resides in the State, a Maryland corporation, or an officer of the local entity as its
14 resident agent by filing for record with the Department:

15 (i) A certification of the person whom the charter of the local entity
16 authorizes to accept service of process for the local entity; or

17 (ii) If the charter does not designate a person for service, a certified
18 copy of a resolution of the local entity's governing body that authorizes the
19 designation.

20 (2) If a local entity changes its resident agent, the local entity [may]
21 SHALL file for record with the Department:

22 (i) A certification of the person whom the charter of the local entity
23 authorizes to accept service of process for the local entity; or

24 (ii) If the charter does not designate a person for service, a certified
25 copy of a resolution of the local entity's governing body that authorizes the
26 designation.

27 (3) A local entity may change the address for its resident agent by filing
28 for record with the Department a statement of the change signed by the chairman or
29 other principal officer of its governing body.

30 (c) (1) A resident agent whose address changes may notify the Department
31 by filing for record with the Department a statement of the change signed by or for
32 the resident agent.

33 (2) A resident agent may resign by filing with the Department a
34 statement of resignation.

1 (d) There is no fee for a filing under this section.

2 (e) A designation, change of agent, change of address, or resignation is
3 effective as provided in the Corporations and Associations Article for a corporate
4 resident agent.

5 (f) (1) Service of process on a resident agent of a local entity constitutes
6 effective service of process under the Maryland Rules on the local entity in an action,
7 suit, or proceeding that is pending, filed, or instituted against the local entity.

8 (2) Any notice required by law to be served by personal service on a
9 resident agent or other agent or officer of a local entity may be served in the manner
10 provided by the Maryland Rules relating to service of process on local entities.

11 (3) Service under the Maryland Rules is equivalent to personal service
12 on a resident agent or other agent or officer of a local entity.

13 **Article - Courts and Judicial Proceedings**

14 6-313.

15 PROCESS MAY BE SERVED ON:

16 (1) A RESIDENT AGENT DESIGNATED UNDER ARTICLE 24, § 1-110 OF THE
17 CODE FOR SERVICE ON A LOCAL ENTITY;

18 (2) A RESIDENT AGENT DESIGNATED UNDER § 6-109 OF THE STATE
19 GOVERNMENT ARTICLE FOR SERVICE ON A STATE AGENCY THAT IS NOT
20 REPRESENTED BY THE ATTORNEY GENERAL; OR

21 (3) THE ATTORNEY GENERAL OR AN INDIVIDUAL DESIGNATED BY THE
22 ATTORNEY GENERAL AS PROVIDED UNDER THE MARYLAND RULES FOR SERVICE ON
23 A STATE AGENCY THAT IS REPRESENTED BY THE ATTORNEY GENERAL.

24 6-410.

25 A SUBPOENA FOR AN OFFICIAL CUSTODIAN OR CUSTODIAN OF PUBLIC
26 RECORDS DESCRIBED UNDER TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT
27 ARTICLE MAY BE SERVED ON:

28 (1) A RESIDENT AGENT DESIGNATED UNDER ARTICLE 24, § 1-110 OF THE
29 CODE FOR SERVICE ON A LOCAL ENTITY;

30 (2) A RESIDENT AGENT DESIGNATED UNDER § 6-109 OF THE STATE
31 GOVERNMENT ARTICLE FOR SERVICE ON A STATE AGENCY THAT IS NOT
32 REPRESENTED BY THE ATTORNEY GENERAL; OR

33 (3) THE ATTORNEY GENERAL OR AN INDIVIDUAL DESIGNATED BY THE
34 ATTORNEY GENERAL AS PROVIDED UNDER THE MARYLAND RULES FOR SERVICE ON
35 A STATE AGENCY THAT IS REPRESENTED BY THE ATTORNEY GENERAL.

Article - State Government

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2 6-109.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) "Department" means the Department of Assessments and Taxation.

5 (3) "Governing body" means the head, board, council, board of directors,
6 or other governing body of a State agency.

7 (b) (1) A State agency not represented by the Attorney General [may]
8 SHALL designate a citizen of this State who resides in this State, a Maryland
9 corporation, or an officer of the State agency as its resident agent and change its
10 resident agent by filing for record with the Department a certified copy of a resolution
11 of its governing body that authorizes the designation or change.

12 (2) A State agency may change the address for its resident agent by
13 filing for record with the Department a statement of the change signed by the
14 chairman or other principal officer of its governing body.

15 (c) (1) A resident agent whose address changes may notify the Department
16 by filing for record with the Department a statement of the change signed by or for
17 the resident agent.

18 (2) A resident agent may resign by filing with the Department a
19 statement of resignation.

20 (d) There is no fee for a filing under this section.

21 (e) A designation, change of agent, change of address, or resignation is
22 effective as provided in the Corporations and Associations Article for a corporate
23 resident agent.

24 (f) (1) Service of process on a resident agent of a State agency constitutes
25 effective service of process under the Maryland Rules on the State agency in an
26 action, suit, or proceeding that is pending, filed, or instituted against the State
27 agency.

28 (2) Any notice required by law to be served by personal service on a
29 resident agent or other agent or officer of a State agency may be served in the manner
30 provided by the Maryland Rules relating to service of process on State agencies.

31 (3) Service under the Maryland Rules is equivalent to personal service
32 on a resident agent or other agent or officer of a State agency.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2001.