
By: **Delegate Vallario**

Introduced and read first time: February 9, 2001

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2001

CHAPTER _____

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~~ persons for
8 service on certain governmental entities and officers of the State; providing that
9 a subpoena for certain custodians of public records may be served on certain
10 resident agents and the Attorney General under certain circumstances;
11 providing for the application of this Act; defining certain terms; and generally
12 relating to requiring the designation of certain resident agents, and service of
13 process and subpoenas on certain persons for State and local governmental
14 entities and officers of the State and certain custodians of records.

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

21 BY adding to
22 Article - Courts and Judicial Proceedings
23 Section 6-313 and 6-410
24 Annotated Code of Maryland

1 (1998 Replacement Volume and 2000 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - State Government

4 Section 6-109

5 Annotated Code of Maryland

6 (1999 Replacement Volume and 2000 Supplement)

7 (As enacted by Chapter 608 of the Acts of the General Assembly of 2000)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

9 MARYLAND, That the Laws of Maryland read as follows:

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

11 1-110.

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

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

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

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

19 (b) (1) A local entity [may] SHALL designate a citizen of this State who
20 resides in the State, a Maryland corporation, or an officer of the local entity as its
21 resident agent by filing 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 (2) If a local entity changes its resident agent, the local entity [may]
28 SHALL file for record with the Department:

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

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

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

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

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

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

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

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

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

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

21 **Article - Courts and Judicial Proceedings**

22 6-313.

23 ~~PROCESS MAY BE SERVED ON:~~

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

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

29 ~~(3) THE ATTORNEY GENERAL OR AN INDIVIDUAL DESIGNATED BY THE~~
30 ~~ATTORNEY GENERAL AS PROVIDED UNDER THE MARYLAND RULES FOR SERVICE ON~~
31 ~~A STATE AGENCY THAT IS REPRESENTED BY THE ATTORNEY GENERAL.~~

32 PROCESS MAY BE SERVED ON A LOCAL ENTITY OR A STATE AGENCY OR
33 OFFICER AS PROVIDED UNDER MARYLAND RULES 2-124 AND 3-124.

1 6-410.

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

4 (2) "CUSTODIAN" HAS THE MEANING STATED IN § 10-611 OF THE STATE
5 GOVERNMENT ARTICLE.

6 (3) "OFFICIAL CUSTODIAN" HAS THE MEANING STATED IN § 10-611 OF
7 THE STATE GOVERNMENT ARTICLE.

8 (4) "PUBLIC RECORD" HAS THE MEANING STATED IN § 10-611 OF THE
9 STATE GOVERNMENT ARTICLE.

10 (B) A SUBPOENA FOR AN OFFICIAL CUSTODIAN OR CUSTODIAN OF PUBLIC
11 RECORDS ~~DESCRIBED UNDER TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT~~
12 ~~ARTICLE~~ MAY BE SERVED ON AN OFFICIAL CUSTODIAN OR CUSTODIAN OF PUBLIC
13 RECORDS OR:

14 (1) A RESIDENT AGENT DESIGNATED UNDER ARTICLE 24, § 1-110 OF THE
15 CODE OR MARYLAND RULES 2-124 AND 3-124 FOR SERVICE ON A LOCAL ENTITY;

16 (2) A RESIDENT AGENT DESIGNATED UNDER § 6-109 OF THE STATE
17 GOVERNMENT ARTICLE OR MARYLAND RULES 2-124 AND 3-124 FOR SERVICE ON A
18 STATE AGENCY THAT IS NOT REPRESENTED BY THE ATTORNEY GENERAL; OR

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

22 (C) SERVICE OF A SUBPOENA UNDER THIS SECTION IS EQUIVALENT TO
23 PERSONAL SERVICE ON AN OFFICIAL CUSTODIAN OR CUSTODIAN OF PUBLIC
24 RECORDS.

25 (D) THE COURT OF APPEALS MAY ADOPT RULES TO IMPLEMENT THE
26 PROVISIONS OF THIS SECTION.

27 **Article - State Government**

28 6-109.

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

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

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

33 (b) (1) A State agency not represented by the Attorney General [may]
34 SHALL designate a citizen of this State who resides in this State, a Maryland

1 corporation, or an officer of the State agency as its resident agent and change its
2 resident agent by filing for record with the Department a certified copy of a resolution
3 of its governing body that authorizes the designation or change.

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

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

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

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

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

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

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
26 construed only prospectively and may not be applied or interpreted to have any effect
27 on or application to any service of process or a subpoena before the effective date of
28 this Act.

29 ~~SECTION 2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect October 1, 2001.

