
By: **Senator Giannetti**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Service of Process - Motor Vehicle Administration as Agent for**
3 **Nonresident Driver**

4 FOR the purpose of designating the Motor Vehicle Administration as the agent for a
5 certain nonresident driver with regard to a subpoena, summons, or other
6 process issued in a certain action related to a certain motor vehicle accident
7 under certain circumstances; directing the Administration to take certain action
8 and keep certain records; authorizing the Administration to establish and collect
9 a certain fee; authorizing the Administration to serve as an agent for service of
10 certain papers in certain circumstances; defining certain terms; providing for
11 the application of this Act; and generally relating to service of process on
12 nonresident drivers under certain circumstances.

13 BY adding to
14 Article - Courts and Judicial Proceedings
15 Section 6-313
16 Annotated Code of Maryland
17 (2002 Replacement Volume and 2004 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article - Transportation
20 Section 11-135, 11-139, 11-140, and 12-104(a)
21 Annotated Code of Maryland
22 (2002 Replacement Volume and 2004 Supplement)

23 BY adding to
24 Article - Transportation
25 Section 12-104(f)
26 Annotated Code of Maryland
27 (2002 Replacement Volume and 2004 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 6-313.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.5 (2) "MOTOR VEHICLE" HAS THE MEANING STATED IN § 11-135 OF THE
6 TRANSPORTATION ARTICLE.7 (3) "NONRESIDENT" HAS THE MEANING STATED IN § 11-139 OF THE
8 TRANSPORTATION ARTICLE.9 (4) "NONRESIDENT'S PRIVILEGE TO DRIVE" HAS THE MEANING STATED
10 IN § 11-140 OF THE TRANSPORTATION ARTICLE.11 (B) BY EXERCISING A NONRESIDENT'S PRIVILEGE TO DRIVE A MOTOR
12 VEHICLE IN THE STATE, A NONRESIDENT IRREVOCABLY APPOINTS THE MOTOR
13 VEHICLE ADMINISTRATION AS AGENT TO RECEIVE A SUBPOENA, A SUMMONS, OR
14 OTHER PROCESS THAT IS:15 (1) ISSUED IN AN ACTION THAT IS RELATED TO AN ACCIDENT OR
16 COLLISION INVOLVING A MOTOR VEHICLE DRIVEN BY THE NONRESIDENT DRIVER
17 AND IN WHICH THE NONRESIDENT DRIVER IS NAMED AS A PARTY; AND

18 (2) DIRECTED TO THE NONRESIDENT DRIVER.

19 (C) SERVICE OF PROCESS IS SUFFICIENT SERVICE ON A NONRESIDENT
20 DRIVER IF:21 (1) SERVICE IS MADE BY THE PERSONAL DELIVERY AND LEAVING OF A
22 COPY OF THE PROCESS WITH THE MOTOR VEHICLE ADMINISTRATION;23 (2) A FEE FOR SERVICE OF PROCESS IS PAID TO THE MOTOR VEHICLE
24 ADMINISTRATION; AND25 (3) THE MOTOR VEHICLE ADMINISTRATION SENDS A COPY OF THE
26 PROCESS BY CERTIFIED MAIL TO THE NONRESIDENT DRIVER AT THE NONRESIDENT
27 DRIVER'S LAST KNOWN ADDRESS.28 (D) (1) THE MOTOR VEHICLE ADMINISTRATION SHALL KEEP A RECORD OF
29 ALL PROCESS SERVED UNDER THIS SECTION THAT SHOWS THE DATE AND HOUR OF
30 SERVICE ON THE ADMINISTRATION BY THE PARTY SEEKING SERVICE.31 (2) WHEN THE CERTIFIED RETURN RECEIPT IS RETURNED TO THE
32 MOTOR VEHICLE ADMINISTRATION, THE ADMINISTRATION SHALL:33 (I) ON REQUEST, DELIVER IT TO THE PARTY SEEKING SERVICE;
34 AND

1 (II) KEEP A RECORD OF THE DATE OF ITS RECEIPT AND DELIVERY
2 TO THE PARTY SEEKING SERVICE.

3 (E) THE MOTOR VEHICLE ADMINISTRATION IS AUTHORIZED TO ESTABLISH
4 AND COLLECT A FEE TO RECOVER THE ADMINISTRATION'S COSTS UNDER THIS
5 SECTION.

6 **Article - Transportation**

7 11-135.

8 (a) "Motor vehicle" means, except as provided in subsection (b) of this section,
9 a vehicle that:

10 (1) Is self-propelled or propelled by electric power obtained from
11 overhead electrical wires; and

12 (2) Is not operated on rails.

13 (b) "Motor vehicle" does not include:

14 (1) A moped, as defined in § 11-134.1 of this subtitle; or

15 (2) A motor scooter, as defined in § 11-134.4 of this subtitle.

16 11-139.

17 "Nonresident" means any person who is not a resident, as that term is defined in
18 this subtitle.

19 11-140.

20 "Nonresident's privilege to drive" means the privilege granted to a nonresident
21 by the laws of this State to drive a motor vehicle in this State or to use in this State
22 a vehicle owned by the nonresident.

23 12-104.

24 (a) In addition to the specific powers granted and duties imposed by this title,
25 the Administration has the powers and duties set forth in this section.

26 (F) IN ACCORDANCE WITH § 6-313 OF THE COURTS ARTICLE AND THE
27 MARYLAND RULES, THE ADMINISTRATION SHALL SERVE AS THE AGENT TO RECEIVE
28 A SUBPOENA, A SUMMONS, OR OTHER PROCESS FOR A NONRESIDENT DRIVER NAMED
29 AS A PARTY IN AN ACTION BROUGHT IN A COURT OF THIS STATE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
31 construed to apply only prospectively and may not be applied or interpreted to have
32 any effect on an application to any case filed before the effective date of this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2005.