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By: **Senator Giannetti**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

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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; requiring the Administration to take certain  
8 action, provide copies of certain documents on request, and keep certain records;  
9 authorizing the Administration to establish and collect a certain fee; authorizing  
10 the Administration to serve as an agent for service of certain papers in certain  
11 circumstances; requiring a certain party seeking service of process on a  
12 nonresident driver to provide a copy of a certain affidavit to the nonresident's  
13 insurer; defining certain terms; providing for the application of this Act; and  
14 generally relating to service of process on nonresident drivers under certain  
15 circumstances.

16 BY adding to  
17 Article - Courts and Judicial Proceedings  
18 Section 6-313  
19 Annotated Code of Maryland  
20 (2002 Replacement Volume and 2005 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article - Transportation  
23 Section 11-135, 11-139, 11-140, and 12-104(a)  
24 Annotated Code of Maryland  
25 (2002 Replacement Volume and 2005 Supplement)

26 BY adding to  
27 Article - Transportation  
28 Section 12-104(f)  
29 Annotated Code of Maryland  
30 (2002 Replacement Volume and 2005 Supplement)

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

3 **Article - Courts and Judicial Proceedings**

4 6-313.

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

7 (2) "MOTOR VEHICLE" HAS THE MEANING STATED IN § 11-135 OF THE  
8 TRANSPORTATION ARTICLE.

9 (3) "NONRESIDENT" HAS THE MEANING STATED IN § 11-139 OF THE  
10 TRANSPORTATION ARTICLE.

11 (4) "NONRESIDENT'S PRIVILEGE TO DRIVE" HAS THE MEANING STATED  
12 IN § 11-140 OF THE TRANSPORTATION ARTICLE.

13 (B) BY EXERCISING A NONRESIDENT'S PRIVILEGE TO DRIVE A MOTOR  
14 VEHICLE IN THE STATE, A NONRESIDENT IRREVOCABLY APPOINTS THE MOTOR  
15 VEHICLE ADMINISTRATION AS AGENT TO RECEIVE A SUBPOENA, A SUMMONS, OR  
16 OTHER PROCESS THAT IS:

17 (1) ISSUED IN AN ACTION THAT IS RELATED TO AN ACCIDENT OR  
18 COLLISION INVOLVING A MOTOR VEHICLE DRIVEN BY THE NONRESIDENT DRIVER  
19 AND IN WHICH THE NONRESIDENT DRIVER IS NAMED AS A PARTY; AND

20 (2) DIRECTED TO THE NONRESIDENT DRIVER.

21 (C) SERVICE OF PROCESS IS SUFFICIENT SERVICE ON A NONRESIDENT  
22 DRIVER IF:

23 (1) SERVICE IS MADE BY THE PERSONAL DELIVERY AND LEAVING OF A  
24 COPY OF THE PROCESS WITH THE MOTOR VEHICLE ADMINISTRATION;

25 (2) A FEE FOR SERVICE OF PROCESS IS PAID TO THE MOTOR VEHICLE  
26 ADMINISTRATION;

27 (3) THE MOTOR VEHICLE ADMINISTRATION SENDS A COPY OF THE  
28 PROCESS BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE NONRESIDENT  
29 DRIVER AT THE NONRESIDENT DRIVER'S LAST KNOWN ADDRESS; AND

30 (4) THE MOTOR VEHICLE ADMINISTRATION FILES AN AFFIDAVIT OF  
31 COMPLIANCE WITH THE PROVISIONS OF THIS SECTION WITH THE CLERK OF THE  
32 COURT IN WHICH THE ACTION IS PENDING.

33 (D) ON REQUEST, THE MOTOR VEHICLE ADMINISTRATION SHALL PROVIDE A  
34 COPY OF THE AFFIDAVIT OF COMPLIANCE TO THE PARTY SEEKING SERVICE.

1 (E) THE PARTY SEEKING SERVICE SHALL SEND BY CERTIFIED MAIL, RETURN  
2 RECEIPT REQUESTED, A COPY OF THE AFFIDAVIT OF COMPLIANCE TO THE  
3 AUTOMOBILE INSURER OF THE NONRESIDENT DRIVER.

4 (F) (1) THE MOTOR VEHICLE ADMINISTRATION SHALL KEEP A RECORD OF  
5 ALL PROCESS SERVED UNDER THIS SECTION THAT SHOWS THE DATE AND HOUR OF  
6 SERVICE ON THE ADMINISTRATION BY THE PARTY SEEKING SERVICE.

7 (2) WHEN THE CERTIFIED RETURN RECEIPT IS RETURNED TO THE  
8 MOTOR VEHICLE ADMINISTRATION, THE ADMINISTRATION SHALL:

9 (I) DELIVER IT TO THE PARTY SEEKING SERVICE; AND

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

12 (G) THE MOTOR VEHICLE ADMINISTRATION IS AUTHORIZED TO ESTABLISH  
13 AND COLLECT A REASONABLE FEE TO RECOVER THE ADMINISTRATION'S COSTS  
14 UNDER THIS SECTION.

### 15 **Article - Transportation**

16 11-135.

17 (a) (1) "Motor vehicle" means, except as provided in subsection (b) of this  
18 section, a vehicle that:

19 (i) Is self-propelled or propelled by electric power obtained from  
20 overhead electrical wires; and

21 (ii) Is not operated on rails.

22 (2) "Motor vehicle" includes a low speed vehicle.

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

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

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

26 11-139.

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

29 11-140.

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

1 12-104.

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

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

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

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
12 effect October 1, 2006.