

HOUSE BILL 496

D3
HB 1279/06 – JUD

71r2340

By: **Delegates Anderson, Cane, Conaway, Glenn, Harrison, Howard, Jones, Kirk, Krysiak, Oaks, Ramirez, Robinson, Rosenberg, Stukes, Tarrant, Taylor, and Vallario**

Introduced and read first time: February 6, 2007

Assigned to: Judiciary

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;
10 authorizing the Administration to serve as an agent for service of certain papers
11 in certain circumstances; requiring a certain party seeking service of process on
12 a 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 (2006 Replacement Volume)

21 BY repealing and reenacting, without amendments,
22 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 11-135, 11-139, 11-140, and 12-104(a)
2 Annotated Code of Maryland
3 (2006 Replacement Volume and 2006 Supplement)

4 BY adding to
5 Article – Transportation
6 Section 12-104(f)
7 Annotated Code of Maryland
8 (2006 Replacement Volume and 2006 Supplement)

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

11 **Article – Courts and Judicial Proceedings**

12 **6-313.**

13 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
14 MEANINGS INDICATED.

15 (2) “MOTOR VEHICLE” HAS THE MEANING STATED IN § 11-135 OF
16 THE TRANSPORTATION ARTICLE.

17 (3) “NONRESIDENT” HAS THE MEANING STATED IN § 11-139 OF
18 THE TRANSPORTATION ARTICLE.

19 (4) “NONRESIDENT’S PRIVILEGE TO DRIVE” HAS THE MEANING
20 STATED IN § 11-140 OF THE TRANSPORTATION ARTICLE.

21 (B) BY EXERCISING A NONRESIDENT’S PRIVILEGE TO DRIVE A MOTOR
22 VEHICLE IN THE STATE, A NONRESIDENT IRREVOCABLY APPOINTS THE MOTOR
23 VEHICLE ADMINISTRATION AS AGENT TO RECEIVE A SUBPOENA, A SUMMONS,
24 OR OTHER PROCESS THAT IS:

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

28 (2) DIRECTED TO THE NONRESIDENT DRIVER.

1 **(C) SERVICE OF PROCESS IS SUFFICIENT SERVICE ON A NONRESIDENT**
2 **DRIVER IF:**

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

5 **(2) A FEE FOR SERVICE OF PROCESS IS PAID TO THE MOTOR**
6 **VEHICLE ADMINISTRATION;**

7 **(3) THE MOTOR VEHICLE ADMINISTRATION SENDS A COPY OF**
8 **THE PROCESS BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE**
9 **NONRESIDENT DRIVER AT THE NONRESIDENT DRIVER'S LAST KNOWN ADDRESS;**
10 **AND**

11 **(4) THE MOTOR VEHICLE ADMINISTRATION FILES AN AFFIDAVIT**
12 **OF COMPLIANCE WITH THE PROVISIONS OF THIS SECTION WITH THE CLERK OF**
13 **THE COURT IN WHICH THE ACTION IS PENDING.**

14 **(D) THE MOTOR VEHICLE ADMINISTRATION SHALL PROVIDE A COPY**
15 **OF THE AFFIDAVIT OF COMPLIANCE TO THE PARTY SEEKING SERVICE.**

16 **(E) THE PARTY SEEKING SERVICE SHALL SEND BY CERTIFIED MAIL,**
17 **RETURN RECEIPT REQUESTED, A COPY OF THE AFFIDAVIT OF COMPLIANCE TO**
18 **THE AUTOMOBILE INSURER OF THE NONRESIDENT DRIVER.**

19 **(F) (1) THE MOTOR VEHICLE ADMINISTRATION SHALL KEEP A**
20 **RECORD OF ALL PROCESS SERVED UNDER THIS SECTION THAT SHOWS THE**
21 **DATE AND HOUR OF SERVICE ON THE ADMINISTRATION BY THE PARTY SEEKING**
22 **SERVICE.**

23 **(2) WHEN THE CERTIFIED RETURN RECEIPT IS RETURNED TO**
24 **THE MOTOR VEHICLE ADMINISTRATION, THE ADMINISTRATION SHALL:**

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

26 **(II) KEEP A RECORD OF THE DATE OF ITS RECEIPT AND THE**
27 **DATE OF ITS DELIVERY TO THE PARTY SEEKING SERVICE.**

1 **(G) THE MOTOR VEHICLE ADMINISTRATION IS AUTHORIZED TO**
 2 **ESTABLISH AND COLLECT A REASONABLE FEE TO RECOVER THE**
 3 **ADMINISTRATION’S COSTS UNDER THIS SECTION.**

4 **Article – Transportation**

5 11–135.

6 (a) (1) “Motor vehicle” means, except as provided in subsection (b) of this
 7 section, a vehicle that:

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

10 (ii) Is not operated on rails.

11 (2) “Motor vehicle” includes a low speed vehicle.

12 (b) “Motor vehicle” does not include:

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

14 (2) A motor scooter, as defined in § 11–134.5 of this subtitle.

15 11–139.

16 “Nonresident” means any person who is not a resident, as that term is defined
 17 in this subtitle.

18 11–140.

19 “Nonresident’s privilege to drive” means the privilege granted to a nonresident
 20 by the laws of this State to drive a motor vehicle in this State or to use in this State a
 21 vehicle owned by the nonresident.

22 12–104.

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

25 **(F) IN ACCORDANCE WITH § 6–313 OF THE COURTS ARTICLE AND THE**
 26 **MARYLAND RULES, THE ADMINISTRATION SHALL SERVE AS THE AGENT TO**

1 **RECEIVE A SUBPOENA, A SUMMONS, OR OTHER PROCESS FOR A NONRESIDENT**
2 **DRIVER NAMED AS A PARTY IN AN ACTION BROUGHT IN A COURT OF THIS STATE.**

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

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2007.