

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 973 (Chair, Education, Health, and Environmental Affairs Committee)
(By Request – Departmental – Environment)
Education, Health, and Environmental Affairs Environmental Matters

Environment - Permissible Methods of Service

This departmental bill permits service of process of any instrument issued by the Maryland Department of the Environment (MDE) by any method allowed for service of a summons under the Maryland Rules.

In particular, the bill would expand the permissible methods of service to include personal service upon any adult residing at the address of the individual to be served.

Fiscal Summary

State Effect: The bill would reduce time and costs incurred by the department to effectuate service of process. Any savings are expected to be minimal.

Local Effect: None.

Small Business Effect: MDE has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: Under Maryland Rules 2-121 (circuit court) and 3-121 (District Court), generally, service of a civil summons within the State may be made (1) by delivering a copy of the summons to the person to be served; (2) by leaving a copy of the summons at an individual's dwelling house with a resident of suitable age; or (3) by mailing a copy of the summons to the person to be served by certified mail requesting restricted delivery,

Under Maryland Rules 2-123 (circuit court) and 3-123 (District Court), service of process may be made by a sheriff or, except as otherwise provided, by a competent private person, 18 years of age or older, including an attorney of record, but not by a party to the action.

Service of a complaint, notice, corrective order, or other instrument by MDE is governed by the Environment Article. Such instruments may be served (1) personally; or (2) by certified mail, return receipt requested, to the person's last known address.

Background: In 2003, The Court of Appeals altered the Maryland Rules to allow for personal service of a summons upon an adult residing at the address of the person to whom a summons was directed. This change made the provisions in the Environment Article inconsistent with the Maryland Rules. The bill would resolve this inconsistency.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of the Environment, Department of Legislative Services

Fiscal Note History: First Reader - March 12, 2007
ncs/ljm

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