

HOUSE BILL 736

D3
HB 496/07 – JUD

8lr1726

By: **Delegates Anderson, Conaway, Glenn, and Stein**
Introduced and read first time: February 4, 2008
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 26, 2008

CHAPTER _____

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 and 2007 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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2006 Replacement Volume and 2007 Supplement)

2 BY adding to

3 Article – Transportation

4 Section 12–104(f)

5 Annotated Code of Maryland

6 (2006 Replacement Volume and 2007 Supplement)

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

9 **Article – Courts and Judicial Proceedings**

10 **6–313.**

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
12 MEANINGS INDICATED.

13 (2) “MOTOR VEHICLE” HAS THE MEANING STATED IN § 11–135 OF
14 THE TRANSPORTATION ARTICLE.

15 (3) “NONRESIDENT” HAS THE MEANING STATED IN § 11–139 OF
16 THE TRANSPORTATION ARTICLE.

17 (4) “NONRESIDENT’S PRIVILEGE TO DRIVE” HAS THE MEANING
18 STATED IN § 11–140 OF THE TRANSPORTATION ARTICLE.

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

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

26 (2) DIRECTED TO THE NONRESIDENT DRIVER.

27 (C) SERVICE OF PROCESS IS SUFFICIENT SERVICE ON A NONRESIDENT
28 DRIVER IF:

29 (1) SERVICE IS MADE BY THE PERSONAL DELIVERY AND LEAVING
30 OF A COPY OF THE PROCESS, WITH A CERTIFICATION OF THE LAST KNOWN
31 ADDRESS OF THE NONRESIDENT DRIVER, WITH THE MOTOR VEHICLE
32 ADMINISTRATION;

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

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

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

10 (D) THE MOTOR VEHICLE ADMINISTRATION SHALL PROVIDE A COPY
11 OF THE AFFIDAVIT OF COMPLIANCE TO THE PARTY SEEKING SERVICE.

12 (E) THE PARTY SEEKING SERVICE SHALL SEND BY CERTIFIED MAIL,
13 RETURN RECEIPT REQUESTED, A COPY OF THE AFFIDAVIT OF COMPLIANCE TO
14 THE ~~AUTOMOBILE~~ MOTOR VEHICLE INSURER OF THE NONRESIDENT DRIVER.

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

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

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

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

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

27 **Article - Transportation**

28 11-135.

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

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

1 (ii) Is not operated on rails.

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

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

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

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

6 11-139.

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

9 11-140.

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

13 12-104.

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

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

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

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2008.