

# SENATE BILL 413

D3  
HB 496/07 – JUD

8lr2415  
CF HB 736

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By: **Senators Stone and Haines**  
Introduced and read first time: January 31, 2008  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted with floor amendments  
Read second time: March 22, 2008

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## 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; requiring the Administration to report annually to the General  
14 Assembly on or before a certain date; defining certain terms; providing for the  
15 application of this Act; and generally relating to service of process on  
16 nonresident drivers under certain circumstances.

17 BY adding to  
18 Article – Courts and Judicial Proceedings  
19 Section 6–313  
20 Annotated Code of Maryland  
21 (2006 Replacement Volume and 2007 Supplement)

22 BY repealing and reenacting, without amendments,  
23 Article – Transportation  
24 Section 11–135, 11–139, 11–140, and 12–104(a)

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### 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 Annotated Code of Maryland  
2 (2006 Replacement Volume and 2007 Supplement)

3 BY adding to  
4 Article – Transportation  
5 Section 12–104(f)  
6 Annotated Code of Maryland  
7 (2006 Replacement Volume and 2007 Supplement)

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

10 **Article – Courts and Judicial Proceedings**

11 **6–313.**

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

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

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

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

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

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

27 (2) DIRECTED TO THE NONRESIDENT DRIVER.

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

30 (1) SERVICE IS MADE BY THE PERSONAL DELIVERY AND LEAVING  
31 OF A COPY OF THE PROCESS, WITH A CERTIFICATION OF THE LAST KNOWN  
32 ADDRESS OF THE NONRESIDENT DRIVER, WITH THE MOTOR VEHICLE  
33 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          (H) THE MOTOR VEHICLE ADMINISTRATION SHALL REPORT TO THE  
28 GENERAL ASSEMBLY ON OR BEFORE JANUARY 1 OF EACH YEAR, IN  
29 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE  
30 FOLLOWING INFORMATION FOR THE PRECEDING CALENDAR YEAR:

31                 (1) THE TOTAL NUMBER OF SUBPOENAS, SUMMONSES, AND  
32 OTHER SERVICE OF PROCESS ISSUED IN ACCORDANCE WITH THE PROVISIONS  
33 OF THIS SECTION;



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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.