

HOUSE BILL 704

D3

2lr2100

By: **Delegates Norman, Afzali, Aumann, DeBoy, Eckardt, Frank, James, K. Kelly, McComas, McDermott, Smigiel, Stocksdales, and Wilson**

Introduced and read first time: February 8, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Service of Process**

3 FOR the purpose of requiring a proof of service of process filed with the court to
4 include certain information if service is effected by leaving copies of the
5 summons and complaint with a person of suitable age and discretion residing at
6 the defendant's dwelling house or usual place of abode; establishing that the
7 proof of service need not contain a description of the person served if the person
8 served is a defendant; requiring a certain individual making service of process
9 in a civil action to file proof of service under affidavit that includes certain
10 information; and generally relating to service of process.

11 BY repealing and reenacting, with amendments,
12 Article – Courts and Judicial Proceedings
13 Section 6–312
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2011 Supplement)

16 BY adding to
17 Article – Courts and Judicial Proceedings
18 Section 6–312.1
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2011 Supplement)

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

23 **Article – Courts and Judicial Proceedings**

24 6–312.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this section, “person” has the meaning stated in Rule 1–202 of the
2 Maryland Rules.

3 (b) This section applies to a person who is a defendant subject to a complaint,
4 counterclaim, cross–claim, or third–party complaint.

5 (c) (1) Notwithstanding any other provision of law, a party may effect
6 service by delivering a copy of the summons and the complaint to a defendant
7 personally or by leaving copies of the summons and complaint at the defendant’s
8 dwelling house or usual place of abode with a person of suitable age and discretion
9 residing at the dwelling house or place of abode or by delivering a copy of the summons
10 and the complaint to an agent authorized by appointment or law to receive service of
11 process.

12 (2) Any service under this subsection is as effective as actual personal
13 service.

14 (3) The method of service provided in this subsection is in addition to
15 and not exclusive of any other means of service that may be provided by statute or rule
16 for obtaining jurisdiction of a defendant.

17 **(4) (I) IF SERVICE IS EFFECTED UNDER PARAGRAPH (1) OF**
18 **THIS SUBSECTION BY LEAVING COPIES OF THE SUMMONS AND COMPLAINT WITH**
19 **A PERSON OF SUITABLE AGE AND DISCRETION RESIDING AT THE DEFENDANT’S**
20 **DWELLING HOUSE OR USUAL PLACE OF ABODE, THE PROOF OF SERVICE FILED**
21 **WITH THE COURT SHALL INCLUDE A DESCRIPTION OF THE PERSON SERVED AND**
22 **THE FACTS ON WHICH THE INDIVIDUAL MAKING SERVICE CONCLUDED THAT**
23 **THE PERSON SERVED IS OF SUITABLE AGE AND DISCRETION.**

24 **(II) IF THE PERSON SERVED IS A DEFENDANT, THE PROOF**
25 **OF SERVICE NEED NOT INCLUDE A DESCRIPTION OF THE PERSON SERVED.**

26 (d) This section does not affect any defense, including noncooperation,
27 available to an insurer or a person who has a self–insurance plan under the terms of
28 the applicable insurance or self–insurance plan.

29 (e) A defendant who is subject to the provisions of this section is deemed to
30 have consented to service of process as described in this section.

31 **6–312.1.**

32 **IF SERVICE OF PROCESS IN A CIVIL ACTION IS MADE BY AN INDIVIDUAL**
33 **OTHER THAN A SHERIFF, A CLERK, OR AN ATTORNEY, THE INDIVIDUAL SHALL**
34 **FILE PROOF OF SERVICE WITH THE COURT UNDER AFFIDAVIT THAT INCLUDES**
35 **THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE AFFIANT AND A**
36 **STATEMENT THAT THE AFFIANT IS AN ADULT.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2012.