

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

House Bill 704  
Judiciary

(Delegate Norman, *et al.*)

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Civil Actions - Service of Process

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This bill requires that when service of process is effected by leaving the summons and complaint at the defendant's house or usual place of abode with a person other than the defendant, who is of suitable age and discretion, and residing at the house or abode, the proof of service filed with the court must include a description of the person served and the facts on which the individual making service concluded that the recipient of the documents is of suitable age and discretion.

The bill also requires that if service of process is made by an individual other than a sheriff, a clerk, or an attorney, the individual must file proof of service with the court under affidavit that includes the name, address, and telephone number of the affiant and a statement that the affiant is an adult.

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Fiscal Summary

**State Effect:** The bill is procedural and is not expected to materially affect State finances.

**Local Effect:** The bill is procedural and is not expected to materially affect local finances.

**Small Business Effect:** Potential minimal impact on private process servers to the extent that the bill creates additional administrative duties.

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Analysis

**Current Law:** Under the Maryland Rules, service of process may be made:

- by delivering to the person to be served a copy of the summons, complaint, and all other papers filed with it;
- if the person to be served is an individual, by leaving a copy of the summons, complaint, and all other papers filed with it at the individual's dwelling house or usual place of abode with a resident of suitable age and discretion; or
- by mailing to the person to be served a copy of the summons, complaint, and all other papers filed with it by certified mail requesting: "Restricted Delivery – show to whom, date, address of delivery."

If a defendant has acted to evade service, the court may order that service be made by mailing a copy of the summons, complaint, and all other papers filed with it to the defendant at the defendant's last known residence and delivering a copy of each to a person of suitable age and discretion at the place of business of the defendant.

If good faith efforts to serve the defendant by personal service, certified mail, or leaving a copy at the defendant's dwelling have not succeeded and the plaintiff proves that service by mailing and leaving a copy at the defendant's place of business is inapplicable or impracticable, the court may order any other means of service that it deems appropriate in the circumstances and reasonably calculated to give actual notice. These means may include service on the defendant's insurer. *See Wiant v. Hudson*, 101 Md. App.74 (1994).

These methods of service are in addition to and not exclusive of any other means of service that may be provided by statute or rule for obtaining jurisdiction over a defendant.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City; Harford, Montgomery, and Talbot counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2012  
ncs/kdm

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