

CHAPTER 578

(Senate Bill 413)

AN ACT concerning

Courts – Service of Process – Motor Vehicle Administration as Agent for Nonresident Driver

FOR the purpose of designating the Motor Vehicle Administration as the agent for a certain nonresident driver with regard to a subpoena, summons, or other process issued in a certain action related to a certain motor vehicle accident under certain circumstances; requiring the Administration to take certain action, provide copies of certain documents on request, and keep certain records; authorizing the Administration to establish and collect a certain fee; authorizing the Administration to serve as an agent for service of certain papers in certain circumstances; requiring a certain party seeking service of process on a nonresident driver to provide a copy of a certain affidavit to the nonresident's insurer; requiring the Administration to report annually to the General Assembly on or before a certain date; defining certain terms; providing for the application of this Act; and generally relating to service of process on nonresident drivers under certain circumstances.

BY adding to

Article – Courts and Judicial Proceedings
Section 6–313
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation
Section 11–135, 11–139, 11–140, and 12–104(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Transportation
Section 12–104(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Article – Courts and Judicial Proceedings

6-313.

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

(2) "MOTOR VEHICLE" HAS THE MEANING STATED IN § 11-135 OF THE TRANSPORTATION ARTICLE.

(3) "NONRESIDENT" HAS THE MEANING STATED IN § 11-139 OF THE TRANSPORTATION ARTICLE.

(4) "NONRESIDENT'S PRIVILEGE TO DRIVE" HAS THE MEANING STATED IN § 11-140 OF THE TRANSPORTATION ARTICLE.

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

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

(2) DIRECTED TO THE NONRESIDENT DRIVER.

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

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

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

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

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

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

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

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

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

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

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

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

(H) THE MOTOR VEHICLE ADMINISTRATION SHALL REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 1 OF EACH YEAR, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE FOLLOWING INFORMATION FOR THE PRECEDING CALENDAR YEAR:

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

(2) THE NUMBER OF INSTANCES IN WHICH THE MOTOR VEHICLE ADMINISTRATION FAILED TO REACH THE INDIVIDUAL BEING SERVED AND THE REASONS THAT THOSE ATTEMPTS FAILED;

(3) A BREAKDOWN OF ALL DIRECT AND INDIRECT COSTS INCURRED BY THE MOTOR VEHICLE ADMINISTRATION IN CARRYING OUT THE REQUIREMENTS OF THIS SECTION; AND

(4) THE TOTAL FEES COLLECTED BY THE MOTOR VEHICLE ADMINISTRATION FROM PERSONS REQUESTING SERVICE OF PROCESS UNDER THIS SECTION.

Article – Transportation

11–135.

(a) (1) “Motor vehicle” means, except as provided in subsection (b) of this section, a vehicle that:

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

(ii) Is not operated on rails.

(2) “Motor vehicle” includes a low speed vehicle.

(b) “Motor vehicle” does not include:

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

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

11–139.

“Nonresident” means any person who is not a resident, as that term is defined in this subtitle.

11–140.

“Nonresident’s privilege to drive” means the privilege granted to a nonresident by the laws of this State to drive a motor vehicle in this State or to use in this State a vehicle owned by the nonresident.

12–104.

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

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

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

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

Approved by the Governor, May 22, 2008.