



Maryland Department of Transportation
The Secretary's Office

Martin O'Mailey
Governor

Anthony G. Brown
Lt. Governor

Beverley K. Swaim-Staley
Secretary

Harold M. Bartlett
Deputy Secretary

November 18, 2010

The Honorable Thomas V. "Mike" Miller, Jr.
President, Maryland Senate
107 State House
Annapolis MD 21401

The Honorable Michael E. Busch
Speaker, Maryland House of Delegates
101 State House
Annapolis MD 21401

Dear President Miller and Speaker Busch:

This letter is written in response to language set forth in Senate Bill 413, Chapter 578, Acts 2008, titled *Courts—Service of Process—Motor Vehicle Administration (MVA) as Agent for Nonresident Driver*. The language directs:

"That 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."*

The legislation designates the Motor Vehicle Administration (MVA) as the agent for a nonresident driver with regard to service of process related to a crash involving a motor vehicle driven by the nonresident. The bill allows the MVA to establish and collect a fee to recover MVA's costs. The provisions apply prospectively to cases filed on or after October 1, 2008.

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The Honorable Michael E. Busch

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The MVA reports the following totals for calendar year October 28, 2009 through October 14, 2010:

- Number of Subpoenas and Summons issued..... 46
- Number of Subpoenas and Summons successfully served.....13
- Number of Failed attempts to issue Subpoenas and Summons.....15
 - Undeliverable Mails.....11
 - Moved no forwarding address.....0
 - Bad Address.....3
 - No one to accept.....1
- Number of Subpoenas and Summons in process..... 13
- Cost incurred by the MVA\$3,281
 - Direct cost (postage, supplies, etc...) \$ 460
 - Indirect cost (salary and benefits) {(1.5 hours x 46) x \$40.88}..\$ 2,821
- Total Fees Collected (46 x \$61).....\$2,806

MVA anticipates a progressive increase in the volume of subpoenas and summons issued and revenue collected from FY 2011 through FY 2014. As demonstrated below, the subpoenas and summons issued and revenue collected under this program has already increased considerably.

Courts – Service of Process – Motor Vehicle Administration as Agent for Nonresident Driver							
Totals by Reporting Year	# of Subpoenas & Summons Issued	# of Subpoenas & Summons Successfully Served	# of Failed Attempts to issue Subpoenas & Summons	# of Subpoenas & Summons in Process	Cost Incurred by MVA	Total Fees Collected	Total Cost to MVA (After expenses)
Oct. 2009	9	1	7	1	\$642	\$549	-\$93
Oct. 2010	46	13	15	13	\$3,281	\$2,806	-\$475
TOTAL	55	14	22	14	\$3,923	\$3,355	-\$568

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If you have any questions concerning this report, please do not hesitate to contact Mr. John T. Kuo, Administrator, Motor Vehicle Administration at 410-767-7274. Of course, you should always feel free to contact me directly.

Sincerely,

 Hannah M. Swaim /for/

Beverley K. Swaim-Staley
Secretary

cc: Mr. John T. Kuo, Administrator, Motor Vehicle Administration