



**Maryland Department of Transportation**  
The Secretary's Office

**Martin O'Malley**  
Governor

**Anthony G. Brown**  
Lt. Governor

**Beverley K. Swaim-Staley**  
Secretary

**Darrell B. Mobley**  
Deputy Secretary

December 22, 2011

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

The Honorable Michael E. Busch  
Speaker of the 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.

The Honorable Thomas V. "Mike" Miller, Jr.  
 The Honorable Michael E. Busch  
 Page Two

The MVA reports the following totals for calendar year October 1, 2010 through September 30, 2011:

- Number of Subpoenas and Summons issued: 71
- Number of Subpoenas and Summons successfully served: 33
- Number of Failed attempts to issue Subpoenas and Summons: 29
  - Undeliverable Mails: 23
  - Moved/No forwarding address: 0
  - Bad Address: 4
  - No one to accept: 2
- Number of Subpoenas and Summons in process: 10
- Cost incurred by the MVA: \$5,063
  - Direct cost (postage, supplies, etc.): \$710
  - Indirect cost (salary and benefits) [(1.5 hours x 71) x \$40.88]: \$4,353
- Total Fees Collected (71 x \$61): \$4,331

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

Courts – Service of Process – Motor Vehicle Administration as Agent for Nonresident Driver							
Reporting Dates	# 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. 1, 2009 – Sept. 30, 2010	42	13	17	8	\$ 2,995	\$ 2,562	-\$ 433
Oct. 1, 2010 – Sept. 30, 2011	71	33	29	10	5,063	4,331	-732
<b>TOTAL</b>	<b>113</b>	<b>46</b>	<b>46</b>	<b>18</b>	<b>\$ 8,058</b>	<b>\$6,893</b>	<b>-\$ 1,165</b>

\*In order to keep reporting consistent, the reporting dates have been changed to October 1 – September 30.

The Honorable Thomas V. "Mike" Miller, Jr.  
The Honorable Michael E. Busch  
Page Three

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,

A handwritten signature in black ink, appearing to read "Beverley K. Swaim-Staley". The signature is fluid and cursive, with a large initial "B" and a long, sweeping tail.

Beverley K. Swaim-Staley  
Secretary

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