



Maryland Department of Transportation
The Secretary's Office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

James T. Smith, Jr.
Secretary

November 5, 2013

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

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

Dear President Miller and Speaker Busch:

This letter is written in response to language set forth in the Courts and Judicial Proceedings Article, § 6-313(h), Annotated Code of Maryland, which directs:

"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."*

This statute 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 language also 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 MVA reports the following totals for calendar year October 1, 2012 through September 30, 2013:

- Number of Subpoenas and Summonses issued 180
- Number of Subpoenas and Summonses successfully served 64
- Number of Failed attempts to issue Subpoenas and Summonses..... 79
 - Undeliverable Mails 27
 - Moved no forwarding address 27
 - Bad Address 8
 - No one to accept 17
- Number of Subpoenas and Summonses in process 37
- Cost incurred by the MVA \$ 12,838
 - Direct cost (postage, supplies, etc.) \$ 1,800
 - Indirect cost (salary and benefits) {(1.5 hours x 180) x \$40.88} .. \$ 11,038
- Total Fees Collected (180 x \$61) \$ 10,980

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, and, as more attorneys become aware of the availability of this service, we would expect that trend to continue.

Courts – Service of Process – Motor Vehicle Administration as Agent for Nonresident Driver							
Reporting Dates	Subpoenas & Summonses Issued	Subpoenas & Summonses Served	Failed Attempts Issuing Subpoenas & Summonses	Subpoenas & Summonses in Process	Cost Incurred by MVA	Total Fees Collected	Net Cost
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
Oct. 1, 2011 – Sept. 30, 2012	132	52	44	31	9,414	8,052	1,362
Oct. 1, 2012 – Sept. 30, 2013	180	64	79	37	12,838	10,980	1,858
TOTAL	425	162	169	86	\$ 30,396	\$25,925	\$ 4,385

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 "James T. Smith, Jr.", with a large, stylized flourish at the end.

James T. Smith, Jr.
Secretary

cc: The Honorable Edward J. Kasemeyer, Chairman, Senate Budget and Taxation Committee
The Honorable Norman Conway, Chairman, House Appropriation Committee
Mr. John T. Kuo, Administrator, MVA