



Maryland Department of Transportation
The Secretary's Office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

James T. Smith, Jr.
Secretary

December 30, 2014

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

The Honorable Michael E. Busch
Speaker
Maryland House of Delegates
State House, H-101
Annapolis MD 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 non-resident driver with regard to service of process related to a crash involving a motor vehicle driven by the non-resident. The language 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
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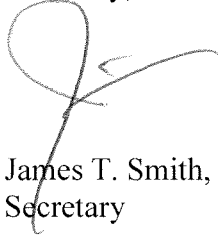
The MVA reports the following totals between October 1, 2013 and September 30, 2014:

- Number of Subpoenas and Summonses issued 189
- Number of Subpoenas and Summonses successfully served62
- Number of Failed attempts to issue Subpoenas and Summonses..... 99
 - Undeliverable mails.....36
 - Moved no forwarding address..... 15
 - Bad Address 16
 - No one to accept.....32
- Number of Subpoenas and Summonses in process28
- Cost incurred by the MVA\$ 13,389
 - Direct cost (postage, supplies, etc.)\$ 1,800
 - Indirect cost (salary and benefits) {(1.5 hours x 189) x \$40.88} ..\$ 11,589
- Total fees collected (189 x \$61)\$ 11,529

The MVA anticipates a progressive increase in the volume of subpoenas issued and revenue collected from FY 2011 through FY 2015. As demonstrated by the attached, this program already increased considerably, and, as more attorneys become aware of this service, we expect that trend to continue.

If you have any questions concerning this report, please do not hesitate to contact Mr. Milt Chaffee, MVA Administrator, at 410-768-7295. Of course, you should always feel free to contact me directly.

Sincerely,



James T. Smith, Jr.
Secretary

Attachment

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

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

Reporting Dates	Subpoenas and Summonses Issued	Subpoenas and Summonses Served	Failed Attempts Issuing Subpoenas and Summonses	Subpoenas and 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	*12,738	10,980	*1,758
Oct. 1, 2013 – Sept. 30, 2014	189	62	99	28	13,389	11,589	1,860
TOTAL	614	224	268	114	\$ 43,599	\$37,454	\$ 6,145

* Corrected postage calculation error