



Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Pete K. Rahn  
Secretary

Office of the Secretary

January 3, 2018

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

The Honorable Michael E. Busch  
Speaker  
The 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 proves 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.”*

This statute designates the Maryland Department of Transportation Motor Vehicle Administration (MDOT 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 MDOT MVA to establish and collect a fee to recover MDOT MVA’s costs. The provisions apply prospectively to cases filed on or after October 1, 2008.

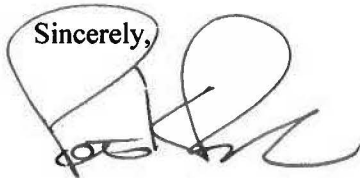
The Honorable Thomas V. Mike Miller, Jr.  
The Honorable Michael E. Busch  
Page Two

The MDOT MVA reports the following totals for calendar year October 1, 2016, through September 30, 2017:

- Number of Subpoenas and Summonses issued .....337
- Number of Subpoenas and Summonses successfully served..... 115
- Number of failed attempts to issue Subpoenas and Summonses..... 156
  - Undeliverable Mail ..... 15
  - Moved - no forwarding address .....22
  - Bad address .....63
  - No one to accept .....44
  - Rejected ..... 12
- Number of Subpoenas and Summonses in process .....66
- Cost incurred by the MDOT MVA.....\$ 23,875
  - Direct cost (postage, supplies, etc.) .....\$ 3,210
  - Indirect cost (salary and benefits) {(1.5 hours x 337) x \$40.88} .....\$ 20,665
- Total fees collected (337 x \$61) ..... \$ 20,557

The MDOT MVA anticipates a moderate increase in the volume of subpoenas issued and revenue collected going forward. As demonstrated by the enclosed chart, this program has already increased considerably. We expect that trend to continue as more attorneys become aware of the availability of this service.

If you have any questions concerning this report, please contact Ms. Christine Nizer, MDOT MVA Administrator, at 410-768-7320. Of course, you may contact me directly.

Sincerely,  


Pete K. Rahn  
Secretary

Enclosure

cc: The Honorable Edward J. Kasemeyer, Chairman, Senate Budget and Taxation  
Committee  
The Honorable Maggie McIntosh, Chairman, House Appropriation Committee  
Ms. Sarah Albert, Mandated Reports Specialist, DLS  
Ms. Christine Nizer, Administrator, MDOT MVA

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

bcc: Mr. James F. Ports, Jr., Deputy Secretary of Operations, MDOT  
Mr. R. Earl Lewis, Jr., Deputy Secretary of Policy, Planning & Enterprise Services,  
MDOT  
Mr. Edward F. McDonald, Chief of Staff, MDOT  
Mr. Jeff Tosi, Director, Office of Governmental Affairs, MDOT  
Mr. Tom Curtin, State Legislative Officer, MDOT  
Mrs. Ellie Simmons, State and Federal Legislative Analyst, MDOT  
Mrs. Trish Westervelt, Legislative Manager, MDOT  
Mrs. Melissa M. Robinson, Esq., Supervisor of Legislative Analysis and Policy  
Development/Public Information Act Representative, Office of External Affairs,  
MDOT MTA

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

<b>Reporting Dates</b>	<b>Subpoenas &amp; Summonses Issued</b>	<b>Subpoenas &amp; Summonses Served</b>	<b>Failed Attempts Issuing Subpoenas &amp; Summonses</b>	<b>Subpoenas &amp; Summonses in Process</b>	<b>Cost Incurred by MVA</b>	<b>Total Fees Collected</b>	<b>Net Cost</b>
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	**11,529	1,860
Oct. 1, 2014 – Sept. 30, 2015	315	101	160	54	22,315	19,215	3,100
Oct. 1, 2015 – Sept. 30, 2016	278	102	112	64	19,695	16,958	2,737
Oct. 1, 2016 – Sept. 30, 2017	337	115	156	66	23,875	20,557	3,318
<b>TOTAL</b>	<b>1,544</b>	<b>542</b>	<b>696</b>	<b>298</b>	<b>\$109,484</b>	<b>\$94,184</b>	<b>\$15,300</b>

\* Corrected postage calculation error

\*\*Corrected fee calculation error