

A Report to the Maryland General Assembly

Regarding

The Maryland Department of Transportation
Motor Vehicle Administration

Courts – Service of Process
SB 413, Ch. 578, Acts of 2008

January 2021

MSAR #7366

Courts – Service of Process

SB 413, Ch. 578, Acts of 2008

This report 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 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 MDOT MVA reports the following totals for calendar year October 1, 2019, through September 30, 2020:

- Number of Subpoenas and Summonses issued.....356
- Number of Subpoenas and Summonses successfully served.....116
- Number of failed attempts to issue Subpoenas and Summonses143
 - Undeliverable Mail16
 - Moved - no forwarding address8
 - Bad address70
 - No one to accept46
 - Rejected3
- Number of Subpoenas and Summonses in process.....97
- Cost incurred by the MDOT MVA.....\$ 25,221
 - Direct cost (postage, supplies, etc.)\$ 3,391
 - Indirect cost (salary and benefits) {(1.5 hours x 356) x \$40.88} \$ 21,830
- Total fees collected (356 x \$61).....\$ 21,716

MDOT MVA experienced a significant drop in requests for service of process in 2020. This is likely the result of the COVID-19 pandemic. Once business functions are normalized, MDOT MVA again anticipates a moderate progressive increase in the volume of subpoenas issued and

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revenue collected going forward. As demonstrated by the data below, this program has already increased considerably, and, as more attorneys become aware of the availability of this service, we 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	*12,738	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
Oct. 1, 2017 – Sept. 30, 2018	430	152	198	80	30,464	26,230	4,234
Oct. 1, 2018 – Sept. 30, 2019	501	160	259	82	35,493	30,561	4,932
Oct. 1, 2019 – Sept. 30, 2020	356	116	143	97	25,221	21,716	3,505
TOTAL	2,831	970	1,296	557	\$200,662	\$172,691	\$27,971

* Corrected postage calculation error

**Corrected fee calculation error