

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

A Report to the Maryland General Assembly

The Maryland Department of Transportation
Motor Vehicle Administration

MSAR #7366
December 2022

The Maryland Department of Transportation Motor Vehicle Administration (MDOT MVA) prepared this report in response to language contained in the Courts and Judicial Proceedings Article, § 6-313(h), Annotated Code of Maryland. The language states:

“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 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, 2021, through September 30, 2022:

- Number of Subpoenas and Summonses issued.....543
- Number of Subpoenas and Summonses successfully served.....219
- Number of failed attempts to issue Subpoenas and Summonses184
 - Undeliverable Mail30
 - Moved - no forwarding address18
 - Bad address.....76
 - No one to accept41
 - Rejected19
- Number of Subpoenas and Summonses in process.....140
- Cost incurred by the MDOT MVA.....\$ 38,469
 - Direct cost (postage, supplies, etc.)\$ 5,172
 - Indirect cost (salary and benefits) {(1.5 hours x 478) x \$40.88} \$ 33,297
- Total fees collected (478 x \$61).....\$ 33,123

The MDOT MVA experienced a significant increase in requests for service of process in 2022. Requests have now surpassed pre-COVID 19 pandemic levels, and the MDOT MVA again anticipates a moderate progressive increase in the volume of subpoenas issued and revenue collected going forward. As demonstrated below, this program has already increased considerably and, as more attorneys become aware of the availability of this service, that trend is expected 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
10/1/09 – 9/30/10	42	13	17	8	\$ 2,995	\$ 2,562	\$433
10/1/10 – 9/30/11	71	33	29	10	5,063	4,331	732
10/1/11 – 9/30/12	132	52	44	31	9,414	8,052	1,362
10/1/12 – 9/30/12	180	64	79	37	*12,738	10,980	*1,758
10/1/13 – 9/30/14	189	62	99	28	13,389	**11,529	1,860
10/1/14 – 9/30/15	315	101	160	54	22,315	19,215	3,100
10/1/15 – 9/30/16	278	102	112	64	19,695	16,958	2,737
10/1/16 – 9/30/17	337	115	156	66	23,875	20,557	3,318
10/1/17 – 9/30/18	430	152	198	80	30,464	26,230	4,234
10/1/17 – 9/30/19	501	160	259	82	35,493	30,561	4,932
10/1/19 – 9/30/20	356	116	143	97	25,221	21,716	3,505
10/1/20 – 9/30/21	478	193	153	132	33,864	29,158	4,706
10/1/21 – 9/30/22	543	219	184	140	38,469	33,123	5,346
TOTAL	3,852	1,382	1,633	829	\$272,995	\$234,972	\$38,023

* Corrected postage calculation error

**Corrected fee calculation error