

the Secretary of State) as an agent to accept service of process. Such fictional appointments are a creature of the pre-long arm statute days when service of process was the only way to get personal jurisdiction over a non-resident defendant. These sections are constitutionally inadequate as a basis for personal jurisdiction because there is no requirement that the Secretary notify the defendant of the service. Service on a non-resident under these sections is to be made in accordance with the Maryland rules, with a copy of the process sent to the Secretary.

Art. 75, §§ 75B and 75C are proposed for repeal because they duplicate Rule 106. These sections provide for service on the Department of Assessments and Taxation. The provision retained imposes a duty on the Department to notify the defendant of service, and is not covered by Rule.

For appointment of other State officials, see Art. 32A, §38 - Securities Commissioner; Art. 48A, §§ 57, 205, and 347 - Insurance Commissioner; and Art. 56, §219 - Real Estate Commissioner.

SUBTITLE 4. PRACTICE, IN GENERAL.

SEC. 6-401. SURVIVAL OF ACTIONS.

(A) AT LAW.

A CAUSE OF ACTION AT LAW, WHETHER REAL, PERSONAL, OR MIXED, EXCEPT SLANDER, SURVIVES THE DEATH OF EITHER PARTY.

(B) IN EQUITY.

A RIGHT OF ACTION IN EQUITY SURVIVES THE DEATH OF EITHER PARTY IF THE COURT CAN GRANT EFFECTIVE RELIEF IN SPITE OF THE DEATH.

REVISOR'S NOTE: Subsection (a) is new language which is a synthesis of Art. 75, §§ 15A and 15B. Section 15B is covered completely by Rule 220. Section 15B duplicates, in part, a provision in §3-902 of this article (Art. 67, §1).