

VETOES

Insurance-Commissioner

FOR the purpose of authorizing certain substituted service of process upon the Insurance-Commissioner when a defendant has insurance and cannot be located for service of process; and generally relating to substituted service of process.

~~BY repealing and reenacting, with amendments,~~ BY adding to

Article - Courts and Judicial Proceedings
Section ~~6-303~~ 6-308
Annotated Code of Maryland
(1984 Replacement Volume and 1988 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Courts and Judicial Proceedings

~~6-303.~~

~~{a}--If--a--person--resists--service--of--civil--process--by threats, violence, or superior force, or by preventing the officer serving the process from entering the premises so that the officer cannot serve the process without force or personal risk, the officer shall leave a copy of the process:~~

~~{1}--With--a--responsible person at the premises, or if that is not possible~~

~~{2}--Posted as near the premises as practicable.~~

6-308.

~~{b}~~ (A) SERVICE OF PROCESS MAY BE MADE UPON ~~THE STATE INSURANCE COMMISSIONER~~ UNDER THIS SECTION AND ANY JUDGMENT SUBSEQUENTLY RENDERED SHALL BE LIMITED TO THE LIMITS OF ANY APPLICABLE INSURANCE IF THE PLAINTIFF HAS SHOWN BY AFFIDAVIT:

(1) THAT THE DEFENDANT HAS INSURANCE COVERAGE;

(2) THAT THE WHEREABOUTS OF THE DEFENDANT ARE UNKNOWN AND THAT REASONABLE EFFORTS HAVE BEEN MADE, IN GOOD FAITH, TO LOCATE THE DEFENDANT, AND THERE HAVE BEEN 3 UNSUCCESSFUL ATTEMPTS AT SERVICE WHICH HAVE BEEN RETURNED NON EST; AND

~~{3}--THAT--NOTICE--HAS--BEEN--PROVIDED--BY--REGISTERED--OR CERTIFIED MAIL--OF SERVICE--UPON--THE--STATE--INSURANCE--COMMISSIONER.~~

~~{b}~~ ~~{c}~~ Service under this section is as effective as actual personal service.