



Maryland Department of Transportation
The Secretary's Office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Beverley K. Swaim-Staley
Secretary

Harold M. Bartlett
Deputy Secretary

December 3, 2009

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

The Honorable Michael E. Busch
Speaker, Maryland House of Delegates
101 State House
Annapolis MD 21401

Dear President Miller and Speaker Busch:

This letter is written in response to language set forth in Senate Bill 413, Chapter 578, Acts 2008, titled *Courts—Service of Process—Motor Vehicle Administration (MVA) as Agent for Nonresident Driver*. The language directs:

"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."*

The legislation designates the Motor Vehicle Administration (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 bill allows the MVA to establish and collect a fee to recover the Administration's costs. The provisions apply prospectively to cases filed on or before October 1, 2008. As of October 27, 2009, the MVA has collected \$549.00 stemming from this requirement. MVA anticipates a progressive increase in the volume of subpoenas issued and revenue collected from FY 2010 through FY 2013.

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The MVA reports the following totals as of October 27, 2009:

- Number of Subpoenas and Summons issued..... 9
- Number of Subpoenas and Summons successfully served..... 1
- Number of Failed attempts to issue Subpoenas and Summons..... 7
 - Undeliverable Mails..... 4
 - Moved no forwarding address..... 1
 - Bad Address..... 1
 - No one to accept..... 1
- Number of Subpoenas and Summons in process..... 1
- Cost incurred by the MVA \$641.88
 - Indirect cost (postage, supplies, etc...) \$ 90.00
 - Direct cost (salary and benefits) {(1.5 hours x 9) x \$40.88}..... \$551.88
- Total Fees Collected (9 x \$61)..... \$549.00

If you have any questions concerning this report, please do not hesitate to contact Mr. John T. Kuo, Administrator, Motor Vehicle Administration at 410-767-7274. Of course, you should always feel free to contact me directly.

Sincerely,



Beverley K. Swaim-Staley
Secretary

cc: Mr. John T. Kuo, Administrator, Motor Vehicle Administration