

HOUSE BILL 976

N1, D3

0lr0842

By: **Delegate Chang**

Introduced and read first time: February 5, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Service of Summary Ejectment Papers – Sheriff’s**
3 **Surcharge and Authorization for Private Process Server**

4 FOR the purpose of requiring a certain surcharge for the service of summary ejectment
5 papers by the Anne Arundel County Sheriff’s Office; authorizing, in an action to
6 repossess any premises in Anne Arundel County, service of process on a tenant to be
7 directed to any person authorized under the Maryland Rules to serve process;
8 making technical and stylistic changes; and generally relating to the service of
9 summary ejectment papers in Anne Arundel County.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 7–402
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Real Property
17 Section 8–401(b)(5)(ii)
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2019 Supplement)

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

22 **Article – Courts and Judicial Proceedings**

23 7–402.

24 (a) **(1)** Except as provided in subsections (b), (e), and (f) of this section, a sheriff

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



shall collect the following fees:

[(1)] (I) \$5 for service of summary ejectment papers[.];

[(2)] (II) \$40 for service of a paper not including an execution or attachment[.];

[(3)] (III) \$40 for service including an execution or attachment by taking into custody a person or seizing real or personal property[.];

[(4)] (IV) \$40 for service of process papers arising out of administrative agency proceedings where the party requesting the service is a nongovernmental entity[.];

[(5)] (V) [For] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR the sale following the execution or attachment of personal property:

1. [Three percent] 3% of the first \$5,000;

2. [two percent] 2% of the second \$5,000; and

3. [one percent] 1% of any amount in excess of \$10,000[. The sheriff shall collect a minimum of \$15 and a maximum of \$500 under the provisions of this paragraph.];

[(6)] (VI) [For] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR the sale following the execution or attachment of real property:

1. [One and one-half percent] 1.5% of the first \$5,000;

2. [one percent] 1% of the second \$5,000; and

3. [one-half of one percent] 0.5% of any amount in excess of \$10,000[. The sheriff shall collect a minimum of \$1.50 and a maximum of \$250 under the provisions of this paragraph.]; AND

[(7)] (VII) \$60 for service of a paper originating from a foreign court.

(2) THE SHERIFF SHALL COLLECT:

(I) A MINIMUM OF \$15 AND A MAXIMUM OF \$500 UNDER THE PROVISIONS OF PARAGRAPH (1)(V) OF THIS SUBSECTION; AND

(II) A MINIMUM OF \$1.50 AND A MAXIMUM OF \$250 UNDER THE PROVISIONS OF PARAGRAPH (1)(VI) OF THIS SUBSECTION.

(b) (1) For service including an execution or attachment by taking into custody a person or seizing real or personal property, a sheriff may collect the amount specified in a cooperative agreement with the Child Support Administration under § 10–111 of the Family Law Article.

(2) As part of the costs awarded to a party under § 12–103 of the Family Law Article, a court may not award an amount greater than the amount specified in subsection (a) of this section for the cost of service including an execution or attachment by taking into custody a person or seizing real or personal property.

(c) (1) If the sheriff incurs expenses for the purpose of conserving or protecting the seized property, the sheriff shall be reimbursed for the expense.

(2) If the Sheriff of Washington County incurs expenses for seizing property, the Sheriff shall be reimbursed by the judgment debtor for reasonable expenses.

(d) (1) Except as provided in paragraph (2) of this subsection, if the sheriff is unable to serve a paper, 50% of the fee shall be refunded to the party requesting the service.

(2) If the sheriff is unable to serve summary ejectment papers, the full fee shall be refunded to the party requesting the service.

(e) A sheriff may not collect a fee for the service of:

(1) A paper from a housing authority created under Division II of the Housing and Community Development Article; or

(2) A summons for a law enforcement officer to appear as a witness in a criminal case.

(f) (1) In addition to the fees specified in subsection (a) of this section and except as provided in subsections (b) and (e) of this section, the [Baltimore City Sheriff shall collect a surcharge that may not be more than] **SHERIFF SHALL COLLECT THE FOLLOWING SURCHARGES:**

(I) IN BALTIMORE CITY, NOT MORE THAN:

[(i)] 1. \$60 for service of a writ of execution; and

[(ii)] 2. \$40 for service of a paper originating from a foreign court;

AND

(II) IN ANNE ARUNDEL COUNTY, \$20 FOR SERVICE OF SUMMARY EJECTMENT PAPERS.

(2) **(I)** The revenue generated from the surcharge on filing fees for the

sheriff services under paragraph [(1)] (1)(I) of this subsection shall fund the enhancement of sheriff benefits and the increase in sheriff personnel to enhance the service of domestic violence orders.

(II) THE REVENUE GENERATED FROM THE SURCHARGE ON FILING FEES FOR THE SHERIFF SERVICES UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL FUND SHERIFF PERSONNEL NEEDS RELATED TO THE SERVICE OF SUMMARY EJECTMENT PAPERS.

Article – Real Property

8–401.

(b) (5) Notwithstanding the provisions of paragraphs (1) through (4) of this subsection:

(ii) In Wicomico County AND ANNE ARUNDEL COUNTY, in an action to repossess any premises under this section, service of process on a tenant may be directed to any person authorized under the Maryland Rules to serve process.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.