

HOUSE BILL 176

D1

2lr1016

(PRE-FILED)

By: **Delegate Cardin**

Requested: October 28, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2022

CHAPTER _____

1 AN ACT concerning

2 **Courts – Service of Process – Fees Collected by Sheriff**

3 FOR the purpose of ~~increasing~~ altering certain fees for service of process of certain papers
4 by a sheriff; and generally relating to sheriff service of process fees.

5 BY repealing and reenacting, with amendments,
6 Article – Courts and Judicial Proceedings
7 Section 7–402(a)
8 Annotated Code of Maryland
9 (2020 Replacement Volume and 2021 Supplement)

10 BY adding to
11 Article – Courts and Judicial Proceedings
12 Section 7–402(g)
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2021 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 7–402.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(a) Except as provided in subsections (b), (e), ~~and (f)~~, **AND (G)** of this section, a sheriff shall collect the following fees:

(1) \$5 for service of summary ejectment papers.

(2) ~~[\$40]~~ **\$60** for service of a paper not including an execution or attachment.

(3) ~~[\$40]~~ **\$60** for service including an execution or attachment by taking into custody a person or seizing real or personal property.

(4) ~~[\$40]~~ **\$60** for service of process papers arising out of administrative agency proceedings where the party requesting the service is a nongovernmental entity.

(5) For the sale following the execution or attachment of personal property: Three percent of the first \$5,000; two percent of the second \$5,000; and one percent 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) For the sale following the execution or attachment of real property: One and one-half percent of the first \$5,000; one percent of the second \$5,000; and one-half of one percent 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.

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

(G) A SHERIFF SHALL COLLECT \$40 FOR SERVICE OF A PAPER FOR:

(1) A BREACH OF LEASE;

(2) A TENANT HOLDOVER;

(3) A WARRANT OF RESTITUTION;

(4) A WRONGFUL ENTRY AND DETAINER; OR

(5) AN ORDER OF LEVY IN DISTRESS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.