
By: **Senator Dorman**
Introduced and read first time: February 5, 1999
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 3, 1999

CHAPTER _____

1 AN ACT concerning

2 **Financial Institutions - Fiduciary Institutions - Disclosure of Customer's**
3 **Financial Records**

4 FOR the purpose of altering a certain exception to the prohibition against disclosure
5 of a customer's financial records by a fiduciary institution; creating an exception
6 to the prohibition for a disclosure made pursuant to a request or subpoena for
7 information received indirectly by the fiduciary institution through the federal
8 parent locator ~~services~~ service under a certain federal law; and generally
9 relating to the disclosure of a customer's financial records by a fiduciary
10 institution.

11 BY repealing and reenacting, with amendments,
12 Article - Financial Institutions
13 Section 1-302
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 1998 Supplement)

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

18 **Article - Financial Institutions**

19 1-302.

20 Except as otherwise expressly provided in this subtitle, a fiduciary institution,
21 its officers, employees, agents, and directors:

1 (1) May not disclose to any person any financial record relating to a
2 customer of the institution unless:

3 (i) The customer has authorized the disclosure to that person;

4 (ii) Proceedings have been instituted for appointment of a guardian
5 of the property or of the person of the customer, and court-appointed counsel presents
6 to the fiduciary institution an order of appointment or a certified copy of the order
7 issued by or under the direction or supervision of the court or an officer of the court;

8 (iii) The customer is disabled and a guardian is appointed or
9 qualified by a court, and the guardian presents to the fiduciary institution an order of
10 appointment or a certified copy of the order issued by or under the direction or
11 supervision of the court or an officer of the court;

12 (iv) The customer is deceased and a personal representative is
13 appointed or qualified by a court, and the personal representative presents to the
14 fiduciary institution letters of administration issued by or under the direction or
15 supervision of the court or an officer of the court;

16 (v) The Department of Human Resources requests the financial
17 record in the course of verifying the individual's eligibility for public assistance; or

18 (vi) The institution received a request or subpoena for information
19 DIRECTLY from the Child Support Enforcement Administration of the Department of
20 Human Resources under § 10-108.2 or § 10-108.4 of the Family Law Article OR
21 INDIRECTLY THROUGH THE FEDERAL PARENT LOCATOR ~~SERVICES~~ SERVICE UNDER
22 42 U.S.C. § 666(A)(17); and

23 (2) Shall disclose any information requested in writing by the
24 Department of Human Resources relative to moneys held in a savings deposit, time
25 deposit, demand deposit, or any other deposit held by the fiduciary institution in the
26 name of the individual who is a recipient or applicant for public assistance.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1999.