

HOUSE BILL 736

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II

2000 Regular Session
(01r2235)

ENROLLED BILL

-- Commerce and Government Matters/Finance --

Introduced by **Delegates McIntosh, Sophocleus, Clagett, Dypski, Malone,
DeCarlo, and Bronrott**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 407

1 AN ACT concerning

2 **Fiduciary Institutions - Customer Financial Records - Allowable**
3 **Disclosures**

4 FOR the purpose of allowing a fiduciary institution or an officer, employee, agent, or
5 director of a fiduciary institution to disclose financial records relating to ~~a an~~
6 ~~adult~~ a customer of the fiduciary institution to an adult protective services
7 program under certain circumstances; providing that a report filed under this
8 Act shall be deemed to protect against or prevent certain illegal or unauthorized
9 actions or other liability; ~~specifying certain restrictions on certain information~~
10 included in a report filed under this Act; providing that a fiduciary institution or
11 an officer, employee, agent, or director of a fiduciary institution may decline to
12 provide certain information about a report authorized under this Act under
13 certain circumstances; providing that there is no liability on the part of and no
14 cause of action shall arise against, and there shall be certain immunity for, a
15 fiduciary institution or an officer, employee, agent, or director of a fiduciary
16 institution for certain actions or omissions involved with certain disclosures and

1 reports under certain circumstances; providing that this Act does not create a
 2 certain duty on the part of a fiduciary institution or an officer, employee, agent,
 3 or director of a fiduciary institution; defining certain terms; and generally
 4 relating to allowable disclosures of customer financial records by fiduciary
 5 institutions.

6 BY adding to
 7 Article - Financial Institutions
 8 Section 1-306
 9 Annotated Code of Maryland
 10 (1998 Replacement Volume and 1999 Supplement)

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

13 **Article - Financial Institutions**

14 1-306.

15 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 16 INDICATED.

17 (2) "FINANCIAL EXPLOITATION" MEANS ANY ACTION WHICH INVOLVES
 18 THE MISUSE OF AN ~~ADULT~~ A CUSTOMER'S FUNDS OR PROPERTY.

19 (3) "REPORT" MEANS AN ORAL OR WRITTEN REPORT CONCERNING
 20 FINANCIAL EXPLOITATION WHICH MAY INCLUDE ALL OR PART OF THE
 21 INFORMATION DESCRIBED IN § 14-302(D) OF THE FAMILY LAW ARTICLE.

22 ~~(A)~~ (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A FIDUCIARY
 23 INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR DIRECTOR OF A FIDUCIARY
 24 INSTITUTION MAY DISCLOSE FINANCIAL RECORDS AND ANY OTHER INFORMATION
 25 RELATING TO A ~~AN ADULT~~ A CUSTOMER OF THE FIDUCIARY INSTITUTION IF THE
 26 FIDUCIARY INSTITUTION OR ITS OFFICER, EMPLOYEE, AGENT, OR DIRECTOR:

27 (1) ~~HAS REASON TO BELIEVE~~ BELIEVES THAT THE ~~ADULT~~ CUSTOMER
 28 HAS BEEN SUBJECTED TO FINANCIAL EXPLOITATION; AND

29 (2) MAKES THE DISCLOSURE IN A REPORT TO THE ADULT PROTECTIVE
 30 SERVICES PROGRAM IN A LOCAL DEPARTMENT OF SOCIAL SERVICES ~~IN A REPORT~~
 31 ~~FILED UNDER § 14-302(C) OF THE FAMILY LAW ARTICLE.~~

32 (C) ~~(4)~~ A REPORT FILED UNDER THIS SECTION BY A FIDUCIARY
 33 INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR DIRECTOR OF A FIDUCIARY
 34 INSTITUTION SHALL BE DEEMED TO PROTECT AGAINST OR PREVENT ACTUAL OR
 35 POTENTIAL FRAUD, UNAUTHORIZED TRANSACTIONS, OR OTHER LIABILITY.

1 ~~(2)~~ A REPORT FILED UNDER THIS SECTION BY A FIDUCIARY
2 INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR DIRECTOR OF A FIDUCIARY
3 INSTITUTION:

4 ~~(I)~~ MAY NOT INCLUDE THE ADULT CUSTOMER'S SOCIAL SECURITY
5 NUMBER, ACCOUNT NUMBER, OR ACCOUNT BALANCE; AND

6 ~~(II)~~ SHALL INCLUDE ONLY INFORMATION THAT IS PERTINENT TO
7 AND SERVES TO SUBSTANTIATE THE REPORT.

8 (D) A FIDUCIARY INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR
9 DIRECTOR OF A FIDUCIARY INSTITUTION MAY DECLINE TO PROVIDE TO ANY PERSON
10 INFORMATION THAT WOULD DISCLOSE OR INDICATE WHETHER A REPORT HAS OR
11 HAS NOT BEEN FILED UNDER THIS SECTION.

12 ~~(B)~~ (E) THERE SHALL BE NO LIABILITY ON THE PART OF AND NO CAUSE OF
13 ACTION OF ANY NATURE SHALL ARISE AGAINST, AND THERE SHALL BE IMMUNITY
14 FROM ANY CIVIL AND CRIMINAL LIABILITY THAT WOULD OTHERWISE RESULT FOR, A
15 FIDUCIARY INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR DIRECTOR OF A
16 FIDUCIARY INSTITUTION FOR AN ACTION OR OMISSION INVOLVED WITH:

17 (1) MAKING OR PARTICIPATING IN MAKING A DISCLOSURE OR REPORT
18 UNDER ~~SUBSECTION (A) OF THIS SECTION; OR~~

19 (2) PARTICIPATING IN AN INVESTIGATION OR A JUDICIAL PROCEEDING
20 RESULTING FROM A REPORT FILED UNDER § 14-302(C) ~~OF THE FAMILY LAW ARTICLE~~
21 THIS SECTION; OR

22 (3) DECLINING TO PROVIDE INFORMATION AS DESCRIBED IN
23 SUBSECTION (D) OF THIS SECTION.

24 ~~(C)~~ (F) THIS SECTION DOES NOT CREATE AND MAY NOT BE CONSTRUED AS
25 CREATING, ON THE PART OF A FIDUCIARY INSTITUTION OR AN OFFICER, EMPLOYEE,
26 AGENT, OR DIRECTOR OF A FIDUCIARY INSTITUTION, A DUTY TO MAKE A
27 DISCLOSURE TO AN ADULT PROTECTIVE SERVICES PROGRAM OR FILE A REPORT
28 UNDER § 14-302(C) ~~OF THE FAMILY LAW ARTICLE~~ THIS SECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2000.