

HOUSE BILL 491

N2

8lr2021
CF SB 267

By: **Delegates West and Hettleman**

Introduced and read first time: January 25, 2018

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Maryland Trust Act – Governing Law of Trust Provisions**

3 FOR the purpose of providing for the determination of the jurisdictional law governing the
4 meaning and effect of the terms of a trust under the Maryland Trust Act; and
5 generally relating to the Maryland Trust Act.

6 BY adding to

7 Article – Estates and Trusts

8 Section 14.5–107

9 Annotated Code of Maryland

10 (2017 Replacement Volume)

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

13 **Article – Estates and Trusts**

14 **14.5–107.**

15 **THE MEANING AND EFFECT OF THE TERMS OF A TRUST ARE DETERMINED BY:**

16 **(1) THE LAW OF THE JURISDICTION DESIGNATED IN THE TERMS**
17 **UNLESS THE DESIGNATION OF THAT JURISDICTION’S LAW IS CONTRARY TO A**
18 **STRONG PUBLIC POLICY OF THE JURISDICTION HAVING THE MOST SIGNIFICANT**
19 **RELATIONSHIP TO THE MATTER AT ISSUE; OR**

20 **(2) IN THE ABSENCE OF A CONTROLLING DESIGNATION IN THE TERMS**
21 **OF THE TRUST, THE LAW OF THE JURISDICTION HAVING THE MOST SIGNIFICANT**
22 **RELATIONSHIP TO THE MATTER AT ISSUE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2018.