
By: Delegate Wood

Introduced and read first time: February 1, 1996
Assigned to: Commerce and Government Matters

Committee Report: Favorable
House action: Adopted with floor amendments
Read second time: March 7, 1996

CHAPTER ____

1 AN ACT concerning

2 **Financial Institutions - Subpoenas**

3 FOR the purpose of authorizing the recovery by a fiduciary institution of certain costs
4 incurred by the fiduciary institution in complying with a subpoena issued in a civil
5 action in which the fiduciary institution is not a party; requiring a fiduciary
6 institution to provide an invoice for the costs incurred which identifies the services
7 performed and the charge for each service; providing that the costs that may be
8 recovered by a fiduciary institution do not include personnel costs for time spent by
9 a witness in court in response to a subpoena; and generally relating to costs incurred
10 by fiduciary institutions.

11 BY repealing and reenacting, with amendments,
12 Article - Financial Institutions
13 Section 1-304
14 Annotated Code of Maryland
15 (1992 Replacement Volume and 1995 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 1-304.

20 (a) In this section, "subpoena" means a subpoena, summons, warrant, or court
21 order that appears on its face to have been issued on lawful authority.

22 (b) A fiduciary institution may disclose or produce financial records or
23 information derived from financial records in compliance with a subpoena served on the
24 fiduciary institution, if:

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1 (1) The subpoena contains a certification that a copy of the subpoena has
2 been served on the person whose records are sought by the party seeking the disclosure or
3 production of the records; or

4 (2) Contains a certification that service has been waived by the court for
5 good cause.

6 (C) (1) IN CONNECTION WITH A SUBPOENA SERVED ON A FIDUCIARY
7 INSTITUTION IN A CIVIL ACTION IN WHICH THE FIDUCIARY INSTITUTION IS NOT A
8 PARTY, THE FIDUCIARY INSTITUTION SHALL BE ENTITLED TO RECOVER FROM THE
9 PARTY SEEKING DISCLOSURE OR PRODUCTION OF RECORDS ~~OR INFORMATION~~ THE
10 ~~REASONABLE COSTS OF RESEARCH, SEARCHING FOR AND THE RETRIEVAL,~~
11 REPRODUCTION, PROCESSING, POSTAGE FOR MAILING, DELIVERY,
12 ~~TRANSPORTATION, AND OTHER EXPENSES~~ AND TRANSPORTING OF THE RECORDS
13 THAT THE FIDUCIARY INSTITUTION INCURS IN COMPLYING WITH THE SUBPOENA,
14 PROVIDED THE COSTS ARE REASONABLE AS DETERMINED BY REGULATIONS
15 ADOPTED BY THE BANK COMMISSIONER.

16 (2) THE FIDUCIARY INSTITUTION SHALL PROVIDE THE PARTY SEEKING
17 DISCLOSURE OR PRODUCTION OF RECORDS OR INFORMATION WITH AN INVOICE
18 FOR THE COSTS INCURRED WHICH IDENTIFIES THE SERVICES PERFORMED AND THE
19 CHARGE FOR EACH SERVICE.

20 (3) THIS SUBSECTION DOES NOT APPLY TO PERSONNEL COSTS FOR TIME
21 SPENT BY A WITNESS IN COURT IN RESPONSE TO A SUBPOENA.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 1996.