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**By: Delegates Minnick, Mohorovic, Preis, Harkins, Elliott, Snodgrass, Stull, Arnick, Kittleman, and DeCarlo**

Introduced and read first time: February 1, 1996

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 1996

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Abandoned Property - Gift Certificates**

3 FOR the purpose of exempting gift certificates from the Maryland Uniform Disposition  
4 of Abandoned Property Act; ~~providing for the application of this Act; requiring the~~  
5 ~~Comptroller to take a certain action;~~ providing for the effective date of this Act; and  
6 generally relating to the Maryland Uniform Disposition of Abandoned Property  
7 Act.

8 BY repealing and reenacting, with amendments,  
9 Article - Commercial Law  
10 Section 17-101  
11 Annotated Code of Maryland  
12 (1990 Replacement Volume and 1995 Supplement)

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

15 **Article - Commercial Law**

16 17-101.

17 (a) In this title the following words have the meanings indicated.

18 (b) (1) "Abandoned property" means personal property that is considered  
19 abandoned under this title.

20 (2) "Abandoned property" includes property in the custody of the federal  
21 government that is classified as "unclaimed property" under federal law.

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1 (c) "Administrator" means the State Comptroller.

2 (d) "Banking organization" means any bank, trust company, savings bank, land  
3 bank, and any other similar organization engaged in business in the State.

4 (e) "Business association" means any corporation, joint stock company, business  
5 trust, partnership, or any association for business purposes of two or more individuals.

6 (f) "County" includes Baltimore City.

7 (g) "Federal government" includes any of its agencies or instrumentalities.

8 (h) "Financial organization" means any savings and loan association or credit  
9 union engaged in business in the State.

10 (i) "Holder" means any person who is:

11 (1) In possession of property subject to this title belonging to another;

12 (2) A trustee, in the case of a trust; or

13 (3) Indebted to another on an obligation subject to this title.

14 (j) "Insurance corporation" means any association or corporation transacting in  
15 the State the business of insurance on the lives of persons or insurance pertaining to life  
16 insurance, including endowments and annuities, disability, accident and health insurance,  
17 and property, casualty, and surety insurance, as these terms are defined in Article 48A of  
18 the Code.

19 (k) "Owner" means:

20 (1) In the case of a deposit, a depositor or a person entitled to receive the  
21 funds as reflected on the records of the bank or financial organization;

22 (2) In the case of a trust, a beneficiary;

23 (3) In the case of other choses in action, a creditor, claimant, or payee;

24 (4) In the case of abandoned property in federal custody, the person who is  
25 defined as the owner by any applicable federal law; or

26 (5) Any person who has a legal or equitable interest in property subject to  
27 this title, or the legal representative of that person.

28 (l) "Person" includes the State, any county, municipal corporation, or other  
29 political subdivision of the State, or any of their units, an individual, business association,  
30 corporation, business trust, estate, trust, partnership, association, two or more persons  
31 having a joint or common interest, or any other legal or commercial entity.

32 (M) "PERSONAL PROPERTY" DOES NOT INCLUDE A GIFT CERTIFICATE.

33 [(m)] (N) "Utility" means any person who owns or operates in the State, for public  
34 use, any plant, equipment, property, franchise, or license for the transmission of  
35 communications, for the production, storage, transmission, sale, delivery, or furnishing of  
36 electricity, water, steam, or gas, or for the transportation of persons or property.

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1 [(n)] (O) "Service charge" means any type of deduction or charge made by a  
2 holder on property presumed abandoned under this title.

3 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed~~  
4 ~~retroactively and shall be applied and interpreted to affect any gift certificates that were~~  
5 ~~determined abandoned under the Maryland Uniform Disposition of Property Act on or~~  
6 ~~after November 1, 1995. The Comptroller of the Treasury shall return to a person, any~~  
7 ~~money collected on or after November 1, 1995 for gift certificates that were determined~~  
8 ~~abandoned property under the Maryland Uniform Disposition of Property Act.~~

9 SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 June 1, 1996.