

HOUSE BILL 514

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1998 Regular Session
8lr0110

By: **Delegates Valderrama and Vallario**
Introduced and read first time: February 5, 1998
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts - Personal Representatives**

3 FOR the purpose of providing that a personal representative may recover
4 administrative costs and reasonable attorney's fees for the administration of the
5 decedent's estate in a survival action; providing for the application of this Act;
6 and generally relating to certain damages in a certain legal action instituted by
7 a personal representative.

8 BY repealing and reenacting, with amendments,
9 Article - Estates and Trusts
10 Section 7-401(x)(2)
11 Annotated Code of Maryland
12 (1991 Replacement Volume and 1997 Supplement)

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

15 **Article - Estates and Trusts**

16 7-401.

17 (x) He may prosecute, defend, or submit to arbitration actions, claims, or
18 proceedings in any appropriate jurisdiction for the protection or benefit of the estate,
19 including the commencement of a personal action which the decedent might have
20 commenced or prosecuted, except that:

21 (2) In ADDITION TO OTHER DAMAGES RECOVERABLE IN THE ACTION, IN
22 an action instituted by the personal representative against a tort-feasor for a wrong
23 which resulted in the death of the decedent, the personal representative may recover
24 [the]:

25 (I) THE funeral expenses of the decedent up to the amount allowed
26 under § 8-106(b) of this article [in addition to other damages recoverable in the
27 action]; AND

1 (II) ADMINISTRATIVE COSTS AND REASONABLE ATTORNEY'S FEES
2 FOR THE ADMINISTRATION OF THE DECEDENT'S ESTATE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
4 construed only prospectively and may not be applied or interpreted to have any effect
5 on or application to any cause of action arising before the effective date of this Act.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 1998.