
By: **Senator Dorman**

Introduced and read first time: February 5, 1999

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Financial Institutions - Fiduciary Institutions - Disclosure of Customer's**
3 **Financial Records**

4 FOR the purpose of altering a certain exception to the prohibition against disclosure
5 of a customer's financial records by a fiduciary institution; creating an exception
6 to the prohibition for a disclosure made pursuant to a request or subpoena for
7 information received indirectly by the fiduciary institution through the federal
8 parent locator services under a certain federal law; and generally relating to the
9 disclosure of a customer's financial records by a fiduciary institution.

10 BY repealing and reenacting, with amendments,
11 Article - Financial Institutions
12 Section 1-302
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 1998 Supplement)

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

17 **Article - Financial Institutions**

18 1-302.

19 Except as otherwise expressly provided in this subtitle, a fiduciary institution,
20 its officers, employees, agents, and directors:

21 (1) May not disclose to any person any financial record relating to a
22 customer of the institution unless:

23 (i) The customer has authorized the disclosure to that person;

24 (ii) Proceedings have been instituted for appointment of a guardian
25 of the property or of the person of the customer, and court-appointed counsel presents
26 to the fiduciary institution an order of appointment or a certified copy of the order
27 issued by or under the direction or supervision of the court or an officer of the court;

1 (iii) The customer is disabled and a guardian is appointed or
2 qualified by a court, and the guardian presents to the fiduciary institution an order of
3 appointment or a certified copy of the order issued by or under the direction or
4 supervision of the court or an officer of the court;

5 (iv) The customer is deceased and a personal representative is
6 appointed or qualified by a court, and the personal representative presents to the
7 fiduciary institution letters of administration issued by or under the direction or
8 supervision of the court or an officer of the court;

9 (v) The Department of Human Resources requests the financial
10 record in the course of verifying the individual's eligibility for public assistance; or

11 (vi) The institution received a request or subpoena for information
12 DIRECTLY from the Child Support Enforcement Administration of the Department of
13 Human Resources under § 10-108.2 or § 10-108.4 of the Family Law Article OR
14 INDIRECTLY THROUGH THE FEDERAL PARENT LOCATOR SERVICES UNDER 42 U.S.C. §
15 666(A)(17); and

16 (2) Shall disclose any information requested in writing by the
17 Department of Human Resources relative to moneys held in a savings deposit, time
18 deposit, demand deposit, or any other deposit held by the fiduciary institution in the
19 name of the individual who is a recipient or applicant for public assistance.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1999.