
By: **Delegates Doory, Taylor, Wood, and Kirk**
Introduced and read first time: February 9, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts - Successor Corporate Fiduciaries - Qualifications and**
3 **Liabilities**

4 FOR the purpose of altering the capital and surplus required to qualify as a corporate
5 fiduciary to include the capital and surplus of a certain corporation; altering
6 provisions of law concerning the liability of certain companies to include the
7 liability of certain corporations; and generally relating to the qualifications and
8 liabilities of successor corporate fiduciaries.

9 BY repealing and reenacting, with amendments,
10 Article - Estates and Trusts
11 Section 15-1A-03
12 Annotated Code of Maryland
13 (1991 Replacement Volume and 1999 Supplement)

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

16 **Article - Estates and Trusts**

17 15-1A-03.

18 (a) For purposes of qualifying as a fiduciary, a corporate fiduciary may
19 attribute to its capital and [surplus] SURPLUS, the capital and surplus of any:

20 (1) [bank,] BANK, trust company, or bank holding company of which it is
21 a direct or indirect subsidiary or affiliate; OR

22 (2) CORPORATION WITH ITS PRINCIPAL OFFICE IN THIS STATE IF:

23 (I) THE CORPORATE FIDUCIARY IS A TRUST COMPANY AS DEFINED
24 UNDER § 1-101 OF THIS ARTICLE; AND

25 (II) THE CORPORATE FIDUCIARY IS A WHOLLY OWNED SUBSIDIARY
26 OF THE CORPORATION.

1 (b) [Any bank, trust company, or bank holding company of which a successor
2 fiduciary is a direct or indirect subsidiary or affiliate] WHEN A SUCCESSOR
3 FIDUCIARY QUALIFIES UNDER THIS SECTION, THE FOLLOWING ENTITIES shall be
4 jointly and severally liable with the successor fiduciary for claims against the
5 successor fiduciary when acting in its fiduciary capacity:

6 (1) ANY BANK, TRUST COMPANY, OR BANK HOLDING COMPANY OF
7 WHICH A SUCCESSOR FIDUCIARY IS A DIRECT OR INDIRECT SUBSIDIARY OR
8 AFFILIATE; OR

9 (2) ANY CORPORATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION
10 WITH A CORPORATE FIDUCIARY ACTING AS A SUCCESSOR FIDUCIARY.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2000.