

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 640 (Senator Giannetti)
Judicial Proceedings

Estates - Funeral Expenses

This bill removes the requirement for a personal representative of a solvent estate to obtain a court order to pay funeral expenses above \$5,000 when a will does not expressly authorize it. The requirement would remain for insolvent estates.

The bill is to be construed prospectively and may not be applied to any estate of a decedent who dies before the bill's October 1, 2003 effective date.

Fiscal Summary

State Effect: None. The bill is procedural in nature and would not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The funeral expense allowance for an estate is limited to \$5,000 unless the estate is solvent and a special order of the court has been obtained or the will expressly empowers the personal representative to pay expenses without a court order.

Additional Information

Prior Introductions: None.

Cross File: HB 101 (Delegate Vallario) – Judiciary.

Information Source(s): Register of Wills, Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2003
ncs/jr

Analysis by: Michelle L. Harrison-Davis

Direct Inquiries to:
(410) 946-5510
(301) 970-5510