

SENATE BILL 405

I4

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SB 187/06 – FIN

By: **Senators Garagiola, Astle, Edwards, Exum, Gladden, Kelley, Kittleman, and Klausmeier**

Introduced and read first time: February 2, 2007

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Abandoned Property – Money Orders**

3 FOR the purpose of altering the time period after which there is a presumption that a
4 money order is abandoned under certain circumstances; making stylistic and
5 conforming changes; and generally relating to abandoned property in the State.

6 BY repealing and reenacting, with amendments,

7 Article – Commercial Law

8 Section 17-301(a)

9 Annotated Code of Maryland

10 (2005 Replacement Volume and 2006 Supplement)

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

13 **Article – Commercial Law**

14 17-301.

15 (a) The following property held by a banking or financial organization[,] or
16 business association is presumed abandoned:

17 (1) Any demand, savings, or matured time deposit account made with
18 a banking organization, together with any interest or dividend on it, excluding any
19 charges that lawfully may be withheld, unless, within 3 years, the owner has:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- (i) Increased or decreased the amount of the deposit;
- (ii) Presented evidence of the deposit for the crediting of interest;
- (iii) Corresponded in writing with the banking organization concerning the deposit;
- (iv) Engaged in any credit, trust, or other deposit transaction with the banking organization; or
- (v) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization;

(2) Any funds paid toward the purchase of shares or other interest in a financial organization, or any deposit made with these funds, and any interest or dividends on these, excluding any charges that lawfully may be withheld, unless, within 3 years, the owner has:

- (i) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends;
- (ii) Corresponded in writing with the financial organization concerning the funds or deposit;
- (iii) Engaged in any credit, share, or other deposit transaction with the financial organization; or
- (iv) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization;

(3) [Any] EXCEPT AS PROVIDED IN ITEMS (4) AND (5) OF THIS SUBSECTION, ANY sum payable on a check certified in this State or on a written instrument issued in this State on which a banking or financial organization or business association is directly liable, including any certificate of deposit[,] AND draft[, traveler's check, and money order], that has been outstanding for more than 3 years from the date it was payable [(or 15 years in the case of a traveler's check)] or, if payable on demand, from the date of its issuance, unless, within 3 years [or 15 years in the case of a traveler's check], the owner has:

3 (ii) Otherwise indicated an interest as evidenced by a
4 memorandum on file with the banking or financial organization or business
5 association; [and]

9 (I) CORRESPONDED IN WRITING WITH THE BANKING OR
10 FINANCIAL ORGANIZATION OR BUSINESS ASSOCIATION CONCERNING IT; OR

17 (I) CORRESPONDED IN WRITING WITH THE BANKING OR
18 FINANCIAL ORGANIZATION OR BUSINESS ASSOCIATION CONCERNING IT; OR

22 [(4)] (6) Any property removed from a safekeeping repository on
23 which the lease or rental period has expired or any surplus amounts arising from the
24 sale of the property pursuant to law, that have been unclaimed by the owner for more
25 than 3 years from the date on which the lease or rental period expired.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2007.