

# SENATE BILL 241

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3lr0587

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By: **Senator Guzzone (By Request – Office of the Comptroller)**

Introduced and read first time: January 24, 2023

Assigned to: Budget and Taxation

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 14, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Commercial Law – Abandoned Property – Alterations**

3 FOR the purpose of requiring the Comptroller, as Administrator of abandoned property in  
4 the State, to determine the value of certain nonmonetary abandoned property;  
5 authorizing the Administrator to dispose of the property in certain manners; and  
6 generally relating to abandoned property in the State.

7 BY repealing and reenacting, with amendments,

8 Article – Commercial Law

9 Section 17–316

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2022 Supplement)

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

14 **Article – Commercial Law**

15 17–316.

16 (a) **WITHIN 1 YEAR AFTER DELIVERY UNDER THIS TITLE OF ABANDONED**  
17 **PROPERTY OTHER THAN MONEY, THE ADMINISTRATOR SHALL DETERMINE:**

18 **(1) WHETHER THE PROPERTY HAS COMMERCIAL VALUE; AND**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           **(2) IF THE PROPERTY HAS COMMERCIAL VALUE, THE PROPERTY'S**  
2 **COMMERCIAL VALUE.**

3           **(B) (1)** Except as provided in [this] subsection **(C) OF THIS SECTION, [all]**  
4 **WITHIN 1 YEAR AFTER DELIVERY UNDER THIS TITLE OF ABANDONED PROPERTY**  
5 **OTHER THAN MONEY, THE ADMINISTRATOR SHALL OFFER THE** abandoned property  
6 [under this title, other than money delivered to the Administrator under this title, shall be  
7 offered] for sale [by the Administrator within 1 year of delivery].

8           **(2)** The sale shall be to the highest bidder at public sale in whatever place  
9 in the State affords the most favorable market for the property involved.

10           **(3)** The Administrator may decline the highest bid and reoffer the property  
11 for sale if the price bid is insufficient.

12           **(C) (1)** The Administrator need not offer [any] **ABANDONED** property for sale  
13 if[, the]:

14                   **(I) THE** probable cost of sale exceeds the Administrator's estimation  
15 of the value of the property; **OR**

16                   **(II) THE ADMINISTRATOR DETERMINES THAT THE PROPERTY**  
17 **HAS NO COMMERCIAL VALUE.**

18           **(2) IF UNDER PARAGRAPH (1) OF THIS SUBSECTION ABANDONED**  
19 **PROPERTY NEED NOT BE OFFERED FOR SALE, THE ADMINISTRATOR MAY:**

20                   **(I) RETURN THE PROPERTY TO THE HOLDER;**

21                   **(II) DESTROY THE PROPERTY; OR**

22                   **(III) OTHERWISE DISPOSE OF THE PROPERTY.**

23           **[(b)** Any sale held under this section shall be preceded by a single publication of  
24 notice at least three weeks in advance of the sale in a newspaper of general circulation in  
25 the county where the property is to be sold.]

26           **(D) THE ADMINISTRATOR SHALL GIVE REASONABLE NOTICE TO THE**  
27 **PUBLIC OF ANY SALE HELD UNDER THIS SECTION.**

28           **[(c)] (E) (1)** The purchaser at any sale conducted by the Administrator under  
29 this section shall receive title to the property purchased, free from every claim of the owner  
30 or prior holder of it and of every person who claims through or under them.

1                   **(2)**    The Administrator shall execute all documents necessary to complete  
2 the transfer of title.

3                   **[(d)] (F)**    No action by any person may be brought or maintained against the  
4 State or any officer of the State for or on account of any transaction entered into pursuant  
5 to and in accordance with the provisions of this section.

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2023.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.