

HOUSE BILL 88

N2

(PRE-FILED)

5lr1556
CF SB 158

By: **Delegate Cardin**

Requested: October 31, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 22, 2025

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts – Maryland Trust Decanting Act – Notification and**
3 **Document Transmittal**

4 FOR the purpose of specifying the manner in which notice regarding an exercise of the
5 decanting power or the sending of a document under the Maryland Trust Decanting
6 Act is required to be provided; and generally relating to the Maryland Trust
7 Decanting Act.

8 BY adding to

9 Article – Estates and Trusts

10 Section 14-602.1

11 Annotated Code of Maryland

12 (2022 Replacement Volume and 2024 Supplement)

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

15 **Article – Estates and Trusts**

16 **14-602.1.**

17 **(A) NOTICE TO A PERSON UNDER THIS SUBTITLE OR THE SENDING OF A**
18 **DOCUMENT TO A PERSON UNDER THIS SUBTITLE SHALL BE ACCOMPLISHED IN A**

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 MANNER REASONABLY SUITABLE UNDER THE CIRCUMSTANCES AND LIKELY TO
2 RESULT IN RECEIPT OF THE NOTICE OR DOCUMENT.

3 (B) AN AUTHORIZED FIDUCIARY SHALL PROVIDE NOTICE TO A PERSON
4 UNDER THIS SUBTITLE:

5 (1) BY PERSONAL SERVICE;

6 (2) BY CERTIFIED MAIL OR FIRST-CLASS MAIL, POSTAGE PREPAID,
7 RETURN RECEIPT REQUESTED;

8 (3) BY COURIER DELIVERY SERVICE, DELIVERY SERVICE PREPAID,
9 DELIVERY CONFIRMATION REQUESTED; OR

10 (4) IF A PERSON ENTITLED TO RECEIVE NOTICE UNDER THIS
11 SUBTITLE AGREES IN WRITING TO ACCEPT AN ALTERNATIVE FORM OF NOTICE:

12 (I) BY FIRST-CLASS MAIL, POSTAGE PREPAID;

13 (II) BY FACSIMILE TRANSMISSION FROM A FACSIMILE DEVICE
14 THAT PRODUCES A CONFIRMATION PAGE THAT SPECIFIES THE DATE AND TIME OF A
15 SUCCESSFUL FACSIMILE TRANSMISSION; OR

16 (III) BY E-MAIL, ACKNOWLEDGEMENT REQUESTED.

17 (C) (1) A PERSON MAY REVOKE THE AUTHORIZED FIDUCIARY'S
18 AUTHORIZATION TO PROVIDE NOTICE BY AN ALTERNATIVE METHOD UNDER
19 SUBSECTION (B)(4) OF THIS SECTION BY PROVIDING NOTICE TO THE AUTHORIZED
20 FIDUCIARY IN A METHOD SPECIFIED UNDER SUBSECTION (B)(1) THROUGH (3) OF
21 THIS SECTION.

22 (2) AN AUTHORIZED FIDUCIARY AUTHORIZED TO PROVIDE NOTICE BY
23 AN ALTERNATIVE METHOD UNDER SUBSECTION (B)(4) OF THIS SECTION MAY
24 CONTINUE TO PROVIDE NOTICE BY THE AUTHORIZED ALTERNATIVE METHOD UNTIL
25 THE PERSON ENTITLED TO RECEIVE NOTICE REVOKES THE AUTHORIZATION IN
26 ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

27 (D) IF AN AUTHORIZED FIDUCIARY WHO PROVIDES NOTICE BY AN
28 ALTERNATIVE METHOD UNDER SUBSECTION (B)(4) OF THIS SECTION KNOWS OR
29 SHOULD KNOW THAT THE PERSON ENTITLED TO RECEIVE NOTICE DID NOT
30 ACTUALLY RECEIVE NOTICE, THE AUTHORIZED FIDUCIARY SHALL PROVIDE NOTICE
31 TO THE PERSON BY A METHOD SPECIFIED UNDER SUBSECTION (B)(1) THROUGH (3)
32 OF THIS SECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.