

Chapter 509

(House Bill 596)

AN ACT concerning

Estates – Maryland Uniform Simultaneous Death Act

FOR the purpose of conforming the Maryland Uniform Simultaneous Death Act to the Uniform Simultaneous Death Act; providing that a surviving individual who does not survive the death of another individual for a certain period of time is deemed to have predeceased the other individual for purposes relating to the inheritance of property; establishing evidentiary procedures for determining an individual's death or survival in certain circumstances; providing for liability under this Act in connection with the distribution of disputed assets; and generally relating to the Maryland Uniform Simultaneous Death Act.

BY renumbering

Article – Courts and Judicial Proceedings

Section 10–806 and 10–807

to be Section 10–808 and 10–809, respectively

Annotated Code of Maryland

(2020 Replacement Volume and 2025 Supplement)

BY repealing

Article – Courts and Judicial Proceedings

Section 10–801 through 10–805

Annotated Code of Maryland

(2020 Replacement Volume and 2025 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 10–801 through 10–807

Annotated Code of Maryland

(2020 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 10–806 and 10–807 of Article – Courts and Judicial Proceedings of the Annotated Code of Maryland be renumbered to be Section(s) 10–808 and 10–809, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

[10–801.

Where title to property or its devolution depends upon priority of death and there is no sufficient evidence that the persons have died otherwise than simultaneously, the property of each person shall be disposed of as if he had survived, except as provided otherwise in this subtitle.]

[10–802.

Where two or more beneficiaries are designated to take successively because of survivorship under another person’s disposition of property and there is not sufficient evidence that these beneficiaries have died other than simultaneously, the property disposed of shall be divided into as many equal portions as there are successive beneficiaries, and these portions shall be distributed to those who would have taken in the event that each designated beneficiary had survived.]

[10–803.

Where there is no sufficient evidence that two joint tenants or tenants by the entirety have died other than simultaneously, the property held shall be distributed one half as if one had survived and one half as if the other had survived. If there are more than two joint tenants and all of them have so died, the property distributed shall be in the proportion that one bears to the whole number of joint tenants.]

[10–804.

Where the insured and the beneficiary in a policy of life or accident insurance have died and there is no sufficient evidence that they have died other than simultaneously, the proceeds of the policy shall be distributed as if the insured had survived the beneficiary.]

[10–805.

This subtitle shall not apply in the case of wills, living trusts, deeds, or contracts of insurance where provision has been made for distribution of property different from the provisions of this subtitle.]

10–801.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “CO–OWNER WITH RIGHT OF SURVIVORSHIP” INCLUDES:

(1) A JOINT TENANT;

(2) A TENANT BY THE ENTIRETY; AND

(3) A CO-OWNER OF PROPERTY OR AN ACCOUNT THAT ENTITLES REMAINING CO-OWNERS TO THE WHOLE OF THE PROPERTY OR ACCOUNT ON THE DEATH OF ANOTHER.

(C) (1) "GOVERNING INSTRUMENT" MEANS A DISPOSITIVE, APPOINTIVE, OR NOMINATIVE INSTRUMENT OF ANY TYPE.

(2) "GOVERNING INSTRUMENT" INCLUDES:

(I) AN ACCOUNT WITH A PAYABLE-ON-DEATH DESIGNATION;

(II) A DEED;

(III) AN INSURANCE OR ANNUITY POLICY;

(IV) A POWER OF ATTORNEY;

(V) A PENSION, OR A PROFIT-SHARING, RETIREMENT, OR SIMILAR BENEFIT PLAN;

(VI) A TRUST;

(VII) A WILL; AND

(VIII) AN INSTRUMENT CREATING OR EXERCISING A POWER OF APPOINTMENT.

(D) (1) "PAYOR" MEANS A PERSON WHO IS AUTHORIZED OR OBLIGATED BY LAW OR OTHER GOVERNING INSTRUMENT TO MAKE PAYMENTS.

(2) "PAYOR" INCLUDES:

(I) A TRUSTEE;

(II) AN INSURER;

(III) A BUSINESS ENTITY;

(IV) AN EMPLOYER; AND

(V) A GOVERNMENT OR A GOVERNMENT AGENCY, SUBDIVISION,

OR INSTRUMENTALITY.

10-802.

(A) THIS SECTION DOES NOT APPLY IF APPLICATION WILL RESULT IN ESCHEAT TO THE STATE UNDER § 3-105 OF THE ESTATES AND TRUSTS ARTICLE.

(B) EXCEPT AS PROVIDED IN § 10-806 OF THIS SUBTITLE, IF THE TITLE TO PROPERTY, THE DEVOLUTION OF PROPERTY, THE RIGHT TO ELECT AN INTEREST IN PROPERTY, OR THE RIGHT TO EXEMPT PROPERTY, HOMESTEAD, OR FAMILY ALLOWANCE DEPENDS ON AN INDIVIDUAL'S SURVIVORSHIP OF THE DEATH OF ANOTHER INDIVIDUAL, AN INDIVIDUAL WHO IS NOT ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE TO HAVE SURVIVED THE OTHER INDIVIDUAL BY AT LEAST 120 HOURS IS DEEMED TO HAVE PREDECEASED THE OTHER INDIVIDUAL.

10-803.

EXCEPT AS PROVIDED IN § 10-806 OF THIS SUBTITLE, FOR PURPOSES OF A PROVISION OF A GOVERNING INSTRUMENT THAT RELATES TO AN INDIVIDUAL SURVIVING AN EVENT, INCLUDING THE DEATH OF ANOTHER INDIVIDUAL, AN INDIVIDUAL WHO IS NOT ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE TO HAVE SURVIVED THE EVENT BY AT LEAST 120 HOURS IS DEEMED TO HAVE PREDECEASED THE EVENT.

10-804.

(A) EXCEPT AS PROVIDED IN § 10-806 OF THIS SUBTITLE, IF IT IS NOT ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE THAT ONE OF TWO CO-OWNERS WITH RIGHT OF SURVIVORSHIP SURVIVED THE OTHER CO-OWNER BY AT LEAST 120 HOURS:

(1) ONE-HALF OF THE PROPERTY SHALL PASS AS IF ONE CO-OWNER HAD SURVIVED BY AT LEAST 120 HOURS; AND

(2) ONE-HALF OF THE PROPERTY SHALL PASS AS IF THE OTHER CO-OWNER HAD SURVIVED BY AT LEAST 120 HOURS.

(B) EXCEPT AS PROVIDED IN § 10-806 OF THIS SUBTITLE, IF THERE ARE MORE THAN TWO CO-OWNERS WITH RIGHT OF SURVIVORSHIP AND IT IS NOT ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE THAT AT LEAST ONE OF THE CO-OWNERS SURVIVED THE OTHERS BY AT LEAST 120 HOURS, THE PROPERTY PASSES IN THE PROPORTION THAT ONE BEARS TO THE WHOLE NUMBER OF

CO-OWNERS.

10-805.

(A) THIS SECTION APPLIES IN ADDITION TO THE RULES OF EVIDENCE.

(B) DEATH OCCURS WHEN AN INDIVIDUAL IS DETERMINED TO BE DEAD IN ACCORDANCE WITH TITLE 5, SUBTITLE 2 OF THE HEALTH – GENERAL ARTICLE.

(C) (1) A CERTIFIED OR AUTHENTICATED COPY OF A DEATH CERTIFICATE ISSUED IN ACCORDANCE WITH § 4-212 OF THE HEALTH – GENERAL ARTICLE IS PRIMA FACIE EVIDENCE OF THE FACT, PLACE, DATE, AND TIME OF DEATH AND THE IDENTITY OF THE DECEDENT.

(2) A CERTIFIED OR AUTHENTICATED COPY OF ANY RECORD OR REPORT BY A FOREIGN OR DOMESTIC GOVERNMENT AGENCY THAT AN INDIVIDUAL IS ALIVE, MISSING, DETAINED, OR DEAD IS PRIMA FACIE EVIDENCE OF THE STATUS, DATES, CIRCUMSTANCES, AND PLACES DISCLOSED BY THE RECORD OR REPORT.

(3) IN THE ABSENCE OF EVIDENCE DISPUTING THE TIME OF DEATH STATED ON A DOCUMENT DESCRIBED IN PARAGRAPH (1) OR (2) OF THIS SUBSECTION, A DOCUMENT THAT STATES A TIME OF DEATH AT LEAST 120 HOURS AFTER THE TIME OF DEATH OF ANOTHER INDIVIDUAL, REGARDLESS OF HOW THE TIME OF DEATH OF THE OTHER INDIVIDUAL IS DETERMINED, ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE THAT THE INDIVIDUAL DESCRIBED SURVIVED THE OTHER INDIVIDUAL BY 120 HOURS.

(D) IN THE ABSENCE OF PRIMA FACIE EVIDENCE OF DEATH UNDER SUBSECTION (C) OF THIS SECTION, THE FACT OF DEATH MAY BE ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE, INCLUDING CIRCUMSTANTIAL EVIDENCE.

(E) (1) AN INDIVIDUAL WHOSE DEATH IS NOT ESTABLISHED UNDER SUBSECTION (C) OR (D) OF THIS SECTION IS PRESUMED TO BE DEAD WHEN:

(I) THE INDIVIDUAL HAS BEEN ENTIRELY ABSENT FOR A PERIOD OF 5 CONTINUOUS YEARS; AND

(II) AFTER A DILIGENT SEARCH OR INQUIRY, THE INDIVIDUAL'S ABSENCE HAS NOT BEEN SATISFACTORILY EXPLAINED.

(2) IN THE ABSENCE OF SUFFICIENT EVIDENCE TO DETERMINE AN INDIVIDUAL'S DEATH OCCURRED EARLIER, AN INDIVIDUAL'S DEATH PRESUMED UNDER THIS SECTION IS PRESUMED TO HAVE OCCURRED AT THE END OF THE

5-YEAR PERIOD.**10-806.**

IF THE TITLE TO PROPERTY, THE DEVOLUTION OF PROPERTY, THE RIGHT TO ELECT AN INTEREST IN PROPERTY, OR THE RIGHT TO EXEMPT PROPERTY, HOMESTEAD, OR FAMILY ALLOWANCE DEPENDS ON AN INDIVIDUAL SURVIVING AN EVENT, INCLUDING THE DEATH OF ANOTHER INDIVIDUAL, AN INDIVIDUAL IS NOT REQUIRED TO HAVE SURVIVED THE OTHER INDIVIDUAL BY AT LEAST 120 HOURS IF:

(1) THE GOVERNING INSTRUMENT CONTAINS APPLICABLE LANGUAGE DEALING EXPLICITLY WITH SIMULTANEOUS DEATHS OR DEATHS IN A COMMON DISASTER;

(2) THE GOVERNING INSTRUMENT EXPRESSLY INDICATES THAT THE INDIVIDUAL IS NOT REQUIRED TO SURVIVE THE EVENT, INCLUDING THE DEATH OF ANOTHER INDIVIDUAL, BY ANY SPECIFIED PERIOD PROVIDED THAT IT IS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE THAT THE INDIVIDUAL SURVIVED THE EVENT;

(3) THE GOVERNING INSTRUMENT EXPRESSLY REQUIRES THE INDIVIDUAL TO HAVE SURVIVED THE EVENT FOR A SPECIFIED PERIOD OTHER THAN AT LEAST 120 HOURS;

(4) THE APPLICATION OF A 120-HOUR REQUIREMENT OF SURVIVAL WOULD CAUSE A NONVESTED PROPERTY INTEREST OR POWER OF APPOINTMENT TO BE INVALID UNDER THE COMMON-LAW RULE AGAINST PERPETUITIES, UNLESS AN EXCEPTION UNDER § 11-102 OF THE ESTATES AND TRUSTS ARTICLE APPLIES, PROVIDED THAT IT IS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE THAT THE INDIVIDUAL SURVIVED THE EVENT; OR

(5) THE APPLICATION OF A 120-HOUR REQUIREMENT OF SURVIVAL TO MULTIPLE GOVERNING INSTRUMENTS WOULD RESULT IN AN UNINTENDED FAILURE OR DUPLICATION OF A DISPOSITION, PROVIDED THAT IT IS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE THAT THE INDIVIDUAL SURVIVED THE EVENT.

10-807.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PAYOR OR OTHER THIRD PARTY IS NOT LIABLE FOR HAVING MADE A PAYMENT, TRANSFERRED AN ITEM OF PROPERTY, CONFERRED A BENEFIT, OR TAKEN ANY

OTHER ACTION IN GOOD FAITH RELIANCE ON AN INDIVIDUAL'S APPARENT ENTITLEMENT UNDER THE TERMS OF A GOVERNING INSTRUMENT.

(2) A PAYOR OR THIRD PARTY IS LIABLE FOR PAYMENT MADE OR OTHER ACTION TAKEN AFTER THE PAYOR OR THIRD PARTY RECEIVED WRITTEN NOTICE OF A CLAIMED LACK OF ENTITLEMENT IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(B) A WRITTEN NOTICE OF A CLAIMED LACK OF ENTITLEMENT SHALL BE:

(1) SENT BY REGISTERED OR CERTIFIED MAIL, INCLUDING PROOF OF DELIVERY, TO A PAYOR'S OR THIRD PARTY'S HOME OR WORK ADDRESS; OR

(2) SERVED ON THE PAYOR OR THIRD PARTY IN THE SAME MANNER AS A SUMMONS IN A CIVIL ACTION.

(C) (1) ON RECEIPT OF NOTICE IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, A PAYOR OR THIRD PARTY MAY:

(I) IF PROBATE PROCEEDINGS HAVE COMMENCED, PAY ANY AMOUNT OWED OR TRANSFER OR DEPOSIT ANY ITEM OF PROPERTY HELD BY THE PAYOR OR THIRD PARTY TO OR WITH THE COURT HAVING JURISDICTION OF THE PROBATE PROCEEDINGS RELATED TO THE DECEDENT'S ESTATE; OR

(II) IF NO PROBATE PROCEEDINGS HAVE BEEN COMMENCED, PAY ANY AMOUNT OWED OR TRANSFER OR DEPOSIT ANY ITEM OF PROPERTY HELD BY THE PAYOR OR THIRD PARTY TO OR WITH THE COURT HAVING JURISDICTION OF PROBATE PROCEEDINGS RELATING TO DECEDENTS' ESTATES LOCATED IN THE COUNTY OF THE DECEDENT'S RESIDENCE.

(2) A COURT THAT HOLDS PROPERTY IN ACCORDANCE WITH THIS SUBSECTION SHALL ORDER DISBURSEMENT IN ACCORDANCE WITH A DETERMINATION MADE UNDER THIS SUBTITLE.

(D) IF A PAYOR OR THIRD PARTY DISTRIBUTES ASSETS BASED ON APPARENT ENTITLEMENT:

(1) THE RECIPIENT IS NOT LIABLE FOR OR OBLIGATED TO RETURN:

(I) PROPERTY PURCHASED FOR VALUE, UNLESS THE PURCHASER HAD NOTICE OF A DISPUTE REGARDING ENTITLEMENT TO THE PROPERTY; OR

(II) A PAYMENT, AN ITEM OF PROPERTY, OR A BENEFIT RECEIVED IN PARTIAL OR FULL OBLIGATION OF A LEGALLY ENFORCEABLE OBLIGATION; AND

(2) THE RECIPIENT IS OBLIGATED TO RETURN OR IS PERSONALLY LIABLE FOR THE COST OF A PAYMENT, AN ITEM OF PROPERTY, OR A BENEFIT THAT WAS DISTRIBUTED:

(I) NOT-FOR-VALUE; OR

(II) UNDER A PROVISION THAT IS PREEMPTED BY FEDERAL LAW.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, May 12, 2026.