

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 596
Judiciary

(Delegate Nkongolo, *et al.*)

Judicial Proceedings

Estates - Maryland Uniform Simultaneous Death Act

This bill replaces the existing substantive provisions of the Maryland Uniform Simultaneous Death Act with provisions that substantially conform to the more recent Uniform Simultaneous Death Act adopted by the Uniform Law Commission in 1993, addressing circumstances in which the timing of a person’s death in relation to another person’s death, or another event, affects the disposition of property interests or rights (*e.g.*, if a person would receive property under another’s will if they survive them) or has other significance under specified legal instruments. The updated Act requires a person to have survived another person’s death (or other event) by 120 hours in order to be deemed to have survived, for purposes of the disposition of property interests or rights (or other purposes under a provision of a legal instrument that relates to a person’s survival of another’s death or other event).

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: The bill does not materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary:

Repeal of Existing Provisions

The bill repeals existing substantive provisions of the Maryland Uniform Simultaneous Death Act, which, among other things, treat a person as having survived another’s death if there is sufficient evidence that the person survived the other’s death (that their deaths were

not simultaneous), where title to, or devolution (transfer) of, property depends on whether a person has survived another's death. Under the existing provisions, if there is not sufficient evidence that the persons have died other than simultaneously, each person's property is disposed of as if the other person had not survived (had "predeceased") them – causing the property to instead be distributed to other beneficiaries or heirs of the person. The Act does not apply where a will, living trust, deed, or contract of insurance provides for distribution of property that is different from the Act. (See Current Law for additional description of the existing provisions.)

New Provisions – 120-hour Requirement

The updated Act's 120-hour requirement addresses three circumstances:

- (1) **Where title to property, devolution (transfer) of property, or specified rights relating to property depend on an individual surviving 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.
- (2) **Where a provision of a governing instrument (including a will, trust, deed, power of attorney, insurance policy, benefit plan, or any other dispositive, appointive, or nominative instrument) 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.
- (3) **Co-owners with right of survivorship (joint tenants, tenants by the entirety, or co-owners of property or an account that entitles remaining co-owners to the whole of the property or account when a co-owner dies):**
 - 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 must pass as if one co-owner survived by at least 120 hours and (2) one-half of the property must pass as if the other co-owner had survived by at least 120 hours.
 - 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.

Other New Provisions

The bill establishes:

- specified circumstances in which the 120-hour requirement does not apply, including where a governing instrument contains specified contrary language or where application of the requirement will result in reversion of property to the State because the deceased has no other beneficiaries or heirs (see the new §§ 10-802(a) and 10-806 in the bill);
- rules for establishing facts needed to apply the 120-hour requirement, including the date and time of a death (see the new § 10-805); and
- provisions governing circumstances where actions (*e.g.*, a transfer of property) are, or may be, taken that are not consistent with the Act, including a provision establishing protection from liability for persons (“payors or other third parties”) who take action in good faith reliance on an individual’s apparent entitlement under the terms of a governing instrument (see the new § 10-807).

Current Law: The existing Maryland Uniform Simultaneous Death Act establishes the following requirements applicable to specified circumstances where two or more persons have died and there is no sufficient evidence that the persons died other than simultaneously:

- (1) **Where title to property or its devolution (transfer) depends upon priority of death:**
 - the property of each person who has died is disposed of as if he had survived.
- (2) **Where two or more beneficiaries (who have died, and there is not sufficient evidence that they died other than simultaneously) are designated to take successively because of survivorship under another person’s disposition of property:**
 - the property is divided into as many equal portions as there are successive beneficiaries, and the portions are distributed to those who would have taken in the event that each designated beneficiary had survived (outlived) the other(s).
- (3) **Where there are joint tenants or tenants by the entirety (who have died, and there is no sufficient evidence that they died other than simultaneously):**
 - the property is divided equally, and the divided portions are distributed as if each person had survived (outlived) the other(s).

(4) **Where an insured person and their beneficiary under a life or accident insurance policy die (and there is no sufficient evidence that they died other than simultaneously):**

- the proceeds of the policy are distributed as if the beneficiary did not survive the death of the insured person (*i.e.*, distributed to other beneficiaries or heirs of the insured).

The Act does not apply where a will, living trust, deed, or contract of insurance provides for distribution of property that is different from the Act.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 250 (Senators Simonaire and West) - Judicial Proceedings., HB 199 (Delegate Crosby) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts); Orphans' Court of Baltimore County; Register of Wills; Department of Legislative Services

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