

CANDACE McLAREN LANHAM
Chief Deputy Attorney General

CAROLYN A. QUATTROCKI
Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CHRISTIAN E. BARRERA
Chief Operating Officer

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

PETER V. BERNS
General Counsel



ANTHONY G. BROWN
Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

WILLIAM D. GRUHN
Chief
Consumer Protection Division

Writer's Direct Dial No.

410-576-7040

410-576-7942
kstraughn@oag.state.md.us

February 27, 2024

To: The Honorable C.T. Wilson
Chair, Economic Matters Committee

From: Karen S. Straughn
Consumer Protection Division.

Re: House Bill 1156 – Consumer Law – Consumer Wire Transfers – Liability (Elder Fraud Prevention Act of 2024) (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General submits the following written testimony in support of House Bill 1156 submitted by Delegates Vaughn Stewart and Mike Griffith. This bill limits the liability of an individual for unauthorized wire transfers if proper timely notice is given.

Wire transfer fraud includes any bank fraud that involves electronic communication mechanisms instead of face-to-face communication at a financial institution. It also involves the fraudulent attainment of banking information, by way of false pretense, to gain access to another person's bank account. Because wire transfers are nearly instantaneous and extremely difficult to reverse, they present a preferred payment method for scammers. By the time victims realize they've been scammed, the fraudster is gone along with their money.

This bill seeks to limit the responsibility of an innocent consumer for an unauthorized wire transfer if proper timely notice is given. If the unauthorized transfer is discovered by transmittal of the account statement, then 60 days' notice to the financial institution is required to limit a consumer's liability to the lesser of \$50 or the amount of the transfer. If the financial institution is notified by the consumer of the loss of the means to initiate a transfer within 2 days of its loss or theft, then the consumer's liability is limited to the lesser of \$500 or the amount of the transfer. The financial institution is further required to conduct a good faith investigation with the burden of proof on the financial institution to show that the authorization was intentional.

These safeguards place the onus on the financial institution to protect individuals who are less savvy to these potential scams, and to ensure that wire transfers are not inadvertently intercepted.

For these reasons, the Consumer Protection Division asks that the Economic Matters Committee return a favorable report on this bill.

cc: The Honorable Vaughn Stewart
The Honorable Mike Griffith
Members, Economic Matters Committee