



Statement of the Uniform Law Commission, Represented by Maryland Commissioner Steven Leitess and ULC Chief Counsel Benjamin Orzeske to the Maryland House Judiciary Committee in Support of HB 596

February 11, 2026

Chair Bartlett, Vice-Chair Davis, and Members of the Committee –

House Bill 596 is an update of a uniform state law that Maryland adopted over fifty years ago – the Uniform Simultaneous Death Act. This legislation addresses an inequity that can occur when two individuals who own property together die in a common accident.

The problem is best illustrated with an example:

Imagine a married couple, with no children, who are involved in an accident. The couple owns a home and joint bank accounts. If they die without an estate plan, their property will pass according to Maryland's intestacy law. If one of the spouses is determined to have died first, the surviving spouse will inherit the jointly owned property. The problem can arise if both spouses die in the accident and it cannot be determined which spouse died first. In that case, the current Maryland Simultaneous Death Act provides a solution: each spouse's property passes to their heirs as if they had survived the other. (MD Code, Courts and Judicial Proceedings, § 10-801.) One half of any jointly-owned property will be inherited by the husband's family, and one half by the wife's family – a fair result.

In 1993, the Uniform Law Commission updated the Uniform Simultaneous Death Act, but Maryland never adopted the adopted version. HB 596 will enact the updated uniform act, but it would not change the result in the example above. Instead, this bill will expand the application of this rule to apply in more cases.

Another example will illustrate the benefit of this change:

Imagine that the same married couple was involved in an accident but only the husband died at the scene. The wife was rescued by paramedics and transferred to an ambulance but died in transit to the emergency room. Maryland's current law on simultaneous death would not apply in this example, because the wife clearly survived longer, and she inherited all the jointly owned property when her husband died. When she subsequently died, all the property they jointly owned would have then been inherited by the wife's family alone – disinheriting the husband's family because the wife survived him for a short period of time.

HB 596 will update the law to apply the rule for simultaneous death in cases where a couple dies within 120 hours (five days) of each other. This will result in a fairer outcome

for families who suffer this type of horrible loss – the property will be divided between both families as if the couple had died simultaneously. The updated rule is simple: a person who inherits property from a decedent must survive the decedent for at least 120 hours before the inheritance is given legal effect. Otherwise, the first decedent will be deemed to have survived the second decedent and each decedent’s property will pass to their legal heirs.

The updated law will apply not only to married couples, but to any individuals who stand to inherit property – including life insurance and retirement plan beneficiaries, and owners of jointly held property and accounts. In all cases, the survivor must survive for at least 120 hours to inherit, and the time of death shown on the death certificates is determinative unless challenged in court. In addition to a fairer distribution of property, the new law will help to avoid unfortunate litigation where one decedent’s heirs attempt to prove, using sometimes gruesome medical evidence, that their relative survived the other by a few moments.

This updated version of the Uniform Simultaneous Death Act has been adopted in 22 other states and has proven to work well in practice. We urge you to support this update to Maryland law and welcome any questions from the committee.

About the Uniform Law Commission

The ULC is a 134-year-old state-supported organization. We are a group of volunteer attorneys that provide states with non-partisan, well-conceived, and well-drafted legislation that brings clarity and stability to critical areas of state statutory law. The study and drafting process is open and inclusive. It encourages participation by persons with a wide variety of perspectives and subject matter expertise, with the goal of creating the highest quality draft legislation possible.

ULC commissioners are practicing lawyers, judges, legislators and legislative staff, and law professors, who have been appointed by state governments as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands. ULC commissioners donate thousands of hours of legal work, without compensation, to research, draft, and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.

Respectfully,

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