

SENATE BILL 158

N2

(PRE-FILED)

5lr1282
CF HB 88

By: **Senator West**

Requested: October 19, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

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

21 **(B) AN AUTHORIZED FIDUCIARY SHALL PROVIDE NOTICE TO A PERSON**
22 **UNDER THIS SUBTITLE:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) BY PERSONAL SERVICE;**

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

4 **(3) BY COURIER DELIVERY SERVICE, DELIVERY SERVICE PREPAID,**
5 **DELIVERY CONFIRMATION REQUESTED; OR**

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

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

9 **(II) BY FACSIMILE TRANSMISSION FROM A FACSIMILE DEVICE**
10 **THAT PRODUCES A CONFIRMATION PAGE THAT SPECIFIES THE DATE AND TIME OF A**
11 **SUCCESSFUL FACSIMILE TRANSMISSION; OR**

12 **(III) BY E-MAIL, ACKNOWLEDGEMENT REQUESTED.**

13 **(C) (1) A PERSON MAY REVOKE THE AUTHORIZED FIDUCIARY'S**
14 **AUTHORIZATION TO PROVIDE NOTICE BY AN ALTERNATIVE METHOD UNDER**
15 **SUBSECTION (B)(4) OF THIS SECTION BY PROVIDING NOTICE TO THE AUTHORIZED**
16 **FIDUCIARY IN A METHOD SPECIFIED UNDER SUBSECTION (B)(1) THROUGH (3) OF**
17 **THIS SECTION.**

18 **(2) AN AUTHORIZED FIDUCIARY AUTHORIZED TO PROVIDE NOTICE BY**
19 **AN ALTERNATIVE METHOD UNDER SUBSECTION (B)(4) OF THIS SECTION MAY**
20 **CONTINUE TO PROVIDE NOTICE BY THE AUTHORIZED ALTERNATIVE METHOD UNTIL**
21 **THE PERSON ENTITLED TO RECEIVE NOTICE REVOKES THE AUTHORIZATION IN**
22 **ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.**

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

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