

SENATE BILL 241

I4

3lr0587

By: **Senator Guzzone (By Request – Office of the Comptroller)**

Introduced and read first time: January 24, 2023

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Abandoned Property – Alterations**

3 FOR the purpose of requiring the Comptroller, as Administrator of abandoned property in
4 the State, to determine the value of certain nonmonetary abandoned property;
5 authorizing the Administrator to dispose of the property in certain manners; and
6 generally relating to abandoned property in the State.

7 BY repealing and reenacting, with amendments,
8 Article – Commercial Law
9 Section 17–316
10 Annotated Code of Maryland
11 (2013 Replacement Volume and 2022 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Commercial Law**

15 17–316.

16 (a) **WITHIN 1 YEAR AFTER DELIVERY UNDER THIS TITLE OF ABANDONED**
17 **PROPERTY OTHER THAN MONEY, THE ADMINISTRATOR SHALL DETERMINE:**

18 **(1) WHETHER THE PROPERTY HAS COMMERCIAL VALUE; AND**

19 **(2) IF THE PROPERTY HAS COMMERCIAL VALUE, THE PROPERTY’S**
20 **COMMERCIAL VALUE.**

21 **(B) (1) Except as provided in [this] subsection (C) OF THIS SECTION, [all]**
22 **WITHIN 1 YEAR AFTER DELIVERY UNDER THIS TITLE OF ABANDONED PROPERTY**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **OTHER THAN MONEY, THE ADMINISTRATOR SHALL OFFER THE** abandoned property
2 **[under this title, other than money delivered to the Administrator under this title, shall be**
3 **offered]** for sale **[by the Administrator within 1 year of delivery].**

4 **(2)** The sale shall be to the highest bidder at public sale in whatever place
5 in the State affords the most favorable market for the property involved.

6 **(3)** The Administrator may decline the highest bid and reoffer the property
7 for sale if the price bid is insufficient.

8 **(C) (1)** The Administrator need not offer **[any] ABANDONED** property for sale
9 if**[, the]:**

10 **(I)** **THE** probable cost of sale exceeds the Administrator's estimation
11 of the value of the property; **OR**

12 **(II)** **THE ADMINISTRATOR DETERMINES THAT THE PROPERTY**
13 **HAS NO COMMERCIAL VALUE.**

14 **(2)** **IF UNDER PARAGRAPH (1) OF THIS SUBSECTION ABANDONED**
15 **PROPERTY NEED NOT BE OFFERED FOR SALE, THE ADMINISTRATOR MAY:**

16 **(I)** **RETURN THE PROPERTY TO THE HOLDER;**

17 **(II)** **DESTROY THE PROPERTY; OR**

18 **(III)** **OTHERWISE DISPOSE OF THE PROPERTY.**

19 **[(b)** Any sale held under this section shall be preceded by a single publication of
20 notice at least three weeks in advance of the sale in a newspaper of general circulation in
21 the county where the property is to be sold.]

22 **(D)** **THE ADMINISTRATOR SHALL GIVE REASONABLE NOTICE TO THE**
23 **PUBLIC OF ANY SALE HELD UNDER THIS SECTION.**

24 **[(c)] (E) (1)** The purchaser at any sale conducted by the Administrator under
25 this section shall receive title to the property purchased, free from every claim of the owner
26 or prior holder of it and of every person who claims through or under them.

27 **(2)** The Administrator shall execute all documents necessary to complete
28 the transfer of title.

29 **[(d)] (F)** No action by any person may be brought or maintained against the
30 State or any officer of the State for or on account of any transaction entered into pursuant
31 to and in accordance with the provisions of this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2023.