

Senate Bill No. 746

AN ACT concerning

Trust or Fiduciary Powers – Corporate Trustees

FOR the purpose of authorizing certain persons to exercise trust or fiduciary powers in this State; authorizing certain out-of-state financial institutions to exercise trust or fiduciary powers in this State under certain conditions; requiring out-of-state financial institutions exercising trust or fiduciary powers in this State to file certain information with the State Bank Commissioner; and generally relating to the exercise of trust or fiduciary powers in this State by certain persons.

BY adding to

Article – Estates and Trusts

Section 14-109

Annotated Code of Maryland

(1991 Replacement Volume and 1994 Supplement)

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

Article – Estates and Trusts

14-109.

(A) THE FOLLOWING PERSONS MAY EXERCISE TRUST OR FIDUCIARY POWERS IN THIS STATE:

(1) AN INDIVIDUAL;

(2) A TRUST COMPANY AS DEFINED IN § 1-101 OF THIS ARTICLE;

(3) AN ORGANIZATION EXEMPT FROM TAXATION UNDER ~~§ 501(C)~~ § 501(C)(3) OF THE INTERNAL REVENUE CODE; ~~AND OR AND~~

(4) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A BANK, TRUST COMPANY, OR SAVINGS BANK, OTHER THAN ONE DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, THAT IS:

(I) ORGANIZED UNDER THE LAWS OF ANOTHER STATE AND AUTHORIZED TO EXERCISE TRUST OR FIDUCIARY POWERS IN THE STATE WHERE ITS PRINCIPAL PLACE OF BUSINESS IS LOCATED; OR

(II) ORGANIZED UNDER THE LAWS OF THE UNITED STATES AND AUTHORIZED TO EXERCISE TRUST OR FIDUCIARY POWERS UNDER FEDERAL LAW.

(B) (1) A BANK, TRUST COMPANY, OR SAVINGS BANK DESCRIBED IN SUBSECTION (A)(4) OF THIS SECTION MAY EXERCISE TRUST OR FIDUCIARY POWERS IN THIS STATE ONLY IF THE LAWS OF THE STATE WHERE ITS PRINCIPAL PLACE OF BUSINESS IS LOCATED AUTHORIZE A BANK, TRUST COMPANY, OR SAVINGS BANK FROM THIS STATE TO EXERCISE TRUST OR FIDUCIARY POWERS IN THAT STATE.