

(1990 Replacement Volume and 1997 Supplement)

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

Article - Commercial Law

17-101.

(m) "Personal property" does not include:

(1) A gift certificate; [or]

(2) Credits in connection with the sale of consumer goods to a wholesaler or retailer in the ordinary course of business;

(3) OUTSTANDING CHECKS OR CREDITS ISSUED TO VENDORS OR COMMERCIAL CUSTOMERS IN THE ORDINARY COURSE OF BUSINESS, OTHER THAN PROPERTY DESCRIBED IN § 17-301(A) OF THIS TITLE HELD BY A BANKING ORGANIZATION OR FINANCIAL ORGANIZATION;

(4) CREDIT BALANCES IN VENDOR OR COMMERCIAL CUSTOMER ACCOUNTS THAT OCCUR IN THE ORDINARY COURSE OF BUSINESS, OTHER THAN PROPERTY DESCRIBED IN § 17-301(A) OF THIS TITLE HELD BY A BANKING ORGANIZATION OR FINANCIAL ORGANIZATION; OR

(5) PURCHASE PRICE REBATES ISSUED TO CUSTOMERS IN THE ORDINARY COURSE OF BUSINESS.

17-322.

(a) At reasonable times and on reasonable notice, the administrator may examine the records of any person if there is reason to believe that the person has failed to report property that should have been reported under this title. THE ADMINISTRATOR MAY NOT EXAMINE THE RECORDS OF ANY PERSON REGARDING ABANDONED PROPERTY AFTER 5 YEARS FROM THE DATE THE PERSON FILED THE REPORT WITH THE ADMINISTRATOR COVERING THE PERIOD OF TIME DURING WHICH THE PROPERTY ALLEGEDLY BECAME ABANDONED, UNLESS THE ADMINISTRATOR FINDS THAT THE PERSON ACTED FRAUDULENTLY OR WITH GROSS NEGLIGENCE WITH RESPECT TO THE REPORT.

17-323.

(a) Any person who fails to pay or deliver abandoned property to the administrator as required by this title shall pay a penalty equal to [25] 15 percent of the value of the property. If any person fails to file any report or refuses to deliver property to the administrator as required by this title, the administrator may bring an action in a court of appropriate jurisdiction to require the filing of the report and to enforce delivery of the property.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 1998.