

SENATE BILL 730

N2

2lr2586
CF HB 802

By: **Senators Watson, Young, and Smith**
Introduced and read first time: February 7, 2022
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Claims Against an Estate – Statute of Limitations**

3 FOR the purpose of altering the statute of limitations for the filing of certain claims against
4 a decedent’s estate; and generally relating to the statute of limitations for claims
5 against an estate.

6 BY repealing and reenacting, with amendments,
7 Article – Estates and Trusts
8 Section 8–103
9 Annotated Code of Maryland
10 (2017 Replacement Volume and 2021 Supplement)

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

13 **Article – Estates and Trusts**

14 8–103.

15 (a) **(1)** [Except] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND**
16 **EXCEPT** as otherwise **PROVIDED IN THIS SECTION OR** expressly provided by statute with
17 respect to claims of the United States or the State[, a claim against an estate of a decedent,
18 whether due or to become due, absolute or contingent, liquidated or unliquidated, founded
19 on contract, tort, or other legal basis, is forever barred against the estate, the personal
20 representative, and the heirs and legatees, unless presented within the earlier of the
21 following dates:

22 (1) 6 months after the date of the decedent’s death; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) 2 months after the personal representative mails or otherwise delivers
2 to the creditor a copy of a notice in the form required by § 7–103 of this article or other
3 written notice, notifying the creditor that the claim will be barred unless the creditor
4 presents the claim within 2 months after the mailing or other delivery of the notice];

5 **(I) A CLAIM AGAINST AN INDIVIDUAL THAT ARISES BEFORE**
6 **THE INDIVIDUAL’S DEATH AND THAT IS NOT BARRED AT THE TIME OF THE**
7 **INDIVIDUAL’S DEATH BY THE APPLICABLE STATUTE OF LIMITATIONS MAY BE**
8 **PRESENTED AGAINST THE INDIVIDUAL DECEDENT’S ESTATE WITHIN THE LATER OF:**

9 **1. THE DATE THAT THE PERIOD OF LIMITATIONS**
10 **TERMINATES; OR**

11 **2. 1 YEAR AFTER THE APPOINTMENT OF THE PERSONAL**
12 **REPRESENTATIVE OF THE ESTATE; AND**

13 **(II) A CLAIM AGAINST AN INDIVIDUAL THAT ARISES AFTER THE**
14 **INDIVIDUAL’S DEATH MAY BE PRESENTED AGAINST THE INDIVIDUAL DECEDENT’S**
15 **ESTATE WITHIN THE LATER OF:**

16 **1. THE DATE THAT THE PERIOD OF LIMITATIONS FOR**
17 **FILING THE CLAIM TERMINATES; OR**

18 **2. 2 YEARS AFTER THE APPOINTMENT OF THE**
19 **PERSONAL REPRESENTATIVE OF THE ESTATE.**

20 **(2) FOR PURPOSES OF THIS SUBSECTION, IF A PERIOD OF MORE THAN**
21 **2 YEARS PASSES AFTER A DECEDENT’S DEATH BUT BEFORE THE PERSONAL**
22 **REPRESENTATIVE FOR THE DECEDENT’S ESTATE IS APPOINTED, THE PERSONAL**
23 **REPRESENTATIVE SHALL BE DEEMED TO HAVE BEEN APPOINTED ON THE LAST DAY**
24 **OF THE 2–YEAR PERIOD.**

25 (b) A claim for slander against an estate of a decedent that arose before the death
26 of the decedent is barred even if an action was commenced against and service of process
27 was effected on the decedent before the decedent’s death.

28 [(c) A claim against the estate based on the conduct of or a contract with a personal
29 representative is barred unless an action is commenced against the estate within 6 months
30 after the date the claim arose.]

31 [(d)] **(C)** Nothing in this section shall affect or prevent an action or proceeding
32 to enforce a mortgage, pledge, judgment or other lien, or security interest on property of
33 the estate.

1 [(e) If the decedent had been duly served with process before the decedent's death,
2 nothing in this section shall affect an action for injuries to the person or damage to property
3 that was commenced against the decedent.]

4 [(f)] (D) A claim filed by the Maryland Department of Health against the estate
5 of a deceased Maryland Medical Assistance Program recipient, as authorized under §
6 15-121(a) of the Health – General Article, is forever barred against the estate, the personal
7 representative, and the heirs and legatees, unless the claim is presented within the earlier
8 of the following dates:

9 (1) 6 months after publication of notice of the first appointment of a
10 personal representative; or

11 (2) 2 months after the personal representative mails or otherwise delivers
12 to the Department's Division of Medical Assistance Recoveries a copy of a notice in the form
13 required under § 7-103 of this article or other written notice, notifying the Department
14 that the claim shall be barred unless the Department presents its claim within 2 months
15 from the receipt of the notice.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
17 apply only prospectively and may not be applied or interpreted to have any effect on or
18 application to any claim arising before the effective date of this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2022.