

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Department of Labor, Licensing, and Regulation  
(DLS Control No. 16-164)**

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**Overview and Legal and Fiscal Impact**

This regulation amends existing regulations to clarify what types of activities constitute “individual tax preparation services” that subject the individual performing those services to registration requirements under State law.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

**Regulation of COMAR Affected**

**Department of Labor, Licensing, and Regulation:**

State Board of Individual Tax Preparers: General Regulations: COMAR 09.38.01.01

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**Legal Analysis**

**Summary of Regulation**

State law requires individuals engaged in individual tax preparation services to pass a State examination and register with the State Board of Individual Tax Preparers in the Department of Labor, Licensing, and Regulation. Proposed regulation .01A defines the term “provide individual tax preparation services” to include certain activities that directly involve the individual’s specific expertise or judgement in the performance of those activities. The regulation also distinguishes certain activities that would be characterized as strictly administrative from the scope of tax preparation services, as defined.

**Legal Issues**

The regulation presents no legal issues of concern.

**Statutory Authority and Legislative Intent**

The board cites §§ 21-101, 21-102, and 21-205 of the Business Occupations and Professions Article as statutory authority for the regulation. Section 21-205 expressly empowers the board to adopt regulations to carry out the title. Although §§ 21-101 and 21-102 do not

specifically address the board’s regulatory authority, they provide context by defining terms and establishing the title’s purpose, respectively.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

### **Technical Corrections and Special Notes**

Proposed regulation .01A(4) defines the term “provide administrative support services” in order to distinguish those services from individual tax preparation services. That term, however, is not used anywhere in the chapter. The department was advised that proposed regulation .01A(5), which defines the term “provide individual tax preparation services”, could be renumbered as regulation .01A(4) and amended to exclude administrative support services from the scope of activities that constitute “individual tax preparation services”. The department agreed to amend the regulations to correct the error. This analysis reflects that correction.

### **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

#### **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulation has minimal or no impact on State or local governments. The Department of Legislative Services concurs.

#### **Impact on Budget**

There is no impact on the State operating or capital budget.

#### **Agency Estimate of Projected Small Business Impact**

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

### **Contact Information**

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