

SENATE BILL 291

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Q7
SB 454/97 - B&T

1998 Regular Session
8r1784

By: **Senator Haines**

Introduced and read first time: February 4, 1998
Assigned to: Budget and Taxation

Committee Report: Favorable
Senate action: Adopted
Read second time: March 25, 1998

CHAPTER _____

1 AN ACT concerning

2 **Recordation Tax - Payment and Collection**

3 FOR the purpose of providing for collection of the recordation tax by certain county
4 officers instead of the clerks of the circuit court under certain circumstances;
5 requiring certain county officers to deduct from the recordation tax and remit to
6 the Comptroller a certain percentage for a certain fiscal year; and generally
7 relating to the payment and collection of the recordation tax imposed on certain
8 instruments.

9 BY repealing and reenacting, without amendments,
10 Article - Tax - Property
11 Section 1-101(e)
12 Annotated Code of Maryland
13 (1994 Replacement Volume and 1997 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Tax - Property
16 Section 12-109(b)
17 Annotated Code of Maryland
18 (1994 Replacement Volume and 1997 Supplement)
19 (As enacted by Chapter 654 of the Acts of the General Assembly of 1997)

20 BY repealing and reenacting, with amendments,
21 Article - Tax - Property
22 Section 12-110(a) and (b)(1)
23 Annotated Code of Maryland

1 (1994 Replacement Volume and 1997 Supplement)

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

4 **Article - Tax - Property**

5 1-101.

6 (e) "Collector" includes an officer of a county or municipal corporation who has
7 a duty to collect or remit taxes.

8 12-109.

9 (b) (1) Except as provided in paragraph (2) of this subsection, the
10 recordation tax on an instrument of writing or a security agreement recorded under
11 subsection (a)(1) of this section in any county shall be paid to the COLLECTOR OR THE
12 clerk of the circuit court for the county, AS DESIGNATED BY THE GOVERNING BODY OF
13 THE COUNTY.

14 (2) In Prince George's County, the recordation tax on an instrument of
15 writing or a security agreement recorded under subsection (a)(1) of this section shall
16 be paid to the Director of Finance of Prince George's County.

17 (3) The recordation tax on a security agreement, articles of transfer,
18 articles of merger, articles of consolidation or other documents which evidence a
19 merger or consolidation of foreign corporations, foreign partnerships, foreign limited
20 liability companies, or foreign limited partnerships filed with the Department shall
21 be paid to the Department.

22 12-110.

23 (a) (1) Except as provided in subsections (c) through (e) of this section, in
24 any county except Prince George's, the recordation tax collected by the COLLECTOR
25 OR THE clerk of the circuit court shall be paid to the governing body of the county in
26 which the recordation tax was collected.

27 (2) In Prince George's County the recordation tax is both paid to and
28 collected by the Director of Finance of Prince George's County.

29 (b) (1) A person who offers for recordation an instrument of writing for
30 property located in 2 or more counties shall submit to the COLLECTOR OR THE clerk of
31 the circuit court for each county a certificate showing the apportionment of the total
32 value of the property between each of the counties.

33 SECTION 2. AND BE IT FURTHER ENACTED, That, for any county other
34 than Prince George's County, for Fiscal Year 1999 only, if the recordation tax under
35 Title 12 of the Tax - Property Article is not collected by the clerk of the circuit court
36 for the county, the officer of the county who collects the recordation tax shall deduct
37 from the recordation tax collected and remit to the Comptroller the percentage that a

1 clerk of the court is authorized to deduct under § 2-213 of the Courts and Judicial
2 Proceedings Article.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 1998.