

SENATE BILL 5

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Q7
SB 291/98 - B&T

1999 Regular Session
9lr0367
CF 9lr1466

(PRE-FILED)

By: **Senator Haines**
Requested: October 5, 1998
Introduced and read first time: January 13, 1999
Assigned to: Budget and Taxation

Committee Report: Favorable
Senate action: Adopted
Read second time: March 16, 1999

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 by 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 1998 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Tax - Property
16 Section 12-109(b) and 12-110(a) and (b)(1)
17 Annotated Code of Maryland
18 (1994 Replacement Volume and 1998 Supplement)

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

1 **Article - Tax - Property**

2 1-101.

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

5 12-109.

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

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

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

19 12-110.

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

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

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That, for any county other
31 than Prince George's County, for fiscal year 2000 only, if the recordation tax under
32 Title 12 of the Tax - Property Article is not collected by the clerk of the circuit court
33 for the county, the officer of the county who collects the recordation tax shall deduct
34 from the recordation tax collected and remit to the Comptroller the percentage that a
35 clerk of the court is authorized to deduct under § 2-213 of the Courts and Judicial
36 Proceedings Article.

37 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 July 1, 1999.

