

HOUSE BILL 588

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Q1

2002 Regular Session
(2r1997)

ENROLLED BILL
-- Ways and Means/Budget and Taxation --

Introduced by **Delegates Healey, Bozman, C. Davis, Heller, Howard, Marriott, Patterson, and Rosso**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Personal Property Tax - ~~Refund Claims~~ Refunds and Reports**

3 FOR the purpose of authorizing a person who has filed a personal property tax report
4 with the Department of Assessments and Taxation to file an amended report
5 within a certain time under certain circumstances; requiring the Department to
6 provide certain notice to a person who files a certain amended report; repealing
7 the requirement that a person submit a petition for review to the Department to
8 appeal personal property assessments under certain circumstances; ~~altering the~~
9 time period within which certain owners of personal property may appeal the
10 value or classification of certain personal property by submitting a petition for
11 review; altering the time period within which a person must submit a refund
12 claim for certain claims for refund of personal property tax; providing that a
13 county or municipal corporation may pay a claim for a refund of personal
14 property tax without interest within a certain period after the claim is approved
15 under certain circumstances; and generally relating to ~~refund claims~~ refunds
16 and reports for personal property tax.

1 BY repealing and reenacting, with amendments,
2 Article - Tax - Property
3 Section 8-415, 14-510(a), 14-512(a), ~~14-505(a)~~, 14-611, 14-905(a), 14-906(a)
4 and (b), and 14-915
5 Annotated Code of Maryland
6 (2001 Replacement Volume and 2001 Supplement)

7 BY adding to
8 Article - Tax - Property
9 Section 11-103 and 14-919
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2001 Supplement)

12 BY repealing
13 Article - Tax - Property
14 Section 14-505
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2001 Supplement)

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

19 **Article - Tax - Property**

20 8-415.

21 The owner of property may submit a petition for review:

22 (1) for real property, as provided by § 14-503(a) of this article; and

23 (2) for personal property, as provided by [§§ 14-503(b) and 14-505] §
24 14-503(B) of this article.

25 11-103.

26 (A) IF A PERSON WHO HAS FILED A REPORT UNDER THIS TITLE DETERMINES
27 THAT INFORMATION WAS NOT REPORTED ACCURATELY, THE PERSON MAY FILE AN
28 AMENDED REPORT WITHIN 3 YEARS AFTER THE APRIL 15TH THAT THE ORIGINAL
29 REPORT WAS DUE.

30 (B) A PERSON FILING AN AMENDED REPORT UNDER SUBSECTION (A) OF THIS
31 SECTION MAY ONLY CLAIM AN EXEMPTION FOR PERSONAL PROPERTY USED IN
32 MANUFACTURING IF AN EXEMPTION FOR PERSONAL PROPERTY USED IN THE
33 MANUFACTURING PROCESS WAS PREVIOUSLY APPROVED FOR THAT TAXABLE YEAR
34 UNDER §§ 7-104(B) AND 7-225(D) OF THIS ARTICLE.

35 (C) AFTER REVIEWING AN AMENDED REPORT, THE DEPARTMENT SHALL:

- 1 (1) ISSUE A CORRECTED ASSESSMENT NOTICE; OR
2 (2) NOTIFY THE PERSON THAT THE ORIGINAL ASSESSMENT NOTICE
3 WILL NOT BE ADJUSTED.

4 (D) A PERSON WHO RECEIVES A NOTICE UNDER SUBSECTION (C) OF THIS
5 SECTION MAY APPEAL THE CHANGE IN VALUE OR CLASSIFICATION RELATED TO THE
6 CORRECTED INFORMATION OR THE DENIAL NOTICE AS PROVIDED IN § 14-504 OF
7 THIS ARTICLE.

8 [14-505.

9 (a) For personal property assessed by the Department, the owner who
10 reported cost or market information for the personal property to the Department but
11 failed to report the information accurately may appeal the value or classification of
12 the personal property set forth in the notice of assessment by submitting a petition for
13 review to the Department if:

14 (1) the owner claims that the personal property is valued at a higher
15 value than if the information had been reported accurately; and

16 (2) the appeal is made within [~~3 years~~] ~~1-YEAR~~ of the date of the notice of
17 assessment.

18 (b) If the requirements of subsection (a) of this section are met, the
19 Department shall hold a hearing as provided under § 14-510 of this subtitle.]

20 14-510.

21 (a) In this section, "hearing" means a hearing held on an appeal under §
22 14-502, § 14-503, § 14-504, [§ 14-505,] or § 14-509 of this subtitle.

23 14-512.

24 (a) Any taxpayer, the governing body of a county, a municipal corporation, or
25 the Attorney General may appeal a final action by the Department on an appeal
26 under § 14-504 [or § 14-505] of this subtitle to the Maryland Tax Court. The appeal
27 shall be made on or before 30 days from:

28 (1) the date of the final action of the Department; or

29 (2) the earlier of the date of delivery or mailing of the notice of the final
30 action to the address specified under § 14-507 of this subtitle, if a request is made
31 under § 14-507 of this subtitle.

32 14-611.

33 [On] SUBJECT TO § 14-919 OF THIS TITLE, ON the final determination of an
34 appeal under Subtitle 5 of this title, any money paid by a taxpayer that exceeds the
35 amount properly chargeable under the determination shall be refunded at the same

1 rate of interest that the taxes would have borne if the taxes were determined to have
2 been overdue.

3 14-905.

4 (a) [A] SUBJECT TO § 14-919 OF THIS SUBTITLE, A person who submits a
5 written refund claim to the appropriate collector for county or municipal corporation
6 property tax erroneously or mistakenly paid to the collector is eligible for a refund of
7 the amount paid that exceeds the amount that is properly and legally chargeable to or
8 collectible from the person.

9 14-906.

10 (a) A person shall receive a refund of excess property tax paid on property
11 without submitting a refund claim to the collector if the payment is erroneous due to:
12 a lower final property tax liability [than]:

13 ~~(1)~~ THAN:

14 ~~[(1)]~~ ~~(I)~~ the advance property tax payment made under § 10-205 of this
15 article; or

16 ~~[(2)]~~ ~~(II)~~ the estimated property tax payment made under § 10-210 of
17 this article; OR

18 ~~(2)~~ RESULTING FROM A CORRECTED ASSESSMENT ISSUED BY THE
19 DEPARTMENT UNDER § 11-103(C) OF THIS ARTICLE.

20 (1) A LOWER FINAL PROPERTY TAX LIABILITY THAN THE ADVANCE
21 PROPERTY TAX PAYMENT MADE UNDER § 10-205 OF THIS ARTICLE;

22 (2) A LOWER FINAL PROPERTY TAX LIABILITY THAN THE ESTIMATED
23 PROPERTY TAX PAYMENT MADE UNDER § 10-210 OF THIS ARTICLE; OR

24 (3) A CORRECTED ASSESSMENT ISSUED BY THE DEPARTMENT UNDER §
25 11-103(C) OF THIS ARTICLE.

26 (b) [(1)] If a person submits a refund claim to the collector within the time
27 required by § 14-915 of this subtitle, the person shall receive a refund of excess
28 property tax paid on personal property if the payment is erroneous due to:

29 (i) a determination by the appropriate supervisor or the
30 Department that the payment is based on an erroneous assessment that did not allow
31 for an exemption to which the person was entitled by regulation, administrative
32 interpretation, or controlling case law at the time of the assessment; or

33 (ii) a lower final property tax liability than the advance property
34 tax payment made under § 10-206 of this article.

1 ~~[(2) The person is eligible for a property tax refund under paragraph (1)(i)~~
 2 ~~of this subsection whether or not the person has submitted a protest or appealed the~~
 3 ~~assessment.]~~

4 14-915.

5 To be eligible for a refund, a person must submit a refund claim on or before:

6 (1) 3 years from the date that the property tax is paid, for a claim under
 7 § 14-904, § 14-905(a), (b), or (d), or § 14-906(c) of this subtitle ~~OTHER THAN A CLAIM~~
 8 ~~FOR A REFUND OF PERSONAL PROPERTY TAX;~~

9 (2) 3 years from the date that the recordation tax is paid, for a claim
 10 under § 14-907 of this subtitle;

11 (3) 3 years from the date that the transfer tax is paid, for a claim under
 12 § 14-908 of this subtitle; OR

13 (4) ~~1 year from the date of finality of the erroneous assessment of~~
 14 ~~personal property for which a claim is submitted under § 14-906(b)(1)(i) of this~~
 15 ~~subtitle; or~~

16 ~~(5)~~ ~~(4)~~ 1 year from the date that the tax rate is fixed for the taxable
 17 year following an advance payment of property tax on personal property for which a
 18 claim is submitted under ~~§ 14-906(b)(1)(ii)~~ § 14-906(B) of this subtitle; ~~OR~~

19 ~~(H)~~ ~~1 YEAR FROM THE DATE THAT THE PROPERTY TAX IS PAID FOR~~
 20 ~~ANY OTHER CLAIM FOR A REFUND OF PERSONAL PROPERTY TAX.~~

21 14-919.

22 NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A ~~COUNTY OR~~
 23 MUNICIPAL CORPORATION MAY PAY A CLAIM FOR A REFUND OF PERSONAL
 24 PROPERTY TAX WITHOUT INTEREST WITHIN THREE YEARS AFTER THE REFUND
 25 CLAIM IS APPROVED IF THE DEPARTMENT DETERMINES THAT THE REFUND IS A
 26 RESULT OF A FAILURE TO FILE A REPORT WHEN DUE OR OTHER TAXPAYER ERROR.

27 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding §
 28 11-103(a) of the Tax - Property Article, as enacted by Section 1 of this Act, a person
 29 may file an amended personal property report that was originally due on April 15,
 30 1999 on or before April 15, 2003.

31 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
 32 effect July 1, 2002.

