

SENATE BILL 430

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2002 Regular Session
2r1162
CF 2r1805

By: **Senators Hogan, Lawlah, Middleton, Munson, and Neall**
Introduced and read first time: January 31, 2002
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Property Tax - Personal Property - Reports**

3 FOR the purpose of authorizing an individual who has filed a personal property tax
4 report with the Department of Assessments and Taxation to file an amended
5 report within a certain time under certain circumstances; requiring the
6 Department to provide certain notice to an individual who files a certain
7 amended report; repealing the requirement that an individual submit a petition
8 for review to the Department to appeal personal property assessments under
9 certain circumstances; and generally relating to authorizing individuals to file
10 amended property tax reports.

11 BY repealing and reenacting, with amendments,
12 Article - Tax - Property
13 Section 8-415, 14-510(a), 14-512(a), 14-906(b), and 14-915
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2001 Supplement)

16 BY adding to
17 Article - Tax - Property
18 Section 11-103
19 Annotated Code of Maryland
20 (2001 Replacement Volume and 2001 Supplement)

21 BY repealing
22 Article - Tax - Property
23 Section 14-505
24 Annotated Code of Maryland
25 (2001 Replacement Volume and 2001 Supplement)

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

1 **Article - Tax - Property**

2 8-415.

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

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

5 (2) for personal property, as provided by [§§ 14-503(b) and 14-505] §
6 14-503(B) of this article.

7 11-103.

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

12 (B) A PERSON FILING AN AMENDED REPORT UNDER SUBSECTION (A) OF THIS
13 SECTION MAY ONLY CLAIM AN EXEMPTION FOR PERSONAL PROPERTY USED IN
14 MANUFACTURING IF AN EXEMPTION FOR PERSONAL PROPERTY USED IN THE
15 MANUFACTURING PROCESS WAS PREVIOUSLY APPROVED FOR THAT TAXABLE YEAR
16 PURSUANT TO §§ 7-104(B) AND 7-225(D) OF THIS ARTICLE.

17 (C) AFTER REVIEWING AN AMENDED REPORT, THE DEPARTMENT SHALL
18 EITHER:

19 (1) ISSUE A CORRECTED ASSESSMENT NOTICE; OR

20 (2) NOTIFY THE PERSON THAT THE ORIGINAL ASSESSMENT NOTICE
21 WILL NOT BE ADJUSTED.

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

26 [14-505.

27 (a) For personal property assessed by the Department, the owner who
28 reported cost or market information for the personal property to the Department but
29 failed to report the information accurately may appeal the value or classification of
30 the personal property set forth in the notice of assessment by submitting a petition for
31 review to the Department if:

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

34 (2) the appeal is made within 3 years of the date of the notice of
35 assessment.

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

3 14-510.

4 (a) In this section, "hearing" means a hearing held on an appeal under §
5 14-502, § 14-503, § 14-504, [§ 14-505,] or § 14-509 of this subtitle.

6 14-512.

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

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

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

15 14-906.

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

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

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

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

28 14-915.

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

30 (1) 3 years from the date that the property tax is paid, for a claim under
31 § 14-904, § 14-905(a), (b), or (d), or § 14-906(c) of this subtitle;

32 (2) 3 years from the date that the recordation tax is paid, for a claim
33 under § 14-907 of this subtitle;

34 (3) 3 years from the date that the transfer tax is paid, for a claim under
35 § 14-908 of this subtitle; OR

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

4 (5)] 1 year from the date that the tax rate is fixed for the taxable year
5 following an advance payment of property tax on personal property for which a claim
6 is submitted under [§ 14-906(b)(1)(ii)] § 14-906(B) of this subtitle.

7 SECTION 2. AND BE IT FURTHER ENACTED, That notwithstanding §
8 11-103(a) of the Tax - Property Article as enacted under Section 1 of this Act, a
9 person may file an amended personal property report that was originally due on April
10 15, 1999 on or before April 15, 2003.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2002.