

SENATE BILL 430

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2002 Regular Session  
2r1162  
CF 2r1805

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By: **Senators Hogan, Lawlah, Middleton, Munson, and Neall**

Introduced and read first time: January 31, 2002

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

12 BY repealing and reenacting, with amendments,  
13 Article - Tax - Property  
14 Section 8-415, 14-510(a), 14-512(a), ~~14-906(b)~~ 14-906(a) and (b), and 14-915  
15 Annotated Code of Maryland  
16 (2001 Replacement Volume and 2001 Supplement)

17 BY adding to  
18 Article - Tax - Property  
19 Section 11-103  
20 Annotated Code of Maryland  
21 (2001 Replacement Volume and 2001 Supplement)

22 BY repealing  
23 Article - Tax - Property

1 Section 14-505  
2 Annotated Code of Maryland  
3 (2001 Replacement Volume and 2001 Supplement)

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

6 **Article - Tax - Property**

7 8-415.

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

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

10 (2) for personal property, as provided by [§§ 14-503(b) and 14-505] §  
11 14-503(B) of this article.

12 11-103.

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

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

22 (C) AFTER REVIEWING AN AMENDED REPORT, THE DEPARTMENT SHALL  
23 EITHER:

24 (1) ISSUE A CORRECTED ASSESSMENT NOTICE; OR

25 (2) NOTIFY THE PERSON THAT THE ORIGINAL ASSESSMENT NOTICE  
26 WILL NOT BE ADJUSTED.

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

31 [14-505.

32 (a) For personal property assessed by the Department, the owner who  
33 reported cost or market information for the personal property to the Department but  
34 failed to report the information accurately may appeal the value or classification of

1 the personal property set forth in the notice of assessment by submitting a petition for  
2 review to the Department if:

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

5 (2) the appeal is made within 3 years of the date of the notice of  
6 assessment.

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

9 14-510.

10 (a) In this section, "hearing" means a hearing held on an appeal under §  
11 14-502, § 14-503, § 14-504, [§ 14-505,] or § 14-509 of this subtitle.

12 14-512.

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

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

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

21 14-906.

22 (a) A person shall receive a refund of excess property tax paid on property  
23 without submitting a refund claim to the collector if the payment is erroneous due to:

24 (1) a lower final property tax liability than[:

25 (1)] the advance property tax payment made under § 10-205 of this  
26 article; [or ]

27 (2) A LOWER FINAL PROPERTY TAX LIABILITY THAN the estimated  
28 property tax payment made under § 10-210 of this article; OR

29 (3) A CORRECTED ASSESSMENT ISSUED BY THE DEPARTMENT UNDER §  
30 11-103(C) OF THIS ARTICLE.

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

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

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

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

10 14-915.

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

12 (1) 3 years from the date that the property tax is paid, for a claim under  
13 § 14-904, § 14-905(a), (b), or (d), or § 14-906(c) of this subtitle;

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

16 (3) 3 years from the date that the transfer tax is paid, for a claim under  
17 § 14-908 of this subtitle; OR

18 (4) [1 year from the date of finality of the erroneous assessment of  
19 personal property for which a claim is submitted under § 14-906(b)(1)(i) of this  
20 subtitle; or

21 (5)] 1 year from the date that the tax rate is fixed for the taxable year  
22 following an advance payment of property tax on personal property for which a claim  
23 is submitted under [§ 14-906(b)(1)(ii)] § 14-906(B) of this subtitle.

24 SECTION 2. AND BE IT FURTHER ENACTED, That notwithstanding §  
25 11-103(a) of the Tax - Property Article as enacted under Section 1 of this Act, a  
26 person may file an amended personal property report that was originally due on April  
27 15, 1999 on or before April 15, 2003.

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