
By: **Delegate Elmore**

Introduced and read first time: February 6, 2004

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Statute of Limitations - Tax Liens**

3 FOR the purpose of providing that certain tax liens are subject to a certain limitations
4 period and may be renewed in the same manner as other judgments; providing
5 for the application of this Act; and generally relating to certain tax liens.

6 BY repealing and reenacting, without amendments,
7 Article - Courts and Judicial Proceedings
8 Section 5-102
9 Annotated Code of Maryland
10 (2002 Replacement Volume and 2003 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article - Tax - General
13 Section 13-808
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 2003 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Tax - General
18 Section 13-1103
19 Annotated Code of Maryland
20 (1997 Replacement Volume and 2003 Supplement)

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

23 **Article - Courts and Judicial Proceedings**

24 5-102.

25 (a) An action on one of the following specialties shall be filed within 12 years
26 after the cause of action accrues, or within 12 years from the date of the death of the
27 last to die of the principal debtor or creditor, whichever is sooner:

- 1 (1) Promissory note or other instrument under seal;
- 2 (2) Bond except a public officer's bond;
- 3 (3) Judgment;
- 4 (4) Recognizance;
- 5 (5) Contract under seal; or
- 6 (6) Any other specialty.
- 7 (b) A payment of principal or interest on a specialty suspends the operation of
8 this section as to the specialty for three years after the date of payment.
- 9 (c) This section does not apply to a specialty taken for the use of the State.

10 **Article - Tax - General**

11 13-808.

12 From the date on which a tax lien is filed under § 13-807 of this subtitle, the
13 lien has the full force and effect of a judgment lien.

14 13-1103.

15 (a) Except as otherwise provided in this section, a tax imposed under this
16 article may not be collected after 7 years from the date the tax is due.

17 (b) If a tax collector fails to collect a tax and a receiver or trustee is appointed
18 within the period specified in subsection (a) of this section to complete the tax
19 collection, the period for collecting the tax extends for 2 years from the date that the
20 trustee or receiver is appointed.

21 (c) If the assessment of any tax has been made within the period of limitations
22 applicable to the assessment, a tax may not be collected after 7 years from the date of
23 the assessment. Any judgment entered may be enforced or renewed as any other
24 judgment.

25 (D) NOTWITHSTANDING § 5-102(C) OF THE COURTS AND JUDICIAL
26 PROCEEDINGS ARTICLE, A TAX LIEN FILED UNDER § 13-807 OF THIS TITLE IS
27 SUBJECT TO THE LIMITATIONS PERIOD APPLICABLE TO JUDGMENTS UNDER §
28 5-102(A) OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE AND MAY BE
29 RENEWED IN THE SAME MANNER AS ANY OTHER JUDGMENT.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 July 1, 2004, and shall be applicable to tax liens filed on or after July 1, 2004.