

UNOFFICIAL COPY OF SENATE BILL 399
EMERGENCY BILL

Q6

5lr1989
CF 5lr3118

By: **Senators Green and Currie**

Introduced and read first time: February 3, 2005

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 4, 2005

CHAPTER _____

1 AN ACT concerning

2 **Recordation and Transfer Taxes - Exemption**

3 FOR the purpose of exempting from ~~the recordation tax, the State transfer tax, and~~
4 ~~the Prince George's County transfer tax~~ certain recordation and transfer taxes
5 certain instruments of writing ~~conveying title to real property located in Prince~~
6 ~~George's County from a civic association to an organization exempt from federal~~
7 ~~income taxation~~ under certain circumstances; providing for the retroactive
8 application of this Act; making this Act an emergency measure; and generally
9 relating to ~~an exemption from the recordation tax, the State transfer tax, and~~
10 ~~the Prince George's County transfer tax~~ certain exemptions from certain
11 recordation and transfer taxes for certain instruments of writing ~~conveying title~~
12 ~~to real property located in Prince George's County from a civic association to an~~
13 ~~organization exempt from federal income taxation~~ under certain circumstances.

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That:

16 (a) In this section, "instrument of writing" includes:

17 (1) an instrument of writing as defined in § 12-101 of the Tax - Property
18 Article;

19 (2) an instrument of writing as defined in § 13-101 of the Tax - Property
20 Article; and

21 (3) an instrument of writing as defined in § 10-187 of the Public Local
22 Laws of Prince George's County.

1 (b) Notwithstanding any other provision of law, an instrument of writing is
2 not subject to the recordation tax imposed under Title 12 of the Tax - Property Article,
3 the State transfer tax imposed under Title 13 of the Tax - Property Article, or the
4 Prince George's County transfer tax authorized under § 10-187 of the Public Local
5 Laws of Prince George's County, if:

6 (1) the instrument of writing conveys title to real property located in
7 Prince George's County from a civic association to an organization exempt from
8 federal income taxation under § 501(c)(3) of the Internal Revenue Code;

9 (2) the settlement for the transfer of the property occurred on or after
10 October 1, 2004, but before January 1, 2005; and

11 (3) only nominal consideration was payable for the transfer and no
12 mortgage or deed of trust was assumed by the grantee.

13 (c) Notwithstanding any other provision of law, an instrument of writing is
14 not subject to the recordation tax imposed under Title 12 of the Tax - Property Article
15 if:

16 (1) the instrument of writing is a mortgage or deed of trust on real
17 property located in Calvert County that secures a debt of a volunteer fire fighting
18 organization that is exempt from federal income taxation under § 501(c)(4) of the
19 Internal Revenue Code; and

20 (2) the instrument of writing was recorded on or after March 1, 2005, but
21 before July 1, 2005.

22 SECTION 2. AND BE IT FURTHER ENACTED, That Section 1(b) of this Act
23 shall be applied retroactively to any instrument of writing for a transfer occurring on
24 or after October 1, 2004. Section 1(c) of this Act shall be applied retroactively to any
25 instrument of writing recorded on or after March 1, 2005.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
27 measure, is necessary for the immediate preservation of the public health or safety,
28 has been passed by a yea and nay vote supported by three-fifths of all the members
29 elected to each of the two Houses of the General Assembly, and shall take effect from
30 the date it is enacted.