

HOUSE BILL 1625

Q6, D1

8lr3517

By: **Delegates Bates and Miller**

Rules suspended

Introduced and read first time: March 17, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Recordation Tax – Fees for Collection**

3 FOR the purpose of authorizing a county in which the clerk of a circuit court collects
4 the recordation tax and the clerk to negotiate the amount that the clerk may
5 receive for collecting the recordation tax subject to certain provisions; setting
6 certain minimum and maximum limits on the amount received for collection;
7 and generally relating to authorizing certain counties and clerks of the circuit
8 courts to negotiate certain fees for collecting recordation tax.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 2–213
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2007 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 2–213.

18 (a) (1) Except as otherwise provided in this section **AND SUBJECT TO**
19 **PARAGRAPH (2) OF THIS SUBSECTION**, the clerk of a circuit court is entitled to 5% of
20 all public money that the clerk receives, collects, and pays over.

21 (2) (I) **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IF**
22 **THE CLERK OF A CIRCUIT COURT COLLECTS THE TAX APPLICABLE TO**
23 **INSTRUMENTS RECORDED WITH THE CLERK IN A COUNTY UNDER TITLE 12 OF**
24 **THE TAX – PROPERTY ARTICLE, THE COUNTY AND THE CLERK MAY NEGOTIATE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **THE AMOUNT THAT THE CLERK IS ENTITLED TO RECEIVE FOR COLLECTING THE**
2 **TAX.**

3 **(II) THE AMOUNT NEGOTIATED UNDER SUBPARAGRAPH (I)**
4 **OF THIS PARAGRAPH MAY NOT BE NOT LESS THAN 2% OF THE AMOUNT**
5 **COLLECTED AND MAY NOT EXCEED 5% OF THE AMOUNT COLLECTED.**

6 (b) The Clerk of the Circuit Court for Anne Arundel County is entitled to
7 receive:

8 (1) 3% of the amount collected for the tax applicable to instruments
9 recorded with the Clerk under Title 12 of the Tax – Property Article; and

10 (2) 5% of all other public money that the Clerk receives, collects, and
11 pays over.

12 (c) The Clerk of the Circuit Court for Baltimore City is entitled to receive:

13 (1) 2.5% of the amount collected from the tax applicable to
14 instruments recorded with the Clerk under Title 12 of the Tax – Property Article; and

15 (2) 5% of all other public money that the Clerk receives, collects, and
16 pays over.

17 (d) The Clerk of the Circuit Court for Baltimore County is entitled to receive:

18 (1) 3% of the amount collected from the tax applicable to instruments
19 recorded with the Clerk under Title 12 of the Tax – Property Article; and

20 (2) 5% of all other public money that the Clerk receives, collects, and
21 pays over.

22 (e) (1) Notwithstanding subsection (a) of this section, the Clerk of the
23 Circuit Court for Charles County shall:

24 (i) Deduct from collection fees for the tax collected under Title
25 12 of the Tax – Property Article the cost of two-thirds of the salaries and benefits of
26 the court reporters for the Circuit Court of Charles County; and

27 (ii) Pay the amount deducted to the Charles County Treasurer.

28 (2) The Clerk shall make the payment promptly after receipt of a
29 voucher from the Charles County Treasurer stating the amount of the salaries and
30 benefits paid to the court reporters.

31 (f) The Clerk of the Circuit Court for Harford County is entitled to:

1 (1) 3% of the amount collected from the tax applicable to instruments
2 recorded with the Clerk under Title 12 of the Tax – Property Article; and

3 (2) 5% of all other public money that the Clerk receives, collects, and
4 pays over.

5 (g) The Clerk of the Circuit Court for Montgomery County is entitled to 3% of
6 all public money that the Clerk receives, collects, and pays over.

7 (h) Notwithstanding subsection (a) of this section, the Clerk of the Circuit
8 Court for St. Mary’s County is not entitled to a collection fee for collecting the county
9 transfer tax under Chapter 138 of the Public Local Laws of St. Mary’s County when
10 the Clerk collects both the recordation tax under Title 12 of the Tax – Property Article
11 and the county transfer tax for the filing of a single instrument.

12 (i) Notwithstanding subsection (a) of this section, the Clerk of the Circuit
13 Court for Washington County is not entitled to a collection fee for collecting the county
14 transfer tax under § 2–702 of the Public Local Laws of Washington County when the
15 Clerk collects both the recordation tax under Title 12 of the Tax – Property Article and
16 the county transfer tax for the filing of a single instrument.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 2008.