

Chapter 650

(Senate Bill 1081)

AN ACT concerning

Rebate Programs for Retail Sales – Collection of Sales and Use Tax

FOR the purpose of requiring a State agency ~~to verify whether certain sales or use tax has been collected by the vendor~~ or nongovernment entity to require a buyer of a household appliance to make a certain certification before issuing or ~~allowing~~ authorizing the issuance of certain rebates or similar instruments to reduce the cost of certain sales of household appliances under certain programs; ~~requiring certain State agencies to submit or require the submission of certain information under certain circumstances to the Comptroller to assist the Comptroller in the collection of a certain sales and use tax~~; and generally relating to the collection of a sales or use tax on retail sales subject to certain rebates.

BY adding to

Article – Tax – General

Section 11-409

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

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

Article – Tax – General

11-409.

~~(A)~~ NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, BEFORE A STATE AGENCY ISSUES A REBATE OR SIMILAR INSTRUMENT OR ~~ALLOWS~~ AUTHORIZES A REBATE OR SIMILAR INSTRUMENT TO BE ISSUED BY A NONGOVERNMENT ENTITY TO REDUCE THE COST OF A RETAIL SALE OF HOUSEHOLD APPLIANCES UNDER A PROGRAM TO PROMOTE ENERGY EFFICIENCY, THE STATE AGENCY ~~SHALL VERIFY WHETHER ANY APPLICABLE SALES OR USE TAX HAS BEEN COLLECTED ON THE SALE BY THE VENDOR~~ OR NONGOVERNMENT ENTITY SHALL REQUIRE THE BUYER OF A HOUSEHOLD APPLIANCE TO CERTIFY THAT:

(1) THE HOUSEHOLD APPLIANCE WAS PURCHASED AT A RETAIL SALE IN THE STATE; OR

(2) THE BUYER PAID THE APPLICABLE STATE SALES AND USE TAX.

~~**(B) IF THE STATE AGENCY DETERMINES THAT ANY APPLICABLE SALES OR USE TAX HAS NOT BEEN COLLECTED, THE STATE AGENCY SHALL SUBMIT OR REQUIRE THE SUBMISSION OF THE NECESSARY INFORMATION TO THE COMPTROLLER SO THAT THE SALES OR USE TAX MAY BE COLLECTED BY THE COMPTROLLER.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 20, 2010.