

SENATE BILL 185

Q3

6lr0598
CF HB 1333

By: **Senators Kelley, Kasemeyer, Madaleno, McFadden, Rosapepe, and Waugh**

Introduced and read first time: January 20, 2016

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2016

CHAPTER _____

1 AN ACT concerning

2 **Income Tax – Filing of Withholding Statements ~~and Payment of Refund Claims~~**

3 FOR the purpose of altering the date by which certain payors of amounts subject to income
4 tax withholding are required to provide the Comptroller a copy of a certain
5 statement; ~~prohibiting the Comptroller from paying a certain claim for refund of~~
6 ~~income tax before a certain date except under certain circumstances;~~ and generally
7 relating to the filing of certain statements of withholding ~~and the payment of certain~~
8 ~~income tax refund claims.~~

9 BY repealing and reenacting, with amendments,
10 Article – Tax – General
11 Section 10–911(b) ~~and 13–905~~
12 Annotated Code of Maryland
13 (2010 Replacement Volume and 2015 Supplement)

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

16 **Article – Tax – General**

17 10–911.

18 (b) **[An] ON OR BEFORE JANUARY 31 OF EACH YEAR AN** employer or payor of
19 a payment subject to withholding shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (1) provide 2 copies of the statement required under subsection (a) of this
 2 section to the employee or person who receives a payment subject to withholding [on or
 3 before January 31 of each year]; and

4 (2) submit 1 copy of the statement to the Comptroller [on or before
 5 February 28 of each year].

6 ~~13-905.~~

7 ~~(a) Subject to the additional provisions under this section, a tax collector shall~~
 8 ~~pay any claim for refund that has been allowed by the tax collector unless:~~

9 ~~(1) the claimant has not paid all other taxes, fees, or charges payable to the~~
 10 ~~State; or~~

11 ~~(2) the amount of the refund due is less than \$1.~~

12 ~~(b) FOR A CLAIM FOR REFUND OF INCOME TAX, THE COMPTROLLER MAY~~
 13 ~~NOT PAY THE CLAIM BEFORE MARCH 1 OF EACH YEAR UNLESS THE COMPTROLLER~~
 14 ~~DETERMINES THAT:~~

15 ~~(1) THE EMPLOYER OF THE INDIVIDUAL CLAIMING THE REFUND HAS~~
 16 ~~FILED A COPY OF THE STATEMENT FOR THE PREVIOUS CALENDAR YEAR IN~~
 17 ~~ACCORDANCE WITH § 10-911 OF THIS ARTICLE; AND~~

18 ~~(2) THE INDIVIDUAL HAS FILED A RETURN IN ACCORDANCE WITH~~
 19 ~~TITLE 10, SUBTITLE 8 OF THIS ARTICLE.~~

20 ~~(c) If a claim for refund of income tax is based on a return that is filed jointly by~~
 21 ~~the personal representative and surviving spouse of a decedent, the Comptroller shall pay~~
 22 ~~the claim to the estate of the decedent.~~

23 ~~[(c)] (D) The payment of income tax refunds is subject to tax refund interception~~
 24 ~~under § 10-113 of the Family Law Article and §§ 13-912 through 13-919 of this subtitle.~~

25 ~~[(d)] (E) The Comptroller may not pay a refund of excess motor carrier tax credit~~
 26 ~~unless the motor carrier has complied with Title 9, Subtitle 2 of this article and regulations~~
 27 ~~adopted under it for a full registration year and the Comptroller, in the Comptroller's~~
 28 ~~discretion, allows the refund.~~

29 ~~[(e)] (F) For a claim of refund for sales and use tax, the Comptroller shall either:~~

30 ~~(1) pay the refund; or~~

31 ~~(2) allow a credit of the amount of the refund on subsequent sales and use~~
 32 ~~tax payments due from the claimant.~~

1 ~~[(f)] (C)~~ ~~If requested by a claimant on a form provided by the Comptroller, the~~
2 ~~Comptroller shall directly deposit portions of an income tax refund into at least two~~
3 ~~accounts at one or more financial institutions.~~

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.