

HOUSE BILL 1260

C1, Q1

7lr3181

By: **Delegate McMillan**

Introduced and read first time: February 10, 2017

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Annual Reports and Personal Property Reports – Fees, Exemption, and**
3 **Affidavit**

4 FOR the purpose of reducing the fee that certain business entities must pay for filing an
5 annual report with the State Department of Assessments and Taxation if the
6 business entity did not own personal property that is subject to property tax during
7 the preceding calendar year; exempting a person who did not own personal property
8 that is subject to property tax during the preceding calendar year from submitting a
9 report on personal property to the Department; requiring the person to submit a
10 certain affidavit to the Department on or before a certain date; specifying the form
11 and contents of the affidavit; providing that the affidavit may be submitted to the
12 Department electronically; authorizing a person who has filed a certain affidavit
13 with the Department to file an amended report within a certain time period under
14 certain circumstances; and generally relating to certain reports filed with the State
15 Department of Assessments and Taxation.

16 BY repealing and reenacting, with amendments,
17 Article – Corporations and Associations
18 Section 1–203(b)(3)(ii)
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2016 Supplement)

21 BY adding to
22 Article – Corporations and Associations
23 Section 1–203(b)(15)
24 Annotated Code of Maryland
25 (2014 Replacement Volume and 2016 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Tax – Property
28 Section 11–101 and 11–103(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2012 Replacement Volume and 2016 Supplement)

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

5 **Article – Corporations and Associations**

6 1–203.

7 (b) (3) (ii) Except as provided in [paragraph] PARAGRAPHS (14) AND (15)
8 of this subsection, for each of the following documents which are filed but not recorded, the
9 filing fee is as indicated:

10 Annual report of a Maryland corporation, except a charitable or
11 benevolent institution, nonstock corporation, savings and loan corporation,
12 credit union, family farm, and banking institution..... \$300

13 Annual report of a foreign corporation subject to the jurisdiction of
14 this State, except a national banking association, savings and loan
15 association, credit union, nonstock corporation, and charitable and
16 benevolent institution..... \$300

17 Annual report of a Maryland savings and loan association, banking
18 institution, or credit union or of a foreign savings and loan association,
19 national banking association, or credit union that is subject to the
20 jurisdiction of this State \$300

21 Annual report of a Maryland limited liability company, limited
22 liability partnership, limited partnership, or of a foreign limited liability
23 company, foreign limited liability partnership, or foreign limited
24 partnership, except a family farm..... \$300

25 Annual report of a business trust..... \$300

26 Annual report of a real estate investment trust or foreign statutory
27 trust doing business in this State \$300

28 Annual report of a family farm..... \$100

29 **(15) FOR EACH ANNUAL REPORT OF A BUSINESS ENTITY DESCRIBED**
30 **UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION, IF DURING THE PRECEDING**
31 **CALENDAR YEAR THE BUSINESS ENTITY DID NOT OWN PERSONAL PROPERTY THAT**
32 **IS SUBJECT TO PROPERTY TAX, THE FILING FEE IS \$100.**

33 **Article – Tax – Property**

1 11-101.

2 (a) **[On] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ON** or
3 before April 15 of each year, a person shall submit a report on personal property to the
4 Department if:

5 (1) the person is a business trust, statutory trust, domestic corporation,
6 limited liability company, limited liability partnership, or limited partnership;

7 (2) the person is a foreign corporation, foreign statutory trust, foreign
8 limited liability company, foreign limited liability partnership, or foreign limited
9 partnership registered or qualified to do business in the State; or

10 (3) the person owns or during the preceding calendar year owned property
11 that is subject to property tax.

12 **(B) IF, DURING THE PRECEDING CALENDAR YEAR, THE PERSON DID NOT**
13 **OWN PROPERTY THAT IS SUBJECT TO PROPERTY TAX, THE PERSON:**

14 **(1) IS NOT REQUIRED TO FILE THE REPORT REQUIRED UNDER**
15 **SUBSECTION (A) OF THIS SECTION; AND**

16 **(2) ON OR BEFORE APRIL 15, SHALL SUBMIT TO THE DEPARTMENT**
17 **AN AFFIDAVIT ATTESTING THAT THE PERSON HAS NO TAX LIABILITY FOR THE**
18 **TAXABLE PERIOD.**

19 **[(b)] (C) The report OR AFFIDAVIT shall:**

20 (1) be in the form that the Department requires;

21 (2) be under oath as the Department requires; and

22 (3) contain the information that the Department requires.

23 **(D) AN AFFIDAVIT REQUIRED UNDER SUBSECTION (B)(2) OF THIS SECTION**
24 **MAY BE SUBMITTED TO THE DEPARTMENT ELECTRONICALLY.**

25 11-103.

26 (a) If a person who has filed a report **OR AN AFFIDAVIT** under this title
27 determines that information was not reported accurately, the person may file an amended
28 report within 3 years after the April 15th that the original report **OR AFFIDAVIT** was due.

29 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
30 October 1, 2017.