HOUSE BILL 880

Q3 6lr1258

By: **Delegate Palakovich Carr**
Introduced and read first time: February 4, 2026
Assigned to: Ways and Means

A BILL ENTITLED

AN ACT concerning

Maryland Income Tax – Decoupling From Amendments to the Internal Revenue Code – Depreciation and Business Interest Expenses

FOR the purpose of providing certain modifications to the federal adjusted gross income of an individual or federal taxable income of a corporation for Maryland income tax purposes relating to certain deductions under the federal income tax for the depreciation of certain property and certain business interest expenses; and generally relating to the effect of amendments to the Internal Revenue Code on the Maryland income tax.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–210.1
Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–310
Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)

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

Article – Tax – General

10–210.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Depreciation" includes any deduction allowed under § 179 of the Internal Revenue Code.

(3) "Heavy duty SUV" means a 4–wheeled vehicle that:

(i) is manufactured primarily for use on public streets, roads, and highways;

(ii) is rated at more than 6,000 but not more than 14,000 pounds gross vehicle weight; and

(iii) would be a passenger automobile as defined in § 280F of the Internal Revenue Code if it were rated at 6,000 pounds gross vehicle weight or less.

(4) (i) "Manufacturing entity" means a person conducting or operating a trade or business that is primarily engaged in activities that, in accordance with the North American Industrial Classification System (NAICS), United States Manual, United States Office of Management and Budget, 2012 Edition, would be included in Sector 31, 32, or 33.

(ii) "Manufacturing entity" does not include a refiner, as defined in § 10–101 of the Business Regulation Article.

(b) In addition to the modifications under §§ 10–204 through 10–210 of this subtitle, to determine Maryland adjusted gross income of an individual:

(1) (i) except as provided in item (ii) of this item, an amount is added to or subtracted from federal adjusted gross income to reflect the determination of the depreciation deduction provided under § 167(a) of the Internal Revenue Code and the adjusted basis of property without regard to the additional allowance under § 168(k) of the Internal Revenue Code; and

(ii) item (i) of this item does not apply to property placed in service by a manufacturing entity on or after January 1, 2019;

(2) **AN AMOUNT IS ADDED TO OR SUBTRACTED FROM FEDERAL ADJUSTED GROSS INCOME TO REFLECT THE DETERMINATION OF THE DEPRECIATION DEDUCTION PROVIDED UNDER § 167(A) OF THE INTERNAL REVENUE CODE AND THE ADJUSTED BASIS OF PROPERTY WITHOUT REGARD TO THE ADDITIONAL ALLOWANCE UNDER § 168(N) OF THE INTERNAL REVENUE CODE;**

(3) an amount is added to or subtracted from federal adjusted gross income to determine the net operating loss deduction allowed under § 172 of the Internal Revenue Code without regard to an election under § 172(b)(1)(H) of the Internal Revenue Code for a carryback period of up to 5 years;

[(3)**] (4)** (i) except as provided in item (ii) of this item, an amount is added to or subtracted from federal adjusted gross income to reflect the determination of the maximum aggregate costs that the taxpayer may treat as an expense under § 179 of the Internal Revenue Code for any taxable year without regard to any changes made to that section after December 31, 2002:

1. increasing above $25,000 the dollar limitation set forth in § 179(b)(1) of the Internal Revenue Code; or

2. increasing above $200,000 the phase–out threshold set forth in § 179(b)(2) of the Internal Revenue Code; and

(ii) item (i) of this item does not apply to property that is placed in service by a manufacturing entity on or after January 1, 2019;

[(4)**] (5)** an amount is added to or subtracted from federal adjusted gross income to reflect the recognition of income from discharge of indebtedness and the allowance of any deduction with respect to original issue discount without regard to § 108(i) of the Internal Revenue Code; **[**and**]**

[(5)**] (6)** an amount is added to or subtracted from federal adjusted gross income to reflect the determination of the depreciation deduction with respect to any heavy duty SUV as if the heavy duty SUV were subject to the limitations of § 280F of the Internal Revenue Code in the same manner as it would be if the vehicle were rated at 6,000 pounds gross vehicle weight or less**; AND**

(7) AN AMOUNT IS ADDED TO OR SUBTRACTED FROM FEDERAL ADJUSTED GROSS INCOME TO DETERMINE THE DEDUCTION FOR INTEREST UNDER § 163 OF THE INTERNAL REVENUE CODE WITHOUT REGARD TO CHANGES TO THE LIMITATION UNDER § 163(J) OF THE INTERNAL REVENUE CODE MADE ON OR AFTER JULY 4, 2025.

10–310.

In addition to the modifications under §§ 10–305 through 10–309 of this subtitle, to determine Maryland modified income the federal taxable income of a corporation shall be adjusted as provided for an individual under § 10–210.1 of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2026, and shall be applicable to all taxable years beginning after December 31, 2025.