

CHAPTER 907  
(House Bill 111)

AN ACT to repeal Section 162 of Article 81 of the Annotated Code of Maryland (1957 Edition), title "Revenue and Taxes", subtitle "Inheritance Tax" and to enact in lieu thereof a new Section 162 to follow immediately after Section 161 of said Article to enact with certain additions, deletions and amendments the Uniform Estate Tax Apportionment Act, to provide for apportionment of the Federal estate tax and the Maryland estate tax among the persons interested in the estate of a decedent.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 162 of Article 81 of the Annotated Code of Maryland (1957 Edition), title "Revenue and Taxes", subtitle "Inheritance Tax", be and it is hereby repealed and that new Section 162 to follow immediately after Section 161 of said Article be and the same is hereby enacted in lieu thereof to read as follows:

(1) *Definitions*—When used in this section.

(a) "estate" means the gross estate of a decedent as determined for the purpose of the Federal estate tax and the Maryland estate tax.

(b) "fiduciary" means executor, administrator of any description, and trustee.

(c) "person" means any individual, partnership, association, joint stock company, corporation, government, political subdivision, governmental agency, or local governmental agency.

(d) "person interested in the estate" means any person, including a personal representative, guardian, or trustee, entitled to receive, or who has received, from a decedent while alive or by reason of the death of a decedent, any property or interest therein included in the decedent's taxable estate.

(e) "state" means any state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico; and

(f) "tax" means the Federal estate tax and the Maryland estate tax and interest and penalties imposed in addition to the tax.

(2) *Apportionment*—The tax shall be apportioned among all persons interested in the estate. The apportionment shall be made in the proportion that the value of the interest of each person interested in the estate bears to the total value of the interests of all persons interested in the estate. The values used in determining the tax shall be used for that purpose.

(3) *Procedure for Determining Apportionment*—(a) The Orphans' Court having jurisdiction over the administration of the estate of a decedent shall determine the apportionment of the tax. If there are no administration proceedings, the Orphans' Court of the county (or the City of Baltimore) wherein the decedent was domiciled at death shall determine the apportionment of the tax upon the application of the person required to pay the tax.