Annotated Code of Maryland

(2004 Replacement Volume and 2005 Supplement)

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

Article – Tax – General

10–911.

(a) Each employer or payor [of winnings derived from wagering] required under § 10–906 of this subtitle to withhold income tax for an employee or a person who receives [winnings derived from wagering] A PAYMENT SUBJECT TO WITHHOLDING shall prepare a statement that shows for the previous calendar year:

(1) the name of the employer or payor;

(2) the name of the employee or person who receives the [winnings] PAYMENT SUBJECT TO WITHHOLDING;

(3) the total amount that the employer paid to the employee as wages or the total amount that the payor has paid to the person;

(4) the total amount of tips that the employee reported;

(5) the total amount of income tax that has been withheld under this subtitle;

(6) any amount by which income tax required to be withheld on tips exceeds the other net wages paid to the employee; and

(7) any other information that the Comptroller requires by regulation.

(b) An employer or payor of a payment subject to withholding [of winnings derived from wagering] shall:

(1) provide 2 copies of the statement required under subsection (a) of this section to the employee or person who receives [winnings derived from wagering] A PAYMENT SUBJECT TO WITHHOLDING on or before January 31 of each year; and

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

(c) (1) [Unless an] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN employer or payor [is required to make returns or reports for federal income tax purposes on magnetic tape or other machine–readable form, the Comptroller may not require that statement] SHALL SUBMIT STATEMENTS required under subsection (a) of this section [be submitted] on magnetic [tape] MEDIA or IN other machine–readable [form] OR ELECTRONIC FORMAT THAT THE COMPTROLLER REQUIRES BY REGULATION, IF:

(1) (I) THE TOTAL NUMBER OF STATEMENTS OF THAT STATEMENT TYPE THAT THE EMPLOYER OR PAYOR IS REQUIRED TO SUBMIT EQUALS OR EXCEEDS: