

(1) A RESIDENT OF THIS STATE; OR

(2) A NONRESIDENT OF THIS STATE WHOSE ESTATE INCLUDES, FOR PURPOSES OF THE FEDERAL ESTATE TAX, ANY INTEREST IN REAL OR TANGIBLE PERSONAL PROPERTY LOCATED IN THIS STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 62A, § 1(b) and the first clause of the first sentence of § 2.

The introductory phrase of this section, "[e]xcept as provided in § 7-303 of this subtitle", is added to indicate that exceptions exist.

The former reference to imposition of the Maryland estate tax "[i]n addition to the tax and/or taxes imposed by Article 81" is deleted as surplusage.

Defined terms: "Federal estate tax" § 7-301  
"Maryland estate" § 7-301  
"Property" § 1-101

7-303. EXEMPTION.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE MARYLAND ESTATE TAX DOES NOT APPLY TO THE TRANSFER OF PERSONAL PROPERTY IN AN ESTATE OF A NONRESIDENT DECEDENT, IF, AT THE TIME OF DEATH, THE DECEDENT IS A RESIDENT OF A STATE OR FOREIGN COUNTRY WHOSE LAW, WHEN THE PERSONAL PROPERTY IS TRANSFERRED:

(1) DOES NOT IMPOSE DEATH TAXES ON THE TRANSFER OF SIMILAR PERSONAL PROPERTY OF A RESIDENT OF THIS STATE; OR

(2) CONTAINS A RECIPROCAL EXEMPTION FROM DEATH TAXES SIMILAR TO THE EXEMPTION ALLOWED UNDER THIS SUBSECTION.

(B) LIMITATION.

THE EXEMPTION UNDER SUBSECTION (A) OF THIS SECTION DOES NOT INCLUDE A TRANSFER OF TANGIBLE PERSONAL PROPERTY THAT HAS A TAXABLE SITUS IN THIS STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 81, § 174, as that sentence related to the Maryland estate tax.

In the introductory language of subsection (a) of this section, the former references to a law in existence "at the time of the distribution, ... or other disposition of such personal property of such decedent in Maryland" and "at the time of such distribution,