(A) REQUIRED.

EXCEPT AS PROVIDED IN § 10-907 OF THIS SUBTITLE, EACH EMPLOYER OR PAYOR SHALL:

(1) WITHHOLD THE INCOME TAX REQUIRED TO BE WITHHELD UNDER § 10-908 OF THIS SUBTITLE; AND

(2) PAY TO THE COMPTROLLER THE INCOME TAX WITHHELD FOR A PERIOD WITH THE WITHHOLDING RETURN THAT COVERS THE PERIOD.

(B) TAX WITHHELD DEEMED HELD IN TRUST.

ANY INCOME TAX WITHHELD IS DEEMED TO BE HELD IN TRUST FOR THE STATE BY THE PERSON WHO WITHHOLDS THE TAX.

(C) SEPARATE ACCOUNT REQUIRED.

A PERSON WHO WITHHOLDS INCOME TAX SHALL KEEP A SEPARATE LEDGER ACCOUNT FOR WITHHOLDINGS THAT INDICATES CLEARLY:

(1) THE AMOUNT OF INCOME TAX WITHHELD; AND

(2) THAT THE INCOME TAX WITHHELD IS THE PROPERTY OF THE STATE.

(D) LIABILITY FOR WITHHOLDINGS.

IF AN EMPLOYER OR S CORPORATION NEGLIGENTLY FAILS TO WITHHOLD OR TO PAY INCOME TAX IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, PERSONAL LIABILITY FOR THAT INCOME TAX EXTENDS:

(1) TO THE EMPLOYER OR S CORPORATION; AND

(2) IF THE EMPLOYER IS A CORPORATION, TO:

(I) ANY OFFICER OF THE CORPORATION WHO EXERCISES DIRECT CONTROL OVER ITS FISCAL MANAGEMENT; OR

(II) ANY AGENT OF THE CORPORATION WHO IS REQUIRED TO WITHHOLD AND PAY THE INCOME TAX.

REVISOR'S NOTE: Subsection (a) of this section is new language derived without substantive change from former Art. 81, § 312(a), (a-2)(1), the second clause of (a-1)(1), the second clause of (h)(1), the first sentence of (m), and, as they related to payment, (a-2)(3) and (h)(2) and the second sentence of § 283(a-1).

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 81, § 312(h)(4).