

This subsection is revised to provide a definition of "buyer" that is applicable whether the tangible personal property or taxable service is obtained in a retail sale or sale for use. Accordingly, in items (1) and (2) of this subsection, the phrase "in a sale" is substituted for the former limitations "which are taxable under § 325 of this subtitle" and "which is used, stored or consumed in this State upon which a tax is imposed under § 373 of this subtitle". These substitutions are nonsubstantive since the revision of this title makes it clear that a buyer is liable for tax only for property or services subject to the tax.

In item (2) of this subsection, the reference to "obtain[ing]" a taxable service is substituted for the former references to the service being "rendered", for clarity.

Defined terms: "Person" §§ 1-101 and 11-101
"Sale" § 11-101 "Tangible personal property" § 11-101
"Taxable service" § 11-101

(C) PERSON.

"PERSON" INCLUDES:

- (1) THIS STATE OR A POLITICAL SUBDIVISION, UNIT, OR INSTRUMENTALITY OF THIS STATE;
- (2) ANOTHER STATE OR A POLITICAL SUBDIVISION, UNIT, OR INSTRUMENTALITY OF THAT STATE; AND
- (3) A UNIT OR INSTRUMENTALITY OF A POLITICAL SUBDIVISION OF THIS STATE OR OF ANOTHER STATE.

REVISOR'S NOTE: This subsection is new language added to clarify that, as used in this title, the word "person" includes a governmental entity. While the former law was silent on the status of these entities, historical practice has been to include governmental entities as "person[s]" under this law. The Retail Sales Tax Division relies on John McShain, Inc. v. Comptroller, 202 Md. 68, 95 A. 2d 473 (1953), and the limited exemption for the State and its political subdivisions under § 11-219 of this title..

Former Art. 81, §§ 324(a) and 372(a), which defined the term "person", are deleted as repetitive of the definition in § 1-101 of this article.

Defined terms: "Person" § 1-101
"State" § 1-101

(D) PRODUCTION ACTIVITY.