

IN THIS SECTION, "INCOME TAX RETURN PREPARER" MEANS A PERSON WHO:

(1) PREPARES OR HELPS TO PREPARE FEDERAL OR STATE INCOME TAX RETURNS FOR COMPENSATION; OR

(2) ADVERTISES OR PUBLICIZES THAT THE PERSON PREPARES OR HELPS TO PREPARE FEDERAL OR STATE INCOME TAX RETURNS.

(B) DISCLOSURE PROHIBITED.

AN INCOME TAX RETURN PREPARER MAY NOT DISCLOSE ANY INFORMATION THAT THE PREPARER OBTAINS WHILE PREPARING OR HELPING TO PREPARE A RETURN, UNLESS THE DISCLOSURE IS:

(1) BASED ON THE WRITTEN CONSENT OF THE TAXPAYER;

(2) AUTHORIZED EXPRESSLY BY A LAW OF THIS STATE OR THE FEDERAL GOVERNMENT;

(3) NEEDED TO PREPARE THE RETURN; OR

(4) REQUIRED BY A COURT ORDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 81, § 302A(b) and, except the penalty provision, (a).

This section is revised to clarify the persons to whom the prohibition applies. Former Art. 81, § 302A(a) made it a crime "for any person to disclose any information ... obtained in the business of preparing ... returns", while former § 302A(b) described conduct by which "a person is engaged in the business..." and, thus, seemed to limit the prohibition to the tax return preparer. Accordingly, subsection (a) of this section is revised as a defined term to allow concise reference to income tax return preparers, and subsection (b) of this section prohibits disclosures only by those preparers. This limited revision is consistent with the narrower construction accorded criminal provisions. However, former § 302A also could be read to preclude disclosure of information by any person, whether or not the income tax return preparer, so long as the preparer initially obtained the information.

In the introductory language of subsection (b) of this section, the former words "related to a specific client" are deleted as surplusage.

The second sentence of former Art. 81, § 302(b), which required the trade name, signature, and address of a tax preparer on returns, is deleted as unnecessary in light of § 2-103 of this article.