

Section 13-1104(c)  
Annotated Code of Maryland  
(1988 Volume)

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

Article - Tax - General

13-1104.

[(c) (1) Except as provided in paragraph (2) of this subsection, a claim for refund of financial institution franchise tax or income tax for a period may not be filed after 3 years from the date on which the return covering the period is due.

(2) If, within 3 years from the due date of a return for a taxable year, a person files a protective claim or otherwise gives the tax collector notice of a pending federal audit or federal claim for refund with respect to that year, a claim for refund for that year, based on a federal adjustment or federal claim for refund, may be filed at any time.]

~~(c)-(1)--A CLAIM FOR REFUND OR CREDIT OF OVERPAYMENT OF FINANCIAL INSTITUTION FRANCHISE TAX OR INCOME TAX MAY NOT BE FILED LATER THAN:~~

~~(1)--3 YEARS FROM:~~

~~1.--THE DATE THE RETURN WAS DUE TO BE FILED; OR~~

~~2.--THE DUE DATE OF THE RETURN FOR THE LOSS YEAR IN THE CASE OF A NET OPERATING LOSS CARRYBACK BASED ON THE INTERNAL REVENUE CODE; OR~~

~~(11)--2 YEARS FROM THE DATE OF:~~

~~1.--PAYMENT OF THE TAX;~~

~~2.--FINAL ADJUSTMENT REPORT OF THE INTERNAL REVENUE SERVICE; OR~~

~~3.--FINAL DECISION OF THE UNITED STATES TAX COURT.~~

~~(2)--A CLAIM FOR REFUND OR CREDIT FILED MORE THAN 3 YEARS FROM THE DATE THE RETURN WAS DUE TO BE FILED IS LIMITED TO THE GREATER OF:~~

~~(1)--THE TAX PAID WITHIN 2 YEARS OF FILING THE CLAIM; OR~~