

~~(2) If in any taxable year a corporation is permitted or required to use the separate accounting method in determining all or a portion of its Maryland taxable income, the portion that is separately accounted for to Maryland shall be taxable whether or not the Maryland modified income of the corporation for the taxable year is zero or less.~~

~~(c) (1) ~~[(f)] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, IF the trade or business is a unitary business, the part of the corporation's Maryland modified income derived from or reasonably attributable to trade or business carried on in the State shall be determined using a 3 factor apportionment fraction:~~~~

~~(i) the numerator of which is the sum of the property factor, the payroll factor, and twice the sales factor; and~~

~~(ii) the denominator of which is 4.~~

~~(2) The property factor under paragraph (1) of this subsection shall include:~~

~~(i) rented and owned real property; and~~

~~(ii) tangible personal property located in the State and used in the trade or business.~~

~~(D) A COMMERCIAL BANK, SAVINGS BANK, TRUST COMPANY, OR COMPANY THAT SUBSTANTIALLY COMPETES WITH NATIONAL BANKS IN THE STATE SHALL ALLOCATE MARYLAND MODIFIED INCOME DERIVED FROM OR REASONABLY ATTRIBUTABLE TO ITS TRADE OR BUSINESS IN THIS STATE IN ACCORDANCE WITH § 10-403 OF THIS SUBTITLE.~~

~~[(d)](E) To reflect clearly the income allocable to Maryland, the Comptroller may alter, if circumstances warrant, the methods under subsections (b) and (c) of this section, including:~~

~~(1) the use of the separate accounting method;~~

~~(2) the use of the 3 factor double weighted sales factor formula method;~~

~~(3) the weight of any factor in the 3 factor formula;~~

~~(4) the valuation of rented property included in the property factor; and~~

~~(5) the determination of the extent to which tangible personal property is located in the State.~~

~~10-403.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "BANK OR TRUST COMPANY" MEANS:~~

~~(i) A COMMERCIAL BANK;~~

~~(ii) A SAVINGS BANK;~~