Article – Tax – General

Section 7–209(c), 7–210(d), 7–211, and 7–221

Annotated Code of Maryland

(1997 Replacement Volume and 2000 Supplement)

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

Article – Tax – General

7–209.

(c) (1) If an absolute interest in property passes from a decedent to 2 or more persons as tenants by the entireties:

(i) the value of the interest that passes to each tenant is determined by dividing the value of the entire value of the absolute interest in the property by the number of tenants to whom the absolute interest in the property passes; and

(ii) the tenants by the entireties are jointly and severally liable for the entire inheritance tax.

(2) When property passes from a decedent to a husband and wife as tenants by the entireties and only 1 spouse is entitled to the [lineal inheritance tax rate under § 7–204(c)] EXEMPTION UNDER § 7–203(B) of this subtitle, [that rate] THE EXEMPTION applies to 50% of the value of the property, and the [collateral tax rate under § 7–204(b) of this subtitle] INHERITANCE TAX applies to the other 50%.

7–210.

(d) (1) If the [collateral inheritance tax rate under § 7–204(b) of this subtitle] INHERITANCE TAX applies to 1 OR MORE of the persons by or for whom an application to prepay the inheritance tax is filed under § 7–219 of this subtitle and the [lineal tax rate under § 7–204(c)] EXEMPTION UNDER § 7–203(B) of this subtitle applies to others, [the higher tax rate shall be used to determine the inheritance tax due on] THE INHERITANCE TAX APPLIES TO the subsequent interest.

(2) (i) On application of a party in interest, the inheritance tax due may be apportioned among the persons by or for whom the application to prepay the inheritance tax is filed.

(ii) After the apportionment, each of those persons is responsible only for the amount of the inheritance tax apportioned to that person.

7–211.

(a) The person responsible for paying the inheritance tax may elect to value real property, for purposes of the inheritance tax: