

(2) THE RELEASE OF PAYMENT WITHHELD UNDER THIS SECTION TO A NONRESIDENT CONTRACTOR OR THE PAYMENT OVER OF AMOUNTS WITHHELD TO THE COMPTROLLER BY A PERSON REQUIRED TO WITHHOLD PAYMENT UNDER THIS SECTION DOES NOT AFFECT A NONRESIDENT CONTRACTOR'S LIABILITY FOR ANY SALES AND USE TAX OR INCOME TAX WITHHELD IN EXCESS OF THE AMOUNT PAID OVER TO THE COMPTROLLER.

(3) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE COMPTROLLER FROM COLLECTING TAXES DUE FROM A NONRESIDENT CONTRACTOR IN ANY OTHER MANNER AUTHORIZED BY LAW.

13-804.

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

(2) (I) "ACCOUNT" MEANS:

1. ANY FUNDS FROM A DEMAND DEPOSIT ACCOUNT, CHECKING ACCOUNT, NEGOTIABLE ORDER OF WITHDRAWAL ACCOUNT, SAVINGS ACCOUNT, TIME DEPOSIT ACCOUNT, MONEY MARKET MUTUAL FUND ACCOUNT, OR CERTIFICATE OF DEPOSIT ACCOUNT;

2. ANY FUNDS PAID TOWARDS THE PURCHASE OF SHARES OR OTHER INTEREST IN A FINANCIAL INSTITUTION, AS DEFINED IN PARAGRAPH (4)(II) AND (II) OF THIS SUBSECTION; AND

3. ANY FUNDS OR PROPERTY HELD BY A FINANCIAL INSTITUTION, AS DEFINED IN PARAGRAPH (4)(IV) OF THIS SUBSECTION.

(II) "ACCOUNT" DOES NOT INCLUDE:

1. AN ACCOUNT OR PORTION OF AN ACCOUNT TO WHICH AN OBLIGOR DOES NOT HAVE ACCESS DUE TO THE PLEDGE OF THE FUNDS AS SECURITY FOR A LOAN OR OTHER OBLIGATION;

2. FUNDS OR PROPERTY DEPOSITED TO AN ACCOUNT AFTER THE TIME THAT THE FINANCIAL INSTITUTION INITIALLY ATTACHES THE ACCOUNT;

3. AN ACCOUNT OR PORTION OF AN ACCOUNT TO WHICH THE FINANCIAL INSTITUTION HAS A PRESENT RIGHT TO EXERCISE A RIGHT OF SETOFF;

4. AN ACCOUNT OR PORTION OF AN ACCOUNT THAT HAS AN ACCOUNT HOLDER OF INTEREST NAMED AS AN OWNER ON THE ACCOUNT; OR

5. AN ACCOUNT OR PORTION OF AN ACCOUNT TO WHICH THE OBLIGOR DOES NOT HAVE AN UNCONDITIONAL RIGHT OF ACCESS.

(3) "ACCOUNT HOLDER OF INTEREST" MEANS ANY PERSON, OTHER THAN THE OBLIGOR, WHO ASSERTS AN OWNERSHIP INTEREST IN AN ACCOUNT.

(4) "FINANCIAL INSTITUTION" MEANS: