

HOUSE BILL 452

C3, Q7

4r1796
CF 4r2992

By: **The Speaker (By Request – Office of the Comptroller)**

Introduced and read first time: January 22, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Individual Tax Preparers – Code of Ethics, Notification of Actions, Enforcement,**
3 **and Penalties**
4 **(Stop Scam Tax Preparers Act)**

5 FOR the purpose of requiring the State Board of Individual Tax Preparers, on or before a
6 certain date, to publish on the Board's website a certain code of ethics and certain
7 rules of professional conduct; requiring the Board to notify the Comptroller within a
8 certain period of time of certain actions for violations of provisions of law governing
9 individual tax preparers; requiring the Board to notify the Field Enforcement
10 Bureau of the Comptroller's Office of certain alleged violations within a certain
11 period of time; granting certain employees of the Bureau certain powers, duties, and
12 responsibilities for enforcing laws pertaining to income tax preparation; requiring
13 the Comptroller to notify the Board within a certain period of time if the Comptroller
14 prohibits an income tax return preparer from submitting income tax returns
15 electronically; prohibiting an income tax return preparer from preparing, assisting
16 in preparing, or causing the preparation of an income tax return or claim for refund
17 in a certain manner; requiring certain fines imposed under this Act to be paid to the
18 Tax Clinics for Low-Income Marylanders Fund; and generally relating to income tax
19 preparation.

20 BY repealing and reenacting, without amendments,
21 Article – Business Occupations and Professions
22 Section 21–205(b)(1)
23 Annotated Code of Maryland
24 (2018 Replacement Volume and 2023 Supplement)

25 BY adding to
26 Article – Business Occupations and Professions
27 Section 21–205(c)
28 Annotated Code of Maryland
29 (2018 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Business Occupations and Professions
3 Section 21–206 and 21–401
4 Annotated Code of Maryland
5 (2018 Replacement Volume and 2023 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article – Tax – General
8 Section 1–207(b) and (c)
9 Annotated Code of Maryland
10 (2022 Replacement Volume and 2023 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Tax – General
13 Section 1–207(f), 2–107(a)(2)(ii), 10–824, and 13–1004
14 Annotated Code of Maryland
15 (2022 Replacement Volume and 2023 Supplement)

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

18 **Article – Business Occupations and Professions**

19 21–205.

20 (b) In addition to any duties set forth elsewhere, the Board shall:

21 (1) adopt rules of professional conduct as appropriate to establish a high
22 standard of integrity and dignity for the practice of individual tax preparation;

23 **(C) ON OR BEFORE JANUARY 1, 2026, THE BOARD SHALL PUBLISH ON THE**
24 **BOARD’S WEBSITE A CODE OF ETHICS AND RULES OF PROFESSIONAL CONDUCT FOR**
25 **ENGAGING IN THE PRACTICE OF INDIVIDUAL TAX PREPARATION.**

26 21–206.

27 (a) The Board may investigate a complaint that alleges a violation of this title.

28 (b) On receipt of the results of an investigation made under this section, the Board
29 shall promptly take action that is appropriate under this title to ensure compliance with
30 this title.

31 (c) (1) If the Board concludes that conduct alleged to be in violation of this title
32 will result in harm to a resident of the State, the Board may seek a permanent or temporary
33 injunction with respect to the conduct from the circuit court of the county in which the
34 alleged violation occurs.

1 (2) In seeking an injunction under this subsection, the Board is not
2 required to:

3 (i) post bond;

4 (ii) allege or prove that an adequate remedy at law does not exist; or

5 (iii) allege or prove that substantial or irreparable damage would
6 result from the continued violation.

7 **(3) IF THE BOARD SEEKS AN INJUNCTION OR TAKES A DISCIPLINARY**
8 **ACTION AGAINST AN INDIVIDUAL FOR A VIOLATION OF THIS TITLE, THE BOARD**
9 **SHALL NOTIFY THE COMPTROLLER WITHIN 5 BUSINESS DAYS AFTER TAKING THE**
10 **ACTION.**

11 ~~[(3)]~~ (4) A member of the Board may not be held personally liable for
12 action taken under this subsection in good faith with reasonable grounds.

13 (d) The Board, or a hearing officer designated by the Board, may administer
14 oaths, hold hearings, and take testimony about all matters within the jurisdiction of the
15 Board.

16 (e) (1) The Board or its designee may issue a subpoena for the attendance of a
17 witness to testify or the production of evidence in connection with:

18 (i) a disciplinary action brought under this title; or

19 (ii) a proceeding brought for an alleged violation of this title.

20 (2) If an individual fails to comply with a subpoena issued under this
21 subsection, on petition of the Board, a court of competent jurisdiction may compel
22 compliance with the subpoena.

23 21-401.

24 (a) Except as otherwise provided in this title, an individual may not provide,
25 attempt to provide, or offer to provide individual tax preparation services in the State
26 unless registered by the Board.

27 (b) Except as otherwise provided in this title, a person may not employ an
28 individual to provide, attempt to provide, or offer to provide individual tax preparation
29 services in the State unless the individual is registered by the Board.

1 (ii) "Income tax return preparer" does not include a person who
2 merely performs those acts described under § 7701(a)(36)(B) of the Internal Revenue Code.

3 (3) "Qualified return" means any original return of individual income tax
4 imposed by this title, regardless of whether a tax is due or a refund is claimed.

5 (b) Except as otherwise provided in this section, an income tax return preparer
6 shall file all qualified returns that the income tax return preparer prepares by electronic
7 means as prescribed by the Comptroller if:

8 (1) for a taxable year beginning after December 31, 2008, but before
9 January 1, 2010, the income tax return preparer has prepared more than 300 qualified
10 returns in the prior taxable year;

11 (2) for a taxable year beginning after December 31, 2009, but before
12 January 1, 2011, the income tax return preparer has prepared more than 200 qualified
13 returns in the prior taxable year; and

14 (3) for any taxable year beginning after December 31, 2010, the income tax
15 return preparer has prepared more than 100 qualified tax returns in the prior taxable year.

16 (c) Subsection (b) of this section does not apply to a qualified return if:

17 (1) the taxpayer has indicated on the qualified return that the taxpayer
18 does not want the return filed by electronic means; or

19 (2) the income tax return preparer preparing the qualified return has
20 requested and received a waiver from the Comptroller.

21 (d) On written request for a waiver by an income tax return preparer who is
22 subject to subsection (b) of this section, the Comptroller may grant the income tax return
23 preparer a waiver of the requirements of this section if the income tax return preparer is
24 able to establish to the satisfaction of the Comptroller either reasonable cause for not filing
25 the return by electronic means or that there is no feasible means of filing the return by
26 electronic means without undue hardship.

27 **(E) IF THE COMPTROLLER PROHIBITS AN INCOME TAX RETURN PREPARER**
28 **FROM SUBMITTING INCOME TAX RETURNS ELECTRONICALLY, THE COMPTROLLER**
29 **SHALL NOTIFY THE STATE BOARD OF INDIVIDUAL TAX PREPARERS ESTABLISHED**
30 **UNDER TITLE 21 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE**
31 **WITHIN 5 BUSINESS DAYS AFTER TAKING THAT ACTION.**

32 13-1004.

33 (a) An income tax return preparer who willfully prepares, assists in preparing, or
34 causes the preparation of a false income tax return or claim for refund with fraudulent

1 intent or the intent to evade income tax is guilty of a misdemeanor and, on conviction, is
2 subject to a fine not exceeding \$10,000 or imprisonment not exceeding 5 years or both.

3 (b) An income tax return preparer who willfully attempts to evade any tax
4 imposed under this article or the payment thereof is guilty of a misdemeanor and, on
5 conviction, is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 5 years
6 or both.

7 (c) (1) AN INCOME TAX RETURN PREPARER MAY NOT WILLFULLY
8 PREPARE, ASSIST IN PREPARING, OR CAUSE THE PREPARATION OF AN INCOME TAX
9 RETURN OR CLAIM FOR REFUND WITHOUT BEING PROPERLY LICENSED OR
10 REGISTERED TO PROVIDE INCOME TAX PREPARATION SERVICES IN THE STATE.

11 (2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION
12 IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
13 EXCEEDING \$5,000 FOR EACH VIOLATION.

14 (3) EACH INCOME TAX RETURN OR CLAIM FOR REFUND THAT AN
15 INCOME TAX PREPARER PREPARES, ASSISTS IN PREPARING, OR CAUSES THE
16 PREPARATION OF IN VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION IS A
17 SEPARATE VIOLATION.

18 (4) EACH FINE IMPOSED UNDER THIS SUBSECTION SHALL BE PAID
19 INTO THE TAX CLINICS FOR LOW-INCOME MARYLANDERS FUND ESTABLISHED
20 UNDER § 1-207 OF THIS ARTICLE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2024.