

SENATE BILL 64

Q7

9lr0128

(PRE-FILED)

By: **Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)**

Requested: September 30, 2008

Introduced and read first time: January 14, 2009

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverage Tax – Assessment and Appeals – Tax Procedures and**
3 **Penalties**

4 FOR the purpose of establishing a certain administrative appeals process for persons
5 or governmental units against which an assessment of alcoholic beverage tax
6 has been made by the Comptroller; authorizing the Comptroller or the
7 Comptroller's designee to issue an order decreasing or abating an alcoholic
8 beverage tax assessment under certain circumstances; altering a certain
9 penalty for failure to pay alcoholic beverage tax when due; and generally
10 relating to alcoholic beverage tax assessments and appeals.

11 BY repealing and reenacting, with amendments,
12 Article – Tax – General
13 Section 13–508(a) and (c), 13–509(a), and 13–701(b)(1)
14 Annotated Code of Maryland
15 (2004 Replacement Volume and 2008 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Tax – General
18 Section 13–701(a)
19 Annotated Code of Maryland
20 (2004 Replacement Volume and 2008 Supplement)

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

23 **Article – Tax – General**

24 13–508.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Within 30 days after the date on which a notice of assessment of the
2 admissions and amusement tax, **ALCOHOLIC BEVERAGE TAX**, boxing and wrestling
3 tax, income tax, motor carrier tax, motor fuel tax, public service company franchise
4 tax, financial institution franchise tax, sales and use tax, or tobacco tax is mailed, a
5 person or governmental unit against which the assessment is made may submit to the
6 tax collector:

7 (1) an application for revision of the assessment; or

8 (2) except for the public service company franchise tax, if the
9 assessment is paid, a claim for refund.

10 (c) The Comptroller or an employee of the Comptroller's office expressly
11 designated by the Comptroller promptly:

12 (1) (i) shall hold an informal hearing on a person's or
13 governmental unit's admissions and amusement tax, **ALCOHOLIC BEVERAGE TAX**,
14 boxing and wrestling tax, income tax, motor carrier tax, motor fuel tax, sales and use
15 tax, or tobacco tax application for revision or claim for refund under subsection (a) of
16 this section; and

17 (ii) after the hearing:

18 1. shall act on the application for revision; and

19 2. may assess any additional tax, penalty, and interest
20 due; and

21 (2) shall mail to the person or governmental unit a notice of final
22 determination.

23 13-509.

24 (a) Notwithstanding a person's failure to file a timely application for revision
25 or claim for refund of an assessment of the admissions and amusement tax,
26 **ALCOHOLIC BEVERAGE TAX**, boxing and wrestling tax, income tax, motor carrier tax,
27 motor fuel tax, sales and use tax, or tobacco tax under § 13-508(a) of this subtitle, the
28 Comptroller or the Comptroller's designee may issue an order decreasing or abating an
29 assessment to correct an erroneous assessment.

30 13-701.

31 (a) Except as otherwise provided in this subtitle, if a person or governmental
32 unit fails to pay a tax when due under this article, the tax collector shall assess a
33 penalty not exceeding 10% of the unpaid tax.

1 (b) (1) If a person fails to pay **ALCOHOLIC BEVERAGE TAX**, financial
2 institution franchise tax, income tax, or tobacco tax when required under this article,
3 the tax collector shall assess a penalty not exceeding 25% of the unpaid tax.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2009.