

## CHAPTER 353

(Senate Bill 64)

AN ACT concerning

### **Alcoholic Beverage Tax – Assessment and Appeals – Tax Procedures and Penalties**

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

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

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

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

#### **Article – Tax – General**

13–508.

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

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

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

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

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

(ii) after the hearing:

1. shall act on the application for revision; and

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

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

13-509.

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

13-701.

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

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

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

**Approved by the Governor, May 7, 2009.**