

2. Used the vessel as a charter boat with a license as provided in § 4-745(d)(2) of this article.

(h) Notwithstanding THE PROVISIONS OF § 8-723 of this subtitle, the Department shall deposit \$225,000 of funds from the excise tax levied under this section with the Comptroller of the Treasury in the General Fund, and the balance in excess of \$225,000 with the Comptroller of the Treasury in the Waterway Improvement Fund to be expended only for the purposes specified.

(i) If the Department determines there has been an overpayment of the tax on a vessel, or an overpayment has resulted for any other reason, [it] THE DEPARTMENT may submit the overpayment and supporting data whether accompanied by a written claim or not to the State Comptroller for refund to the appropriate person.

(j) Notwithstanding any other provision of this section, the Department shall deposit, in accordance with THE PROVISIONS OF § 8-723 of this subtitle, up to \$350,000 of funds from the excise tax levied under this section and as appropriated in the State budget, to be used for enforcement of the State Boat Act, including collection of the excise tax levied under this section.

8-716.1.

(a) The dealer shall collect the excise tax for the Department. For collecting and remitting the tax, a dealer may keep 1.2 [percent]% of the gross tax [he] THE DEALER collects. A dealer may not keep 1.2 [percent]% of any gross tax amounts which were not forwarded to the Department within 30 days of collection, unless a waiver has been approved by the Secretary.

(c) As provided in subsection (b) OF THIS SECTION, if the Department determines the taxable sales and computes the tax due, [it] THE DEPARTMENT shall levy against the dealer a deficiency assessment consisting of a penalty of 10 [percent]%, plus interest at a rate of 1.5 [percent]% per month, or fraction of a month, from the time the tax was due until paid. All amounts received from any dealer under this subsection shall be credited first to penalty and interest accrued and then to tax due.

(d) (1) If a person obligated to pay the tax fails to pay the tax when due, there shall be assessed against [him] THE PERSON, in addition to the tax due, a penalty of 10 [percent,]% plus interest at the rate of 1.5 [percent]% per month or fraction of a month from the time the tax was due until paid. This penalty and interest may be waived by the Secretary [if] IF, within 10 days after the notice of the assessment, the taxpayer files an appeal showing cause why the tax is not paid when due. Any amounts received from any dealer or owner under this subsection shall be credited first to penalty and interest accrued and then to tax due.

(2) If the failure to pay the tax is due to an attempt to defraud, then the penalty shall be, in lieu of the penalty more specifically provided for under paragraph (1) of this subsection, 100 [percent]% of the tax due[,] plus interest at the rate of 1.5 [percent]% per month or fraction of a month from the time due until paid.