

281. Whenever the Comptroller shall find from an examination of the returns or records of any taxpayer or otherwise that such taxpayer has theretofore filed an incorrect return and paid less than the amount of the tax due under this subtitle, he shall levy a deficiency assessment against such taxpayer. Such assessment shall include the amount of such deficiency, as found by the Comptroller, plus one of the following amounts:

(1) If the Comptroller finds that the deficiency was not due to an attempt to defraud, there shall be added a penalty of ten percent (10%), plus interest at the rate of one-half of one percent ( $\frac{1}{2}$  of 1%) per month or fraction of a month from the time the tax was due until paid.

(2) If the Comptroller finds that any part of the deficiency is due to fraud with an attempt to evade the tax, there shall be added a penalty of one hundred percent (100%), and interest at the rate of one percent (1%) per month or fraction of a month from the time the tax was due until paid.

(a) Any taxpayer who fails to file correct returns and pay the tax due with penalty and interest within ten (10) days of receiving notice from the Comptroller advising him of the amount of his deficiency, shall in addition to the foregoing penalties be assessed a penalty of twenty-five percent (25%) of the tax due.

(b) All amounts received from any taxpayer shall be credited first to penalty and interest accrued and then to the tax due.

(3) Whenever any person who has been found to be either delinquent or deficient as defined in Sections 280 and 281 of this subtitle fails to file a proper return within ten (10) days of notice or demand by the Comptroller, the Comptroller shall determine the taxable sales of such taxpayer for the period or periods involved and compute the tax from the best information available. Such determination and/or computation shall be prima facie correct.

SECTION 4. *And be it further enacted*, That Section 288 of Article 81 of the Annotated Code of Maryland (1947 Supplement), Title "Revenue and Taxes", subtitle "Retail Sales Tax Act", heading "Revisions and Appeals", be and the same is hereby repealed and reenacted, with amendments, to read as follows:

288. Any taxpayer dissatisfied with any final determination of the Comptroller upon application for revision of