

of this section, [one hundred] 100 percent [(100%)] of the tax due, plus interest at the rate of [one] 1 percent [(1%)] per month or fraction of a month from the time the tax was due until paid.

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

(d) When both vendor and purchaser are liable for any tax, an assessment may be levied against either of them, but such assessment shall not be considered an election of remedies nor bar an assessment against the other for the same tax or any portion thereof which remains unpaid.

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

345.

(A) If the Comptroller finds from an examination of the returns or records of any taxpayer or otherwise that the taxpayer has filed an incorrect return and paid less than the amount of the tax due under this subtitle, he shall levy a deficiency assessment against the taxpayer[.], WHICH SHALL BE PRIMA FACIE CORRECT. The assessment shall include the amount of the deficiency, as found by the Comptroller, plus ~~one of the following amounts:] A PENALTY OF 10 PERCENT OF THE TAX DUE AND INTEREST AT THE RATE OF 3/4 OF 1 PERCENT PER MONTH OR FRACTION OF A MONTH FROM THE TIME THE TAX WAS DUE UNTIL PAID.~~

[(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 three quarters of one percent per month or fraction of a month from the time the tax was due until paid.

(2)] (B) 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] THEN THE PENALTY SHALL BE, IN LIEU OF THE PENALTY MORE SPECIFICALLY PROVIDED FOR BY SUBSECTION (A) OF THIS SECTION, 100 percent [(100%)], [and] PLUS interest at the rate of [one] 1 percent [(1%)] per month or fraction of a month from the time the tax was due until paid.

[(a)] (C) 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] DEMANDING PAYMENT OF A FINAL ASSESSMENT, shall in addition to the foregoing [penalties] PENALTY be assessed a penalty of [twenty-five] 25 percent [(25%)] of the tax due.