

13-716.

(A) THE COMPTROLLER SHALL ASSESS A PENALTY OF 25% OF THE AMOUNT OF THE UNDERPAYMENT OF TAX WHICH IS ATTRIBUTABLE TO ANY SUBSTANTIAL ESTATE TAX VALUATION UNDERSTATEMENT.

(B) FOR PURPOSES OF THIS SECTION, THERE IS A SUBSTANTIAL ESTATE TAX VALUATION UNDERSTATEMENT IF THE VALUE OF ANY PROPERTY CLAIMED, OR THAT SHOULD HAVE BEEN CLAIMED, ON ANY RETURN OF TAX IMPOSED BY TITLE 7, SUBTITLE 3 OF THIS ARTICLE IS 60% OR LESS OF THE AMOUNT DETERMINED TO BE THE CORRECT AMOUNT OF THAT VALUATION.

(C) A PENALTY MAY NOT BE IMPOSED UNDER SUBSECTION (A) OF THIS SECTION UNLESS THE PORTION OF THE UNDERPAYMENT ATTRIBUTABLE TO SUBSTANTIAL ESTATE TAX VALUATION UNDERSTATEMENT IS GREATER THAN \$5,000.

13-1101.

(a) Except as otherwise provided in this section, an assessment of financial institution franchise tax [or], income tax, OR ESTATE TAX may not be made after 3 years from the later of:

- (1) the date that the return is filed; or
- (2) the date that the return is due.

(b) An assessment of financial institution franchise tax [or], income tax, OR ESTATE TAX may be made at any time if:

- (1) a false return is filed with the intent to evade the tax;
- (2) a willful attempt is made to evade the tax;
- (3) a return is not filed as required under TITLE 7, Title 8, or Title 10 of this article;

(4) AN AMENDED ESTATE TAX RETURN IS NOT FILED AS REQUIRED UNDER TITLE 7 OF THIS ARTICLE;

[(4)] (5) an incomplete return is filed; or

[(5)] (6) a report of federal adjustment is not filed within the period required under § 13-409 of this title.

(c) If a report of federal adjustment is filed within the time required under § 13-409 of this title, the tax collector shall assess the financial institution franchise tax [or], income tax, OR ESTATE TAX within 1 year after the date on which the tax collector receives the report.

(d) (1) Subject to the provisions of paragraph (2) of this subsection, an assessment of income tax OR ESTATE TAX arising out of an amended return shall be made within 3 years after the date that the amended return is filed.

(2) An assessment of income tax under paragraph (1) of this subsection shall be related to changes made by the amended items in the return.