

to the failure of certain taxpayers to file gross receipts tax reports.

BY repealing and reenacting, with amendments,

Article 81 - Revenue and Taxes

Section 132

Annotated Code of Maryland

(1980 Replacement Volume and 1986 Supplement)

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

Article 81 - Revenue and Taxes

132.

(A) IF A TAXPAYER FAILS TO FILE A GROSS RECEIPTS TAX REPORT AS REQUIRED BY THIS SUBTITLE, THE DEPARTMENT SHALL MAIB SEND BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THE TAXPAYER A NOTICE AND DEMAND FOR THE RETURN.

(B) IF A NOTICE AND DEMAND FOR A GROSS RECEIPTS TAX REPORT IS MADE AND THE TAXPAYER FAILS TO FILE THE REPORT WITHIN 30 DAYS FROM THE DATE THE NOTICE IS MAILED AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT MAY:

(1) ESTIMATE GROSS RECEIPTS FROM ANY INFORMATION IN THE DEPARTMENT'S POSSESSION;

(2) ASSESS AN ADDITIONAL PENALTY OF UP TO 20 PERCENT OF THE ESTIMATED TAX LIABILITY OF THE TAXPAYER; AND

(3) CERTIFY THE TOTAL TAX LIABILITY OF THE TAXPAYER TO THE COMPTROLLER FOR COLLECTION.

(C) FOR REASONABLE CAUSE SHOWN, THE DEPARTMENT MAY WAIVE THE ASSESSMENT OF A PENALTY UNDER THIS SUBTITLE.

[If any such taxpayer so doing business in this State shall neglect or refuse to make such report or return of gross receipts to the State Department of Assessments and Taxation within the time specified as aforesaid in any year, it shall be the duty of said Department to ascertain in any manner they may judge to be most available and certain, and to fix, the amount of such gross receipts of such taxpayer for such year, and to calculate and assess the State tax on the amount of such gross receipts as so ascertained and fixed, and to transmit the amount of such tax to the Comptroller in the same manner as if such taxpayer had made his report or return according to the provisions of § 131, and it shall be the duty of such taxpayer to pay to the State Treasurer the amount of such State tax as provided in § 133.]