

GOVERNMENTAL UNIT FAILS TO FILE THE RETURN, THE COMPTROLLER SHALL:

(1) COMPUTE THE TAX BY USING THE BEST INFORMATION IN THE POSSESSION OF THE COMPTROLLER; AND

(2) ASSESS THE TAX DUE.

(B) WHEN RECORDS NOT KEPT.

IF A PERSON OR GOVERNMENTAL UNIT FAILS TO KEEP THE RECORDS REQUIRED BY § 4-202 OF THIS ARTICLE, THE COMPTROLLER MAY:

(1) COMPUTE THE ADMISSIONS AND AMUSEMENT TAX BY USING A FACTOR THAT THE COMPTROLLER DEVELOPS BY:

(I) A SURVEY OF THE BUSINESS OF THE PERSON OR GOVERNMENTAL UNIT, INCLUDING ANY AVAILABLE RECORDS;

(II) A SURVEY OF OTHER PERSONS OR GOVERNMENTAL UNITS ENGAGED IN THE SAME OR SIMILAR BUSINESS; OR

(III) OTHER MEANS; AND

(2) ASSESS THE TAX DUE.

REVISOR'S NOTE: Subsection (a) of this section is new language added to state that which only was implied by former Art. 81, § 407, which made a person failing to file a return subject to a penalty equal to a percentage of "the amount of taxes due". Similarly, subsection (b)(2) of this section is new language added to state expressly that, after the computation, an assessment is made.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 81, § 409(b)(1).

In the introductory language to subsection (b) of this section, the phrase "required by § 4-202 of this article" is substituted for the former phrase "from which the tax imposed by this subtitle may be computed accurately", for brevity.

Defined terms: "Admissions and amusement tax" § 1-101
"Comptroller" § 1-101
"Governmental unit" § 13-101 "Person" § 1-101

13-403. FINANCIAL INSTITUTION FRANCHISE TAX ASSESSMENT WHEN RETURN NOT FILED.

IF A NOTICE AND DEMAND FOR A FINANCIAL INSTITUTION FRANCHISE TAX RETURN IS MADE UNDER § 13-304 OF THIS TITLE AND THE PERSON FAILS TO FILE THE RETURN, THE DEPARTMENT MAY: