

(I) THE PENALTY UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) \$10.

(3) IF A PERSON WILLFULLY FAILS TO PAY TOBACCO TAX WHEN REQUIRED UNDER THIS ARTICLE, THE COMPTROLLER MAY ASSESS A PENALTY NOT EXCEEDING 25% OF THE UNPAID TAX.

(C) WHEN PENALTY ASSESSABLE ON INHERITANCE TAX.

THE PENALTY UNDER SUBSECTION (A) OF THIS SECTION MAY BE ASSESSED FOR UNPAID INHERITANCE TAX AT OR AFTER THE TIME ALLOWED FOR THE ASSESSMENT OF INTEREST UNDER § 13-601(C) OF THIS TITLE.

(D) WAIVER.

FOR REASONABLE CAUSE, A TAX COLLECTOR MAY WAIVE THE ASSESSMENT OF A PENALTY UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 81, § 473(a), (c), and (d) and, as they related to penalties, former Art. 56, § 156(a)(3) and the first sentence of § 137(f) and the first sentence and the first clause of the second sentence of former Art. 81, § 318(a), the first sentence of § 320, the first sentence of § 428, the third clause of the first sentence of § 453, and the fourth sentence of § 455.

In subsection (a) of this section, the defined term "governmental unit" is added for clarity. See the revisor's note to § 13-101(b) of this title.

In subsection (b)(1) of this section, the reference to the "financial institution franchise tax" is added to state expressly that which only was implied by former Art. 81, § 128(h)(1) and 128A(f)(1), which made a financial institution failing to file a return or to pay tax "subject to the ... penalties provided ... in the subtitle 'Income Tax'".

Also in subsection (b)(1) of this section, the reference to failure to "file a return" is added to reflect the first and second clauses of the first sentence of former Art. 81, § 302(a). Those former clauses specified a 10% penalty. In light of the later enacted provisions of former § 318, which provided a 25% penalty for failure to pay the tax, and in light of the usual procedure to pay the tax with the return, the provisions for the lesser penalty are deleted. In practice, the penalties are not applied cumulatively.