

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 637(b), (c), and (d).

In subsection (b) of this section, the former word "actually" is deleted as implicit in the notion that a payment is made.

In subsection (c)(2)(i) of this section, the cross-reference to the requirements of "§ 2-113 of this article" is substituted for the former erroneous reference to the requirements of "this subsection".

Defined terms: "Commissioner" § 1-101

"Insurer" § 1-101

"Premium" § 1-101

6-109. AUDIT OF REPORT; ASSESSMENT; FAILURE TO FILE REPORT.

(A) AUDIT OF REPORT.

THE COMMISSIONER SHALL EXAMINE AND AUDIT EACH REPORT AS SOON AS PRACTICABLE AFTER RECEIPT.

(B) ASSESSMENT.

(1) IF THE AMOUNT OF TAX COMPUTED BY THE COMMISSIONER IS GREATER THAN THE AMOUNT SHOWN ON THE REPORT, THE COMMISSIONER SHALL:

(I) ASSESS THE EXCESS AMOUNT; AND

(II) MAIL NOTICE OF THE ASSESSMENT TO THE PERSON THAT FILED THE REPORT.

(2) THE COMMISSIONER SHALL MAKE AN ASSESSMENT WITHIN 3 YEARS AFTER THE DATE ON WHICH THE REPORT WAS DUE.

(3) THE COMMISSIONER MAY MAKE AN ASSESSMENT AT ANY TIME IF THE PERSON FAILED TO FILE A REPORT OR FILED A FRAUDULENT REPORT.

(C) FAILURE TO FILE REPORT.

(1) IF A PERSON REQUIRED TO FILE A REPORT UNDER THIS TITLE FAILS TO DO SO ON OR BEFORE THE DATE THE REPORT IS DUE, THE COMMISSIONER MAY:

(I) ESTIMATE THE TAX DUE BY THE INSURER; AND

(II) ASSESS A TAX AT NO MORE THAN TWICE THE ESTIMATED AMOUNT.

(2) THE COMMISSIONER SHALL MAIL NOTICE OF THE ASSESSMENT TO THE PERSON AT:

(I) ITS MAILING ADDRESS, IF IT HAS A MAILING ADDRESS ON FILE WITH THE COMMISSIONER; OR