IF THE TAX IS NOT TIMELY PAID UNDER SUBSECTION (B) OF THIS SECTION, THE AMOUNT OF THE TAX DUE SHALL BE INCREASED BY A PENALTY OF:

(1) 25% OF THE TAX DUE; AND

(2) AN AMOUNT COMPUTED AT THE RATE OF 1% PER MONTH OR ANY PART OF A MONTH AFTER THE DATE THE PAYMENT WAS DUE TO THE DATE THE PAYMENT IS MADE.

(F) PRORATION OF TAX.

(1) IF A POLICY COVERS A RISK OR EXPOSURE THAT IS PARTLY IN THE STATE, THE TAX PAYABLE SHALL BE COMPUTED ON THE PART OF THE PREMIUM THAT IS PROPERLY ALLOCABLE TO THE RISK OR EXPOSURE LOCATED IN THE STATE.

(2) EXCEPT FOR PREMIUMS THAT ARE PROPERLY ALLOCATED OR APPORTIONED AND REPORTED AS TAXABLE PREMIUMS OF ANOTHER STATE, IN DETERMINING THE AMOUNT OF PREMIUMS TAXABLE IN THIS STATE, ALL PREMIUMS WRITTEN, PROCURED, OR RECEIVED IN THIS STATE AND ALL PREMIUMS ON POLICIES NEGOTIATED IN THIS STATE SHALL BE DEEMED WRITTEN ON PROPERTY OR RISKS LOCATED OR RESIDENT IN THIS STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 208(b) and the first, second, and fourth through sixth sentences of (a).

In subsection (a)(3) of this section, the former phrase "as defined in § 70(2) of this article" is deleted as surplusage.

In subsection (e)(1) of this section, the reference to a penalty of 25% "of the tax due" is added for clarity. The Insurance Article Review Committee calls this addition to the attention of the General Assembly.

The third sentence of former Art. 48A, § 208(a), which defined "premium" to include any consideration for insurance, is deleted as unnecessary in light of § 1–101 of this article to the same effect.

Defined terms: "Commissioner" § 1–101
"Insurance" § 1–101
"Policy" § 1–101
"Premium" § 1–101
"State" § 1–101
"Surplus lines insurance" § 1–101
"Unauthorized insurer" § 1–101
"Wet marine and transportation insurance" § 1–101

4–210. REPORT BY INSURED.

(A) "INSURED" DEFINED.