

DEALER ARE INADEQUATE OR INCORRECT AND THAT THE AMOUNT OF EXCISE TAX COLLECTED FOR THE ADMINISTRATION ON THESE SALES CANNOT BE DETERMINED ACCURATELY FROM THE RECORDS:

(1) THE ADMINISTRATION SHALL DETERMINE THE TAXABLE SALES OF THE DEALER FOR THE PERIOD INVOLVED AND COMPUTE THE TAX FROM THE BEST INFORMATION AVAILABLE; AND

(2) THE DETERMINATION AND COMPUTATION OF THE ADMINISTRATION ARE PRIMA FACIE CORRECT.

(D) DEFICIENCY ASSESSMENT.

(1) IF, UNDER SUBSECTION (C) OF THIS SECTION, THE ADMINISTRATION DETERMINES THE SALES OF VEHICLES AND COMPUTES THE TAX DUE, IT SHALL:

(I) LEVY A DEFICIENCY ASSESSMENT AGAINST THE DEALER IN THE AMOUNTS SPECIFIED IN ARTICLE 81, §345(1) AND (2) OF THE CODE; AND

(II) NOTIFY THE DEALER OF THE TAX DUE AND OF THE AMOUNT OF THE DEFICIENCY ASSESSMENT.

(2) IF THE DEALER FAILS TO PAY THE TAX AND ASSESSMENT WITHIN 10 DAYS AFTER RECEIVING THE NOTICE FROM THE ADMINISTRATION, THE ADMINISTRATION MAY LEVY, IN ADDITION TO THE TAX AND ASSESSMENT, A PENALTY EQUAL TO 25 PERCENT OF THE TAX DUE.

(E) COMPUTATION OF TAX IN ABSENCE OF RECORDS.

IF A DEALER FAILS TO KEEP ANY RECORDS OF SALES OF VEHICLES, THE ADMINISTRATION MAY COMPUTE THE TAX DUE AS PROVIDED IN ARTICLE 81, § 357(B) OF THE CODE.

(F) MANNER OF CREDITING AMOUNTS RECEIVED FROM DEALER.

ALL AMOUNTS RECEIVED FROM ANY DEALER UNDER THIS SECTION SHALL BE CREDITED:

(1) FIRST, TO ANY PENALTY AND INTEREST ACCRUED UNDER THIS SECTION; AND

(2) THEN, TO THE TAX DUE.

REVISOR'S NOTE: This section presently appears as Art. 66 1/2, §§3-113(d) and 3-832.

Throughout this section, present references to a statute "as amended from time to time" are deleted as unnecessary in light of Art. 1, §21 of the Code.

In subsection (a) of this section, the term "licensed dealer" is substituted for the present reference to "any dealer" for clarity.