

HOUSE BILL 1067

Q7

4lr3091

By: **Delegate Feldmark**

Introduced and read first time: February 7, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Digital Advertising Gross Revenues Tax – Assessments – Appeals and**
3 **Corrections**

4 FOR the purpose of establishing a certain appeal process for persons who are subject to the
5 digital advertising gross revenues tax and receive a notice of assessment from the
6 Comptroller; authorizing the Comptroller or the Comptroller's designee to issue an
7 order to correct an erroneous assessment of the digital advertising gross revenues
8 tax, subject to certain conditions; and generally relating to the digital advertising
9 gross revenues tax.

10 BY repealing and reenacting, without amendments,
11 Article – Tax – General
12 Section 13–402(a)(6)
13 Annotated Code of Maryland
14 (2022 Replacement Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Tax – General
17 Section 13–508 and 13–509
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2023 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Tax – General**

23 13–402.

24 (a) If a notice and demand for a return is made under § 13–303 of this title and
25 the person or governmental unit fails to file the return, the tax collector shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(6) for digital advertising gross revenues tax:

(i) estimate gross revenues from the best information in possession of the tax collector; and

(ii) assess the tax due on the estimated assessable base.

13–508.

(a) Within 30 days after the date on which a notice of assessment of the admissions and amusement tax, alcoholic beverage tax, boxing and wrestling tax, **DIGITAL ADVERTISING GROSS REVENUES TAX**, income tax, motor carrier tax, motor fuel tax, public service company franchise tax, financial institution franchise tax, sales and use tax, or tobacco tax is mailed, a person or governmental unit against which the assessment is made may submit to the tax collector:

(1) an application for revision of the assessment; or

(2) except for the public service company franchise tax, if the assessment is paid, a claim for refund.

(b) If a person or governmental unit fails to submit an application for revision or claim for refund within the time allowed in subsection (a) of this section, the assessment becomes final.

(c) The Comptroller or an employee of the Comptroller's office expressly designated by the Comptroller promptly:

(1) (i) shall hold an informal hearing on a person's or governmental unit's admissions and amusement tax, alcoholic beverage tax, boxing and wrestling tax, **DIGITAL ADVERTISING GROSS REVENUES TAX**, income tax, motor carrier tax, motor fuel tax, sales and use tax, or tobacco tax application for revision or claim for refund under subsection (a) of this section; and

(ii) after the hearing:

1. shall act on the application for revision; and

2. may assess any additional tax, penalty, and interest due;

and

(2) shall mail to the person or governmental unit a notice of final determination.

(d) The Department promptly:

(1) (i) shall act on a person's public service company franchise tax or financial institution franchise tax application for revision under subsection (a) of this section; or

(ii) 1. shall hold an informal hearing after giving reasonable notice to the person; and

2. after the hearing:

A. shall act on the application for revision; and

B. may assess any additional tax, penalty, and interest due; and

(2) shall mail to the person a notice of final determination.

13-509.

(a) Notwithstanding a person's failure to file a timely application for revision or claim for refund of an assessment of the admissions and amusement tax, alcoholic beverage tax, boxing and wrestling tax, **DIGITAL ADVERTISING GROSS REVENUES TAX**, income tax, motor carrier tax, motor fuel tax, sales and use tax, or tobacco tax under § 13-508(a) of this subtitle, the Comptroller or the Comptroller's designee may issue an order decreasing or abating an assessment to correct an erroneous assessment.

(b) If action is taken under subsection (a) of this section, the order shall state clearly the reasons for decreasing or abating the assessment.

(c) Any order issued by the Comptroller under subsection (a) of this section shall be final and not subject to appeal.

(d) The Comptroller's refusal to enter an order under subsection (a) of this section shall be final and not subject to appeal.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024, and shall be applicable to assessments of the digital advertising gross revenues tax made after June 30, 2024.