

1 **Title 36 STATE LOTTERY AND**
2 **GAMING CONTROL AGENCY**

3
4 **Subtitle 03 GAMING PROVISIONS**

5
6 **Chapter .08 Collection of Taxes, Fees and Civil Penalties**

7
8 **Authority:** State Government Article, §§ 9-1A-04(d), Annotated Code of Maryland

9
10 **01. General.** This chapter establishes the manner and method by which the Commission
11 may collect from an applicant or licensee a tax, fee or civil penalty established under
12 State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland.

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14 **.02. Definition.**

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16 A. In this chapter the following term has the meaning indicated.

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18 B. Term Defined. “Fee” means an amount established by the Commission that an
19 applicant or licensee is required to pay; and includes:

20
21 (1) A license fee under State Government Article, § 9-1A-07(b), Annotated Code
22 of Maryland;

23
24 (2) A fee associated with an applicant’s criminal history records check under
25 State Government Article, § 9-1A-20(d), Annotated Code of Maryland;

26
27 (3) An application, license or renewal fee under COMAR 36.03.02;

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29 (4) An annual fee of \$425 for each video lottery terminal to be paid by a video
30 lottery operation licensee as required by State Government Article, § 9-1A-33,
31 Annotated Code of Maryland;

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33 (5) An annual fee of \$500 for each table game to be paid by a video lottery
34 operation licensee for each table game as authorized by State Government Article,
35 § 9-1A-33, Annotated Code of Maryland; and

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37 (6) Except for a license fee for a video lottery operation license, any other fee
38 imposed by the Commission under State Government Article, Title 9, Subtitle 1A,
39 Annotated Code of Maryland.

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41 **.03 Obligation to Pay.**

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43 A. A tax that is due and payable shall be paid by an applicant or licensee and collected in
44 accordance with State and federal law.

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46 B. For a fee or civil penalty:

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2 (1) The Commission shall issue an invoice or other order to pay; and

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4 (2) An applicant or licensee shall remit payment to the Commission within 30
5 days after the date of the invoice or order to pay.
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7 **.04. Collection and Deposit of Payments.**
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9 A. An applicant or licensee shall pay a fee or civil penalty by:

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11 (1) Wire transfer;

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13 (2) Money order;

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15 (3) Certified check made payable to the "State of Maryland;" or

16
17 (4) Any other manner designated by the Commission.
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19 B. The Commission shall deposit payment of:

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21 (1) An application, license, renewal or other fee into a bank account that the State
22 Treasurer designates to the credit of the State Lottery Fund to cover the
23 Commission's administrative costs related to licensing; and

24
25 (2) An annual fee of \$425 for a video lottery terminal into the Problem Gambling
26 Fund established in the Department of Health and Mental Hygiene under State
27 Government Article, § 9-1A-33(b), Annotated Code of Maryland.
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29 C. The Commission may recover from an applicant or licensee whose payment of a fee
30 or civil penalty is overdue:

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32 (1) The unpaid amount of the fee or civil penalty;

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34 (2) Revenues lost to the State as the result of the nonpayment;

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36 (3) Attorney's fees; and

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38 (4) Any other penalty, interest, cost and expense allowable by law.
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40 D. The failure of a licensee to timely pay a fee or civil penalty is a violation of an order
41 of the Commission.
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43 E. The Commission's election to seek recovery under § C of this regulation for a
44 licensee's failure to pay a fee or civil penalty does not preclude the Commission or the
45 State from enforcing other rights, or seeking other remedies, for the same failure to pay.
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1 F. Nothing in this chapter shall be construed to preclude the Commission from
2 withholding or reducing the distribution of proceeds to an operator under State
3 Government Article, § 9-1A-27, Annotated Code of Maryland, or instituting as set-off,
4 counterclaim, fines, penalties or any other legally permitted deduction, for a licensee's:

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6 (1) Failure to pay a fee or civil penalty;

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8 (2) Unsatisfactory performance;

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10 (3) Failure to timely fulfill all of the Commission's requirements; or

11
12 (4) Material breach of a term or condition of a license.

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14 G. The Commission shall account for collection of a fee or civil penalty in accordance
15 with applicable law.
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