

2006 SESSION

INTRODUCED

065127432

HOUSE BILL NO. 569

Offered January 11, 2006

Prefiled January 10, 2006

A BILL to amend and reenact § 58.1-1013 of the Code of Virginia, relating to cigarette tax; penalty for failure to properly affix stamps.

Patron—Nixon

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1013 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1013. Penalty for failing to affix stamps; subsequent violations of article.

Any person within this Commonwealth who sells, stores or receives cigarettes for the purpose of distribution to another within this Commonwealth, *and who is required under this chapter to affix the proper stamps thereto*, and fails to properly affix the required stamps to any cigarettes pursuant to the provisions of this chapter shall be required to pay as part of the tax imposed hereunder, a penalty of \$250, *if the number of unstamped cigarettes does not exceed 100 packs, or a penalty of \$500, if the number of unstamped cigarettes exceeds 100 packs*, to be assessed and collected by the Department as other taxes are collected. Where willful intent exists to defraud the Commonwealth of the tax levied under this chapter, such person shall be required to pay a penalty of ~~\$2,500~~ \$1,000. ~~It shall be prima facie evidence of intent to defraud when the number of such unstamped cigarettes exceeds 30 packs.~~

Each pack of cigarettes not having proper stamps affixed thereto as herein required shall be deemed a separate offense. Any cigarettes in the place of business of any person required by the provisions of this chapter to stamp the same shall be prima facie evidence that they are intended for sale.

Any person who has been found guilty of violating any of the provisions of this article and who, after being punished by fine, penalty, assessment, or imprisonment, is guilty of a second or subsequent violation of this chapter shall, upon being found guilty of such second offense, have his or its permit revoked by the Department, and no further permit shall be issued or granted to such person for a period of one year from the date the permit has been revoked.

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