

TITLE 48 – TAXATION
CHAPTER 3 - TA X COLLECTION



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

TAX COLLECTION ACT

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TAX COLLECTION ACT

AN ACT to provide for the collection of revenue and matters related thereto. [This Chapter was previously codified at 11 MIRC 7]

<i>Commencement:</i>	<i>Not Specified</i>
<i>Source:</i>	TTC 1966
<i>Amended By:</i> 77TTC 1970	COM P.L. 4C-4 (1971)
COM P.L. 5-91 (1974)	COM P.L. 6-52 (1975)
COM P.L. 6-118 (1976)	77 TTC 1980 P.L. 2009-21
P.L. 2010-44 P.L. 2013-11	P.L. 2013-13 P.L. 2018-83

§301. Short title.

This Chapter may be cited as the Tax Collection Act.

§302. Tax liens.

Any taxes imposed or authorized under this Chapter upon property shall be a lien upon the property and may be collected by levy upon it in the same manner as the levy of an execution. [77 TTC 1966, §1147; 77 TTC 1970, §151; 77 TTC 1980, §151, modified.]

§303. Civil action of enforcement.

Any taxes or license fees imposed or authorized under this Chapter or under any law may also be collected by a civil suit brought either in the name of the taxing unit concerned or in the name of the person authorized to collect the same. In such civil suit a written statement of the treasurer of the unit concerned, as to the amount of tax due, the fact that it is unpaid,

and who is authorized to collect it, shall be sufficient evidence of these matters unless the contrary is expressly shown. [TTC 1966, §1147; 77 TTC 1970, §152; 77 TTC 1980, §152, modified.]

§304. Prepayment of license fees; revocation of license for failure to pay fees.

The prepayment of any license fee unposed or authorized under this Chapter or under any law may be made a condition of the issuance of the license. If the licensing authority issued the license without prepayment of the fee, the license may be revoked by the licensing authority at any time if the fee is not paid within such time as the licensing authority shall fix. [TTC 1966, §1147; 77 TTC 1970, §153; 77 TTC 1980, §153, modified.]

§305. Rules and regulations; deposit into treasury.

The Secretary of Finance of the Republic, with the approval of the Cabinet, shall prescribe such rules and regulations as are necessary to collect all taxes, fees and charges levied or imposed under this Chapter and all such taxes, fees and charges shall be deposited in the treasury of the Republic for appropriation by the Nitijela. Such rules and regulations shall wherever practicable require payment in full of all taxes, fees and charges immediately upon assessment and, in the case of import taxes, before any merchandise is released by the carrier or his agent to the importer and, in the case of export taxes, before any merchandise is loaded on any vessel or aircraft. [77 TTC 1966, §1147; 77 TTC 1970, §154; 77 TTC 1980, §154, modified.]

§306. Records of transactions.

Every person, firm, corporation or association engaging in any transaction subject to a tax, fee or charge levied or imposed under this Chapter shall keep a full and accurate record of each such transaction engaged in by him and such record shall be available for examination by the Cabinet or its authorized representative for at least three (3) years after the date of such transaction. Any person, firm, corporation or association willfully failing to keep or make available for examination such records shall be guilty of a misdemeanor, and, in addition, shall be subject to the immediate revocation of any relevant existing license to do business in the Republic. [TTC 1966, §1147; 77 TTC 1970, §155; 77 TTC 1980, §155, modified.]

§307. Distribution of revenues.

- (1) The Secretary of Finance shall deposit taxes collected into the appropriate Fund of the Republic.
- (2) Notwithstanding the purpose and the intention of Article VIII of the Constitution, and subject to powers of the Secretary of Finance under Subsection (1), one hundred percent (100%) of tax revenue on land lease payments collected from the Kwajalein Atoll, shall be rebated to the Kwajalein Atoll Local Government for the payment of outstanding debts owed to the Marshall Islands Social Security by the local government, and shall thereafter be used for development purposes.
- (3) Pursuant to subsection (2), one hundred percent (100%) of the tax rebate shall be paid directly to the Marshall Islands Social Security, and thereafter into a special account (Kwajalein Special Account), at the beginning of each fiscal year, for development purposes as stated in subsection (2).
- (4) The Secretary of Finance shall maintain and keep records of the Kwajalein Special Account. [TTC 1966, §1147; 77 TTC 1970, §156; COM P.L. 4C-4, §2 (1971); COM P.L. 5-91(1974); COM P.L. 6-52, §4 (1975); COM P.L. 6-118, §4; (1976); 77 TTC 1980, §156, modified.][subsections (2), (3) and (4) inserted by P.L.2009-21][Amended by P.L.2013-11].

§307A. Rebate of Tax Revenues for Majuro.

- (1) Similarly to Subsection 2 of Section 307 of this Chapter, 100 percent of tax revenues on land lease payments to collect from lands on Majuro Atoll, shall be rebated to the Majuro Atoll Local Government for the purpose of supplementing grants appropriated by the National Government to the Majuro Atoll Local Government under Section 135 of the Local Government Act.
- (2) There shall be paid into a special account (Majuro Supplement Account), at the beginning of each fiscal year, 100 percent of the tax revenues collected for the purpose of supplementing the Majuro Atoll Local Government.
- (3) The funds from the special account shall be used purposely for development projects within Majuro Atoll other than for salaries or purchase of vehicles and other related items.

- (4) The Secretary of Finance shall maintain and keep records of the Majuro Special account.

§307B. Rebate of Tax Revenues for Jaluit.

- (1) One hundred percent (100%) of tax revenues of land lease payments collected from lands on Jaluit Atoll, shall be rebated to the Jaluit Atoll Local Government for the purpose of supplementing grants appropriated by the National Government to the Jaluit Atoll Local Government under Section 135 of the Local Government Act.
- (2) There shall be paid into a special account (Jaluit Supplement Account), at the beginning of each fiscal year, one hundred percent (100%) of the tax revenues collected for the purpose of supplementing the Jaluit Atoll Local Government.
- (3) The funds of the special account shall be used purposely for development projects within Jaluit Atoll.
- (4) The Secretary of Finance shall maintain and keep records of the “Jaluit Supplement” account.

§307C. Rebate of Tax Revenue for Wotje.

- (1) One hundred percent (100%) of tax revenues of land lease payments collected from lands on Wotje Atoll, shall be rebated to the Wotje Atoll Local Government for the purpose of supplementing grants appropriated by the National Government to the Wotje Atoll Local Government under Section 135 of the Local Government Act.
- (2) There shall be paid into a special account (Wotje Supplement Account), at the beginning of each fiscal year, one hundred percent (100%) of the tax revenue collected for the purpose of supplementing the Wotje Atoll Local Government.
- (3) The funds of the special account shall be used purposely for development projects within Wotje Atoll.
- (4) The Secretary of Finance shall maintain and keep records of the “Wotje Supplement “Account. [new section 307A inserted by P.L. 2010-44][Amended by P.L.2013-13]. [new sections 307B and 307C inserted by P.L.2018-83].

§308. Failure to pay.

Any person who, or firm, corporation, partnership or association which, owes such taxes and fails to pay them in full, including interest at the rate of six (6%) percent per annum, shall be subject to penalties and the Secretary of Finance of the Republic shall collect or cause to be collected such taxes, interest and penalties in any manner authorized by law. [77 TTC 1966, §1152; 77 TTC 1970, §157; 77 TTC 1980, §157, modified.]