

File No. 92198

May 24, 1954

Mr. William M. Kinnersley, Jr.
Superintendent of Receipts
Municipal Building
Baltimore - 2, Maryland

Dear Mr. Kinnersley:

In regard to your letter of May 12, 1954, enclosing copy of letter dated May 10, 1954, addressed to you by The Valley Camp Coal Company of Cleveland, Ohio, concerning the following questions, we would like to advise as follows:

The questions deal with the obligation imposed on out of State sellers of fuel to collect the tax from City buyers in two hypothetical cases:

1. Where the Company receives an order for coal by mail from a Baltimore consumer which provides for shipment by rail from a West Virginia mine, the title to pass F.O.B. the mine.
2. Where the Company's Cleveland salesmen come to Baltimore and solicit business of the type mentioned above.

Section 78 of Ordinance No. 901 provides:

"There is hereby levied and imposed a tax to be paid and collected as hereinafter provided on all sales, use or consumption of the following fuels * * * purchased, used or consumed within Baltimore City."

Section 81 (a) of said Ordinance provides:

"Every person, firm or corporation located within or without the City of Baltimore, who makes any sales or deliveries of any commodities, taxed under Section 78, within the City of Baltimore, shall collect the tax from the purchaser of said commodities and report and remit the same as hereinafter provided. The vendor shall have the same right against the purchaser for the collection of this tax as he has for the collection of the sales price of his merchandise."

Section 81 (b) of said Ordinance provides:

"Any person who uses or consumes any of the commodities subject to the tax under Section 78, who has not paid the tax thereon to a vendor, shall pay the tax imposed by said section directly to the City Treasurer * * *."