

HOUSE BILL No. 4346

March 1, 2011, Introduced by Reps. Walsh, MacGregor, Lyons, McBroom, Hughes, Cotter and Tyler and referred to the Committee on Tax Policy.

A bill to amend 1937 PA 94, entitled
"Use tax act,"
by amending section 6 (MCL 205.96), as amended by 2004 PA 172.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) Every person storing, using, or consuming tangible
2 personal property or services, the storage, use, or consumption of
3 which is subject to the tax imposed by this act when the tax was
4 not paid to a seller, and every seller collecting the tax from the
5 purchaser, unless otherwise prescribed by the department under the
6 provisions of subsection (2), ~~or~~ (3), **OR (4)**, on or before the
7 twentieth day of each calendar month shall file with the department
8 a return for the preceding calendar month, in a form prescribed by
9 the department, showing the price of each purchase of tangible
10 personal property or services during the preceding month, and other

1 information the department considers necessary for the proper
2 administration of this act. At the same time, each person shall pay
3 to the department the amount of tax imposed by this act with
4 respect to the purchases covered by the return.

5 (2) Beginning January 1, 1999 **THROUGH JUNE 30, 2011**, each
6 seller that had a total tax liability after subtracting the tax
7 payments made to the secretary of state under this act or the
8 general sales tax act, 1933 PA 167, MCL 205.51 to 205.78, or after
9 subtracting the tax credits available under section 6a of the
10 general sales tax act, 1933 PA 167, MCL 205.56a, in the immediately
11 preceding calendar year of \$720,000.00 or more shall remit to the
12 department, by an electronic funds transfer method approved by the
13 department on or before the twentieth day of the month, an amount
14 equal to 50% of the taxpayer's liability under this act for the
15 same month in the immediately preceding calendar year, or 50% of
16 the actual liability for the month being reported, whichever is
17 less, plus a reconciliation payment equal to the difference between
18 the tax liability determined for the immediately preceding month
19 minus the amount of tax previously paid for that month.

20 Additionally, the seller shall remit to the department, by an
21 electronic funds transfer method approved by the department on or
22 before the last day of the month, an amount equal to 50% of the
23 taxpayer's liability under this act for the same month in the
24 immediately preceding calendar year, or 50% of the actual liability
25 for the month being reported, whichever is less.

26 (3) **BEGINNING JULY 1, 2011, EACH TAXPAYER THAT HAD A TOTAL TAX**
27 **LIABILITY AFTER SUBTRACTING THE TAX PAYMENTS MADE TO THE SECRETARY**

1 OF STATE UNDER THIS ACT OR THE GENERAL SALES TAX ACT, 1933 PA 167,
2 MCL 205.51 TO 205.78, OR AFTER SUBTRACTING THE TAX CREDITS
3 AVAILABLE UNDER SECTION 6A OF THE GENERAL SALES TAX ACT, 1933 PA
4 167, MCL 205.56A, IN THE IMMEDIATELY PRECEDING CALENDAR YEAR OF
5 \$720,000.00 OR MORE SHALL REMIT TO THE DEPARTMENT, BY AN ELECTRONIC
6 FUNDS TRANSFER METHOD APPROVED BY THE DEPARTMENT ON OR BEFORE THE
7 TWENTIETH DAY OF THE MONTH, AN AMOUNT EQUAL TO 75% OF THE
8 TAXPAYER'S LIABILITY UNDER THIS ACT IN THE IMMEDIATELY PRECEDING
9 MONTH, PLUS A RECONCILIATION PAYMENT EQUAL TO THE DIFFERENCE
10 BETWEEN THE TAX LIABILITY DETERMINED FOR THE IMMEDIATELY PRECEDING
11 MONTH MINUS THE AMOUNT OF TAX PREVIOUSLY PAID FOR THAT MONTH.
12 PAYMENT REMITTED TO THE DEPARTMENT BY ELECTRONIC FUNDS TRANSFER MAY
13 INCLUDE AS A SINGLE PAYMENT ANY AMOUNT DUE UNDER SECTION 6 OF THE
14 GENERAL SALES TAX ACT, 1933 PA 167, MCL 205.56.

15 (4) ~~(3)~~—If considered necessary to insure payment of the tax
16 or to provide a more efficient administration, the department may
17 require and prescribe the filing of returns and payment of the tax
18 for other than monthly periods.

19 (5) ~~(4)~~—The tax imposed under this act shall accrue to this
20 state on the last day of each calendar month.

21 (6) ~~(5)~~—If a due date falls on a Saturday, Sunday, state
22 holiday, or legal banking holiday, the taxes are due on the next
23 succeeding business day.