

MICHIGAN BUSINESS TAX ACT (EXCERPT)
Act 36 of 2007

***** 208.1512 THIS SECTION IS REPEALED BY ACT 90 OF 2019 EFFECTIVE FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 2031 *****

208.1512 Disregarded entity; classification; filing amended return; treatment as person separate from owner.

Sec. 512.

(1) Notwithstanding any other provision of this act except as provided under subsections (2) and (3), a person that is a disregarded entity for federal income tax purposes under the internal revenue code shall be classified as a disregarded entity for purposes of this act.

(2) Notwithstanding subsection (1), a person that is a disregarded entity for federal income tax purposes under the internal revenue code that prior to January 1, 2012 in an originally filed return was treated as a person separate from its owner or prior to December 1, 2011 in an amended return was treated as a person separate from its owner under this act for a tax year that begins after December 31, 2007, is not required to file an amended return with its owner as a disregarded entity.

(3) Notwithstanding subsection (1), a person that is a disregarded entity for federal income tax purposes under the internal revenue code that prior to January 1, 2012 in an originally filed return was treated as a person separate from its owner or prior to December 1, 2011 in an amended return was treated as a person separate from its owner under this act for its first tax year that begins after December 31, 2009, may be treated as a person separate from its owner under this act for its tax year that begins after December 31, 2010 and ends before January 1, 2012.

History: Am. 2011, Act 305, Imd. Eff. Dec. 27, 2011

Compiler's Notes: Enacting section 1 of Act 39 of 2011 provides: "Enacting section 1. The Michigan business tax act, 2007 PA 36, MCL 208.1101 to 208.1601, is repealed effective on the date that the secretary of state receives a written notice from the department of treasury that the last certificated credit or any carryforward from that certificated credit has been claimed." Enacting section 1 of Act 305 of 2011 provides: "Enacting section 1. This amendatory act is curative and intended to clarify the original intent of 2007 PA 36. This amendatory act is retroactive and effective for taxes levied on and after January 1, 2008."

Popular Name: MBT