

Act No. 34
Public Acts of 1994
Approved by the Governor
March 5, 1994
Filed with the Secretary of State
March 7, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senator DeGrow

ENROLLED SENATE BILL No. 599

AN ACT to amend sections 4 and 21 of Act No. 94 of the Public Acts of 1937 entitled as amended An act to provide for the levy assessment and collection of a specific excise tax on the storage use or consumption in this state of tangible personal property and certain services to appropriate the proceeds thereof and to prescribe penalties for violations of the provisions of this act as amended by Act No. 326 of the Public Acts of 1993 being sections 205 94 and 205 111 of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Sections 4 and 21 of Act No. 94 of the Public Acts of 1937 as amended by Act No. 326 of the Public Acts of 1993 being sections 205 94 and 205 111 of the Michigan Compiled Laws are amended to read as follows

Sec. 4 The tax levied does not apply to the following

(a) Property sold in this state on which transaction a tax is paid under the general sales tax act Act No. 167 of the Public Acts of 1933 as amended being sections 205 51 to 205 78 of the Michigan Compiled Laws if the tax was due and paid on the retail sale to a consumer

(b) Property the storage use or other consumption of which this state is prohibited from taxing under the constitution or laws of the United States or under the constitution of this state

(c) Property purchased for resale demonstration purposes or lending or leasing to a public or parochial school offering a course in automobile driving except that a vehicle purchased by the school shall be certified for driving education and shall not be reassigned for personal use by the school's administrative personnel For a dealer selling a new car or truck exemption for demonstration purposes shall be determined by the number of new cars and trucks sold during the current calendar year or the immediately preceding year without regard to specific make or style according to the following schedule of 0 to 25 2 units 26 to 100 7 units 101 to 500 20 units 501 or more 25 units but not to exceed 25 cars and trucks in 1 calendar year for demonstration purposes For tax years beginning after December 31 1987 property purchased for resale includes promotional merchandise transferred pursuant to a redemption offer to a person located outside this state

(d) Property that is brought into this state by a nonresident person for storage use or consumption while temporarily within this state except if the property is used in this state in a nontransitory business activity for a period exceeding 15 days

(e) Property the sale or use of which was already subjected to a sales tax or use tax equal to or in excess of that imposed by this act under the law of any other state or a local governmental unit within a state if the tax was due and paid on the retail sale to the consumer and the state or local governmental unit within a state in which the tax was imposed accords like or complete exemption on property the sale or use of which was subjected to the sales or use tax of this state If the sale or use of property was already subjected to a tax under the law of any other state or local

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor