



HOUSE BILL No. 5104

October 12, 1993, Introduced by Reps. Bryant, Munsell, Gilmer, Bender, Bandstra, Dalman, Stille, Bobier and Middleton and referred to the Committee on Taxation.

A bill to provide for a tax upon the sale and distribution of certain tobacco products; to regulate and license manufacturers, wholesalers, secondary wholesalers, vending machine operators, unclassified acquirers, transportation companies, transporters, and retailers of certain tobacco products; to prescribe the powers and duties of the revenue division and the department of treasury in regard to certain tobacco products; to provide for the collection and disposition of the tax; to provide for the enforcement of this act; to provide for the appointment of special investigators as peace officers for the enforcement of this act; and to prescribe penalties and provide remedies for the violation of this act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "tobacco products tax act".

1 Sec. 2. As used in this act:

2 (a) "Commissioner" means the revenue commissioner.

3 (b) "Department" means the department of treasury.

4 (c) "Large cigars" means cigars that weigh 3 pounds or more
5 per thousand.

6 (d) "License" means a license granted under this act, or,
7 until June 30, 1994, a valid license that is both of the
8 following:

9 (i) Granted under Act No. 265 of the Public Acts of 1947,
10 being sections 205.501 to 205.522 of the Michigan Compiled Laws.

11 (ii) Granted before January 1, 1994.

12 (e) "Licensee" means a person licensed under this act.

13 (f) "Manufacturer" means a person who manufactures or
14 produces a tobacco product.

15 (g) "Noncigarette smoking tobacco" means tobacco sold in
16 loose or bulk form that is intended for consumption by smoking.

17 (h) "Person" means an individual, partnership, fiduciary,
18 association, corporation, or other legal entity.

19 (i) "Place of business" means a place where a tobacco prod-
20 uct is sold or where a tobacco product is brought or kept for the
21 purpose of sale or consumption, including a vessel, airplane,
22 train, or vending machine.

23 (j) "Retailer" means a person other than a transportation
24 company who operates a place of business for the purpose of
25 making sales of a tobacco product at retail.

1 (k) "Sale" means a transaction by which the ownership of
2 tangible personal property is transferred for consideration and
3 applies also to use, gifts, exchanges, barter, and theft.

4 (l) "Secondary wholesaler" means a person who sells a
5 tobacco product for resale, who purchases a tobacco product from
6 a wholesaler licensed under this act, and who maintains an estab-
7 lished place of business in this state.

8 (m) "Small cigars" means cigars that weigh less than 3
9 pounds per thousand.

10 (n) "Smokeless tobacco" means snuff, chewing tobacco, and
11 any other tobacco that is intended to be consumed by means other
12 than smoking.

13 (o) "Tobacco product" means cigarettes, small cigars, large
14 cigars, noncigarette smoking tobacco, or smokeless tobacco.

15 (p) "Transportation company" means a person operating, or
16 supplying to common carriers, cars, boats, or other vehicles for
17 the transportation or accommodation of passengers and engaged in
18 the sale of a tobacco product at retail.

19 (q) "Transporter" means a person importing or transporting
20 into this state, or transporting in this state, a tobacco product
21 obtained from a source located outside this state, or from any
22 person not duly licensed under this act. Transporter does not
23 include an interstate commerce carrier licensed by the interstate
24 commerce commission to carry commodities in interstate commerce,
25 or a licensee maintaining a warehouse or place of business out-
26 side of this state if the warehouse or place of business is
27 licensed under this act.

1 (r) "Unclassified acquirer" means a person, except a
2 transportation company or a purchaser at retail from a retailer
3 licensed under the general sales tax act, Act No. 167 of the
4 Public Acts of 1933, being sections 205.51 to 205.78 of the
5 Michigan Compiled Laws, who imports or acquires a tobacco product
6 from a source other than a wholesaler or secondary wholesaler
7 licensed under this act for use, sale, or distribution.

8 (s) "Vending machine operator" means a person who operates 1
9 or more vending machines for the sale of a tobacco product and
10 who purchases a tobacco product from a manufacturer, licensed
11 wholesaler, or secondary wholesaler.

12 (t) "Wholesale price" means the actual price paid for
13 tobacco product, excluding any tax, to a licensee other than a
14 retailer, secondary wholesaler, or vending machine operator.

15 (u) "Wholesaler" means a person who purchases all or part of
16 his or her tobacco products from a manufacturer, who sells 75% or
17 more of those tobacco products to others for resale, and who
18 maintains an established business where substantially all of the
19 business is the sale of tobacco products or cigarettes and
20 related merchandise at wholesale and where at all times a sub-
21 stantial stock of tobacco products and related merchandise is
22 available to retailers for resale. Wholesaler includes a chain
23 of stores retailing a tobacco product to the consumer if 75% of
24 its stock of tobacco products is purchased directly from the
25 manufacturer.

26 Sec. 3. (1) A person shall not purchase, possess, acquire
27 for resale, or sell a tobacco product as a manufacturer,

1 wholesaler, secondary wholesaler, vending machine operator,
2 unclassified acquirer, transportation company, or transporter in
3 this state unless licensed to do so.

4 (2) Upon proper application and the payment of the applica-
5 ble fee, the department shall issue a license to each manufactur-
6 er, wholesaler, secondary wholesaler, vending machine operator,
7 unclassified acquirer, transportation company, or transporter.
8 The application shall be on a form prescribed by the department
9 and signed under penalty of perjury. Except for transportation
10 companies, each place of business shall be separately licensed.
11 If a person acts in more than 1 capacity at any 1 place of busi-
12 ness, a license shall be procured for each capacity. Each
13 machine for vending tobacco products shall be considered a place
14 of retail business. Each license or a duplicate copy shall be
15 prominently displayed on the premises covered by the license. In
16 the case of vending machines, a disc or marker furnished by the
17 department showing it to be licensed shall be attached to the
18 machine.

19 (3) The fees for licenses shall be the following:

20 (a) A manufacturer's license, \$100.00.

21 (b) A wholesaler's license, \$100.00.

22 (c) A secondary wholesaler's license, \$25.00.

23 (d) A license for vending machine operators having 50 or
24 more vending machines in operation, \$100.00.

25 (e) A license for vending machine operators having not less
26 than 25 and not more than 49 machines in operation, \$50.00.

1 (f) A license for vending machine operators having not less
2 than 4 machines and not more than 24 machines in operation,
3 \$25.00.

4 (g) A license for vending machine operators having not more
5 than 3 machines, \$5.00 for each machine.

6 (h) An unclassified acquirer's license, a sum determined by
7 the department, but not to exceed \$150.00.

8 (i) A transportation company's license, \$5.00.

9 (j) A transporter's license, \$50.00.

10 (4) If a manufacturer, wholesaler, secondary wholesaler, or
11 vending machine operator maintains more than 1 place of business,
12 the fee for each additional place of business shall be 1/4 of the
13 fee otherwise prescribed in subsection (3). If a person applying
14 for a license under this act as a manufacturer, wholesaler, sec-
15 ondary wholesaler, vending machine operator, unclassified acquir-
16 er, transportation company, or transporter has an equivalent
17 license issued before January 1, 1994 under Act No. 265 of the
18 Public Acts of 1947, being sections 205.501 to 205.522 of the
19 Michigan Compiled Laws, that person is not required to apply for
20 a license under this act until the license under Act No. 265 of
21 the Public Acts of 1947 expires or June 30, 1994, whichever
22 occurs first. A person who purchases, possesses, acquires for
23 resale, or sells a tobacco product pursuant to a license granted
24 under Act No. 265 of the Public Acts of 1947, is subject to the
25 same conditions, terms, and sanctions as if the license was
26 granted under this act. A fee, or a part of a fee, shall not be
27 refunded by reason of relinquishment, suspension, or revocation

1 of the license, or, except under order of a court of competent
2 jurisdiction, for any other reason or cause.

3 (5) A person shall not possess a machine for vending tobacco
4 products for a period in excess of 72 hours unless there is a
5 disc or marker attached as provided by this section. This
6 requirement does not apply to a machine not containing a tobacco
7 product. If a person possesses a vending machine containing a
8 tobacco product that is not properly licensed or identified as
9 required by this section, the department may seal or seize the
10 machine, together with the tobacco products contained in the
11 machine. The provisions of section 9 govern the seizure and sub-
12 sequent disposition of a machine or tobacco product seized.

13 (6) The department may require a licensee under this section
14 to furnish a surety bond with a surety company authorized to do
15 business in this state in an amount the department may fix, con-
16 ditioned upon the payment of the tax provided by this act. The
17 department may also require a licensee under this section to file
18 a financial statement with the department showing all assets and
19 liabilities and any other information the department may pre-
20 scribe, to be filed within 30 days after the date requested.

21 Sec. 4. Each license issued under section 3 shall expire on
22 the June 30 next succeeding the date of issuance unless revoked
23 by the department, unless the business for which the license was
24 issued changes ownership, or unless the holder of the license
25 removes the business from the location covered by the license.
26 Upon expiration of the license, revocation of the license, change
27 of ownership of the business, or removal of the business from the

1 location covered by the license, the holder of the license
2 immediately shall return the license to the department. If a
3 business moves to another location in the state, the license may
4 be reissued for the new location for the balance of the unexpired
5 term without payment of an additional fee. The holder of each
6 license may renew that license for another 1-year period by
7 filing an application accompanied by the applicable fee with the
8 department before the expiration date of that license.

9 Sec. 5. The department may suspend, revoke, or refuse to
10 issue or renew a license issued under this act for failure to
11 comply with this act or for any other good cause. A person whose
12 license is suspended, revoked, or not renewed shall not sell a
13 tobacco product during the period of suspension or revocation, or
14 until the license is renewed. A person aggrieved by the suspen-
15 sion, revocation, or refusal to issue or renew a license may
16 apply to the revenue division of the department for a hearing
17 within 20 days after notice of the suspension, revocation, or
18 refusal to issue or renew the license. A hearing and decision
19 shall be had in the same manner provided in section 9.

20 Sec. 6. (1) A manufacturer, wholesaler, secondary wholesal-
21 er, vending machine operator, transportation company, unclassi-
22 fied acquirer, or retailer shall keep a complete and accurate
23 record of each tobacco product manufactured, purchased, or other-
24 wise acquired. Except for a manufacturer, the records shall
25 include a written statement containing the name and address of
26 both the seller and the purchaser, the date of delivery, the
27 quantity, the trade name or brand, and the price paid for each

1 tobacco product purchased. A licensee shall keep as part of the
2 records a true copy of all purchase orders, invoices, bills of
3 lading, and other written matter substantiating the purchase or
4 acquisition of each tobacco product. Other records shall be kept
5 by these persons as the department reasonably prescribes.

6 (2) A manufacturer, wholesaler, and secondary wholesaler
7 shall deliver with each sale or consignment of a tobacco product
8 a written statement containing the name or trade name and address
9 of both the seller and the purchaser, the date of delivery, the
10 quantity, and the trade name or brand of the tobacco product,
11 correctly itemizing the prices paid for each brand purchased, and
12 shall retain a duplicate of each statement.

13 (3) A vending machine operator shall keep a detailed record
14 of each vending machine owned for the sale of tobacco products
15 showing the location of the machine, the date of placing the
16 machine on the location, the quantity of each tobacco product
17 placed in the machine, the date when placed there, and the amount
18 of the commission paid or earned on sales through the vending
19 machine. When filling or refilling the vending machine, the
20 operator shall deliver to the owner or tenant occupying the
21 premises where the machine is located a written statement con-
22 taining his or her own name and address, the name and address of
23 the owner or the tenant, the date when the machine was filled,
24 and the quantity of each brand of tobacco product sold from the
25 machine since the date when tobacco products were last placed in
26 the machine. A person in possession of premises where a vending
27 machine is located shall keep a record of each tobacco product

1 sold through the vending machine located on the premises and the
2 amount of commission paid by the person operating the vending
3 machine. The records shall consist of written statements
4 required to be given by each person operating a vending machine
5 for the sale of tobacco products as provided in this section.

6 (4) A licensee under this act shall not issue or accept a
7 written statement or invoice that is known to the licensee to
8 contain a statement or omission that falsely indicates the name
9 of the customer, the type of merchandise, the prices, the dis-
10 counts, or the terms of sale. A person shall not use a device or
11 game of chance to aid, promote, or induce sales or purchases of a
12 tobacco product, or give a tobacco product in connection with a
13 device or game of chance.

14 (5) All statements and other records required by this sec-
15 tion shall be in a form prescribed by the department and shall be
16 preserved for a period of 3 years and offered for inspection at
17 any time upon oral or written demand by the department or its
18 authorized agent.

19 (6) If a tobacco product is received or acquired within this
20 state by a wholesaler, secondary wholesaler, vending machine
21 operator, unclassified acquirer, or retailer, each original
22 manufacturer's shipping case shall bear the name and address of
23 the person making the first purchase or any other markings the
24 department prescribes. If a tobacco product is found in a place
25 of business or otherwise in the possession of a wholesaler, sec-
26 ondary wholesaler, vending machine operator, unclassified
27 acquirer, transporter, or retailer without proper markings on the

1 shipping case, box, or container of the tobacco product and
2 without proper substantiation by invoices or other records as
3 required by this section, the presumption shall be that the
4 tobacco product is kept in violation of this act. If a tobacco
5 product is shipped outside the state, the licensee shipping the
6 tobacco product shall cause to be placed on every shipping case
7 or other container in which the tobacco product is shipped the
8 name and address of the consignee to whom the shipment is made
9 outside of the state. The department may require reports from a
10 common carrier who transports a tobacco product to a point within
11 this state from another person who, under contract, transports a
12 tobacco product, or from a bonded warehouseperson or bailee who
13 has in his or her possession a tobacco product. A carrier,
14 bailee, warehouseperson, or other person shall permit the exami-
15 nation by the department or its duly authorized agent of any
16 records relating to the shipment of a tobacco product into, from,
17 or within the state.

18 (7) A transporter transporting, possessing, or acquiring for
19 the purpose of transporting a tobacco product upon a public high-
20 way, road, or street of this state shall have in his or her
21 actual possession invoices or bills of lading containing the name
22 and address of both the seller and the purchaser, the date of
23 delivery, the name and address of the transporter, the quantity
24 and trade name or brand of each tobacco product, the price paid
25 for each trade name or brand in the transporter's possession or
26 custody, and the license as prescribed under this act.

1 (8) A transporter desiring to possess or acquire for
2 transportation or transport a tobacco product upon a highway,
3 road, or street of this state shall obtain a permit from the
4 department authorizing the transporter to possess or acquire for
5 transportation or transport tobacco products and shall have the
6 permit in his or her possession while the tobacco product is in
7 his or her possession. This permit shall be obtained for each
8 load being transported and shall contain a statement setting
9 forth the name and address of the purchaser, seller, and trans-
10 porter, the license number of the purchaser, the date of the
11 delivery of the tobacco product or date of importation into this
12 state, the route to be followed if a tobacco product is being
13 transported from an out-of-state source, and any other informa-
14 tion the department requires. The department shall provide a
15 permit on a form prescribed by it upon the application of a
16 transporter with the remittance of a fee of \$1.00. If a trans-
17 porter transports a tobacco product into this state, the trans-
18 porter shall stop at the nearest state police post within this
19 state on the route authorized by the permit and disclose the
20 tobacco products in his or her possession and the papers required
21 by this section to be in his or her possession.

22 Sec. 7. (1) A tax of 66% is levied on the wholesale price
23 of tobacco products sold in this state.

24 (2) On or before the twentieth day of each calendar month,
25 every licensee under section 3 other than a retailer, secondary
26 wholesaler, or vending machine operator shall file a return with
27 the department stating the amount of each tobacco product sold

1 and specifying the wholesale price charged for all tobacco
2 products sold by the licensee for each place of business in the
3 preceding calendar month. The return shall be signed under pen-
4 alty of perjury. The return shall be on a form prescribed by the
5 department and shall contain or be accompanied by any further
6 information the department requires.

7 (3) At the time of the filing of the return, the licensee
8 shall pay to the department the tax levied in subsection (1) for
9 tobacco products sold during the calendar month covered by the
10 return, less compensation equal to 1% of the total amount of the
11 tax due to cover the cost of expenses incurred in the administra-
12 tion of this act.

13 (4) Every licensee and retailer who, on the effective date
14 of this act, has on hand for sale any cigarettes upon which a tax
15 has been paid pursuant to Act No. 265 of the Public Acts of 1947,
16 being sections 205.501 to 205.522 of the Michigan Compiled Laws,
17 shall file a complete inventory of those cigarettes before
18 February 1, 1994 and shall pay to the department at the time of
19 filing this inventory a tax equal to the difference between the
20 tax imposed in subsection (1) and the tax that has been paid pur-
21 suant to Act No. 265 of the Public Acts of 1947.

22 (5) The department may require the payment of the tax
23 imposed by this act upon the importation or acquisition of a
24 tobacco product. A tobacco product for which the tax under this
25 act has once been imposed and that has not been refunded if paid
26 is not subject upon a subsequent sale to the tax imposed by this
27 act.

1 (6) An abatement or refund of the tax provided by this act
2 may be made by the department for causes the department considers
3 expedient. The department shall certify the amount and the state
4 treasurer shall pay that amount out of the proceeds of the tax.

5 (7) A person liable for the tax may reimburse itself by
6 adding to the price of the tobacco products an amount equal to
7 the tax levied under this act.

8 Sec. 8. (1) A person, other than a licensee, who is in con-
9 trol or in possession of a tobacco product contrary to this act,
10 or who offers to sell or does sell a tobacco product to another
11 for purposes of resale without being licensed to do so under this
12 act, shall be considered to have possession of that tobacco prod-
13 uct as an unclassified acquirer and shall be personally liable
14 for the tax imposed by this act, plus a penalty of 100% of the
15 amount of tax due under this act.

16 (2) A person who possesses, acquires, transports, or offers
17 for sale contrary to this act tobacco products whose wholesale
18 price is \$50.00 or more is guilty of a felony, punishable by a
19 fine of not more than \$5,000.00 or imprisonment for not more than
20 5 years, or both.

21 (3) A person who violates a provision of this act for which
22 a criminal punishment is not otherwise provided is guilty of a
23 misdemeanor, punishable by a fine of not more than \$1,000.00 or
24 imprisonment for not more than 1 year, or both.

25 (4) The attorney general has concurrent power with the pros-
26 ecuting attorneys of the state to enforce this act.

1 (5) At the request of the department or its duly authorized
2 agent, the state police and all local police authorities shall
3 enforce the provisions of this act.

4 Sec. 9. (1) A tobacco product held, owned, possessed,
5 transported, or in control of a person in violation of this act,
6 and a vending machine, vehicle, and other tangible personal prop-
7 erty containing a tobacco product in violation of this act are
8 contraband and may be seized and confiscated by the department as
9 provided in this section.

10 (2) If an authorized inspector of the department or a police
11 officer has reasonable cause to believe and does believe that a
12 tobacco product is being acquired, possessed, transported, kept,
13 sold, or offered for sale in violation of this act for which the
14 penalty is a felony, the inspector or police officer may investi-
15 gate or search the vehicle of transportation in which the tobacco
16 product is believed to be located. If a tobacco product is found
17 in the vehicle, the tobacco product, vending machine, vehicle, or
18 other tangible personal property containing those tobacco prod-
19 ucts and any books and records in possession of the person in
20 control or possession of the tobacco product may be seized by the
21 inspector or police officer and are subject to forfeiture as con-
22 traband as provided in this section.

23 (3) As soon as possible, but not more than 5 days after sei-
24 zure of any alleged contraband, the person making the seizure
25 shall deliver personally or by registered mail to the last known
26 address of the person from whom the seizure was made, if known,
27 an inventory statement of the property seized, and file a copy

1 with the commissioner. The inventory statement shall also
2 contain a notice to the effect that unless demand for hearing as
3 provided in this section is made within 5 days, the designated
4 property is forfeited to the state. If the person from whom the
5 seizure was made is not known, the person making the seizure
6 shall cause a copy of the inventory statement, together with the
7 notice provided for in this subsection, to be published at least
8 3 times in a newspaper of general circulation in the county where
9 the seizure was made. Within 5 days after the date of service of
10 the inventory statement, or in the case of publication, within 5
11 days after the date of last publication, the person from whom the
12 property was seized or any person claiming an interest in the
13 property may file with the commissioner a demand for a hearing
14 before the commissioner or a person designated by the commis-
15 sioner for a determination as to whether the property was law-
16 fully subject to seizure and forfeiture. The person or persons
17 are entitled to appear before the department, to be represented
18 by counsel, and to present testimony and argument. After the
19 hearing, the department shall render its decision in writing and,
20 by order, shall either declare the seized property subject to
21 seizure and forfeiture, or declare the property returnable to the
22 person entitled to possession. If, within 5 days after the date
23 of service of the inventory statement, the person from whom the
24 property was seized or any person claiming an interest in the
25 property does not file with the commissioner a demand for a hear-
26 ing before the department, the property seized shall be
27 considered forfeited to the state by operation of law and may be

1 disposed of by the department as provided in this section. If,
2 after a hearing before the commissioner or person designated by
3 the commissioner, the department determines that the property is
4 lawfully subject to seizure and forfeiture and the person from
5 whom the property was seized or any persons claiming an interest
6 in the property do not take an appeal to the circuit court of the
7 county in which the seizure was made within the time prescribed
8 in this section, the property seized shall be considered for-
9 feited to the state by operation of law and may be disposed of by
10 the department as provided in this section.

11 (4) If a person is aggrieved by the decision of the depart-
12 ment, that person may appeal to the circuit court of the county
13 where the seizure was made to obtain a judicial determination of
14 the lawfulness of the seizure and forfeiture. The action shall
15 be commenced within 20 days after notice of the department's
16 determination is sent to the person or persons claiming an inter-
17 est in the seized property. The court shall hear the action and
18 determine the issues of fact and law involved in accordance with
19 rules of practice and procedure as in other in rem proceedings.
20 If a judicial determination of the lawfulness of the seizure and
21 forfeiture cannot be made before deterioration of any of the
22 property seized, the court shall order the sale of the property
23 with public notice as determined by the court and require the
24 proceeds to be deposited with the court until the lawfulness of
25 the seizure and forfeiture is finally adjudicated.

26 (5) The department may sell a tobacco product or other
27 property forfeited pursuant to this section at public sale.

1 Public notice of the sale shall be given at least 5 days before
2 the day of sale. The proceeds derived from the sale by the
3 department shall be credited to the general fund of the state.

4 (6) The seizure and sale of a tobacco product or other prop-
5 erty under this section does not relieve a person from a fine,
6 imprisonment, or other penalty for violation of this act.

7 Sec. 10. The seizure, forfeiture, sale, or destruction of a
8 tobacco product or other property, or an action for recovery of
9 amounts due, does not constitute a defense to the person owning
10 or having control or possession of that property from criminal
11 prosecution for an act or omission made or offense committed
12 under this act or from liability to pay penalties provided by
13 this act.

14 Sec. 11. A person, either as principal or agent, shall not
15 sell or solicit orders for a tobacco product to be shipped,
16 mailed, or otherwise sent or brought into the state, to a person
17 not a licensed manufacturer, licensed wholesaler, licensed sec-
18 ondary wholesaler, licensed vending machine operator, licensed
19 unclassified acquirer, licensed transporter, or licensed trans-
20 portation company, unless the tobacco product is to be sold to or
21 through a licensed wholesaler. Each violation of this act is a
22 separate offense.

23 Sec. 12. (1) The proceeds derived from the payment of
24 taxes, fees, and penalties provided for under this act and the
25 license fees received by the department shall be deposited with
26 the state treasurer and disbursed only as provided in this
27 section.

1 (2) The tax imposed on tobacco products pursuant to
2 section 7 shall be disbursed as follows:

3 (a) 5.4% of the proceeds shall be credited to the health and
4 safety fund created in the health and safety fund act, Act
5 No. 264 of the Public Acts of 1987, being sections 141.471 to
6 141.479 of the Michigan Compiled Laws.

7 (b) 25.3% of the proceeds shall be credited to the general
8 fund of this state.

9 (c) 69.3% of the proceeds shall be credited to the state
10 school aid fund established by section 11 of article IX of the
11 state constitution of 1963.

12 (3) The tax imposed pursuant to section 7(1)(b), (c), and
13 (d) and all other fees and penalties provided for in this act
14 shall be credited to the state school aid fund established by
15 section 11 of article IX of the state constitution of 1963.

16 Sec. 13. (1) The tax imposed by this act shall be adminis-
17 tered by the revenue commissioner pursuant to Act No. 122 of the
18 Public Acts of 1941, being sections 205.1 to 205.31 of the
19 Michigan Compiled Laws, and this act. In case of conflict
20 between Act No. 122 of the Public Acts of 1941 and this act, the
21 provisions of this act apply.

22 (2) Rules shall be promulgated under this act pursuant to
23 the administrative procedures act of 1969, Act No. 306 of the
24 Public Acts of 1969, being sections 24.201 to 24.328 of the
25 Michigan Compiled Laws.

26 (3) The department shall prescribe forms for use by
27 taxpayers.

1 (4) The tax imposed by this act is in addition to all other
2 taxes for which the taxpayer may be liable.

3 (5) The commissioner may appoint any revenue division
4 employee as a special investigator, who shall be vested with the
5 power to arrest, without warrant, a person violating this act.

6 Sec. 14. This act shall take effect on January 1, 1994.