

Act No. 265
Public Acts of 1998
Approved by the Governor
July 16, 1998
Filed with the Secretary of State
July 17, 1998
EFFECTIVE DATE: July 17, 1998

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Reps. Crissman, Goschka, Walberg, Horton, Bodem, Dobb, Scranton, McBryde, Middleton, Raczkowski, Cassis, Jelinek, Hammerstrom, Fitzgerald, Cropsey, Green, Gernaat, Brackenridge, Jaye, Galloway and Voorhees
Reps. Baade, Basham, Callahan, Ciaramitaro, DeHart, DeVuyst, Gagliardi, Gilmer, Hood, Jansen, Kaza, Kukuk, Law, Lowe, McManus, Middaugh, Parks, Perricone, Profit, Rhead, Richner, Rocca, Scott, Vaughn, Whyman and Wojno named co-sponsors

ENROLLED HOUSE BILL No. 4942

AN ACT to amend 1933 PA 167, entitled "An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending section 6 (MCL 205.56), as amended by 1993 PA 325.

The People of the State of Michigan enact:

Sec. 6. (1) Each taxpayer, unless otherwise provided by law or as required pursuant to subsection (2), (3), or (5), on or before the fifteenth day of each month shall make out a return for the preceding month on a form prescribed by the department showing the entire amount of all sales and gross proceeds of his or her business, the allowable deductions therefrom, and the amount of tax for which he or she is liable. The taxpayer shall also transmit the return, together with a remittance for the amount of the tax, to the department on or before the fifteenth day of that month. The monthly return shall be signed by the taxpayer or his or her duly authorized agent and, if prepared for the taxpayer by any other person, the return shall so state, give the name and address of that person, be signed by that person, and give the name of his or her employer, if any.

(2) Before January 1, 1999, each taxpayer that had a total tax liability, after subtracting the tax payments made to the secretary of state under this act or the use tax act, 1937 PA 94, MCL 205.91 to 205.111, or after subtracting the tax credits available under section 6a, in the immediately preceding calendar year of \$720,000.00 or more on or before the eighteenth of each month shall remit to the department, by an electronic funds transfer method approved by the commissioner of revenue, an amount equal to 95% of the taxpayer's liability under this act for the same month in the immediately preceding calendar year, or 95% of the actual liability for the current month being reported, plus a reconciliation payment equal to the difference between the tax liability determined for the immediately preceding month minus the amount of tax previously paid for that month.

(3) Beginning January 1, 1999, each taxpayer that had a total tax liability after subtracting the tax payments made to the secretary of state under this act or the use tax act, 1937 PA 94, MCL 205.91 to 205.111, or after subtracting the tax credits available under section 6a, in the immediately preceding calendar year of \$720,000.00 or more shall remit to the department, by an electronic funds transfer method approved by the commissioner of revenue on or before the

fifteenth day of the month, an amount equal to 50% of the taxpayer's liability under this act for the same month in the immediately preceding calendar year, or 50% of the actual liability for the month being reported, whichever is less, plus a reconciliation payment equal to the difference between the tax liability determined for the immediately preceding month minus the amount of tax previously paid for that month. Additionally, the seller shall remit to the department, by an electronic funds transfer method approved by the commissioner of revenue on or before the last day of the month, an amount equal to 50% of the taxpayer's liability under this act for the same month in the immediately preceding calendar year, or 50% of the actual liability for the month being reported, whichever is less.

(4) The tax imposed under this act shall accrue to the state on the last day of the month in which the sale is incurred.

(5) The commissioner of revenue, when necessary to insure payment of the tax or to provide a more efficient administration, may require the filing of returns and payment of the tax for other than monthly periods.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

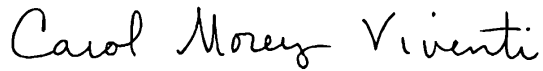
(a) Senate Bill No. 1158.

(b) House Bill No. 5313.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved -----

Governor.