

# SENATE BILL No. 883

November 6, 2007, Introduced by Senators ALLEN, GEORGE, PAPPAGEORGE, JELINEK and GLEASON and referred to the Committee on Commerce and Tourism.

A bill to amend 1933 PA 167, entitled  
"General sales tax act,"  
by amending section 3 (MCL 205.53), as amended by 2004 PA 173.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3. (1) Subject to ~~subsection (4)~~ **SUBSECTIONS (4) AND (5)**,  
2   if a person engages or continues in a business for which a  
3   privilege tax is imposed by this act, the person shall, under rules  
4   the department prescribes, apply for and obtain from the department  
5   a license to engage in and to conduct that business for the current  
6   tax year. If the department considers it necessary in order to  
7   secure the collection of the tax or if an applicant taxpayer has at  
8   any time failed, refused, or neglected to pay any tax or interest  
9   or penalty upon a tax or has attempted to evade the payment of any  
10   tax or interest or penalty upon a tax by means of petition in

1 bankruptcy, or if the applicant taxpayer is a corporation and the  
2 department has reason to believe that the management or control of  
3 the corporation is under persons who have failed to pay any tax or  
4 interest or penalty upon a tax under this act, the department shall  
5 require a surety bond payable to the state of Michigan, upon which  
6 the applicant or taxpayer shall be the obligor, in the sum of not  
7 less than \$1,000.00 nor more than \$25,000.00. The surety bond shall  
8 be conditioned that the applicant or taxpayer shall comply with  
9 this act and shall promptly file true reports and pay the taxes,  
10 interest, and penalties provided for or required by this act. The  
11 bonds shall be approved as to the amount and surety by the  
12 department. The applicant or taxpayer may in lieu of the surety  
13 bond deposit a sum of money with the department in an amount the  
14 department determines to guarantee the payment of the tax,  
15 interest, and penalty and compliance with this act. However, the  
16 amount determined by the department shall not exceed the estimated  
17 tax payable during a 1-year period. The applicant or taxpayer shall  
18 be licensed to engage in and conduct the business. The department  
19 may require the applicant or taxpayer to furnish any additional  
20 bond that it considers necessary within the limits in this section,  
21 after giving a 30-day notice in writing. The license shall be  
22 renewed annually if the taxpayer pays the tax accrued to this state  
23 under this act. A person shall not engage or continue in a business  
24 taxable under this act without securing a license. A person, firm,  
25 or corporation engaged solely in industrial processing or  
26 agricultural producing under this act and who makes no sales at  
27 retail within the meaning of this act is not required to have a

1 license.

2 (2) The state treasurer or his or her designee, after notice  
3 and hearing, may suspend the license of a person who violates or  
4 fails to comply with this act or a rule promulgated by the  
5 department under this act. The state treasurer or his or her  
6 designee may restore licenses after suspension. If a person engages  
7 in business taxable under this act while his or her license is in  
8 suspension, the tax imposed under this act is imposed and payable  
9 with respect to that business.

10 (3) A person who engages in any business in this state that is  
11 taxable under this act and who fails to secure from the department  
12 a license to engage in that business or who continues to engage in  
13 business after the license has expired or was suspended by the  
14 state treasurer or his or her designee is guilty of a misdemeanor  
15 punishable by a fine of not more than \$1,000.00 or imprisonment for  
16 not more than 1 year, or both.

17 (4) A seller registered under the streamlined sales and use  
18 tax agreement who is not otherwise obligated to obtain a sales tax  
19 license in this state is not required to obtain a sales tax license  
20 because of that registration.

21 (5) A PERSON WHO ENGAGES IN ANY BUSINESS IN THIS STATE THAT IS  
22 TAXABLE UNDER THIS ACT SHALL INDICATE ON THE APPLICATION OR RENEWAL  
23 FOR A LICENSE ISSUED UNDER THIS SECTION IF THAT PERSON IS SUBJECT  
24 TO THE TOBACCO PRODUCTS TAX ACT, 1993 PA 327, MCL 205.421 TO  
25 205.436. THE STATE TREASURER OR HIS OR HER DESIGNEE MAY SUSPEND THE  
26 LICENSE OF A PERSON UNDER SUBSECTION (2) IF THAT PERSON VIOLATES  
27 THE TOBACCO PRODUCTS TAX ACT, 1993 PA 327, MCL 205.421 TO 205.436.

1 IF A LICENSE ISSUED UNDER THIS ACT IS SUSPENDED UNDER THIS SECTION,  
2 THE DEPARTMENT SHALL IDENTIFY THE NAME, ADDRESS, AND BUSINESS NAME  
3 OF THE PERSON WHOSE LICENSE HAS BEEN SUSPENDED UNDER THIS SECTION  
4 ON THE DEPARTMENT WEBSITE.