

**SUBSTITUTE FOR
HOUSE BILL NO. 4930**

A bill to amend 1933 PA 167, entitled
"General sales tax act,"
by amending section 4x (MCL 205.54x), as amended by 2006 PA 17.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4x. (1) A sale to a domestic air carrier of 1 or more of
2 the following is exempt from the tax under this act:

3 (a) An aircraft that has a maximum certificated takeoff weight
4 of at least 6,000 pounds for use solely in the transport of air
5 cargo, passengers, or a combination of air cargo and passengers.

6 (b) Parts and materials, excluding shop equipment or fuel,
7 affixed or to be affixed to an aircraft that has a maximum
8 certificated takeoff weight of at least 6,000 pounds for use solely
9 in the transport of air cargo, passengers, or a combination of air
10 cargo and passengers.

1 (2) The tax levied under this act does not apply to the sale
2 of parts or materials, excluding shop equipment or fuel, affixed or
3 to be affixed to an aircraft that meets all of the following
4 conditions:

5 (a) The aircraft leaves this state within 15 days after the
6 sooner of the issuance of the final billing or authorized approval
7 for final return to service, completion of the maintenance record
8 entry, and completion of the test flight and ground test for
9 inspection as required under 14 CFR 91.407.

10 (b) The aircraft was not based in this state or registered in
11 this state before the parts or materials are affixed to the
12 aircraft and the aircraft is not based in this state or registered
13 in this state after the parts or materials are affixed to the
14 aircraft.

15 (3) The tax levied under this act does not apply to the sale
16 of an aircraft temporarily located in this state for the purpose of
17 **A SALE AND** prepurchase evaluation, ~~or the purpose of prepurchase~~
18 ~~evaluation and postsale customization, IMPROVEMENT, MAINTENANCE, OR~~
19 **REPAIR** if all of the following conditions are satisfied:

20 (a) The aircraft leaves this state within 15 days after
21 ~~authorized approval for final return to service, completion of the~~
22 ~~maintenance record entry, and completion of the test flight and~~
23 ~~ground test for inspection as required under 14 CFR 91.407~~ **THE SALE**
24 **AND THE COMPLETION OF ANY PREPURCHASE EVALUATION, CUSTOMIZATION,**
25 **IMPROVEMENT, MAINTENANCE, OR REPAIR THAT IS ASSOCIATED WITH THE**
26 **SALE, WHICHEVER IS LATER.**

27 (b) The aircraft was not based in this state or registered in

1 this state before the **SALE AND ANY** prepurchase evaluation, ~~or~~
 2 ~~prepurchase evaluation and postsale customization, are~~ **IMPROVEMENT,**
 3 **MAINTENANCE, OR REPAIR THAT IS ASSOCIATED WITH THE SALE IS**
 4 completed and the aircraft is not based in this state or registered
 5 in this state after the **SALE AND ANY** prepurchase evaluation, ~~or~~
 6 ~~prepurchase evaluation and postsale customization, are~~ **IMPROVEMENT,**
 7 **MAINTENANCE, OR REPAIR THAT IS ASSOCIATED WITH THE SALE IS**
 8 completed.

9 (4) A sale of an aircraft to a person for subsequent lease to
 10 a domestic air carrier operating under a certificate issued by the
 11 federal aviation administration under 14 CFR 121, for use solely in
 12 the regularly scheduled transport of passengers is exempt from the
 13 tax under this act.

14 (5) As used in this section:

15 (a) "Based in this state" means hangared or stored in this
 16 state for not less than 10 days in not less than 3 nonconsecutive
 17 months during the immediately preceding 12-month period.

18 (B) **"CUSTOMIZATION" MEANS ANY IMPROVEMENT, MAINTENANCE, OR**
 19 **REPAIR THAT IS PERFORMED ON AN AIRCRAFT THAT IS ASSOCIATED WITH THE**
 20 **SALE OF THE AIRCRAFT.**

21 (C) ~~(b)~~ "Domestic air carrier" is limited to entities engaged
 22 primarily in the commercial transport for hire of air cargo,
 23 passengers, or a combination of air cargo and passengers as a
 24 business activity.

25 (D) ~~(e)~~ "Prepurchase evaluation" means an examination of an
 26 aircraft to provide a potential purchaser with information relevant
 27 to the potential purchase.

House Bill No. 4930 as amended June 11, 2009

1 ~~—— (d) "Postsale customization" means any improvement,~~
2 ~~maintenance, or repair that is performed on an aircraft following a~~
3 ~~transfer of ownership of the aircraft.~~

4 (e) "Registered in this state" means an aircraft registered
5 with the state transportation department, bureau of aeronautics or
6 registered with the federal aviation administration to an address
7 located in this state.

<<Enacting section 1. This amendatory act shall be retroactively
applied to transactions occurring after June 11, 2009.>>