

SENATE BILL No. 837

September 17, 2009, Introduced by Senator SWITALSKI and referred to the Committee on Finance.

A bill to amend 1933 PA 167, entitled
"General sales tax act,"
by amending section 4 (MCL 205.54), as amended by 2004 PA 173.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) In computing the amount of tax levied under this
2 act for any month, a taxpayer not subject to section 6(2) may
3 deduct the amount provided by subdivision (a) or (b), whichever is
4 greater:

5 (a) If the tax that accrued to this state from the sales at
6 retail during the preceding month is remitted to the department on
7 or before the twelfth day of the month in which remittance is due,
8 **FOR TAXES ACCRUED THROUGH SEPTEMBER 30, 2009,** 0.75% of the tax due
9 at a rate of 4% for the preceding monthly period, but not to exceed

1 \$20,000.00 of the tax due for that month **AND FOR TAXES ACCRUED**
2 **AFTER SEPTEMBER 30, 2009, 0.60% OF THE TAX DUE AT A RATE OF 4% FOR**
3 **THE PRECEDING MONTHLY PERIOD, BUT NOT TO EXCEED \$16,000.00 OF THE**
4 **TAX DUE FOR THAT MONTH.** If the tax that accrued to this state from
5 the sales at retail during the preceding month is remitted to the
6 department after the twelfth day and on or before the twentieth day
7 of the month in which remittance is due, **FOR TAXES ACCRUED THROUGH**
8 **SEPTEMBER 30, 2009, 0.50% of the tax due at a rate of 4% for the**
9 preceding monthly period, but not to exceed \$15,000.00 of the tax
10 due for that month **AND FOR TAXES ACCRUED AFTER SEPTEMBER 30, 2009,**
11 **0.40% OF THE TAX DUE AT A RATE OF 4% FOR THE PRECEDING MONTHLY**
12 **PERIOD, BUT NOT TO EXCEED \$12,000.00 OF THE TAX DUE FOR THAT MONTH.**

13 (b) The tax at a rate of 4% due on \$150.00 of taxable gross
14 proceeds for the preceding monthly period, or a prorated portion of
15 \$150.00 of the taxable gross proceeds for the preceding month if
16 the taxpayer engaged in business for less than a month.

17 (2) Beginning January 1, 1999, in computing the amount of tax
18 levied under this act for any month, a taxpayer who is subject to
19 section 6(2) may deduct from the amount of the tax paid **PRIOR TO**
20 **OCTOBER 1, 2009, 0.50% of the tax due at a rate of 4% AND FROM THE**
21 **TAX PAID AFTER SEPTEMBER 30, 2009, 0.40% OF THE TAX DUE AT A RATE**
22 **OF 4%.**

23 (3) A deduction is not allowed under this section for payments
24 of taxes made to the department after the day the taxpayer is
25 required to pay, pursuant to section 6, the tax imposed by this
26 act.

27 (4) If, pursuant to section 6(4), the department prescribes

1 the filing of returns and the payment of the tax for periods in
2 excess of 1 month, a taxpayer is entitled to a deduction from the
3 tax collections remitted to the department for the extended payment
4 period that is equivalent to the deduction allowed under subsection
5 (1) or (2) for monthly periods.

6 (5) The department may prescribe the filing of estimated
7 returns and annual periodic reconciliations as necessary to carry
8 out the purposes of this section.

9 (6) A seller registered under the streamlined sales and use
10 tax agreement may claim a deduction under this section if provided
11 for in the streamlined sales and use tax administration act, **2004**
12 **PA 174, MCL 205.801 TO 205.833.**