

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 28

A bill to amend 1941 PA 122, entitled

"An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,"

by amending section 19 (MCL 205.19), as amended by 2002 PA 657.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 19. (1) All remittances of taxes administered by this act

1 shall be made to the department payable to the state of Michigan by  
2 bank draft, check, cashier's check, certified check, money order,  
3 cash, or electronic funds transfer. The money received shall be  
4 credited as provided by law. A remittance other than cash or  
5 electronic funds transfer shall not be a final discharge of  
6 liability for the tax assessed and levied until the instrument  
7 remitted has been honored. **THE DEPARTMENT MAY ACCEPT MAJOR CREDIT**  
8 **CARDS OR DEBIT CARDS, OR BOTH, FOR PAYMENT. FOR TAXES PAID BY**  
9 **CREDIT OR DEBIT CARD, OR BOTH, THE DEPARTMENT MAY ADD A PROCESSING**  
10 **FEE; HOWEVER, THE FEE SHALL NOT EXCEED THE CHARGES THAT THE STATE**  
11 **INCURS BECAUSE OF THE USE OF THE CREDIT OR DEBIT CARD, OR BOTH.**

12 (2) For reporting periods beginning after August 31, 1991, a  
13 taxpayer other than a city or a county who paid in the immediately  
14 preceding calendar year an average of \$40,000.00 or more per month  
15 in income tax withholding pursuant to the income tax act of 1967,  
16 1967 PA 281, MCL 206.1 to ~~206.532~~, **206.713**, shall deposit Michigan  
17 income tax withholding either in the same manner and according to  
18 the same schedule as deposits of federal income tax withholding or  
19 in another manner that has been approved by the department.

20 (3) For failure to remit a tax administered by this act with a  
21 negotiable remittance, the following penalty may be added in  
22 addition to any other penalties imposed by this act:

23 (a) For notices of intent to assess issued on or before  
24 February 28, 2003, 25% of the tax due.

25 (b) For notices of intent to assess issued after February 28,  
26 2003, \$50.00.

27 (4) The department may require that all money collected by the

1 taxpayer for taxes administered by this act that has not been paid  
2 to the department ~~of treasury~~ is public money and the property of  
3 this state, and shall be held in trust in a separate account and  
4 fund for the sole use and benefit of this state until paid over to  
5 the department. ~~of treasury.~~

6 (5) For tax years after the 1995 tax year for which taxes are  
7 collected under an agreement entered into pursuant to section 9 **OF**  
8 **CHAPTER 1** of the city income tax act, 1964 PA 284, MCL 141.509, if  
9 a taxpayer pays, when filing his or her annual return, an amount  
10 less than the sum of the declared tax liability under the city  
11 income tax act, 1964 PA 284, MCL 141.501 to 141.787, and the  
12 declared tax liability under the income tax act of 1967, 1967 PA  
13 281, MCL 206.1 to ~~206.532~~, **206.713**, and if there is no indication  
14 of the allocation of payment between the tax liabilities against  
15 which the payment should be applied, the amount paid shall first be  
16 applied against the taxpayer's tax liability under the city income  
17 tax act, 1964 PA 284, MCL 141.501 to 141.787, and any remaining  
18 amount of the payment shall be applied to the taxpayer's tax  
19 liability under the income tax act of 1967, 1967 PA 281, MCL 206.1  
20 to ~~206.532~~. **206.713**. The taxpayer's designation of a payee on a  
21 payment is not a dispositive determination of the allocation of  
22 that payment under this subsection.