

# SENATE BILL No. 737

February 2, 2016, Introduced by Senator MACGREGOR and referred to the Committee on Banking and Financial Institutions.

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 25 (MCL 205.25), as amended by 2002 PA 657.

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

1       Sec. 25. (1) The state treasurer, or an authorized  
2 representative of the state treasurer, may cause a demand to be  
3 made on a taxpayer for the payment of a tax, unpaid account, or  
4 amount due the state or any of its departments, institutions, or  
5 agencies, subject to administration under this act. If the  
6 liability remains unpaid for 10 days after the demand and  
7 proceedings are not taken to review the liability, the state  
8 treasurer or an authorized representative of the state treasurer  
9 may issue a warrant under the official seal of that office. Except  
10 as provided in subsection (5), the state treasurer or an authorized  
11 representative of the state treasurer, through any state officer  
12 authorized to serve process or through his or her authorized  
13 employees, may levy on all property and rights to property, real  
14 and personal, tangible and intangible, belonging to the taxpayer or  
15 on which a lien is provided by law for the amount of the  
16 deficiency, and sell the real and personal property of the taxpayer  
17 found within the state for the payment of the amount due, the cost  
18 of executing the warrant, **RECORDING OR FILING FEES**, and the  
19 additional penalties and interest. Except as provided in subsection  
20 (6), the officer or agent serving the warrant shall proceed upon  
21 the warrant in all respects and in the same manner as prescribed by  
22 law in respect to executions issued against property upon judgments  
23 by a court of record. ~~The~~**THIS** state, through the state treasurer  
24 or an authorized representative of the state treasurer, may bid for  
25 and purchase any property sold pursuant to this section.

26       (2) A person who refuses or fails to surrender any property or  
27 rights to property subject to levy, upon demand by the state

1 treasurer or an authorized representative of the state treasurer,  
2 is personally liable to ~~the~~**THIS** state in a sum equal to the value  
3 of the property or rights not surrendered, but not exceeding the  
4 amount due for which the levy was made, together with costs and  
5 interest on the sum at the rate provided in section 23(2) from the  
6 date of the levy. Any amount, other than costs, recovered under  
7 this subsection shall be credited against the liability for the  
8 collection of which the levy was made.

9 (3) In addition to the personal liability imposed by  
10 subsection (2), if a person required to surrender property or  
11 rights to property fails or refuses to surrender the property or  
12 rights to property without reasonable cause, the person shall be  
13 liable for a penalty equal to 50% of the amount recoverable under  
14 subsection (2), none of which penalty shall be credited against the  
15 liability for the collection of which the levy was made.

16 (4) A person in possession of, or obligated with respect to,  
17 property or property rights subject to levy and upon which a levy  
18 has been made who, upon demand of the state treasurer or an  
19 authorized representative of the state treasurer, surrenders the  
20 property or rights to property or discharges the obligation to the  
21 state treasurer or an authorized representative of the state  
22 treasurer or who pays a liability under subsection (1) shall have  
23 his or her obligation to a person delinquent in payment of a tax or  
24 other account reduced in an amount equal to the property or rights  
25 to property surrendered or amounts paid to the state.

26 (5) There shall be exempt from levy under this section:

27 (a) For an unpaid tax, the type of property and the amount of

1 that property as provided in section 6334 of the internal revenue  
2 code of 1986.

3 (b) For an unpaid account, or amount due the state or any of  
4 its departments other than an unpaid tax, disposable earnings to  
5 the extent provided in section 303 of title III of the consumer  
6 credit protection act, 82 ~~Stat.~~**STAT** 163, 15 ~~U.S.C.~~**USC** 1673.

7 (c) The effect of a levy on salary or wages shall be  
8 continuous from the date the levy is first made until the liability  
9 out of which the levy arose is satisfied.

10 (6) A warrant-notice of levy may be served by certified mail,  
11 return receipt requested, on any person in possession of, or  
12 obligated with respect to, property and rights to property, real  
13 and personal, tangible and intangible, belonging to the taxpayer or  
14 on which a lien is provided by law. The date of delivery on the  
15 receipt shall be the date the levy is made. A person may, upon  
16 written notice to the state treasurer, have all notices of levy by  
17 mail sent to 1 designated office.