

SUBSTITUTE FOR
HOUSE BILL NO. 4542

A bill to amend 1933 PA 167, entitled
"General sales tax act,"
(MCL 205.51 to 205.78) by adding section 2c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2c. (1) A seller of tangible personal property is engaged
2 in the business of making sales at retail in this state if the
3 seller meets either of the following conditions:

4 (a) The seller's gross receipts from sales to purchasers in
5 this state exceed \$100,000.00 in the previous calendar year.

6 (b) The seller has 200 or more separate transactions into this
7 state in the previous calendar year.

8 (2) This section applies regardless of whether the seller has
9 a physical presence in this state or is presumed to be engaged in



1 the business of making sales at retail in this state under section
2 2b. This section does not eliminate or alter the obligation of a
3 seller that has a physical presence in this state or is presumed to
4 be engaged in the business of making sales at retail in this state
5 under section 2b to remit the tax levied under this act.

6 (3) This section applies to transactions occurring on or after
7 October 1, 2018.

8 (4) A person that is a marketplace facilitator under section
9 2d shall include sales by marketplace sellers on its marketplace
10 and its direct sales in determining its gross receipts under
11 subsection (1) (a) or its number of transactions under subsection
12 (1) (b) .

13 (5) A person that is a marketplace seller under section 2d
14 shall include its sales through a marketplace facilitator and its
15 direct sales in determining its gross receipts under subsection
16 (1) (a) or its number of transactions under subsection (1) (b) .

17 (6) Notwithstanding anything else in this section, a seller
18 that makes no sales at retail is not required to obtain a license
19 under this act or file returns. A seller that makes both sales at
20 retail and sales for purposes of resale shall obtain a license
21 under this act, file required returns, and remit tax as required by
22 this act.

23 (7) As used in this section:

24 (a) "Marketplace facilitator" means that term as defined in
25 section 2d.

26 (b) "Marketplace seller" means that term as defined in section
27 2d.

