

**USE TAX ACT (EXCERPT)**  
**Act 94 of 1937**

**205.95b Seller of tangible personal property or services; nexus; conditions; application to transactions after October 1, 2018; inclusion of sales of marketplace facilitator and marketplace seller; exception; definitions.**

Sec. 5b. (1) A seller of tangible personal property or services subject to the tax under this act has nexus in this state and shall register with the department and collect and remit the tax levied under this act if the seller meets either of the following conditions:

(a) The seller's gross receipts from sales for storage, use, or consumption in this state to purchasers in this state exceed \$100,000.00 in the previous calendar year.

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

(2) This section applies regardless of whether the seller has a physical presence in this state or has nexus in this state under section 5a. This section does not eliminate or alter the obligation of a seller that has a physical presence in this state or nexus in this state under section 5a to collect and remit the tax levied under this act.

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

(4) A person that is a marketplace facilitator under section 5c shall include sales by marketplace sellers on its marketplace and its direct sales in determining its gross receipts under subsection (1)(a) or its number of transactions under subsection (1)(b).

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

(6) Notwithstanding anything else in this section, a seller that only makes sales for purposes of resale is not required to register for the tax imposed by this act. A seller that makes both sales that it is required to collect and remit tax on under this act and sales for purposes of resale shall register under this act, file required returns, and remit tax as required by this act.

(7) As used in this section:

(a) "Marketplace facilitator" means that term as defined in section 5c.

(b) "Marketplace seller" means that term as defined in section 5c.

**History:** Add. 2019, Act 146, Imd. Eff. Dec. 12, 2019.