



SENATE BILL No. 76

January 17, 1995, Introduced by Senator BERRYMAN
and referred to the Committee on Finance.

A bill to amend section 6 of Act No. 94 of the Public Acts
of 1937, entitled as amended

"Use tax act,"

as amended by Act No. 326 of the Public Acts of 1993, being
section 205.96 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6 of Act No. 94 of the Public Acts of
2 1937, as amended by Act No. 326 of the Public Acts of 1993, being
3 section 205.96 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 6. (1) Every person storing, using, or consuming tan-
6 gible personal property or services, the storage, use, or con-
7 sumption of which is subject to the tax imposed by ~~the~~ THIS act
8 when the tax was not paid to a seller, and every seller
9 collecting the tax from the purchaser, unless otherwise

1 prescribed by the department under the provisions of subsection
2 (2) or (3), on or before the fifteenth day of each calendar month
3 shall file with the department a return for the preceding calen-
4 dar month, in a form prescribed by the department, showing the
5 price of each purchase of tangible personal property or services
6 during the preceding month, THE TOTAL AMOUNT OF ALL CASH PUR-
7 CHASES, THE TOTAL AMOUNT OF ALL CREDIT OR CHARGE PURCHASES, and
8 other information the department considers necessary for the
9 proper administration of this act. At the same time, each person
10 shall pay to the department the amount of tax imposed by this act
11 with respect to the CASH purchases covered by the return. EACH
12 PERSON SHALL PAY TO THE DEPARTMENT THE AMOUNT OF TAX IMPOSED BY
13 THIS ACT WITH RESPECT TO THE CREDIT OR CHARGE PURCHASES COVERED
14 BY THE RETURN ON OR BEFORE THE FIFTEENTH DAY OF THE SECOND CALEN-
15 DAR MONTH FOLLOWING THE FILING OF THE RETURN. A return shall be
16 signed by the person liable for the tax or his or her duly autho-
17 rized agent. If the return is prepared by a person other than
18 the taxpayer, the return shall also be signed by the ~~person~~
19 PREPARER and show ~~his or her~~ THE PREPARER'S address.

20 (2) Each seller that had a total tax liability after sub-
21 tracting the tax payments made to the secretary of state under
22 this act or the GENERAL sales tax act, Act No. 167 of the Public
23 Acts of 1933, being sections 205.51 to 205.78 of the Michigan
24 Compiled Laws, or after subtracting the tax credits available
25 under section 6a of ~~the general sales tax act,~~ Act No. 167 of
26 the Public Acts of 1933, being section ~~205.6a~~ 205.56A of the
27 Michigan Compiled Laws, in the immediately preceding calendar

1 year of \$480,000.00 for 1993, \$660,000.00 for 1994, or
2 \$720,000.00 for each year after 1994, or more on or before the
3 eighteenth of each month shall remit to the department, by an
4 electronic funds transfer method approved by the commissioner of
5 revenue, an amount equal to 95% of the taxpayer's liability under
6 this act for the same month in the immediately preceding calendar
7 year, or 95% of the actual liability for the current month being
8 reported, plus a reconciliation payment equal to the difference
9 between the tax liability determined for the immediately preced-
10 ing month minus the amount of tax previously paid for that
11 month. However, for the period beginning May 1, 1994 through
12 April 30, 1995, the payment required under this subsection shall
13 be 140% of the taxpayer's liability under this act for the same
14 month in the immediately preceding calendar year or 95% of the
15 actual liability for the current month being reported, plus the
16 reconciliation payment described in this subsection.

17 (3) The commissioner of revenue, if ~~considered~~ necessary
18 to insure payment of the tax or to provide a more efficient
19 administration, may require ~~and prescribe~~ the filing of returns
20 and payment of the tax for other than monthly periods.

21 (4) If a corporation licensed under this act fails for any
22 reason to file the required returns or to pay the tax due, any of
23 its officers having control or supervision of, or charged with
24 the responsibility for, making the returns and payments ~~is~~ ARE
25 personally liable for the failure. The dissolution of a corpora-
26 tion does not discharge an officer's liability for a prior

1 failure of the corporation to make a return or remit the tax
2 due.

3 (5) The tax imposed under this act shall accrue to the state
4 on the last day of each calendar month.