

HOUSE BILL No. 4929

May 12, 2009, Introduced by Rep. Segal and referred to the Committee on New Economy and Quality of Life.

A bill to amend 1937 PA 94, entitled
"Use tax act,"
by amending section 4k (MCL 205.94k), as amended by 2006 PA 18.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4k. (1) The tax levied under this act does not apply to
2 parts and materials, excluding shop equipment or fuel, affixed to
3 or to be affixed to an aircraft owned or used by a domestic air
4 carrier that is any of the following:

5 (a) An aircraft for use solely in the transport of air cargo
6 or a combination of air cargo and passengers that has a maximum
7 certificated takeoff weight of at least 12,500 pounds for taxes
8 levied before January 1, 1997 and at least 6,000 pounds for taxes
9 levied after December 31, 1996.

10 (b) An aircraft that is used solely in the regularly scheduled

1 transport of passengers.

2 (c) An aircraft other than an aircraft described in
3 subdivision (b), that has a maximum certificated takeoff weight of
4 at least 12,500 pounds for taxes levied before January 1, 1997 and
5 at least 6,000 pounds for taxes levied after December 31, 1996, and
6 that is designed to have a maximum passenger seating configuration
7 of more than 30 seats and is used solely in the transport of
8 passengers.

9 (2) The tax levied under this act does not apply to the sale
10 of parts or materials, excluding shop equipment or fuel, affixed or
11 to be affixed to an aircraft that meets all of the following
12 conditions:

13 (a) The aircraft leaves this state within 15 days after the
14 sooner of the issuance of the final billing or authorized approval
15 for final return to service, completion of the maintenance record
16 entry, and completion of the test flight and ground test for
17 inspection as required under 14 CFR 91.407.

18 (b) The aircraft was not based in this state or registered in
19 this state before the parts or materials are affixed to the
20 aircraft and the aircraft is not based in this state or registered
21 in this state after the parts or materials are affixed to the
22 aircraft.

23 (3) The tax levied under this act does not apply to the sale
24 of an aircraft temporarily located in this state for the purpose of
25 prepurchase evaluation, ~~or the purpose of prepurchase evaluation~~
26 ~~and postsale customization,~~ **OR SALE** if all of the following
27 conditions are satisfied:

1 (a) The aircraft leaves this state within 15 days after
2 ~~authorized approval for final return to service, completion of the~~
3 ~~maintenance record entry, and completion of the test flight and~~
4 ~~ground test for inspection as required under 14 CFR 91.407~~
5 **COMPLETION OF THE PREPURCHASE EVALUATION, CUSTOMIZATION, OR SALE OR**
6 **THE COMPLETION OF ANY IMPROVEMENT, MAINTENANCE, OR REPAIR THAT IS**
7 **ASSOCIATED WITH THE SALE, WHICHEVER IS LATER.**

8 (b) The aircraft was not based in this state or registered in
9 this state before the prepurchase evaluation, ~~or prepurchase~~
10 ~~evaluation and postsale customization are~~ **CUSTOMIZATION, OR SALE IS**
11 completed and the aircraft is not based in this state or registered
12 in this state after the prepurchase evaluation, ~~or prepurchase~~
13 ~~evaluation and postsale customization are~~ **CUSTOMIZATION, OR SALE IS**
14 completed.

15 (4) For taxes levied after December 31, 1992, the tax levied
16 under this act does not apply to the storage, use, or consumption
17 of rolling stock used in interstate commerce and purchased, rented,
18 or leased by an interstate fleet motor carrier. A refund for taxes
19 paid before January 1, 1997 shall not be paid under this subsection
20 if the refund claim is made after June 30, 1997.

21 (5) For taxes levied after December 31, 1996 and before May 1,
22 1999, the tax levied under this act does not apply to the product
23 of the out-of-state usage percentage and the price otherwise
24 taxable under this act of a qualified truck or a trailer designed
25 to be drawn behind a qualified truck, purchased, rented, or leased
26 in this state by an interstate fleet motor carrier and used in
27 interstate commerce.

(6) As used in this section:

(a) "Based in this state" means hangared or stored in this state for not less than 10 days in not less than 3 nonconsecutive months during the immediately preceding 12-month period.

(B) "CUSTOMIZATION" MEANS ANY IMPROVEMENT, MAINTENANCE, OR REPAIR THAT IS PERFORMED ON AN AIRCRAFT THAT IS ASSOCIATED WITH THE SALE OF THE AIRCRAFT.

(C) ~~(b)~~—"Domestic air carrier" means a person engaged primarily in the commercial transport for hire of air cargo, passengers, or a combination of air cargo and passengers as a business activity.

(D) ~~(c)~~—"Interstate fleet motor carrier" means a person engaged in the business of carrying persons or property, other than themselves, their employees, or their own property, for hire across state lines, whose fleet mileage was driven at least 10% outside of this state in the immediately preceding tax year.

(E) ~~(d)~~—"Out-of-state usage percentage" is a fraction, the numerator of which is the number of miles driven outside of this state in the immediately preceding tax year by qualified trucks used by the taxpayer and the denominator of which is the total miles driven in the immediately preceding tax year by qualified trucks used by the taxpayer. Miles driven by qualified trucks used solely in intrastate commerce shall not be included in calculating the out-of-state usage percentage.

(F) ~~(e)~~—"Prepurchase evaluation" means an examination of an aircraft to provide a potential purchaser with information relevant to the potential purchase.

1 ~~(f) "Postsale customization" means any improvement,~~
2 ~~maintenance, or repair that is performed on an aircraft following a~~
3 ~~transfer of ownership of the aircraft.~~

4 (g) "Qualified truck" means a commercial motor vehicle power
5 unit that has 2 axles and a gross vehicle weight rating in excess
6 of 10,000 pounds or a commercial motor vehicle power unit that has
7 3 or more axles.

8 (h) "Registered in this state" means an aircraft registered
9 with the state transportation department, bureau of aeronautics or
10 registered with the federal aviation administration to an address
11 located in this state.

12 (i) "Rolling stock" means a qualified truck, a trailer
13 designed to be drawn behind a qualified truck, and parts affixed to
14 either a qualified truck or a trailer designed to be drawn behind a
15 qualified truck.