

**SUBSTITUTE FOR
HOUSE BILL NO. 4543**

A bill to amend 1937 PA 94, entitled
"Use tax act,"
(MCL 205.91 to 205.111) by adding section 5b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

6 **(a) The seller's gross receipts from sales for storage, use,**
7 **or consumption in this state to purchasers in this state exceed**
8 **\$100,000.00 in the previous calendar year.**

9 **(b) The seller has 200 or more separate transactions into this**



1 state in the previous calendar year.

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

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

10 (4) A person that is a marketplace facilitator under section
11 5c shall include sales by marketplace sellers on its marketplace
12 and its direct sales in determining its gross receipts under
13 subsection (1) (a) or its number of transactions under subsection
14 (1) (b) .

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

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

25 (7) As used in this section:

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

28 (b) "Marketplace seller" means that term as defined in section
29 5c.

