

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4942

A bill to amend 1933 PA 167, entitled
"General sales tax act,"
by amending section 6 (MCL 205.56), as amended by 1993 PA 325.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) Each taxpayer, unless otherwise provided by law
2 or as required pursuant to subsection (2), ~~or (4),~~ (3), OR (5),
3 on or before the fifteenth day of each month shall make out a
4 return for the preceding month on a form prescribed by the
5 department showing the entire amount of all sales and gross pro-
6 ceeds of his or her business, the allowable deductions therefrom,
7 and the amount of tax for which he or she is liable. ~~—, and~~ THE
8 TAXPAYER shall ALSO transmit the return, together with a remit-
9 tance for the amount of the tax, to the department on or before
10 the fifteenth day of ~~the~~ THAT month. The monthly return shall
11 be signed by the taxpayer or his or her duly authorized agent

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1 and, if prepared for the taxpayer by any other person, the return
2 shall so state, give the name and address of that person, be
3 signed by that person, and give the name of his or her employer,
4 if any.

5 (2) ~~Each~~ BEFORE JANUARY 1, 1999, EACH taxpayer that had a
6 total tax liability, after subtracting the tax payments made to
7 the secretary of state under this act or the use tax act, ~~Act~~
8 ~~No. 94 of the Public Acts of 1937, being sections 205.91 to~~
9 ~~205.111 of the Michigan Compiled Laws 1937 PA 94, MCL 205.91 TO~~
10 ~~205.111, or after subtracting the tax credits available under~~
11 ~~section 6a, in the immediately preceding calendar year of~~
12 ~~\$480,000.00 for 1993, \$660,000.00 for 1994, or \$720,000.00 for~~
13 ~~each year after 1994,~~ or more on or before the eighteenth of
14 each month shall remit to the department, by an electronic funds
15 transfer method approved by the commissioner of revenue, an
16 amount equal to 95% of the taxpayer's liability under this act
17 for the same month in the immediately preceding calendar year, or
18 95% of the actual liability for the current month being reported,
19 plus a reconciliation payment equal to the difference between the
20 tax liability determined for the immediately preceding month
21 minus the amount of tax previously paid for that month.
22 ~~However, for the period beginning May 1, 1994 through April 30,~~
23 ~~1995, the payment required under this subsection shall be 140% of~~
24 ~~the taxpayer's liability under this act for the same month in the~~
25 ~~immediately preceding calendar year or 95% of the actual liabil-~~
26 ~~ity for the current month being reported, plus the reconciliation~~
27 ~~payment described in this subsection.~~

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1 (3) BEGINNING JANUARY 1, 1999, EACH TAXPAYER THAT HAD A
2 TOTAL TAX LIABILITY AFTER SUBTRACTING THE TAX PAYMENTS MADE TO
3 THE SECRETARY OF STATE UNDER THIS ACT OR THE USE TAX ACT, 1937
4 PA 94, MCL 205.91 TO 205.111, OR AFTER SUBTRACTING THE TAX CRED-
5 ITS AVAILABLE UNDER SECTION 6A, IN THE IMMEDIATELY PRECEDING CAL-
6 ENDAR YEAR OF \$720,000.00 OR MORE SHALL REMIT TO THE DEPARTMENT,
7 BY AN ELECTRONIC FUNDS TRANSFER METHOD APPROVED BY THE COMMIS-
8 SIONER OF REVENUE ON OR BEFORE THE FIFTEENTH DAY OF THE MONTH, AN
9 AMOUNT EQUAL TO 50% OF THE TAXPAYER'S LIABILITY UNDER THIS ACT
10 FOR THE SAME MONTH IN THE IMMEDIATELY PRECEDING CALENDAR YEAR, OR
11 50% OF THE ACTUAL LIABILITY FOR THE MONTH BEING REPORTED, WHICH-
12 EVER IS LESS, PLUS A RECONCILIATION PAYMENT EQUAL TO THE DIFFER-
13 ENCE BETWEEN THE TAX LIABILITY DETERMINED FOR THE IMMEDIATELY
14 PRECEDING MONTH MINUS THE AMOUNT OF TAX PREVIOUSLY PAID FOR THAT
15 MONTH. ADDITIONALLY, THE SELLER SHALL REMIT TO THE DEPARTMENT,
16 BY AN ELECTRONIC FUNDS TRANSFER METHOD APPROVED BY THE COMMIS-
17 SIONER OF REVENUE ON OR BEFORE THE LAST DAY OF THE MONTH, AN
18 AMOUNT EQUAL TO 50% OF THE TAXPAYER'S LIABILITY UNDER THIS ACT
19 FOR THE SAME MONTH IN THE IMMEDIATELY PRECEDING CALENDAR YEAR, OR
20 50% OF THE ACTUAL LIABILITY FOR THE MONTH BEING REPORTED, WHICH-
21 EVER IS LESS.

22 (4) ~~—(3)—~~ The tax imposed under this act shall accrue to the
23 state on the last day of the month in which the sale is
24 incurred.

25 (5) ~~—(4)—~~ The commissioner of revenue, when necessary to
26 insure payment of the tax or to provide a more efficient

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1 administration, may require the filing of returns and payment of
2 the tax for other than monthly periods.

Enacting section 1. This amendatory act does not take effect
unless all of the following bills of the 89th Legislature are
enacted into law:

(a) Senate Bill No. 1158.

(b) House Bill No. 5313.