

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4507

A bill to amend 1937 PA 94, entitled  
"Use tax act,"  
by amending section 5 (MCL 205.95).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5. (a) ~~Every~~ EXCEPT AS OTHERWISE PROVIDED IN THIS  
2 SUBSECTION, EVERY person ~~when~~ engaged in the business of sell-  
3 ing tangible personal property for storage, use, or other con-  
4 sumption in this state ~~,~~ shall register with the department and  
5 give the name and address of each agent operating in this state,  
6 the location of ~~any and~~ all distribution or sales houses or  
7 offices ~~,~~ or other places of business in this state, and ~~such~~  
8 ANY other information ~~as~~ THAT the department ~~may require~~  
9 REQUIRES with respect to matters pertinent to the enforcement of  
10 this act. ~~, but it shall not be necessary for a~~ A seller  
11 holding a SALES TAX license obtained pursuant to the ~~provisions~~

**HB 4507, As Passed Senate, March 7, 2002**

House Bill No. 4507 as amended March 5, 2002

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1 ~~of Act No. 167 of the Public Acts of 1933, as amended, to~~  
2 GENERAL SALES TAX ACT, 1933 PA 167, MCL 205.51 TO 205.78, **IS NOT**  
3 **REQUIRED TO SEPARATELY** register with the department as provided in this  
4 act. Every  
5 such seller shall collect the tax imposed by this act from the  
6 consumer.

6 (b) The corporation, ~~and securities commission~~ SECURITIES,  
7 AND LAND DEVELOPMENT BUREAU OF THE DEPARTMENT OF CONSUMER AND  
8 INDUSTRY SERVICES shall not issue to any foreign corporation  
9 engaged in the business of selling tangible personal property a  
10 certificate of authority to do business in this state or approve  
11 and file the proposed articles of incorporation submitted to it  
12 by any domestic corporation authorizing or permitting such corpo-  
13 ration to conduct any business of selling of tangible personal  
14 property unless ~~such corporations shall submit~~ THE CORPORATION  
15 SUBMITS with ~~an~~ THE application for ~~said~~ THE certificate of  
16 authority or proposed articles of incorporation, an application  
17 for registration of ~~said~~ THE corporation under the provisions  
18 of this act ~~,~~ or an application for A SALES TAX license under  
19 the provisions of ~~Act No. 167 of the Public Acts of 1933, as~~  
20 ~~amended~~ THE GENERAL SALES TAX ACT, 1933 PA 167, MCL 205.51 TO  
21 205.78, which application shall be transmitted to the department  
22 by ~~said~~ THE corporation, ~~and~~ securities, ~~commission~~ AND  
23 LAND DEVELOPMENT BUREAU OF THE DEPARTMENT OF CONSUMER AND INDUS-  
24 TRY SERVICES.

25 (c) The corporation, ~~and securities commission~~ SECURITIES,  
26 AND LAND DEVELOPMENT BUREAU OF THE DEPARTMENT OF CONSUMER AND  
27 INDUSTRY SERVICES shall withhold the issuance of any certificate

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1 of dissolution or withdrawal in the case of any corporation  
2 organized under the laws of this state or organized under the  
3 laws of another state and admitted to do business in this state  
4 until the receipt of a notice from the department to the effect  
5 that all taxes levied under this act against ~~any such~~ THAT cor-  
6 poration have been paid, or until it ~~shall be~~ IS notified by  
7 the department that the applicant ~~is not indebted for any taxes~~  
8 ~~levied hereunder~~ DOES NOT OWE TAXES LEVIED UNDER THIS ACT.

9 (D) A LESSOR MAY ELECT TO PAY USE TAX ON RECEIPTS FROM THE  
10 RENTAL OR LEASE OF THE TANGIBLE PERSONAL PROPERTY IN LIEU OF PAY-  
11 MENT OF SALES OR USE TAX ON THE FULL COST OF THE PROPERTY AT THE  
12 TIME IT IS ACQUIRED. FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31,  
13 2001, IN ORDER TO MAKE A VALID ELECTION UNDER THIS SUBSECTION, A  
14 LESSOR OF TANGIBLE PERSONAL PROPERTY THAT IS AN AIRCRAFT SHALL  
15 OBTAIN A USE TAX REGISTRATION BY THE EARLIER OF THE DATE SET FOR  
16 THE FIRST PAYMENT OF USE TAX UNDER THE LEASE OR RENTAL AGREEMENT  
17 OR 90 DAYS AFTER THE LESSOR FIRST BRINGS THE AIRCRAFT INTO THIS  
18 STATE.