

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5653

A bill to amend 1933 PA 167, entitled
"General sales tax act,"
(MCL 205.51 to 205.78) by adding section 4bb.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4bb. (1) Beginning January 1, 2005, a qualified
2 organization subject to the tax under this act may exclude from
3 the gross proceeds used for the computation of the tax the sale
4 of an eligible automobile to a qualified recipient.

5 (2) As used in this section:

6 (a) "Eligible automobile" means an automobile that meets all
7 of the following requirements:

8 (i) The automobile has been inspected by a mechanic certified
9 under the motor vehicle service and repair act, 1974 PA 300, MCL
10 257.1301 to 257.1340.

11 (ii) The automobile is insured as required under state law.

1 (iii) The automobile is registered to a qualified recipient.

2 (b) "Qualified organization" means an organization that
3 applies for certification not later than July 1 of the year in
4 which an exemption is claimed under this section and is certified
5 by the department of treasury as meeting all of the following
6 requirements:

7 (i) The organization is exempt from taxation under section
8 501(c)(3) of the internal revenue code, 26 USC 501.

9 (ii) The organization is licensed under the charitable
10 organizations and solicitations act, 1975 PA 169, MCL 400.271 to
11 400.294.

12 (iii) The organization administers a program to provide a
13 qualified recipient with an eligible automobile for
14 transportation to his or her place of employment or for
15 employment-related activities.

16 (c) "Qualified recipient" means a person certified by a
17 qualified organization as meeting all of the following
18 qualifications:

19 (i) The qualified recipient receives or, if he or she
20 applied, would be eligible to receive public assistance through a
21 program created and administered under the social welfare act,
22 1939 PA 280, MCL 400.1 to 400.119b.

23 (ii) The qualified recipient has a valid Michigan operator's
24 or chauffeur's license.

25 (iii) The qualified recipient is financially capable of
26 meeting any loan payment, insurance payment, or other expenditure
27 associated with the eligible vehicle.

1 (iv) Public transportation is not reasonably available to the
2 qualified recipient, the qualified recipient has no other
3 reliable means by which to commute to his or her place of
4 employment, and the qualified recipient will use the eligible
5 vehicle as his or her primary means of transportation to commute
6 to and from his or her place of employment.

7 (v) The qualified recipient has a demonstrated ability to
8 maintain employment.

9 (vi) If the qualified recipient is currently employed for not
10 less than an average of 20 hours per week, the qualified
11 recipient requires an automobile to retain his or her current
12 employment or to accept a verified offer of employment in a
13 position that is demonstrably superior to his or her current
14 position of employment.

15 (vii) If the qualified recipient is not currently employed or
16 is employed for less than an average of 20 hours per week, the
17 qualified recipient requires an automobile to accept a verified
18 offer of employment of not less than an average of 20 hours per
19 week and cannot begin employment in that position without an
20 automobile.