

**SUBSTITUTE FOR  
SENATE BILL NO. 264**

A bill to amend 1937 PA 94, entitled  
"Use tax act,"  
by amending section 6 (MCL 205.96), as amended by 2012 PA 117.

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

1       Sec. 6. (1) Every person storing, using, or consuming tangible  
2 personal property or services, the storage, use, or consumption of  
3 which is subject to the tax imposed by this act when the tax was  
4 not paid to a seller, and every seller collecting the tax from the  
5 purchaser, unless otherwise prescribed by the department under the  
6 provisions of subsection (2), (3), or (4), on or before the  
7 twentieth day of each calendar month shall file with the department  
8 a return for the preceding calendar month, in a form prescribed by  
9 the department, showing the price of each purchase of tangible

1 personal property or services during the preceding month, and other  
2 information the department considers necessary for the proper  
3 administration of this act. At the same time, each person shall pay  
4 to the department the amount of tax imposed by this act with  
5 respect to the purchases covered by the return.

6 (2) Beginning January 1, 1999 through December 31, 2013, each  
7 seller that had a total tax liability after subtracting the tax  
8 payments made to the secretary of state under this act or the  
9 general sales tax act, 1933 PA 167, MCL 205.51 to 205.78, or after  
10 subtracting the tax credits available under section 6a of the  
11 general sales tax act, 1933 PA 167, MCL 205.56a, in the immediately  
12 preceding calendar year of \$720,000.00 or more shall remit to the  
13 department, by an electronic funds transfer method approved by the  
14 department on or before the twentieth day of the month, an amount  
15 equal to 50% of the taxpayer's liability under this act for the  
16 same month in the immediately preceding calendar year, or 50% of  
17 the actual liability for the month being reported, whichever is  
18 less, plus a reconciliation payment equal to the difference between  
19 the tax liability determined for the immediately preceding month  
20 minus the amount of tax previously paid for that month.

21 Additionally, the seller shall remit to the department, by an  
22 electronic funds transfer method approved by the department on or  
23 before the last day of the month, an amount equal to 50% of the  
24 taxpayer's liability under this act for the same month in the  
25 immediately preceding calendar year, or 50% of the actual liability  
26 for the month being reported, whichever is less.

27 (3) Beginning January 1, 2014, each taxpayer that had a total

1 tax liability after subtracting the tax payments made to the  
2 secretary of state under this act or the general sales tax act,  
3 1933 PA 167, MCL 205.51 to 205.78, or after subtracting the tax  
4 credits available under section 6a of the general sales tax act,  
5 1933 PA 167, MCL 205.56a, in the immediately preceding calendar  
6 year of \$720,000.00 or more shall remit to the department, by an  
7 electronic funds transfer method approved by the department on or  
8 before the twentieth day of the month, an amount equal to 75% of  
9 the taxpayer's liability under this act in the immediately  
10 preceding month **OR 75% OF THE TAXPAYER'S LIABILITY FOR THE SAME**  
11 **MONTH IN THE IMMEDIATELY PRECEDING CALENDAR YEAR, WHICHEVER IS**  
12 **LESS**, plus a reconciliation payment equal to the difference between  
13 the tax liability determined for the immediately preceding month  
14 minus the amount of tax previously paid for that month. Payment  
15 remitted to the department by electronic funds transfer may include  
16 as a single payment any amount due under section 6 of the general  
17 sales tax act, 1933 PA 167, MCL 205.56.

18 (4) If considered necessary to insure payment of the tax or to  
19 provide a more efficient administration, the department may require  
20 and prescribe the filing of returns and payment of the tax for  
21 other than monthly periods.

22 (5) The tax imposed under this act shall accrue to this state  
23 on the last day of each calendar month.

24 (6) If a due date falls on a Saturday, Sunday, state holiday,  
25 or legal banking holiday, the taxes are due on the next succeeding  
26 business day.