

Act No. 93
Public Acts of 2023
Approved by the Governor
July 18, 2023
Filed with the Secretary of State
July 19, 2023
EFFECTIVE DATE: July 19, 2023

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Senators Shink, Chang, Singh, Geiss, Klinefelt, McDonald Rivet and Brinks

ENROLLED SENATE BILL No. 132

AN ACT to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending section 4d (MCL 205.54d), as amended by 2017 PA 48.

The People of the State of Michigan enact:

Sec. 4d. The following are exempt from the tax under this act:

(a) The sale of tangible personal property to a person that is a lessor licensed under the use tax act, 1937 PA 94, MCL 205.91 to 205.111, and whose rental receipts are taxed or specifically exempt under the use tax act, 1937 PA 94, MCL 205.91 to 205.111.

(b) The sale of a vehicle acquired for lending or leasing to a public or parochial school for use in a course in driver education.

(c) The sale of a vehicle purchased by a public or parochial school if that vehicle is certified for driver education and is not reassigned for personal use by the school’s administrative personnel.

(d) The sale of water through water mains, the sale of water delivered in bulk tanks in quantities of not less than 500 gallons, or the sale of bottled water.

(e) The sale of tangible personal property to a person for demonstration purposes. For a dealer selling a new car or truck, the exemption for demonstration purposes is determined by the number of new cars and trucks sold during the current calendar year or the immediately preceding year without regard to specific make or style according to the following schedule but not to exceed 25 cars and trucks in a calendar year for demonstration purposes:

(i) 0 to 25, 2 units.

(ii) 26 to 100, 7 units.

(iii) 101 to 500, 20 units.

(iv) 501 or more, 25 units.

(f) Specific charges for technical support or for adapting or modifying prewritten computer software programs to a purchaser’s needs or equipment if those charges are separately stated and identified.

(g) The sale of computer software originally designed for the exclusive use and special needs of the purchaser.

(h) The sale of a commercial advertising element if the commercial advertising element is used to create or develop a print, radio, television, or other advertisement, the commercial advertising element is discarded or returned to the provider after the advertising message is completed, and the commercial advertising element is custom developed by the provider for the purchaser. As used in this subdivision, “commercial advertising element” means a negative or positive photographic image, an audiotape or videotape master, a layout, a manuscript, writing of copy, a design, artwork, an illustration, retouching, and mechanical or keyline instructions. This exemption does not include black and white or full color process separation elements, an audiotape reproduction, or a videotape reproduction.

(i) A sale made outside of the ordinary course of the seller’s business.

(j) An isolated transaction by a person not licensed or required to be licensed under this act, in which tangible personal property is offered for sale, sold, or transferred and delivered by the owner.

(k) The sale of oxygen for human use dispensed pursuant to a prescription.

(l) The sale of insulin for human use.

(m) Before January 1, 2016, the sale of tangible personal property for use in construction or renovation of a qualified convention facility under the regional convention facility authority act, 2008 PA 554, MCL 141.1351 to 141.1379. As used in this subdivision, “qualified convention facility” means that term as defined in section 5 of the regional convention facility authority act, 2008 PA 554, MCL 141.1355.

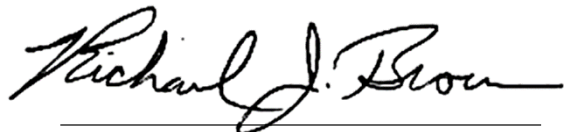
(n) The sale of tangible personal property for use in eligible activities described in section 2(o)(v) of the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2652, on eligible property that is included in a transformational brownfield plan, to the extent that the tangible personal property will be affixed to and made a structural part of the real property or infrastructure improvements included within the transformational brownfield plan. As used in this subdivision, “eligible property”, “infrastructure improvements”, and “transformational brownfield plan” mean those terms as defined in section 2 of the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2652.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 129 of the 102nd Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor

Compiler's note: Senate Bill No. 129, referred to in enacting section 1, was filed with the Secretary of State July 19, 2023, and became 2023 PA 90, Imd. Eff. July 19, 2023.