



Sales Tax, Use Tax, Income Tax Withholding and Single Business Tax Estimates Forms and Instructions

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PAPERWORK REDUCTION NOTICE: Forms 160 and 165 are issued under P.A. 167 of 1933, 94 of 1937 and 281 of 1967, all as amended.. Form 161 issued under P.A. 167 of 1933 and 94 of 1937, both as amended. See Penalty and interest provisions.

Filing Requirements for Taxpayers

You are required to file each return, even if no tax is due.

Your filing frequency is determined by the Department of Treasury.

Filing Frequency	Due Date	Combined Return	Discount Voucher (Optional)	EFT* ACH Debit or Credit	Annual Returns
Annual Filer Only (1 Return) <i>Total tax liability of less than \$750 for a calendar year (January – December).</i>	February 28 (after tax year end)				✓
Quarterly Filer (4 Returns) <i>Total tax liability of \$750 - \$3,600 for a calendar year (January – December).</i>	20 th of the month following quarter's end	✓	✓		✓
Monthly Filer (12 Returns) <i>Total tax liability greater than \$3,600 for a calendar year (January – December). Seasonal Filers — see Page 7.</i>	20 th of the following month	✓	✓		✓
Electronic Funds Transfer (EFT) <i>Available to all taxpayers - transmissions are required on a monthly basis.</i>	20 th of the following month			✓	✓
Accelerated Sales and Use Tax Electronic Funds Transfer (EFT) <i>Required for Sales or Use Tax liability of at least \$720,000 for the preceding calendar year.</i>	Transmissions each month: • 1 st payment 20 th of the month • 2 nd payment last day of the month • 3 rd payment 20 th of the subsequent month			✓	✓
Accelerated Withholding Tax Electronic Funds Transfer (EFT) <i>Required for Withholding Tax liability that averages \$40,000 or more each month.</i>	Paid according to federal schedule			✓	✓
Accelerated Withholding Tax Electronic Funds Transfer (EFT) <i>Elect to pay Sales and Use Tax via check and return.</i>	Paid according to federal schedule	✓		✓	✓

* EFT = Electronic Funds Transfer

Important Due Dates

Discount Voucher 12th of the month following the tax period

Monthly/Quarterly Return 20th of the month following the tax period

Annual Return February 28

W-2s, 1099-MISC February 28

Unclaimed Property Reporting for Businesses

Michigan's Uniform Unclaimed Property Act (Public Act 29 of 1995) requires holders of unclaimed property to report and remit property belonging to owners who cannot be located or for whom there is no known address. Every business that has uncashed checks (payroll, vendor, dividends, etc.) must file a report and turn the funds over to the Michigan Department of Treasury, Unclaimed Property Division. Unclaimed property could also include cash, deposits, interest, stocks* or contents from safe deposit boxes.

Section 31 (2) of the Uniform Unclaimed Property Act gives the State Treasurer the authority to conduct unclaimed property examinations to determine compliance with the Act.

WHO MUST REPORT. Every individual, partnership or corporation who has unclaimed property belonging to someone whose last known address is in Michigan must report. If the owner's last known address is in another state or country and the holder does not report under the provisions of that state or country, then report those interests to Michigan.

DORMANCY PERIODS. Generally, property in your custody that belongs to someone else and has gone unclaimed for five years must be reported. However, dormancy periods will vary based on the type of property. Visit Treasury's Web site at www.michigan.gov/unclaimedproperty for more detailed information about dormancy periods.

*A 2004 law change reduced the dormancy period for reporting stock and dividends from seven to **three** years.

REPORTING DUE DATE. Holder reports are due by November 1 each year and must contain all items considered unclaimed as of June 30. Enclose payment with the report to cover the amount reported. If you have unclaimed property and fail to pay or deliver it timely to the State of Michigan, you may be liable for interest at the current monthly rate of one percentage point above the adjusted prime rate on the value of the property. Civil penalties may also apply for not filing.

CLAIMING FUNDS. To check if funds are being held for you, your family, or your business entity, visit Treasury's Web site at www.michigan.gov/treasury.

FOR MORE INFORMATION. Visit our Web site or write to Unclaimed Property Division, Michigan Department of Treasury, P.O. Box 30756, Lansing, MI 48909, or call (517) 636-5320.

Sales, Use and Withholding Tax General Information

Call (517) 636-4730 or visit Treasury's Web site at www.michigan.gov/treasury for . . .

- Existing EFT account questions
- Specific account questions (credits, assessments, penalty waivers, etc.)
- Technical questions (taxability of items, law changes, etc.).

Listen to all options on the automated phone system before making a selection. Persons who have hearing or speech impairments may call (517) 636-4999 (TTY only).

Write to Treasury

Send correspondence to:

Customer Contact Division
Michigan Department of Treasury
Lansing, Michigan 48930

Write your account number on all checks and correspondence. Returns should be sent to the address on the return.

What's New

Business Self Service. You may now check your Sales, Use and Withholding Tax transactions online at www.michigan.gov/bustax. You may also ask

questions about your account by clicking on the appropriate buttons and following the instructions.

E-Registration for Business Taxes. If you already have a Federal Employer Identification Number (FEIN) number and wish to register for business taxes, you may submit your registration information online.

By completing your application on-line your business can:

- Receive your Sales Tax License within seven days
- Add, change, or delete taxes or licenses from your registration.

Registration information and a link to the joint Unemployment Insurance Agency/Treasury e-Registration site can be found by visiting www.michigan.gov/businesstaxes.

Magnetic Media/W-2 Reporting. The 2007 tax year will be the last year the State accepts magnetic W-2 reporting in a format other than what is published by the Social Security Administration for that year. Complete filing and format information is provided on Form 447, *Transmittal for Magnetic Media Reporting of W-2s, W-2Gs, 1099s and MI-NR-K1s to the State of Michigan*.

Important Information

You must file each return even if no tax is due.

Annual Return Label. To ensure proper credit to your account, remove the personalized address label you have been sent and place it on your annual return. Annual returns that are not properly identified cannot be processed.

Streamlined Sales and Use Tax. Streamlined Sales and Use Tax legislation resulted in changes regarding collection and filing of sales and use tax. For additional information, visit Treasury's Web site.

Collection Schedule. Effective January 1, 2006, a retailer **must** use the formula explained below when calculating the amount of sales tax to collect. Form 395, *Michigan 6% Sales Tax Collection Schedule* is no longer valid.

To determine the tax, retailers must compute the tax to the third decimal place and round up to a whole cent when the third decimal place is greater than four, or down to a whole cent when the third decimal point is four or less.

Filing by EFT. Using EFT to submit your sales, use and withholding tax payments eliminates the requirement to file monthly or quarterly paper returns, with the exception of Form 165, *Annual Return for Sales, Use and Withholding Taxes*. Form 2248, *EFT Debit Application*, or Form 2328, *EFT Credit Application*, must be completed and signed by an officer giving his/her title and returned to Treasury. To find out more about the EFT process, visit www.michigan.gov/biztaxpayments.

Accelerated Tax Payments. Taxpayers who pay more than \$480,000 in withholding tax each year are required to pay according to their federal schedule and must pay withholding taxes by Electronic Funds Transfer (EFT). You are encouraged to file all your taxes by EFT as this will eliminate the need to file monthly paper returns. For additional information, see Form 4285, *Questions and Answers About Paying Your Withholding Tax on an Accelerated Schedule*, or go to www.michigan.gov/biztaxpayments.

Filers who pay more than \$720,000 in sales or use tax each year must pay their sales and use taxes more frequently. Payments must be made by EFT. If this applies to you and you have not been contacted by Treasury, or you would like more information about accelerated payments, see Form 2316, *Questions and Answers About Paying Your Sales and Use Tax on an Accelerated Basis*, or go to www.michigan.gov/biztaxpayments.

Filers Who Pay Once a Year. Filers with no deductions should use the simplified instructions on page 14.

Address or Business Changes. To make address or business changes, use Form 163, *Notice of Change or Discontinuance*, you have been sent. Do not write the information on the return.

Pre-Identified Returns and Vouchers. Form 160, *Combined Return for Michigan Taxes*, and Form 161, *Discount Voucher for Sales and Use Taxes*, contain specific information about your account that is processed by electronically scanning the document. Do not change, copy or use forms from another business. If you lose your booklet of return and/or voucher coupons, contact Treasury to have a new one mailed to you. Use the correct pre-identified form for the period for which you are filing.

Before mailing your return, make sure:

1. The label provided is placed on Form 165, *Annual Return for Sales, Use and Withholding Taxes*.
2. Monthly or Quarterly copies of Form 160, *Combined Return for Michigan Taxes* are completed using tax due figures only. Gross sales figures are reported on the annual return only.
3. Figures entered on return correspond to the description provided for that tax line.
4. Subtotal amounts have not been entered on Form 160.
5. Account information changes have not been requested on the return. File Form 163, *Notice of Change or Discontinuance* for these changes.
6. A return is submitted for each filing period required according to your filing status. **This includes return periods that have zero due or no activity.**
7. Payment for the Single Business Tax Estimate is enclosed with Form 160 if reporting your SBT estimate on that form.
8. All discounts have been calculated and reported correctly.
9. Appropriate pre-identified return is used for filing period indicated on that return.
10. Negative/credit figures have not been entered on the return.
11. Tax payment is enclosed with return.
12. Your account number is written on your check.

General Information about Sales, Use, and Income Tax Withholding

Registering and Filing Returns

Businesses that make retail sales or hire employees must file periodic returns to pay the sales (or use) and the withholding taxes due. Treasury sets a monthly, quarterly or annual filing frequency depending on how much you owe. If you receive a coupon book, it will have the correct number of forms you need.

Your filing frequency may change over time. When it does, Treasury will notify you and send you the necessary materials. If you file only once annually and your accumulated sales, use and withholding taxes become \$750 or more, you must notify Treasury immediately. We will change your filing status and provide you with the appropriate tax materials.

Sales Tax

You must register to pay sales tax if you make retail sales of goods in Michigan such as food, shoes, toys, clothes or appliances, **even if the items you sell are not taxable.**

Qualified nonprofit organizations. If your gross sales are less than \$5,000, you do not need to collect or pay sales tax. But any tax you do collect must be paid to Treasury regardless of the amount of gross sales. For example, if you expect your gross sales to be \$6,500 and collect sales tax, but later find your gross sales were only \$4,000, you must pay the sales tax collected to Treasury. See the worksheet instructions for line 5i on page 8.

You must register even if the items you sell are not taxable. For more information, see page 47 to request *Revenue Administrative Bulletin 1995-3* or contact the Customer Contact Division, Technical Services Unit, at (517) 636-4730. Revenue Administrative Bulletins can also be found on Treasury's Web site at: www.michigan.gov/treasury

Use Tax on Sales and Rentals

You must register and pay use tax if you:

- Are doing business in Michigan but do not have a retail location in Michigan;
- Voluntarily collect use tax for your customers;
- Sell telephone, telegraph and other leased wire communication services;
- Rent hotel and motel rooms or other accommodations; or
- Lease tangible personal property to Michigan customers from a Michigan or an out-of-state location.

Use Tax on Purchases

Almost every business has a use tax liability. You must pay use tax on your purchases if you:

- Buy goods from out-of-state, unlicensed vendors, unless a valid exemption can be claimed;
- Buy inventory for resale on which no tax is due, then remove items from that inventory for personal or business use; or
- Use the items you buy for resale to make gifts for friends and family or for other personal uses.

Income Tax Withholding

You must register and pay income tax withholding if you:

- Pay wages to an employee; or
- Withhold income tax amounts from other kinds of payments (e.g., lottery winnings, insurance payments, retirement income, etc.).

For complete withholding information, see Form 446, *Income Tax Withholding Guide*.

If you are self-employed and expect your annual tax due to be more than \$500, you must report and pay income tax quarterly using Form MI-1040ES, *Michigan Estimated Individual Income Tax Voucher*. Otherwise, you may pay your income tax on Form MI-1040, *Michigan Individual Income Tax Return*.

What Form to File and When to File It

With this booklet you received the following forms personalized with your business name and account number: a monthly (or quarterly) return, an annual return, a notice of change in your business status and a discount voucher (for sales and use tax filers only). Some forms may not apply to you. Below is a description of each form.

Form 160, Combined Return for Michigan Taxes

Monthly and quarterly filers not registered to file electronically must use this return. (Annual filers and EFT filers do not use this return.) **You are required to file even if no tax is due.**

The return and payment are due on or before the 20th of the month following the tax period (month or quarter). If the 20th falls on a holiday or weekend, the due date is the first business day following the weekend or holiday.

When you file the paper return, you need to complete only one form and **write a single check** for the total sales, use, withholding and single business taxes due.

Form 165, Annual Return for Sales, Use and Withholding Taxes

All sales tax, use tax and income tax withholding filers **must** file this return each year, even if no tax is due. This is the only return required from businesses that file once a year. For taxpayers who submit monthly or quarterly returns, the annual return balances the tax due for the year with the monthly or quarterly payments made during the year. **Do not use the annual return instead of your monthly or quarterly returns.** The annual return and payment are due February 28.

Form 163, Notice of Change or Discontinuance

Use this form to notify Treasury of any change in your account. You must report:

- Change in mailing address
- Change in legal business address
- Change in account number
- Discontinuance of business
- Sale of all or part of a business
- Sale of a business but operating another business
- Change of ownership, i.e., adding a partner or incorporating
- Deletion of a tax type
- Change in seasonally active months.

Form 161, Discount Voucher for Sales and Use Taxes

The discount voucher is only used by filers who pay **part of their tax** early to obtain a discount. If you pay all your tax early, use Form 160; you will still get your full discount. If you use a voucher to make an early payment, you must still file a return, even if your balance due is zero.

Monthly filers who owe less than \$1,200 in sales or use tax, quarterly filers and taxpayers who file just once a year, **do not use this voucher.**

When the tax rate increased from 4% to 6%, the law required 100% of the 2% increase to go to the school aid fund. The additional 2% is not discounted. Therefore, discounts are calculated using 2/3 (.6667) of the sales and/or use tax collected at the 6% tax rate.

If You Don't Have Returns

Not having returns does not relieve your obligation to pay timely. Pre-identified returns have been mailed for your account and should be used when available. If a pre-identified return is not immediately available, Form 160, *Combined Return for Michigan Taxes* is available at www.michigan.gov/businessstaxes. Instructions and a mailing address

will be provided once the form is accessed on the Web. If internet access is not available, send your payment with a letter including your name, address, phone number, account number, return period and the amount of each tax and payment involved. If you are including payment, mail to: Michigan Department of Treasury, Department 77003, Detroit, MI 48277-0003. If you are not including payment, mail to: Michigan Department of Treasury, Lansing MI 48930.

When using these options, you should include a written request with your payment, or contact the Registration Unit at (517) 636-4660, for a new set of pre-identified returns to be mailed to you.

Late or Insufficient Payment

Returns filed late or without payment of tax due are subject to both penalty and interest. Instructions for line 18 on the worksheet explain how to figure penalty and interest on monthly or quarterly returns. The annual return instructions for line 26 explain how to figure penalty and interest on annual returns. Additional penalties may be charged for failing to meet statutory requirements.

If your return is not filed, Treasury will estimate your tax and bill you. Also, late filing of a return may result in an immediate assessment and possible legal action may be taken to collect unpaid taxes, penalty and interest.

Legal action may include filing liens on real and personal property, levying on bank accounts or receivables, seizure and sale of assets and cancellation of your sales tax license. Business owners and corporate officers may be held personally responsible for unpaid taxes.

Accelerated, monthly and quarterly taxpayers who fail to file the annual return are subject to a penalty of \$10 per day from the due date until the return is filed. Maximum penalty is \$400.

License or Registration

Sales tax licenses as well as use tax and income tax withholding registrations are renewed annually unless discontinued by the taxpayer or by Treasury.

You **may not** use the sales tax license to purchase goods and supplies for your own use. See page 5 for information about use tax.

Sales tax licensees who buy goods for resale must furnish their suppliers with a completed Form 3372, *Michigan Sales and Use Tax Certificate of Exemption*, containing their sales tax license number or provide the same information to the seller in another format.

Taxpayer's Account Number

If you had an FEIN when you registered, your Michigan taxpayer account number is your FEIN. If you did not have an FEIN when you registered, you have been assigned a Treasury (TR) number. In some instances, a Michigan Establishment (ME) number has been assigned.

You may have been assigned both an ME number and an FEIN, or multiple ME numbers. Keep your tax accounts accurate by filing separate returns for each account number.

Amended Returns

To file an amended return, send a copy of the original annual return (Form 165) or monthly/quarterly return (Form 160) with the corrected tax figures and write "amended return" on the form. Attach an explanation for the amendment and write your account number on the correspondence. If the amendment results in additional tax due, send your payment to the address listed on the form. If the amendment results in a credit, see "Credits" below. If no payment is being sent, send the form and correspondence to: Customer Contact Division, Michigan Department of Treasury, Lansing, MI 48930.

If you find an error in the Michigan withholding on a W-2 after it has been issued, do not issue a corrected W-2 for less withholding than was on the original W-2. This type of correction must be handled between the employer and the employee or by the employee on Form MI-1040, *Michigan Individual Income Tax Return*. Do **not** request a refund for this type of error using an amended Form 165.

Credits

When filing Form 160, for a period in which you have a credit, enter zero (0) on the Total Payment line of the return. Carry the credit forward on your worksheets for each period until you have an amount due. Do not enter a credit on your submitted Form 160 – scanning equipment reads all entries as debits (money owed). See instructions for worksheet, line 21.

Gasoline Retailers and Wholesalers

Complete Form 160 or 161 first; then carry forward your payment figure to Form 2189, *Gasoline Retailer Supplemental Report*, or to Form 429, *Gasoline Supplier and Wholesale Distributor Prepaid Sales Tax Report*, and complete.

Attach your supplemental report to your return. Write your business name and account number on

all supplemental reports to ensure you are credited properly for prepaid sales tax on gasoline.

The credit will reduce the amount of tax you will pay with your monthly or quarterly tax returns. If you have a start-up loan from December 1983, you may apply any credit above your tax due or you may complete Form 3891, *Refund Request for Prepaid Sales Tax on Gasoline*. When preparing Form 165, include the gasoline retailer and wholesaler prepayments on line 13b.

Seasonal Taxpayers

You must file a return for each of the seasonally active months shown on your returns, **even if no tax is due**. Also, if you make sales or pay wages during the months when you are normally closed, you must file returns for those months. Seasonally active months may be changed by completing Form 163.

Returns Due After Selling or Quitting Business

All taxpayers must submit a final monthly or quarterly return within 15 days after the date of selling or quitting business. **Your final annual return is due by February 28**. Contact the Tax Clearance Unit at (517) 636-5260 to be sure all debts have been satisfied.

Instructions and Worksheets

This book includes instructions and worksheets to calculate your tax due and prepare returns for sales, use and withholding taxes. Most taxpayers collect and pay tax at only the 6% rate and don't need a worksheet with a 4% column. Taxpayers who still collect at the 4% rate will receive a different set of worksheets in January. If you don't receive the worksheets and need them, contact the Customer Contact Division at (517) 636-4730.

Keep the completed worksheets for your records and for possible audit. **Do not** file your worksheet in place of filing a monthly, quarterly or annual return. Filing the wrong form delays crediting your account.

Line-by-Line Instructions – Monthly and Quarterly Worksheets

Begin on line 15 if filing withholding only. Go to page 12 if you file once annually.

Line 1. Gross Sales

Column A, Use Tax on Sales and Rentals - This line is for out-of-state retailers who do not have retail stores in Michigan. Enter total sales of tangible personal property including cash, charge and installment transactions.

Column B, Sales Tax - Enter total of all sales of tangible personal property including cash, charge and installment transactions.

Line 2. Rentals. Column A - Lessors of tangible personal property who pay use tax on rental receipts must enter rental income. Also enter total hotel and motel room rentals including assessments imposed under the Convention and Tourism Act, the Convention Facility Development Act, the Regional Tourism Marketing Act, or the Community Convention or Tourism Marketing Act. See Line 5i for instructions on deducting the assessments from rentals.

Column B - Does not apply.

Line 3. Communication Services

Column A - Enter gross income from telephone, telegraph and similar telecommunications services.

Column B - Does not apply.

Allowable Deductions

Use lines 5a - 5j to deduct nontaxable sales you made from gross sales. Deductions taken for tax exempt sales must be substantiated in your records. For certain exemptions, you must obtain a completed copy of Form 3372, or the same information in another format, from the purchaser.

Line 5a. Resale. Enter sales of tangible personal property to other licensed retailers which will be resold by those retailers. You must obtain a completed copy of Form 3372, or the same information in another format, to support this deduction.

Line 5b. Industrial Processing/Agricultural Producing. Enter sales of tangible personal property to persons entitled to exemption as industrial processors or agricultural producers. The property sold must be for direct use in producing a product for eventual sale. You must obtain a completed copy of Form 3372, or the same information in another format, to support this deduction.

Line 5c. Interstate Commerce. Enter sales made in interstate commerce. To claim such a deduction, the property must be sold in Michigan then delivered by you to the purchaser out of state. Property transported out of state by the purchaser does not qualify under interstate commerce. You must keep documentation of shipment out of state to support this deduction.

Line 5d. Exempt Services. Enter charges for nontaxable services billed separately, such as repair or maintenance, if these charges were included in gross receipts on line 1. Any costs incurred before the property is transferred to the buyer (including

shipping, handling and delivery charges) are not considered services and are taxable.

Line 5e. Tax Paid to the

Secretary of State. Column A - Does not apply.

Column B - Enter sales by licensed vehicle dealers (not including tax) of vehicles and mobile homes on which you paid sales tax to the Secretary of State.

Line 5f. Food for Human/Home Consumption

Enter total of retail sales of grocery-type food, excluding tobacco and alcoholic beverages. Prepared food is taxable.

Line 5g. Bad Debts. You may deduct the amount of bad debts if the bad debt was documented as a taxable transaction in your records.

Line 5h. Michigan Motor Fuel or Diesel Fuel Tax. Column A - Does not apply.

Column B - Retailers may deduct the Michigan motor fuel taxes that were included in gross sales on line 1 and paid to the state or the distributor.

Line 5i. Other Deductions

Include deductions not covered in items 5a - 5h on this line. Examples of deductions are:

- Assessments imposed under the Convention and Tourism Act, the Convention Facility Development Act, the Regional Tourism Marketing Act, or the Community Convention or Tourism Marketing Act. Hotels and motels may deduct the assessments included in gross sales and rentals provided use tax on the assessments was not charged to the customers.
- Credits allowed to customers for voluntary return of merchandise previously sold and originally subject to sales tax. Credit, including tax charged, must be granted to the customer. If returned for full credit within four years, a full credit of tax should be granted. If returned for partial credit within 180 days or within seller's stated refund policy, whichever is sooner, a partial refund of tax must be granted. Repossessions are not allowable credits.
- Direct sales to the United States Government, State of Michigan or its political subdivisions. Direct sales not for resale to certain nonprofit agencies, churches, schools, hospitals and homes for the care of children and the aged, provided such activities are nonprofit and payment is directly from the funds of the exempt organization. You must obtain a completed copy of Form 3372, or the same information in another format, to support this deduction.

Line 8. Multiply the amount on line 6 by the appropriate tax rate for that column and enter on line 8.

Line 9. If you collected more tax than the amount on line 8, enter the difference on line 9.

NOTE: Annual taxpayers – Go to line 10 under instructions for filing annual return on page 13.

Line 10. Total Tax Due. Add lines 8 and 9 and enter total. If line 10 is zero or you are not paying by the 20th, skip line 11 (discounts). Enter the amount from column B on the sales tax line on your return. Enter the amount from column A on the use tax (sales/rentals) line on your return.

Line 11. Use the charts on page 9 to figure your discount (**discounts are not allowed on late payments**). Enter the amount from your worksheet on the discount line of your voucher or on the appropriate line for sales or use tax discount on your return. Enter separate amounts for use tax and sales tax.

The maximum discount for payments made between the 12th and the 20th is \$15,000 per tax. If you paid part of your tax on or before the 12th, the total combined discount allowed is \$20,000 per tax. If you were open for business for only part of a month or quarter and you take the minimum discount, multiply the discount by the number of days you were open for business, then divide the result by the number of days in the period (30 or 90).

Use Tax - Purchases Only: See Page 5.

Line 14. Enter purchases which were taxable at the 6% rate (14a). Multiply by .06 and enter the tax due on the line at the far right (14b) and on the use tax (purchases) line on your return.

Line 15. Enter gross Michigan payroll for the month or quarter.

Line 16. Enter this amount on the withholding line on your return.

Summary

Line 17. Add lines 13, 14b and 16 and enter the total.

Line 18. Penalty and interest are charged for late payment of tax. The penalty is 5% of the tax due if the late payment is received within the first two months of the due date. For each subsequent month, or part thereof, the penalty increases by an additional 5% of the tax due. The maximum penalty is 25%.

Interest is charged daily at a rate of 1% above the prime rate. The interest rate is adjusted on January 1 and July 1.

Example: If the payment or return was due February 20 but is not received until June 7, calculate the penalty as follows:

2/21 to 4/20 (2 months) = 5%

4/21 to 5/20 (1 month) = 5%

5/21 to 6/7 (partial month) = 5%

Total penalty = 15%

In addition, add interest at 1% above the prime rate as computed on the total tax due shown on line 17. A **penalty and interest calculator** is available on Treasury's Web site.

Line 19. Single Business Tax Estimate. See page 47 for information on filing a combined estimate.

Line 20. Add lines 17, 18 and 19 and enter total.

DO NOT ENTER CREDIT FIGURES ON THE RETURN.

Using credit figures on the returns may result in a tax assessment. Carry credits forward on your worksheet instead.

Line 21. Enter any credits for your account here.

Line 22. Subtract line 21 from line 20. This is the amount of tax due. Enter this amount on your combined return and make your check payable for this amount.

IMPORTANT: Reduce each of the taxes reported on the combined return to reflect the amount of the credit. If the amount on worksheet line 22 is less than zero, enter zero on your return. Do not put amounts on any other line. Carry the rest of the credit forward to the worksheet for the next filing period.

Filing Instructions for your Returns & Vouchers

To prepare your return accurately, complete your worksheet before attempting to complete your return. Each item on the return corresponds to a line number on the worksheet.

Enter your amounts carefully and completely in the boxes provided. **Do not write any messages, credit amounts or symbols (+, -, ()) on the returns or vouchers; returns are processed by automated equipment. Instead, use Form 163, Notice of Change or Discontinuance or write to Treasury.**

Use Form 160, *Combined Return for Michigan Taxes*, if you are paying all the taxes due at one time either on the 12th or the 20th. If you are paying only part of your tax, use Form 161, *Discount Voucher for Sales and Use Tax*. The voucher is a payment form only and does not replace the return. A return is still required even if no tax is due.

Complete the form and carefully detach it. Make sure you are sending the form for the correct filing period. Make your check payable to the “**State of Michigan**” and write “**SUW**” and your account number on your check. Do not fold your check or this form. Using a #10 business envelope, mail the form and check to the address printed on the bottom of your return or voucher.

Discount Voucher (Form 161)

On the first line (tax amount you are paying early), enter the amount of each tax (sales or use) you are paying early. Remember, if you are paying all your tax (even by the 12th), use the monthly/quarterly return.

On the second line (discount amount from chart), enter the amount of discount for each tax type that you computed using the charts on page 9.

On the third line (tax minus discount), subtract the discount from the amount due and enter here.

Combined Return (Form 160)

Sales tax. Enter the amount from worksheet line 10B.

Sales tax discount. Enter the amount from worksheet line 11B. Be sure to include any discount you may have taken if you filed a voucher by the 12th.

Use tax (sales/rentals). Enter the amount from worksheet line 10A.

Use tax discount. Enter the amount from worksheet line 11A. Be sure to include any discount you may have taken if you filed a voucher by the 12th.

Use tax (purchases). Enter the amount from worksheet line 14b.

Michigan withholding. Enter the amount from worksheet line 16.

SBT estimates. Enter the amount from worksheet line 19 that you are paying with this return.

Voucher payment. Enter the amount of tax paid early from the total payment line of the discount voucher. This is *not* a credit or subtotal line. Only enter an amount here if you filed by the 12th.

Penalty and interest. Enter the amount from worksheet line 18.

Total payment. Enter the amount of your check.

General Instructions for Filing Your Annual SUW Taxes Return

Annual Return Filing Requirements

You must file the annual return if you are registered for sales or use tax or income tax withholding in the State of Michigan. Monthly and quarterly filers must file an annual return on a calendar-year basis (not your fiscal year).

Taxpayers that have multiple active account numbers (ME and/or FEIN) in a tax year are **required** to file separate annual returns for each account number assigned. Please take time to identify the registered tax types for each account number and include only those tax figures on the corresponding annual return. If you have secured an outside payroll or accounting agency, coordinate this filing responsibility with them.

If during the year your accumulated sales, use and withholding taxes become \$750 or more, you must notify Treasury to change your filing status and provide you with the appropriate tax returns.

All annual returns must be signed and dated by the taxpayer or the taxpayer's authorized agent. This may be the owner, partner, corporate officer or officer's agent or association member, officer or agent. No other person may sign for the taxpayer in the taxpayer's signature box.

W-2 Wage and Tax Statements

You must furnish W-2 statements to your employees by January 31. Refer to the "Amended Returns" section on page 7 for amending W-2 statements.

Employers with Michigan employees must report W-2 information to Michigan on or before February 28 by enclosing W-2 forms with the annual return. A 1099-MISC must be filed for services performed in the State of Michigan, regardless of the state of residence of the payee, whether there was withholding or not. Taxpayers not registered for withholding should file correspondence with the business account number and mail to Michigan Department of Treasury; Lansing, MI, 48930.

If you have 250 or more Michigan employees, you must report using magnetic tapes or diskettes. If you have fewer than 250 employees, you may report using magnetic media or using the state copy of the federal W-2. See page 40 for specifics about magnetic reporting.

Mail your annual return and all W-2 information to:

WITH PAYMENT:

Michigan Department of Treasury
Department 78172
P.O. Box 78000
Detroit, MI 48278-0172

WITHOUT PAYMENT:

Michigan Department of Treasury
Lansing, MI 48930

Address your tapes or disks to:

Return Processing Division
Magnetic Media Unit - SUW
Michigan Department of Treasury
Lansing, MI 48922

Before mailing your return, make sure:

1. The label provided is placed on Form 165, *Annual Return for Sales, Use and Withholding Taxes*.
2. Monthly or Quarterly copies of Form 160, *Combined Return for Michigan Taxes* are completed using tax due figures only. Gross sales figures are reported on the annual return only.
3. Figures entered on return correspond to the description provided for that tax line.
4. Subtotal amounts have not been entered on Form 160.
5. Account information changes have not been requested on the return. File Form 163, *Notice of Change or Discontinuance* for these changes.
6. A return is submitted for each filing period required according to your filing status. **This includes return periods that have zero due or no activity.**
7. Payment for the Single Business Tax Estimate is enclosed with Form 160 if reporting your SBT estimate on that form.
8. All discounts have been calculated and reported correctly.
9. Appropriate pre-identified return is used for filing period indicated on that return.
10. Negative/credit figures have not been entered on the return.
11. Tax payment is enclosed with return.
12. Your account number is written on your check.

ANNUAL RETURN: Line-by-Line Instructions

Note: If you pay only income tax withholding or file once a year and do not have deductions, use the instructions on page 14.

Sales and Use Tax

Lines 1 through 9. Monthly and quarterly filers, in each column add the entries from all your worksheets for the year and enter the totals on the corresponding line on the annual return.

Taxpayers who file once annually, follow the line-by-line instructions for the monthly and quarterly worksheet, beginning on page 7.

Line 10. Add lines 8 and 9 and enter the totals in each column.

Line 11. Taxpayers filing monthly or quarterly, enter the total discounts allowed for the year in each column. Total the amounts from the monthly or quarterly worksheet line 11 in each column. Include discounts from Form 2189 and Form 92, *Vehicle Dealer Supplemental Report*.

Taxpayers filing once annually receive a discount if the return is filed timely. The discount applies only to 2/3 (.6667) of the sales and/or use tax collected at the 6% tax rate. Use Chart 3 on page 14 to figure your discount.

If you opened for business late in the year or ended your business early in the year, the \$6 per month discount is allowed only for the months you were in business. No discount is allowed if the return is filed after February 28.

Line 12. Net tax due. Subtract line 11 from line 10 and enter the differences in each column.

Line 13. Enter the total amount of each tax paid after discounts during the report year. **Be sure to include the amount from your gasoline retail or gasoline supplier and wholesale reports.** Do not include any penalties or interest paid. This amount should be the total of all payments for the year from your monthly/quarterly worksheet line 12 (both rate columns).

Use Tax on Purchases Only

Line 14. Enter purchases which were taxable at the 6% rate. Multiply by .06 and enter the tax due on the line at the far right.

Line 15. Enter the use tax on purchases paid during the year. This amount should be the total of all payments for the year from your monthly/quarterly worksheet line 14b.

Income Tax Withholding

Line 16. Enter your gross Michigan payroll and other taxable compensation for the year, and any amount from box 7 on your MI-NR-K1.

Line 17. Enter the number of W-2 statements, 1099-MISCs, plus 1099s, 1099-Rs and MI-NR-K1s with Michigan withholding you are submitting for the year.

Line 18. Enter the total Michigan income tax withheld for the year as shown on the W-2 and 1099-MISC statements and from Box 8 of your MI-NR-K1.

Line 19. Enter the total Michigan income tax withheld that was paid on your monthly or quarterly returns. This should be the total of line 16 on all your worksheets for the year. (Do not include penalty and interest.)

Summary

Line 20. Total the taxes due. Add lines 12A and B, 14b and 18 and enter the total here.

Line 21. Total taxes paid. Add lines 13A and B, 15 and 19 and enter the total here.

Line 22. If line 21 (tax paid) is greater than line 20 (tax due), enter the difference (overpayment) here.

Line 23. Enter the amount of the overpayment that you want applied to your monthly or quarterly return. Treasury will notify you when your credit is available.

Line 24. Enter the amount of overpayment from line 22 you want refunded to you. Refunds will not be made in amounts of less than \$1.

Line 25. If line 21 (tax paid) is less than line 20 (tax due), enter the additional tax due. Pay any amount \$1 or over with this return.

Line 26. If your return is late, compute the penalty and interest due. If no tax is due on line 25, the penalty is \$10 per day to a maximum of \$400. If you have a tax due on line 25, the penalty is as follows:

- 5% of the tax due (line 25) if the late payment is received within 2 months of the due date.
- 5% of the tax due for each subsequent month, or part thereof, the tax is not paid.
- Maximum penalty is 25% of tax due.
- Interest is due at the rate of 1% above the prime interest rate from the day the tax is due until it is paid. The prime rate will be adjusted January 1 and July 1.
- A **penalty and interest calculator** is available on Treasury's Web site.

Line 27. Amount due with this return. Add lines 25 and 26. **Make check payable to the "State of Michigan."** Write your **account number** and **"SUW"** on your check. Do not pay if the amount due is less than \$1.

Single Business Tax Estimates

Single Business Tax (SBT) is a tax on business activity conducted in Michigan. SBT is due only if you expect your apportioned or allocated receipts to be \$350,000 or greater for the tax year. As a convenience to taxpayers, you may pay your SBT quarterly estimates with your sales, use and withholding (SUW) taxes return. If you choose this option, you need to file only one form and write one check for all the taxes you pay. If you regularly use your SUW return to make SBT payments, Treasury will not send you personalized SBT estimate forms.

Who must file?

If you expect your annual SBT liability to exceed \$600, you must make estimated payments. You may make your payments with either of the following returns:

- Form C-8002, *Single Business Tax Quarterly Return*, or
- Form 160, *Combined Return for Michigan Taxes*.

How much should I pay?

You may estimate your payment using one of the following methods:

- 1% of gross receipts for the period, or
- 25% (quarterly) or 8.33% (monthly) of your preceding year's SBT liability (only if preceding year's tax liability is less than \$20,000), or
- 25% (quarterly) or 8.33% (monthly) of 85 percent of your estimated SBT for the year, or
- SBT computed on the actual tax base of the period.

Enter the estimated SBT payment amount on line 19 of the monthly worksheet in this booklet.

No interest will be charged if payments are made on time and:

- The sum of the estimated payments equals at least 85% of your annual liability, and the amount of each payment reasonably approximates the tax liability incurred during the period; or
- The sum of the estimated payments equals at least 1% of your gross receipts for the tax year, and the amount of each payment reasonably approximates the tax liability incurred during that period; or

- The sum of the four (or 12 if filing monthly) estimated payments equals your previous year's tax liability provided your previous year's liability was \$20,000 or less and the payments were made equally over the year.

How do I report these payments?

Regardless of which form you use to file estimated SBT payments, report **all** SBT estimate payments on your annual SBT return. An annual return is required only from taxpayers whose apportioned or allocated gross receipts are \$350,000 or greater. If your gross receipts are below this filing requirement, but you made estimated payments during the tax year, file a return to claim a refund of your payments.

For more information, see the Single Business Tax Instruction book, or call (517) 636-4700 (SBT only).

Revenue Administrative Bulletins

A Revenue Administrative Bulletin (RAB) is a directive issued by the Michigan Department of Treasury. Its purpose is to promote uniform application of tax laws throughout the State and provide information and guidance to taxpayers. An RAB states the official position of Treasury, has the status of precedent in the disposition of cases unless and until revoked or modified, and may be relied on by taxpayers in situations where the facts, circumstances and issues presented are substantially similar to those set forth in the RAB. A taxpayer must consider the effects of subsequent legislation, regulations, court decisions and RABs when relying on an RAB. See RAB 1989-34 for more information.

To access a copy of a particular RAB, go to www.michigan.gov/treasury or call (517) 636-4730.

Sales Tax, Use Tax, Income Tax Withholding and Single Business Tax Estimates

Business Self Service. Check your Sales, Use and Withholding Tax transactions on-line. You may also ask questions about your account at www.michigan.gov/bustax.

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