

# 2018 Sales, Use and Withholding Taxes Annual Return

Issued under authority of Public Acts 167 of 1933, 94 of 1937, and 281 of 1967, all as amended.

File this return by February 28, 2019.

Do not use this form to replace a monthly/quarterly return.

Taxpayer's Business Name		Business Account Number (FEIN or TR Number)	
Street Address	City	State	ZIP Code

**PART 1: SALES AND USE TAX**

	A. Sales		B. Use: Sales & Rentals	
1. Total gross sales for tax year being reported.....				
2. Rentals of tangible property and accommodations .....	XXXXXXXXXX			
3. Telecommunications services.....	XXXXXXXXXX			
4. Add lines 1, 2 and 3.....				

**5. ALLOWABLE DEDUCTIONS**

	A. Sales Tax		B. Use Tax	
a. Resale, sublease or subrent.....				
b. Industrial processing exemption .....				
c. Agricultural production exemption .....				
d. Interstate commerce.....				
e. Nontaxable services billed separately .....				
f. Bad debts .....				
g. Food for human/home consumption.....				
h. Government exemption .....				
i. Michigan motor fuel tax .....			XXXXXXXXXX	
j. Direct payment deduction.....				
k. Other exemptions and/or deductions (see instructions) .....				
l. Tax included in gross sales.....			XXXXXXXXXX	
m. Total allowable deductions. Add lines 5a - 5l.....				
6. Taxable balance. Subtract line 5m from line 4.....				
7. Gross tax due. Multiply line 6 by 6% (0.06).....				
8. Tax collected in excess of line 7 .....				
9. Tax due before discount allowed. Add lines 7 and 8.....				
10. Total discount allowed (see instructions).....				

	Taxpayer's Business Name		Business Account Number	
	<b>A. Sales Tax</b>		<b>B. Use Tax</b>	
11. Total tax due. Subtract line 10 from line 9 .....	11.			
12. Tax payments and credits in current year (after discounts).....	12.			

**PART 2: USE TAX ON ITEMS PURCHASED FOR BUSINESS OR PERSONAL USE**

13. Purchases for which no tax was paid or inventory purchased or withdrawn for business or personal use....	13.		
14. Total use tax on purchases due. Multiply Line 13 by 6% (0.06) .....	14.		
15. Use tax paid on purchases and withdrawals in current year .....	15.		

**PART 3: WITHHOLDING TAX**

16. Gross Michigan payroll, pension and other taxable compensation .....	16.		
17. Total number of W-2 and 1099 forms .....	17.		
18. Total Michigan income tax withheld per W-2 and 1099 forms .....	18.		
19. Total Michigan income tax withholding paid during current tax year .....	19.		

**PART 4: SUMMARY**

20. Total sales, use and withholding tax due. Add lines 11A, 11B, 14 and 18 .....	20.		
21. Total sales, use and withholding tax paid. Add lines 12A, 12B, 15 and 19.....	21.		
22. If line 21 is greater than line 20, enter the difference here. If not, skip to line 25 .....	22.		
23. Amount of line 22 to be credited forward. Treasury will send notification when the credit forward is verified and available .....	23.		
24. <b>REFUND.</b> Subtract line 23 from line 22.....	24.		
25. If line 21 is less than 20, enter balance due .....	25.		
26. Penalty for late filing or late payment (see instructions).....	26.		
27. Interest for late payment (see instructions) .....	27.		
28. <b>TOTAL PAYMENT DUE.</b> Add lines 25, 26 and 27 .....	28.		

**PART 5: SIGNATURE (All information below is required.)**

<b>Taxpayer Certification.</b> I declare under penalty of perjury that the information in this return and attachments is true and complete to the best of my knowledge.		<b>Preparer Certification.</b> I declare under penalty of perjury that this return is based on all information of which I have any knowledge.	
<input type="checkbox"/> By checking this box, I authorize Treasury to discuss my return with my preparer.		Preparer's Signature	
Signature of Taxpayer or Official Representative (must be Owner, Officer, Member, Manager, or Partner)		Preparer's Business Address	
Print Taxpayer or Official Representative's Name	Date		
Title	Telephone Number	Preparer's Identification Number	Preparer's Telephone Number

File and pay this return for free on Michigan Treasury Online at [mto.treasury.michigan.gov](http://mto.treasury.michigan.gov).  
 Alternatively, make check payable to "State of Michigan." Write the account number, "SUW Annual" and tax year on the check.  
**Send the return and payment due to:** Michigan Department of Treasury, P.O. Box 30401, Lansing, MI 48909-7901

## Instructions for 2018 Sales, Use and Withholding Taxes Annual Return (Form 5081)

**NOTE:** The address field on this form is required to be **completed** but will not be used to replace an existing valid address for the purpose of correspondence or refunds. Update address and other registration information using Michigan Treasury Online (MTO) at [mto.treasury.michigan.gov](http://mto.treasury.michigan.gov) or mail a *Notice of Change or Discontinuance* (Form 163).

**IMPORTANT:** This is a return for sales tax, use tax and/or withholding tax. If the taxpayer inserts a zero on or leaves blank any line reporting sales tax, use tax or withholding tax, the taxpayer is certifying that no tax is owed for that tax type. **Only enter figures for taxes the business is registered and/or liable for.** If it is determined that tax is owed the taxpayer will be liable for the deficiency as well as penalty and interest. Form 5081 is available for submission electronically using MTO at [mto.treasury.michigan.gov](http://mto.treasury.michigan.gov) or by using approved tax preparation software.

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### PART 1: SALES AND USE TAX

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**Line 1A: Total Gross Sales for Tax Year being Reported.**

Enter total sales, including cash, credit and installment transactions, of tangible personal property. Include any costs incurred before ownership of the property is transferred to the buyer, including shipping, handling, and delivery charges. Car dealerships should include the full value of a trade-in vehicle.

**Line 1B: Out-of-state Retailers Who do Not Have Retail Stores in Michigan:** Enter total sales of tangible personal property including cash, credit, and installment transactions.

**Line 2B: Rental of Tangible Property and Accommodations.**

- **Lessors of tangible personal property:** Enter amount of total rental receipts.
- **Persons providing accommodations:** This includes but is not limited to total hotel, motel, and vacation home rentals, and assessments imposed under the Convention and Tourism Act, the Convention Facility Development Act, the Regional Tourism Marketing Act, and the Community Convention or Tourism Marketing Act.

**Line 3B: Telecommunications Services.** Gross income from telecommunications service.

**Line 5a-5l: Allowable Exemptions and/or Deductions.** Use lines 5a - 5l to deduct from gross sales the nontaxable sales included in line 4. Deductions taken for tax exempt sales must be substantiated in business records. A completed copy of *Michigan Sales and Use Tax Certificate of Exemption* (Form 3372) or the same information in another format must be obtained from the purchaser. For more information on exemption documentation, see Revenue Administrative Bulletin (RAB) 2016-14.

**Line 5a: Resale, Sublease or Subrent.** Enter resale, sublease or subrent exemption claims.

**Line 5b: Industrial Processing Exemption.** The property sold must be for direct use in producing a product for eventual sale at retail or to be affixed to and made a structural part of real estate located in another state.

**Line 5c: Agricultural Production Exemption.** The property sold must be for direct use in agricultural production.

**Line 5d: Interstate Commerce.** Enter sales made in interstate commerce. To claim such a deduction, the property must be delivered by the business to the out-of-state purchaser. Property transported out-of-state by the purchaser does not qualify as interstate commerce. Documentation of out-of-state shipments must be retained in business records to support this deduction.

**Line 5e: Nontaxable Services Billed Separately.** Enter charges for nontaxable services billed separately, such as repair or maintenance, if these charges were included in gross receipts on line 1. Costs, such as delivery or installation charges, that are incurred before the completion of the transfer of ownership of taxable property are included in the tax base and may not be subtracted.

**Line 5f: Bad Debts.** Deduct the amount of bad debts from business proceeds if all of the following criteria are met:

- The debts are charged off as uncollectible on business books and records at the time the debts become worthless
- The debts are deducted on the return for the period during which the bad debts are written off as uncollectible
- The debts are eligible to be deducted for federal income tax purposes.

A bad debt deduction may also be claimed by a third-party lender provided the retailer who reported the tax and the lender financing the sale executed and maintained a separate written election designating which party may claim the deduction. Certain additional conditions must be met. See MCL 205.54i, 205.99a, and RAB 2015-27.

**Line 5g: Food for Human/Home Consumption.** Enter the total of retail sales of grocery-type food, excluding tobacco and alcoholic beverages. Prepared food is subject to tax. See MCL 205.54g and MCL 205.94d for more information.

**Line 5h: Government Exemption.** Direct sales to the United States Government, State of Michigan, or its political subdivisions are exempt.

**Line 5i: Michigan Motor Fuel Tax.** Motor fuel 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 5j: Direct Payment Deduction.** Sales to companies that claim direct payment of sales or use tax to the State of Michigan. Such companies must have a sales tax license or use tax registration, and have a letter from Treasury specifically granting direct payment authority. For qualifications, see RAB 2000-3.

**Line 5k: Other Exemptions and/or Deductions.** Identify exemptions or deductions not covered in items 5a through 5j on this line. Examples of exemptions or deductions are:

- Trade-in values on vehicle sales. **Taxes paid to the Secretary of State are not allowable deductions** and must be reported on the *Vehicle Dealer Supplemental Schedule* (Form 5086 – e-file only).
- 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.
- 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 sales tax originally paid on merchandise voluntarily returned, provided the return is made within the time period for returns stated in the taxpayer's refund policy or 180 days after the initial sale, whichever is earlier. Repossessions are not allowable deductions.
- Sales to contractors of materials which will become part of a finished structure for a qualified exempt nonprofit hospital, qualified exempt nonprofit housing entity or church sanctuary, or materials to be affixed to and made a structural part of real estate located in another state. The purchaser will provide a *Michigan Sales and Use Tax Contractor Eligibility Statement* (Form 3520). See RAB 2016-18.
- Qualified nonprofit organizations may take a deduction of their sales if total sales are less than \$5,000 and they did not collect sales tax from their customers. If total sales are \$5,000 or more, the entire amount of sales is subject to tax. For qualifications, see RAB 1995-3.

**Line 5l: Tax Included in Gross Sales.** If tax was included on line 1 of this return, divide gross sales by 17.6667 and enter the amount.

**Line 8:** If more tax was collected than the amount on line 7, enter the difference.

**Line 10: Total Discount Allowed.**

- **Annual filers:** Enter \$72 if the tax due on line 9 is \$108 or more. If tax due is less than \$108, calculate the discount by multiplying line 9 by 2/3 (0.6667).
- **Accelerated/Monthly/Quarterly filers:** Enter total discounts allowed for the year.

**Line 12:** Enter total payments plus credits from *2018 Fuel Supplier and Wholesaler Prepaid Sales Tax Schedule* (Form 5083), *2018 Fuel Retailer Supplemental Schedule* (Form 5085), and *2018 Vehicle Dealer Supplemental Schedule* (Form 5086), if applicable, made for the current tax year.

**Note:** all prepaid sales tax schedules are e-file only.

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## PART 2: USE TAX ON ITEMS PURCHASED FOR BUSINESS OR PERSONAL USE

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**Line 13:** Enter purchases for which no tax was paid, including property withdrawn from inventory for business or personal use. For Manufacturer/Contractors, alternative measures of the use tax base should be reported (see MCL 205.93a(1)(f) and (g) and RAB 2016-24 for more information). For all other taxpayers, report the “purchase price” as defined in MCL 205.92(f).

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## PART 3: WITHHOLDING TAX

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**Line 17:** Enter the number of your W-2 and 1099 statements.

**Line 18:** Enter the total Michigan income tax withheld for the return year.

**Line 19:** Enter the total Michigan income tax withholding previously paid for the return year. (Do not include penalty and interest).

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## PART 4: SUMMARY

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**Line 24:** Enter the amount of overpayment from line 22 to be refunded. 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 greater than or equal to \$1.

**Line 28: Total Payment Due.** Add lines 25, 26 and 27. Make check payable to “**State of Michigan.**” Write the **account number**, “**SUW Annual**” and the **tax year** on the check. Do not pay if the amount due is less than \$1.

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## How to Compute Penalty and Interest

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If the return is filed after February 28 and no tax is due, compute penalty at \$10 per day up to a maximum of \$400. If the return is filed with additional tax due, include penalty and interest with the payment. Penalty is 5% of the tax due and increases by an additional 5% per month or fraction thereof, after the second month, to a maximum of 25%. Interest is charged daily using the average prime rate, plus 1 percent.

Refer to [www.michigan.gov/taxes](http://www.michigan.gov/taxes) for current interest rate information or help in calculating late payment fees.

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## Wage Statements and Reporting

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W-2 statements must be furnished to employees by January 31. Employers with Michigan employees must report W-2 information to Michigan on or before January 31. Payers reporting Michigan withholding on Form 1099-R must report 1099-R information to Michigan on or before January 31. Form 1099-MISC must be filed for miscellaneous income for services performed in the State of Michigan, regardless of the state of residence of the payee, whether or not there was withholding, on or before January 31. Wage statement copies should be retained in business records for seven years.

Employers with 250 or more employees must report using magnetic media. Employers with fewer than 250 employees

may elect to report via magnetic media or using the State copy of the federal Form W-2. Filing and format instructions are available on *Transmittal for Magnetic Media Reporting of W-2s, W-2Gs, and 1099s to the State of Michigan* (Form 447).

Employers with fewer than 250 employees may submit wage statements in PDF format electronically through MTO if the business is registered to file withholding tax. Visit [mto.treasury.michigan.gov](http://mto.treasury.michigan.gov).

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### **Tax Assistance**

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For assistance, call 517-636-6925. Assistance is available using TTY through the Michigan Relay Center by calling 711.