

**INCOME TAX ACT OF 1967 (EXCERPT)**  
**Act 281 of 1967**

\*\*\*\*\* 206.711.added THIS ADDED SECTION IS EFFECTIVE JANUARY 1, 2012; THIS ADDED SECTION IS AMENDED EFFECTIVE JANUARY 1, 2012: See 206.711.amended \*\*\*\*\*

**206.711.added Employee, member, or person with winnings or payoff on winning ticket subject to withholding; duplicate statement; filing revised information; failure or refusal to furnish information.**

Sec. 711. (1) Every employer, flow-through entity, eligible production company, casino licensee, race meeting licensee, and track licensee required by this part to deduct and withhold taxes for a tax year on compensation, share of income available for distribution, winnings, or payoff on a winning ticket shall furnish to each employee, member, or person with winnings or a payoff on a winning ticket subject to withholding under this part on or before January 31 of the succeeding year a statement in duplicate of the total compensation, share of income available for distribution, winnings, or payoff on a winning ticket paid during the tax year and the amount deducted or withheld. However, if employment is terminated before the close of a calendar year by an employer who goes out of business or permanently ceases to be an employer in this state, or a flow-through entity, eligible production company, casino licensee, race meeting licensee, or track licensee goes out of business or permanently ceases to be a flow-through entity, eligible production company, casino licensee, race meeting licensee, or track licensee before the close of a calendar year, then the statement required by this subsection shall be issued within 30 days after the last compensation, share of income available for distribution, winnings, or payoff of a winning ticket is paid. A duplicate of a statement made pursuant to this section and an annual reconciliation return, MI-W3, shall be filed with the department by February 28 of the succeeding year except that an employer, flow-through entity, eligible production company, casino licensee, race meeting licensee, and track licensee who goes out of business or permanently ceases to be an employer, flow-through entity, eligible production company, casino licensee, race meeting licensee, and track licensee shall file the statement and the annual reconciliation return within 30 days after going out of business or permanently ceasing to be an employer, flow-through entity, eligible production company, casino licensee, race meeting licensee, and track licensee.

(2) Every employer, flow-through entity, eligible production company, casino licensee, and race meeting licensee and track licensee required by this part to deduct or withhold taxes from compensation, share of income available for distribution, winnings, or payoff on a winning ticket shall make a return or report in form and content and at times as prescribed by the department. An employer or flow-through entity that has entered into an agreement with a community college pursuant to chapter 13 of the community college act of 1966, 1966 PA 331, MCL 389.161 to 389.166, and is required to deduct or withhold taxes from compensation and make payments to a community college pursuant to the agreement for a portion of those taxes withheld shall, for as long as the agreement remains in effect, delineate in the return or report required under this subsection between the amount deducted or withheld and paid to the state and that amount paid to a community college.

(3) Every employee, member, or person with winnings or a payoff on a winning ticket subject to withholding under this part shall furnish to his or her employer, flow-through entity, eligible production company, casino licensee, race meeting licensee, and track licensee information required for the employer, flow-through entity, eligible production company, casino licensee, race meeting licensee, and track licensee to make an accurate withholding. An employee, member, or person with winnings or a payoff on a winning ticket subject to withholding under this part shall file with his or her employer, flow-through entity, eligible production company, casino licensee, race meeting licensee, and track licensee revised information within 10 days after a decrease in the number of exemptions or a change in status from a nonresident to a resident. The employee, nonresident member, or person with winnings or a payoff on a winning ticket subject to withholding under this part may file revised information when the number of exemptions increases or when a change in status occurs from that of a resident of this state to a nonresident of this state. Revised information shall not be given retroactive effect for withholding purposes. An employer, flow-through entity, eligible production company, casino licensee, race meeting licensee, and track licensee shall rely on this information for withholding purposes unless directed by the department to withhold on some other basis. If an employee, member, or person with winnings or a payoff on a winning ticket subject to withholding under this part fails or refuses to furnish information, the employer, flow-through entity, eligible production company, casino licensee, race meeting licensee, and track licensee shall withhold the full rate of tax from the employee's total compensation, the member's share of income available for distribution, or the winnings of a person with winnings or a payoff on a winning ticket subject to withholding under this part.

**History:** Add. 2011, Act 38, Eff. Jan. 1, 2012.

**Compiler's note:** This section as added by Act 38 of 2011 was assigned the compilation number "206.711". To avoid a conflict with another section previously numbered "206.711", Sec. 711 of 2006 PA 513 has been renumbered as 206.911.