

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 17-0210.01 Ed DeCecco x4216

**HOUSE BILL 17-1049**

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**HOUSE SPONSORSHIP**

**Thurlow and Gray,**

**SENATE SPONSORSHIP**

**Coram,**

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**House Committees**  
Finance

**Senate Committees**  
Finance

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**A BILL FOR AN ACT**

101      **CONCERNING THE ELIMINATION OF REFUND INTEREST RELATED TO A**  
102      **PROPERTY TAX ABATEMENT.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

If property taxes are levied erroneously or illegally and a taxpayer has not protested the valuation within the time permitted by law, then the taxpayer has 2 years from the start of the property tax year to file a petition for abatement or refund. The board of county commissioners is required to abate the taxes, and the taxpayer is entitled to a refund for the incorrect amount and, in some circumstances, refund interest equal to 1%

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
Amended 2nd Reading  
March 28, 2017

HOUSE  
3rd Reading Unamended  
February 15, 2017

HOUSE  
Amended 2nd Reading  
February 13, 2017

per month. The bill eliminates the refund interest related to a property tax abatement.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 39-10-114, **amend**  
3 (1)(a)(I)(A) and (1)(b) as follows:

4 **39-10-114. Abatement - cancellation of taxes.**  
5 (1) (a) (I) (A) Except as otherwise provided in sub-subparagraphs (D)  
6 and (E) of this subparagraph (F) SUBSECTIONS (1)(a)(I)(D) AND  
7 (1)(a)(I)(E) OF THIS SECTION, if taxes have been levied erroneously or  
8 illegally, whether due to erroneous valuation for assessment, irregularity  
9 in levying, clerical error, or overvaluation, the treasurer shall report the  
10 amount thereof to the board of county commissioners, which shall  
11 proceed to abate such taxes in the manner provided by law. The assessor  
12 shall make such report if the assessor discovers that taxes have been  
13 levied erroneously or illegally. If such taxes have been collected by the  
14 treasurer, the board of county commissioners shall authorize refund of the  
15 same in the manner provided by law. Except as provided in  
16 sub-subparagraphs (E) and (F) of this subparagraph (F) SUBSECTIONS  
17 (1)(a)(I)(E) AND (1)(a)(I)(F) OF THIS SECTION AND SECTION 39-5-125 (4),  
18 in no case shall an abatement or refund of taxes be made unless a petition  
19 for abatement or refund is filed within two years after January 1 of the  
20 year following the year in which the taxes were levied. For purposes of  
21 this sub-subparagraph (A) SUBSECTION (1)(a)(I)(A), "clerical error" shall  
22 include, but shall not be limited to, any clerical error made by a taxpayer  
23 in completing personal property schedules pursuant to the provisions of  
24 article 5 of this title. Notwithstanding any other law to the contrary, for  
25 purposes of this sub-subparagraph (A) SUBSECTION (1)(a)(I)(A),

1 "erroneous valuation" shall include, but shall not be limited to: Any  
2 reclassification of property from agricultural land to any other  
3 classification of property for the property tax year commencing January  
4 1, 1996, if the property in question qualifies for classification as  
5 agricultural land as determined pursuant to section 39-1-102 (1.6), as  
6 amended by Senate Bill 97-039, enacted at the first regular session of the  
7 sixty-first general assembly; and any denial of exemption from taxation  
8 for property claimed as agricultural and livestock products for the  
9 property tax year commencing January 1, 1996, if the property in question  
10 qualifies as agricultural and livestock products as determined pursuant to  
11 section 39-1-102 (1.1), as amended by Senate Bill 97-039, enacted at the  
12 first regular session of the sixty-first general assembly.

13 (b) Any taxes illegally or erroneously levied and collected, and  
14 delinquent interest thereon, ~~shall be~~ ARE refunded pursuant to this section,  
15 together with refund interest at the same rate as that provided for  
16 delinquent interest set forth in section 39-10-104.5; except that refund  
17 interest shall not be paid if the taxes were erroneously levied and  
18 collected as a result of an error made by the taxpayer in completing  
19 personal property schedules pursuant to the provisions of article 5 of this  
20 ~~title. Said~~ TITLE 39. FOR ABATEMENTS OR REFUNDS MADE PURSUANT TO  
21 A PETITION FOR ABATEMENT OR REFUND FILED PRIOR TO JANUARY 1, 2018,  
22 refund interest ~~shall accrue only~~ ACCRUES from the date payment of taxes  
23 and delinquent interest thereon was received by the treasurer from the  
24 taxpayer; except that refund interest ~~shall accrue~~ ACCRUES from the date  
25 a complete abatement petition is filed if the taxes were erroneously levied  
26 and collected as a result of an error or omission made by the taxpayer in  
27 completing the statements required pursuant to the provisions of article

1 7 of this ~~title~~ TITLE 39 and the county pays the abatement or refund within  
2 the time frame set forth in ~~sub-subparagraph (B) of subparagraph (I) of~~  
3 ~~paragraph (a) of this subsection (1). Refund interest on abatements or~~  
4 ~~refunds made pursuant to sub-subparagraph (F) of subparagraph (I) of~~  
5 ~~paragraph (a) of this subsection (1) shall only accrue on taxes paid for the~~  
6 ~~two latest years of illegal or erroneous assessment~~ SUBSECTION  
7 (1)(a)(I)(B) OF THIS SECTION. FOR ABATEMENTS OR REFUNDS MADE  
8 PURSUANT TO A PETITION FOR ABATEMENT OR REFUND FILED ON OR AFTER  
9 JANUARY 1, 2018, REFUND INTEREST ACCRUES FROM THE DATE A  
10 COMPLETE ABATEMENT PETITION IS FILED.

11 **SECTION 2.** In Colorado Revised Statutes, 39-5-125, **add (4)** as  
12 follows:

13 **39-5-125. Omission - correction of errors. (4)** IF OMITTED  
14 PROPERTY IS ADDED BY THE ASSESSOR OR THE TREASURER FOR A PRIOR  
15 ASSESSMENT YEAR, THEN A PETITION FOR ABATEMENT OR REFUND MAY BE  
16 FILED AT ANY TIME AFTER THE TAXES ARE LEVIED AND AN AMENDED TAX  
17 BILL HAS BEEN GENERATED, BUT BEFORE TWO YEARS AFTER JANUARY 1 OF  
18 THE YEAR FOLLOWING THE YEAR IN WHICH THE TAXES ARE LEVIED.

19 **SECTION 3.** **Act subject to petition - effective date.** This act  
20 takes effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly (August  
22 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
23 referendum petition is filed pursuant to section 1 (3) of article V of the  
24 state constitution against this act or an item, section, or part of this act  
25 within such period, then the act, item, section, or part will not take effect  
26 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.