

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0820.01 Megan McCall x4215

HOUSE BILL 22-1312

HOUSE SPONSORSHIP

Lynch and Woodrow, Pico, Valdez D.

SENATE SPONSORSHIP

Moreno and Woodward, Kirkmeyer, Zenzinger

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO SALES TAX STATUTES IN ORDER TO
102 ADDRESS CERTAIN DEFECTS AND ANACHRONISMS.

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/>.)

Statutory Revision Committee. Sections 1, 2, 3, and 4 of the bill correct incorrect cross references to sales tax filing and remittance requirements for direct pay permit holders in local sales tax statutes.

Section 5 corrects an incorrect cross reference in the definition of "auction sale", which is defined to include only the sale of tangible personal property, by replacing a cross reference to a supplemental

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

definition of sale that includes "the transaction of furnishing rooms or accommodations" with a cross reference to the more general definition of "sale".

Sections 6 and 7 repeal obsolete provisions.

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

2 **SECTION 1.** In Colorado Revised Statutes, 29-2-106, **amend**
3 (3)(c)(II) as follows:

4 **29-2-106. Collection - administration - enforcement.**

5 (3) (c) (II) A qualified purchaser that provides a direct payment permit
6 number to a vendor or retailer shall be liable and responsible for the
7 amount of sales tax imposed on any sale made to the qualified purchaser
8 pursuant to this article in the same manner as liability would be imposed
9 on a qualified purchaser for state sales tax pursuant to ~~section 39-26-105~~
10 ~~(3)~~, ~~C.R.S.~~ SECTION 39-26-105 (5).

11 **SECTION 2.** In Colorado Revised Statutes, 30-20-604.5, **amend**
12 (2)(a.5)(II) as follows:

13 **30-20-604.5. District sales tax.** (2) (a.5) (II) A qualified
14 purchaser that provides a direct payment permit number to a vendor or
15 retailer shall be liable and responsible for the amount of sales tax imposed
16 on any sale made to the qualified purchaser pursuant to this section in the
17 same manner as liability would be imposed on a qualified purchaser for
18 state sales tax pursuant to ~~section 39-26-105 (3)~~, ~~C.R.S.~~ SECTION
19 39-26-105 (5).

20 **SECTION 3.** In Colorado Revised Statutes, 32-9-119, **amend**
21 (2)(c)(I.5)(B) as follows:

22 **32-9-119. Additional powers of district.** (2) (c) Sales tax levied
23 pursuant to this subsection (2) shall be collected, administered, and

1 enforced as follows:

2 (I.5) (B) A qualified purchaser that provides a direct payment
3 permit number to a vendor or retailer shall be liable and responsible for
4 the amount of sales tax levied on any sale made to the qualified purchaser
5 pursuant to this subsection (2) in the same manner as liability would be
6 imposed on a qualified purchaser for state sales tax pursuant to ~~section~~
7 ~~39-26-105 (3), C.R.S.~~ SECTION 39-26-105 (5).

8 **SECTION 4.** In Colorado Revised Statutes, 32-13-110, **amend**
9 (2)(b)(II) as follows:

10 **32-13-110. Tax imposed - collection - administration of tax -**
11 **use.** (2) (b) (II) A qualified purchaser that provides a direct payment
12 permit number to a vendor or retailer shall be liable and responsible for
13 the amount of sales tax levied on any sale made to the qualified purchaser
14 pursuant to this article in the same manner as liability would be imposed
15 on a qualified purchaser for state sales tax pursuant to ~~section 39-26-105~~
16 ~~(3), C.R.S.~~ SECTION 39-26-105 (5).

17 **SECTION 5.** In Colorado Revised Statutes, 39-26-102, **amend**
18 (1.3) as follows:

19 **39-26-102. Definitions.** As used in this article 26, unless the
20 context otherwise requires:

21 (1.3) "Auction sale" means any sale conducted or transacted at a
22 permanent place of business operated by an auctioneer or a sale
23 conducted and transacted at any location where tangible personal property
24 is sold by an auctioneer when such auctioneer is acting either as agent for
25 the owner of such personal property or is in fact the owner thereof. The
26 auctioneer at any sale defined in ~~subsection (11)~~ SUBSECTION (10) of this
27 section, except when acting as an agent for a duly licensed retailer or

1 vendor or when selling only tangible personal property that is exempt
2 under the provisions of section 39-26-716 (4)(a) and (4)(b), is a retailer
3 or vendor as defined in subsection (8) of this section and the sale made
4 by the auctioneer is a retail sale as defined in subsection (9) of this
5 section, and the business conducted by said auctioneer in accomplishing
6 such sale is the transaction of a business as defined by subsection (2) of
7 this section.

8 **SECTION 6.** In Colorado Revised Statutes, 39-26-105, **repeal**
9 (5)(b) as follows:

10 **39-26-105. Vendor liable for tax - definitions - repeal.**

11 ~~(5) (b) Notwithstanding the provisions of section 39-21-113 (4), the~~
12 ~~department of revenue shall make available to all qualified purchasers an~~
13 ~~electronic list of all remote sellers and their Colorado account numbers~~
14 ~~in order to facilitate the qualified purchaser's appropriate remittance of~~
15 ~~tax pursuant to paragraph (a) of this subsection (5). Such list must remain~~
16 ~~confidential in the hands of the qualified purchaser, and the qualified~~
17 ~~purchaser is subject to the same limitations specified in section 39-21-113~~
18 ~~(4) that apply to the department of revenue, including the requirement that~~
19 ~~such list be used only for the purpose of proper administration of the tax.~~

20 **SECTION 7.** In Colorado Revised Statutes, 39-26-724, **repeal**
21 (1)(b), (2)(a.5), and (2)(c) as follows:

22 **39-26-724. Components used to produce energy from a**
23 **renewable energy source - definitions.** (1) (b) ~~For state fiscal years~~
24 ~~2009-10 through 2016-17, all sales, storage, and use of components used~~
25 ~~in solar thermal systems shall be exempt from taxation under parts 1 and~~
26 ~~2 of this article.~~

27 (2) As used in this section:

1 (a.5) "Components used in solar thermal systems" include, but are
2 not limited to:

3 ~~(I) Solar collectors, including flat-plate collectors, evacuated tube~~
4 ~~collectors, solar air collectors, and concentrating solar thermal collectors;~~

5 ~~(II) Tanks for the storage of gases or liquids that have been heated~~
6 ~~or cooled by solar-generated energy;~~

7 ~~(III) Pumps, impellers, and fans for the circulation of gases or~~
8 ~~liquids that have been heated or cooled by solar-generated energy;~~

9 ~~(IV) Heat exchangers used to transfer solar-generated energy;~~

10 ~~(V) Support structures, racks, and foundations for any components~~
11 ~~listed in subparagraphs (I) to (IV) of this paragraph (a.5); and~~

12 ~~(VI) Any other system components such as piping, valves, gauges,~~
13 ~~fittings, insulation, and controls for any components listed in~~
14 ~~subparagraphs (I) to (IV) of this paragraph (a.5).~~

15 (c) "Solar thermal system" means a system whose primary purpose
16 is to use energy from the sun to produce heat or cold for:

17 ~~(I) Heating or cooling a residential or commercial building;~~

18 ~~(II) Heating or cooling water; or~~

19 ~~(III) Any industrial, commercial, or manufacturing process.~~

20 **SECTION 8. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

1 November 2022 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.