

CHAPTER 17

TAXATION

HOUSE BILL 01-1005

BY REPRESENTATIVE(S) Berry, Boyd, Crane, Fairbank, Garcia, Groff, Jahn, Mace, Marshall, Romanoff, Stafford, Stengel, Swenson, Tapia, Tochtrop, Veiga, Vigil, and Williams S.; also SENATOR(S) Reeves, Fitz-Gerald, Nichol, and Tate.

AN ACT

CONCERNING RELIEF FROM STATE INCOME TAX LIABILITY FOR AN INDIVIDUAL WHO UNKNOWINGLY MAKES A JOINT INCOME TAX RETURN UPON WHICH SUCH INDIVIDUAL'S SPOUSE HAS UNDERSTATED INCOME TAX LIABILITY.

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

SECTION 1. Part 1 of article 22 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

39-22-107.5. Income tax filing status - innocent spouse relief. IN ANY CASE IN WHICH A TAXPAYER HAS BEEN GRANTED RELIEF UNDER SECTION 6015 OF THE INTERNAL REVENUE CODE, SUCH TAXPAYER SHALL ALSO BE GRANTED COMPARABLE RELIEF FROM JOINT AND SEVERAL LIABILITY FOR THE TAX IMPOSED UNDER THIS ARTICLE AND ANY INTEREST, PENALTIES, AND OTHER AMOUNTS RELATED TO SUCH TAX.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 11, 2001

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.