

CHAPTER 394

TAXATION

HOUSE BILL 03-1362

BY REPRESENTATIVE(S) Stengel, Brophy, Coleman, Crane, Hall, Jahn, Mitchell, Schultheis, Spradley, Stafford, and Weddig;
also SENATOR(S) Taylor.

AN ACT

**CONCERNING THE COLLECTION OF SALES TAX ON TELEPHONE AND TELEGRAPH SERVICES WHEN
TAXABLE SERVICES ARE AGGREGATED WITH NONTAXABLE SERVICES.**

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

SECTION 1. 39-26-104 (1) (c), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

39-26-104. Property and services taxed. (1) There is levied and there shall be collected and paid a tax in the amount stated in section 39-26-106 as follows:

(c) (IV) FOR TELEPHONE AND TELEGRAPH SERVICES PROVIDED ON OR AFTER JULY 1, 2003, WHEN NONTAXABLE SERVICES ARE AGGREGATED WITH AND NOT SEPARATELY STATED FROM TAXABLE SERVICES, THE PROVIDER OF SUCH SERVICES SHALL COLLECT THE TAX IMPOSED BY THIS ARTICLE ONLY ON INTRASTATE TELEPHONE AND TELEGRAPH SERVICES. THE PROVIDER OF SUCH SERVICES SHALL MAINTAIN FOR THREE YEARS DOCUMENTATION OF THE SERVICES PROVIDED THAT ARE TAXABLE AND NONTAXABLE. SUCH DOCUMENTATION IS SUBJECT TO AUDIT, AND THE SERVICE PROVIDER SHALL BE LIABLE FOR ANY UNCOLLECTED TAX. A SERVICE PROVIDER SHALL NOTIFY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE OF THE PERCENTAGES OF TAXABLE AND NONTAXABLE SERVICES IN A PACKAGE OF AGGREGATED SERVICES WITHIN THIRTY DAYS OF USE ON ANY INVOICE.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 2003

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