

SENATE COMMITTEE OF REFERENCE AMENDMENT  
Committee on Finance.

HB19-1245 be amended as follows:

1 Amend reengrossed bill, page 8, after line 21 insert:

2       **"SECTION 6.** In Colorado Revised Statutes, 39-26-105, **amend**  
3        (1)(c)(III) and (5)(c); **amend as amended by House Bill 19-1240**  
4        (1)(c)(I) and (1)(c)(II); and **add** (1)(d) as follows:

5        **39-26-105. Vendor liable for tax - repeal.** (1) (c) (I) Every  
6        retailer shall remit, along with the return required in subsection (1)(b) of  
7        this section, an amount equivalent to the percentage on sales as specified  
8        in subsection (1)(a)(I) of this section to the executive director of the  
9        department of revenue, less an amount as set forth in ~~subsection (1)(c)(II)~~  
10        SUBSECTION (1)(c)(II) OR (1)(d) of this section to cover the retailer's  
11        expense in the collection and remittance of said tax.

12        (II) FOR SALES MADE PRIOR TO JANUARY 1, 2020, the amount  
13        retained by a retailer to cover the retailer's expense in collecting and  
14        remitting tax pursuant to this section is three and one-third percent of all  
15        sales tax reported.

16        (III) If any retailer is delinquent in remitting said tax, other than  
17        in unusual circumstances shown to the satisfaction of the executive  
18        director of the department of revenue, the retailer shall not be allowed to  
19        retain any amounts ~~UNDER THIS SUBSECTION (1)(c) OR SUBSECTION (1)(d)~~  
20        OF THIS SECTION to cover such retailer's expense in collecting and  
21        remitting said tax, and an amount equivalent to the said percentage, plus  
22        the amount of any local vendor expense that may be allowed by the local  
23        government to the vendor, shall be remitted to the executive director by  
24        any such delinquent vendor. Any local vendor expense remitted to the  
25        executive director shall be deposited to the state general fund.

26        (d) (I) FOR SALES MADE ON OR AFTER JANUARY 1, 2020, THE  
27        AMOUNT RETAINED BY A RETAILER TO COVER THE RETAILER'S EXPENSE IN  
28        COLLECTING AND REMITTING TAX IN ACCORDANCE WITH THIS SECTION IS  
29        FOUR PERCENT OF THE TAX REPORTED; EXCEPT THAT A RETAILER SHALL  
30        NOT RETAIN MORE THAN ONE THOUSAND DOLLARS IN ANY FILING PERIOD.

31        (II) A RETAILER WITH MULTIPLE LOCATIONS IS TREATED AS A  
32        SINGLE RETAILER FOR PURPOSES OF THIS SUBSECTION (1)(d) AND IS  
33        REQUIRED TO REGISTER ALL LOCATIONS UNDER ONE ACCOUNT WITH THE  
34        DEPARTMENT OF REVENUE.

35        (III) IF A RETAILER IS PERMITTED TO RETAIN AN AMOUNT TO COVER  
36        THE RETAILER'S EXPENSE IN COLLECTING AND REMITTING LOCAL SALES  
37        TAX THAT IS THE SAME AMOUNT AS PERMITTED BY THE STATE UNDER THIS  
38        SECTION, THEN SUCH AMOUNT IS THE AMOUNT THAT WAS PERMITTED AS  
39        OF DECEMBER 31, 2019.

10 Renumber succeeding sections accordingly.

11 Page 11, line 18, strike "This" and insert "(1) Except as set forth in  
12 subsection (2) of this section, this".

13 Page 11, after line 27 insert:

14                   "(2) (a) Section 5 of this act takes effect only if House Bill  
15 19-1240 does not become law.

16 (b) Section 6 of this act takes effect only if House Bill 19-1240  
17 becomes law, in which case section 6 of this act takes effect on the  
18 effective date of this act or House Bill 19-1240, whichever is later.".

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