

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Local Government.

HB21-1322 be amended as follows:

- 1 Amend printed bill, page 2, line 3, strike "and (17); and substitute "(17)  
2 and (32);".
- 3 Page 3, line 11, strike "VESSEL." and substitute "VESSEL AND ANY  
4 TRANSFER OF GASOLINE OR SPECIAL FUEL BY RAILCAR FROM A REFINERY  
5 TO A TERMINAL OPERATED BY THE REFINER.".
- 6 Page 3, line 15, strike "RAILCAR,".
- 7 Page 3, line 17, after the period insert "GASOLINE IN ANY RAILCAR IS NOT  
8 IN THE BULK TRANSFER AND TERMINAL SYSTEM UNLESS IT IS BEING  
9 TRANSFERRED FROM A REFINERY TO A TERMINAL OPERATED BY THE  
10 REFINER.".
- 11 Page 3, line 24, strike "OR TERMINAL OPERATOR".
- 12 Page 3, lines 25 and 26, strike "OR TERMINAL OPERATOR".
- 13 Page 4, line 9, after "product" insert "ONCE".
- 14 Page 4, after line 21 insert:

15        "(32) "Terminal" means a gasoline or special fuel storage and  
16 distribution facility that is supplied by a pipeline, vessel, or refinery, A  
17 STORAGE AND DISTRIBUTION FACILITY OPERATED BY A REFINER AND  
18 SUPPLIED BY A RAILCAR, or a tank farm from which gasoline or special  
19 fuel may be removed for distribution.".
- 20 Page 6, line 14, strike "IMPORT" and substitute "ACQUISITION, SALE,  
21 IMPORT,".
- 22 Page 6, line 15, strike "TO OR FROM" and substitute "TO, FROM, OR  
23 WITHIN".
- 24 Page 6, line 16, strike "IMPORTING" and substitute "ACQUIRING,  
25 IMPORTING,".
- 26 Page 7, lines 2 and 3, strike "thereof for calendar years beginning on and  
27 after January 1, 1992." and substitute "thereof. ~~for calendar years~~  
28 beginning on and after January 1, 1992.".

- 1 Page 8, line 12, strike "(A)".
- 2 Page 8, line 13, after "the" insert "TAX IS IMPOSED UPON THE PERSON FIRST  
3 RECEIVING THE GASOLINE OR SPECIAL FUEL AT THE TERMINAL EVEN IF  
4 SUCH PERSON IS ALSO THE SUPPLIER. IN THE CASE OF GASOLINE OR SPECIAL  
5 FUEL REMOVED FROM A TERMINAL BY A COMMON CARRIER, THE  
6 CONSIGNOR WHO OWNS THE GASOLINE OR SPECIAL FUEL REMOVED BY THE  
7 COMMON CARRIER IS DEEMED TO BE THE REMOVER AND FIRST RECIPIENT  
8 THEREOF. THE".
- 9 Page 8, line 27, strike "(1)(b)(I)(A)" and substitute "(1)(b)(I)".
- 10 Page 9, strike lines 2 through 20.
- 11 Page 12, lines 9 and 10, strike "DISTRIBUTOR FROM WHOM THE  
12 DISTRIBUTOR ACQUIRED THE GASOLINE OR SPECIAL FUEL," and substitute  
13 "DISTRIBUTOR,".
- 14 Page 14, line 10, strike "OR REQUIRED TO COLLECT".
- 15 Page 17, line 5, strike "OR TERMINAL OPERATOR".
- 16 Page 17, line 8, strike "EXCEPT AS".
- 17 Page 17, strike lines 9 through 13.
- 18 Page 18, line 9, strike "39-27-103 IF THE GASOLINE OR SPECIAL FUEL" and  
19 substitute "39-27-103.".
- 20 Page 18, strike lines 10 through 12.
- 21 Page 20, line 3, strike "OR TERMINAL OPERATOR".
- 22 Page 20, line 5, strike "OR TERMINAL OPERATOR".
- 23 Page 20, strike lines 10 through 12 and substitute "PAID UNDER THIS  
24 ARTICLE 27 BY A LICENSED DISTRIBUTOR,".
- 25 Page 20, lines 21 and 22, strike "OR TERMINAL OPERATOR".
- 26 Page 20, strike lines 24 through 26 and substitute "special fuel ex-tax,  
27 together with the distributor's name and address and such other  
28 information as the executive director may require IS EXEMPT FROM TAX

1 UNDER THIS SECTION.".

2 Page 27, line 23, strike "(1)(h)(V), (2)(a)(I)(A)," and substitute "and  
3 (1)(h)(V);".

4 Page 27 strike line 24 and substitute "**repeal** (2.5) and (3); and **add** (2)(f),  
5 (2)(g), (2.1)(d), and (2.1)(e) as".

6 Page 30, strike line 27.

7 Strike pages 31 and 32.

8 Page 33, strike lines 1 through 12 and substitute:

9 "(2) (f) THE EXECUTIVE DIRECTOR SHALL NOT REQUIRE A DEPOSIT  
10 UNDER THIS SUBSECTION (2) AFTER DECEMBER 31, 2021. THE EXECUTIVE  
11 DIRECTOR SHALL SURRENDER ANY SURETY BOND OR CERTIFICATE OF  
12 DEPOSIT IN HIS OR HER POSSESSION ON THAT DATE NO LATER THAN MARCH  
13 31, 2022, OR AS SOON THEREAFTER AS THE EXECUTIVE DIRECTOR IS  
14 SATISFIED THAT ALL LIABILITY THEREUNDER HAS BEEN FULLY  
15 DISCHARGED.

16 (g) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE DECEMBER 31,  
17 2022.

18 (2.1)(d) THE EXECUTIVE DIRECTOR SHALL NOT REQUIRE A DEPOSIT  
19 UNDER THIS SUBSECTION (2.1) AFTER DECEMBER 31, 2021. THE  
20 EXECUTIVE DIRECTOR SHALL SURRENDER ANY SURETY BOND OR  
21 CERTIFICATE OF DEPOSIT IN HIS OR HER POSSESSION ON THAT DATE NO  
22 LATER THAN MARCH 31, 2022, OR AS SOON THEREAFTER AS THE  
23 EXECUTIVE DIRECTOR IS SATISFIED THAT ALL LIABILITY THEREUNDER HAS  
24 BEEN FULLY DISCHARGED.

25 (e) THIS SUBSECTION (2.1) IS REPEALED, EFFECTIVE DECEMBER 31,  
26 2022.

27 (2.5) (a) ~~Notwithstanding the provisions of subsection (2) of this  
28 section, a distributor or refiner who has been licensed in this state for five  
29 consecutive years and who, during this period, has not been delinquent in  
30 the payment of taxes imposed under this part 1 shall be exempt from the  
31 requirement to file a bond or any other evidence of financial  
32 responsibility meeting the requirements of section 11-35-101, C.R.S.~~

33 (b) ~~If any delinquency in the payment of taxes imposed under this  
34 part 1 subsequently occurs, the executive director may reinstate the  
35 requirement of a bond or any other evidence of financial responsibility  
36 meeting the requirements of section 11-35-101, C.R.S., as a condition of  
37 licensure.".~~

- 1 Page 35, line 9, after "BLENDER;" insert "AND".
- 2 Page 35, strike lines 10 through 14.
- 3 Page 37, strike lines 18 through 27.
- 4 Page 38, strike lines 1 through 3.
- 5 Page 38, lines 5 and 6, strike "OR TERMINAL OPERATOR".
- 6 Page 38, line 7, strike "PAYMENT OR collection" and substitute "collection  
7 PAYMENT".
- 8 Page 38, line 11, strike "OR TERMINAL OPERATOR".
- 9 Page 38, strike lines 16 through 24 and substitute:
  - 10 " (c) (I) IF ANY PERSON FAILS TO FILE ANY RETURN OR STATEMENT  
11 WHEN DUE AS PROVIDED IN THIS SECTION, THE EXECUTIVE DIRECTOR  
12 SHALL IMPOSE AND COLLECT A PENALTY OF ONE HUNDRED DOLLARS.  
13 (II) IF ANY PERSON FAILS TO PAY THE TAX WHEN DUE AS PROVIDED  
14 IN THIS SECTION, THE EXECUTIVE DIRECTOR SHALL IMPOSE AND COLLECT  
15 a penalty of thirty dollars or ten percent of the tax due, plus one-half of  
16 one percent per month from the date when due, not to exceed eighteen  
17 percent in the aggregate, whichever is greater, ~~shall be imposed for failure~~  
18 ~~to file any statement when due or pay the tax as provided in this section,~~  
19 in addition to any other penalties provided by this part 1. THE EXECUTIVE  
20 DIRECTOR SHALL ALSO COLLECT INTEREST AT THE RATE IMPOSED UNDER  
21 SECTION 39-21-110.5.  
22 (III) IF THE PENALTIES PROVIDED FOR IN SUBSECTION (2)(c)(I) and  
23 (2)(c)(II) BOTH APPLY, THEN THE EXECUTIVE DIRECTOR SHALL IMPOSE AND  
24 COLLECT ONLY THE LARGER OF THE TWO PENALTIES. THE EXECUTIVE  
25 DIRECTOR MAY WAIVE, FOR GOOD CAUSE SHOWN, ANY PENALTY OR  
26 INTEREST ADDED PURSUANT TO THIS SUBSECTION (2)(c).".
- 27 Page 41, line 17, strike "OR TERMINAL OPERATOR".
- 28 Page 41, line 19, strike "OR TERMINAL OPERATOR".
- 29 Page 41, line 23, strike "distributor, TERMINAL OPERATOR," and substitute  
30 "distributor".
- 31 Page 42, lines 6 and 7, strike "OR TERMINAL OPERATOR".

1 Page 44, strike lines 2 through 23 and substitute:

2           **"SECTION 9.** In Colorado Revised Statutes, **repeal** 39-27-106  
3 as follows:

4           **39-27-106. Distributor trustee of tax.** Every distributor who sells  
5 any gasoline or special fuel for any purpose that is subject to the tax  
6 imposed by this part 1 shall collect from the purchaser the amount of  
7 excise tax thereon, and any sums of money paid by the purchaser to the  
8 distributor as gasoline or special fuel taxes shall be and remain public  
9 money, the property of the state in the hands of such distributor, and such  
10 distributor shall hold the same in trust for the sole use and benefit of the  
11 state until paid to the executive director of the department of revenue as  
12 provided in this part 1. Any distributor who willfully fails or refuses upon  
13 demand to pay over to the executive director the moneys paid to the  
14 distributor as gasoline or special fuel taxes that are by this part 1 declared  
15 to be trust funds in the distributor's hands and the property of the state of  
16 Colorado or who fraudulently withholds, converts to such distributor's  
17 own use, or appropriates or otherwise uses such moneys or any part  
18 thereof belonging to the state shall be punished as provided by section  
19 39-21-118.".

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