

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0255.01 Jacob Bennington x2371

HOUSE BILL 26-1216

HOUSE SPONSORSHIP

Luck and Carter, Bradley, Espenoza

SENATE SPONSORSHIP

Exum and Rich,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CORRECTION OF TECHNICAL DEFECTS IN CERTAIN**
102 **STATUTES ADMINISTERED BY THE DEPARTMENT OF REVENUE.**

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. Current law in certain statutes administered by the department of revenue contains several technical defects and incorrect statutory cross-references. The bill corrects these technical defects and incorrect cross-references as follows:

- **Section 1** of the bill amends the list of conditions a taxpayer must meet to claim a refundable income tax credit

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

for certain businesses located in the state so that the list of conditions terminates correctly and conforms with standard drafting practices;

- **Sections 2 and 4** correct outdated cross-references in the statute governing the collection of gas and special fuels tax and the statute governing the road usage fee and bridge and tunnel impact fee;
- **Section 3** clarifies the amount that can be claimed for a property tax or rent assistance grant and a heat or fuel expenses assistance grant based on the year the claim was made; and
- **Section 5** removes the definitions for "battery electric motor vehicle" and "plug-in hybrid electric motor vehicle" from the statute that creates the high-performance transportation enterprise, as those defined terms do not otherwise appear in the statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-46-108, **amend**
3 (7)(d)(IV) and (7)(e) as follows:

4 **24-46-108. Refundable income tax credits for certain**
5 **businesses located in the state - definitions - repeal.**

6 (7) To claim a refund in connection with an approved refund
7 certificate, a taxpayer must:

8 (d) Submit all required records and information to the department
9 on or before the due date, including extensions, for filing the taxpayer's
10 state income tax return for the income tax year in which an income tax
11 credit in excess of the amount applied for pursuant to subsection (7)(c) of
12 this section will be refunded, including:

13 (IV) Any additional documentation required by section 39-36-106
14 (1)(b) or otherwise required by law; AND

15 (e) Subject to the limitation in subsection (8) of this section, agree
16 to receive a refund of the eighty percent of the amount of the credit

1 remaining after applying the credit under subsection (7)(c) of this section
2 and forgo the remaining twenty percent of the amount claimed as a
3 ~~refund~~; and REFUND.

4 **SECTION 2.** In Colorado Revised Statutes, 39-27-105, **amend**
5 (2)(a)(I) as follows:

6 **39-27-105. Collection of tax on gasoline and special fuel - rules**
7 **- repeal.**

8 (2) (a) (I) It is the duty of every distributor of gasoline or special
9 fuel other than liquefied petroleum gas to compute the amount of tax
10 payable on all gasoline or special fuel imported, removed from a terminal,
11 or otherwise acquired during the preceding calendar month at the rate of
12 tax per gallon imposed thereon in section 39-27-102 (1), and, in
13 computing the amount of tax, the allowance of two percent provided for
14 in ~~section 39-27-102 (1)(b)(I)(A) shall~~ SECTION 39-27-102 (1)(b)(I) MUST
15 be taken into account.

16 **SECTION 3.** In Colorado Revised Statutes, 39-31-101, **amend**
17 (2)(d) and (2.1) as follows:

18 **39-31-101. Real property tax - tax equivalent - assistance -**
19 **heat or fuel expenses assistance - eligibility - applicability - definitions**
20 **- repeal.**

21 (2) A grant is the amount of the general property taxes actually
22 paid on the residence or the amount of taxes actually paid on a mobile
23 home, plus any tax-equivalent payments computed pursuant to subsection
24 (4) of this section, with respect to the rent of a trailer space during the
25 year for which the grant is claimed, the amount of the specific ownership
26 tax actually paid on a trailer coach, or the amount of the tax-equivalent
27 payments, computed pursuant to subsection (4) of this section, actually

1 made during the year for which such grant is claimed, but in no event may
2 it exceed:

3 (d) (I) For a grant claimed for the 2023 calendar year, either eight
4 hundred seventy-two dollars reduced by ten percent of the claimant's
5 income over the phase-out amount or the property tax flat grant amount,
6 whichever amount is greater; OR

7 (II) For a grant claimed for years commencing on or after January
8 1, 2024, either the maximum grant amount allowed under this subsection
9 (2)(d) for the prior year, adjusted for inflation and reduced by ten percent
10 of the claimant's income over the phase-out amount, or the property tax
11 flat grant amount, whichever amount is greater.

12 (2.1) THE AMOUNT OF A HEAT OR FUEL EXPENSES GRANT IS:

13 (a) For a grant claimed for the 2023 calendar year, either two
14 hundred forty dollars reduced by ten percent of the claimant's income
15 over the phase-out amount or the heat or fuel expenses flat grant amount,
16 whichever amount is greater; OR

17 (b) For a grant claimed for years commencing on or after January
18 1, 2024, either the maximum grant amount allowed under this subsection
19 (2.1) for the prior year, adjusted for inflation and reduced by ten percent
20 of the claimant's income over the phase-out amount, or the heat or fuel
21 expenses flat grant amount, whichever amount is greater.

22 **SECTION 4.** In Colorado Revised Statutes, 43-4-217, **amend**
23 (6)(a) as follows:

24 **43-4-217. Additional funding - road usage fees - rules -**
25 **legislative declaration - definitions.**

26 (6) (a) A distributor is not required to pay the road usage fee
27 imposed by subsection (3) or (4) of this section or the bridge and tunnel

1 impact fee imposed as authorized by section 43-4-805 (5)(g.5), if the
2 distributor would otherwise be liable for the excise tax on the gasoline or
3 special fuel subject to the fee but is allowed to sell the gasoline or special
4 fuel without payment of the applicable excise tax pursuant to ~~section~~
5 ~~39-27-102 (1)(b)(H) or~~ section 39-27-102.5 (2)(b).

6 **SECTION 5.** In Colorado Revised Statutes, 43-4-806, **repeal**
7 (7.6)(a)(II)(A) and (7.6)(a)(II)(C) as follows:

8 **43-4-806. High-performance transportation enterprise -**
9 **creation - enterprise status - board - funds - powers and duties - user**
10 **fees - limitations - reporting requirements - violations on the peak**
11 **period shoulder lanes - legislative declaration - definitions.**

12 (7.6) (a) (II) As used in this subsection (7.6), unless the context
13 otherwise requires:

14 (A) ~~"Battery electric motor vehicle" has the same meaning as set~~
15 ~~forth in section 43-4-1202 (1).~~

16 (C) ~~"Plug-in hybrid electric motor vehicle" has the same meaning~~
17 ~~as set forth in section 43-4-1202 (14).~~

18 **SECTION 6. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2026 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.