

An Act

SENATE BILL 24-025

BY SENATOR(S) Bridges and Van Winkle, Priola, Zenzinger;
also REPRESENTATIVE(S) Kipp and Taggart, Boesenecker, Joseph,
Snyder, Vigil.

CONCERNING LOCAL GOVERNMENT SALES AND USE TAXES ADMINISTERED BY
THE DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH,
REVISING, MODERNIZING, AND HARMONIZING VARIOUS STATE
STATUTES RELATING TO THE STATE-ADMINISTRATION OF LOCAL
SALES AND USE TAX INTO ONE UNIFORM STATUTE.

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

SECTION 1. In Colorado Revised Statutes, **add with amended
and relocated provisions** parts 2 and 3 to article 2 of title 29 as follows:

PART 2

DEPARTMENT OF REVENUE COLLECTION,
ADMINISTRATION, ENFORCEMENT, AND DISTRIBUTION
OF LOCAL GOVERNMENT SALES OR USE TAX

29-2-201. Definitions. AS USED IN THIS PART 2, UNLESS THE

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes
through words or numbers indicate deletions from existing law and such material is not part of
the act.*

CONTEXT OTHERWISE REQUIRES:

- (1) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.
- (2) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.
- (3) "GOVERNING BODY" MEANS THE GOVERNING BODY OF A STATUTORY LOCAL GOVERNMENT, HOME RULE JURISDICTION, OR SPECIAL DISTRICT.
- (4) "HOME RULE JURISDICTION" MEANS ANY HOME RULE CITY, TOWN, COUNTY, OR CITY AND COUNTY ORGANIZED PURSUANT TO ARTICLE XX OF THE STATE CONSTITUTION.
- (5) "LIAISON" MEANS ANY PERSON DELEGATED BY THE GOVERNING BODY TO COORDINATE WITH THE DEPARTMENT ON ANY SALES OR USE TAX MATTERS.
- (6) "RETAILER" OR "VENDOR" HAS THE SAME MEANING AS SET FORTH IN SECTION 39-26-102 (8).
- (7) "REQUESTING HOME RULE JURISDICTION" MEANS A HOME RULE JURISDICTION THAT REQUESTS THAT THE DEPARTMENT COLLECT ITS SALES TAX PURSUANT TO SECTION 29-2-204.
- (8) "SALES OR USE TAX" INCLUDES THE:
 - (a) COUNTY LODGING TAX IMPOSED PURSUANT TO SECTION 30-11-107.5;
 - (b) MARKETING AND PROMOTION TAX IMPOSED PURSUANT TO SECTION 29-25-112 (1)(a);
 - (c) VISITOR BENEFIT TAX IMPOSED PURSUANT TO SECTION 43-4-605 (1)(i.5);
 - (d) PREPAID WIRELESS 911 CHARGE IMPOSED PURSUANT TO SECTION 29-11-102.5;

(e) PREPAID WIRELESS TRS CHARGE IMPOSED PURSUANT TO SECTION 29-11-102.7; AND

(f) PREPAID WIRELESS 988 CHARGE IMPOSED PURSUANT TO SECTION 27-64-103 (4)(b).

(9) "SPECIAL DISTRICT" MEANS ANY POLITICAL SUBDIVISION OF THE STATE THAT IS NOT A HOME RULE JURISDICTION OR A STATUTORY LOCAL GOVERNMENT WITH AUTHORITY TO IMPOSE A SALES OR USE TAX.

(10) "STATUTORY LOCAL GOVERNMENT" MEANS A COUNTY, MUNICIPALITY, CITY AND COUNTY, DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE STATE OF COLORADO ORGANIZED OR ACTING PURSUANT TO THE PROVISIONS OF TITLE 29, TITLE 30, AND TITLE 31.

29-2-202. Applicability. (1) EXCEPT AS PROVIDED IN SECTIONS 29-2-209 AND 29-2-211, THIS PART 2 APPLIES TO:

(a) SALES OR USE TAX IMPOSED BY STATUTORY LOCAL GOVERNMENTS, SPECIAL DISTRICTS, OR REQUESTING HOME RULE JURISDICTIONS THAT ARE COLLECTED, ADMINISTERED, ENFORCED, AND DISTRIBUTED BY THE DEPARTMENT; AND

(b) (I) THE COUNTY LODGING TAX IMPOSED PURSUANT TO SECTION 30-11-107.5;

(II) THE MARKETING AND PROMOTION TAX IMPOSED PURSUANT TO SECTION 29-25-112 (1)(a);

(III) THE VISITOR BENEFIT TAX IMPOSED PURSUANT TO SECTION 43-4-605 (1)(i.5);

(IV) THE PREPAID WIRELESS 911 CHARGE IMPOSED PURSUANT TO SECTION 29-11-102.5;

(V) THE PREPAID WIRELESS TRS CHARGE IMPOSED PURSUANT TO SECTION 29-11-102.7; AND

(VI) THE PREPAID WIRELESS 988 CHARGE IMPOSED PURSUANT TO SECTION 27-64-103 (4)(b).

(2) EXCEPT WHERE SPECIFICALLY PROVIDED, AND EXCEPT FOR A HOME RULE JURISDICTION'S PARTICIPATION IN RESOLVING DISPUTES AS DESCRIBED IN SECTION 29-2-208 (2) AND (3), NOTHING IN THIS PART 2 APPLIES TO, AFFECTS, OR LIMITS THE POWERS OF HOME RULE JURISDICTIONS TO IMPOSE, ADMINISTER, OR ENFORCE THEIR LOCAL SALES OR USE TAX.

29-2-203. Collection, administration, and enforcement of sales or use tax. (1) [Formerly 29-2-106 (1)] UNLESS OTHERWISE PROVIDED IN THIS PART 2, the ~~collection, administration, and enforcement of~~ EXECUTIVE DIRECTOR SHALL COLLECT, ADMINISTER, ENFORCE, AND DISTRIBUTE any ~~countywide or any city or town~~ sales OR USE tax adopted BY A STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION ~~pursuant to this article shall be performed by the executive director of the department of revenue~~ in the same manner as the collection, administration, and enforcement of the Colorado state sales tax. ~~Unless otherwise provided in this article, the provisions of AND USE TAX PURSUANT TO article 26 of title 39, C.R.S., shall govern the collection, administration, and enforcement of sales taxes authorized under this article. In collecting, administering, and enforcing a sales tax authorized under this article, the state sales tax authorized under part 1 of article 26 of title 39, C.R.S., or any other sales tax imposed within the boundaries of a county, the executive director of the department of revenue may enter into an intergovernmental agreement with a county pursuant to the provisions of section 39-26-122.5, C.R.S., to enhance systemic efficiencies in the collection of such taxes:~~

(2) [Formerly the last sentence of 29-2-106 (3)(a)] Except as provided in section 39-26-208, ~~C.R.S.~~, EACH STATUTORY LOCAL GOVERNMENT SHALL COLLECT, ADMINISTER, AND ENFORCE any use tax imposed pursuant to section 29-2-109 ~~shall be collected, administered, and enforced by the city, town, or county~~ as provided by ordinance or resolution, AND SHALL RESOLVE DISPUTES PURSUANT TO SECTION 29-2-302.

29-2-204. [Formerly 29-2-106 (4)(a)] Collection, administration, and enforcement of home rule jurisdiction sales or use tax. (1) The executive director ~~of the department of revenue~~ shall, at no charge, administer, collect, ENFORCE, and distribute the sales tax of any home rule ~~municipality~~ JURISDICTION upon request of the governing body OR the GOVERNING BODY'S DESIGNEE, of ~~such municipality~~ THE JURISDICTION, REGARDLESS OF WHETHER THE PROVISIONS OF THE SALES TAX ORDINANCE OF THE REQUESTING HOME RULE JURISDICTION APPLIES THE SALES TAX TO

THE EXEMPTIONS LISTED IN SECTION 29-2-105 (1)(d)(I), IF:

(a) ~~If~~ The provisions of the sales tax ordinance of ~~said municipality~~ THE REQUESTING HOME RULE JURISDICTION, other than those provisions relating to local procedures followed in adopting the ordinance, correspond to the requirements of PART 1 OF this article for sales taxes imposed by ~~counties, towns, and cities~~ STATUTORY LOCAL GOVERNMENTS; AND

(b) ~~If~~ No use tax is to be collected by the department ~~of revenue~~ except as provided in section 39-26-208. ~~C.R.S. and~~

~~(c) Whether or not the ordinance applies the sales tax to the exemptions listed in section 29-2-105 (1)(d)(I).~~

(2) When the governing body of any home rule ~~municipality~~ JURISDICTION, OR THE GOVERNING BODY'S DESIGNEE, requests THAT the department ~~of revenue~~ to administer, collect, ENFORCE, and distribute the sales tax of ~~said municipality as specified in subparagraph (I) of this paragraph (a), said governing body~~ THE HOME RULE JURISDICTION AS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE GOVERNING BODY, OR THE GOVERNING BODY'S DESIGNEE, shall certify to the executive director ~~of the department~~ a true copy of the home rule ~~municipality's~~ JURISDICTION'S sales tax ordinance AS SPECIFIED IN SECTION 29-2-205.

29-2-205. Notice requirements - effective and applicability dates - definition. (1) (a) ~~[Formerly section 29-2-106 (7)]~~ For the purpose of the administration by the state of the provisions of this article, as well as any other state or federal program, each ~~county, home rule county, statutory town or city, home rule town or city, city and county, or territorial charter town or city~~ HOME RULE JURISDICTION shall file pursuant to section 29-2-110, with the executive director ~~of the department of revenue~~ a copy of each sales or use tax ordinance or resolution, or any amendment thereto, no later than ~~ten~~ FORTY-FIVE days ~~after the~~ BEFORE ITS effective date. ~~thereof. A copy of any sales or use tax ordinance or resolution in effect on March 11, 1982, shall be filed no later than July 1, 1982.~~ The failure to file a copy of any such ordinance or resolution shall not give rise to any claim for refund by any taxpayer, other than for overpayment which is determined to be allowable under such ordinance or resolution.

(b) NOTWITHSTANDING ANY LAW TO THE CONTRARY, WHEN A

STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION BY ORDINANCE OR RESOLUTION IMPOSES A NEW SALES OR USE TAX THAT THE DEPARTMENT WILL COLLECT PURSUANT TO THIS PART 2, OR MAKES ANY CHANGE TO ITS EXISTING SALES OR USE TAX THAT WILL AFFECT THE DEPARTMENT'S COLLECTION PURSUANT TO THIS PART 2, THE STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION SHALL PROVIDE THE DEPARTMENT WITH WRITTEN NOTICE OF THE ORDINANCE OR RESOLUTION IMPOSING THE NEW SALES OR USE TAX OR CHANGES TO THE EXISTING SALES OR USE TAX IMPOSITION ALONG WITH A COPY OF THE ORDINANCE OR RESOLUTION NO LATER THAN FORTY-FIVE DAYS BEFORE ITS EFFECTIVE DATE. THE FAILURE TO PROVIDE WRITTEN NOTICE AND A COPY OF THE ORDINANCE OR RESOLUTION DOES NOT GIVE RISE TO ANY CLAIM FOR REFUND BY ANY TAXPAYER OTHER THAN FOR AN OVERPAYMENT ALLOWED PURSUANT TO THE ORDINANCE OR RESOLUTION.

(c) NOTWITHSTANDING ANY LAW TO THE CONTRARY, WHEN A STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION BY ELECTION IMPOSES A SALES OR USE TAX THAT THE DEPARTMENT WILL COLLECT PURSUANT TO THIS PART 2 OR MAKES ANY CHANGE TO ITS EXISTING SALES OR USE TAX THAT WILL AFFECT THE DEPARTMENT'S COLLECTION PURSUANT TO THIS PART 2, THE STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION SHALL PROVIDE THE DEPARTMENT WITH WRITTEN NOTICE OF THE ORDINANCE OR RESOLUTION SUBMITTING THE QUESTION TO THE REGISTERED ELECTORS AT A GENERAL OR SPECIAL ELECTION, INCLUDING A COPY OF THE ORDINANCE OR RESOLUTION AND A COPY OF THE MEASURE THAT WILL APPEAR ON THE BALLOT, NO LATER THAN FOURTEEN DAYS AFTER THE ADOPTION OF THE ORDINANCE OR RESOLUTION. THE FAILURE TO PROVIDE WRITTEN NOTICE, THE COPY OF THE ORDINANCE OR RESOLUTION, AND THE COPY OF THE MEASURE THAT WILL APPEAR ON THE BALLOT DOES NOT GIVE RISE TO ANY CLAIM FOR REFUND BY ANY TAXPAYER OTHER THAN FOR AN OVERPAYMENT ALLOWED PURSUANT TO THE ORDINANCE OR RESOLUTION.

(2) [Formerly section 29-2-106 (2)] EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, ~~the effective date~~ APPLICABILITY of any ~~countywide sales tax or city or town sales tax adopted under the provisions of this article~~ NEW SALES OR USE TAX OR ANY CHANGE TO AN EXISTING SALES OR USE TAX IMPOSED BY A STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION shall be either January

1 or July 1 following the DATE OF ENACTMENT OF THE ORDINANCE OR RESOLUTION, OR EITHER JANUARY 1 OR JULY 1 FOLLOWING THE date of the election in which ~~such county~~ THE sales OR USE tax proposal OR CHANGE is approved. ~~and notice of the adoption of any county sales tax proposal shall be submitted by the county clerk and recorder or by the clerk of the city council or board of trustees of a city or town to the executive director of the department of revenue at least forty-five days prior to the effective date of such tax.~~ If ~~such a~~ THE DEPARTMENT DOES NOT RECEIVE THE WRITTEN NOTICE BY THE DEADLINES DESCRIBED IN SUBSECTION (1)(b) AND (1)(c) OF THIS SECTION, THE sales OR USE tax proposal OR CHANGE ~~is approved at an election held less than forty-five days prior to the January 1 or July 1 following the date of election, such tax shall not be effective~~ APPLY until the next succeeding January 1 or July 1 THAT IS AT LEAST FORTY-FIVE DAYS AFTER THE DEPARTMENT RECEIVES THE WRITTEN NOTICE.

(3) FOR PURPOSES OF THIS SECTION, "CHANGE" MEANS:

(a) A CHANGE TO THE SALES OR USE TAX BASE, THE ADOPTION OF A NEW SALES OR USE TAX EXEMPTION, THE AMENDMENT OR REPEAL OF AN EXISTING SALES OR USE TAX EXEMPTION, OR, FOR A STATUTORY LOCAL GOVERNMENT OR REQUESTING HOME RULE JURISDICTION, THE EXPRESS INCLUSION OF ANY OF THE EXEMPTIONS LISTED IN SECTION 29-2-105 (1)(d)(I);

(b) THE EXPIRATION OF AN EXISTING SALES OR USE TAX OR SALES OR USE TAX EXEMPTION;

(c) A CHANGE TO THE SALES OR USE TAX RATE;

(d) A CHANGE TO THE GEOGRAPHIC BOUNDARY OF THE STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION, INCLUDING BOTH NEW OR AMENDED BOUNDARIES;

(e) A STATUTORY LOCAL GOVERNMENT'S TRANSITION TO A SELF-COLLECTING HOME RULE JURISDICTION;

(f) A REQUESTING HOME RULE JURISDICTION'S TRANSITION TO A SELF-COLLECTING HOME RULE JURISDICTION;

(g) A SELF-COLLECTING HOME RULE JURISDICTION'S TRANSITION TO

A REQUESTING HOME RULE JURISDICTION;

(h) A CHANGE IN THE STATUTORY LOCAL GOVERNMENT'S, REQUESTING HOME RULE JURISDICTION'S, OR SPECIAL DISTRICT'S DISTRIBUTION FORMULA;

(i) THE IMPOSITION OF A VENDOR FEE OR THE AMENDMENT TO AN EXISTING VENDOR FEE ALLOWED PURSUANT TO SECTION 29-2-206; OR

(j) ANY OTHER CHANGE THAT WILL AFFECT THE COLLECTION, ADMINISTRATION, ENFORCEMENT, OR DISTRIBUTION OF SALES OR USE TAX PURSUANT TO THIS PART 2 OR AS DESCRIBED IN RULES PROMULGATED BY THE DEPARTMENT PURSUANT TO SECTION 29-2-216.

(4)(a) FOR PURPOSES OF THIS PART 2, THE APPLICABILITY OF A SALES OR USE TAX IMPOSED AS A RESULT OF A CHANGE TO A STATUTORY LOCAL GOVERNMENT'S GEOGRAPHIC BOUNDARY IS DETERMINED PURSUANT TO SECTION 30-6-109.7 AND PART 12 OF ARTICLE 31 OF TITLE 31.

(b)(I) A SPECIAL DISTRICT OR REQUESTING HOME RULE JURISDICTION THAT CHANGES ITS BOUNDARIES THROUGH USE OF ITS ANNEXATION AUTHORITY SHALL FILE A COPY OF THE ANNEXATION MAP AND A COPY OF THE ANNEXATION ORDINANCE OR RESOLUTION WITH THE DEPARTMENT IN THE FORM AND MANNER REQUIRED BY THE DEPARTMENT.

(II) THE SPECIAL DISTRICT OR REQUESTING HOME RULE JURISDICTION'S SALES OR USE TAX IN THE ANNEXED AREA APPLIES BEGINNING ON THE NEXT JANUARY 1 OR JULY 1 FOLLOWING THE DEPARTMENT'S RECEIPT OF THE ANNEXATION MAP AND ANNEXATION ORDINANCE OR RESOLUTION SO LONG AS THE ANNEXATION MAP AND ANNEXATION RESOLUTION ARE RECEIVED BY THE DEPARTMENT NO LATER THAN FORTY-FIVE DAYS BEFORE THE JANUARY 1 OR JULY 1. IF THE ANNEXATION MAP AND ANNEXATION RESOLUTION ARE NOT RECEIVED BY THE DEPARTMENT AS SPECIFIED IN THIS SUBSECTION (4)(b)(II), THEN THE SALES OR USE TAX IN THE ANNEXED AREA DOES NOT APPLY UNTIL THE NEXT SUCCEEDING JANUARY 1 OR JULY 1.

(c) UPON RECEIVING AN ANNEXATION ORDINANCE AND MAP PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE DEPARTMENT SHALL COMMUNICATE WITH ANY TAXING ENTITIES AFFECTED BY THE ANNEXATION

IN ORDER TO FACILITATE THE ADMINISTRATION AND COLLECTION OF SALES OR USE TAX IN THE ANNEXED AREA AND TO IDENTIFY ALL RETAILERS AFFECTED BY THE ANNEXATION. THE DEPARTMENT SHALL MAKE COPIES OF THE ANNEXATION MAP AND ANNEXATION RESOLUTION AVAILABLE TO ALL TAXING ENTITIES IN THE STATE.

29-2-206. Vendor fee. (1) A STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION MAY ALLOW BY ORDINANCE OR RESOLUTION A RETAILER THAT COLLECTS AND REMITS ITS SALES OR USE TAX TO RETAIN A PERCENTAGE, AS FIXED BY THE STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION, OF THE AMOUNT REMITTED TO COVER THE VENDOR'S EXPENSE IN COLLECTING AND REMITTING THE STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION'S SALES OR USE TAX; EXCEPT THAT:

(a) A STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION SHALL NOT IMPOSE ANY KIND OF LIMIT, OTHER THAN THE PERCENTAGE FIXED AS AUTHORIZED BY THIS SUBSECTION (1), ON THE AMOUNT OF SALES OR USE TAX THAT A VENDOR MAY RETAIN; AND

(b) THE PROVISIONS OF SECTION 39-26-105 (1)(c)(III) APPLY IF A RETAILER IS DELINQUENT IN REMITTING THE STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION SALES OR USE TAX.

29-2-207. Distributions. (1) ~~[Formerly the first two sentences of 29-2-106 (3)(a)]~~ The executive director, ~~of the department of revenue shall, at no charge, except as provided in paragraph (b) of this subsection (3), administer, collect, and distribute any sales tax imposed in conformity with this article.~~ The executive director shall make monthly distributions of sales OR USE tax collections to the appropriate official LIAISON in each county and in each incorporated city or town in the amount determined under the ~~distribution formula established in accordance with this article.~~ STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, AND REQUESTING HOME RULE JURISDICTION.

(2) ~~[Formerly 29-2-106 (10)]~~ (a) If any sales OR USE tax to be distributed pursuant to this ~~section~~ PART 2 is not distributed within sixty

days after the processing date, THE DEPARTMENT SHALL ADD interest ~~shall be added~~ to the undistributed amount from the sixtieth day after the processing date until the date ~~such~~ THAT THE sales OR USE tax is distributed. The rate of ~~said~~ interest ~~shall be~~ IS equal to the average rate, rounded to one-thousandth of a percent, being earned by the investment of ~~moneys~~ MONEY in the state treasury for the same period.

(b) ~~The provisions of this subsection (10) shall apply only to sales tax collected by the department of revenue with a processing date occurring on or after January 1, 2001. The provisions of this subsection (10) shall~~ SUBSECTION (2) DO not apply ~~in the event that~~ IF the distribution of sales OR USE tax was delayed as a result of ~~unforeseen~~ UNFORESEEN circumstances or caused primarily by an entity other than the department, ~~of revenue. Such determination~~ WHICH DETERMINATION THE DEPARTMENT shall ~~be made~~ MAKE in good faith. ~~by the department.~~

29-2-208. Dispute resolution. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS PART 2, DISPUTES REGARDING SALES OR USE TAX COLLECTED BY THE DEPARTMENT UNDER THIS PART 2 ARE RESOLVED IN THE SAME MANNER AS THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF STATE SALES TAX UNDER ARTICLE 26 OF TITLE 39, INCLUDING ANY RELEVANT SECTIONS OF PART 1 OF ARTICLE 21 OF TITLE 39.

(2) (a) IF, IN THE COURSE OF A CASE OR CLAIM ARISING UNDER THIS PART 2, OR UNDER ARTICLE 21 OF TITLE 39, A TAXPAYER OR THE EXECUTIVE DIRECTOR ASSERTS THAT ALL OR PART OF A SALES OR USE TAX ASSESSMENT OR REFUND CLAIM HAS BEEN ERRONEOUSLY PAID TO THE STATE OR TO ANOTHER STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR HOME RULE JURISDICTION, THEN, SUBJECT TO THE REQUIREMENTS SET FORTH IN SUBSECTION (2)(b) OF THIS SECTION:

(I) NEITHER THE TAXPAYER NOR THE EXECUTIVE DIRECTOR NEEDS TO FILE A CLAIM FOR REFUND WITH THE JURISDICTION THAT ERRONEOUSLY RECEIVED THE SALES OR USE TAX;

(II) THE EXECUTIVE DIRECTOR MAY ORDER PAYMENT FROM THE JURISDICTION THAT ERRONEOUSLY RECEIVED THE SALES OR USE TAX IN THE AMOUNT ERRONEOUSLY PAID, WITH INTEREST, IF APPLICABLE, PURSUANT TO SECTION 39-21-110, TO THE CORRECT JURISDICTION, OR TO THE TAXPAYER, AS THE CASE MAY BE;

(III) NOTWITHSTANDING SECTION 29-2-209, THE PERIODS OPEN OR CLOSED TO ASSESSMENT OR REFUND UNDER THE ORDINANCE OR RESOLUTION OF ANY STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR HOME RULE JURISDICTION; UNDER SECTIONS 39-21-107 (1), 39-26-125, 39-26-210, AND 39-26-703; OR UNDER AN INTERGOVERNMENTAL TRANSFER AGREEMENT MAY NOT BAR ANY OF THE REMEDIES SET FORTH IN THIS SUBSECTION (2)(a);

(IV) THE TAXPAYER SHALL RECEIVE A CREDIT AGAINST ANY ASSESSED SALES OR USE TAX DUE UP TO THE AMOUNT ORDERED TO BE PAID BY THE JURISDICTION THAT ERRONEOUSLY RECEIVED THE SALES OR USE TAX; AND

(V) THE EXECUTIVE DIRECTOR MAY WAIVE, FOR GOOD CAUSE SHOWN, ANY PENALTIES ASSESSED THEREON, OR ANY INTEREST ASSESSED IN EXCESS OF THE AMOUNT PAID, IF ANY, BY THE JURISDICTION THAT ERRONEOUSLY RECEIVED THE SALES OR USE TAX PURSUANT TO SUBSECTION (2)(a)(II) OF THIS SECTION.

(b) IF THE EXECUTIVE DIRECTOR DETERMINES UNDER THIS SUBSECTION (2) THAT THE DISPUTED TAX WAS PAID TO A HOME RULE JURISDICTION THAT IS NOT A REQUESTING HOME RULE JURISDICTION, THEN THE EXECUTIVE DIRECTOR SHALL HOLD A HEARING AS DESCRIBED IN PART 3 OF THIS ARTICLE 2 AND THE HOME RULE JURISDICTION THAT IS NOT A REQUESTING HOME RULE JURISDICTION SHALL BE JOINED AS A PARTY TO THE HEARING AS DESCRIBED IN SECTION 29-2-302 (5).

(3) IF A TAXPAYER CLAIMS OR THE EXECUTIVE DIRECTOR FINDS THAT ALL OR PART OF A SALES OR USE TAX DUE TO A HOME RULE JURISDICTION THAT IS NOT A REQUESTING HOME RULE JURISDICTION HAS BEEN PAID TO THE STATE OR TO A STATUTORY LOCAL GOVERNMENT, A REQUESTING HOME RULE JURISDICTION, OR A SPECIAL DISTRICT, AND THE EXECUTIVE DIRECTOR MAKES A DETERMINATION TO THIS EFFECT, THEN THE DEPARTMENT SHALL FORWARD THOSE FUNDS DIRECTLY TO THE HOME RULE JURISDICTION WITHIN THIRTY DAYS OF THE EXECUTIVE DIRECTOR'S DETERMINATION WITH INTEREST, AS PROVIDED IN SECTION 39-21-110.

29-2-209. [Formerly 29-2-106 (8)] Uniform collection procedures for home rule jurisdictions. Each home rule ~~city, town, and city and county~~ JURISDICTION shall follow, and conform its ordinances where necessary to, the statute of limitations applicable to the enforcement of state

sales ~~and~~ OR use tax collections, the statute of limitations applicable to refunds of state sales ~~and~~ OR use taxes, the amount of penalties and interest payable on delinquent remittances of state sales ~~and~~ OR use taxes, and the posting of bonds pursuant to section 39-21-105. ~~C.R.S.~~

29-2-210. Remittance of tax - GIS - vendor held harmless. ANY VENDOR MAY USE THE GIS DATABASE AND BE HELD HARMLESS AS DESCRIBED IN SECTION 39-26-105.2 WHEN COLLECTING AND REMITTING SALES OR USE TAX TO THE DEPARTMENT PURSUANT TO THIS PART 2.

29-2-211. [Formerly 29-2-106 (3)(b)] Sales or use tax on motor vehicles. The executive director is hereby authorized to contract and enter into agreements with the county clerk and recorder and ~~municipalities~~ HOME RULE JURISDICTIONS for the collection of state, county, and city or town use taxes upon motor vehicles, and the county clerk and recorder may charge and retain a fee as the director may approve to fully cover the cost of such collection by the county clerk and recorder.

29-2-212. [Formerly 29-2-106 (3)(c)] Qualified purchasers. (1) A qualified purchaser may provide a direct payment permit number issued pursuant to section 39-26-103.5 ~~C.R.S.~~, to any vendor or retailer that is liable and responsible for collecting and remitting any ~~countywide sales tax or city or town sales~~ STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION SALES OR USE tax imposed on any sale made to the qualified purchaser pursuant to the provisions of this ~~article~~ ARTICLE 2. A vendor or retailer that has received in good faith from a qualified purchaser a direct payment permit number shall not be liable or responsible for collection and remittance of any sales OR USE tax imposed on such sale that is paid for directly from such qualified purchaser's funds and not the personal funds of any individual.

(2) A qualified purchaser that provides a direct payment permit number to a vendor or retailer shall be liable and responsible for the amount of sales OR USE tax imposed on any sale made to the qualified purchaser pursuant to this ~~article~~ ARTICLE 2 in the same manner as liability would be imposed on a qualified purchaser for state sales OR USE tax pursuant to section 39-26-105 (5).

29-2-213. Coordination. EACH STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, AND REQUESTING HOME RULE JURISDICTION SHALL

DESIGNATE ONE OR MORE LIAISONS WHO SHALL COORDINATE WITH THE DEPARTMENT REGARDING THE COLLECTION OF ITS SALES OR USE TAX. THIS COORDINATION MAY INCLUDE THE LIAISON IDENTIFYING BUSINESSES ELIGIBLE TO COLLECT THE SALES OR USE TAX IN ITS JURISDICTION AND ANY OTHER ADMINISTRATIVE DETAILS IDENTIFIED BY THE DEPARTMENT.

29-2-214. [Formerly 39-26-122.5] Enhanced efficiencies - intergovernmental agreements - legislative declaration. (1) The general assembly hereby finds and declares that:

(a) It is in the best interest of the state, ~~local governments~~ STATUTORY LOCAL GOVERNMENTS, SPECIAL DISTRICTS, REQUESTING HOME RULE JURISDICTIONS, and taxpayers to have sales OR USE tax collected in the most efficient and effective manner feasible;

(b) Sales OR USE taxes can be administered and collected most efficiently when the governmental entities that collect the taxes cooperate and share responsibilities to collect and distribute revenues from the taxes;

(c) The administrative burden on taxpayers is lessened when governmental entities cooperate and agree on the processes used to administer and collect sales OR USE taxes;

(d) Broad authority and precedent exist for governmental entities to operate more efficiently and effectively by contracting with each other to cooperate in carrying out their respective responsibilities;

(e) The purpose of this section is to encourage the state to work cooperatively with ~~counties and other local governments~~ STATUTORY LOCAL GOVERNMENTS, SPECIAL DISTRICTS, AND REQUESTING HOME RULE JURISDICTIONS in the administration and collection of sales OR USE taxes in the state to enhance efficiencies and procedures for the benefit of both the ~~department of revenue~~ and STATUTORY local governments, SPECIAL DISTRICTS, AND REQUESTING HOME RULE JURISDICTIONS.

(2) The executive director ~~of the department of revenue~~ may enter into an intergovernmental agreement with any ~~county~~ STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION for the purpose of enhancing the systemic efficiencies and procedures used in the collection of state and local sales OR USE taxes. Such agreement shall

be entered into on behalf of and for the benefit of both the county STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION and the department. In addition, a municipality may be included as a party to the agreement to further the same efficiencies and procedures to be enhanced by the agreement between the executive director and a county. The agreement may allow the parties to share in providing any function or service lawfully authorized to each of the parties, including the sharing of costs, information, or duties related to the collection of sales OR USE taxes within the boundaries of the county.

~~(3) The executive director of the department of revenue shall annually provide information to the finance committees of the house of representatives and the senate, or any successor committees, on any agreements entered into in accordance with the provisions of this section and any enhanced effectiveness or procedures that have been achieved as result of the agreements. Such information shall be incorporated into an existing report provided on annual basis by the executive director to the committees.~~

29-2-215. Information sharing. (1) [Formerly 29-2-106 (4)(b)] NOTWITHSTANDING THE PROVISIONS OF SECTION 39-21-113, the executive director of the department of revenue shall furnish the governing body LIAISON of each municipality and county STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, AND REQUESTING HOME RULE JURISDICTION WITH a monthly listing of all returns filed by the retailers in such municipality or county THEIR JURISDICTION. The governing body of such municipality or county LIAISON OF EACH STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, AND REQUESTING HOME RULE JURISDICTION shall notify the executive director of the department of revenue of any retailers omitted from this THE listing as soon as practicable, but in no event more than one hundred eighty days after receiving said THE monthly listing. Failure of the governing body of such municipality or county LIAISON to notify the executive director of the department of revenue of any omitted retailers, within such THE period, shall preclude the municipality or county PRECLUDES THE STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION from making any further claims based upon such omissions. Neither the executive director of the department of revenue nor any municipality or county NOR ANY STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION shall be held liable for any omissions which THAT have not been called to

the executive director's attention within ~~this~~ THE period.

(2) [**Formerly 29-2-106 (4)(c)(I)**] Notwithstanding the provisions of section 39-21-113, the executive director ~~of the department of revenue~~ shall report monthly to each ~~municipality and county~~ STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, AND REQUESTING HOME RULE JURISDICTION for which the department ~~of revenue~~ collects a sales OR USE tax information identifying licensed vendors within the ~~municipality or county~~ BOUNDARIES OF THE STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION, including the licensing information required by section 39-26-802.9 (3), and, where the ~~chief administrative officer or his designee~~ STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION has executed a memorandum of understanding with the department ~~of revenue~~ providing for control of confidential data, the status of each vendor's account including the amount of ~~such municipality's or county's~~ sales OR USE tax collected and paid by each ~~such~~ vendor. The executive director ~~of the department~~ may, in ~~his~~ THE EXECUTIVE DIRECTOR'S discretion, provide additional information to a ~~municipality or county~~ STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION concerning collection and administration of ~~such municipality's or county's~~ ITS sales OR USE tax if such a memorandum has been executed.

(3) [**Formerly 29-2-106 (6)**] NOTWITHSTANDING THE PROVISIONS OF SECTION 39-21-113, the executive director ~~of the department of revenue~~ may, in the executive director's discretion, exchange information with the proper official of any home rule ~~city~~ JURISDICTION that imposes a sales and OR use tax relative to gross sales reported, changes in gross sales resulting from audits, and other information concerning licensed vendors making retail sales within the HOME RULE jurisdiction, ~~of the home rule city~~, including the licensing information required by section 39-26-802.9 (3).

(4) [**Formerly 29-2-106 (4)(c)(II)**] Except in accordance with A judicial order or as otherwise provided by law, ~~no official or employee~~ AN OFFICIAL, EMPLOYEE, OR ATTORNEY of a ~~municipality or county~~ STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR HOME RULE JURISDICTION receiving sales OR USE tax information from the department ~~of revenue~~ pursuant to this ~~paragraph (c)~~ PART 2 shall NOT divulge or make known to any person WHO IS not an ~~official or employee~~ OFFICIAL, EMPLOYEE, OR ATTORNEY of ~~such municipality or county~~ THE STATUTORY LOCAL

GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION any information ~~which~~ THAT identifies or permits the identification of the amount of sales OR USE taxes collected or paid by any individual licensed vendor. ~~The municipal or county officials or employees~~ AN OFFICIAL, EMPLOYEE, OR ATTORNEY charged with the custody of ~~such~~ THE sales OR USE tax information shall not be required to produce any such information in any action or proceeding in any court except in an action or proceeding under the provisions of this article to which the ~~municipality or county~~ STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION having custody of the information is a party, in which event the court may require the production of, and may admit in evidence, so much of ~~said~~ THE sales OR USE tax information as is pertinent to the action or proceeding. Any ~~municipal or county official or employee~~ OFFICIAL, EMPLOYEE, OR ATTORNEY who willfully violates any of the provisions of this ~~paragraph (c)~~ SUBSECTION (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, and shall be dismissed from office.

29-2-216. Department rulemaking. THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES TO CARRY OUT THE PROVISIONS OF THIS PART 2.

PART 3

DISPUTE RESOLUTION FOR SALES OR USE TAX SELF-COLLECTED BY LOCAL GOVERNMENTS

29-2-301. Definitions. AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.
- (2) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.
- (3) "LOCAL GOVERNMENT" MEANS HOME RULE AND STATUTORY CITIES, TOWNS, CITIES AND COUNTIES, AND COUNTIES.

29-2-302. [Formerly 29-2-106.1] Deficiency notice and dispute resolution for locally collected sales or use tax - legislative declaration.

- (1) The general assembly hereby finds, determines, and declares that the

enforcement of sales ~~and~~ OR use taxes can affect persons and entities across the jurisdictional boundaries of taxing jurisdictions and that dispute resolution is a matter of statewide concern for which the procedures set forth in this ~~section shall~~ PART 3 MUST be applied uniformly throughout the state. IN FACT, THE COLORADO SUPREME COURT RELIED ON THIS DECLARATION IN *WALGREEN CO. V. CHARNES*, 819 P.2D 1039 (COLO. 1991), TO HOLD THAT APPEALS TAKEN FROM LOCALLY IMPOSED AND COLLECTED SALES OR USE TAXES, INCLUDING THOSE IMPOSED AND COLLECTED BY A HOME RULE JURISDICTION, ARE GOVERNED BY THE PROCEDURES THAT HAVE BEEN RELOCATED TO THIS PART 3.

(2) (a) When a local government asserts that sales or use taxes are due in an amount greater than the amount paid by a taxpayer, ~~such~~ THE local government shall mail a deficiency notice to the taxpayer ~~by certified mail~~. The deficiency notice ~~shall~~ MUST state the additional local sales ~~and~~ OR use taxes due. The deficiency notice ~~shall~~ MUST contain notification, in clear and conspicuous type, of the time limit to file a protest to the notice and that the taxpayer has the right to elect a hearing on the deficiency pursuant to subsection (3) of this section. Any protest to the deficiency notice ~~shall~~ MUST be filed with the local government within thirty days after the date of the notice.

(b) The taxpayer shall also have the right to elect a hearing pursuant to subsection (3) of this section on a local government's denial of ~~such~~ THE taxpayer's claim for a refund of sales or use tax paid.

(c) The taxpayer shall request the hearing pursuant to subsection (3) of this section within thirty days after the taxpayer's exhaustion of local remedies. For purposes of this ~~paragraph (c)~~ SUBSECTION (2)(c), "exhaustion of local remedies" means that one of the following events has occurred:

(I) The taxpayer has timely requested in writing a hearing before the local government and ~~such~~ THE local government has held ~~such~~ THE hearing and issued a final decision. ~~thereon~~. ~~Such~~ THE hearing, if any, ~~shall~~ MUST be held and any decision ~~thereon~~ MUST BE issued within one hundred eighty days after the taxpayer's ~~request in writing therefor~~ WRITTEN REQUEST FOR HEARING or within ~~such further time as~~ ANY ADDITIONAL TIME THAT the taxpayer and THE local government may agree upon in writing.

(II) The taxpayer and local government agree in writing that no hearing before the local government will be held, or that ~~no final decision will issue from the local government. Such~~ THE LOCAL GOVERNMENT WILL NOT ISSUE A FINAL DECISION. THE written agreement ~~shall~~ MUST state that the taxpayer exhausted local remedies in accordance with this section, ~~shall~~ MUST identify the date of ~~such~~ THE exhaustion, and ~~shall~~ MUST advise the taxpayer of the right to pursue further review pursuant to subsection (3) or (8) of this section within thirty days after ~~such~~ THE exhaustion.

(III) One hundred eighty days or more after the date of the taxpayer's request for a hearing, the local government notifies the taxpayer in writing that the local government does not intend to conduct a hearing. In such instance, the written notification ~~shall~~ MUST also state that the taxpayer exhausted local remedies in accordance with this section, that ~~such~~ THE exhaustion occurred on the date of the written notification, and that the taxpayer may pursue further review pursuant to subsection (3) or (8) of this section within thirty days after ~~such~~ THE exhaustion.

(d) ~~In the event~~ IF the taxpayer has timely requested in writing a hearing before the local government and none of the events described in ~~paragraph (c) of this subsection (2)~~ SUBSECTION (2)(c) OF THIS SECTION have occurred, the taxpayer may request a hearing pursuant to subsection (3) of this section at any time after the period prescribed in ~~subparagraph (f) of paragraph (c) of this subsection (2)~~ SUBSECTION (2)(c)(I) OF THIS SECTION.

(e) Any hearing before a local government ~~shall be~~ IS informal and no transcript, rules of evidence, or filing of briefs ~~shall be~~ IS required; but the taxpayer may elect to submit a brief, in which case the local government may submit a brief. BY AGREEMENT OF ALL PARTIES TO THE HEARING, THE HEARING MAY BE CANCELED AND THE MATTER MAY BE DETERMINED BY THE LOCAL GOVERNMENT OFFICIAL UPON WRITTEN BRIEFS SUBMITTED BY THE PARTIES IN THE SAME MANNER AS PROVIDED IN SECTION 39-21-103 (7) AND (8).

(3) (a) If a taxpayer satisfies the requirements of ~~paragraph (c) of subsection (2)~~ SUBSECTION (2)(c) of this section, the taxpayer may request THAT the executive director ~~of the department of revenue to~~ conduct a hearing on ~~such~~ THE deficiency notice or claim for refund, and ~~such request shall be made and such hearing shall~~ IF REQUESTED, THE HEARING MUST be

conducted in the same manner as set forth in section 39-21-103. ~~C.R.S.~~ Any local government to which the deficiency notice being appealed claims taxes are due, or, in the case of a claim for refund, the local government that denied ~~such~~ THE claim, ~~shall~~ MUST be notified by the executive director that a hearing is scheduled and ~~shall~~ MUST be allowed to participate in the hearing as a party.

(b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(II), if the taxpayer requests a hearing before the executive director, then the local government whose decision is being appealed may not require a bond or payment of tax in lieu thereof.

(II) ~~but such~~ THE local government may require a bond or payment of tax in lieu thereof filed with and payable to the local government in the manner provided in section 39-21-111 ~~C.R.S.~~; prior to the hearing before ~~such~~ THE local government or the executive director if either:

(A) ~~such~~ THE local government reasonably finds that collection of the tax will be jeopardized by delay; or

(B) The taxpayer requests a postponement of the hearing before ~~such~~ THE local government or the executive director, ~~other than on account of~~ UNLESS THE TAXPAYER CAN SHOW THAT THE POSTPONEMENT IS NECESSARY DUE TO a death, physical illness or injury, or catastrophe, which substantially impairs the taxpayer's ability to present ~~his~~ THEIR case.

(III) ~~In the event~~ IF that payment of the tax or posting of a bond is required by the local government PURSUANT TO SUBSECTION (3)(b)(II) OF THIS SECTION, the taxpayer, after payment of the tax or posting of the bond, may appeal ~~such decision of the local government~~ GOVERNMENT'S DECISION REGARDING THE DEFICIENCY NOTICE OR CLAIM FOR REFUND to the executive director and THE EXECUTIVE DIRECTOR shall ~~be granted~~ GRANT an expedited hearing on ~~such~~ THE appeal pursuant to section 39-21-103 (6). ~~C.R.S.~~, and The executive director may affirm, reverse, or modify ~~such~~ THE decision REGARDING THE DEFICIENCY NOTICE OR CLAIM FOR REFUND.

(c) If the taxpayer appeals the decision issued pursuant to this subsection (3) in the manner provided in section 39-21-105, ~~C.R.S.~~, then the taxpayer shall pay the tax to or post a bond with the local government whose decision is being appealed in the manner provided in that section.

(d) Any hearings before the executive director ~~of the department of revenue or his~~ THE EXECUTIVE DIRECTOR'S delegate ~~shall~~ MUST be de novo, without regard to the decision of the local government. ~~The~~ GOVERNMENT AND THE taxpayer ~~shall have~~ HAS the burden of proof. ~~in any such hearings.~~

(4) ~~In the event that~~ IF all parties to a hearing arrive at a settlement prior to the hearing, ~~such~~ THE parties may agree to cancel ~~such~~ THE hearing. AFTER CANCELING THE HEARING, no party ~~shall thereafter have~~ HAS a FURTHER right to a hearing before the executive director on the deficiency notice or claim for refund AND NEITHER PARTY MAY APPEAL THE DECISION IN THE MANNER PROVIDED IN SECTION 39-21-105. ~~By agreement of all parties to the hearing, the hearing may be canceled and the matter may be determined by the executive director upon written briefs submitted by the parties in the same manner as provided in section 39-21-103 (7) and (8),~~ C.R.S.

(5)(a) EXCEPT AS PROVIDED IN SUBSECTION (5)(d) OF THIS SECTION, if the taxpayer asserts that all or part of a sales or use tax which is the subject of the hearing PURSUANT TO THIS PART 3 has been paid to or is due to another local government, then such other local government shall be joined as a party to the hearing. Neither the taxpayer nor the assessing local government needs to file a claim for refund with such other local government in order to pursue the remedy provided by this subsection (5)(a). If the executive director determines that the disputed tax was paid, but to the wrong local government, then the taxpayer shall be relieved of the tax due up to the amount paid by the taxpayer to the wrong local government together with an abatement of interest thereon and all penalties; EXCEPT THAT, THE TAXPAYER IS NOT ENTITLED TO THE AUTOMATIC ABATEMENT OF INTEREST AND PENALTIES DESCRIBED IN THIS SUBSECTION (5)(a) FOR AN ERROR THAT WOULD NOT HAVE OCCURRED IF THE TAXPAYER HAD USED THE GIS DATABASE DESCRIBED IN SECTION 39-26-105.2 TO DETERMINE THE TAX RATE AND THE JURISDICTIONS TO WHICH THE SALES OR USE TAX IS DUE. NOTHING IN THIS SUBSECTION (5)(a) PROHIBITS A LOCAL GOVERNMENT FROM WAIVING INTEREST OR PENALTIES FOR GOOD CAUSE SHOWN.

(b) Notwithstanding section ~~29-2-106 (8)~~ SECTION 29-2-209, the periods open or closed to assessment or refund under the ordinances of the local governments, under sections 39-26-210, 39-21-107 (1), 39-26-125, and 39-26-703, or under an intergovernmental transfer agreement may not

bar any of the remedies set forth in subsections (5)(a) and (6) of this section.

(c) (I) ~~For any taxable event occurring on or after January 1, 2018;~~ If the taxpayer receives a notice from a local government that the taxpayer must pay sales or use tax to that local government for a particular taxable event and the taxpayer fails to comply with the instructions in the notice with respect to the same type of taxable event that occurs more than ninety days after the taxpayer receives the notice, then the taxpayer may not take advantage of the ~~remedy~~ REMEDIES allowed in subsection (5)(a) of this section for that particular type of taxable event identified in the notice that occurs more than ninety days after the taxpayer received the notice, unless the taxpayer receives, or has previously received, a similar notice described in subsection (5)(c)(II) of this section from another local government that provides contrary instructions.

(II) The notice required in subsection (5)(c)(I) of this section must:

(A) Be in writing and be signed by an appropriate local government official;

(B) Be sent by certified or registered mail or be delivered by a nationally recognized courier service that provides a receipt upon delivery;

(C) Instruct the taxpayer to pay sales or use tax on the particular type of taxable event identified in the notice to the local government; and

(D) Include notice that failure to comply with the instructions will result in the taxpayer being denied the ~~remedy~~ REMEDIES allowed in subsection (5)(a) of this section for the particular type of taxable event identified in the notice that occurs more than ninety days after the taxpayer received the notice.

(d) IF ALL PARTIES TO A HEARING DESCRIBED IN THIS SUBSECTION (5) ARRIVE AT SETTLEMENT PRIOR TO THE HEARING, THE PARTIES MAY AGREE IN WRITING TO CANCEL THE HEARING. A LOCAL GOVERNMENT TO WHICH THE TAXPAYER ASSERTS IT PAID THE SALES OR USE TAX IN ERROR MAY PARTICIPATE IN A SETTLEMENT CONFERENCE AND AGREEMENT DESCRIBED IN THIS SUBSECTION (5)(d). AFTER CANCELING THE HEARING, NO PARTY HAS A FURTHER RIGHT TO A HEARING BEFORE THE EXECUTIVE DIRECTOR AND NEITHER PARTY MAY APPEAL THE DECISION IN THE MANNER PROVIDED IN

SECTION 39-21-105.

(6) (a) If the amount paid exceeds the tax found to be due, then the government in receipt of ~~such~~ THE payment shall refund the overpayment to the taxpayer within thirty days of the executive director's decision, together with interest thereon from the date the taxpayer made the payment until the date the overpayment is refunded, unless a timely appeal is taken by ~~such~~ THE government pursuant to subsection (7) of this section. If the amount paid is found to be less than the taxes due, then the taxpayer shall pay the deficiency, less any amount paid in lieu of bond, to the appropriate local government within thirty days of the executive director's decision with interest from the date full payment was due until the date that the deficiency is paid, unless a timely appeal is taken by the taxpayer pursuant to subsection (7) of this section. A local government which is found to have erroneously received payment from the taxpayer shall forward such payment to the appropriate local government within thirty days of the executive director's decision with interest from the date the amount was received from the taxpayer until the date the amount was forwarded to the appropriate local government, unless a timely appeal is taken pursuant to subsection (7) of this section by a local government which is found to have erroneously received payment from the taxpayer. THE EXECUTIVE DIRECTOR MAY AFFIRM, REVERSE, OR MODIFY THE DECISION REGARDING THE DEFICIENCY NOTICE OR CLAIM FOR REFUND.

(b) All interest payable pursuant to this subsection (6) ~~shall~~ MUST be at the same rate ~~which~~ THAT applies to deficiency payments.

(7) Appeals from the final determination of the executive director may be taken in the same manner as provided in and ~~shall be~~ ARE governed by section 39-21-105, ~~C.R.S.~~, by any party bound by the executive director's decision. ~~Any such appeal shall~~ AN APPEAL MUST be heard de novo and ~~shall be~~ heard as provided in section 39-21-105 ~~C.R.S.~~, except as follows:
WITH THE FOLLOWING PROVISIONS:

(a) If the appellant is a local government the taxpayer ~~shall have~~ HAS the burden of proof as to all factual matters, and the appellant ~~shall have~~ HAS the burden with respect to any legal determination of the executive director ~~of the department of revenue which~~ THAT the appellant seeks to reverse;

(b) ~~except that~~ The local government ~~shall always have~~ ALWAYS HAS the burden of proof with respect to the issue of whether the taxpayer has been guilty of fraud with intent to evade tax and with respect to the issue of whether the taxpayer is liable as a transferee of property of another taxpayer;

(c) ~~but not~~ THE LOCAL GOVERNMENT DOES NOT HAVE THE BURDEN OF PROOF to show that the transferor taxpayer was liable for the tax; and

(d) ~~except that~~ The executive director may, at ~~his~~ THE EXECUTIVE DIRECTOR'S request, be a party to ~~any such~~ THE appeal.

(8) (a) If a deficiency notice or claim for refund involves only one local government, in lieu of requesting a hearing pursuant to subsection (3) of this section, the taxpayer may appeal ~~such~~ THE deficiency or denial of a claim for refund to the district court.

(b) The taxpayer shall appeal to the district court pursuant to this subsection (8) within thirty days after the taxpayer's exhaustion of local remedies. For purposes of this subsection (8), "exhaustion of local remedies" means that one of the following events has occurred:

(I) The taxpayer has timely requested in writing a hearing before the local government and ~~such~~ THE local government has held ~~such~~ THE hearing and issued a final decision. ~~thereon. Such~~ THE hearing ~~shall~~ MUST be informal and no transcript, rules of evidence, or filing of briefs ~~shall~~ MAY be required; but the taxpayer may elect to submit a brief, in which case the local government may submit a brief. ~~Such~~ THE hearing, if any, ~~shall~~ MUST be held and any decision thereon issued within one hundred eighty days of the taxpayer's WRITTEN request FOR HEARING ~~in writing therefor~~ or within such further time as the taxpayer and local government may agree upon in writing.

(II) The taxpayer and local government agree in writing that no hearing before the local government will be held or that no final decision will issue from the local government. ~~Such~~ THE written agreement ~~shall~~ MUST state that the taxpayer exhausted local remedies in accordance with this section, ~~shall~~ MUST identify the date of such exhaustion, and ~~shall~~ MUST advise the taxpayer of the right to pursue further review pursuant to subsection (3) of this section or this subsection (8) within thirty days after

~~such~~ THE exhaustion.

(III) One hundred eighty days or more after the date of the taxpayer's request for a hearing, the local government notifies the taxpayer in writing that the local government does not intend to conduct a hearing. In such instance, the written notification ~~shall~~ MUST also state that the taxpayer exhausted local remedies in accordance with this section, that ~~such~~ THE exhaustion occurred on the date of the written notification, and that the taxpayer may pursue further review pursuant to subsection (3) of this section or this subsection (8) within thirty days after ~~such~~ THE exhaustion.

(c) ~~In the event~~ IF the taxpayer has timely requested in writing a hearing before the local government and none of the events described in ~~paragraph (b) of this subsection (8)~~ SUBSECTION (8)(b) OF THIS SECTION have occurred, the taxpayer may appeal such deficiency or denial of a claim for refund to the district court at any time after the period ~~prescribed in subparagraph (I) of paragraph (b) of this subsection (8)~~ SET FORTH IN SUBSECTION (8)(b)(I) OF THIS SECTION.

(d) An appeal pursuant to this subsection (8) must be conducted in the same manner as provided in section 39-21-105; ~~C.R.S.~~ except that venue is in the district court of the county where the local government whose decision is being appealed is located, and any deposit made pursuant to section 39-21-105 (4), (5), or (8)(a)(III), ~~C.R.S.~~, must be made with the local government whose decision is being appealed.

(9) In lieu of electing a hearing pursuant to this section on a notice of deficiency or claim for refund, a taxpayer may pursue judicial review of a local government's final decision thereon as otherwise provided in ~~such local government's ordinance~~ THE LOCAL GOVERNMENT'S ORDINANCE OR RESOLUTION.

(10) ~~As used in this section, "local government" means home rule and statutory cities, towns, cities and counties, and counties.~~

(11) If any local government ~~which collects its own sales or use tax to which the deficiency notice claims taxes are due~~ reasonably finds that the collection of the tax will be jeopardized by delay, it may utilize the procedures set forth in section 39-21-111; ~~C.R.S.~~ however, ~~utilization of such~~ THE USE OF THE procedures ~~shall~~ SET FORTH IN SECTION 39-21-111

MAY not preclude the taxpayer from appealing to the executive director pursuant to subsection (3) of this section.

SECTION 2. In Colorado Revised Statutes, 24-90-110.7, **amend** (3)(f) as follows:

24-90-110.7. Regional library authorities. (3) The general powers of such authority shall include the following powers:

(f) (I) Subject to the provisions of subsection (9) of this section, to levy, in all of the area described in ~~subparagraph (H) of this paragraph (f)~~ SUBSECTION (3)(f)(II) OF THIS SECTION within the boundaries of the authority, a sales or use tax, or both, at a rate not to exceed one percent, upon every transaction or other incident with respect to which a sales or use tax is levied by the state pursuant to the provisions of article 26 of title 39. ~~C.R.S.~~ The tax imposed pursuant to this ~~paragraph (f)~~ SUBSECTION (3)(f) is in addition to any other sales or use tax imposed pursuant to law. The executive director of the department of revenue shall collect, administer, and enforce the sales or use tax, ~~to the extent feasible, in the manner AS provided in section 29-2-106, C.R.S. However, the executive director shall not begin the collection, administration, and enforcement of a sales and use tax until such time as the financial officer of the authority and the executive director have agreed on all necessary matters pursuant to subparagraph (H) of paragraph (f) of subsection (2) of this section. The executive director shall begin the collection, administration, and enforcement of a sales and use tax on a date mutually agreeable to the department of revenue and the authority~~ PART 2 OF ARTICLE 2 OF TITLE 29.

(II) The area in which the sales or use tax authorized by this ~~paragraph (f)~~ SUBSECTION (3)(f) is levied ~~shall~~ MAY not include less than the entire area of any municipality located within the area in which the tax will be levied. The area may also include portions of unincorporated areas located within a county.

(III) ~~The executive director of the department of revenue shall make monthly distributions of the tax collections to~~ The authority ~~which shall apply the proceeds~~ MONTHLY DISTRIBUTIONS RECEIVED FROM THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 29-2-207 solely to the acquisition, construction, financing, operation, or maintenance of public library services within the jurisdiction of the authority.

(IV) The department of revenue shall retain an amount not to exceed the cost of the collection, administration, and enforcement and shall transmit the amount retained to the state treasurer, who shall credit the same amount to the regional library authority sales tax fund, which fund is hereby created in the state treasury. The amounts so retained are hereby appropriated annually from the fund to the department to the extent necessary for the department's collection, administration, and enforcement of the provisions of this section. Any ~~moneys~~ MONEY remaining in the fund attributable to taxes collected in the prior fiscal year shall be transmitted to the authority; except that prior to the transmission to the authority of such ~~moneys~~ MONEY, any ~~moneys~~ MONEY appropriated from the general fund to the department for the collection, administration, and enforcement of the tax for the prior fiscal year shall be repaid.

SECTION 3. In Colorado Revised Statutes, 29-1-204.5, amend (2)(e)(III), (3) introductory portion, and (3)(f.1) as follows:

29-1-204.5. Establishment of multijurisdictional housing authorities. (2) Any contract establishing any such authority shall specify:

(e) The expected sources of revenue of the authority and any requirements that contracting member governments consent to the levying of any taxes or development impact fees within the jurisdiction of such member. If the authority levies any taxes or development impact fees, the contract shall further include requirements that:

(III) The authority shall designate a ~~financial officer~~ LIAISON who shall coordinate with the department of revenue regarding the collection of a sales and use tax ~~authorized pursuant to paragraph (f.1) of subsection (3) of this section~~ PURSUANT TO PART 2 OF ARTICLE 2 OF THIS TITLE 29. This coordination shall include but not be limited to the ~~financial officer~~ LIAISON identifying those businesses eligible to collect the sales and use tax and any other administrative details identified by the department.

(3) The general powers of ~~such~~ THE authority ~~shall~~ include the following: ~~powers~~

(f.1) (I) Subject to the provisions of subsection (7.5) of this section, to levy, in all of the area within the boundaries of the authority, a sales or use tax, or both, at a rate not to exceed one percent, upon every transaction

or other incident with respect to which a sales or use tax is levied by the state, excluding the sale or use of cigarettes. The tax imposed pursuant to this ~~paragraph (f.1)~~ SUBSECTION (3)(f.1) is in addition to any other sales or use tax imposed pursuant to law. The executive director of the department of revenue shall collect, administer, and enforce the sales or use tax, ~~to the extent feasible, in the manner provided in section 29-2-106. However, the executive director shall not begin the collection, administration, and enforcement of a sales and use tax until such time as the financial officer of the authority and the executive director have agreed on all necessary matters pursuant to subparagraph (III) of paragraph (e) of subsection (2) of this section. The executive director shall begin the collection, administration, and enforcement of a sales and use tax on a date mutually agreeable to the department of revenue and the authority.~~ AS SPECIFIED IN PART 2 OF ARTICLE 2 OF THIS TITLE 29.

(II) ~~The executive director shall make monthly distributions of the tax collections to the authority, which~~ THE AUTHORITY shall apply the ~~proceeds~~ MONTHLY TAX COLLECTION DISTRIBUTIONS RECEIVED FROM THE DEPARTMENT OF REVENUE UNDER SECTION 29-2-207 solely to the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management, and operation of housing projects or programs within the means of families of low or moderate income.

(III) The department of revenue shall retain an amount not to exceed the cost of the collection, administration, and enforcement and shall transmit the amount retained to the state treasurer, who shall credit the same amount to the multijurisdictional housing authority sales tax fund, which fund is hereby created in the state treasury. The amounts so retained are hereby appropriated annually from the fund to the department to the extent necessary for the department's collection, administration, and enforcement of the provisions of this section. Any ~~moneys~~ MONEY remaining in the fund attributable to taxes collected in the prior fiscal year shall be transmitted to the authority; except that, prior to the transmission to the authority of such ~~moneys~~ MONEY, any ~~moneys~~ MONEY appropriated from the general fund to the department for the collection, administration, and enforcement of the tax for the prior fiscal year shall be repaid.

SECTION 4. In Colorado Revised Statutes, 29-2-102, **repeal** (2)(a) and (2)(b); and **add** (3) as follows:

29-2-102. Municipal sales or use tax - referendum. (2) (a) ~~No incorporated town or city shall adopt a sales or use tax ordinance pursuant to subsection (1) of this section on or after the date of the adoption of a resolution for a countywide sales tax, use tax, or both by the board of county commissioners of the county in which all or any portion of the town or city is located until after the date of the election on the county proposal.~~

(b) ~~Paragraph (a) of this subsection (2) shall not apply to any incorporated town or city that has been incorporated for less than five years as of the date of adoption of the sales or use tax ordinance.~~

(3) THE APPROVAL PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE RESTRICTIONS ON CONTENTS OF SALES OR USE TAX PROPOSALS SET FORTH IN SECTION 29-2-105, AND THE COLLECTION, ADMINISTRATION, ENFORCEMENT, AND DISTRIBUTION PROCEDURES OF PART 2 OF THIS ARTICLE 2 APPLY TO MUNICIPAL SALES TAXES OR USE TAXES OR BOTH LEVIED PURSUANT TO SUBSECTION (1) OF THIS SECTION.

SECTION 5. In Colorado Revised Statutes, 29-2-103, **amend** (3) as follows:

29-2-103. Countywide sales or use tax - multiple-county municipality excepted. (3) The approval provisions of subsection (1) of this section, the restrictions on contents of sales or use tax proposals set forth in section 29-2-105, and the collection, ADMINISTRATION, ENFORCEMENT, AND DISTRIBUTION procedures of ~~section 29-2-106 shall~~ PART 2 OF THIS ARTICLE 2 apply to county sales or use taxes or both levied pursuant to subsection (2) of this section.

SECTION 6. In Colorado Revised Statutes, 29-2-103.5, **add** (1)(c) as follows:

29-2-103.5. Sales tax for mass transit. (1) (c) THE SALES OR USE TAX ALLOWED PURSUANT TO THIS SUBSECTION (1) SHALL BE COLLECTED, ADMINISTERED, ENFORCED, AND DISTRIBUTED BY THE DEPARTMENT OF REVENUE AS SPECIFIED IN PART 2 OF THIS ARTICLE 2.

SECTION 7. In Colorado Revised Statutes, 29-2-103.7, **amend** (1) as follows:

29-2-103.7. Special taxes for water rights. (1) On and after July 1, 2003, in addition to any sales tax imposed pursuant to section 29-2-103, counties are authorized to levy a county sales tax, use tax, or any combination of such taxes of up to one percent for the purposes of purchasing, adjudicating changes of, leasing, using, banking, and selling water rights that have been adjudicated for use within such county or in a municipality or county that is subject to an intergovernmental agreement concerning such tax pursuant to subsection (2) of this section. THE SALES OR USE TAX ALLOWED UNDER THIS SUBSECTION (1) SHALL BE COLLECTED, ADMINISTERED, AND ENFORCED BY THE DEPARTMENT OF REVENUE AS SPECIFIED IN PART 2 OF THIS ARTICLE 2.

SECTION 8. In Colorado Revised Statutes, 29-2-103.8, **amend** (1) as follows:

29-2-103.8. Sales tax for health-care services. (1) In addition to any sales tax imposed pursuant to section 29-2-103, each county in the state is authorized to levy a county sales tax for the purpose of providing, directly or indirectly, health-care services to residents of the county who are in need of health-care services. THE SALES TAX FOR HEALTH-CARE SERVICES SHALL BE COLLECTED, ADMINISTERED, AND ENFORCED BY THE DEPARTMENT OF REVENUE AS SPECIFIED IN PART 2 OF THIS ARTICLE 2.

SECTION 9. In Colorado Revised Statutes, 29-2-103.9, **amend** (1) as follows:

29-2-103.9. Sales tax for mental health-care services. (1) In addition to any sales tax imposed pursuant to section 29-2-103, each county in this state is authorized to levy a county sales tax of up to one-quarter of one percent for the purpose of providing, directly or indirectly, mental health-care services to residents of the county who are in need of mental health-care services and to family members of such residents. THE SALES TAX FOR MENTAL HEALTH-CARE SERVICES SHALL BE COLLECTED, ADMINISTERED, AND ENFORCED BY THE DEPARTMENT OF REVENUE AS SPECIFIED IN PART 2 OF THIS ARTICLE 2.

SECTION 10. In Colorado Revised Statutes, 29-2-104, **amend** (6); and **repeal** (7) as follows:

29-2-104. Adoption procedures. (6) If approved by a majority of

the registered electors voting thereon, the countywide sales tax, use tax, or both shall become effective as provided by section 29-2-106(2) IN SECTION 29-2-205.

~~(7) If a majority of the registered electors voting thereon fail to approve the countywide sales tax, use tax, or both at any election, the question shall not be submitted again to the registered electors for a period of one year three hundred fifty days.~~

SECTION 11. In Colorado Revised Statutes, **repeal** 29-2-106 as follows:

29-2-106. Collection - administration - enforcement. ~~(1) The collection, administration, and enforcement of any countywide or any city or town sales tax adopted pursuant to this article shall be performed by the executive director of the department of revenue in the same manner as the collection, administration, and enforcement of the Colorado state sales tax. Unless otherwise provided in this article, the provisions of article 26 of title 39, C.R.S., shall govern the collection, administration, and enforcement of sales taxes authorized under this article. In collecting, administering, and enforcing a sales tax authorized under this article, the state sales tax authorized under part 1 of article 26 of title 39, C.R.S., or any other sales tax imposed within the boundaries of a county, the executive director of the department of revenue may enter into an intergovernmental agreement with a county pursuant to the provisions of section 39-26-122.5, C.R.S., to enhance systemic efficiencies in the collection of such taxes.~~

~~(2) The effective date of any countywide sales tax or city or town sales tax adopted under the provisions of this article shall be either January 1 or July 1 following the date of the election in which such county sales tax proposal is approved; and notice of the adoption of any county sales tax proposal shall be submitted by the county clerk and recorder or by the clerk of the city council or board of trustees of a city or town to the executive director of the department of revenue at least forty-five days prior to the effective date of such tax. If such a sales tax proposal is approved at an election held less than forty-five days prior to the January 1 or July 1 following the date of election, such tax shall not be effective until the next succeeding January 1 or July 1.~~

~~(3)(a) The executive director of the department of revenue shall, at~~

~~no charge, except as provided in paragraph (b) of this subsection (3); administer, collect, and distribute any sales tax imposed in conformity with this article. The executive director shall make monthly distributions of sales tax collections to the appropriate official in each county and in each incorporated city or town in the amount determined under the distribution formula established in accordance with this article. Except as provided in section 39-26-208, C.R.S., any use tax imposed pursuant to section 29-2-109 shall be collected, administered, and enforced by the city, town, or county as provided by ordinance or resolution.~~

~~(b) The executive director is hereby authorized to contract and enter into agreements with the county clerk and recorder and municipalities for the collection of state, county, and city or town use taxes upon motor vehicles, and the county clerk and recorder may charge and retain a fee as the director may approve to fully cover the cost of such collection by the county clerk and recorder.~~

~~(c) (I) A qualified purchaser may provide a direct payment permit number issued pursuant to section 39-26-103.5, C.R.S., to any vendor or retailer that is liable and responsible for collecting and remitting any countywide sales tax or city or town sales tax imposed on any sale made to the qualified purchaser pursuant to the provisions of this article. A vendor or retailer that has received in good faith from a qualified purchaser a direct payment permit number shall not be liable or responsible for collection and remittance of any sales tax imposed on such sale that is paid for directly from such qualified purchaser's funds and not the personal funds of any individual.~~

~~(H) A qualified purchaser that provides a direct payment permit number to a vendor or retailer shall be liable and responsible for the amount of sales tax imposed on any sale made to the qualified purchaser pursuant to this article in the same manner as liability would be imposed on a qualified purchaser for state sales tax pursuant to section 39-26-105 (5).~~

~~(4)(a)(I) The executive director of the department of revenue shall, at no charge, administer, collect, and distribute the sales tax of any home rule municipality upon request of the governing body of such municipality:~~

~~(A) If the provisions of the sales tax ordinance of said municipality, other than those provisions relating to local procedures followed in adopting~~

~~the ordinance, correspond to the requirements of this article for sales taxes imposed by counties, towns, and cities;~~

~~(B) If no use tax is to be collected by the department of revenue except as provided in section 39-26-208, C.R.S. and~~

~~(C) Whether or not the ordinance applies the sales tax to the exemptions listed in section 29-2-105 (1)(d)(I).~~

~~(H) When the governing body of any home rule municipality requests the department of revenue to administer, collect, and distribute the sales tax of said municipality as specified in subparagraph (I) of this paragraph (a), said governing body shall certify to the executive director of the department a true copy of the home rule municipality's sales tax ordinance.~~

~~(b) The executive director of the department of revenue shall furnish the governing body of each municipality and county a monthly listing of all returns filed by the retailers in such municipality or county. The governing body of such municipality or county shall notify the executive director of the department of revenue of any retailers omitted from this listing as soon as practicable, but in no event more than one hundred eighty days after receiving said monthly listing. Failure of the governing body of such municipality or county to notify the executive director of the department of revenue of any omitted retailers, within such period, shall preclude the municipality or county from making any further claims based upon such omissions. Neither the executive director of the department of revenue nor any municipality or county shall be held liable for any omissions which have not been called to the executive director's attention within this period.~~

~~(c) (I) Notwithstanding the provisions of section 39-21-113, the executive director of the department of revenue shall report monthly to each municipality and county for which the department of revenue collects a sales tax information identifying licensed vendors within the municipality or county, including the licensing information required by section 39-26-802.9 (3), and, where the chief administrative officer or his designee has executed a memorandum of understanding with the department of revenue providing for control of confidential data, the status of each vendor's account including the amount of such municipality's or county's sales tax collected and paid by each such vendor. The executive director of~~

~~the department may, in his discretion, provide additional information to a municipality or county concerning collection and administration of such municipality's or county's sales tax if such a memorandum has been executed.~~

~~(H) Except in accordance with judicial order or as otherwise provided by law, no official or employee of a municipality or county receiving sales tax information from the department of revenue pursuant to this paragraph (c) shall divulge or make known to any person not an official or employee of such municipality or county any information which identifies or permits the identification of the amount of sales taxes collected or paid by any individual licensed vendor. The municipal or county officials or employees charged with the custody of such sales tax information shall not be required to produce any such information in any action or proceeding in any court except in an action or proceeding under the provisions of this article to which the municipality or county having custody of the information is a party, in which event the court may require the production of, and may admit in evidence, so much of said sales tax information as is pertinent to the action or proceeding. Any municipal or county official or employee who willfully violates any of the provisions of this paragraph (c) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars and shall be dismissed from office.~~

~~(5) The executive director of the department of revenue may promulgate rules and regulations to carry out the provisions of this article.~~

~~(6) The executive director of the department of revenue may, in the executive director's discretion, exchange information with the proper official of any home rule city that imposes a sales and use tax relative to gross sales reported, changes in gross sales resulting from audits, and other information concerning licensed vendors making retail sales within the jurisdiction of the home rule city, including the licensing information required by section 39-26-802.9 (3).~~

~~(7) For the purpose of the administration by the state of the provisions of this article, as well as any other state or federal program, each county, home rule county, statutory town or city, home rule town or city, city and county, or territorial charter town or city shall file, pursuant to section 29-2-110, with the executive director of the department of revenue~~

~~a copy of each sales or use tax ordinance or resolution, or any amendment thereto, no later than ten days after the effective date thereof. A copy of any sales or use tax ordinance or resolution in effect on March 11, 1982, shall be filed no later than July 1, 1982. The failure to file a copy of any such ordinance or resolution shall not give rise to any claim for refund by any taxpayer, other than for overpayment which is determined to be allowable under such ordinance or resolution.~~

~~(8) Uniform collection procedures. Each home rule city, town, and city and county shall follow, and conform its ordinances where necessary to, the statute of limitations applicable to the enforcement of state sales and use tax collections, the statute of limitations applicable to refunds of state sales and use taxes, the amount of penalties and interest payable on delinquent remittances of state sales and use taxes, and the posting of bonds pursuant to section 39-21-105, C.R.S.~~

~~(9) **Standard sales and use tax reporting form.** (a) The executive director of the department of revenue shall adopt, by regulation, a standard municipal sales and use tax reporting form. Such form shall be separate from the state form and shall be the only sales and use tax reporting form required to be used by any person collecting the sales or use tax of any home rule city, town, or city and county which collects its own sales or use tax.~~

~~(b) Such form shall be designed so as to permit reporting of variations in base, rate, and vendor's fee, and shall contain adequate location coding and use tax remittance items. Prior to the adoption of and any revision to the form, each home rule city, town, and city and county which collects its own sales tax shall be given the opportunity to comment on the proposed form or revision to the form.~~

~~(c) Such standard form and any subsequent revisions shall be used by each home rule city, town, and city and county which collects its own sales tax by the first full month commencing one hundred twenty days after the effective date of the regulation adopting or revising the standard form.~~

~~(d) (i) In addition to the standard municipal sales and use tax form set forth in paragraph (a) of this subsection (9), on or before December 1, 1994, the executive director of the department of revenue shall cooperate with and assist local governments in the development of a common local~~

~~sales and use tax form. For purposes of this paragraph (d), "local government" means a city, home rule city, town, city and county, or other political subdivision of the state which collects its own sales or use tax.~~

~~(H) The common local sales and use tax form shall:~~

~~(A) Allow a person collecting the sales and use tax of any local government to report all sales and use taxes collected for a local government on the common local sales and use tax reporting form;~~

~~(B) Be accepted by all local governments; and~~

~~(C) Be made available at all state and local sales and use tax reporting locations.~~

~~(H) The executive director of the department of revenue shall cooperate with and assist local governments in the development of a uniform local government sales and use tax license application form. Any uniform local government sales and use tax license application form developed shall be made available at all state and local sales and use tax reporting locations.~~

~~(IV) The provisions of paragraph (a) of this subsection (9) notwithstanding, in addition to the standard sales and use tax form set forth in paragraph (a) of this subsection (9), the common local sales and use tax form developed pursuant to this paragraph (d) may be used by a person collecting the sales or use tax of any city, home rule city, town, city and county, or other political subdivision of the state which collects its own sales or use tax.~~

~~(10) **Delayed distributions.** (a) If any sales tax to be distributed pursuant to this section is not distributed within sixty days after the processing date, interest shall be added to the undistributed amount from the sixtieth day after the processing date until the date such sales tax is distributed. The rate of said interest shall be equal to the average rate, rounded to one-thousandth of a percent, being earned by the investment of moneys in the state treasury for the same period.~~

~~(b) The provisions of this subsection (10) shall apply only to sales tax collected by the department of revenue with a processing date occurring~~

on or after January 1, 2001. The provisions of this subsection (10) shall not apply in the event that the distribution of sales tax was delayed as a result of unforeseen circumstances or caused primarily by an entity other than the department of revenue. Such determination shall be made in good faith by the department.

SECTION 12. In Colorado Revised Statutes, **repeal** 29-2-106.1 as follows:

29-2-106.1. Deficiency notice - dispute resolution. ~~(1) The general assembly hereby finds, determines, and declares that the enforcement of sales and use taxes can affect persons and entities across the jurisdictional boundaries of taxing jurisdictions and that dispute resolution is a matter of statewide concern for which the procedures set forth in this section shall be applied uniformly throughout the state.~~

~~(2) (a) When a local government asserts that sales or use taxes are due in an amount greater than the amount paid by a taxpayer, such local government shall mail a deficiency notice to the taxpayer by certified mail. The deficiency notice shall state the additional local sales and use taxes due. The deficiency notice shall contain notification, in clear and conspicuous type, of the time limit to file a protest to the notice and that the taxpayer has the right to elect a hearing on the deficiency pursuant to subsection (3) of this section. Any protest to the deficiency notice shall be filed with the local government within thirty days after the date of the notice.~~

~~(b) The taxpayer shall also have the right to elect a hearing pursuant to subsection (3) of this section on a local government's denial of such taxpayer's claim for a refund of sales or use tax paid.~~

~~(c) The taxpayer shall request the hearing pursuant to subsection (3) of this section within thirty days after the taxpayer's exhaustion of local remedies. For purposes of this paragraph (c), "exhaustion of local remedies" means that one of the following events has occurred:~~

~~(i) The taxpayer has timely requested in writing a hearing before the local government, and such local government has held such hearing and issued a final decision thereon. Such hearing, if any, shall be held and any decision thereon issued within one hundred eighty days after the taxpayer's request in writing therefor or within such further time as the taxpayer and~~

local government may agree upon in writing:

~~(H) The taxpayer and local government agree in writing that no hearing before the local government will be held, or that no final decision will issue from the local government. Such written agreement shall state that the taxpayer exhausted local remedies in accordance with this section, shall identify the date of such exhaustion, and shall advise the taxpayer of the right to pursue further review pursuant to subsection (3) or (8) of this section within thirty days after such exhaustion.~~

~~(HH) One hundred eighty days or more after the date of the taxpayer's request for a hearing, the local government notifies the taxpayer in writing that the local government does not intend to conduct a hearing. In such instance, the written notification shall also state that the taxpayer exhausted local remedies in accordance with this section, that such exhaustion occurred on the date of the written notification, and that the taxpayer may pursue further review pursuant to subsection (3) or (8) of this section within thirty days after such exhaustion.~~

~~(d) In the event the taxpayer has timely requested in writing a hearing before the local government and none of the events described in paragraph (c) of this subsection (2) have occurred, the taxpayer may request a hearing pursuant to subsection (3) of this section at any time after the period prescribed in subparagraph (I) of paragraph (c) of this subsection (2).~~

~~(e) Any hearing before a local government shall be informal and no transcript, rules of evidence, or filing of briefs shall be required; but the taxpayer may elect to submit a brief, in which case the local government may submit a brief.~~

~~(3) (a) If a taxpayer satisfies the requirements of paragraph (c) of subsection (2) of this section, the taxpayer may request the executive director of the department of revenue to conduct a hearing on such deficiency notice or claim for refund, and such request shall be made and such hearing shall be conducted in the same manner as set forth in section 39-21-103, C.R.S. Any local government to which the deficiency notice being appealed claims taxes are due, or, in the case of a claim for refund, the local government that denied such claim, shall be notified by the executive director that a hearing is scheduled and shall be allowed to participate in the hearing as a party.~~

~~(b) If the taxpayer requests a hearing before the executive director, then the local government whose decision is being appealed may not require a bond or payment of tax in lieu thereof; but such local government may require a bond or payment of tax in lieu thereof filed with and payable to the local government in the manner provided in section 39-21-111, C.R.S., prior to the hearing before such local government or the executive director if either such local government reasonably finds that collection of the tax will be jeopardized by delay or the taxpayer requests a postponement of the hearing before such local government or the executive director, other than on account of a death, physical illness or injury, or catastrophe, which substantially impairs the taxpayer's ability to present his case. In the event that payment of the tax or posting of a bond is required by the local government, the taxpayer, after payment of the tax or posting of the bond, may appeal such decision of the local government to the executive director and shall be granted an expedited hearing on such appeal pursuant to section 39-21-103 (6), C.R.S., and the executive director may affirm, reverse, or modify such decision.~~

~~(c) If the taxpayer appeals the decision issued pursuant to this subsection (3) in the manner provided in section 39-21-105, C.R.S., then the taxpayer shall pay the tax to or post a bond with the local government whose decision is being appealed in the manner provided in that section.~~

~~(d) Any hearings before the executive director of the department of revenue or his delegate shall be de novo, without regard to the decision of the local government. The taxpayer shall have the burden of proof in any such hearings.~~

~~(4) In the event that all parties to a hearing arrive at a settlement prior to the hearing, such parties may agree to cancel such hearing. No party shall thereafter have a right to a hearing before the executive director on the deficiency notice or claim for refund. By agreement of all parties to the hearing, the hearing may be canceled and the matter may be determined by the executive director upon written briefs submitted by the parties in the same manner as provided in section 39-21-103 (7) and (8), C.R.S.~~

~~(5) (a) If the taxpayer asserts that all or part of a sales or use tax which is the subject of the hearing has been paid to or is due to another local government, then such other local government shall be joined as a party to the hearing. Neither the taxpayer nor the assessing local~~

~~government needs to file a claim for refund with such other local government in order to pursue the remedy provided by this subsection (5)(a). If the executive director determines that the disputed tax was paid, but to the wrong local government, then the taxpayer shall be relieved of the tax due up to the amount paid by the taxpayer to the wrong local government together with an abatement of interest thereon and all penalties.~~

~~(b) Notwithstanding section 29-2-106(8), the periods open or closed to assessment or refund under the ordinances of the local governments, under sections 39-26-210, 39-21-107 (1), 39-26-125, and 39-26-703, or under an intergovernmental transfer agreement may not bar any of the remedies set forth in subsections (5)(a) and (6) of this section.~~

~~(c) (I) For any taxable event occurring on or after January 1, 2018, if the taxpayer receives a notice from a local government that the taxpayer must pay sales or use tax to that local government for a particular taxable event and the taxpayer fails to comply with the instructions in the notice with respect to the same type of taxable event that occurs more than ninety days after the taxpayer receives the notice, then the taxpayer may not take advantage of the remedy allowed in subsection (5)(a) of this section for that particular type of taxable event identified in the notice that occurs more than ninety days after the taxpayer received the notice, unless the taxpayer receives, or has previously received, a similar notice described in subsection (5)(c)(II) of this section from another local government that provides contrary instructions.~~

~~(H) The notice required in subsection (5)(c)(I) of this section must:~~

~~(A) Be in writing and be signed by an appropriate local government official;~~

~~(B) Be sent by certified or registered mail or be delivered by a nationally recognized courier service that provides a receipt upon delivery;~~

~~(C) Instruct the taxpayer to pay sales or use tax on the particular type of taxable event identified in the notice to the local government, and~~

~~(D) Include notice that failure to comply with the instructions will result in the taxpayer being denied the remedy allowed in subsection (5)(a) of this section for the particular type of taxable event identified in the notice~~

that occurs more than ninety days after the taxpayer received the notice:

~~(6) If the amount paid exceeds the tax found to be due, then the government in receipt of such payment shall refund the overpayment to the taxpayer within thirty days of the executive director's decision, together with interest thereon from the date the taxpayer made the payment until the date the overpayment is refunded, unless a timely appeal is taken by such government pursuant to subsection (7) of this section. If the amount paid is found to be less than the taxes due, then the taxpayer shall pay the deficiency, less any amount paid in lieu of bond, to the appropriate local government within thirty days of the executive director's decision with interest from the date full payment was due until the date that the deficiency is paid, unless a timely appeal is taken by the taxpayer pursuant to subsection (7) of this section. A local government which is found to have erroneously received payment from the taxpayer shall forward such payment to the appropriate local government within thirty days of the executive director's decision with interest from the date the amount was received from the taxpayer until the date the amount was forwarded to the appropriate local government, unless a timely appeal is taken pursuant to subsection (7) of this section by a local government which is found to have erroneously received payment from the taxpayer. All interest payable pursuant to this subsection (6) shall be at the same rate which applies to deficiency payments.~~

~~(7) Appeals from the final determination of the executive director may be taken in the same manner as provided in and shall be governed by section 39-21-105, C.R.S., by any party bound by the executive director's decision. Any such appeal shall be heard de novo and shall be heard as provided in section 39-21-105, C.R.S., except as follows: If the appellant is a local government, the taxpayer shall have the burden of proof as to all factual matters, and the appellant shall have the burden with respect to any legal determination of the executive director of the department of revenue which the appellant seeks to reverse; except that the local government shall always have the burden of proof with respect to the issue of whether the taxpayer has been guilty of fraud with intent to evade tax and with respect to the issue of whether the taxpayer is liable as a transferee of property of another taxpayer, but not to show that the transferor taxpayer was liable for the tax; and except that the executive director may, at his request, be a party to any such appeal.~~

~~(8) (a) If a deficiency notice or claim for refund involves only one local government, in lieu of requesting a hearing pursuant to subsection (3) of this section, the taxpayer may appeal such deficiency or denial of a claim for refund to the district court.~~

~~(b) The taxpayer shall appeal to the district court pursuant to this subsection (8) within thirty days after the taxpayer's exhaustion of local remedies. For purposes of this subsection (8), "exhaustion of local remedies" means that one of the following events has occurred:~~

~~(i) The taxpayer has timely requested in writing a hearing before the local government, and such local government has held such hearing and issued a final decision thereon. Such hearing shall be informal and no transcript, rules of evidence, or filing of briefs shall be required; but the taxpayer may elect to submit a brief, in which case the local government may submit a brief. Such hearing, if any, shall be held and any decision thereon issued within one hundred eighty days of the taxpayer's request in writing therefor or within such further time as the taxpayer and local government may agree upon in writing.~~

~~(ii) The taxpayer and local government agree in writing that no hearing before the local government will be held or that no final decision will issue from the local government. Such written agreement shall state that the taxpayer exhausted local remedies in accordance with this section, shall identify the date of such exhaustion, and shall advise the taxpayer of the right to pursue further review pursuant to subsection (3) of this section or this subsection (8) within thirty days after such exhaustion.~~

~~(iii) One hundred eighty days or more after the date of the taxpayer's request for a hearing, the local government notifies the taxpayer in writing that the local government does not intend to conduct a hearing. In such instance, the written notification shall also state that the taxpayer exhausted local remedies in accordance with this section, that such exhaustion occurred on the date of the written notification, and that the taxpayer may pursue further review pursuant to subsection (3) of this section or this subsection (8) within thirty days after such exhaustion.~~

~~(c) In the event the taxpayer has timely requested in writing a hearing before the local government and none of the events described in paragraph (b) of this subsection (8) have occurred, the taxpayer may appeal~~

~~such deficiency or denial of a claim for refund to the district court at any time after the period prescribed in subparagraph (f) of paragraph (b) of this subsection (8):~~

~~(d) An appeal pursuant to this subsection (8) must be conducted in the same manner as provided in section 39-21-105, C.R.S.; except that venue is in the district court of the county where the local government whose decision is being appealed is located, and any deposit made pursuant to section 39-21-105 (4), (5), or (8)(a)(III), C.R.S., must be made with the local government whose decision is being appealed.~~

~~(9) In lieu of electing a hearing pursuant to this section on a notice of deficiency or claim for refund, a taxpayer may pursue judicial review of a local government's final decision thereon as otherwise provided in such local government's ordinance.~~

~~(10) As used in this section, "local government" means home rule and statutory cities, towns, cities and counties, and counties.~~

~~(11) If any local government which collects its own sales or use tax to which the deficiency notice claims taxes are due reasonably finds that the collection of the tax will be jeopardized by delay, it may utilize the procedures set forth in section 39-21-111, C.R.S.; however, utilization of such procedures shall not preclude the taxpayer from appealing to the executive director pursuant to subsection (3) of this section.~~

SECTION 13. In Colorado Revised Statutes, repeal 29-2-106.2 as follows:

29-2-106.2. Location guides - precinct locators. ~~(1) Each home rule city, town, and city and county collecting its own sales or use tax shall make available to any requesting vendor a map or other location guide showing the boundaries of the municipality. The requesting vendor may rely on the map or other location guide and any update thereof available to the vendor in determining whether to collect a sales or use tax, or both, of the municipality. No penalty shall be imposed or action for deficiency maintained if the requesting vendor in good faith complies with the most recent map or other location guide available to it.~~

~~(2) (a) As used in this subsection (2), unless the context otherwise~~

requires:

~~(I) "Local taxing entity" means a home rule or statutory municipality, county, city and county, or any other local governmental entity that imposes a sales or use tax.~~

~~(II) "Precinct locator" means the record regularly maintained by a county clerk and recorder and used to determine within which jurisdiction or jurisdictions an address is located for voting purposes and, for determining the location of commercial or industrial addresses, shall include the record regularly maintained by the county clerk and recorder and used to determine within which jurisdiction or jurisdictions an address is located for the purpose of properly remitting sales or use tax on motor vehicles.~~

~~(b) Any public utility may rely upon the precinct locator maintained by the county clerk and recorder for the county or counties in which a local taxing entity is located in determining whether to collect a sales or use tax, or both, of the local taxing entity.~~

~~(c) No penalty shall be imposed upon, interest charged to, or action for deficiency maintained against a public utility in connection with the collection of a sales or use tax, or both, by the public utility if, in determining whether to collect the tax, the public utility relied in good faith upon the most recently updated version of a precinct locator in existence at the time of the taxable transaction. The provisions of this paragraph (c) shall not apply to the extent that the local entity has informed the public utility in writing prior to a taxable transaction that the most recently updated version of the precinct locator is inaccurate and, in such writing, provides the public utility with a corrected copy of the precinct locator information.~~

SECTION 14. In Colorado Revised Statutes, **repeal** 29-2-110 as follows:

29-2-110. Filing with executive director - when deemed to have been made. ~~(1) Any report, claim, tax return, statement, or other document required or authorized under this article to be filed with or any payment made to the executive director of the department of revenue which:~~

~~(a) Is transmitted through the United States mails shall be deemed filed with and received by the executive director on the date shown by the~~

~~cancellation mark stamped on the envelope or other wrapper containing the document required to be filed;~~

~~(b) Is mailed but not received by the executive director, or is received and the cancellation mark is not legible or is erroneous or omitted; shall be deemed to have been filed and received on the date it was mailed if the sender establishes by competent evidence that the document was deposited in the United States mails on or before the date due for filing. In such cases of nonreceipt of a document by the executive director, the sender shall file a duplicate copy thereof within thirty days after written notification is given to the sender by the executive director of the failure to receive such document.~~

~~(2) If any report, claim, tax return, statement, remittance, or other document is sent by United States registered mail, certified mail, or certificate of mailing, a record authenticated by the United States postal service of such registration, certification, or certificate shall be considered competent evidence that the report, claim, tax return, statement, remittance, or other document was mailed to the executive director, to the state officer or state agency to which it was addressed, and the date of the registration, certification, or certificate shall be deemed to be the postmark date.~~

~~(3) If the date for filing any report, claim, tax return, statement, remittance, or other document falls upon a Saturday, Sunday, or legal holiday, it shall be deemed to have been timely filed if filed on the next business day.~~

SECTION 15. In Colorado Revised Statutes, 29-2-114, amend (3) as follows:

29-2-114. Retail marijuana excise tax - county - municipality - election - repeal. (3) Any excise tax imposed by a county or municipality pursuant to this section shall not be collected, administered, or enforced by the department of revenue PURSUANT TO PART 2 OF THIS ARTICLE 2, but shall instead be collected, administered, and enforced by the county or municipality imposing the tax.

SECTION 16. In Colorado Revised Statutes, 29-2-115, amend (6)(a) as follows:

29-2-115. Retail marijuana sales tax - county - municipality - election - legislative declaration - definition. (6) (a) ~~Notwithstanding this article 2;~~ Any retail marijuana special sales tax imposed by a county or municipality pursuant to this section shall not be collected, administered, or enforced by the department of revenue PURSUANT TO PART 2 OF THIS ARTICLE 2, but shall instead be collected, administered, and enforced by the county or municipality imposing the special sales tax.

SECTION 17. In Colorado Revised Statutes, 29-11-102.5, amend (3)(e) as follows:

29-11-102.5. Imposition of charge on prepaid wireless - rules - prepaid wireless trust cash fund - rules - definitions - repeal. (3) (e) (I) Remittances of prepaid wireless 911 charges received by the department are collections for the local governing body, not general revenues of the state, and shall be held in trust in the prepaid wireless trust cash fund, which is hereby created. Except as provided in subsection (3)(e)(II) of this section, the department shall transmit the money in the fund to each governing body within sixty days after the department receives the money in accordance with ~~section 29-2-106~~ PART 2 OF ARTICLE 2 OF THIS TITLE 29 for use by such governing body for the purposes permitted under section 29-11-104.

(II) The department may expend an amount, not to exceed three percent of the collected charges in the prepaid wireless trust cash fund, necessary to reimburse the department for its direct costs of administering the collection and remittance of prepaid wireless 911 charges. ~~except that the department may expend up to an additional nineteen thousand dollars in the 2020-21 fiscal year to cover the costs of implementing House Bill 20-1293, enacted in 2020;~~

(III) The commission shall establish a formula for distribution of revenues to governing bodies from the prepaid wireless 911 charge based upon the governing authority's portion of the total 911 wireless call volume. The commission, or its designee, shall transmit the formula for distribution to the department by ~~October 1 of each year, to take effect on the following January 1~~ AS SPECIFIED IN SECTION 29-2-205. The commission may promulgate rules to implement this subsection (3)(e)(III).

SECTION 18. In Colorado Revised Statutes, 29-25-112, amend

(1)(b)(I) and (3); and **repeal** (2) as follows:

29-25-112. Power to levy tax. (1) (b) (I) The marketing and promotion tax shall be collected, administered, and enforced ~~to the extent feasible, pursuant to section 29-2-106.~~ AS SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE 29.

~~(2) Prior to July 1, 2014, any person or entity providing rooms or accommodations as included in the definition of "sale" referred to in paragraph (a) of subsection (1) of this section shall be liable and responsible for the payment of an amount equivalent to a percentage rate set by the board of all such sales made and shall quarterly, unless otherwise provided by law, make a return to the executive director of the department of revenue for the preceding tax-reporting period and remit an amount equivalent to such percentage rate on such sales to said executive director.~~

~~(3) Beginning July 1, 2014, Any person or entity providing rooms or accommodations as included in the definition of "sale" referred to in paragraph (a) of subsection (1) SUBSECTION (1)(a) of this section shall be liable and responsible for the payment of an amount equivalent to a percentage rate set by the board of all such sales made and shall make a return to the executive director of the department of revenue for the preceding tax-reporting period and remit an amount equivalent to such percentage rate on such sales to said executive director with the same filing frequency as the person or entity remits and files sales tax pursuant to section 39-26-105, C.R.S. AS SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE 29.~~

SECTION 19. In Colorado Revised Statutes, 30-11-107.5, **amend** (2)(a) and (3)(f)(I) as follows:

30-11-107.5. Lodging tax. (2) (a) The county lodging tax shall be collected, administered, and ~~enforced, to the extent feasible, pursuant to section 29-2-106, C.R.S.~~ ENFORCED AS SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE 29.

(3) (f) (I) If a proposal for a county lodging tax under subsection (3)(a) of this section is approved by a majority of the registered electors from the municipality or unincorporated area subject to the lodging tax voting thereon, the county lodging tax becomes effective as provided in ~~section 29-2-106 (2)~~ PART 2 OF ARTICLE 2 OF TITLE 29. If a proposal to

expand the allowable uses under subsection (3)(a.5) of this section is approved by a majority of the registered electors from the municipality or unincorporated area voting thereon, the county may also use the lodging tax revenue for any of the additional approved uses as specified in subsection (1.5) of this section.

SECTION 20. In Colorado Revised Statutes, 30-11-107.7, **amend** (2)(c)(I) as follows:

30-11-107.7. County rental tax on the rental of personal property - procedures - apportionment. (2) (c) (I) Any rental tax levied pursuant to the provisions of this section shall be collected, administered, and enforced ~~to the extent feasible, pursuant to section 29-2-106, C.R.S.~~ AS SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE 29.

SECTION 21. In Colorado Revised Statutes, 30-11-107.9, **amend** (2) and (4)(a) as follows:

30-11-107.9. County tax for public safety improvements - definitions. (2) In accordance with the procedures set forth in this section, the board of county commissioners of each county may levy a sales tax for public safety improvements of not more than two percent on the sale of tangible personal property of retail and services taxable in such county pursuant to the provisions of section 39-26-104. ~~C.R.S.~~ All net revenues collected by a county after the payment of the costs of collection, administration, and enforcement to the department of revenue in accordance with subsection (4) of this section shall be used exclusively for public safety improvements.

(4) (a) The county public safety improvements tax shall be collected, administered, and enforced ~~to the extent feasible, pursuant to section 29-2-106, C.R.S.~~ AS SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE 29.

SECTION 22. In Colorado Revised Statutes, 30-20-604.5, **amend** (2)(a) and (4)(e)(I); and **repeal** (2)(a.5) as follows:

30-20-604.5. District sales tax. (2) (a) The tax shall be collected, administered, and enforced ~~to the extent feasible, pursuant to section 29-2-106, C.R.S.~~ AS SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE 29. The department of revenue shall retain an amount not to exceed the net

incremental cost of such collection, administration, and enforcement and shall transmit such amount to the state treasurer, who shall credit the same to the districtwide sales tax fund, which fund is hereby created; except that in no event shall:

(I) Any district formed prior to or on July 1, 1993, pay in any given fiscal year commencing on or after July 1, 1994, more than an amount equal to the amount paid by the district in the 1993-94 fiscal year; as adjusted in accordance with changes in the ~~consumer price index for the Denver-Boulder consolidated metropolitan statistical area~~ DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX;

(II) Any district formed after July 1, 1993, pay in any given fiscal year commencing after the first full fiscal year of operation more than an amount equal to the amount paid by the district in the first full fiscal year of operation, as adjusted in accordance with changes in the ~~consumer price index for the Denver-Boulder consolidated metropolitan statistical area~~ DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX.

~~(a.5) (I) A qualified purchaser may provide a direct payment permit number issued pursuant to section 39-26-103.5, C.R.S., to any vendor or retailer that is liable and responsible for collecting and remitting any district sales tax imposed on any sale made to the qualified purchaser pursuant to the provisions of this section. A vendor or retailer who has received in good faith from a qualified purchaser a direct payment permit number shall not be liable or responsible for collection and remittance of any sales tax imposed on such sale that is paid for directly from such qualified purchaser's funds and not the personal funds of any individual.~~

~~(II) A qualified purchaser that provides a direct payment permit number to a vendor or retailer shall be liable and responsible for the amount of sales tax imposed on any sale made to the qualified purchaser pursuant to this section in the same manner as liability would be imposed on a qualified purchaser for state sales tax pursuant to section 39-26-105 (5).~~

~~(4) (e) (I) (A) Except as provided in sub-subparagraph (B) of this~~

~~subparagraph (I); If approved by a majority of the registered electors voting thereon, the sales tax shall become effective as provided in section 29-2-106 (2), C.R.S. PART 2 OF ARTICLE 2 OF TITLE 29.~~

~~(B) In a district formed prior to December 31, 2002, by a city that has been authorized to become a city and county pursuant to an amendment to the state constitution that has been approved by the registered electors of the state of Colorado, if the proposal is approved by a majority of the electors of the district voting thereon, the sales tax shall become effective as provided in section 29-2-106 (2), C.R.S.~~

SECTION 23. In Colorado Revised Statutes, 30-26-301, **amend** (1) as follows:

30-26-301. Creation of debt for buildings, roads - election - definitions. (1) When the board of county commissioners of any county deems it necessary to create an indebtedness for the purpose of erecting necessary public buildings, making or repairing public roads or bridges, developing, maintaining, and operating mass transportation systems, acquiring or building or acquiring and building airports and landing strips including the necessary land therefor and approaches thereto, by an order entered of record specifying the amount required and the object for which such debt is created, they shall submit the question to a vote at a general or special election. The general or special election provided for under this part 3 may be combined with the election on a proposal for a countywide sales tax, use tax, or both, provided for in ~~article 2 of title 29, C.R.S. PART 1 OF ARTICLE 2 OF TITLE 29.~~ The board shall cause to be posted a notice of such order, which states, among other things, the maximum net effective interest rate at which such bonds may be issued, in some conspicuous place in each voting precinct in the county, for at least thirty days preceding the election, and all persons voting on that question shall vote by separate ballot whereon are placed the words "for county indebtedness" or "against county indebtedness", such ballots to be deposited in a box provided by the board of county commissioners for that purpose.

SECTION 24. In Colorado Revised Statutes, 32-1-1003.5, **amend** (5) introductory portion and (5)(c) as follows:

32-1-1003.5. Health assurance districts - additional powers - legislative declaration - definitions. (5) Any health assurance district that

is created pursuant to this ~~article~~ ARTICLE 1 shall have the power, upon approval by the eligible electors of the district, to levy and collect a uniform sales tax throughout the entire geographic area of the district upon every transaction or other incident with respect to which a sales tax is levied by the state pursuant to the provisions of article 26 of title 39, ~~C.R.S.~~, excluding the sale of cigarettes, subject to the following provisions:

(c) Any sales tax authorized pursuant to this subsection (5) shall be ~~levied and~~ collected, ADMINISTERED, AND ENFORCED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE as provided in ~~section 32-19-112~~ PART 2 OF ARTICLE 2 OF TITLE 29.

SECTION 25. In Colorado Revised Statutes, 32-1-1106, **amend** (2) as follows:

32-1-1106. Special financial provisions - metropolitan districts that provide fire protection, street improvement, safety protection, or transportation services. (2) (a) The collection, administration, and enforcement of any sales tax levied by a metropolitan district pursuant to subsection (1) of this section shall be performed by the executive director of the department of revenue ~~in the same manner as that for the collection, administration, and enforcement of the state sales tax levied pursuant to article 26 of title 39, C.R.S., including, without limitation, the retention by a vendor of the percentage of the amount remitted to cover the vendor's expense in the collection and remittance of the sales tax as provided in section 39-26-105, C.R.S.~~ The executive director shall make monthly distributions of sales tax collections to the district PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29. The district shall pay the net incremental cost incurred by the department in the administration and collection of the sales tax.

(b) ~~(f) A qualified purchaser may provide a direct payment permit number issued pursuant to section 39-26-103.5, C.R.S., to a vendor or retailer that is liable and responsible for collecting and remitting any sales tax levied on a sale made to the qualified purchaser pursuant to the provisions of this article. A vendor or retailer that has received a direct payment permit number in good faith from a qualified purchaser shall not be liable or responsible for collection and remittance of any sales tax levied on a sale that is paid for directly from the qualified purchaser's funds and not the personal funds of an individual.~~

~~(H) A qualified purchaser that provides a direct payment permit number to a vendor or retailer shall be liable and responsible for the amount of sales tax levied on a sale made to the qualified purchaser pursuant to the provisions of this article in the same manner as liability would be levied on a qualified purchaser for state sales tax pursuant to section 39-26-105 (3); C.R.S.~~

SECTION 26. In Colorado Revised Statutes, 32-9-119, amend (2)(c) as follows:

32-9-119. Additional powers of district. (2) (c) Sales tax levied pursuant to this subsection (2) shall be collected, administered, and enforced as follows: SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE 29.

~~(I) The collection, administration, and enforcement of said sales tax shall be performed by the executive director of the department of revenue in the same manner as the collection, administration, and enforcement of the state sales tax imposed under article 26 of title 39, C.R.S., including, without limitation, the retention by a vendor of the percentage of the amount remitted to cover the vendor's expense in the collection and remittance of said tax as provided in section 39-26-105, C.R.S.~~

~~(I.5) (A) A qualified purchaser may provide a direct payment permit number issued pursuant to section 39-26-103.5, C.R.S., to any vendor or retailer that is liable and responsible for collecting and remitting any sales tax levied on any sale made to the qualified purchaser pursuant to this subsection (2). A vendor or retailer that has received in good faith from a qualified purchaser a direct payment permit number shall not be liable or responsible for collection and remittance of any sales tax imposed on such sale that is paid for directly from such qualified purchaser's funds and not the personal funds of any individual.~~

~~(B) A qualified purchaser that provides a direct payment permit number to a vendor or retailer shall be liable and responsible for the amount of sales tax levied on any sale made to the qualified purchaser pursuant to this subsection (2) in the same manner as liability would be imposed on a qualified purchaser for state sales tax pursuant to section 39-26-105 (5).~~

~~(H) The executive director of the department of revenue shall administer, collect, and distribute any sales tax imposed in conformity with~~

~~this article. The executive director of the department of revenue shall make monthly distributions of such sales tax collections to the district. The department of revenue shall retain an amount not to exceed the net incremental cost of such administration, collection, and distribution and shall transmit such amount to the state treasurer, who shall credit the same to the general fund; except that the amount retained by the department of revenue in any given fiscal year commencing on or after July 1, 1994, shall not exceed the amount retained by the department in the 1993-94 fiscal year, as adjusted in accordance with changes in the consumer price index for the Denver-Boulder consolidated metropolitan statistical area. The cost of such administration, collection, and distribution shall be the audited net incremental cost thereof reduced by the amount of interest earned on such sales tax collections prior to distribution to the district.~~

SECTION 27. In Colorado Revised Statutes, 32-13-107, amend (2) as follows:

32-13-107. Sales or use tax imposed - collection - administration of tax - use - definitions. (2) The collection, administration, and enforcement of said sales and use tax shall be performed by the executive director of the department of revenue ~~in the same manner as that for the collection, administration, and enforcement of the state sales and use tax imposed under article 26 of title 39, C.R.S., including, without limitation, the retention by a vendor of the percentage of the amount remitted to cover the vendor's expense in the collection and remittance of said tax as provided in section 39-26-105, C.R.S.~~ The executive director shall make monthly distributions of such sales and use tax collections to the district PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29. The district shall pay the net incremental cost incurred by the department of revenue in the administration and collection of such sales and use taxes; except that in no event shall the district pay in any given fiscal year commencing on or after July 1, 1994, more than an amount equal to the amount paid by the district in the 1993-94 fiscal year, as adjusted in accordance with changes in the consumer price index for the Denver-Boulder consolidated metropolitan statistical area. The department may make expenditures for such costs subject to annual appropriation by the general assembly.

SECTION 28. In Colorado Revised Statutes, 32-13-108, amend (1)(c), (2.5)(a), and (2.5)(b) as follows:

32-13-108. Petition or resolution for formation and levy of tax - petition or resolution for extension of tax - verification of signatures - election. (1) (c) Such petition or resolution shall state that the proposed scientific and cultural facilities district would levy and collect for a period of time not to exceed ten years a uniform sales tax throughout the geographical area of the district at a rate not to exceed thirty one-hundredths of one percent upon every transaction or other incident with respect to which a sales tax is levied by the county in which the transaction or other incident occurs, pursuant to the provisions of ~~article 2 of title 29, C.R.S.~~ PART 1 OF ARTICLE 2 OF TITLE 29.

(2.5) (a) For purposes of complying with the provisions of section 20 (4) of article X of the state constitution, the question of whether the board of a district created pursuant to this section shall be authorized to continue the levy and collection of the sales tax throughout the district upon every transaction or other incident with respect to which a sales tax is levied by the county in which the transaction or other incident occurs, pursuant to the provisions of ~~article 2 of title 29, C.R.S.~~ PART 1 OF ARTICLE 2 OF TITLE 29, for a period of time not to exceed ten years from the date upon which the authority of the board to levy and collect the sales taxes is scheduled to expire shall be initiated by a petition signed by the registered electors of the district in a number not less than five percent of the votes cast in the each incorporated and unincorporated area included within the district for all candidates for the office of governor at the last preceding general election or initiated by a resolution adopted by the board of the scientific and cultural facilities district.

(b) Such petition or resolution shall state the name of the scientific and cultural facilities district and that the district would continue to levy and collect a uniform sales tax throughout the geographical area of the district at a rate not to exceed thirty one-hundredths of one percent upon every transaction or other incident with respect to which a sales tax is levied by the county in which the transaction or other incident occurs, pursuant to the provisions of ~~article 2 of title 29, C.R.S.~~ PART 1 OF ARTICLE 2 OF TITLE 29, for a period of time not to exceed ten years from the date upon which the authority of the district to levy and collect the sales tax is scheduled to expire.

SECTION 29. In Colorado Revised Statutes, 32-13-110, **amend** (1) and (2) as follows:

32-13-110. Tax imposed - collection - administration of tax - use.

(1) Upon the approval of the registered electors pursuant to the provisions of section 32-13-108, the board shall have the power to levy such uniform sales tax throughout the district upon every transaction or other incident with respect to which a sales tax is levied by the county, pursuant to the provisions of ~~article 2 of title 29, C.R.S.~~ PART 1 OF ARTICLE 2 OF TITLE 29.

(2) (a) If such sales tax is levied pursuant to the provisions of this article, the collection, administration, ~~and enforcement,~~ AND DISTRIBUTION of said sales tax shall be performed by the executive director of the department of revenue ~~in the same manner as that for the collection, administration, and enforcement of the state sales tax imposed under article 26 of title 39, C.R.S., including, without limitation, the retention by a vendor of the percentage of the amount remitted to cover the vendor's expense in the collection and remittance of said tax as provided in section 39-26-105, C.R.S.~~ The executive director shall make monthly distributions of such sales tax collections to the district. PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29. The district shall pay the net incremental cost incurred by the department of revenue in the administration and collection of such sales taxes; except that in no event shall any district pay in any given fiscal year commencing after the first full fiscal year of operation more than an amount equal to the amount paid by the district in the first full fiscal year of operation, as adjusted in accordance with changes in the consumer price index for the Denver-Boulder consolidated metropolitan statistical area. The department may make expenditures for such costs subject to annual appropriation by the general assembly.

~~(b) (I) A qualified purchaser may provide a direct payment permit number issued pursuant to section 39-26-103.5, C.R.S., to any vendor or retailer that is liable and responsible for collecting and remitting any sales tax levied on any sale made to the qualified purchaser pursuant to this article. A vendor or retailer that has received in good faith from a qualified purchaser a direct payment permit number shall not be liable or responsible for collection and remittance of any sales tax imposed on such sale that is paid for directly from such qualified purchaser's funds and not the personal funds of any individual.~~

~~(II) A qualified purchaser that provides a direct payment permit number to a vendor or retailer shall be liable and responsible for the amount of sales tax levied on any sale made to the qualified purchaser pursuant to~~

~~this article in the same manner as liability would be imposed on a qualified purchaser for state sales tax pursuant to section 39-26-105 (5).~~

SECTION 30. In Colorado Revised Statutes, 32-14-114, **amend** (2) as follows:

32-14-114. Sales tax imposed - collection - administration of tax - discontinuance. (2) (a) The collection, administration, and enforcement of the sales tax shall be performed by the executive director of the department of revenue ~~in the same manner as that for the collection, administration, and enforcement of the state sales tax imposed pursuant to article 26 of title 39, C.R.S., including, without limitation, the retention by a vendor of the percentage of the amount remitted to cover the vendor's expense in the collection and remittance of the sales tax as provided in section 39-26-105, C.R.S.~~ The executive director shall make monthly distributions of such sales tax collections to the district PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29. The district shall pay the net incremental cost incurred by the department of revenue in the administration and collection of such sales tax; except that in no event shall the district pay in any given fiscal year commencing on or after July 1, 1994, more than an amount equal to the amount paid by the district in the 1993-94 fiscal year, as adjusted in accordance with changes in the consumer price index for the Denver-Boulder consolidated metropolitan statistical area. The department may make expenditures for such costs subject to annual appropriation by the general assembly.

~~(b) (I) A qualified purchaser may provide a direct payment permit number issued pursuant to section 39-26-103.5, C.R.S., to any vendor or retailer that is liable and responsible for collecting and remitting any sales tax levied on any sale made to the qualified purchaser pursuant to the provisions of this article. A vendor or retailer that has received in good faith from a qualified purchaser a direct payment permit number shall not be liable or responsible for collection and remittance of any sales tax imposed on such sale that is paid for directly from such qualified purchaser's funds and not the personal funds of any individual.~~

~~(II) A qualified purchaser that provides a direct payment permit number to a vendor or retailer shall be liable and responsible for the amount of sales tax levied on any sale made to the qualified purchaser pursuant to~~

~~the provisions of this article in the same manner as liability would be imposed on a qualified purchaser for state sales tax pursuant to section 39-26-105 (3), C.R.S.~~

SECTION 31. In Colorado Revised Statutes, 32-15-110, **amend** (2) as follows:

32-15-110. Sales tax imposed - collection - administration of tax - discontinuance. (2) (a) The collection, administration, and enforcement of the sales tax shall be performed by the executive director of the department of revenue ~~in the same manner as that for the collection, administration, and enforcement of the state sales tax imposed pursuant to article 26 of title 39, C.R.S., including, without limitation, the retention by a vendor of the percentage of the amount remitted to cover the vendor's expense in the collection and remittance of the sales tax as provided in section 39-26-105, C.R.S.~~ The executive director shall make monthly distributions of such sales tax collections to the district PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29. The district shall pay the net incremental cost incurred by the department of revenue in the administration and collection of such sales tax.

(b) (f) ~~A qualified purchaser may provide a direct payment permit number issued pursuant to section 39-26-103.5, C.R.S., to any vendor or retailer that is liable and responsible for collecting and remitting any sales tax levied on any sale made to the qualified purchaser pursuant to the provisions of this article. A vendor or retailer that has received in good faith from a qualified purchaser a direct payment permit number shall not be liable or responsible for collection and remittance of any sales tax imposed on such sale that is paid for directly from such qualified purchaser's funds and not the personal funds of any individual.~~

(H) ~~A qualified purchaser that provides a direct payment permit number to a vendor or retailer shall be liable and responsible for the amount of sales tax levied on any sale made to the qualified purchaser pursuant to the provisions of this article in the same manner as liability would be imposed on a qualified purchaser for state sales tax pursuant to section 39-26-105 (3), C.R.S.~~

SECTION 32. In Colorado Revised Statutes, 32-18-107, **amend** (2) as follows:

32-18-107. Sales tax - collection - administration. (2) (a) The executive director of the department of revenue shall collect, administer, and enforce the sales tax authorized by this section ~~in the same manner as the state sales tax imposed pursuant to article 26 of title 39, C.R.S., including, without limitation, the retention by a vendor of the percentage of the amount remitted to cover the vendor's expense in the collection and remittance of the sales tax as provided in section 39-26-105, C.R.S.~~ The executive director shall distribute sales tax collections to the district ~~monthly~~ PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29. The district shall pay the net incremental cost incurred by the department of revenue in the administration and collection of the sales tax.

(b) ~~(I) A qualified purchaser, as defined in section 39-26-102 (7.5), C.R.S., may provide a direct payment permit number issued pursuant to section 39-26-103.5, C.R.S., to any vendor or retailer that is liable and responsible for collecting and remitting any sales tax levied on any sale made to the qualified purchaser pursuant to this section. A vendor or retailer that has received a direct payment permit number in good faith from a qualified purchaser shall not be liable or responsible for collection and remittance of any sales tax imposed on the sale that is paid for directly from the qualified purchaser's funds and not the personal funds of any individual.~~

~~(II) A qualified purchaser that provides a direct payment permit number to a vendor or retailer shall be liable and responsible for the amount of sales tax levied on any sale made to the qualified purchaser pursuant to the provisions of this article in the same manner as liability would be imposed on a qualified purchaser for state sales tax pursuant to section 39-26-105 (3), C.R.S.~~

SECTION 33. In Colorado Revised Statutes, **amend** 32-19-111 as follows:

32-19-111. Financial powers. Any district created pursuant to this ~~article~~ ARTICLE 19 shall have all of the financial powers described in section 32-1-1101; except that the levy and collection of ad valorem taxes shall be subject to the provisions of section 32-19-115. The district shall also have the power, upon voter approval, to levy and collect a uniform sales tax throughout the entire geographical area of the district upon every transaction or other incident with respect to which a sales tax is levied by the state pursuant to the provisions of article 26 of title 39; ~~C.R.S.~~ except

that such sales tax shall not be levied on the sale of cigarettes. Any sales tax authorized pursuant to this section shall be ~~levied and~~ collected, ADMINISTERED, AND ENFORCED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE as provided in ~~section 32-19-112~~ PART 2 OF ARTICLE 2 OF TITLE 29.

SECTION 34. In Colorado Revised Statutes, 32-19-112, **amend** (2) as follows:

32-19-112. Sales tax imposed - collection - administration of tax.

(2) (a) The collection, administration, and enforcement of the sales tax shall be performed by the executive director of the department of revenue ~~in the same manner as that for the collection, administration, and enforcement of the state sales tax imposed pursuant to article 26 of title 39, C.R.S., including, without limitation, the retention by a vendor of the percentage of the amount remitted to cover the vendor's expense in the collection and remittance of the sales tax as provided in section 39-26-105, C.R.S.~~ The executive director shall make monthly distributions of sales tax collections to the district PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29. The district shall pay the net incremental cost incurred by the department in the administration and collection of the sales tax.

(b) (f) ~~A qualified purchaser may provide a direct payment permit number issued pursuant to section 39-26-103.5, C.R.S., to a vendor or retailer that is liable and responsible for collecting and remitting any sales tax levied on a sale made to the qualified purchaser pursuant to the provisions of this article. A vendor or retailer that has received a direct payment permit number in good faith from a qualified purchaser shall not be liable or responsible for collection and remittance of a sales tax imposed on a sale that is paid for directly from the qualified purchaser's funds and not the personal funds of an individual.~~

(H) ~~A qualified purchaser that provides a direct payment permit number to a vendor or retailer shall be liable and responsible for the amount of sales tax levied on a sale made to the qualified purchaser pursuant to the provisions of this article in the same manner as liability would be imposed on a qualified purchaser for state sales tax pursuant to section 39-26-105 (3), C.R.S.~~

SECTION 35. In Colorado Revised Statutes, 32-21-111, **amend** (2)

as follows:

32-21-111. Sales and use tax imposed - collection - administration of tax. (2) (a) The collection, administration, and enforcement of the sales and use tax shall be performed by the executive director of the department of revenue ~~in the same manner as the collection, administration, and enforcement of the state sales and use tax imposed pursuant to article 26 of title 39 including, without limitation, the retention by a vendor of the percentage of the amount remitted to cover the vendor's expense in the collection and remittance of the sales and use tax as provided in section 39-26-105.~~ The executive director shall make monthly distributions of sales and use tax collections to the district PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29. The district shall pay the net incremental cost incurred by the department in the administration and collection of the sales and use tax.

~~(b) (i) A qualified purchaser may provide a direct payment permit number issued pursuant to section 39-26-103.5 to a vendor or retailer that is liable and responsible for collecting and remitting any sales tax levied on a sale made to the qualified purchaser pursuant to this article 21. A vendor or retailer that has received a direct payment permit number in good faith from a qualified purchaser shall not be liable or responsible for collection and remittance of a sales tax imposed on a sale that is paid for directly from the qualified purchaser's funds and not the personal funds of an individual.~~

~~(ii) A qualified purchaser that provides a direct payment permit number to a vendor or retailer shall be liable and responsible for the amount of sales tax levied on a sale made to the qualified purchaser pursuant to this article 21 in the same manner as liability would be imposed on a qualified purchaser for state sales tax pursuant to section 39-26-105.~~

SECTION 36. In Colorado Revised Statutes, 32-22-106, amend (1)(q)(I) as follows:

32-22-106. District - general powers and duties - funds created.

(1) In addition to any other powers granted to the district by this article 22, the district has the following powers:

(q) (I) (A) Upon a majority vote of the registered voters of the district voting on the issue as required by section 32-22-109, to levy a sales

tax or a use tax, or both, throughout the district at a maximum rate of eight-tenths of one percent upon every transaction or other incident with respect to which a sales or use tax is levied by the state.

(B) The executive director of the department of revenue shall collect, administer, and enforce the sales or use tax ~~to the extent feasible, in the manner provided in section 29-2-106~~ AS SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE 29. The ~~executive director shall make monthly distributions of the tax collections to the district which shall apply the proceeds~~ MONTHLY DISTRIBUTIONS RECEIVED FROM THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 29-2-207 solely to the development, financing, construction, operation, or maintenance of a passenger rail system.

(C) The department shall retain an amount not to exceed the net incremental cost of the collection, administration, and enforcement of the sales tax or use tax, or both, and shall transmit the amount to the state treasurer, who shall credit it to the front range passenger rail district sales and use tax fund, which fund is hereby created. All money so retained is hereby continuously appropriated from the fund to the department to the extent necessary for the department's collection, administration, and enforcement of this subsection (1)(q). Any money remaining in the fund attributable to taxes collected in the prior fiscal year shall be transmitted to the district; except that, before the transmission to the district of such money, any money appropriated from the general fund to the department for the collection, administration, and enforcement of the tax for the prior fiscal year shall be repaid.

SECTION 37. In Colorado Revised Statutes, **amend** 32-22-107 as follows:

32-22-107. Station area improvement districts. With the approval of each county or municipality having jurisdiction over the area of such a district, the district may establish a station area improvement district to finance the construction, operation, or maintenance of a station for a passenger rail system. A station area improvement district may consist only of all or a portion of the area within a two-mile radius of the station to be funded by the station area improvement district, and the general assembly finds that the area within a two-mile radius of a passenger rail station, or any portion of such an area that the board may designate as a station area

improvement district, is an area that will be especially benefited by the construction, operation, or maintenance of such a station. The board shall not establish a station area improvement district unless it receives a petition signed by the owners of property that will bear a majority of the proposed assessments and by a petition signed by the lesser of a majority of the registered electorate in the proposed station area improvement district or one thousand registered electors in the proposed station area improvement district. The method of creating a station area improvement district, making improvements, assessing the costs of improvements made against property, and levying a sales tax shall be as provided in part 6 of article 20 of title 30; except that the board shall perform the duties of the board of county commissioners under said part 6 and the improvements shall be limited to the construction, operation, or maintenance of a passenger rail station. ANY SALES TAX ADOPTED PURSUANT TO THIS SECTION SHALL BE LEVIED IN THE SAME MANNER AS SET FORTH IN SECTION 30-20-604.5 (1) AND SHALL BE COLLECTED, ADMINISTERED, AND ENFORCED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29.

SECTION 38. In Colorado Revised Statutes, 37-50-110, **amend** (1)(a) and (2) as follows:

37-50-110. Levy and collection of uniform sales and use tax.

(1) (a) In addition to other means of providing revenue for the district, the board, in the name of the district, has the power to levy and collect a uniform sales and use tax throughout the entire geographical area of the district, notwithstanding any provision of PART 1 OF article 2 of title 29 ~~C.R.S.~~, to the contrary, and upon the approval of the eligible electors in the district at an election held in accordance with section 20 of article X of the state constitution and articles 1 to 13 of title 1. ~~C.R.S.~~

(2) (a) The collection, administration, and enforcement of the sales and use tax shall be performed by the executive director of the department of revenue ~~in the same manner as that for the collection, administration, and enforcement of the state sales and use tax imposed pursuant to article 26 of title 39, C.R.S., including, without limitation, the retention by a vendor of the percentage of the amount remitted to cover the vendor's expense in the collection and remittance of the sales tax as provided in section 39-26-105, C.R.S.~~ The executive director shall make monthly distributions of sales tax collections to the district PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29.

The district shall pay the net incremental cost incurred by the department in the administration and collection of the sales and use tax.

~~(b) (I) A qualified purchaser may provide a direct payment permit number issued pursuant to section 39-26-103.5, C.R.S., to any vendor or retailer that is liable and responsible for collecting and remitting any sales tax levied on any sale made to the qualified purchaser pursuant to the provisions of this section. A vendor or retailer that has received a direct payment permit number in good faith from a qualified purchaser shall not be liable or responsible for collection and remittance of any sales tax imposed on the sale that is paid for directly from the qualified purchaser's funds and not the personal funds of any individual.~~

~~(II) A qualified purchaser that provides a direct payment permit number to a vendor or retailer shall be liable and responsible for the amount of sales tax levied on any sale made to the qualified purchaser pursuant to this section in the same manner as liability would be imposed on a qualified purchaser for state sales tax pursuant to section 39-26-105 (3), C.R.S.~~

~~(c) (I) The board shall designate a financial officer who shall coordinate with the department of revenue regarding the collection of a sales and use tax. This coordination shall include, but not be limited to, the financial officer identifying those businesses eligible to collect the sales and use tax and any other administrative details identified by the department.~~

~~(II) Any sales and use tax authorized pursuant to this article shall become effective on July 1 following the electors' approval of the tax.~~

SECTION 39. In Colorado Revised Statutes, 39-21-107, amend (1) as follows:

39-21-107. Limitations. (1) Except as provided in this section, in ~~section 29-2-106.1 (5)(b)~~ SECTION 29-2-208 (2)(a)(III), AND SECTION 29-2-302 (5)(b), and unless such time is extended by waiver, the amount of any tax or of any charge on oil and gas production imposed pursuant to articles 24 to 29 of this title 39 or article 3 of title 42, and the penalty and interest applicable thereto, shall be assessed within three years after the return was filed, whether or not such return was filed on or after the date prescribed, and no assessment shall be made or credit taken and no notice of lien shall be filed, nor distraint warrant issued, nor suit for collection

instituted, nor any other action to collect the same commenced after the expiration of such period; except that a written proposed adjustment of the tax liability by the department issued prior to the expiration of such period shall extend the limitation of this subsection (1) for one year after a final determination or assessment is made. No lien shall continue after the three-year period provided for in this subsection (1), except for taxes assessed before the expiration of such period, notice of lien with respect to which has been filed prior to the expiration of such period, and except for taxes on which written notice of any proposed adjustment of the tax liability has been sent to the taxpayer during such three-year period, in which case the lien shall continue for one year only after the expiration of such period or after the issuance of a final determination or assessment based on the proposed adjustment issued prior to the expiration of the three-year period. This subsection (1) shall not apply to income tax or to any tax imposed under article 23.5 of this title 39.

SECTION 40. In Colorado Revised Statutes, 39-21-113, **add** (35) as follows:

39-21-113. Reports and returns - rule - repeal.
(35) NOTWITHSTANDING THE CONFIDENTIALITY REQUIREMENTS IN THIS SECTION, THE EXECUTIVE DIRECTOR HAS THE AUTHORITY TO SHARE TAXPAYER INFORMATION AS NECESSARY PURSUANT TO SECTION 29-2-208.

SECTION 41. In Colorado Revised Statutes, **repeal** 39-21-201.

SECTION 42. In Colorado Revised Statutes, 39-26-105, **repeal** (1)(d)(III) as follows:

39-26-105. Vendor liable for tax - definitions - repeal.
(1) (d) (III) ~~If a retailer is permitted to retain an amount to cover the retailer's expense in collecting and remitting local sales tax that is the same amount as permitted by the state under this section, then such amount is the amount that was permitted as of December 31, 2019.~~

SECTION 43. In Colorado Revised Statutes, 39-26-105.2, **amend** (3) and (4) as follows:

39-26-105.2. Remittance of tax - GIS - vendor held harmless - requirements of GIS database - rules - definition. (3) Any vendor that

collects and remits sales tax to the department of revenue as provided by law, INCLUDING ANY LOCAL SALES OR USE TAX PURSUANT TO PART 2 OF TITLE 29, may use the GIS database. Any vendor that directly uses the data contained in the GIS database, or uses data from a third-party database that is verified to use the most recent information provided by the GIS database, to determine the jurisdictions to which tax is owed is held harmless for any tax, charge, or fee liability to any taxing jurisdiction that otherwise would be due solely as a result of an error or omission in the GIS database data.

(4)(a) The department of revenue shall ensure that the GIS database data is at least ninety-five percent accurate based on a statistically valid sample of addresses from the database, or based on another acceptable method of proving accuracy.

(b) THE DEPARTMENT OF REVENUE SHALL UPDATE THE GIS DATABASE WITH RESPECT TO ANY GEOGRAPHIC BOUNDARY CHANGES DESCRIBED IN SECTION 29-2-205 (4) WITHIN THIRTY DAYS OF RECEIPT OF THE WRITTEN NOTICE DESCRIBED IN SECTION 29-2-205 (1). IF THE DEPARTMENT OF REVENUE DOES NOT TIMELY RECEIVE THE NOTICE DESCRIBED IN SECTION 29-2-205 (1), THEN THE DEPARTMENT SHALL UPDATE THE GIS DATABASE AS SOON AS POSSIBLE AFTER RECEIVING THE GEOGRAPHIC BOUNDARY CHANGE INFORMATION.

SECTION 44. In Colorado Revised Statutes, **repeal** 39-26-105.3.

SECTION 45. In Colorado Revised Statutes, 39-26-105.4, **amend** (1) introductory portion as follows:

39-26-105.4. Remittance of tax - determination of address - dealer held harmless. (1) Any licensed motor vehicle dealer that collects and remits tax to the department of revenue as specified in this part 1 for any sale of a motor vehicle shall be held harmless for any tax, charge, or fee liability to any taxing jurisdiction that the dealer proves was not collected solely because an address that does not meet the requirements of section 42-6-139, ~~C.R.S.~~, was provided by the purchaser for purposes of calculating the amounts of tax either due on the sale and purchase of such vehicle pursuant to this part 1 or ~~section 29-2-106, C.R.S.~~, SECTION 29-2-211, if the dealer:

SECTION 46. In Colorado Revised Statutes, 39-26-113, **amend** (1)

and (3); and **repeal** (4) as follows:

39-26-113. Collection of sales tax - motor vehicles - off-highway vehicles - exemption - process for motor vehicles sold at auction - exception - definition. (1) The department of revenue or its authorized agent shall not register a motor or other vehicle for which registration is required or issue a certificate of title for a motor vehicle, off-highway vehicle as defined in section 42-6-102, ~~C.R.S.~~, or manufactured home as defined in section 38-29-106, ~~C.R.S.~~, until any tax due on the sale and purchase of the vehicle under ~~section 29-2-106, C.R.S.~~ or SECTION 29-2-211, section 39-26-106, or imposed by ordinance of any home rule city has been paid.

(3) Revenues due the state and collected pursuant to this section ~~shall~~ **MUST** be distributed as are other revenues under this part 1. ~~and revenues due any county, city, or town so collected shall be distributed in accordance with the provisions of section 29-2-106, C.R.S., or as specified by contract entered into with the department of revenue pursuant to section 24-35-110, C.R.S.~~

(4) ~~To facilitate collection of sales taxes as provided in this section, the governing body of each city or town which has imposed a sales tax shall certify to the department of revenue and to the county clerk of the county in which such city or town is located a true copy of its current sales tax ordinances, and shall likewise certify any subsequent changes therein.~~

SECTION 47. In Colorado Revised Statutes, **repeal** 39-26-122.5.

SECTION 48. In Colorado Revised Statutes, **amend** 39-26-125 as follows:

39-26-125. Limitations. The taxes for any period, together with the interest thereon and penalties with respect thereto, imposed by this part 1 shall not be assessed, nor shall any notice of lien be filed, or distraint warrant issued, or suit for collection be instituted, nor any other action to collect the same be commenced, more than three years after the date on which the tax was or is payable, except as set forth in ~~section 29-2-106.† (5)(b);~~ SECTIONS 29-2-208 (2)(a)(III) AND 29-2-302 (5)(b); nor shall any lien continue after such period, except for taxes assessed before the expiration of such period, notice of lien with respect to which has been filed prior to

the expiration of such period, in which cases such lien shall continue only for one year after the filing of notice thereof. In the case of a false or fraudulent return with intent to evade tax, the tax, together with interest and penalties thereon, may be assessed, or proceedings for the collection of such taxes, may be begun, at any time. Before the expiration of such period of limitation, the taxpayer and the executive director of the department of revenue may agree in writing to an extension thereof, and the period so agreed on may be extended by subsequent agreements in writing.

SECTION 49. In Colorado Revised Statutes, **amend** 39-26-210 as follows:

39-26-210. Limitations. The taxes for any period, together with the interest thereon and penalties with respect thereto, imposed by this part 2 shall not be assessed, nor shall any notice of lien be filed, or distraint warrant issued, or suit for collection be instituted, nor any other action to collect the same be commenced, more than three years after the date on which the tax was or is payable, except as set forth in ~~section 29-2-106.1 (5)(b)~~, SECTIONS 29-2-208 (2)(a)(III) AND 29-2-302 (5)(b), nor shall any lien continue after such period, except for taxes assessed before the expiration of such period, notice of lien with respect to which has been filed prior to the expiration of such period, in which cases such lien shall continue only for one year after the filing of notice thereof. In the case of a false or fraudulent return with intent to evade tax, the tax, together with interest and penalties thereon, may be assessed, or proceedings for the collection of such taxes may be begun at any time. Before the expiration of such period of limitation, the taxpayer and the executive director of the department of revenue may agree in writing to an extension thereof, and the period so agreed on may be extended by subsequent agreements in writing.

SECTION 50. In Colorado Revised Statutes, 39-26-703, **amend** (2)(d) and (2.5)(a) as follows:

39-26-703. Disputes and refunds - repeal. (2) (d) An application for refund under subsection (2)(c) or (2)(c.5) of this section must be made within the applicable deadline and must be made on forms prescribed and furnished by the executive director of the department of revenue, which form must contain, in addition to the foregoing information, such other pertinent data, information, or documentation as the executive director prescribes by rules promulgated in accordance with article 4 of title 24.

Except as set forth in ~~sections 29-2-106.1 (5)(b) and~~ SECTIONS 39-26-734 (4)(d), 29-2-208 (2)(a)(III), AND 29-2-302 (5)(b), the deadline for a sales tax refund or a refund of any use tax collected by a vendor is three years after the twentieth day of the month following the date of purchase and the deadline for any other use tax refund is three years after the twentieth day of the month following the initial date of the storage, use, or consumption in the state by the person applying for the refund.

(2.5) (a) Except as set forth in ~~section 29-2-106.1 (5)(b)~~ SECTIONS 29-2-208 (2)(a)(III) AND 29-2-302 (5)(b), within three years after the due date of the return showing the overpayment or one year after the date of overpayment, whichever is later, a vendor shall file any claim for refund with the executive director of the department of revenue. The executive director shall promptly examine such claim and shall make a refund or allow a credit to any vendor who establishes that such vendor overpaid the tax due pursuant to this ~~article~~ ARTICLE 26.

SECTION 51. In Colorado Revised Statutes, 39-28-112, **amend** (2)(c) as follows:

39-28-112. Taxation of cigarettes, tobacco products, or nicotine products by municipalities, counties, and city and counties - definitions. (2) (c) No special sales tax shall be levied pursuant to this subsection (2) until the proposal has been referred to and approved by the eligible electors of the county in accordance with ~~article 2 of title 29~~ PART 1 OF ARTICLE 2 OF TITLE 29. Any proposal for the levy of a special sales tax in accordance with this subsection (2) shall be submitted to the eligible electors of the county only on the date of the state general election or on the first Tuesday in November of an odd-numbered year. Any election on the proposal must be conducted by the county clerk and recorder in accordance with the "Uniform Election Code of 1992", articles 1 to 13 of title 1.

SECTION 52. In Colorado Revised Statutes, 39-28.8-203, **amend** (1)(a)(VI) as follows:

39-28.8-203. Disposition of collections - definitions. (1) The proceeds of all money collected from the retail marijuana sales tax are initially credited to the old age pension fund created in section 1 of article XXIV of the state constitution in accordance with paragraphs (a) and (f) of section 2 of article XXIV of the state constitution and thereafter are

transferred to the general fund in accordance with section 7 of article XXIV of the state constitution. For each fiscal year in which a tax is collected pursuant to this part 2, an amount shall be appropriated or distributed from the general fund as follows:

(a) (VI) Nothing in this ~~paragraph (a) shall be construed to prevent~~ SUBSECTION (1)(a) PREVENTS a local government from imposing, levying, and collecting any fee or any tax upon the sale of retail marijuana or retail marijuana products or upon the occupation or privilege of selling retail marijuana products, nor shall the provisions of this ~~paragraph (a)~~ SUBSECTION (1)(a) be interpreted to affect any existing authority of a local government to impose a tax on retail marijuana or retail marijuana products to be used for local and municipal purposes; however, any local tax imposed at other than the local jurisdiction's general sales tax rate shall not be collected, administered, and enforced by the department of revenue pursuant to ~~section 29-2-106, C.R.S.~~ PART 2 OF ARTICLE 2 OF TITLE 29, but shall instead be collected, administered, and enforced by the local government itself.

SECTION 53. In Colorado Revised Statutes, 43-4-605, **amend** (1)(i.5)(V) and (1)(j)(I) as follows:

43-4-605. Powers of the authority - inclusion or exclusion of property - determination of regional transportation system alignment - fund created - repeal. (1) In addition to any other powers granted to an authority pursuant to this part 6, an authority has the following powers:

(i.5) (V) ~~Upon the request of the authority,~~ The executive director of the department of revenue shall ~~administer and collect,~~ ADMINISTER, AND ENFORCE the visitor benefit tax authorized by ~~subparagraph (I) of this paragraph (i.5).~~ ~~If the authority requests that the executive director administer and collect the tax, the executive director shall make monthly distributions of the tax collections to the authority:~~ SUBSECTION (1)(i.5)(I) OF THIS SECTION PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29. The department of revenue shall retain an amount not to exceed the cost of the collection, administration, and enforcement and shall transmit the amount to the state treasurer who shall credit the same to the regional transportation authority visitor benefit tax fund, which fund is hereby created. The amounts so retained are hereby appropriated annually from the fund to the department to the extent necessary for the department's collection,

administration, and enforcement of the provisions of this part 6. Any moneys MONEY remaining in the fund attributable to taxes collected in the prior fiscal year shall be transmitted to the authority; except that, prior to the transmission to the authority of such moneys MONEY, any moneys MONEY appropriated from the general fund to the department for the collection, administration, and enforcement of the tax for the prior fiscal year shall be repaid.

(j) (I) (A) Subject to the provisions of section 43-4-612, to levy, in all or any designated portion of the members of the combination or of the members of the transportation planning organization exercising the powers of an authority as authorized by section 43-4-622, a sales or use tax, or both, at a rate not to exceed two percent upon every transaction or other incident with respect to which a sales or use tax is levied by the state; except that, if the authority includes territory that is within the regional transportation district created and existing pursuant to article 9 of title 32, a designated portion of the members of the combination or of the members of the transportation planning organization in which a new tax is levied must be composed of entire territories of members of the combination or of the members of the transportation planning organization so that the rate of tax imposed pursuant to this part 6 within the territory of any single member of the combination or of the members of the transportation planning organization is uniform and except that the authority shall not levy a sales or use tax on any transaction or other incident occurring in any territory located outside the boundaries of the authority and within the boundaries of a municipality as the boundaries of the municipality exist on the date the authority is created without the consent of the governing body of the municipality or outside the boundaries of the authority and within the unincorporated boundaries of a county as the unincorporated boundaries exist on the date the authority is created without the consent of the governing body of the county. Subject to the provisions of section 43-4-612, the authority may elect to levy any such sales or use tax at different rates in different designated portions of the members of the combination or of the members of the transportation planning organization; except that, if the authority includes territory that is within the regional transportation district, a designated portion of the members of the combination or of the members of the transportation planning organization in which a new tax is levied must be composed of entire territories of members of the combination or of the members of the transportation planning organization so that the rate of tax imposed pursuant to this part 6 within the territory of any single member

of the combination or of the transportation planning organization is uniform. If the authority so elects, it shall submit a single ballot question that lists all of the different rates to the registered electors of all designated portions of the members of the combination or of the transportation planning organization in which the proposed sales or use tax is to be levied.

(B) The tax imposed pursuant to this subsection (1)(j) is in addition to any other sales or use tax imposed pursuant to law. If a member of the combination or of the transportation planning organization is located within more than one authority, the sales or use tax, or both, authorized by this subsection (1)(j) shall not exceed two percent upon every transaction or other incident with respect to which a sales or use tax is levied by the state.

(C) The executive director of the department of revenue shall collect, administer, and enforce the sales or use tax ~~to the extent feasible, in the manner provided in section 29-2-106~~ PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29. ~~The director shall make monthly distributions of the tax collections to the authority which shall apply the proceeds~~ MONTHLY DISTRIBUTIONS RECEIVED FROM THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 29-2-207 solely to the financing, construction, operation, or maintenance of regional transportation systems.

(D) The department shall retain an amount not to exceed the total cost of the collection, administration, and enforcement and shall transmit the amount to the state treasurer, who shall credit the same to the regional transportation authority sales tax fund, which fund is hereby created. The amounts so retained are hereby appropriated annually from the fund to the department to the extent necessary for the department's collection, administration, and enforcement of this part 6. Any money remaining in the fund attributable to taxes collected in the prior fiscal year shall be transmitted to the authority; except that, prior to the transmission to the authority of such money, any money appropriated from the general fund to the department for the collection, administration, and enforcement of the tax for the prior fiscal year shall be repaid.

SECTION 54. Applicability. This act applies to any taxable event occurring on or after July 1, 2025.

SECTION 55. Act subject to petition - effective date. This act takes effect July 1, 2025; except that, if a referendum petition is filed

pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect July 1, 2025, or on the date of the official declaration of the vote thereon by the governor, whichever is later.



Steve Fenberg
PRESIDENT OF
THE SENATE



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE



Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED Wednesday May 1st 2024 at 2:00 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO