

CHAPTER 21

TAXATION

SENATE BILL 16-050

BY SENATOR(S) Neville T. and Jahn, Carroll, Aguilar, Baumgardner, Cooke, Crowder, Donovan, Grantham, Guzman, Heath, Hill, Hodge, Holbert, Kefalas, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Newell, Roberts, Scheffel, Scott, Sonnenberg, Steadman, Tate, Todd, Woods, Cadman;
also REPRESENTATIVE(S) Saine and Ryden, Kraft-Tharp, Nordberg, Primavera, Brown, Garnett, Mitsch Bush, Moreno, Neville P., Pettersen, Van Winkle, Hullinghorst.

AN ACT

CONCERNING A HOLD HARMLESS PROVISION FOR RETAILERS LIABLE FOR ANY MONEY PAYABLE AS A RESULT OF AN INCORRECT LOCATION CODE ASSIGNED BY THE DEPARTMENT OF REVENUE.

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

SECTION 1. In Colorado Revised Statutes, 39-26-103, **add** (2.5) as follows:

39-26-103. Licenses - fee - revocation - definition. (2.5) (a) IF A RETAILER OBTAINS A LICENSE AS REQUIRED IN THIS SECTION IN GOOD FAITH, THE RETAILER PROVIDES AN ADDRESS THAT CORRECTLY INDICATES THE LOCATION OF THE BUSINESS, THE DEPARTMENT OF REVENUE ASSIGNS AN INCORRECT LOCATION CODE TO THE RETAILER, AND THE RETAILER IN GOOD FAITH COLLECTS AND REMITS SALES TAXES FOR THE LOCAL JURISDICTIONS REPRESENTED BY THE ASSIGNED LOCATION CODE, THEN NOTWITHSTANDING THIS SECTION, SECTION 39-26-105, OR 39-26-118, THE RETAILER IS HELD HARMLESS FOR ANY TAX, CHARGE, PENALTY, INTEREST, OR FEE PAYABLE AS A RESULT OF FAILING TO COLLECT AND REMIT SALES TAXES FOR A LOCAL JURISDICTION DUE TO THE INCORRECT LOCATION CODE.

(b) FOR PURPOSES OF THIS SUBSECTION (2.5), "LOCATION CODE" MEANS THE CODE ASSIGNED BY THE DEPARTMENT OF REVENUE TO A RETAILER, BASED ON THE BUSINESS ADDRESS, WHEN THE RETAILER OBTAINS A SALES TAX LICENSE AS REQUIRED IN THIS SECTION AND REPRESENTS THE GEOGRAPHIC REGION OF THE STATE AND THE LOCAL SALES TAXES THAT THE RETAILER IS REQUIRED TO COLLECT AND REMIT FOR SUCH REGION, OR MEANS ANY SUCCESSOR SYSTEM USED BY THE DEPARTMENT TO IDENTIFY THE LOCAL SALES TAXES THAT A RETAILER IS REQUIRED TO COLLECT AND REMIT BASED ON THE BUSINESS LOCATION.

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

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

Approved: March 18, 2016