

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0379.01 Alison Killen x4350

**SENATE BILL 24-023**

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**SENATE SPONSORSHIP**

**Van Winkle and Bridges,**

**HOUSE SPONSORSHIP**

**Kipp and Taggart,**

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**Senate Committees**  
Finance

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE REQUIREMENT THAT LOCAL TAXING JURISDICTIONS**  
102                    **HOLD HARMLESS VENDORS THAT RELY ON ERRONEOUS DATA IN**  
103                    **CERTAIN ELECTRONIC SYSTEMS RELATED TO SALES AND USE TAX**  
104                    **THAT ARE MANAGED BY THE DEPARTMENT OF REVENUE.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**Sales and Use Tax Simplification Task Force.** The department of revenue owns and maintains a GIS database that is provided to vendors to determine the jurisdictions to which tax is owed and to calculate

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

appropriate sales and use tax rates for individual addresses. The bill establishes that any vendor that relies on the information in the GIS database to determine the local taxing jurisdictions to which tax is owed is held harmless in an audit by a local taxing jurisdiction for an underpayment of tax, charge, or fee liability that results solely from an error or omission in the GIS database data.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-26-105.2, **add**  
3 (3.5) and (4) as follows:

4 **39-26-105.2. Remittance of tax - GIS - vendor held harmless**  
5 **- requirements of GIS database - rules - definition.** (3.5) (a) THE  
6 GENERAL ASSEMBLY FINDS AND DECLARES THAT:

7 (I) THE TASK FORCE HAS OVERSEEN THE IMPLEMENTATION OF AN  
8 ELECTRONIC SALES AND USE TAX SIMPLIFICATION SYSTEM, WHICH IS  
9 COMMONLY KNOWN AS "SUTS" AND INCLUDES THE GIS DATABASE, IN  
10 FURTHERANCE OF THE GENERAL ASSEMBLY'S GOAL TO ADDRESS THE  
11 COMPLEX AND CUMBERSOME NATURE OF COLORADO'S UNIQUE STATE AND  
12 LOCAL SALES TAX SYSTEM, WHICH IS A MATTER OF STATEWIDE CONCERN;

13 (II) SUTS AND THE GIS DATABASE ARE DESIGNED, AMONG OTHER  
14 THINGS, TO ASSIST BUSINESSES OPERATING IN MULTIPLE TAXING  
15 JURISDICTIONS IN COLORADO BY PROVIDING THEM WITH A SINGLE,  
16 RELIABLE SOURCE OF SALES AND USE TAX INFORMATION FOR THE STATE  
17 AND LOCAL TAXING JURISDICTIONS, INCLUDING ANY COUNTY, CITY AND  
18 COUNTY, OR MUNICIPALITY GOVERNED BY A HOME RULE CHARTER;

19 (III) WHILE THE SALES AND USE TAX BASES AND RATES OF THE  
20 STATE AND LOCAL TAXING JURISDICTIONS AND THE JURISDICTIONAL  
21 BOUNDARIES OF SUCH LOCAL TAXING JURISDICTIONS ARE SUBJECT TO  
22 CHANGE OVER TIME, SUTS WAS SPECIFICALLY DESIGNED IN ANTICIPATION

1 OF SUCH CHANGES PURSUANT TO SECTION 39-26-802.5 (1)(c)(IV) AND  
2 (1)(c)(V);

3 (IV) IT IS A MATTER OF STATEWIDE CONCERN TO ENSURE THAT  
4 SUTS, INCLUDING THE GIS DATABASE, CONTINUES TO SERVE AND EVOLVE  
5 AS AN EFFECTIVE SIMPLIFICATION TOOL UPON WHICH BUSINESSES CAN  
6 RELY IN NAVIGATING COLORADO'S UNIQUE AND COMPLEX STATE AND  
7 LOCAL SALES TAX SYSTEM;

8 (V) IMPROVING SUTS IN THIS MANNER WILL DECREASE FILING  
9 COMPLEXITY, MAKE AUDITS OF RETAILERS MORE UNIFORM FOR ALL STATE  
10 AND LOCAL TAXING JURISDICTIONS, HELP STREAMLINE AND REDUCE  
11 ADMINISTRATIVE BURDENS, AND, CONSEQUENTLY, ENCOURAGE MORE  
12 BUSINESSES TO BEGIN OR CONTINUE TO OPERATE ACROSS MULTIPLE  
13 TAXING JURISDICTIONS ACROSS THIS STATE; AND

14 (VI) ANY BUSINESS THAT USES THE DATA COLLECTED IN SUTS,  
15 INCLUSIVE OF DATA COLLECTED IN THE GIS DATABASE, TO DETERMINE  
16 THE LOCAL TAXING JURISDICTIONS TO WHICH TAX IS OWED SHOULD BE  
17 HELD HARMLESS IN AN AUDIT BY THE STATE OR ANY LOCAL TAXING  
18 JURISDICTION, INCLUDING ANY COUNTY, CITY AND COUNTY, OR  
19 MUNICIPALITY GOVERNED BY A HOME RULE CHARTER FOR ANY TAX,  
20 CHARGE, OR FEE LIABILITY TO ANY LOCAL TAXING JURISDICTION THAT  
21 WOULD BE DUE SOLELY AS A RESULT OF AN ERROR OR OMISSION IN THE  
22 SUTS OR GIS DATABASE DATA.

23 (b) AS USED IN THIS SUBSECTION (3.5), UNLESS THE CONTEXT  
24 OTHERWISE REQUIRES:

25 (I) "ELECTRONIC SALES AND USE TAX SIMPLIFICATION SYSTEM"  
26 MEANS THE ELECTRONIC SYSTEM DESCRIBED IN SECTION 39-26-802.7 FOR  
27 THE COLLECTION AND REMITTANCE OF SALES AND USE TAXES.

1 (II) "LOCAL TAXING JURISDICTION" MEANS A CITY, TOWN,  
2 MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR AUTHORITY AUTHORIZED  
3 TO LEVY A SALES OR USE TAX PURSUANT TO TITLE 24, 25, 29, 30, 31, 32,  
4 37, 42, OR 43, AND ANY COUNTY, CITY AND COUNTY, OR MUNICIPALITY  
5 GOVERNED BY A HOME RULE CHARTER THAT USES THE ELECTRONIC SALES  
6 AND USE TAX SIMPLIFICATION SYSTEM.

7 (III) "TAX RATE" MEANS THE GENERAL SALES OR USE TAX RATE  
8 IMPOSED BY A LOCAL TAXING JURISDICTION, WITHOUT REGARD TO ANY  
9 LOCAL SALES OR USE TAX EXEMPTION OR SPECIAL TAX RATE.

10 (c)(I) ANY VENDOR THAT USES THE DATA CONTAINED IN THE GIS  
11 DATABASE TO DETERMINE THE TAX RATE AND THE LOCAL TAXING  
12 JURISDICTIONS TO WHICH SALES OR USE TAX IS OWED \_\_\_\_\_ IS HELD  
13 HARMLESS IN AN AUDIT BY ANY LOCAL TAXING JURISDICTION FOR ANY  
14 TAX, CHARGE, OR FEE LIABILITY TO THE LOCAL TAXING JURISDICTION THAT  
15 OTHERWISE WOULD BE DUE SOLELY AS A RESULT OF AN ERROR OR  
16 OMISSION IN THE GIS DATABASE DATA.

17 (II) TO BE HELD HARMLESS PURSUANT TO SUBSECTION (3.5)(c)(I)  
18 OF THIS SECTION, A VENDOR MUST COLLECT, RETAIN, AND PRODUCE UPON  
19 REQUEST DOCUMENTATION REASONABLY SUFFICIENT TO DEMONSTRATE  
20 THE VENDOR'S PROPER USE OF AND RELIANCE ON THE GIS DATABASE DATA  
21 TO DETERMINE THE TAX RATE AND LOCAL TAXING JURISDICTION TO WHICH  
22 TAX WAS OWED.

23 (III) A VENDOR THAT QUERIES THE GIS DATABASE USING AN  
24 INCOMPLETE OR ERRONEOUS ADDRESS SHALL NOT BE HELD HARMLESS  
25 PURSUANT TO SUBSECTION (3.5)(c)(I) OF THIS SECTION FOR THE FAILURE  
26 TO PAY ANY TAX, CHARGE, OR FEE LIABILITY TO A LOCAL TAXING  
27 JURISDICTION.

1           (d) THE DEPARTMENT OF REVENUE, OR ITS THIRD-PARTY  
2           CONTRACTOR, SHALL UPDATE THE DATA CONTAINED IN THE GIS  
3           DATABASE, INCLUDING JURISDICTIONAL BOUNDARIES AND TAX RATES,  
4           WITHIN THIRTY DAYS OF THE RECEIPT BY THE DEPARTMENT OF REVENUE  
5           OF UPDATED OR CORRECTED DATA FROM A LOCAL TAXING JURISDICTION,  
6           AND SHALL MAINTAIN THE GIS DATABASE DATA IN AN ACCURATE  
7           CONDITION IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION. THE  
8           DEPARTMENT SHALL PROVIDE A REASONABLY CONVENIENT METHOD FOR  
9           LOCAL TAXING JURISDICTIONS TO INFORM THE DEPARTMENT OF ANY  
10           ERRORS IN THE GIS DATABASE DATA.

11           (4) The department of revenue shall ensure that the GIS database  
12           data, INCLUDING JURISDICTIONAL BOUNDARIES AND TAX RATES, is at least  
13           ninety-five percent accurate based on a statistically valid sample of  
14           addresses from the database, or based on another acceptable method of  
15           proving accuracy.

16           **SECTION 2. Applicability.** This act applies to audits  
17           commenced by local taxing jurisdictions, directly or by contractors, on or  
18           after the effective date of this act.

19           **SECTION 3. Safety clause.** The general assembly finds,  
20           determines, and declares that this act is necessary for the immediate  
21           preservation of the public peace, health, or safety or for appropriations for  
22           the support and maintenance of the departments of the state and state  
23           institutions.