

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0382.02 Jessica Herrera x4218

SENATE BILL 24-025

SENATE SPONSORSHIP

Bridges and Van Winkle, Priola, Zenzinger

HOUSE SPONSORSHIP

Kipp and Taggart,

Senate Committees
Finance

House Committees
Finance

A BILL FOR AN ACT

101 **CONCERNING LOCAL GOVERNMENT SALES AND USE TAXES**
102 **ADMINISTERED BY THE DEPARTMENT OF REVENUE, AND, IN**
103 **CONNECTION THEREWITH, REVISING, MODERNIZING, AND**
104 **HARMONIZING VARIOUS STATE STATUES RELATING TO THE**
105 **STATE-ADMINISTRATION OF LOCAL SALES AND USE TAX INTO**
106 **ONE UNIFORM STATUTE.**

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. Under current

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.

HOUSE
2nd Reading Unamended
April 5, 2024

SENATE
3rd Reading Unamended
February 22, 2024

SENATE
Amended 2nd Reading
February 21, 2024

law, the department of revenue (department) administers, collects, and enforces the local sales or use tax that a statutory local government or a special district imposes and, if requested, administers, collects, and enforces any such tax that a home rule jurisdiction imposes. The statutes that govern the administration, collection, and enforcement of these local sales or use taxes are located in multiple titles of the Colorado Revised Statutes. The bill revises, modernizes, and harmonizes the separate statutes that govern the state administration of local sales or use tax by creating new parts 2 and 3 in article 2 of title 29. In general, the bill makes clear that the department collects, administers, and enforces a local government sales or use tax in the same manner as it collects, administers, and enforces the state sales tax.

The bill:

- Requires a statutory local government, special district, or requesting home rule jurisdiction that imposes a new sales or use tax, makes a change to its existing sales or use tax, or changes its geographical boundaries by ordinance, resolution, or election to provide the department written notice within specified deadlines and establishes the applicability dates for such events;
- Requires each statutory local government, special district, and requesting home rule jurisdiction to designate one or more liaisons to coordinate with the department regarding the collection of its sales or use tax;
- Establishes a dispute resolution process when the local sales or use tax that is administered, collected, and enforced by the department is paid erroneously to the state or to the wrong statutory local government, special district, or home rule jurisdiction;
- Makes clear that a vendor who uses the department's geographic information system (GIS) database to determine the jurisdictions to which statutory local government, special district, or requesting home rule jurisdiction tax is owed is held harmless for any tax, charge, or fee liability that would otherwise be due solely as a result of an error or omission in the GIS database data;
- Clarifies that a statutory local government, special district, or requesting home rule jurisdiction may allow a retailer that collects and remits its sales or use tax to retain a percentage of the amount remitted to cover the vendors' expenses in collecting and remitting the statutory local government, special district, or requesting home rule jurisdiction's sales or use tax, but specifies that the statutory local government, special district, or requesting home rule jurisdiction may not impose a limit on the amount retained;

1 MATTERS.

2 (6) "RETAILER" OR "VENDOR" HAS THE SAME MEANING AS SET
3 FORTH IN SECTION 39-26-102 (8).

4 (7) "REQUESTING HOME RULE JURISDICTION" MEANS A HOME RULE
5 JURISDICTION THAT REQUESTS THAT THE DEPARTMENT COLLECT ITS SALES
6 TAX PURSUANT TO SECTION 29-2-204.

7 (8) "SALES OR USE TAX" INCLUDES THE:

8 (a) COUNTY LODGING TAX IMPOSED PURSUANT TO SECTION
9 30-11-107.5;

10 (b) MARKETING AND PROMOTION TAX IMPOSED PURSUANT TO
11 SECTION 29-25-112 (1)(a);

12 (c) VISITOR BENEFIT TAX IMPOSED PURSUANT TO SECTION
13 43-4-605 (1)(i.5);

14 (d) PREPAID WIRELESS 911 CHARGE IMPOSED PURSUANT TO
15 SECTION 29-11-102.5;

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

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

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

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

27 **29-2-202. Applicability.** (1) EXCEPT AS PROVIDED IN SECTIONS

1 29-2-209 AND 29-2-211, THIS PART 2 APPLIES TO:

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

6 (b) (I) THE COUNTY LODGING TAX IMPOSED PURSUANT TO SECTION
7 30-11-107.5;

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

10 (III) THE VISITOR BENEFIT TAX IMPOSED PURSUANT TO SECTION
11 43-4-605 (1)(i.5);

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

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

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

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

24 **29-2-203. Collection, administration, and enforcement of sales**
25 **or use tax.** (1) [Formerly 29-2-106 (1)] UNLESS OTHERWISE PROVIDED
26 IN THIS PART 2, the ~~collection, administration, and enforcement of~~
27 EXECUTIVE DIRECTOR SHALL COLLECT, ADMINISTER, ENFORCE, AND

1 DISTRIBUTE any ~~countywide or any city or town~~ sales OR USE tax adopted
2 BY A STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING
3 HOME RULE JURISDICTION ~~pursuant to this article shall be performed by~~
4 ~~the executive director of the department of revenue~~ in the same manner
5 as the collection, administration, and enforcement of the Colorado state
6 sales tax. ~~Unless otherwise provided in this article, the provisions of AND~~
7 USE TAX PURSUANT TO article 26 of title 39. ~~C.R.S., shall govern the~~
8 ~~collection, administration, and enforcement of sales taxes authorized~~
9 ~~under this article~~ In collecting, administering, and enforcing a sales tax
10 authorized under this article, the state sales tax authorized under part 1 of
11 article 26 of title 39, C.R.S., or any other sales tax imposed within the
12 boundaries of a county, the executive director of the department of
13 revenue may enter into an intergovernmental agreement with a county
14 pursuant to the provisions of section 39-26-122.5, C.R.S., to enhance
15 systemic efficiencies in the collection of such taxes.

16 (2) **[Formerly the last sentence of 29-2-106 (3)(a)]** Except as
17 provided in section 39-26-208, ~~C.R.S.~~, EACH STATUTORY LOCAL
18 GOVERNMENT SHALL COLLECT, ADMINISTER, AND ENFORCE any use tax
19 imposed pursuant to section 29-2-109 ~~shall be collected, administered,~~
20 ~~and enforced by the city, town, or county~~ as provided by ordinance or
21 resolution, AND SHALL RESOLVE DISPUTES PURSUANT TO SECTION
22 29-2-302.

23 **29-2-204. [Formerly 29-2-106 (4)(a)] Collection,**
24 **administration, and enforcement of home rule jurisdiction sales or**
25 **use tax.** (1) The executive director ~~of the department of revenue~~ shall,
26 at no charge, administer, collect, ENFORCE, and distribute the sales tax of
27 any home rule ~~municipality~~ JURISDICTION upon request of the governing

1 body OR the GOVERNING BODY'S DESIGNEE, of ~~such municipality~~ THE
2 JURISDICTION, REGARDLESS OF WHETHER THE PROVISIONS OF THE SALES
3 TAX ORDINANCE OF THE REQUESTING HOME RULE JURISDICTION APPLIES
4 THE SALES TAX TO THE EXEMPTIONS LISTED IN SECTION 29-2-105 (1)(d)(I).
5 IF:

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

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

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

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

25 **29-2-205. Notice requirements - effective and applicability**
26 **dates - definition.** (1) (a) [Formerly section 29-2-106 (7)] For the
27 purpose of the administration by the state of the provisions of this article,

1 as well as any other state or federal program, each ~~county, home rule~~
2 ~~county, statutory town or city, home rule town or city, city and county, or~~
3 ~~territorial charter town or city~~ HOME RULE JURISDICTION shall file
4 ~~pursuant to section 29-2-110;~~ with the executive director of the
5 ~~department of revenue~~ a copy of each sales or use tax ordinance or
6 resolution, or any amendment thereto, no later than ~~ten~~ FORTY-FIVE days
7 ~~after the~~ BEFORE ITS effective date. ~~thereof. A copy of any sales or use tax~~
8 ~~ordinance or resolution in effect on March 11, 1982, shall be filed no later~~
9 ~~than July 1, 1982.~~ The failure to file a copy of any such ordinance or
10 resolution shall not give rise to any claim for refund by any taxpayer,
11 other than for overpayment which is determined to be allowable under
12 such ordinance or resolution.

13 (b) NOTWITHSTANDING ANY LAW TO THE CONTRARY, WHEN A
14 STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING
15 HOME RULE JURISDICTION BY ORDINANCE OR RESOLUTION IMPOSES A NEW
16 SALES OR USE TAX THAT THE DEPARTMENT WILL COLLECT PURSUANT TO
17 THIS PART 2, OR MAKES ANY CHANGE TO ITS EXISTING SALES OR USE TAX
18 THAT WILL AFFECT THE DEPARTMENT'S COLLECTION PURSUANT TO THIS
19 PART 2, THE STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR
20 REQUESTING HOME RULE JURISDICTION SHALL PROVIDE THE DEPARTMENT
21 WITH WRITTEN NOTICE OF THE ORDINANCE OR RESOLUTION IMPOSING THE
22 NEW SALES OR USE TAX OR CHANGES TO THE EXISTING SALES OR USE TAX
23 IMPOSITION ALONG WITH A COPY OF THE ORDINANCE OR RESOLUTION NO
24 LATER THAN FORTY-FIVE DAYS BEFORE ITS EFFECTIVE DATE. THE FAILURE
25 TO PROVIDE WRITTEN NOTICE AND A COPY OF THE ORDINANCE OR
26 RESOLUTION DOES NOT GIVE RISE TO ANY CLAIM FOR REFUND BY ANY
27 TAXPAYER OTHER THAN FOR AN OVERPAYMENT ALLOWED PURSUANT TO

1 THE ORDINANCE OR RESOLUTION.

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

20 (2) **[Formerly section 29-2-106 (2)]** EXCEPT AS PROVIDED IN
21 SUBSECTION (4) OF THIS SECTION, ~~the effective date~~ APPLICABILITY OF ANY
22 ~~countywide sales tax or city or town sales tax adopted under the~~
23 ~~provisions of this article~~ NEW SALES OR USE TAX OR ANY CHANGE TO AN
24 EXISTING SALES OR USE TAX IMPOSED BY A STATUTORY LOCAL
25 GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE
26 JURISDICTION shall be either January 1 or July 1 following the DATE OF
27 ENACTMENT OF THE ORDINANCE OR RESOLUTION, OR EITHER JANUARY 1

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

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

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

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

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

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

27 (e) A STATUTORY LOCAL GOVERNMENT'S TRANSITION TO A

1 SELF-COLLECTING HOME RULE JURISDICTION;

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

4 (g) A SELF-COLLECTING HOME RULE JURISDICTION'S TRANSITION
5 TO A REQUESTING HOME RULE JURISDICTION;

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

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

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

15 (4) (a) FOR PURPOSES OF THIS PART 2, THE APPLICABILITY OF A
16 SALES OR USE TAX IMPOSED AS A RESULT OF A CHANGE TO A STATUTORY
17 LOCAL GOVERNMENT'S GEOGRAPHIC BOUNDARY IS DETERMINED
18 PURSUANT TO SECTION 30-6-109.7 AND PART 12 OF ARTICLE 31 OF TITLE
19 31.

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

25 (II) THE SPECIAL DISTRICT OR REQUESTING HOME RULE
26 JURISDICTION'S SALES OR USE TAX IN THE ANNEXED AREA APPLIES
27 BEGINNING ON THE NEXT JANUARY 1 OR JULY 1 FOLLOWING THE

1 DEPARTMENT'S RECEIPT OF THE ANNEXATION MAP AND ANNEXATION
2 ORDINANCE OR RESOLUTION SO LONG AS THE ANNEXATION MAP AND
3 ANNEXATION RESOLUTION ARE RECEIVED BY THE DEPARTMENT NO LATER
4 THAN FORTY-FIVE DAYS BEFORE THE JANUARY 1 OR JULY 1. IF THE
5 ANNEXATION MAP AND ANNEXATION RESOLUTION ARE NOT RECEIVED BY
6 THE DEPARTMENT AS SPECIFIED IN THIS SUBSECTION (4)(b)(II), THEN THE
7 SALES OR USE TAX IN THE ANNEXED AREA DOES NOT APPLY UNTIL THE
8 NEXT SUCCEEDING JANUARY 1 OR JULY 1.

9 (c) UPON RECEIVING AN ANNEXATION ORDINANCE AND MAP
10 PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE DEPARTMENT SHALL
11 COMMUNICATE WITH ANY TAXING ENTITIES AFFECTED BY THE
12 ANNEXATION IN ORDER TO FACILITATE THE ADMINISTRATION AND
13 COLLECTION OF SALES OR USE TAX IN THE ANNEXED AREA AND TO
14 IDENTIFY ALL RETAILERS AFFECTED BY THE ANNEXATION. THE
15 DEPARTMENT SHALL MAKE COPIES OF THE ANNEXATION MAP AND
16 ANNEXATION RESOLUTION AVAILABLE TO ALL TAXING ENTITIES IN THE
17 STATE.

18 **29-2-206. Vendor fee.** (1) A STATUTORY LOCAL GOVERNMENT,
19 SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION MAY ALLOW
20 BY ORDINANCE OR RESOLUTION A RETAILER THAT COLLECTS AND REMITS
21 ITS SALES OR USE TAX TO RETAIN A PERCENTAGE, AS FIXED BY THE
22 STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING
23 HOME RULE JURISDICTION, OF THE AMOUNT REMITTED TO COVER THE
24 VENDOR'S EXPENSE IN COLLECTING AND REMITTING THE STATUTORY
25 LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE
26 JURISDICTION'S SALES OR USE TAX; EXCEPT THAT:

27 (a) A STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR

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

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

9 **29-2-207. Distributions.** (1) **[Formerly the first two sentences**
10 **of 29-2-106 (3)(a)]** ~~The executive director, of the department of revenue~~
11 ~~shall, at no charge, except as provided in paragraph (b) of this subsection~~
12 ~~(3), administer, collect, and distribute any sales tax imposed in conformity~~
13 ~~with this article. The executive director shall make monthly distributions~~
14 ~~of sales OR USE tax collections to the appropriate official LIAISON in each~~
15 ~~county and in each incorporated city or town in the amount determined~~
16 ~~under the distribution formula established in accordance with this article.~~
17 STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, AND REQUESTING
18 HOME RULE JURISDICTION.

19 (2) **[Formerly 29-2-106 (10)]** (a) If any sales OR USE tax to be
20 distributed pursuant to this ~~section~~ PART 2 is not distributed within sixty
21 days after the processing date, THE DEPARTMENT SHALL ADD interest ~~shall~~
22 ~~be added~~ to the undistributed amount from the sixtieth day after the
23 processing date until the date ~~such~~ THAT THE sales OR USE tax is
24 distributed. The rate of ~~said~~ interest ~~shall be~~ IS equal to the average rate,
25 rounded to one-thousandth of a percent, being earned by the investment
26 of ~~moneys~~ MONEY in the state treasury for the same period.

27 (b) ~~The provisions of this subsection (10) shall apply only to sales~~

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

8 **29-2-208. Dispute resolution.** (1) EXCEPT AS OTHERWISE
9 PROVIDED IN THIS PART 2, DISPUTES REGARDING SALES OR USE TAX
10 COLLECTED BY THE DEPARTMENT UNDER THIS PART 2 ARE RESOLVED IN
11 THE SAME MANNER AS THE COLLECTION, ADMINISTRATION, AND
12 ENFORCEMENT OF STATE SALES TAX UNDER ARTICLE 26 OF TITLE 39,
13 INCLUDING ANY RELEVANT SECTIONS OF PART 1 OF ARTICLE 21 OF TITLE
14 39.

15 ==
16 (2) (a) IF, IN THE COURSE OF A CASE OR CLAIM ARISING UNDER THIS
17 PART 2, OR UNDER ARTICLE 21 OF TITLE 39, A TAXPAYER OR THE
18 EXECUTIVE DIRECTOR ASSERTS THAT ALL OR PART OF A SALES OR USE TAX
19 ASSESSMENT OR REFUND CLAIM HAS BEEN ERRONEOUSLY PAID TO THE
20 STATE OR TO ANOTHER STATUTORY LOCAL GOVERNMENT, SPECIAL
21 DISTRICT, OR HOME RULE JURISDICTION, THEN, SUBJECT TO THE
22 REQUIREMENTS SET FORTH IN SUBSECTION (2)(b) OF THIS SECTION:

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

26 (II) THE EXECUTIVE DIRECTOR MAY ORDER PAYMENT FROM THE
27 JURISDICTION THAT ERRONEOUSLY RECEIVED THE SALES OR USE TAX IN

1 THE AMOUNT ERRONEOUSLY PAID, WITH INTEREST, IF APPLICABLE,
2 PURSUANT TO SECTION 39-21-110, TO THE CORRECT JURISDICTION, OR TO
3 THE TAXPAYER, AS THE CASE MAY BE;

4 (III) NOTWITHSTANDING SECTION 29-2-209, THE PERIODS OPEN OR
5 CLOSED TO ASSESSMENT OR REFUND UNDER THE ORDINANCE OR
6 RESOLUTION OF ANY STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT,
7 OR HOME RULE JURISDICTION; UNDER SECTIONS 39-21-107 (1), 36-26-125,
8 39-26-210, AND 39-26-703; OR UNDER AN INTERGOVERNMENTAL
9 TRANSFER AGREEMENT MAY NOT BAR ANY OF THE REMEDIES SET FORTH
10 IN THIS SUBSECTION (2)(a);

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

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

20 (b) IF THE EXECUTIVE DIRECTOR DETERMINES UNDER THIS
21 SUBSECTION (2) THAT THE DISPUTED TAX WAS PAID TO A HOME RULE
22 JURISDICTION THAT IS NOT A REQUESTING HOME RULE JURISDICTION, THEN
23 THE EXECUTIVE DIRECTOR SHALL HOLD A HEARING AS DESCRIBED IN PART
24 3 OF THIS ARTICLE 2 AND THE HOME RULE JURISDICTION THAT IS NOT A
25 REQUESTING HOME RULE JURISDICTION SHALL BE JOINED AS A PARTY TO
26 THE HEARING AS DESCRIBED IN SECTION 29-2-302 (5).

27 (3) IF A TAXPAYER CLAIMS OR THE EXECUTIVE DIRECTOR FINDS

1 THAT ALL OR PART OF A SALES OR USE TAX DUE TO A HOME RULE
2 JURISDICTION THAT IS NOT A REQUESTING HOME RULE JURISDICTION HAS
3 BEEN PAID TO THE STATE OR TO A STATUTORY LOCAL GOVERNMENT, A
4 REQUESTING HOME RULE JURISDICTION, OR A SPECIAL DISTRICT, AND THE
5 EXECUTIVE DIRECTOR MAKES A DETERMINATION TO THIS EFFECT, THEN
6 THE DEPARTMENT SHALL FORWARD THOSE FUNDS DIRECTLY TO THE
7 HOME RULE JURISDICTION WITHIN THIRTY DAYS OF THE EXECUTIVE
8 DIRECTOR'S DETERMINATION WITH INTEREST, AS PROVIDED IN SECTION
9 39-21-110.

10 **29-2-209. [Formerly 29-2-106 (8)] Uniform collection**
11 **procedures for home rule jurisdictions.** Each home rule ~~city, town, and~~
12 ~~city and county~~ JURISDICTION shall follow, and conform its ordinances
13 where necessary to, the statute of limitations applicable to the
14 enforcement of state sales ~~and~~ OR use tax collections, the statute of
15 limitations applicable to refunds of state sales ~~and~~ OR use taxes, the
16 amount of penalties and interest payable on delinquent remittances of
17 state sales ~~and~~ OR use taxes, and the posting of bonds pursuant to section
18 39-21-105. ~~C.R.S.~~

19 **29-2-210. Remittance of tax - GIS - vendor held harmless.** ANY
20 VENDOR MAY USE THE GIS DATABASE AND BE HELD HARMLESS AS
21 DESCRIBED IN SECTION 39-26-105.2 WHEN COLLECTING AND REMITTING
22 SALES OR USE TAX TO THE DEPARTMENT PURSUANT TO THIS PART 2.

23 **29-2-211. [Formerly 29-2-106 (3)(b)] Sales or use tax on motor**
24 **vehicles.** The executive director is hereby authorized to contract and enter
25 into agreements with the county clerk and recorder and ~~municipalities~~
26 HOME RULE JURISDICTIONS for the collection of state, county, and city or
27 town use taxes upon motor vehicles, and the county clerk and recorder

1 may charge and retain a fee as the director may approve to fully cover the
2 cost of such collection by the county clerk and recorder.

3 **29-2-212. [Formerly 29-2-106 (3)(c)] Qualified purchasers.**

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

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

21 **29-2-213. Coordination.** EACH STATUTORY LOCAL GOVERNMENT,
22 SPECIAL DISTRICT, AND REQUESTING HOME RULE JURISDICTION SHALL
23 DESIGNATE ONE OR MORE LIAISONS WHO SHALL COORDINATE WITH THE
24 DEPARTMENT REGARDING THE COLLECTION OF ITS SALES OR USE TAX. THIS
25 COORDINATION MAY INCLUDE THE LIAISON IDENTIFYING BUSINESSES
26 ELIGIBLE TO COLLECT THE SALES OR USE TAX IN ITS JURISDICTION AND ANY
27 OTHER ADMINISTRATIVE DETAILS IDENTIFIED BY THE DEPARTMENT.

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

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

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

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

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

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

25 (2) The executive director of the department of revenue may enter
26 into an intergovernmental agreement with any ~~county~~ STATUTORY LOCAL
27 GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE

1 JURISDICTION for the purpose of enhancing the systemic efficiencies and
2 procedures used in the collection of state and local sales OR USE taxes.
3 Such agreement shall be entered into on behalf of and for the benefit of
4 ~~both the county~~ STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR
5 REQUESTING HOME RULE JURISDICTION and the department. In addition,
6 a municipality may be included as a party to the agreement to further the
7 same efficiencies and procedures to be enhanced by the agreement
8 between the executive director and a county. The agreement may allow
9 the parties to share in providing any function or service lawfully
10 authorized to each of the parties, including the sharing of costs,
11 information, or duties related to the collection of sales OR USE taxes
12 within the boundaries of the county.

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

21 **29-2-215. Information sharing.** (1) [Formerly 29-2-106 (4)(b)]
22 NOTWITHSTANDING THE PROVISIONS OF SECTION 39-21-113, the executive
23 director ~~of the department of revenue~~ shall furnish the ~~governing body~~
24 LIAISON of each ~~municipality and county~~ STATUTORY LOCAL
25 GOVERNMENT, SPECIAL DISTRICT, AND REQUESTING HOME RULE
26 JURISDICTION WITH a monthly listing of all returns filed by the retailers in
27 ~~such municipality or county~~ THEIR JURISDICTION. The ~~governing body of~~

1 ~~such municipality or county~~ LIAISON OF EACH STATUTORY LOCAL
2 GOVERNMENT, SPECIAL DISTRICT, AND REQUESTING HOME RULE
3 JURISDICTION shall notify the executive director ~~of the department of~~
4 ~~revenue~~ of any retailers omitted from ~~this~~ THE listing as soon as
5 practicable, but in no event more than one hundred eighty days after
6 receiving ~~said~~ THE monthly listing. Failure of the ~~governing body of such~~
7 ~~municipality or county~~ LIAISON to notify the executive director ~~of the~~
8 ~~department of revenue~~ of any omitted retailers, within ~~such~~ THE period,
9 ~~shall preclude the municipality or county~~ PRECLUDES THE STATUTORY
10 LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE
11 JURISDICTION from making any further claims based upon such omissions.
12 Neither the executive director ~~of the department of revenue nor any~~
13 ~~municipality or county~~ NOR ANY STATUTORY LOCAL GOVERNMENT,
14 SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION shall be held
15 liable for any omissions ~~which~~ THAT have not been called to the executive
16 director's attention within ~~this~~ THE period.

17 (2) [Formerly 29-2-106 (4)(c)(I)] Notwithstanding the provisions
18 of section 39-21-113, the executive director ~~of the department of revenue~~
19 shall report monthly to each ~~municipality and county~~ STATUTORY LOCAL
20 GOVERNMENT, SPECIAL DISTRICT, AND REQUESTING HOME RULE
21 JURISDICTION for which the department ~~of revenue~~ collects a sales OR USE
22 tax information identifying licensed vendors within the ~~municipality or~~
23 ~~county~~ BOUNDARIES OF THE STATUTORY LOCAL GOVERNMENT, SPECIAL
24 DISTRICT, OR REQUESTING HOME RULE JURISDICTION, including the
25 licensing information required by section 39-26-802.9 (3), and, where the
26 ~~chief administrative officer or his designee~~ STATUTORY LOCAL
27 GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE

1 JURISDICTION has executed a memorandum of understanding with the
2 department of revenue providing for control of confidential data, the
3 status of each vendor's account including the amount of such
4 ~~municipality's or county's~~ sales OR USE tax collected and paid by each
5 such vendor. The executive director of the ~~department~~ may, in his THE
6 EXECUTIVE DIRECTOR'S discretion, provide additional information to a
7 ~~municipality or county~~ STATUTORY LOCAL GOVERNMENT, SPECIAL
8 DISTRICT, OR REQUESTING HOME RULE JURISDICTION concerning collection
9 and administration of ~~such municipality's or county's~~ ITS sales OR USE tax
10 if such a memorandum has been executed.

11 (3) [Formerly 29-2-106 (6)] NOTWITHSTANDING THE PROVISIONS
12 OF SECTION 39-21-113, the executive director of the ~~department of~~
13 ~~revenue~~ may, in the executive director's discretion, exchange information
14 with the proper official of any home rule city JURISDICTION that imposes
15 a sales and OR use tax relative to gross sales reported, changes in gross
16 sales resulting from audits, and other information concerning licensed
17 vendors making retail sales within the HOME RULE jurisdiction, of the
18 ~~home rule city~~, including the licensing information required by section
19 39-26-802.9 (3).

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

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

19 **29-2-216. Department rulemaking.** THE EXECUTIVE DIRECTOR
20 MAY PROMULGATE RULES TO CARRY OUT THE PROVISIONS OF THIS PART 2.

21 PART 3

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

24 **29-2-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

- 26 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.
27 (2) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF

1 THE DEPARTMENT.

2 (3) "LOCAL GOVERNMENT" MEANS HOME RULE AND STATUTORY
3 CITIES, TOWNS, CITIES AND COUNTIES, AND COUNTIES.

4 **29-2-302. [Formerly 29-2-106.1] Deficiency notice and dispute**
5 **resolution for locally collected sales or use tax - legislative**
6 **declaration.** (1) The general assembly hereby finds, determines, and
7 declares that the enforcement of sales ~~and~~ OR use taxes can affect persons
8 and entities across the jurisdictional boundaries of taxing jurisdictions and
9 that dispute resolution is a matter of statewide concern for which the
10 procedures set forth in this ~~section shall~~ PART 3 MUST be applied
11 uniformly throughout the state. IN FACT, THE COLORADO SUPREME COURT
12 RELIED ON THIS DECLARATION IN *WALGREEN CO. V. CHARNES*, 819 P.2D
13 1039 (COLO. 1991), TO HOLD THAT APPEALS TAKEN FROM LOCALLY
14 IMPOSED AND COLLECTED SALES OR USE TAXES, INCLUDING THOSE
15 IMPOSED AND COLLECTED BY A HOME RULE JURISDICTION, ARE GOVERNED
16 BY THE PROCEDURES THAT HAVE BEEN RELOCATED TO THIS PART 3.

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

27 (b) The taxpayer shall also have the right to elect a hearing

1 pursuant to subsection (3) of this section on a local government's denial
2 of ~~such~~ THE taxpayer's claim for a refund of sales or use tax paid.

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

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

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

25 (III) One hundred eighty days or more after the date of the
26 taxpayer's request for a hearing, the local government notifies the
27 taxpayer in writing that the local government does not intend to conduct

1 a hearing. In such instance, the written notification ~~shall~~ MUST also state
2 that the taxpayer exhausted local remedies in accordance with this
3 section, that ~~such~~ THE exhaustion occurred on the date of the written
4 notification, and that the taxpayer may pursue further review pursuant to
5 subsection (3) or (8) of this section within thirty days after ~~such~~ THE
6 exhaustion.

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

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

22 (3) (a) If a taxpayer satisfies the requirements of ~~paragraph (c) of~~
23 ~~subsection (2)~~ SUBSECTION (2)(c) of this section, the taxpayer may request
24 THAT the executive director of the ~~department of revenue~~ to conduct a
25 hearing on ~~such~~ THE deficiency notice or claim for refund, and ~~such~~
26 ~~request shall be made and such hearing shall~~ IF REQUESTED, THE HEARING
27 MUST be conducted in the same manner as set forth in section 39-21-103.

1 ~~€R.S.~~ Any local government to which the deficiency notice being
2 appealed claims taxes are due, or, in the case of a claim for refund, the
3 local government that denied ~~such~~ THE claim, ~~shall~~ MUST be notified by
4 the executive director that a hearing is scheduled and ~~shall~~ MUST be
5 allowed to participate in the hearing as a party.

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

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

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

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

23 (III) ~~In the event~~ IF that payment of the tax or posting of a bond
24 is required by the local government PURSUANT TO SUBSECTION (3)(b)(II)
25 OF THIS SECTION, the taxpayer, after payment of the tax or posting of the
26 bond, may appeal ~~such decision of the local government~~ GOVERNMENT'S
27 DECISION REGARDING THE DEFICIENCY NOTICE OR CLAIM FOR REFUND to

1 the executive director and THE EXECUTIVE DIRECTOR shall ~~be granted~~
2 GRANT an expedited hearing on ~~such~~ THE appeal pursuant to section
3 39-21-103 (6). ~~C.R.S., and~~ The executive director may affirm, reverse, or
4 modify ~~such~~ THE decision REGARDING THE DEFICIENCY NOTICE OR CLAIM
5 FOR REFUND.

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

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

15 (4) ~~In the event that~~ IF all parties to a hearing arrive at a settlement
16 prior to the hearing, ~~such~~ THE parties may agree to cancel ~~such~~ THE
17 hearing. AFTER CANCELING THE HEARING, no party shall ~~thereafter have~~
18 HAS a FURTHER right to a hearing before the executive director on the
19 deficiency notice or claim for refund AND NEITHER PARTY MAY APPEAL
20 THE DECISION IN THE MANNER PROVIDED IN SECTION 39-21-105. ~~By~~
21 ~~agreement of all parties to the hearing, the hearing may be canceled and~~
22 ~~the matter may be determined by the executive director upon written~~
23 ~~briefs submitted by the parties in the same manner as provided in section~~
24 ~~39-21-103 (7) and (8), C.R.S.~~

25 (5) (a) EXCEPT AS PROVIDED IN SUBSECTION (5)(d) OF THIS
26 SECTION, if the taxpayer asserts that all or part of a sales or use tax which
27 is the subject of the hearing PURSUANT TO THIS PART 3 has been paid to

1 or is due to another local government, then such other local government
2 shall be joined as a party to the hearing. Neither the taxpayer nor the
3 assessing local government needs to file a claim for refund with such
4 other local government in order to pursue the remedy provided by this
5 subsection (5)(a). If the executive director determines that the disputed
6 tax was paid, but to the wrong local government, then the taxpayer shall
7 be relieved of the tax due up to the amount paid by the taxpayer to the
8 wrong local government together with an abatement of interest thereon
9 and all penalties; EXCEPT THAT, THE TAXPAYER IS NOT ENTITLED TO THE
10 AUTOMATIC ABATEMENT OF INTEREST AND PENALTIES DESCRIBED IN THIS
11 SUBSECTION (5)(a) FOR AN ERROR THAT WOULD NOT HAVE OCCURRED IF
12 THE TAXPAYER HAD USED THE GIS DATABASE DESCRIBED IN SECTION
13 39-26-105.2 TO DETERMINE THE TAX RATE AND THE JURISDICTIONS TO
14 WHICH THE SALES OR USE TAX IS DUE. NOTHING IN THIS SUBSECTION (5)(a)
15 PROHIBITS A LOCAL GOVERNMENT FROM WAIVING INTEREST OR PENALTIES
16 FOR GOOD CAUSE SHOWN.

17 (b) Notwithstanding section ~~29-2-106 (8)~~ SECTION 29-2-209, the
18 periods open or closed to assessment or refund under the ordinances of
19 the local governments, under sections 39-26-210, 39-21-107 (1),
20 39-26-125, and 39-26-703, or under an intergovernmental transfer
21 agreement may not bar any of the remedies set forth in subsections (5)(a)
22 and (6) of this section.

23 (c) (I) ~~For any taxable event occurring on or after January 1, 2018,~~
24 If the taxpayer receives a notice from a local government that the taxpayer
25 must pay sales or use tax to that local government for a particular taxable
26 event and the taxpayer fails to comply with the instructions in the notice
27 with respect to the same type of taxable event that occurs more than

1 ninety days after the taxpayer receives the notice, then the taxpayer may
2 not take advantage of the ~~remedy~~ REMEDIES allowed in subsection (5)(a)
3 of this section for that particular type of taxable event identified in the
4 notice that occurs more than ninety days after the taxpayer received the
5 notice, unless the taxpayer receives, or has previously received, a similar
6 notice described in subsection (5)(c)(II) of this section from another local
7 government that provides contrary instructions.

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

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

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

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

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

22 (d) IF ALL PARTIES TO A HEARING DESCRIBED IN THIS SUBSECTION
23 (5) ARRIVE AT SETTLEMENT PRIOR TO THE HEARING, THE PARTIES MAY
24 AGREE IN WRITING TO CANCEL THE HEARING. A LOCAL GOVERNMENT TO
25 WHICH THE TAXPAYER ASSERTS IT PAID THE SALES OR USE TAX IN ERROR
26 MAY PARTICIPATE IN A SETTLEMENT CONFERENCE AND AGREEMENT
27 DESCRIBED IN THIS SUBSECTION (5)(d). AFTER CANCELING THE HEARING,

1 NO PARTY HAS A FURTHER RIGHT TO A HEARING BEFORE THE EXECUTIVE
2 DIRECTOR AND NEITHER PARTY MAY APPEAL THE DECISION IN THE MANNER
3 PROVIDED IN SECTION 39-21-105.

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

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

27 (7) Appeals from the final determination of the executive director

1 may be taken in the same manner as provided in and ~~shall be~~ ARE
2 governed by section 39-21-105, ~~C.R.S.~~, by any party bound by the
3 executive director's decision. ~~Any such appeal shall~~ AN APPEAL MUST be
4 heard de novo and ~~shall be~~ heard as provided in section 39-21-105 ~~C.R.S.~~;
5 ~~except as follows~~ WITH THE FOLLOWING PROVISIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 located within a county.

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

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

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

23 **29-1-204.5. Establishment of multijurisdictional housing**
24 **authorities.** (2) Any contract establishing any such authority shall
25 specify:

26 (e) The expected sources of revenue of the authority and any
27 requirements that contracting member governments consent to the levying

1 of any taxes or development impact fees within the jurisdiction of such
2 member. If the authority levies any taxes or development impact fees, the
3 contract shall further include requirements that:

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

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

13 (f.1) (I) Subject to the provisions of subsection (7.5) of this
14 section, to levy, in all of the area within the boundaries of the authority,
15 a sales or use tax, or both, at a rate not to exceed one percent, upon every
16 transaction or other incident with respect to which a sales or use tax is
17 levied by the state, excluding the sale or use of cigarettes. The tax
18 imposed pursuant to this ~~paragraph (f.1)~~ SUBSECTION (3)(f.1) is in
19 addition to any other sales or use tax imposed pursuant to law. The
20 executive director of the department of revenue shall collect, administer,
21 and enforce the sales or use tax, ~~to the extent feasible, in the manner~~
22 ~~provided in section 29-2-106. However, the executive director shall not~~
23 ~~begin the collection, administration, and enforcement of a sales and use~~
24 ~~tax until such time as the financial officer of the authority and the~~
25 ~~executive director have agreed on all necessary matters pursuant to~~
26 ~~subparagraph (III) of paragraph (c) of subsection (2) of this section. The~~
27 ~~executive director shall begin the collection, administration, and~~

1 ~~enforcement of a sales and use tax on a date mutually agreeable to the~~
2 ~~department of revenue and the authority.~~ AS SPECIFIED IN PART 2 OF
3 ARTICLE 2 OF THIS TITLE 29.

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

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

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

26 **29-2-102. Municipal sales or use tax - referendum.** (2) (a) ~~No~~
27 ~~incorporated town or city shall adopt a sales or use tax ordinance pursuant~~

1 to subsection (1) of this section on or after the date of the adoption of a
2 resolution for a countywide sales tax, use tax, or both by the board of
3 county commissioners of the county in which all or any portion of the
4 town or city is located until after the date of the election on the county
5 proposal.

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

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

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

17 **29-2-103. Countywide sales or use tax - multiple-county**
18 **municipality excepted.** (3) The approval provisions of subsection (1) of
19 this section, the restrictions on contents of sales or use tax proposals set
20 forth in section 29-2-105, and the collection, ADMINISTRATION,
21 ENFORCEMENT, AND DISTRIBUTION procedures of ~~section 29-2-106~~ shall
22 PART 2 OF THIS ARTICLE 2 apply to county sales or use taxes or both levied
23 pursuant to subsection (2) of this section.

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

26 **29-2-103.5. Sales tax for mass transit.** (1) (c) THE SALES OR USE
27 TAX ALLOWED PURSUANT TO THIS SUBSECTION (1) SHALL BE COLLECTED,

1 ADMINISTERED, ENFORCED, AND DISTRIBUTED BY THE DEPARTMENT OF
2 REVENUE AS SPECIFIED IN PART 2 OF THIS ARTICLE 2.

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

5 **29-2-103.7. Special taxes for water rights.** (1) On and after July
6 1, 2003, in addition to any sales tax imposed pursuant to section
7 29-2-103, counties are authorized to levy a county sales tax, use tax, or
8 any combination of such taxes of up to one percent for the purposes of
9 purchasing, adjudicating changes of, leasing, using, banking, and selling
10 water rights that have been adjudicated for use within such county or in
11 a municipality or county that is subject to an intergovernmental agreement
12 concerning such tax pursuant to subsection (2) of this section. THE SALES
13 OR USE TAX ALLOWED UNDER THIS SUBSECTION (1) SHALL BE COLLECTED,
14 ADMINISTERED, AND ENFORCED BY THE DEPARTMENT OF REVENUE AS
15 SPECIFIED IN PART 2 OF THIS ARTICLE 2.

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

18 **29-2-103.8. Sales tax for health-care services.** (1) In addition
19 to any sales tax imposed pursuant to section 29-2-103, each county in the
20 state is authorized to levy a county sales tax for the purpose of providing,
21 directly or indirectly, health-care services to residents of the county who
22 are in need of health-care services. THE SALES TAX FOR HEALTH-CARE
23 SERVICES SHALL BE COLLECTED, ADMINISTERED, AND ENFORCED BY THE
24 DEPARTMENT OF REVENUE AS SPECIFIED IN PART 2 OF THIS ARTICLE 2.

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

27 **29-2-103.9. Sales tax for mental health-care services.** (1) In

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

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

11 **29-2-104. Adoption procedures.** (6) If approved by a majority
12 of the registered electors voting thereon, the countywide sales tax, use
13 tax, or both shall become effective as provided by ~~section 29-2-106 (2)~~
14 IN SECTION 29-2-205.

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

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

21 **29-2-106. Collection - administration - enforcement.** ~~(1) The~~
22 ~~collection, administration, and enforcement of any countywide or any city~~
23 ~~or town sales tax adopted pursuant to this article shall be performed by~~
24 ~~the executive director of the department of revenue in the same manner~~
25 ~~as the collection, administration, and enforcement of the Colorado state~~
26 ~~sales tax. Unless otherwise provided in this article, the provisions of~~
27 ~~article 26 of title 39, C.R.S., shall govern the collection, administration,~~

1 and enforcement of sales taxes authorized under this article. In collecting,
2 administering, and enforcing a sales tax authorized under this article, the
3 state sales tax authorized under part 1 of article 26 of title 39, C.R.S., or
4 any other sales tax imposed within the boundaries of a county, the
5 executive director of the department of revenue may enter into an
6 intergovernmental agreement with a county pursuant to the provisions of
7 section 39-26-122.5, C.R.S., to enhance systemic efficiencies in the
8 collection of such taxes.

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

20 (3)(a) The executive director of the department of revenue shall,
21 at no charge, except as provided in paragraph (b) of this subsection (3),
22 administer, collect, and distribute any sales tax imposed in conformity
23 with this article. The executive director shall make monthly distributions
24 of sales tax collections to the appropriate official in each county and in
25 each incorporated city or town in the amount determined under the
26 distribution formula established in accordance with this article. Except as
27 provided in section 39-26-208, C.R.S., any use tax imposed pursuant to

1 ~~section 29-2-109 shall be collected, administered, and enforced by the~~
2 ~~city, town, or county as provided by ordinance or resolution.~~

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

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

19 ~~(II) A qualified purchaser that provides a direct payment permit~~
20 ~~number to a vendor or retailer shall be liable and responsible for the~~
21 ~~amount of sales tax imposed on any sale made to the qualified purchaser~~
22 ~~pursuant to this article in the same manner as liability would be imposed~~
23 ~~on a qualified purchaser for state sales tax pursuant to section 39-26-105~~
24 ~~(5).~~

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

1 municipality:

2 ~~(A) If the provisions of the sales tax ordinance of said~~
3 ~~municipality, other than those provisions relating to local procedures~~
4 ~~followed in adopting the ordinance, correspond to the requirements of this~~
5 ~~article for sales taxes imposed by counties, towns, and cities;~~

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

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

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

16 ~~(b) The executive director of the department of revenue shall~~
17 ~~furnish the governing body of each municipality and county a monthly~~
18 ~~listing of all returns filed by the retailers in such municipality or county.~~
19 ~~The governing body of such municipality or county shall notify the~~
20 ~~executive director of the department of revenue of any retailers omitted~~
21 ~~from this listing as soon as practicable, but in no event more than one~~
22 ~~hundred eighty days after receiving said monthly listing. Failure of the~~
23 ~~governing body of such municipality or county to notify the executive~~
24 ~~director of the department of revenue of any omitted retailers, within such~~
25 ~~period, shall preclude the municipality or county from making any further~~
26 ~~claims based upon such omissions. Neither the executive director of the~~
27 ~~department of revenue nor any municipality or county shall be held liable~~

1 for any omissions which have not been called to the executive director's
2 attention within this period.

3 ~~(c) (I) Notwithstanding the provisions of section 39-21-113, the~~
4 ~~executive director of the department of revenue shall report monthly to~~
5 ~~each municipality and county for which the department of revenue~~
6 ~~collects a sales tax information identifying licensed vendors within the~~
7 ~~municipality or county, including the licensing information required by~~
8 ~~section 39-26-802.9 (3), and, where the chief administrative officer or his~~
9 ~~designee has executed a memorandum of understanding with the~~
10 ~~department of revenue providing for control of confidential data, the~~
11 ~~status of each vendor's account including the amount of such~~
12 ~~municipality's or county's sales tax collected and paid by each such~~
13 ~~vendor. The executive director of the department may, in his discretion,~~
14 ~~provide additional information to a municipality or county concerning~~
15 ~~collection and administration of such municipality's or county's sales tax~~
16 ~~if such a memorandum has been executed.~~

17 ~~(H) Except in accordance with judicial order or as otherwise~~
18 ~~provided by law, no official or employee of a municipality or county~~
19 ~~receiving sales tax information from the department of revenue pursuant~~
20 ~~to this paragraph (c) shall divulge or make known to any person not an~~
21 ~~official or employee of such municipality or county any information~~
22 ~~which identifies or permits the identification of the amount of sales taxes~~
23 ~~collected or paid by any individual licensed vendor. The municipal or~~
24 ~~county officials or employees charged with the custody of such sales tax~~
25 ~~information shall not be required to produce any such information in any~~
26 ~~action or proceeding in any court except in an action or proceeding under~~
27 ~~the provisions of this article to which the municipality or county having~~

1 custody of the information is a party, in which event the court may require
2 the production of, and may admit in evidence, so much of said sales tax
3 information as is pertinent to the action or proceeding. Any municipal or
4 county official or employee who willfully violates any of the provisions
5 of this paragraph (c) is guilty of a misdemeanor and, upon conviction
6 thereof, shall be punished by a fine of not more than one thousand dollars
7 and shall be dismissed from office.

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

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

17 (7) ~~For the purpose of the administration by the state of the~~
18 ~~provisions of this article, as well as any other state or federal program,~~
19 ~~each county, home rule county, statutory town or city, home rule town or~~
20 ~~city, city and county, or territorial charter town or city shall file, pursuant~~
21 ~~to section 29-2-110, with the executive director of the department of~~
22 ~~revenue a copy of each sales or use tax ordinance or resolution, or any~~
23 ~~amendment thereto, no later than ten days after the effective date thereof.~~
24 ~~A copy of any sales or use tax ordinance or resolution in effect on March~~
25 ~~11, 1982, shall be filed no later than July 1, 1982. The failure to file a~~
26 ~~copy of any such ordinance or resolution shall not give rise to any claim~~
27 ~~for refund by any taxpayer, other than for overpayment which is~~

1 determined to be allowable under such ordinance or resolution.

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

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

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

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

27 (d) (I) ~~In addition to the standard municipal sales and use tax form~~

1 set forth in paragraph (a) of this subsection (9), on or before December
2 1, 1994, the executive director of the department of revenue shall
3 cooperate with and assist local governments in the development of a
4 common local sales and use tax form. For purposes of this paragraph (d),
5 "local government" means a city, home rule city, town, city and county,
6 or other political subdivision of the state which collects its own sales or
7 use tax.

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

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

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

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

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

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

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

8 ~~(b) The provisions of this subsection (10) shall apply only to sales~~
9 ~~tax collected by the department of revenue with a processing date~~
10 ~~occurring on or after January 1, 2001. The provisions of this subsection~~
11 ~~(10) shall not apply in the event that the distribution of sales tax was~~
12 ~~delayed as a result of unforeseen circumstances or caused primarily by an~~
13 ~~entity other than the department of revenue. Such determination shall be~~
14 ~~made in good faith by the department.~~

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

17 **29-2-106.1. Deficiency notice - dispute resolution.** ~~(1) The~~
18 ~~general assembly hereby finds, determines, and declares that the~~
19 ~~enforcement of sales and use taxes can affect persons and entities across~~
20 ~~the jurisdictional boundaries of taxing jurisdictions and that dispute~~
21 ~~resolution is a matter of statewide concern for which the procedures set~~
22 ~~forth in this section shall be applied uniformly throughout the state.~~

23 ~~(2)(a) When a local government asserts that sales or use taxes are~~
24 ~~due in an amount greater than the amount paid by a taxpayer, such local~~
25 ~~government shall mail a deficiency notice to the taxpayer by certified~~
26 ~~mail. The deficiency notice shall state the additional local sales and use~~
27 ~~taxes due. The deficiency notice shall contain notification, in clear and~~

1 conspicuous type, of the time limit to file a protest to the notice and that
2 the taxpayer has the right to elect a hearing on the deficiency pursuant to
3 subsection (3) of this section. Any protest to the deficiency notice shall
4 be filed with the local government within thirty days after the date of the
5 notice.

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

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

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

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

26 (III) ~~One hundred eighty days or more after the date of the~~
27 ~~taxpayer's request for a hearing, the local government notifies the~~

1 taxpayer in writing that the local government does not intend to conduct
2 a hearing. In such instance, the written notification shall also state that the
3 taxpayer exhausted local remedies in accordance with this section, that
4 such exhaustion occurred on the date of the written notification, and that
5 the taxpayer may pursue further review pursuant to subsection (3) or (8)
6 of this section within thirty days after such exhaustion.

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

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

17 ~~(3)(a) If a taxpayer satisfies the requirements of paragraph (c) of~~
18 ~~subsection (2) of this section, the taxpayer may request the executive~~
19 ~~director of the department of revenue to conduct a hearing on such~~
20 ~~deficiency notice or claim for refund, and such request shall be made and~~
21 ~~such hearing shall be conducted in the same manner as set forth in section~~
22 ~~39-21-103, C.R.S. Any local government to which the deficiency notice~~
23 ~~being appealed claims taxes are due, or, in the case of a claim for refund,~~
24 ~~the local government that denied such claim, shall be notified by the~~
25 ~~executive director that a hearing is scheduled and shall be allowed to~~
26 ~~participate in the hearing as a party.~~

27 ~~(b) If the taxpayer requests a hearing before the executive director,~~

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

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

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

26 (4) In the event that all parties to a hearing arrive at a settlement
27 prior to the hearing, such parties may agree to cancel such hearing. No

1 party shall thereafter have a right to a hearing before the executive
2 director on the deficiency notice or claim for refund. By agreement of all
3 parties to the hearing, the hearing may be canceled and the matter may be
4 determined by the executive director upon written briefs submitted by the
5 parties in the same manner as provided in section 39-21-103 (7) and (8);
6 C.R.S.

7 (5) (a) If the taxpayer asserts that all or part of a sales or use tax
8 which is the subject of the hearing has been paid to or is due to another
9 local government, then such other local government shall be joined as a
10 party to the hearing. Neither the taxpayer nor the assessing local
11 government needs to file a claim for refund with such other local
12 government in order to pursue the remedy provided by this subsection
13 (5)(a). If the executive director determines that the disputed tax was paid,
14 but to the wrong local government, then the taxpayer shall be relieved of
15 the tax due up to the amount paid by the taxpayer to the wrong local
16 government together with an abatement of interest thereon and all
17 penalties.

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

23 (c) (I) For any taxable event occurring on or after January 1, 2018,
24 if the taxpayer receives a notice from a local government that the taxpayer
25 must pay sales or use tax to that local government for a particular taxable
26 event and the taxpayer fails to comply with the instructions in the notice
27 with respect to the same type of taxable event that occurs more than

1 ~~ninety days after the taxpayer receives the notice, then the taxpayer may~~
2 ~~not take advantage of the remedy allowed in subsection (5)(a) of this~~
3 ~~section for that particular type of taxable event identified in the notice that~~
4 ~~occurs more than ninety days after the taxpayer received the notice, unless~~
5 ~~the taxpayer receives, or has previously received, a similar notice~~
6 ~~described in subsection (5)(c)(H) of this section from another local~~
7 ~~government that provides contrary instructions.~~

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

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

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

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

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

22 ~~(6) If the amount paid exceeds the tax found to be due, then the~~
23 ~~government in receipt of such payment shall refund the overpayment to~~
24 ~~the taxpayer within thirty days of the executive director's decision,~~
25 ~~together with interest thereon from the date the taxpayer made the~~
26 ~~payment until the date the overpayment is refunded, unless a timely~~
27 ~~appeal is taken by such government pursuant to subsection (7) of this~~

1 section. If the amount paid is found to be less than the taxes due, then the
2 taxpayer shall pay the deficiency, less any amount paid in lieu of bond, to
3 the appropriate local government within thirty days of the executive
4 director's decision with interest from the date full payment was due until
5 the date that the deficiency is paid, unless a timely appeal is taken by the
6 taxpayer pursuant to subsection (7) of this section. A local government
7 which is found to have erroneously received payment from the taxpayer
8 shall forward such payment to the appropriate local government within
9 thirty days of the executive director's decision with interest from the date
10 the amount was received from the taxpayer until the date the amount was
11 forwarded to the appropriate local government, unless a timely appeal is
12 taken pursuant to subsection (7) of this section by a local government
13 which is found to have erroneously received payment from the taxpayer.
14 All interest payable pursuant to this subsection (6) shall be at the same
15 rate which applies to deficiency payments.

16 (7) Appeals from the final determination of the executive director
17 may be taken in the same manner as provided in and shall be governed by
18 section 39-21-105, C.R.S., by any party bound by the executive director's
19 decision. Any such appeal shall be heard de novo and shall be heard as
20 provided in section 39-21-105, C.R.S., except as follows: If the appellant
21 is a local government, the taxpayer shall have the burden of proof as to
22 all factual matters, and the appellant shall have the burden with respect
23 to any legal determination of the executive director of the department of
24 revenue which the appellant seeks to reverse; except that the local
25 government shall always have the burden of proof with respect to the
26 issue of whether the taxpayer has been guilty of fraud with intent to evade
27 tax and with respect to the issue of whether the taxpayer is liable as a

1 ~~transferee of property of another taxpayer, but not to show that the~~
2 ~~transferor taxpayer was liable for the tax; and except that the executive~~
3 ~~director may, at his request, be a party to any such appeal.~~

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

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

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

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

1 exhaustion.

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

10 ~~(c) In the event the taxpayer has timely requested in writing a~~
11 ~~hearing before the local government and none of the events described in~~
12 ~~paragraph (b) of this subsection (8) have occurred, the taxpayer may~~
13 ~~appeal such deficiency or denial of a claim for refund to the district court~~
14 ~~at any time after the period prescribed in subparagraph (I) of paragraph~~
15 ~~(b) of this subsection (8).~~

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

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

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

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

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

9 **29-2-106.2. Location guides - precinct locators.** ~~(1) Each home~~
10 ~~rule city, town, and city and county collecting its own sales or use tax~~
11 ~~shall make available to any requesting vendor a map or other location~~
12 ~~guide showing the boundaries of the municipality. The requesting vendor~~
13 ~~may rely on the map or other location guide and any update thereof~~
14 ~~available to the vendor in determining whether to collect a sales or use~~
15 ~~tax, or both, of the municipality. No penalty shall be imposed or action for~~
16 ~~deficiency maintained if the requesting vendor in good faith complies~~
17 ~~with the most recent map or other location guide available to it.~~

18 ~~(2)(a) As used in this subsection (2), unless the context otherwise~~
19 ~~requires:~~

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

23 ~~(II) "Precinct locator" means the record regularly maintained by~~
24 ~~a county clerk and recorder and used to determine within which~~
25 ~~jurisdiction or jurisdictions an address is located for voting purposes and,~~
26 ~~for determining the location of commercial or industrial addresses, shall~~
27 ~~include the record regularly maintained by the county clerk and recorder~~

1 and used to determine within which jurisdiction or jurisdictions an
2 address is located for the purpose of properly remitting sales or use tax on
3 motor vehicles.

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

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

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

21 **29-2-110. Filing with executive director - when deemed to**
22 **have been made.** (1) Any report, claim, tax return, statement, or other
23 document required or authorized under this article to be filed with or any
24 payment made to the executive director of the department of revenue
25 which:

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

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

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

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

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

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

27 **29-2-114. Retail marijuana excise tax - county - municipality**

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

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

8 **29-2-115. Retail marijuana sales tax - county - municipality -**
9 **election - legislative declaration - definition.** (6) (a) ~~Notwithstanding~~
10 ~~this article 2,~~ Any retail marijuana special sales tax imposed by a county
11 or municipality pursuant to this section shall not be collected,
12 administered, or enforced by the department of revenue PURSUANT TO
13 PART 2 OF THIS ARTICLE 2, but shall instead be collected, administered,
14 and enforced by the county or municipality imposing the special sales tax.

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

17 **29-11-102.5. Imposition of charge on prepaid wireless - rules**
18 **- prepaid wireless trust cash fund - rules - definitions - repeal.**
19 (3) (e) (I) Remittances of prepaid wireless 911 charges received by the
20 department are collections for the local governing body, not general
21 revenues of the state, and shall be held in trust in the prepaid wireless
22 trust cash fund, which is hereby created. Except as provided in subsection
23 (3)(e)(II) of this section, the department shall transmit the money in the
24 fund to each governing body within sixty days after the department
25 receives the money in accordance with ~~section 29-2-106~~ PART 2 OF
26 ARTICLE 2 OF THIS TITLE 29 for use by such governing body for the
27 purposes permitted under section 29-11-104.

1 (II) The department may expend an amount, not to exceed three
2 percent of the collected charges in the prepaid wireless trust cash fund,
3 necessary to reimburse the department for its direct costs of administering
4 the collection and remittance of prepaid wireless 911 charges. ~~except that~~
5 ~~the department may expend up to an additional nineteen thousand dollars~~
6 ~~in the 2020-21 fiscal year to cover the costs of implementing House Bill~~
7 ~~20-1293, enacted in 2020.~~

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

16 **SECTION 18.** In Colorado Revised Statutes, 29-25-112, **amend**
17 (1)(b)(I) and (3); and **repeal** (2) as follows:

18 **29-25-112. Power to levy tax.** (1) (b) (I) The marketing and
19 promotion tax shall be collected, administered, and enforced ~~to the extent~~
20 ~~feasible, pursuant to section 29-2-106.~~ AS SPECIFIED IN PART 2 OF ARTICLE
21 2 OF TITLE 29.

22 (2) ~~Prior to July 1, 2014, any person or entity providing rooms or~~
23 ~~accommodations as included in the definition of "sale" referred to in~~
24 ~~paragraph (a) of subsection (1) of this section shall be liable and~~
25 ~~responsible for the payment of an amount equivalent to a percentage rate~~
26 ~~set by the board of all such sales made and shall quarterly, unless~~
27 ~~otherwise provided by law, make a return to the executive director of the~~

1 department of revenue for the preceding tax-reporting period and remit
2 an amount equivalent to such percentage rate on such sales to said
3 executive director.

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

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

17 **30-11-107.5. Lodging tax.** (2) (a) The county lodging tax shall
18 be collected, administered, and ~~enforced, to the extent feasible, pursuant~~
19 ~~to section 29-2-106, C.R.S.~~ ENFORCED AS SPECIFIED IN PART 2 OF ARTICLE
20 2 OF TITLE 29.

21 (3) (f) (I) If a proposal for a county lodging tax under subsection
22 (3)(a) of this section is approved by a majority of the registered electors
23 from the municipality or unincorporated area subject to the lodging tax
24 voting thereon, the county lodging tax becomes effective as provided in
25 ~~section 29-2-106 (2)~~ PART 2 OF ARTICLE 2 OF TITLE 29. If a proposal to
26 expand the allowable uses under subsection (3)(a.5) of this section is
27 approved by a majority of the registered electors from the municipality or

1 unincorporated area voting thereon, the county may also use the lodging
2 tax revenue for any of the additional approved uses as specified in
3 subsection (1.5) of this section.

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

6 **30-11-107.7. County rental tax on the rental of personal**
7 **property - procedures - apportionment.** (2) (c) (I) Any rental tax
8 levied pursuant to the provisions of this section shall be collected,
9 administered, and enforced ~~to the extent feasible, pursuant to section~~
10 ~~29-2-106, C.R.S.~~ AS SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE 29.

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

13 **30-11-107.9. County tax for public safety improvements -**
14 **definitions.** (2) In accordance with the procedures set forth in this
15 section, the board of county commissioners of each county may levy a
16 sales tax for public safety improvements of not more than two percent on
17 the sale of tangible personal property of retail and services taxable in such
18 county pursuant to the provisions of section 39-26-104. ~~C.R.S.~~ All net
19 revenues collected by a county after the payment of the costs of
20 collection, administration, and enforcement to the department of revenue
21 in accordance with subsection (4) of this section shall be used exclusively
22 for public safety improvements.

23 (4) (a) The county public safety improvements tax shall be
24 collected, administered, and enforced ~~to the extent feasible, pursuant to~~
25 ~~section 29-2-106, C.R.S.~~ AS SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE
26 29.

27 **SECTION 22.** In Colorado Revised Statutes, 30-20-604.5,

1 **amend** (2)(a) and (4)(e)(I); and **repeal** (2)(a.5) as follows:

2 **30-20-604.5. District sales tax.** (2) (a) The tax shall be collected,
3 administered, and enforced ~~to the extent feasible, pursuant to section~~
4 ~~29-2-106, C.R.S.~~ AS SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE 29. The
5 department of revenue shall retain an amount not to exceed the net
6 incremental cost of such collection, administration, and enforcement and
7 shall transmit such amount to the state treasurer, who shall credit the same
8 to the districtwide sales tax fund, which fund is hereby created; except
9 that in no event shall:

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

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

27 (a.5) (I) ~~A qualified purchaser may provide a direct payment~~

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

10 ~~(H) A qualified purchaser that provides a direct payment permit~~
11 ~~number to a vendor or retailer shall be liable and responsible for the~~
12 ~~amount of sales tax imposed on any sale made to the qualified purchaser~~
13 ~~pursuant to this section in the same manner as liability would be imposed~~
14 ~~on a qualified purchaser for state sales tax pursuant to section 39-26-105~~
15 ~~(5).~~

16 ~~(4) (e) (I) (A) Except as provided in sub-subparagraph (B) of this~~
17 ~~subparagraph (I), If approved by a majority of the registered electors~~
18 ~~voting thereon, the sales tax shall become effective as provided in section~~
19 ~~29-2-106 (2), C.R.S. PART 2 OF ARTICLE 2 OF TITLE 29.~~

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

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

1 **30-26-301. Creation of debt for buildings, roads - election -**
2 **definitions.** (1) When the board of county commissioners of any county
3 deems it necessary to create an indebtedness for the purpose of erecting
4 necessary public buildings, making or repairing public roads or bridges,
5 developing, maintaining, and operating mass transportation systems,
6 acquiring or building or acquiring and building airports and landing strips
7 including the necessary land therefor and approaches thereto, by an order
8 entered of record specifying the amount required and the object for which
9 such debt is created, they shall submit the question to a vote at a general
10 or special election. The general or special election provided for under this
11 part 3 may be combined with the election on a proposal for a countywide
12 sales tax, use tax, or both, provided for in ~~article 2 of title 29, C.R.S.~~ PART
13 1 OF ARTICLE 2 OF TITLE 29. The board shall cause to be posted a notice
14 of such order, which states, among other things, the maximum net
15 effective interest rate at which such bonds may be issued, in some
16 conspicuous place in each voting precinct in the county, for at least thirty
17 days preceding the election, and all persons voting on that question shall
18 vote by separate ballot whereon are placed the words "for county
19 indebtedness" or "against county indebtedness", such ballots to be
20 deposited in a box provided by the board of county commissioners for
21 that purpose.

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

24 **32-1-1003.5. Health assurance districts - additional powers -**
25 **legislative declaration - definitions.** (5) Any health assurance district
26 that is created pursuant to this ~~article~~ ARTICLE 1 shall have the power,
27 upon approval by the eligible electors of the district, to levy and collect

1 a uniform sales tax throughout the entire geographic area of the district
2 upon every transaction or other incident with respect to which a sales tax
3 is levied by the state pursuant to the provisions of article 26 of title 39,
4 C.R.S., excluding the sale of cigarettes, subject to the following
5 provisions:

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

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

12 **32-1-1106. Special financial provisions - metropolitan districts**
13 **that provide fire protection, street improvement, safety protection,**
14 **or transportation services.** (2) (a) The collection, administration, and
15 enforcement of any sales tax levied by a metropolitan district pursuant to
16 subsection (1) of this section shall be performed by the executive director
17 of the department of revenue ~~in the same manner as that for the~~
18 ~~collection, administration, and enforcement of the state sales tax levied~~
19 ~~pursuant to article 26 of title 39, C.R.S., including, without limitation, the~~
20 ~~retention by a vendor of the percentage of the amount remitted to cover~~
21 ~~the vendor's expense in the collection and remittance of the sales tax as~~
22 ~~provided in section 39-26-105, C.R.S. The executive director shall make~~
23 monthly distribution of sales tax collections to the district PURSUANT TO
24 PART 2 OF ARTICLE 2 OF TITLE 29. The district shall pay the net
25 incremental cost incurred by the department in the administration and
26 collection of the sales tax.

27 (b) (f) ~~A qualified purchaser may provide a direct payment permit~~

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

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

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

17 **32-9-119. Additional powers of district.** (2) (c) Sales tax levied
18 pursuant to this subsection (2) shall be collected, administered, and
19 enforced as follows: SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE 29.

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

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

10 ~~(B) A qualified purchaser that provides a direct payment permit~~
11 ~~number to a vendor or retailer shall be liable and responsible for the~~
12 ~~amount of sales tax levied on any sale made to the qualified purchaser~~
13 ~~pursuant to this subsection (2) in the same manner as liability would be~~
14 ~~imposed on a qualified purchaser for state sales tax pursuant to section~~
15 ~~39-26-105 (5).~~

16 ~~(H) The executive director of the department of revenue shall~~
17 ~~administer, collect, and distribute any sales tax imposed in conformity~~
18 ~~with this article. The executive director of the department of revenue shall~~
19 ~~make monthly distributions of such sales tax collections to the district.~~
20 The department of revenue shall retain an amount not to exceed the net
21 incremental cost of such administration, collection, and distribution and
22 shall transmit such amount to the state treasurer, who shall credit the same
23 to the general fund; except that the amount retained by the department of
24 revenue in any given fiscal year commencing on or after July 1, 1994,
25 shall not exceed the amount retained by the department in the 1993-94
26 fiscal year, as adjusted in accordance with changes in the consumer price
27 index for the Denver-Boulder consolidated metropolitan statistical area.

1 The cost of such administration, collection, and distribution shall be the
2 audited net incremental cost thereof reduced by the amount of interest
3 earned on such sales tax collections prior to distribution to the district.

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

6 **32-13-107. Sales or use tax imposed - collection -**
7 **administration of tax - use - definitions.** (2) The collection,
8 administration, and enforcement of said sales and use tax shall be
9 performed by the executive director of the department of revenue in the
10 same manner as that for the collection, administration, and enforcement
11 of the state sales and use tax imposed under article 26 of title 39, C.R.S.,
12 including, without limitation, the retention by a vendor of the percentage
13 of the amount remitted to cover the vendor's expense in the collection and
14 remittance of said tax as provided in section 39-26-105, C.R.S. The
15 executive director shall make monthly distributions of such sales and use
16 tax collections to the district PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE
17 29. The district shall pay the net incremental cost incurred by the
18 department of revenue in the administration and collection of such sales
19 and use taxes; except that in no event shall the district pay in any given
20 fiscal year commencing on or after July 1, 1994, more than an amount
21 equal to the amount paid by the district in the 1993-94 fiscal year, as
22 adjusted in accordance with changes in the consumer price index for the
23 Denver-Boulder consolidated metropolitan statistical area. The
24 department may make expenditures for such costs subject to annual
25 appropriation by the general assembly.

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

1 **32-13-108. Petition or resolution for formation and levy of tax**
2 **- petition or resolution for extension of tax - verification of signatures**
3 **- election.** (1) (c) Such petition or resolution shall state that the proposed
4 scientific and cultural facilities district would levy and collect for a period
5 of time not to exceed ten years a uniform sales tax throughout the
6 geographical area of the district at a rate not to exceed thirty
7 one-hundredths of one percent upon every transaction or other incident
8 with respect to which a sales tax is levied by the county in which the
9 transaction or other incident occurs, pursuant to the provisions of ~~article~~
10 ~~2 of title 29, C.R.S.~~ PART 1 OF ARTICLE 2 OF TITLE 29.

11 (2.5) (a) For purposes of complying with the provisions of section
12 20 (4) of article X of the state constitution, the question of whether the
13 board of a district created pursuant to this section shall be authorized to
14 continue the levy and collection of the sales tax throughout the district
15 upon every transaction or other incident with respect to which a sales tax
16 is levied by the county in which the transaction or other incident occurs,
17 pursuant to the provisions of ~~article 2 of title 29, C.R.S.~~ PART 1 OF
18 ARTICLE 2 OF TITLE 29, for a period of time not to exceed ten years from
19 the date upon which the authority of the board to levy and collect the
20 sales taxes is scheduled to expire shall be initiated by a petition signed by
21 the registered electors of the district in a number not less than five percent
22 of the votes cast in the each incorporated and unincorporated area
23 included within the district for all candidates for the office of governor at
24 the last preceding general election or initiated by a resolution adopted by
25 the board of the scientific and cultural facilities district.

26 (b) Such petition or resolution shall state the name of the scientific
27 and cultural facilities district and that the district would continue to levy

1 and collect a uniform sales tax throughout the geographical area of the
2 district at a rate not to exceed thirty one-hundredths of one percent upon
3 every transaction or other incident with respect to which a sales tax is
4 levied by the county in which the transaction or other incident occurs,
5 pursuant to the provisions of ~~article 2 of title 29, C.R.S.~~ PART 1 OF
6 ARTICLE 2 OF TITLE 29, for a period of time not to exceed ten years from
7 the date upon which the authority of the district to levy and collect the
8 sales tax is scheduled to expire.

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

11 **32-13-110. Tax imposed - collection - administration of tax -**
12 **use.** (1) Upon the approval of the registered electors pursuant to the
13 provisions of section 32-13-108, the board shall have the power to levy
14 such uniform sales tax throughout the district upon every transaction or
15 other incident with respect to which a sales tax is levied by the county,
16 pursuant to the provisions of ~~article 2 of title 29, C.R.S.~~ PART 1 OF
17 ARTICLE 2 OF TITLE 29.

18 (2) (a) If such sales tax is levied pursuant to the provisions of this
19 article, the collection, administration, ~~and~~ enforcement, AND
20 DISTRIBUTION of said sales tax shall be performed by the executive _____
21 director of the department of revenue in the same manner as that for the
22 collection, administration, and enforcement of the state sales tax imposed
23 under article 26 of title 39, C.R.S., including, without limitation, the
24 retention by a vendor of the percentage of the amount remitted to cover
25 the vendor's expense in the collection and remittance of said tax as
26 provided in section 39-26-105, C.R.S. The executive director shall make
27 monthly distributions of such sales tax collections to the district.

1 PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29. The district shall pay the
2 net incremental cost incurred by the department of revenue in the
3 administration and collection of such sales taxes; except that in no event
4 shall any district pay in any given fiscal year commencing after the first
5 full fiscal year of operation more than an amount equal to the amount paid
6 by the district in the first full fiscal year of operation, as adjusted in
7 accordance with changes in the consumer price index for the
8 Denver-Boulder consolidated metropolitan statistical area. The
9 department may make expenditures for such costs subject to annual
10 appropriation by the general assembly.

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

20 ~~(H) A qualified purchaser that provides a direct payment permit~~
21 ~~number to a vendor or retailer shall be liable and responsible for the~~
22 ~~amount of sales tax levied on any sale made to the qualified purchaser~~
23 ~~pursuant to this article in the same manner as liability would be imposed~~
24 ~~on a qualified purchaser for state sales tax pursuant to section 39-26-105~~
25 ~~(5).~~

26

==

27 **SECTION 30.** In Colorado Revised Statutes, 32-14-114, **amend**

1 (2) as follows:

2 **32-14-114. Sales tax imposed - collection - administration of**
3 **tax - discontinuance.** (2) (a) The collection, administration, and
4 enforcement of the sales tax shall be performed by the executive director
5 of the department of revenue ~~in the same manner as that for the~~
6 ~~collection, administration, and enforcement of the state sales tax imposed~~
7 ~~pursuant to article 26 of title 39, C.R.S., including, without limitation, the~~
8 ~~retention by a vendor of the percentage of the amount remitted to cover~~
9 ~~the vendor's expense in the collection and remittance of the sales tax as~~
10 ~~provided in section 39-26-105, C.R.S. The executive director shall make~~
11 ~~monthly distributions of such sales tax collections to the district~~
12 ~~PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29.~~ The district shall pay the
13 net incremental cost incurred by the department of revenue in the
14 administration and collection of such sales tax; except that in no event
15 shall the district pay in any given fiscal year commencing on or after July
16 1, 1994, more than an amount equal to the amount paid by the district in
17 the 1993-94 fiscal year, as adjusted in accordance with changes in the
18 consumer price index for the Denver-Boulder consolidated metropolitan
19 statistical area. The department may make expenditures for such costs
20 subject to annual appropriation by the general assembly.

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

1 ~~imposed on such sale that is paid for directly from such qualified~~
2 ~~purchaser's funds and not the personal funds of any individual.~~

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

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

11 **32-15-110. Sales tax imposed - collection - administration of**
12 **tax - discontinuance.** (2) (a) The collection, administration, and
13 enforcement of the sales tax shall be performed by the executive director
14 of the department of revenue ~~in the same manner as that for the~~
15 ~~collection, administration, and enforcement of the state sales tax imposed~~
16 ~~pursuant to article 26 of title 39, C.R.S., including, without limitation, the~~
17 ~~retention by a vendor of the percentage of the amount remitted to cover~~
18 ~~the vendor's expense in the collection and remittance of the sales tax as~~
19 ~~provided in section 39-26-105, C.R.S. The executive director shall make~~
20 ~~monthly distributions of such sales tax collections to the district~~
21 ~~PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29.~~ The district shall pay the
22 net incremental cost incurred by the department of revenue in the
23 administration and collection of such sales tax.

24 ~~(b) (F) A qualified purchaser may provide a direct payment permit~~
25 ~~number issued pursuant to section 39-26-103.5, C.R.S., to any vendor or~~
26 ~~retailer that is liable and responsible for collecting and remitting any sales~~
27 ~~tax levied on any sale made to the qualified purchaser pursuant to the~~

1 ~~provisions of this article. A vendor or retailer that has received in good~~
2 ~~faith from a qualified purchaser a direct payment permit number shall not~~
3 ~~be liable or responsible for collection and remittance of any sales tax~~
4 ~~imposed on such sale that is paid for directly from such qualified~~
5 ~~purchaser's funds and not the personal funds of any individual.~~

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

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

14 **32-18-107. Sales tax - collection - administration.** (2) (a) The
15 executive director of the department of revenue shall collect, administer,
16 and enforce the sales tax authorized by this section ~~in the same manner as~~
17 ~~the state sales tax imposed pursuant to article 26 of title 39, C.R.S.,~~
18 ~~including, without limitation, the retention by a vendor of the percentage~~
19 ~~of the amount remitted to cover the vendor's expense in the collection and~~
20 ~~remittance of the sales tax as provided in section 39-26-105, C.R.S. The~~
21 ~~executive director shall distribute sales tax collections to the district~~
22 ~~monthly PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29. The district shall~~
23 ~~pay the net incremental cost incurred by the department of revenue in the~~
24 ~~administration and collection of the sales tax.~~

25 ~~(b) (F) A qualified purchaser, as defined in section 39-26-102~~
26 ~~(7.5), C.R.S., may provide a direct payment permit number issued~~
27 ~~pursuant to section 39-26-103.5, C.R.S., to any vendor or retailer that is~~

1 liable and responsible for collecting and remitting any sales tax levied on
2 any sale made to the qualified purchaser pursuant to this section. A
3 vendor or retailer that has received a direct payment permit number in
4 good faith from a qualified purchaser shall not be liable or responsible for
5 collection and remittance of any sales tax imposed on the sale that is paid
6 for directly from the qualified purchaser's funds and not the personal
7 funds of any individual.

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

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

16 **32-19-111. Financial powers.** Any district created pursuant to
17 this ~~article~~ ARTICLE 19 shall have all of the financial powers described in
18 section 32-1-1101; except that the levy and collection of ad valorem taxes
19 shall be subject to the provisions of section 32-19-115. The district shall
20 also have the power, upon voter approval, to levy and collect a uniform
21 sales tax throughout the entire geographical area of the district upon every
22 transaction or other incident with respect to which a sales tax is levied by
23 the state pursuant to the provisions of article 26 of title 39; ~~C.R.S.~~ except
24 that such sales tax shall not be levied on the sale of cigarettes. Any sales
25 tax authorized pursuant to this section shall be levied and collected,
26 ADMINISTERED, AND ENFORCED BY THE EXECUTIVE DIRECTOR OF THE
27 DEPARTMENT OF REVENUE as provided in ~~section 32-19-112~~ PART 2 OF

1 ARTICLE 2 OF TITLE 29.

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

4 **32-19-112. Sales tax imposed - collection - administration of**
5 **tax.** (2) (a) The collection, administration, and enforcement of the sales
6 tax shall be performed by the executive director of the department of
7 revenue in the same manner as that for the collection, administration, and
8 enforcement of the state sales tax imposed pursuant to article 26 of title
9 39, C.R.S., including, without limitation, the retention by a vendor of the
10 percentage of the amount remitted to cover the vendor's expense in the
11 collection and remittance of the sales tax as provided in section
12 39-26-105, C.R.S. The executive director shall make monthly
13 distributions of sales tax collections to the district PURSUANT TO PART 2
14 OF ARTICLE 2 OF TITLE 29. The district shall pay the net incremental cost
15 incurred by the department in the administration and collection of the
16 sales tax.

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

26 (II) ~~A qualified purchaser that provides a direct payment permit~~
27 ~~number to a vendor or retailer shall be liable and responsible for the~~

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

5 **SECTION 35.** In Colorado Revised Statutes, 32-21-111, **amend**
6 (2) as follows:

7 **32-21-111. Sales and use tax imposed - collection -**
8 **administration of tax.** (2) (a) The collection, administration, and
9 enforcement of the sales and use tax shall be performed by the executive
10 director of the department of revenue ~~in the same manner as the~~
11 ~~collection, administration, and enforcement of the state sales and use tax~~
12 ~~imposed pursuant to article 26 of title 39 including, without limitation, the~~
13 ~~retention by a vendor of the percentage of the amount remitted to cover~~
14 ~~the vendor's expense in the collection and remittance of the sales and use~~
15 ~~tax as provided in section 39-26-105. The executive director shall make~~
16 ~~monthly distributions of sales and use tax collections to the district~~
17 ~~PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29. The~~ district shall pay the
18 net incremental cost incurred by the department in the administration and
19 collection of the sales and use tax.

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

1 of an individual.

2 ~~(H) A qualified purchaser that provides a direct payment permit~~
3 ~~number to a vendor or retailer shall be liable and responsible for the~~
4 ~~amount of sales tax levied on a sale made to the qualified purchaser~~
5 ~~pursuant to this article 21 in the same manner as liability would be~~
6 ~~imposed on a qualified purchaser for state sales tax pursuant to section~~
7 ~~39-26-105.~~

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

10 **32-22-106. District - general powers and duties - funds**
11 **created.** (1) In addition to any other powers granted to the district by this
12 article 22, the district has the following powers:

13 (q) (I) (A) Upon a majority vote of the registered voters of the
14 district voting on the issue as required by section 32-22-109, to levy a
15 sales tax or a use tax, or both, throughout the district at a maximum rate
16 of eight-tenths of one percent upon every transaction or other incident
17 with respect to which a sales or use tax is levied by the state.

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

27 (C) The department shall retain an amount not to exceed the net

1 incremental cost of the collection, administration, and enforcement of the
2 sales tax or use tax, or both, and shall transmit the amount to the state
3 treasurer, who shall credit it to the front range passenger rail district sales
4 and use tax fund, which fund is hereby created. All money so retained is
5 hereby continuously appropriated from the fund to the department to the
6 extent necessary for the department's collection, administration, and
7 enforcement of this subsection (1)(q). Any money remaining in the fund
8 attributable to taxes collected in the prior fiscal year shall be transmitted
9 to the district; except that, before the transmission to the district of such
10 money, any money appropriated from the general fund to the department
11 for the collection, administration, and enforcement of the tax for the prior
12 fiscal year shall be repaid.

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

15 **32-22-107. Station area improvement districts.** With the
16 approval of each county or municipality having jurisdiction over the area
17 of such a district, the district may establish a station area improvement
18 district to finance the construction, operation, or maintenance of a station
19 for a passenger rail system. A station area improvement district may
20 consist only of all or a portion of the area within a two-mile radius of the
21 station to be funded by the station area improvement district, and the
22 general assembly finds that the area within a two-mile radius of a
23 passenger rail station, or any portion of such an area that the board may
24 designate as a station area improvement district, is an area that will be
25 especially benefited by the construction, operation, or maintenance of
26 such a station. The board shall not establish a station area improvement
27 district unless it receives a petition signed by the owners of property that

1 will bear a majority of the proposed assessments and by a petition signed
2 by the lesser of a majority of the registered electorate in the proposed
3 station area improvement district or one thousand registered electors in
4 the proposed station area improvement district. The method of creating
5 a station area improvement district, making improvements, assessing the
6 costs of improvements made against property, and levying a sales tax
7 shall be as provided in part 6 of article 20 of title 30; except that the board
8 shall perform the duties of the board of county commissioners under said
9 part 6 and the improvements shall be limited to the construction,
10 operation, or maintenance of a passenger rail station. ANY SALES TAX
11 ADOPTED PURSUANT TO THIS SECTION SHALL BE LEVIED IN THE SAME
12 MANNER AS SET FORTH IN SECTION 30-20-604.5 (1) AND SHALL BE
13 COLLECTED, ADMINISTERED, AND ENFORCED BY THE EXECUTIVE DIRECTOR
14 OF THE DEPARTMENT OF REVENUE PURSUANT TO PART 2 OF ARTICLE 2 OF
15 TITLE 29.

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

18 **37-50-110. Levy and collection of uniform sales and use tax.**

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

26 (2) (a) The collection, administration, and enforcement of the
27 sales and use tax shall be performed by the executive director of the

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

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

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

26 (c) (f) ~~The board shall designate a financial officer who shall~~
27 ~~coordinate with the department of revenue regarding the collection of a~~

1 ~~sales and use tax. This coordination shall include, but not be limited to,~~
2 ~~the financial officer identifying those businesses eligible to collect the~~
3 ~~sales and use tax and any other administrative details identified by the~~
4 ~~department.~~

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

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

9 **39-21-107. Limitations.** (1) Except as provided in this section,
10 in ~~section 29-2-106.1 (5)(b)~~ SECTION 29-2-208 (2)(a)(III), AND SECTION
11 29-2-302 (5)(b), and unless such time is extended by waiver, the amount
12 of any tax or of any charge on oil and gas production imposed pursuant
13 to articles 24 to 29 of this title 39 or article 3 of title 42, and the penalty
14 and interest applicable thereto, shall be assessed within three years after
15 the return was filed, whether or not such return was filed on or after the
16 date prescribed, and no assessment shall be made or credit taken and no
17 notice of lien shall be filed, nor distraint warrant issued, nor suit for
18 collection instituted, nor any other action to collect the same commenced
19 after the expiration of such period; except that a written proposed
20 adjustment of the tax liability by the department issued prior to the
21 expiration of such period shall extend the limitation of this subsection (1)
22 for one year after a final determination or assessment is made. No lien
23 shall continue after the three-year period provided for in this subsection
24 (1), except for taxes assessed before the expiration of such period, notice
25 of lien with respect to which has been filed prior to the expiration of such
26 period, and except for taxes on which written notice of any proposed
27 adjustment of the tax liability has been sent to the taxpayer during such

1 three-year period, in which case the lien shall continue for one year only
2 after the expiration of such period or after the issuance of a final
3 determination or assessment based on the proposed adjustment issued
4 prior to the expiration of the three-year period. This subsection (1) shall
5 not apply to income tax or to any tax imposed under article 23.5 of this
6 title 39.

7 **SECTION 40.** In Colorado Revised Statutes, 39-21-113, **add** (34)
8 as follows:

9 **39-21-113. Reports and returns - rule - repeal.**
10 (34) NOTWITHSTANDING THE CONFIDENTIALITY REQUIREMENTS IN THIS
11 SECTION, THE EXECUTIVE DIRECTOR HAS THE AUTHORITY TO SHARE
12 TAXPAYER INFORMATION AS NECESSARY PURSUANT TO SECTION 29-2-208.

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

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

16 **39-26-105. Vendor liable for tax - definitions - repeal.**
17 ~~(1) (d) (III) If a retailer is permitted to retain an amount to cover the~~
18 ~~retailer's expense in collecting and remitting local sales tax that is the~~
19 ~~same amount as permitted by the state under this section, then such~~
20 ~~amount is the amount that was permitted as of December 31, 2019.~~

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

23 **39-26-105.2. Remittance of tax - GIS - vendor held harmless**
24 **- requirements of GIS database - rules - definition.** (3) Any vendor
25 that collects and remits sales tax to the department of revenue as provided
26 by law, INCLUDING ANY LOCAL SALES OR USE TAX PURSUANT TO PART 2
27 OF TITLE 29, may use the GIS database. Any vendor that directly uses the

1 data contained in the GIS database, or uses data from a third-party
2 database that is verified to use the most recent information provided by
3 the GIS database, to determine the jurisdictions to which tax is owed is
4 held harmless for any tax, charge, or fee liability to any taxing jurisdiction
5 that otherwise would be due solely as a result of an error or omission in
6 the GIS database data.

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

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

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

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

22 **39-26-105.4. Remittance of tax - determination of address -**
23 **dealer held harmless.** (1) Any licensed motor vehicle dealer that
24 collects and remits tax to the department of revenue as specified in this
25 part 1 for any sale of a motor vehicle shall be held harmless for any tax,
26 charge, or fee liability to any taxing jurisdiction that the dealer proves was
27 not collected solely because an address that does not meet the

1 requirements of section 42-6-139, ~~C.R.S.~~, was provided by the purchaser
2 for purposes of calculating the amounts of tax either due on the sale and
3 purchase of such vehicle pursuant to this part 1 or ~~section 29-2-106,~~
4 ~~C.R.S.~~, SECTION 29-2-211, if the dealer:

5 **SECTION 46.** In Colorado Revised Statutes, 39-26-113, **amend**
6 (1) and (3); and **repeal** (4) as follows:

7 **39-26-113. Collection of sales tax - motor vehicles -**
8 **off-highway vehicles - exemption - process for motor vehicles sold at**
9 **auction - exception - definition.** (1) The department of revenue or its
10 authorized agent shall not register a motor or other vehicle for which
11 registration is required or issue a certificate of title for a motor vehicle,
12 off-highway vehicle as defined in section 42-6-102, ~~C.R.S.~~, or
13 manufactured home as defined in section 38-29-106, ~~C.R.S.~~, until any tax
14 due on the sale and purchase of the vehicle under ~~section 29-2-106,~~
15 ~~C.R.S.~~ or SECTION 29-2-211, section 39-26-106, or imposed by ordinance
16 of any home rule city has been paid.

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

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

1 ~~changes therein.~~

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

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

5 **39-26-125. Limitations.** The taxes for any period, together with
6 the interest thereon and penalties with respect thereto, imposed by this
7 part 1 shall not be assessed, nor shall any notice of lien be filed, or
8 distraint warrant issued, or suit for collection be instituted, nor any other
9 action to collect the same be commenced, more than three years after the
10 date on which the tax was or is payable, except as set forth in ~~section~~
11 ~~29-2-106.1(5)(b)~~, SECTIONS 29-2-208(2)(a)(III) AND 29-2-302(5)(b); nor
12 shall any lien continue after such period, except for taxes assessed before
13 the expiration of such period, notice of lien with respect to which has
14 been filed prior to the expiration of such period, in which cases such lien
15 shall continue only for one year after the filing of notice thereof. In the
16 case of a false or fraudulent return with intent to evade tax, the tax,
17 together with interest and penalties thereon, may be assessed, or
18 proceedings for the collection of such taxes, may be begun, at any time.
19 Before the expiration of such period of limitation, the taxpayer and the
20 executive director of the department of revenue may agree in writing to
21 an extension thereof, and the period so agreed on may be extended by
22 subsequent agreements in writing.

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

25 **39-26-210. Limitations.** The taxes for any period, together with
26 the interest thereon and penalties with respect thereto, imposed by this
27 part 2 shall not be assessed, nor shall any notice of lien be filed, or

1 distrain warrant issued, or suit for collection be instituted, nor any other
2 action to collect the same be commenced, more than three years after the
3 date on which the tax was or is payable, except as set forth in ~~section~~
4 ~~29-2-106.1(5)(b)~~, SECTIONS 29-2-208(2)(a)(III) AND 29-2-302(5)(b), nor
5 shall any lien continue after such period, except for taxes assessed before
6 the expiration of such period, notice of lien with respect to which has
7 been filed prior to the expiration of such period, in which cases such lien
8 shall continue only for one year after the filing of notice thereof. In the
9 case of a false or fraudulent return with intent to evade tax, the tax,
10 together with interest and penalties thereon, may be assessed, or
11 proceedings for the collection of such taxes may be begun at any time.
12 Before the expiration of such period of limitation, the taxpayer and the
13 executive director of the department of revenue may agree in writing to
14 an extension thereof, and the period so agreed on may be extended by
15 subsequent agreements in writing.

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

18 **39-26-703. Disputes and refunds - repeal.** (2) (d) An
19 application for refund under subsection (2)(c) or (2)(c.5) of this section
20 must be made within the applicable deadline and must be made on forms
21 prescribed and furnished by the executive director of the department of
22 revenue, which form must contain, in addition to the foregoing
23 information, such other pertinent data, information, or documentation as
24 the executive director prescribes by rules promulgated in accordance with
25 article 4 of title 24. Except as set forth in ~~sections 29-2-106.1(5)(b) and~~
26 SECTIONS 39-26-734(4)(d), 29-2-208(2)(a)(III), AND 29-2-302(5)(b), the
27 deadline for a sales tax refund or a refund of any use tax collected by a

1 vendor is three years after the twentieth day of the month following the
2 date of purchase and the deadline for any other use tax refund is three
3 years after the twentieth day of the month following the initial date of the
4 storage, use, or consumption in the state by the person applying for the
5 refund.

6 (2.5) (a) Except as set forth in ~~section 29-2-106.1(5)(b)~~ SECTIONS
7 29-2-208 (2)(a)(III) AND 29-2-302 (5)(b), within three years after the due
8 date of the return showing the overpayment or one year after the date of
9 overpayment, whichever is later, a vendor shall file any claim for refund
10 with the executive director of the department of revenue. The executive
11 director shall promptly examine such claim and shall make a refund or
12 allow a credit to any vendor who establishes that such vendor overpaid
13 the tax due pursuant to this ~~article~~ ARTICLE 26.

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

16 **39-28-112. Taxation of cigarettes, tobacco products, or**
17 **nicotine products by municipalities, counties, and city and counties**
18 **- definitions.** (2) (c) No special sales tax shall be levied pursuant to this
19 subsection (2) until the proposal has been referred to and approved by the
20 eligible electors of the county in accordance with ~~article 2 of title 29~~ PART
21 1 OF ARTICLE 2 OF TITLE 29. Any proposal for the levy of a special sales
22 tax in accordance with this subsection (2) shall be submitted to the
23 eligible electors of the county only on the date of the state general
24 election or on the first Tuesday in November of an odd-numbered year.
25 Any election on the proposal must be conducted by the county clerk and
26 recorder in accordance with the "Uniform Election Code of 1992",
27 articles 1 to 13 of title 1.

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

3 **39-28.8-203. Disposition of collections - definitions.** (1) The
4 proceeds of all money collected from the retail marijuana sales tax are
5 initially credited to the old age pension fund created in section 1 of article
6 XXIV of the state constitution in accordance with paragraphs (a) and (f)
7 of section 2 of article XXIV of the state constitution and thereafter are
8 transferred to the general fund in accordance with section 7 of article
9 XXIV of the state constitution. For each fiscal year in which a tax is
10 collected pursuant to this part 2, an amount shall be appropriated or
11 distributed from the general fund as follows:

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

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

27 **43-4-605. Powers of the authority - inclusion or exclusion of**

1 **property - determination of regional transportation system alignment**

2 **- fund created - repeal.** (1) In addition to any other powers granted to
3 an authority pursuant to this part 6, an authority has the following powers:

4 (i.5)(V) Upon the request of the authority, The executive director
5 of the department of revenue shall ~~administer and~~ collect, ADMINISTER,
6 ANDENFORCE the visitor benefit tax authorized by ~~subparagraph (I) of this~~
7 paragraph (i.5). If the authority requests that the executive director
8 administer and collect the tax, the executive director shall make monthly
9 distributions of the tax collections to the authority. SUBSECTION (1)(i.5)(I)
10 OF THIS SECTION PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29. The
11 department of revenue shall retain an amount not to exceed the cost of the
12 collection, administration, and enforcement and shall transmit the amount
13 to the state treasurer who shall credit the same to the regional
14 transportation authority visitor benefit tax fund, which fund is hereby
15 created. The amounts so retained are hereby appropriated annually from
16 the fund to the department to the extent necessary for the department's
17 collection, administration, and enforcement of the provisions of this part
18 6. Any ~~moneys~~ MONEY remaining in the fund attributable to taxes
19 collected in the prior fiscal year shall be transmitted to the authority;
20 except that, prior to the transmission to the authority of such ~~moneys~~
21 MONEY, any ~~moneys~~ MONEY appropriated from the general fund to the
22 department for the collection, administration, and enforcement of the tax
23 for the prior fiscal year shall be repaid.

24 == ==

25 (j) (I) (A) Subject to the provisions of section 43-4-612, to levy,
26 in all or any designated portion of the members of the combination or of
27 the members of the transportation planning organization exercising the

1 powers of an authority as authorized by section 43-4-622, a sales or use
2 tax, or both, at a rate not to exceed two percent upon every transaction or
3 other incident with respect to which a sales or use tax is levied by the
4 state; except that, if the authority includes territory that is within the
5 regional transportation district created and existing pursuant to article 9
6 of title 32, a designated portion of the members of the combination or of
7 the members of the transportation planning organization in which a new
8 tax is levied must be composed of entire territories of members of the
9 combination or of the members of the transportation planning
10 organization so that the rate of tax imposed pursuant to this part 6 within
11 the territory of any single member of the combination or of the members
12 of the transportation planning organization is uniform and except that the
13 authority shall not levy a sales or use tax on any transaction or other
14 incident occurring in any territory located outside the boundaries of the
15 authority and within the boundaries of a municipality as the boundaries
16 of the municipality exist on the date the authority is created without the
17 consent of the governing body of the municipality or outside the
18 boundaries of the authority and within the unincorporated boundaries of
19 a county as the unincorporated boundaries exist on the date the authority
20 is created without the consent of the governing body of the county.
21 Subject to the provisions of section 43-4-612, the authority may elect to
22 levy any such sales or use tax at different rates in different designated
23 portions of the members of the combination or of the members of the
24 transportation planning organization; except that, if the authority includes
25 territory that is within the regional transportation district, a designated
26 portion of the members of the combination or of the members of the
27 transportation planning organization in which a new tax is levied must be

1 composed of entire territories of members of the combination or of the
2 members of the transportation planning organization so that the rate of tax
3 imposed pursuant to this part 6 within the territory of any single member
4 of the combination or of the transportation planning organization is
5 uniform. If the authority so elects, it shall submit a single ballot question
6 that lists all of the different rates to the registered electors of all
7 designated portions of the members of the combination or of the
8 transportation planning organization in which the proposed sales or use
9 tax is to be levied.

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

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

25 (D) The department shall retain an amount not to exceed the total
26 cost of the collection, administration, and enforcement and shall transmit
27 the amount to the state treasurer, who shall credit the same to the regional

1 transportation authority sales tax fund, which fund is hereby created. The
2 amounts so retained are hereby appropriated annually from the fund to the
3 department to the extent necessary for the department's collection,
4 administration, and enforcement of this part 6. Any money remaining in
5 the fund attributable to taxes collected in the prior fiscal year shall be
6 transmitted to the authority; except that, prior to the transmission to the
7 authority of such money, any money appropriated from the general fund
8 to the department for the collection, administration, and enforcement of
9 the tax for the prior fiscal year shall be repaid.

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

12 **SECTION 55. Act subject to petition - effective date.** This act
13 takes effect July 1, 2025; except that, if a referendum petition is filed
14 pursuant to section 1 (3) of article V of the state constitution against this
15 act or an item, section, or part of this act within the ninety-day period
16 after final adjournment of the general assembly, then the act, item,
17 section, or part will not take effect unless approved by the people at the
18 general election to be held in November 2024 and, in such case, will take
19 effect July 1, 2025, or on the date of the official declaration of the vote
20 thereon by the governor, whichever is later.