

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Energy.

SB23-055 be amended as follows:

- 1 Amend printed bill, page 2, strike lines 8 through 14.
- 2 Page 3, strike lines 1 through 3 and substitute "SHARING PROGRAM THAT
- 3 THE SHARED CAR OWNER HAS EITHER:".
- 4 Page 3, line 4, strike "(I)" and substitute "(a)".
- 5 Page 3, line 6, strike "(II)" and substitute "(b)".
- 6 Page 4, after line 16 insert:

7           **"SECTION 4.** In Colorado Revised Statutes, 39-26-102, **amend**  
8 (23) as follows:

9           **39-26-102. Definitions.** As used in this article 26, unless the  
10 context otherwise requires:

11           (23) (a) Except as provided in section ~~39-26-713 (1)(a)~~  
12 SUBSECTION (23)(b) OF THIS SECTION, when THE right to THE continuous  
13 possession or use ~~for more than three years~~ of any article of tangible  
14 personal property is granted under a lease or contract and ~~such~~ THE  
15 transfer of possession would be taxable if outright sale were made, ~~such~~  
16 THE lease or contract ~~shall be~~ IS considered the sale of ~~such~~ THE article,  
17 and the LESSOR SHALL COLLECT AND REMIT THE tax ~~shall be computed and~~  
18 ~~paid by the vendor~~ upon the rentals paid.

19           (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (23)(b)(II) OF THIS  
20 SECTION, WHEN THE RIGHT TO THE CONTINUOUS POSSESSION OR USE FOR  
21 THREE YEARS OR LESS OF AN ARTICLE OF TANGIBLE PERSONAL PROPERTY  
22 IS GRANTED UNDER A LEASE OR CONTRACT, THE LESSOR SHALL COLLECT  
23 AND REMIT THE TAX UNLESS THE LESSOR HAS PAID TO THE STATE OF  
24 COLORADO A SALES OR USE TAX ON THE PROPERTY UPON ITS ACQUISITION.  
25 WHETHER THE LESSOR HAS PAID TO THE STATE OF COLORADO A SALES OR  
26 USE TAX ON THE TANGIBLE PERSONAL PROPERTY UPON ITS ACQUISITION IS  
27 DETERMINED WITHOUT REGARD TO ANY SALES OR USE TAX PAID ON THE  
28 TANGIBLE PERSONAL PROPERTY BY THE PERSON FROM WHOM THE LESSOR  
29 ACQUIRED THE PROPERTY.

30           (II) THE DEPARTMENT OF REVENUE MAY PERMIT A LESSOR OF  
31 TANGIBLE PERSONAL PROPERTY LEASED FOR THREE YEARS OR LESS TO  
32 ACQUIRE THE PROPERTY FREE OF SALES OR USE TAX IF THE PROPERTY WILL  
33 BE HELD EXCLUSIVELY FOR LEASE AND THE LESSOR AGREES TO COLLECT  
34 SALES TAX ON ALL LEASE PAYMENTS RECEIVED ON THE PROPERTY. THE  
35 DEPARTMENT OF REVENUE SHALL NOT GRANT PERMISSION UNDER THIS  
36 SUBSECTION (23)(b)(II) IF THE PROPERTY WILL ALSO BE USED BY THE

1 LESSOR. IF A LESSOR DID NOT RECEIVE PERMISSION UNDER THIS  
2 SUBSECTION (23)(b)(II), OR IF A LESSOR RECEIVED PERMISSION UNDER  
3 THIS SUBSECTION (23)(b)(II) AND SUBSEQUENTLY USED THE TANGIBLE  
4 PERSONAL PROPERTY, THE LESSOR SHALL PAY THE SALES AND USE TAX ON  
5 THE ACQUISITION PRICE OF THE PROPERTY, AND THE PERMISSION GRANTED,  
6 IF ANY, IS REVOKED.

7 **SECTION 5.** In Colorado Revised Statutes, 39-26-713, **repeal**  
8 (1)(a) as follows:

9 **39-26-713. Tangible personal property.** (1) The following shall  
10 be exempt from taxation under the provisions of part 1 of this article 26:

11 (a) ~~Any right to the continuous possession or use for three years~~  
12 ~~or less of any article of tangible personal property under a lease or~~  
13 ~~contract, if the lessor has paid to the state of Colorado a sales or use tax~~  
14 ~~on such tangible personal property upon its acquisition. The department~~  
15 ~~of revenue may permit a lessor of tangible personal property leased for a~~  
16 ~~period of three years or less to acquire the property free of sales or use tax~~  
17 ~~if the lessor agrees to collect sales tax on all lease payments received on~~  
18 ~~the property."~~

19 Renumber succeeding section accordingly.

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