

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

Bill D

LLS NO. 24-0381.03 Jessica Herrera x4218

SENATE BILL

SENATE SPONSORSHIP

Bridges and Van Winkle,

HOUSE SPONSORSHIP

Kipp and Taggart,

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING THE STANDARDIZATION OF LOCAL LODGING TAX, AND, IN
102 CONNECTION THEREWITH, ALIGNING REPORTING
103 REQUIREMENTS RELATED TO REMITTANCE OF A LOCAL LODGING
104 TAX TO REPORTING REQUIREMENTS FOR REMITTANCE OF OTHER
105 LOCAL TAXES.

Bill Summary

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

Sales and Use Tax Simplification Task Force. The bill requires local taxing jurisdictions, including any home rule locality, to apply the

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.

same standards to an accommodation's intermediary as to a marketplace facilitator that is obligated to collect and remit a local lodging tax. The bill prohibits local taxing jurisdictions from requiring additional reporting information from an accommodation's intermediary.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Local taxing jurisdictions, including counties, local marketing
5 districts, or a home rule city, town, or city and county, may impose a local
6 lodging tax;

7 (b) Local lodging taxes across local taxing jurisdictions vary
8 vastly;

9 (c) Local taxing jurisdictions also vary on reporting requirements
10 for local lodging operators and accommodation intermediaries;

11 (d) Such variation across local taxing jurisdictions is exceedingly
12 burdensome on local lodging operators and accommodation
13 intermediaries;

14 (e) It is of statewide concern to have uniformity across local
15 taxing jurisdictions to promote accurate compliance with the collection
16 and remittance of local lodging taxes; and

17 (f) It is also of statewide concern to standardize reporting
18 requirements to promote uniform and consistent treatment among
19 taxpayers and prevent disparate tax treatment.

20 **SECTION 2.** In Colorado Revised Statutes, 29-25-112, **amend**
21 (1)(b)(I) and (1)(c); and **repeal** (2) as follows:

22 **29-25-112. Power to levy lodging tax - definition.**

23 (1) (b) (I) The ~~marketing and promotion tax~~ LODGING TAX shall be

1 collected, administered, and enforced, to the extent feasible, pursuant to
2 section 29-2-106. FOR PURPOSES OF LODGING TAX ADMINISTRATION OF
3 REMOTE SALES, AS DEFINED IN SECTION 39-26-102 (11), THE DISTRICT
4 SHALL NOT APPLY ADDITIONAL REPORTING REQUIREMENTS OR STANDARDS
5 TO AN ACCOMMODATION'S INTERMEDIARY THAT ARE NOT SIMILARLY
6 APPLIED TO ALL MARKETPLACE FACILITATORS OBLIGATED TO COLLECT
7 AND REMIT A LOCAL TAX. NOTHING IN THIS SUBSECTION (1)(b)(I)
8 PROHIBITS A DISTRICT FROM REQUESTING INFORMATION MAINTAINED BY
9 AN ACCOMMODATION'S INTERMEDIARY THAT IS IN CONNECTION WITH AN
10 AUDIT RELATED TO A LODGING TAX IN ITS ORDINARY COURSE OF BUSINESS.
11 WITH RESPECT TO ANY SALE IN A DISTRICT THAT HAS ENACTED A
12 MARKETPLACE FACILITATOR ORDINANCE OR RESOLUTION, A DISTRICT
13 SHALL SOLELY AUDIT MARKETPLACE FACILITATORS FOR SALES
14 FACILITATED BY THE MARKETPLACE. A DISTRICT SHALL NOT AUDIT OR
15 OTHERWISE ASSESS TAX AGAINST MARKETPLACE SELLERS, MULTICHANNEL
16 SELLERS, OR LODGING SUPPLIERS FOR SALES FACILITATED BY A
17 MARKETPLACE FACILITATOR. FOR PURPOSES OF THIS SUBSECTION (1)(b)(I),
18 "FACILITATED" MEANS TO EITHER DIRECTLY OR INDIRECTLY, THROUGH
19 AGREEMENTS OR ARRANGEMENTS WITH THIRD PARTIES, COLLECT THE
20 PAYMENT FROM THE SALE BY THE PURCHASER AND TRANSMIT THE
21 PAYMENT TO THE MARKETPLACE SELLER.

22 (c) ~~A marketing and promotion tax~~ LODGING TAX levied in
23 accordance with this section is in addition to any other sales or use tax
24 imposed pursuant to law.

25 (2) ~~Prior to July 1, 2014, any person or entity providing rooms or~~
26 ~~accommodations as included in the definition of "sale" referred to in~~
27 ~~paragraph (a) of subsection (1) of this section shall be liable and~~

1 responsible for the payment of an amount equivalent to a percentage rate
2 set by the board of all such sales made and shall quarterly, unless
3 otherwise provided by law, make a return to the executive director of the
4 department of revenue for the preceding tax-reporting period and remit
5 an amount equivalent to such percentage rate on such sales to said
6 executive director.

7 **SECTION 3.** In Colorado Revised Statutes, 30-11-107.5, **amend**
8 (2)(a) as follows:

9 **30-11-107.5. Lodging tax - definition.** (2) (a) The county
10 lodging tax shall be collected, administered, and enforced, to the extent
11 feasible, pursuant to section 29-2-106. ~~C.R.S.~~ FOR PURPOSES OF LODGING
12 TAX ADMINISTRATION OF REMOTE SALES, AS DEFINED IN SECTION
13 39-26-102 (11), NO COUNTY SHALL APPLY ADDITIONAL REPORTING
14 REQUIREMENTS OR STANDARDS TO AN ACCOMMODATION'S INTERMEDIARY
15 THAT ARE NOT SIMILARLY APPLIED TO ALL MARKETPLACE FACILITATORS
16 OBLIGATED TO COLLECT AND REMIT A LOCAL TAX. NOTHING IN THIS
17 SUBSECTION (2)(a) PROHIBITS A COUNTY FROM REQUESTING INFORMATION
18 MAINTAINED BY AN ACCOMMODATION'S INTERMEDIARY THAT IS IN
19 CONNECTION WITH AN AUDIT RELATED TO A LODGING TAX IN ITS
20 ORDINARY COURSE OF BUSINESS. WITH RESPECT TO ANY SALE IN A
21 COUNTY THAT HAS ENACTED A MARKETPLACE FACILITATOR ORDINANCE
22 OR RESOLUTION, A COUNTY SHALL SOLELY AUDIT MARKETPLACE
23 FACILITATORS FOR SALES FACILITATED BY THE MARKETPLACE. A COUNTY
24 SHALL NOT AUDIT OR OTHERWISE ASSESS TAX AGAINST MARKETPLACE
25 SELLERS, MULTICHANNEL SELLERS, OR LODGING SUPPLIERS FOR SALES
26 FACILITATED BY A MARKETPLACE FACILITATOR. FOR PURPOSES OF THIS
27 SUBSECTION (2)(a), "FACILITATED" MEANS TO EITHER DIRECTLY OR

1 INDIRECTLY, THROUGH AGREEMENTS OR ARRANGEMENTS WITH THIRD
2 PARTIES, COLLECT THE PAYMENT FROM A SALE BY THE PURCHASER AND
3 TRANSMIT THE PAYMENT TO THE MARKETPLACE SELLER.

4 **SECTION 4.** In Colorado Revised Statutes, **add** 29-2-116 as
5 follows:

6 **29-2-116. Lodging tax - statewide requirements and**
7 **limitations - definitions.** (1) FOR PURPOSES OF LOCAL TAX
8 ADMINISTRATION OF REMOTE SALES, NO LOCAL TAXING JURISDICTION,
9 INCLUDING ANY HOME RULE CITY, TOWN, OR CITY AND COUNTY, THAT
10 IMPOSES A LOCAL LODGING TAX SHALL APPLY ADDITIONAL REPORTING
11 REQUIREMENTS OR STANDARDS TO AN ACCOMMODATION'S INTERMEDIARY
12 THAT ARE NOT SIMILARLY APPLIED TO ALL MARKETPLACE FACILITATORS,
13 OBLIGATED TO COLLECT AND REMIT LOCALLY ADMINISTERED TAXES BY
14 THE LOCAL TAXING JURISDICTION. NOTHING IN THIS SECTION PROHIBITS A
15 LOCAL TAXING JURISDICTION FROM REQUESTING INFORMATION
16 MAINTAINED BY AN ACCOMMODATION'S INTERMEDIARY THAT IS IN
17 CONNECTION WITH AN AUDIT RELATED TO A LOCAL LODGING TAX IN ITS
18 ORDINARY COURSE OF BUSINESS. WITH RESPECT TO ANY SALE, A LOCAL
19 TAXING JURISDICTION SHALL SOLELY AUDIT MARKETPLACE FACILITATORS
20 FOR SALES FACILITATED BY THE MARKETPLACE. A TAXING JURISDICTION
21 SHALL NOT AUDIT OR OTHERWISE ASSESS TAX AGAINST MARKETPLACE
22 SELLERS, MULTICHANNEL SELLERS, OR LODGING SUPPLIERS FOR SALES
23 FACILITATED BY A MARKETPLACE FACILITATOR.

24 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
25 REQUIRES:

26 (a) "MARKETPLACE" HAS THE SAME MEANING AS SET FORTH IN
27 SECTION 39-26-102 (5.8).

1 (b) "MARKETPLACE FACILITATOR" HAS THE SAME MEANING AS SET
2 FORTH IN SECTION 39-26-102 (5.9).

3 (c) "MARKETPLACE SELLER" HAS THE SAME MEANING AS SET
4 FORTH IN SECTION 39-26-102 (6).

5 **SECTION 5. Act subject to petition - effective date.** This act
6 takes effect January 1, 2025; except that, if a referendum petition is filed
7 pursuant to section 1 (3) of article V of the state constitution against this
8 act or an item, section, or part of this act within the ninety-day period
9 after final adjournment of the general assembly, then the act, item,
10 section, or part will not take effect unless approved by the people at the
11 general election to be held in November 2024 and, in such case, will take
12 effect January 1, 2025, or on the date of the official declaration of the
13 vote thereon by the governor, whichever is later.