

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

Bill E

LLS NO. 24-0382.02 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 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.

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, 29-2-210, AND 29-2-212, 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, NOTHING IN THIS
19 PART 2 APPLIES TO, AFFECTS, OR LIMITS THE POWERS OF HOME RULE
20 JURISDICTIONS TO IMPOSE, ADMINISTER, OR ENFORCE ANY LOCAL SALES OR
21 USE TAX.

22 **29-2-203. Collection, administration, and enforcement of sales**
23 **or use tax. (1) [Formerly 29-2-106 (1)]** UNLESS OTHERWISE PROVIDED
24 IN THIS PART 2, the ~~collection, administration, and enforcement of~~
25 EXECUTIVE DIRECTOR SHALL COLLECT, ADMINISTER, ENFORCE, AND
26 DISTRIBUTE any ~~countywide or any city or town~~ sales OR USE tax adopted
27 BY A STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING

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

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

21 **29-2-204. [Formerly 29-2-106 (4)(a)] Collection,**
22 **administration, and enforcement of home rule jurisdiction sales or**
23 **use tax.** (1) The executive director ~~of the department of revenue shall,~~
24 at no charge, administer, collect, ENFORCE, and distribute the sales tax of
25 any home rule ~~municipality~~ JURISDICTION upon request of the governing
26 body OR the GOVERNING BODY'S DESIGNEE, of ~~such municipality~~ THE
27 JURISDICTION IF:

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

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

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

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

20 **29-2-205. Notice requirements - effective and applicability**
21 **dates - definition.** (1) (a) [Formerly section 29-2-106 (7)] For the
22 purpose of the administration by the state of the provisions of this article,
23 as well as any other state or federal program, each ~~county, home rule~~
24 ~~county, statutory town or city, home rule town or city, city and county, or~~
25 ~~territorial charter town or city~~ HOME RULE JURISDICTION shall file
26 ~~pursuant to section 29-2-110,~~ with the executive director ~~of the~~
27 ~~department of revenue~~ a copy of each sales or use tax ordinance or

1 resolution, or any amendment thereto, no later than ~~ten~~ FORTY-FIVE days
2 ~~after the~~ BEFORE ITS effective date. ~~thereof. A copy of any sales or use tax~~
3 ~~ordinance or resolution in effect on March 11, 1982, shall be filed no later~~
4 ~~than July 1, 1982.~~ The failure to file a copy of any such ordinance or
5 resolution shall not give rise to any claim for refund by any taxpayer,
6 other than for overpayment which is determined to be allowable under
7 such ordinance or resolution.

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

24 (c) NOTWITHSTANDING ANY LAW TO THE CONTRARY, WHEN A
25 STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING
26 HOME RULE JURISDICTION BY ELECTION IMPOSES A SALES OR USE TAX
27 THAT THE DEPARTMENT WILL COLLECT PURSUANT TO THIS PART 2 OR

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

15 (2) **[Formerly section 29-2-106 (2)]** EXCEPT AS PROVIDED IN
16 SUBSECTION (4) OF THIS SECTION, ~~the effective date~~ APPLICABILITY OF ANY
17 ~~countywide sales tax or city or town sales tax adopted under the~~
18 ~~provisions of this article~~ NEW SALES OR USE TAX OR ANY CHANGE TO AN
19 EXISTING SALES OR USE TAX IMPOSED BY A STATUTORY LOCAL
20 GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE
21 JURISDICTION shall be either January 1 or July 1 following the DATE OF
22 ENACTMENT OF THE ORDINANCE OR RESOLUTION, OR EITHER JANUARY 1
23 OR JULY 1 FOLLOWING THE date of the election in which ~~such county~~ THE
24 sales OR USE tax proposal OR CHANGE is approved. ~~and notice of the~~
25 ~~adoption of any county sales tax proposal shall be submitted by the county~~
26 ~~clerk and recorder or by the clerk of the city council or board of trustees~~
27 ~~of a city or town to the executive director of the department of revenue at~~

1 ~~least forty-five days prior to the effective date of such tax. If such a~~ THE
2 DEPARTMENT DOES NOT RECEIVE THE WRITTEN NOTICE BY THE DEADLINES
3 DESCRIBED IN SUBSECTION (1)(b) AND (1)(c) OF THIS SECTION, THE SALES
4 OR USE TAX PROPOSAL OR CHANGE ~~is approved at an election held less than~~
5 ~~forty-five days prior to the January 1 or July 1 following the date of~~
6 ~~election, such tax shall not be effective~~ APPLY until the next succeeding
7 January 1 or July 1 AFTER THE DEPARTMENT RECEIVES THE WRITTEN
8 NOTICE.

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

10 (a) A CHANGE TO THE SALES OR USE TAX BASE, THE ADOPTION OF
11 A NEW SALES OR USE TAX EXEMPTION, THE AMENDMENT OR REPEAL OF AN
12 EXISTING SALES OR USE TAX EXEMPTION, OR, FOR A STATUTORY LOCAL
13 GOVERNMENT, THE EXPRESS INCLUSION OF ANY OF THE EXEMPTIONS
14 LISTED IN SECTION 29-2-105 (1)(d)(I);

15 (b) THE EXPIRATION OF AN EXISTING SALES OR USE TAX OR SALES
16 OR USE TAX EXEMPTION;

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

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

21 (e) A STATUTORY LOCAL GOVERNMENT'S TRANSITION TO A
22 SELF-COLLECTING HOME RULE JURISDICTION;

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

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

27 (h) A CHANGE IN THE STATUTORY LOCAL GOVERNMENT'S,

1 REQUESTING HOME RULE JURISDICTION'S, OR SPECIAL DISTRICT'S
2 DISTRIBUTION FORMULA;

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

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

9 (4) (a) FOR PURPOSES OF THIS PART 2, THE APPLICABILITY OF A
10 SALES OR USE TAX IMPOSED AS A RESULT OF A CHANGE TO A STATUTORY
11 LOCAL GOVERNMENT'S GEOGRAPHIC BOUNDARY IS DETERMINED
12 PURSUANT TO SECTION 30-6-109.7 AND PART 12 OF ARTICLE 31 OF TITLE
13 31.

14 (b) (I) A SPECIAL DISTRICT OR REQUESTING HOME RULE
15 JURISDICTION THAT CHANGES ITS BOUNDARIES THROUGH USE OF ITS
16 ANNEXATION AUTHORITY SHALL FILE A COPY OF THE ANNEXATION MAP
17 AND A COPY OF THE ANNEXATION ORDINANCE OR RESOLUTION WITH THE
18 DEPARTMENT IN THE FORM AND MANNER REQUIRED BY THE DEPARTMENT.

19 (II) THE SPECIAL DISTRICT OR REQUESTING HOME RULE
20 JURISDICTION'S SALES OR USE TAX IN THE ANNEXED AREA APPLIES
21 BEGINNING ON THE NEXT JANUARY 1 OR JULY 1 FOLLOWING THE
22 DEPARTMENT'S RECEIPT OF THE ANNEXATION MAP AND ANNEXATION
23 ORDINANCE OR RESOLUTION SO LONG AS THE ANNEXATION MAP AND
24 ANNEXATION RESOLUTION ARE RECEIVED BY THE DEPARTMENT NO LATER
25 THAN FORTY-FIVE DAYS BEFORE THE JANUARY 1 OR JULY 1. IF THE
26 ANNEXATION MAP AND ANNEXATION RESOLUTION ARE NOT RECEIVED BY
27 THE DEPARTMENT AS SPECIFIED IN THIS SUBSECTION (4)(b)(II), THEN THE

1 SALES OR USE TAX IN THE ANNEXED AREA DOES NOT APPLY UNTIL THE
2 NEXT SUCCEEDING JANUARY 1 OR JULY 1.

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

12 **29-2-206. Vendor fee.** (1) A STATUTORY LOCAL GOVERNMENT,
13 SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION MAY ALLOW
14 BY ORDINANCE OR RESOLUTION A RETAILER THAT COLLECTS AND REMITS
15 ITS SALES OR USE TAX TO RETAIN A PERCENTAGE, AS FIXED BY THE
16 STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING
17 HOME RULE JURISDICTION, OF THE AMOUNT REMITTED TO COVER THE
18 VENDOR'S EXPENSE IN COLLECTING AND REMITTING THE STATUTORY
19 LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE
20 JURISDICTION'S SALES OR USE TAX; EXCEPT THAT:

21 (a) A STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR
22 REQUESTING HOME RULE JURISDICTION SHALL NOT IMPOSE ANY KIND OF
23 LIMIT, OTHER THAN THE PERCENTAGE FIXED AS AUTHORIZED BY THIS
24 SUBSECTION (1), ON THE AMOUNT OF SALES OR USE TAX THAT A VENDOR
25 MAY RETAIN; AND

26 (b) THE PROVISIONS OF SECTION 39-26-105 (1)(c)(III) APPLY IF A
27 RETAILER IS DELINQUENT IN REMITTING THE STATUTORY LOCAL

1 GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE
2 JURISDICTION SALES OR USE TAX.

3 **29-2-207. Distributions.** (1) [**Formerly the first two sentences**
4 **of 29-2-106 (3)(a)**] EXCEPT AS PROVIDED IN SECTION 30-11-107.5 (4), the
5 executive director, ~~of the department of revenue shall,~~ at no charge,
6 ~~except as provided in paragraph (b) of this subsection (3), administer,~~
7 ~~collect, and distribute any sales tax imposed in conformity with this~~
8 ~~article. The executive director shall make monthly distributions of sales~~
9 OR USE tax collections to the appropriate official LIAISON in each county
10 ~~and in each incorporated city or town in the amount determined under the~~
11 ~~distribution formula established in accordance with this article.~~
12 STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, AND REQUESTING
13 HOME RULE JURISDICTION.

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

22 (b) ~~The provisions of this subsection (10) shall apply only to sales~~
23 ~~tax collected by the department of revenue with a processing date~~
24 ~~occurring on or after January 1, 2001. The provisions of this subsection~~
25 ~~(10) shall~~ SUBSECTION (2) DO not apply ~~in the event that~~ IF the distribution
26 of sales OR USE tax was delayed as a result of ~~unforeseen~~ UNFORESEEN
27 circumstances or caused primarily by an entity other than the department,

1 ~~of revenue. Such determination~~ WHICH DETERMINATION THE DEPARTMENT
2 shall ~~be made~~ MAKE in good faith. ~~by the department.~~

3 **29-2-208. Dispute resolution.** (1) EXCEPT AS OTHERWISE
4 PROVIDED IN THIS PART 2, DISPUTES REGARDING SALES OR USE TAX
5 COLLECTED BY THE DEPARTMENT UNDER THIS PART 2 ARE RESOLVED IN
6 THE SAME MANNER AS THE COLLECTION, ADMINISTRATION, AND
7 ENFORCEMENT OF STATE SALES TAX UNDER ARTICLE 26 OF TITLE 39,
8 INCLUDING ANY RELEVANT SECTIONS OF PART 1 OF ARTICLE 21 OF TITLE
9 39.

10 (2)(a) IF A TAXPAYER OR THE EXECUTIVE DIRECTOR ASSERTS THAT
11 ALL OR PART OF THE SALES OR USE TAX ASSESSED BY THE EXECUTIVE
12 DIRECTOR UNDER THIS PART 2 HAS BEEN PAID TO THE STATE OR TO
13 ANOTHER STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR HOME
14 RULE JURISDICTION, NEITHER THE TAXPAYER NOR THE ASSESSING
15 STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR HOME RULE
16 JURISDICTION NEEDS TO FILE A CLAIM FOR REFUND WITH THE OTHER
17 STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR HOME RULE
18 JURISDICTION IN ORDER TO PURSUE THE REMEDY. IF THE EXECUTIVE
19 DIRECTOR DETERMINES THAT THE DISPUTED TAX WAS PAID, BUT TO THE
20 WRONG STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR HOME
21 RULE JURISDICTION, THEN, SUBJECT TO THE REQUIREMENT SET FORTH IN
22 SUBSECTION (2)(b) OF THIS SECTION, THE:

23 (I) EXECUTIVE DIRECTOR MAY ORDER PAYMENT FROM THE
24 STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR HOME RULE
25 JURISDICTION THAT ERRONEOUSLY RECEIVED SALES OR USE TAX IN THE
26 AMOUNT ERRONEOUSLY PAID TO THE CORRECT STATUTORY LOCAL
27 GOVERNMENT, SPECIAL DISTRICT, OR HOME RULE JURISDICTION;

1 (II) TAXPAYER SHALL RECEIVE A CREDIT AGAINST THE ASSESSED
2 SALES OR USE TAX DUE UP TO THE AMOUNT PAID BY THE TAXPAYER TO THE
3 WRONG STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR HOME
4 RULE JURISDICTION; AND

5 (III) ASSESSING LOCAL GOVERNMENT MAY WAIVE, FOR GOOD
6 CAUSE SHOWN, ANY INTEREST OR PENALTIES ASSESSED THEREON.

7 (b) IF THE EXECUTIVE DIRECTOR DETERMINES UNDER THIS
8 SUBSECTION (2) THAT THE DISPUTED TAX WAS PAID TO A HOME RULE
9 JURISDICTION THAT IS NOT A REQUESTING HOME RULE JURISDICTION, THEN
10 THE EXECUTIVE DIRECTOR SHALL HOLD A HEARING AS DESCRIBED IN PART
11 3 OF THIS ARTICLE 2 AND THE HOME RULE JURISDICTION THAT IS NOT A
12 REQUESTING HOME RULE JURISDICTION SHALL BE JOINED AS A PARTY TO
13 THE HEARING AS DESCRIBED IN SECTION 29-2-302 (5).

14 (3) IF A TAXPAYER CLAIMS OR THE EXECUTIVE DIRECTOR FINDS
15 THAT ALL OR PART OF A SALES OR USE TAX DUE TO A HOME RULE
16 JURISDICTION THAT IS NOT A REQUESTING HOME RULE JURISDICTION HAS
17 BEEN PAID TO THE DEPARTMENT OR TO A STATUTORY LOCAL
18 GOVERNMENT, A REQUESTING HOME RULE JURISDICTION, OR A SPECIAL
19 DISTRICT, AND THE EXECUTIVE DIRECTOR MAKES A DETERMINATION TO
20 THIS EFFECT, THEN THE DEPARTMENT SHALL FORWARD THOSE FUNDS, LESS
21 ANY MONEY WITHHELD OR DEBTS OWED BY THE TAXPAYER UNDER
22 SECTION 39-21-108, DIRECTLY TO THE HOME RULE JURISDICTION WITHIN
23 THIRTY DAYS OF THE EXECUTIVE DIRECTOR'S DETERMINATION WITH
24 INTEREST, AS PROVIDED IN SECTION 39-21-110.

25 **29-2-209. [Formerly 29-2-106 (8)] Uniform collection**
26 **procedures for home rule jurisdictions.** Each home rule ~~city, town, and~~
27 ~~city and county~~ JURISDICTION shall follow, and conform its ordinances

1 where necessary to, the statute of limitations applicable to the
2 enforcement of state sales ~~and~~ OR use tax collections, the statute of
3 limitations applicable to refunds of state sales ~~and~~ OR use taxes, the
4 amount of penalties and interest payable on delinquent remittances of
5 state sales ~~and~~ OR use taxes, and the posting of bonds pursuant to section
6 39-21-105. ~~C.R.S.~~

7 **29-2-210. Remittance of tax - GIS - vendor held harmless.** ANY
8 VENDOR MAY USE THE GIS DATABASE DESCRIBED IN SECTION 39-26-105.2
9 IN ORDER TO COLLECT AND REMIT SALES OR USE TAX TO THE DEPARTMENT
10 PURSUANT TO THIS PART 2. ANY VENDOR THAT DIRECTLY USES THE DATA
11 CONTAINED IN THE GIS DATABASE, OR THAT USES DATA FROM A
12 THIRD-PARTY DATABASE THAT IS VERIFIED TO USE THE MOST RECENT
13 INFORMATION PROVIDED BY THE GIS DATABASE, TO DETERMINE THE
14 JURISDICTIONS TO WHICH STATUTORY LOCAL GOVERNMENT, SPECIAL
15 DISTRICT, OR REQUESTING HOME RULE JURISDICTION TAX IS OWED IS HELD
16 HARMLESS AS SPECIFIED IN SECTION 39-26-105.2.

17 **29-2-211. [Formerly 29-2-106 (3)(b)] Sales or use tax on motor**
18 **vehicles.** The executive director is hereby authorized to contract and enter
19 into agreements with the county clerk and recorder and ~~municipalities~~
20 HOME RULE JURISDICTIONS for the collection of state, county, and city or
21 town use taxes upon motor vehicles, and the county clerk and recorder
22 may charge and retain a fee as the director may approve to fully cover the
23 cost of such collection by the county clerk and recorder.

24 **29-2-212. [Formerly 29-2-106 (3)(c)] Qualified purchasers.**
25 (1) A qualified purchaser may provide a direct payment permit number
26 issued pursuant to section 39-26-103.5 ~~C.R.S.~~, to any vendor or retailer
27 that is liable and responsible for collecting and remitting any ~~countywide~~

1 ~~sales tax or city or town sales~~ STATUTORY LOCAL GOVERNMENT, SPECIAL
2 DISTRICT, OR REQUESTING HOME RULE JURISDICTION SALES OR USE tax
3 imposed on any sale made to the qualified purchaser pursuant to the
4 provisions of this ~~article~~ ARTICLE 2. A vendor or retailer that has received
5 in good faith from a qualified purchaser a direct payment permit number
6 shall not be liable or responsible for collection and remittance of any sales
7 OR USE tax imposed on such sale that is paid for directly from such
8 qualified purchaser's funds and not the personal funds of any individual.

9 (2) 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 OR USE tax imposed on any sale made to the qualified
12 purchaser pursuant to this ~~article~~ ARTICLE 2 in the same manner as
13 liability would be imposed on a qualified purchaser for state sales OR USE
14 tax pursuant to section 39-26-105 (5).

15 **29-2-213. Coordination.** EACH STATUTORY LOCAL GOVERNMENT,
16 SPECIAL DISTRICT, AND REQUESTING HOME RULE JURISDICTION SHALL
17 DESIGNATE ONE OR MORE LIAISONS WHO SHALL COORDINATE WITH THE
18 DEPARTMENT REGARDING THE COLLECTION OF ITS SALES OR USE TAX. THIS
19 COORDINATION MAY INCLUDE THE LIAISON IDENTIFYING BUSINESSES
20 ELIGIBLE TO COLLECT THE SALES OR USE TAX IN ITS JURISDICTION AND ANY
21 OTHER ADMINISTRATIVE DETAILS IDENTIFIED BY THE DEPARTMENT.

22 **29-2-214. [Formerly 39-26-122.5] Enhanced efficiencies -**
23 **intergovernmental agreements - legislative declaration.** (1) The
24 general assembly hereby finds and declares that:

25 (a) It is in the best interest of the state, ~~local governments~~
26 STATUTORY LOCAL GOVERNMENTS, SPECIAL DISTRICTS, REQUESTING HOME
27 RULE JURISDICTIONS, and taxpayers to have sales OR USE tax collected in

1 the most efficient and effective manner feasible;

2 (b) Sales OR USE taxes can be administered and collected most
3 efficiently when the governmental entities that collect the taxes cooperate
4 and share responsibilities to collect and distribute revenues from the
5 taxes;

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

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

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

19 (2) The executive director of the department of revenue may enter
20 into an intergovernmental agreement with any ~~county~~ STATUTORY LOCAL
21 GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE
22 JURISDICTION for the purpose of enhancing the systemic efficiencies and
23 procedures used in the collection of state and local sales OR USE taxes.
24 Such agreement shall be entered into on behalf of and for the benefit of
25 ~~both the county~~ STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR
26 REQUESTING HOME RULE JURISDICTION and the department. In addition,
27 a municipality may be included as a party to the agreement to further the

1 same efficiencies and procedures to be enhanced by the agreement
2 between the executive director and a county. The agreement may allow
3 the parties to share in providing any function or service lawfully
4 authorized to each of the parties, including the sharing of costs,
5 information, or duties related to the collection of sales OR USE taxes
6 within the boundaries of the county.

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

15 **29-2-215. Information sharing. (1) [Formerly 29-2-106 (4)(b)]**
16 NOTWITHSTANDING THE PROVISIONS OF SECTION 39-21-113, the executive
17 director ~~of the department of revenue~~ shall furnish the governing body
18 LIAISON of each ~~municipality and county~~ STATUTORY LOCAL
19 GOVERNMENT, SPECIAL DISTRICT, AND REQUESTING HOME RULE
20 JURISDICTION WITH a monthly listing of all returns filed by the retailers in
21 ~~such municipality or county~~ THEIR JURISDICTION. The governing body of
22 ~~such municipality or county~~ LIAISON OF EACH STATUTORY LOCAL
23 GOVERNMENT, SPECIAL DISTRICT, AND REQUESTING HOME RULE
24 JURISDICTION shall notify the executive director ~~of the department of~~
25 ~~revenue~~ of any retailers omitted from ~~this~~ THE listing as soon as
26 practicable, but in no event more than one hundred eighty days after
27 receiving ~~said~~ THE monthly listing. Failure of the ~~governing body of such~~

1 ~~municipality or county~~ LIAISON to notify the executive director of the
2 ~~department of revenue~~ of any omitted retailers, within ~~such~~ THE period,
3 ~~shall preclude the municipality or county~~ PRECLUDES THE STATUTORY
4 LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE
5 JURISDICTION from making any further claims based upon such omissions.
6 Neither the executive director of the ~~department of revenue nor any~~
7 ~~municipality or county~~ NOR ANY STATUTORY LOCAL GOVERNMENT,
8 SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION shall be held
9 liable for any omissions ~~which~~ THAT have not been called to the executive
10 director's attention within ~~this~~ THE period.

11 (2) [Formerly 29-2-106 (4)(c)(I)] Notwithstanding the provisions
12 of section 39-21-113, the executive director of the ~~department of revenue~~
13 shall report monthly to each ~~municipality and county~~ STATUTORY LOCAL
14 GOVERNMENT, SPECIAL DISTRICT, AND REQUESTING HOME RULE
15 JURISDICTION for which the ~~department of revenue~~ collects a sales OR USE
16 tax information identifying licensed vendors within the ~~municipality or~~
17 ~~county~~ BOUNDARIES OF THE STATUTORY LOCAL GOVERNMENT, SPECIAL
18 DISTRICT, OR REQUESTING HOME RULE JURISDICTION, including the
19 licensing information required by section 39-26-802.9 (3), and, where the
20 ~~chief administrative officer or his designee~~ STATUTORY LOCAL
21 GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE
22 JURISDICTION has executed a memorandum of understanding with the
23 ~~department of revenue~~ providing for control of confidential data, the
24 status of each vendor's account including the amount of ~~such~~
25 ~~municipality's or county's~~ sales OR USE tax collected and paid by each
26 ~~such~~ vendor. The executive director of the ~~department~~ may, in ~~his~~ THE
27 EXECUTIVE DIRECTOR'S discretion, provide additional information to a

1 ~~municipality or county~~ STATUTORY LOCAL GOVERNMENT, SPECIAL
2 DISTRICT, OR REQUESTING HOME RULE JURISDICTION concerning collection
3 and administration of ~~such municipality's or county's~~ ITS sales OR USE tax
4 if such a memorandum has been executed.

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

14 (4) [Formerly 29-2-106 (4)(c)(II)] Except in accordance with A
15 judicial order or as otherwise provided by law, ~~no official or employee~~ AN
16 OFFICIAL, EMPLOYEE, OR ATTORNEY of a ~~municipality or county~~
17 STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT, OR HOME RULE
18 JURISDICTION receiving sales OR USE tax information from the department
19 ~~of revenue~~ pursuant to this ~~paragraph (c)~~ PART 2 shall NOT divulge or
20 make known to any person WHO IS not an ~~official or employee~~ OFFICIAL,
21 EMPLOYEE, OR ATTORNEY of ~~such municipality or county~~ THE STATUTORY
22 LOCAL GOVERNMENT, SPECIAL DISTRICT, OR REQUESTING HOME RULE
23 JURISDICTION any information ~~which~~ THAT identifies or permits the
24 identification of the amount of sales OR USE taxes collected or paid by any
25 individual licensed vendor. ~~The municipal or county officials or~~
26 ~~employees~~ AN OFFICIAL, EMPLOYEE, OR ATTORNEY charged with the
27 custody of ~~such~~ THE sales OR USE tax information shall not be required to

1 produce any such information in any action or proceeding in any court
2 except in an action or proceeding under the provisions of this article to
3 which the ~~municipality or county~~ STATUTORY LOCAL GOVERNMENT,
4 SPECIAL DISTRICT, OR REQUESTING HOME RULE JURISDICTION having
5 custody of the information is a party, in which event the court may require
6 the production of, and may admit in evidence, so much of ~~said~~ THE sales
7 OR USE tax information as is pertinent to the action or proceeding. Any
8 ~~municipal or county official or employee~~ OFFICIAL, EMPLOYEE, OR
9 ATTORNEY who willfully violates any of the provisions of this ~~paragraph~~
10 ~~(c)~~ SUBSECTION (2) is guilty of a misdemeanor and, upon conviction
11 thereof, shall be punished by a fine of not more than one thousand dollars,
12 and shall be dismissed from office.

13 **29-2-216. Department rulemaking.** THE EXECUTIVE DIRECTOR
14 MAY PROMULGATE RULES TO CARRY OUT THE PROVISIONS OF THIS PART 2.

15 PART 3

16 DISPUTE RESOLUTION FOR SALES OR USE TAX 17 SELF-COLLECTED BY LOCAL GOVERNMENTS

18 **29-2-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

21 (2) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
22 THE DEPARTMENT.

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

25 **29-2-302. [Formerly 29-2-106.1] Deficiency notice and dispute**
26 **resolution for locally collected sales or use tax - legislative**
27 **declaration.** (1) The general assembly hereby finds, determines, and

1 declares that the enforcement of sales ~~and~~ OR use taxes can affect persons
2 and entities across the jurisdictional boundaries of taxing jurisdictions and
3 that dispute resolution is a matter of statewide concern for which the
4 procedures set forth in this ~~section shall~~ PART 3 MUST be applied
5 uniformly throughout the state. IN FACT, THE COLORADO SUPREME COURT
6 RELIED ON THIS DECLARATION IN *WALGREEN CO. V. CHARNES*, 819 P.2D
7 1039 (COLO. 1991), TO HOLD THAT APPEALS TAKEN FROM LOCALLY
8 IMPOSED AND COLLECTED SALES OR USE TAXES, INCLUDING THOSE
9 IMPOSED AND COLLECTED BY A HOME RULE JURISDICTION, ARE GOVERNED
10 BY THE PROCEDURES THAT HAVE BEEN RELOCATED TO THIS PART 3.

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

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

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

1 occurred:

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

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

1 (d) ~~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 (c) of this subsection (2)~~ SUBSECTION (2)(c) OF THIS SECTION
4 have occurred, the taxpayer may request a hearing pursuant to subsection
5 (3) of this section at any time after the period prescribed in ~~subparagraph~~
6 ~~(f) of paragraph (c) of this subsection (2)~~ SUBSECTION (2)(c)(I) OF THIS
7 SECTION.

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

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

27 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(II), if the

1 taxpayer requests a hearing before the executive director, then the local
2 government whose decision is being appealed may not require a bond or
3 payment of tax in lieu thereof.

4 (II) ~~but such~~ THE local government may require a bond or
5 payment of tax in lieu thereof filed with and payable to the local
6 government in the manner provided in section 39-21-111 ~~C.R.S.~~, prior to
7 the hearing before ~~such~~ THE local government or the executive director if
8 either:

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

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

17 (III) ~~In the event~~ IF that payment of the tax or posting of a bond
18 is required by the local government PURSUANT TO SUBSECTION (3)(b)(II)
19 OF THIS SECTION, the taxpayer, after payment of the tax or posting of the
20 bond, may appeal ~~such decision of the local government~~ GOVERNMENT'S
21 DECISION REGARDING THE DEFICIENCY NOTICE OR CLAIM FOR REFUND to
22 the executive director and THE EXECUTIVE DIRECTOR shall ~~be granted~~
23 GRANT an expedited hearing on ~~such~~ THE appeal pursuant to section
24 39-21-103 (6). ~~C.R.S.~~, and The executive director may affirm, reverse, or
25 modify ~~such~~ THE decision REGARDING THE DEFICIENCY NOTICE OR CLAIM
26 FOR REFUND.

27 (c) If the taxpayer appeals the decision issued pursuant to this

1 subsection (3) in the manner provided in section 39-21-105, ~~C.R.S.~~, then
2 the taxpayer shall pay the tax to or post a bond with the local government
3 whose decision is being appealed in the manner provided in that section.

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

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

19 (5) (a) If the taxpayer asserts that all or part of a sales or use tax
20 which is the subject of the hearing PURSUANT TO THIS PART 3 has been
21 paid to or is due to another local government, then such other local
22 government shall be joined as a party to the hearing. Neither the taxpayer
23 nor the assessing local government needs to file a claim for refund with
24 such other local government in order to pursue the remedy provided by
25 this subsection (5)(a). If the executive director determines that the
26 disputed tax was paid, but to the wrong local government, then the
27 taxpayer shall be relieved of the tax due up to the amount paid by the

1 taxpayer to the wrong local government together with an abatement of
2 interest thereon and all penalties; EXCEPT THAT, THE TAXPAYER IS NOT
3 ENTITLED TO THIS RELIEF IF THE ASSESSING LOCAL GOVERNMENT ACCEPTS
4 SALES OR USE TAX RETURNS THROUGH THE ELECTRONIC SALES AND USE
5 TAX SIMPLIFICATION SYSTEM DESCRIBED IN SECTION 39-26-802.7 AND THE
6 ASSESSING LOCAL GOVERNMENT ALLOWS THE TAXPAYER TO BE HELD
7 HARMLESS IN A MANNER SIMILAR TO THAT DESCRIBED IN SECTION
8 39-26-105.2 (3).

9 (b) Notwithstanding section ~~29-2-106 (8)~~ SECTION 29-2-209, the
10 periods open or closed to assessment or refund under the ordinances of
11 the local governments, under sections 39-26-210, 39-21-107 (1),
12 39-26-125, and 39-26-703, or under an intergovernmental transfer
13 agreement may not bar any of the remedies set forth in subsections (5)(a)
14 and (6) of this section.

15 (c) (I) ~~For any taxable event occurring on or after January 1, 2018,~~
16 If the taxpayer receives a notice from a local government that the taxpayer
17 must pay sales or use tax to that local government for a particular taxable
18 event and the taxpayer fails to comply with the instructions in the notice
19 with respect to the same type of taxable event that occurs more than
20 ninety days after the taxpayer receives the notice, then the taxpayer may
21 not take advantage of the ~~remedy~~ REMEDIES allowed in subsection (5)(a)
22 of this section for that particular type of taxable event identified in the
23 notice that occurs more than ninety days after the taxpayer received the
24 notice, unless the taxpayer receives, or has previously received, a similar
25 notice described in subsection (5)(c)(II) of this section from another local
26 government that provides contrary instructions.

27 (II) The notice required in subsection (5)(c)(I) of this section

1 must:

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

4 (B) Be sent by certified or registered mail or be delivered by a
5 nationally recognized courier service that provides a receipt upon
6 delivery;

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

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

14 (6) (a) If the amount paid exceeds the tax found to be due, then
15 the government in receipt of ~~such~~ THE payment shall refund the
16 overpayment to the taxpayer within thirty days of the executive director's
17 decision, together with interest thereon from the date the taxpayer made
18 the payment until the date the overpayment is refunded, unless a timely
19 appeal is taken by ~~such~~ THE government pursuant to subsection (7) of this
20 section. If the amount paid is found to be less than the taxes due, then the
21 taxpayer shall pay the deficiency, less any amount paid in lieu of bond, to
22 the appropriate local government within thirty days of the executive
23 director's decision with interest from the date full payment was due until
24 the date that the deficiency is paid, unless a timely appeal is taken by the
25 taxpayer pursuant to subsection (7) of this section. A local government
26 which is found to have erroneously received payment from the taxpayer
27 shall forward such payment to the appropriate local government within

1 thirty days of the executive director's decision with interest from the date
2 the amount was received from the taxpayer until the date the amount was
3 forwarded to the appropriate local government, unless a timely appeal is
4 taken pursuant to subsection (7) of this section by a local government
5 which is found to have erroneously received payment from the taxpayer.
6 THE EXECUTIVE DIRECTOR MAY AFFIRM, REVERSE, OR MODIFY THE
7 DECISION REGARDING THE DEFICIENCY NOTICE OR CLAIM FOR REFUND.

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

10 (7) Appeals from the final determination of the executive director
11 may be taken in the same manner as provided in and ~~shall be~~ ARE
12 governed by section 39-21-105, ~~C.R.S.~~, by any party bound by the
13 executive director's decision. ~~Any such appeal shall~~ AN APPEAL MUST be
14 heard de novo and ~~shall be~~ heard as provided in section 39-21-105 ~~C.R.S.~~;
15 ~~except as follows~~ WITH THE FOLLOWING PROVISIONS:

16 (a) If the appellant is a local government the taxpayer ~~shall have~~
17 HAS the burden of proof as to all factual matters, and the appellant ~~shall~~
18 ~~have~~ HAS the burden with respect to any legal determination of the
19 executive director of the department of revenue ~~which~~ THAT the appellant
20 seeks to reverse;

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

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

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

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

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

11 (I) The taxpayer has timely requested in writing a hearing before
12 the local government and ~~such~~ THE local government has held ~~such~~ THE
13 hearing and issued a final decision. ~~thereon. Such~~ THE hearing ~~shall~~ MUST
14 be informal and no transcript, rules of evidence, or filing of briefs ~~shall~~
15 MAY be required; but the taxpayer may elect to submit a brief, in which
16 case the local government may submit a brief. ~~Such~~ THE hearing, if any,
17 ~~shall~~ MUST be held and any decision thereon issued within one hundred
18 eighty days of the taxpayer's WRITTEN request FOR HEARING ~~in writing~~
19 ~~therefor~~ or within such further time as the taxpayer and local government
20 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~~ THE written agreement ~~shall~~
24 MUST state that the taxpayer exhausted local remedies in accordance with
25 this section, ~~shall~~ MUST identify the date of such exhaustion, and ~~shall~~
26 MUST advise the taxpayer of the right to pursue further review pursuant
27 to subsection (3) of this section or this subsection (8) within thirty days

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

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

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

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

1 OR RESOLUTION.

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

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

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

13 **24-90-110.7. Regional library authorities.** (3) The general
14 powers of such authority shall include the following powers:

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

1 of the authority and the executive director have agreed on all necessary
2 matters pursuant to subparagraph (III) of paragraph (f) of subsection (2)
3 of this section. The executive director shall begin the collection,
4 administration, and enforcement of a sales and use tax on a date mutually
5 agreeable to the department of revenue and the authority PART 2 OF
6 ARTICLE 2 OF TITLE 29.

7 (II) The area in which the sales or use tax authorized by this
8 ~~paragraph (f)~~ SUBSECTION (3)(f) is levied shall MAY not include less than
9 the entire area of any municipality located within the area in which the tax
10 will be levied. The area may also include portions of unincorporated areas
11 located within a county.

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

18 (IV) The department of revenue shall retain an amount not to
19 exceed the cost of the collection, administration, and enforcement and
20 shall transmit the amount retained to the state treasurer, who shall credit
21 the same amount to the regional library authority sales tax fund, which
22 fund is hereby created in the state treasury. The amounts so retained are
23 hereby appropriated annually from the fund to the department to the
24 extent necessary for the department's collection, administration, and
25 enforcement of the provisions of this section. Any ~~moneys~~ MONEY
26 remaining in the fund attributable to taxes collected in the prior fiscal year
27 shall be transmitted to the authority; except that prior to the transmission

1 to the authority of such ~~moneys~~ MONEY, any ~~moneys~~ MONEY appropriated
2 from the general fund to the department for the collection, administration,
3 and enforcement of the tax for the prior fiscal year shall be repaid.

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

6 **29-1-204.5. Establishment of multijurisdictional housing**
7 **authorities.** (2) Any contract establishing any such authority shall
8 specify:

9 (e) The expected sources of revenue of the authority and any
10 requirements that contracting member governments consent to the levying
11 of any taxes or development impact fees within the jurisdiction of such
12 member. If the authority levies any taxes or development impact fees, the
13 contract shall further include requirements that:

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

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

23 (f.1) (I) Subject to the provisions of subsection (7.5) of this
24 section, to levy, in all of the area within the boundaries of the authority,
25 a sales or use tax, or both, at a rate not to exceed one percent, upon every
26 transaction or other incident with respect to which a sales or use tax is
27 levied by the state, excluding the sale or use of cigarettes. The tax

1 imposed pursuant to this ~~paragraph (f.1)~~ SUBSECTION (3)(f.1) is in
2 addition to any other sales or use tax imposed pursuant to law. The
3 executive director of the department of revenue shall collect, administer,
4 and enforce the sales or use tax, ~~to the extent feasible, in the manner~~
5 ~~provided in section 29-2-106. However, the executive director shall not~~
6 ~~begin the collection, administration, and enforcement of a sales and use~~
7 ~~tax until such time as the financial officer of the authority and the~~
8 ~~executive director have agreed on all necessary matters pursuant to~~
9 ~~subparagraph (HH) of paragraph (c) of subsection (2) of this section. The~~
10 ~~executive director shall begin the collection, administration, and~~
11 ~~enforcement of a sales and use tax on a date mutually agreeable to the~~
12 ~~department of revenue and the authority.~~ AS SPECIFIED IN PART 2 OF
13 ARTICLE 2 OF THIS TITLE 29.

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

21 (III) The department of revenue shall retain an amount not to
22 exceed the cost of the collection, administration, and enforcement and
23 shall transmit the amount retained to the state treasurer, who shall credit
24 the same amount to the multijurisdictional housing authority sales tax
25 fund, which fund is hereby created in the state treasury. The amounts so
26 retained are hereby appropriated annually from the fund to the department
27 to the extent necessary for the department's collection, administration, and

1 enforcement of the provisions of this section. Any ~~moneys~~ MONEY
2 remaining in the fund attributable to taxes collected in the prior fiscal year
3 shall be transmitted to the authority; except that, prior to the transmission
4 to the authority of such ~~moneys~~ MONEY, any ~~moneys~~ MONEY appropriated
5 from the general fund to the department for the collection, administration,
6 and enforcement of the tax for the prior fiscal year shall be repaid.

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

9 **29-2-102. Municipal sales or use tax - referendum.** (2) (a) ~~No~~
10 ~~incorporated town or city shall adopt a sales or use tax ordinance pursuant~~
11 ~~to subsection (1) of this section on or after the date of the adoption of a~~
12 ~~resolution for a countywide sales tax, use tax, or both by the board of~~
13 ~~county commissioners of the county in which all or any portion of the~~
14 ~~town or city is located until after the date of the election on the county~~
15 ~~proposal.~~

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

19 (3) THE APPROVAL PROVISIONS OF SUBSECTION (1) OF THIS
20 SECTION, THE RESTRICTIONS ON CONTENTS OF SALES OR USE TAX
21 PROPOSALS SET FORTH IN SECTION 29-2-105, AND THE COLLECTION,
22 ADMINISTRATION, ENFORCEMENT, AND DISTRIBUTION PROCEDURES OF
23 PART 2 OF THIS ARTICLE 2 APPLY TO MUNICIPAL SALES TAXES OR USE
24 TAXES OR BOTH LEVIED PURSUANT TO SUBSECTION (1) OF THIS SECTION.

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

27 **29-2-103. Countywide sales or use tax - multiple-county**

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

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

9 **29-2-103.5. Sales tax for mass transit.** (1) (c) THE SALES OR USE
10 TAX ALLOWED PURSUANT TO THIS SUBSECTION (1) SHALL BE COLLECTED,
11 ADMINISTERED, ENFORCED, AND DISTRIBUTED BY THE DEPARTMENT OF
12 REVENUE AS SPECIFIED IN PART 2 OF THIS ARTICLE 2.

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

15 **29-2-103.7. Special taxes for water rights.** (1) On and after July
16 1, 2003, in addition to any sales tax imposed pursuant to section
17 29-2-103, counties are authorized to levy a county sales tax, use tax, or
18 any combination of such taxes of up to one percent for the purposes of
19 purchasing, adjudicating changes of, leasing, using, banking, and selling
20 water rights that have been adjudicated for use within such county or in
21 a municipality or county that is subject to an intergovernmental agreement
22 concerning such tax pursuant to subsection (2) of this section. THE SALES
23 OR USE TAX ALLOWED UNDER THIS SUBSECTION (1) SHALL BE COLLECTED,
24 ADMINISTERED, AND ENFORCED BY THE DEPARTMENT OF REVENUE AS
25 SPECIFIED IN PART 2 OF THIS ARTICLE 2.

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

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

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

10 **29-2-103.9. Sales tax for mental health-care services.** (1) In
11 addition to any sales tax imposed pursuant to section 29-2-103, each
12 county in this state is authorized to levy a county sales tax of up to
13 one-quarter of one percent for the purpose of providing, directly or
14 indirectly, mental health-care services to residents of the county who are
15 in need of mental health-care services and to family members of such
16 residents. THE SALES TAX FOR MENTAL HEALTH-CARE SERVICES SHALL BE
17 COLLECTED, ADMINISTERED, AND ENFORCED BY THE DEPARTMENT OF
18 REVENUE AS SPECIFIED IN PART 2 OF THIS ARTICLE 2.

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

21 **29-2-104. Adoption procedures.** (6) If approved by a majority
22 of the registered electors voting thereon, the countywide sales tax, use
23 tax, or both shall become effective as provided by ~~section 29-2-106 (2)~~
24 IN SECTION 29-2-205.

25 ~~(7) If a majority of the registered electors voting thereon fail to~~
26 ~~approve the countywide sales tax, use tax, or both at any election, the~~
27 ~~question shall not be submitted again to the registered electors for a~~

1 period of one year three hundred fifty days.

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

4 **29-2-106. Collection - administration - enforcement.** ~~(1) The~~
5 ~~collection, administration, and enforcement of any countywide or any city~~
6 ~~or town sales tax adopted pursuant to this article shall be performed by~~
7 ~~the executive director of the department of revenue in the same manner~~
8 ~~as the collection, administration, and enforcement of the Colorado state~~
9 ~~sales tax. Unless otherwise provided in this article, the provisions of~~
10 ~~article 26 of title 39, C.R.S., shall govern the collection, administration,~~
11 ~~and enforcement of sales taxes authorized under this article. In collecting,~~
12 ~~administering, and enforcing a sales tax authorized under this article, the~~
13 ~~state sales tax authorized under part 1 of article 26 of title 39, C.R.S., or~~
14 ~~any other sales tax imposed within the boundaries of a county, the~~
15 ~~executive director of the department of revenue may enter into an~~
16 ~~intergovernmental agreement with a county pursuant to the provisions of~~
17 ~~section 39-26-122.5, C.R.S., to enhance systemic efficiencies in the~~
18 ~~collection of such taxes.~~

19 ~~(2) The effective date of any countywide sales tax or city or town~~
20 ~~sales tax adopted under the provisions of this article shall be either~~
21 ~~January 1 or July 1 following the date of the election in which such~~
22 ~~county sales tax proposal is approved; and notice of the adoption of any~~
23 ~~county sales tax proposal shall be submitted by the county clerk and~~
24 ~~recorder or by the clerk of the city council or board of trustees of a city or~~
25 ~~town to the executive director of the department of revenue at least~~
26 ~~forty-five days prior to the effective date of such tax. If such a sales tax~~
27 ~~proposal is approved at an election held less than forty-five days prior to~~

1 the January 1 or July 1 following the date of election, such tax shall not
2 be effective until the next succeeding January 1 or July 1.

3 (3)(a) ~~The executive director of the department of revenue shall,~~
4 ~~at no charge, except as provided in paragraph (b) of this subsection (3),~~
5 ~~administer, collect, and distribute any sales tax imposed in conformity~~
6 ~~with this article. The executive director shall make monthly distributions~~
7 ~~of sales tax collections to the appropriate official in each county and in~~
8 ~~each incorporated city or town in the amount determined under the~~
9 ~~distribution formula established in accordance with this article. Except as~~
10 ~~provided in section 39-26-208, C.R.S., any use tax imposed pursuant to~~
11 ~~section 29-2-109 shall be collected, administered, and enforced by the~~
12 ~~city, town, or county as provided by ordinance or resolution.~~

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

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

1 the personal funds of any 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 imposed on any sale made to the qualified purchaser~~
5 ~~pursuant to this article in the same manner as liability would be imposed~~
6 ~~on a qualified purchaser for state sales tax pursuant to section 39-26-105~~
7 ~~(5):~~

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

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

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

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

20 ~~(H) When the governing body of any home rule municipality~~
21 ~~requests the department of revenue to administer, collect, and distribute~~
22 ~~the sales tax of said municipality as specified in subparagraph (I) of this~~
23 ~~paragraph (a), said governing body shall certify to the executive director~~
24 ~~of the department a true copy of the home rule municipality's sales tax~~
25 ~~ordinance:~~

26 ~~(b) The executive director of the department of revenue shall~~
27 ~~furnish the governing body of each municipality and county a monthly~~

1 listing of all returns filed by the retailers in such municipality or county.
2 The governing body of such municipality or county shall notify the
3 executive director of the department of revenue of any retailers omitted
4 from this listing as soon as practicable, but in no event more than one
5 hundred eighty days after receiving said monthly listing. Failure of the
6 governing body of such municipality or county to notify the executive
7 director of the department of revenue of any omitted retailers, within such
8 period, shall preclude the municipality or county from making any further
9 claims based upon such omissions. Neither the executive director of the
10 department of revenue nor any municipality or county shall be held liable
11 for any omissions which have not been called to the executive director's
12 attention within this period.

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

27 (H) ~~Except in accordance with judicial order or as otherwise~~

1 provided by law, no official or employee of a municipality or county
2 receiving sales tax information from the department of revenue pursuant
3 to this paragraph (c) shall divulge or make known to any person not an
4 official or employee of such municipality or county any information
5 which identifies or permits the identification of the amount of sales taxes
6 collected or paid by any individual licensed vendor. The municipal or
7 county officials or employees charged with the custody of such sales tax
8 information shall not be required to produce any such information in any
9 action or proceeding in any court except in an action or proceeding under
10 the provisions of this article to which the municipality or county 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 sales tax
13 information as is pertinent to the action or proceeding. Any municipal or
14 county official or employee who willfully violates any of the provisions
15 of this paragraph (c) is guilty of a misdemeanor and, upon conviction
16 thereof, shall be punished by a fine of not more than one thousand dollars
17 and shall be dismissed from office.

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

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

27 (7) For the purpose of the administration by the state of the

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

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

19 ~~(9) Standard sales and use tax reporting form.~~ (a) The
20 executive director of the department of revenue shall adopt, by regulation,
21 a standard municipal sales and use tax reporting form. Such form shall be
22 separate from the state form and shall be the only sales and use tax
23 reporting form required to be used by any person collecting the sales or
24 use tax of any home rule city, town, or city and county which collects its
25 own sales or use tax.

26 (b) Such form shall be designed so as to permit reporting of
27 variations in base, rate, and vendor's fee, and shall contain adequate

1 ~~location coding and use tax remittance items. Prior to the adoption of and~~
2 ~~any revision to the form, each home rule city, town, and city and county~~
3 ~~which collects its own sales tax shall be given the opportunity to~~
4 ~~comment on the proposed form or revision to the form.~~

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

10 ~~(d) (I) In addition to the standard municipal sales and use tax form~~
11 ~~set forth in paragraph (a) of this subsection (9), on or before December~~
12 ~~1, 1994, the executive director of the department of revenue shall~~
13 ~~cooperate with and assist local governments in the development of a~~
14 ~~common local sales and use tax form. For purposes of this paragraph (d),~~
15 ~~"local government" means a city, home rule city, town, city and county,~~
16 ~~or other political subdivision of the state which collects its own sales or~~
17 ~~use tax.~~

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

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

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

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

25 ~~(H) The executive director of the department of revenue shall~~
26 ~~cooperate with and assist local governments in the development of a~~
27 ~~uniform local government sales and use tax license application form. Any~~

1 uniform local government sales and use tax license application form
2 developed shall be made available at all state and local sales and use tax
3 reporting locations.

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

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

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

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

27 **29-2-106.1. Deficiency notice - dispute resolution.** ~~(1) The~~

1 ~~general assembly hereby finds, determines, and declares that the~~
2 ~~enforcement of sales and use taxes can affect persons and entities across~~
3 ~~the jurisdictional boundaries of taxing jurisdictions and that dispute~~
4 ~~resolution is a matter of statewide concern for which the procedures set~~
5 ~~forth in this section shall be applied uniformly throughout the state.~~

6 (2)(a) ~~When a local government asserts that sales or use taxes are~~
7 ~~due in an amount greater than the amount paid by a taxpayer, such local~~
8 ~~government shall mail a deficiency notice to the taxpayer by certified~~
9 ~~mail. The deficiency notice shall state the additional local sales and use~~
10 ~~taxes due. The deficiency notice shall contain notification, in clear and~~
11 ~~conspicuous type, of the time limit to file a protest to the notice and that~~
12 ~~the taxpayer has the right to elect a hearing on the deficiency pursuant to~~
13 ~~subsection (3) of this section. Any protest to the deficiency notice shall~~
14 ~~be filed with the local government within thirty days after the date of the~~
15 ~~notice.~~

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

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

23 (i) ~~The taxpayer has timely requested in writing a hearing before~~
24 ~~the local government, and such local government has held such hearing~~
25 ~~and issued a final decision thereon. Such hearing, if any, shall be held and~~
26 ~~any decision thereon issued within one hundred eighty days after the~~
27 ~~taxpayer's request in writing therefor or within such further time as the~~

1 taxpayer and local government may agree upon in writing.

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

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

17 ~~(d) In the event the taxpayer has timely requested in writing a~~
18 ~~hearing before the local government and none of the events described in~~
19 ~~paragraph (c) of this subsection (2) have occurred, the taxpayer may~~
20 ~~request a hearing pursuant to subsection (3) of this section at any time~~
21 ~~after the period prescribed in subparagraph (I) of paragraph (c) of this~~
22 ~~subsection (2).~~

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

27 ~~(3)(a) If a taxpayer satisfies the requirements of paragraph (c) of~~

1 subsection (2) of this section, the taxpayer may request the executive
2 director of the department of revenue to conduct a hearing on such
3 deficiency notice or claim for refund, and such request shall be made and
4 such hearing shall be conducted in the same manner as set forth in section
5 39-21-103, C.R.S. Any local government to which the deficiency notice
6 being appealed claims taxes are due, or, in the case of a claim for refund,
7 the local government that denied such claim, shall be notified by the
8 executive director that a hearing is scheduled and shall be allowed to
9 participate in the hearing as a party.

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

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

5 ~~(d) Any hearings before the executive director of the department~~
6 ~~of revenue or his delegate shall be de novo, without regard to the decision~~
7 ~~of the local government. The taxpayer shall have the burden of proof in~~
8 ~~any such hearings.~~

9 ~~(4) In the event that all parties to a hearing arrive at a settlement~~
10 ~~prior to the hearing, such parties may agree to cancel such hearing. No~~
11 ~~party shall thereafter have a right to a hearing before the executive~~
12 ~~director on the deficiency notice or claim for refund. By agreement of all~~
13 ~~parties to the hearing, the hearing may be canceled and the matter may be~~
14 ~~determined by the executive director upon written briefs submitted by the~~
15 ~~parties in the same manner as provided in section 39-21-103 (7) and (8);~~
16 ~~C.R.S.~~

17 ~~(5) (a) If the taxpayer asserts that all or part of a sales or use tax~~
18 ~~which is the subject of the hearing has been paid to or is due to another~~
19 ~~local government, then such other local government shall be joined as a~~
20 ~~party to the hearing. Neither the taxpayer nor the assessing local~~
21 ~~government needs to file a claim for refund with such other local~~
22 ~~government in order to pursue the remedy provided by this subsection~~
23 ~~(5)(a). If the executive director determines that the disputed tax was paid,~~
24 ~~but to the wrong local government, then the taxpayer shall be relieved of~~
25 ~~the tax due up to the amount paid by the taxpayer to the wrong local~~
26 ~~government together with an abatement of interest thereon and all~~
27 ~~penalties.~~

1 ~~(b) Notwithstanding section 29-2-106 (8), the periods open or~~
2 ~~closed to assessment or refund under the ordinances of the local~~
3 ~~governments, under sections 39-26-210, 39-21-107 (1), 39-26-125, and~~
4 ~~39-26-703, or under an intergovernmental transfer agreement may not bar~~
5 ~~any of the remedies set forth in subsections (5)(a) and (6) of this section.~~

6 ~~(c)(I) For any taxable event occurring on or after January 1, 2018,~~
7 ~~if the taxpayer receives a notice from a local government that the taxpayer~~
8 ~~must pay sales or use tax to that local government for a particular taxable~~
9 ~~event and the taxpayer fails to comply with the instructions in the notice~~
10 ~~with respect to the same type of taxable event that occurs more than~~
11 ~~ninety days after the taxpayer receives the notice, then the taxpayer may~~
12 ~~not take advantage of the remedy allowed in subsection (5)(a) of this~~
13 ~~section for that particular type of taxable event identified in the notice that~~
14 ~~occurs more than ninety days after the taxpayer received the notice, unless~~
15 ~~the taxpayer receives, or has previously received, a similar notice~~
16 ~~described in subsection (5)(c)(II) of this section from another local~~
17 ~~government that provides contrary instructions.~~

18 ~~(II) The notice required in subsection (5)(c)(I) of this section~~
19 ~~must:~~

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

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

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

27 ~~(D) Include notice that failure to comply with the instructions will~~

1 result in the taxpayer being denied the remedy allowed in subsection
2 (5)(a) of this section for the particular type of taxable event identified in
3 the notice that occurs more than ninety days after the taxpayer received
4 the notice.

5 (6) If the amount paid exceeds the tax found to be due, then the
6 government in receipt of such payment shall refund the overpayment to
7 the taxpayer within thirty days of the executive director's decision,
8 together with interest thereon from the date the taxpayer made the
9 payment until the date the overpayment is refunded, unless a timely
10 appeal is taken by such government pursuant to subsection (7) of this
11 section. If the amount paid is found to be less than the taxes due, then the
12 taxpayer shall pay the deficiency, less any amount paid in lieu of bond, to
13 the appropriate local government within thirty days of the executive
14 director's decision with interest from the date full payment was due until
15 the date that the deficiency is paid, unless a timely appeal is taken by the
16 taxpayer pursuant to subsection (7) of this section. A local government
17 which is found to have erroneously received payment from the taxpayer
18 shall forward such payment to the appropriate local government within
19 thirty days of the executive director's decision with interest from the date
20 the amount was received from the taxpayer until the date the amount was
21 forwarded to the appropriate local government, unless a timely appeal is
22 taken pursuant to subsection (7) of this section by a local government
23 which is found to have erroneously received payment from the taxpayer.
24 All interest payable pursuant to this subsection (6) shall be at the same
25 rate which applies to deficiency payments.

26 (7) Appeals from the final determination of the executive director
27 may be taken in the same manner as provided in and shall be governed by

1 section 39-21-105, C.R.S., by any party bound by the executive director's
2 decision. Any such appeal shall be heard de novo and shall be heard as
3 provided in section 39-21-105, C.R.S., except as follows: If the appellant
4 is a local government, the taxpayer shall have the burden of proof as to
5 all factual matters, and the appellant shall have the burden with respect
6 to any legal determination of the executive director of the department of
7 revenue which the appellant seeks to reverse; except that the local
8 government shall always have the burden of proof with respect to the
9 issue of whether the taxpayer has been guilty of fraud with intent to evade
10 tax and with respect to the issue of whether the taxpayer is liable as a
11 transferee of property of another taxpayer, but not to show that the
12 transferor taxpayer was liable for the tax; and except that the executive
13 director may, at his request, be a party to any such appeal.

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

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

22 (i) The taxpayer has timely requested in writing a hearing before
23 the local government, and such local government has held such hearing
24 and issued a final decision thereon. Such hearing shall be informal and no
25 transcript, rules of evidence, or filing of briefs shall be required; but the
26 taxpayer may elect to submit a brief, in which case the local government
27 may submit a brief. Such hearing, if any, shall be held and any decision

1 ~~thereon issued within one hundred eighty days of the taxpayer's request~~
2 ~~in writing therefor or within such further time as the taxpayer and local~~
3 ~~government may agree upon in writing.~~

4 ~~(H) The taxpayer and local government agree in writing that no~~
5 ~~hearing before the local government will be held or that no final decision~~
6 ~~will issue from the local government. Such written agreement shall state~~
7 ~~that the taxpayer exhausted local remedies in accordance with this~~
8 ~~section, shall identify the date of such exhaustion, and shall advise the~~
9 ~~taxpayer of the right to pursue further review pursuant to subsection (3)~~
10 ~~of this section or this subsection (8) within thirty days after such~~
11 ~~exhaustion.~~

12 ~~(HH) One hundred eighty days or more after the date of the~~
13 ~~taxpayer's request for a hearing, the local government notifies the~~
14 ~~taxpayer in writing that the local government does not intend to conduct~~
15 ~~a hearing. In such instance, the written notification shall also state that the~~
16 ~~taxpayer exhausted local remedies in accordance with this section, that~~
17 ~~such exhaustion occurred on the date of the written notification, and that~~
18 ~~the taxpayer may pursue further review pursuant to subsection (3) of this~~
19 ~~section or this subsection (8) within thirty days after such exhaustion.~~

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

26 ~~(d) An appeal pursuant to this subsection (8) must be conducted~~
27 ~~in the same manner as provided in section 39-21-105, C.R.S.; except that~~

1 ~~venue is in the district court of the county where the local government~~
2 ~~whose decision is being appealed is located, and any deposit made~~
3 ~~pursuant to section 39-21-105 (4), (5), or (8)(a)(III), C.R.S., must be~~
4 ~~made with the local government whose decision is being appealed.~~

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

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

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

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

19 **29-2-106.2. Location guides - precinct locators.** (1) ~~Each home~~
20 ~~rule city, town, and city and county collecting its own sales or use tax~~
21 ~~shall make available to any requesting vendor a map or other location~~
22 ~~guide showing the boundaries of the municipality. The requesting vendor~~
23 ~~may rely on the map or other location guide and any update thereof~~
24 ~~available to the vendor in determining whether to collect a sales or use~~
25 ~~tax, or both, of the municipality. No penalty shall be imposed or action for~~
26 ~~deficiency maintained if the requesting vendor in good faith complies~~
27 ~~with the most recent map or other location guide available to it.~~

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

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

6 ~~(II) "Precinct locator" means the record regularly maintained by~~
7 ~~a county clerk and recorder and used to determine within which~~
8 ~~jurisdiction or jurisdictions an address is located for voting purposes and,~~
9 ~~for determining the location of commercial or industrial addresses, shall~~
10 ~~include the record regularly maintained by the county clerk and recorder~~
11 ~~and used to determine within which jurisdiction or jurisdictions an~~
12 ~~address is located for the purpose of properly remitting sales or use tax on~~
13 ~~motor vehicles.~~

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

18 ~~(c) No penalty shall be imposed upon, interest charged to, or~~
19 ~~action for deficiency maintained against a public utility in connection~~
20 ~~with the collection of a sales or use tax, or both, by the public utility if, in~~
21 ~~determining whether to collect the tax, the public utility relied in good~~
22 ~~faith upon the most recently updated version of a precinct locator in~~
23 ~~existence at the time of the taxable transaction. The provisions of this~~
24 ~~paragraph (c) shall not apply to the extent that the local entity has~~
25 ~~informed the public utility in writing prior to a taxable transaction that the~~
26 ~~most recently updated version of the precinct locator is inaccurate and, in~~
27 ~~such writing, provides the public utility with a corrected copy of the~~

1 ~~precinct locator information.~~

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

4 **29-2-110. Filing with executive director - when deemed to**
5 **have been made.** ~~(1) Any report, claim, tax return, statement, or other~~
6 ~~document required or authorized under this article to be filed with or any~~
7 ~~payment made to the executive director of the department of revenue~~
8 ~~which:~~

9 ~~(a) Is transmitted through the United States mails shall be deemed~~
10 ~~filed with and received by the executive director on the date shown by the~~
11 ~~cancellation mark stamped on the envelope or other wrapper containing~~
12 ~~the document required to be filed;~~

13 ~~(b) Is mailed but not received by the executive director, or is~~
14 ~~received and the cancellation mark is not legible or is erroneous or~~
15 ~~omitted, shall be deemed to have been filed and received on the date it~~
16 ~~was mailed if the sender establishes by competent evidence that the~~
17 ~~document was deposited in the United States mails on or before the date~~
18 ~~due for filing. In such cases of nonreceipt of a document by the executive~~
19 ~~director, the sender shall file a duplicate copy thereof within thirty days~~
20 ~~after written notification is given to the sender by the executive director~~
21 ~~of the failure to receive such document.~~

22 ~~(2) If any report, claim, tax return, statement, remittance, or other~~
23 ~~document is sent by United States registered mail, certified mail, or~~
24 ~~certificate of mailing, a record authenticated by the United States postal~~
25 ~~service of such registration, certification, or certificate shall be considered~~
26 ~~competent evidence that the report, claim, tax return, statement,~~
27 ~~remittance, or other document was mailed to the executive director, to the~~

1 ~~state officer or state agency to which it was addressed, and the date of the~~
2 ~~registration, certification, or certificate shall be deemed to be the~~
3 ~~postmark date.~~

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

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

10 **29-2-114. Retail marijuana excise tax - county - municipality**
11 **- election - repeal.** (3) Any excise tax imposed by a county or
12 municipality pursuant to this section shall not be collected, administered,
13 or enforced by the department of revenue PURSUANT TO PART 2 OF THIS
14 ARTICLE 2, but shall instead be collected, administered, and enforced by
15 the county or municipality imposing the tax.

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

18 **29-2-115. Retail marijuana sales tax - county - municipality -**
19 **election - legislative declaration - definition.** (6) (a) ~~Notwithstanding~~
20 ~~this article 2,~~ Any retail marijuana special sales tax imposed by a county
21 or municipality pursuant to this section shall not be collected,
22 administered, or enforced by the department of revenue PURSUANT TO
23 PART 2 OF THIS ARTICLE 2, but shall instead be collected, administered,
24 and enforced by the county or municipality imposing the special sales tax.

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

27 **29-11-102.5. Imposition of charge on prepaid wireless - rules**

1 **- prepaid wireless trust cash fund - rules - definitions - repeal.**

2 (3) (e) (I) Remittances of prepaid wireless 911 charges received by the
3 department are collections for the local governing body, not general
4 revenues of the state, and shall be held in trust in the prepaid wireless
5 trust cash fund, which is hereby created. Except as provided in subsection
6 (3)(e)(II) of this section, the department shall transmit the money in the
7 fund to each governing body within sixty days after the department
8 receives the money in accordance with ~~section 29-2-106~~ PART 2 OF
9 ARTICLE 2 OF THIS TITLE 29 for use by such governing body for the
10 purposes permitted under section 29-11-104.

11 (II) The department may expend an amount, not to exceed three
12 percent of the collected charges in the prepaid wireless trust cash fund,
13 necessary to reimburse the department for its direct costs of administering
14 the collection and remittance of prepaid wireless 911 charges. ~~except that~~
15 ~~the department may expend up to an additional nineteen thousand dollars~~
16 ~~in the 2020-21 fiscal year to cover the costs of implementing House Bill~~
17 ~~20-1293, enacted in 2020.~~

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

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

1 **29-25-112. Power to levy tax.** (1) (b) (I) The marketing and
2 promotion tax shall be collected, administered, and enforced ~~to the extent~~
3 ~~feasible, pursuant to section 29-2-106.~~ AS SPECIFIED IN PART 2 OF ARTICLE
4 2 OF TITLE 29.

5 (2) ~~Prior to July 1, 2014, any person or entity providing rooms or~~
6 ~~accommodations as included in the definition of "sale" referred to in~~
7 ~~paragraph (a) of subsection (1) of this section shall be liable and~~
8 ~~responsible for the payment of an amount equivalent to a percentage rate~~
9 ~~set by the board of all such sales made and shall quarterly, unless~~
10 ~~otherwise provided by law, make a return to the executive director of the~~
11 ~~department of revenue for the preceding tax-reporting period and remit~~
12 ~~an amount equivalent to such percentage rate on such sales to said~~
13 ~~executive director.~~

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

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

27 **30-11-107.5. Lodging tax.** (2) (a) The county lodging tax shall

1 be collected, administered, and enforced, to the extent feasible, pursuant
2 to section 29-2-106, C.R.S. ENFORCED AS SPECIFIED IN PART 2 OF ARTICLE
3 2 OF TITLE 29.

4 (3) (f) (I) If a proposal for a county lodging tax under subsection
5 (3)(a) of this section is approved by a majority of the registered electors
6 from the municipality or unincorporated area subject to the lodging tax
7 voting thereon, the county lodging tax becomes effective as provided in
8 section 29-2-106 (2) PART 2 OF ARTICLE 2 OF TITLE 29. If a proposal to
9 expand the allowable uses under subsection (3)(a.5) of this section is
10 approved by a majority of the registered electors from the municipality or
11 unincorporated area voting thereon, the county may also use the lodging
12 tax revenue for any of the additional approved uses as specified in
13 subsection (1.5) of this section.

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

16 **30-11-107.7. County rental tax on the rental of personal**
17 **property - procedures - apportionment.** (2) (c) (I) Any rental tax
18 levied pursuant to the provisions of this section shall be collected,
19 administered, and enforced to the extent feasible, pursuant to section
20 29-2-106, C.R.S. AS SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE 29.

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

23 **30-11-107.9. County tax for public safety improvements -**
24 **definitions.** (2) In accordance with the procedures set forth in this
25 section, the board of county commissioners of each county may levy a
26 sales tax for public safety improvements of not more than two percent on
27 the sale of tangible personal property of retail and services taxable in such

1 county pursuant to the provisions of section 39-26-104. ~~C.R.S.~~ All net
2 revenues collected by a county after the payment of the costs of
3 collection, administration, and enforcement to the department of revenue
4 in accordance with subsection (4) of this section shall be used exclusively
5 for public safety improvements.

6 (4) (a) The county public safety improvements tax shall be
7 collected, administered, and enforced ~~to the extent feasible, pursuant to~~
8 ~~section 29-2-106, C.R.S.~~ AS SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE
9 29.

10 **SECTION 22.** In Colorado Revised Statutes, 30-20-604.5,
11 **amend** (2)(a) and (4)(e)(I); and **repeal** (2)(a.5) as follows:

12 **30-20-604.5. District sales tax.** (2) (a) The tax shall be collected,
13 administered, and enforced ~~to the extent feasible, pursuant to section~~
14 ~~29-2-106, C.R.S.~~ AS SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE 29. The
15 department of revenue shall retain an amount not to exceed the net
16 incremental cost of such collection, administration, and enforcement and
17 shall transmit such amount to the state treasurer, who shall credit the same
18 to the districtwide sales tax fund, which fund is hereby created; except
19 that in no event shall

20 ~~(I) Any district formed prior to or on July 1, 1993, pay in any~~
21 ~~given fiscal year commencing on or after July 1, 1994, more than an~~
22 ~~amount equal to the amount paid by the district in the 1993-94 fiscal year,~~
23 ~~as adjusted in accordance with changes in the consumer price index for~~
24 ~~the Denver-Boulder consolidated metropolitan statistical area;~~

25 ~~(H) any district formed after July 1, 1993, pay in any given fiscal~~
26 ~~year commencing after the first full fiscal year of operation more than an~~
27 ~~amount equal to the amount paid by the district in the first full fiscal year~~

1 of operation, as adjusted in accordance with changes in the ~~consumer~~
2 ~~price index for the Denver-Boulder consolidated metropolitan statistical~~
3 ~~area~~ DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER
4 PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL
5 URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR
6 INDEX.

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

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

23 (4) (e) (I) (A) ~~Except as provided in sub-subparagraph (B) of this~~
24 ~~subparagraph (F), If approved by a majority of the registered electors~~
25 ~~voting thereon, the sales tax shall become effective as provided in section~~
26 ~~29-2-106 (2), C.R.S. PART 2 OF ARTICLE 2 OF TITLE 29.~~

27 (B) ~~In a district formed prior to December 31, 2002, by a city that~~

1 ~~has been authorized to become a city and county pursuant to an~~
2 ~~amendment to the state constitution that has been approved by the~~
3 ~~registered electors of the state of Colorado, if the proposal is approved by~~
4 ~~a majority of the electors of the district voting thereon, the sales tax shall~~
5 ~~become effective as provided in section 29-2-106 (2), C.R.S.~~

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

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

1 that purpose.

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

4 **32-1-1003.5. Health assurance districts - additional powers -**
5 **legislative declaration - definitions.** (5) Any health assurance district
6 that is created pursuant to this ~~article~~ ARTICLE 1 shall have the power,
7 upon approval by the eligible electors of the district, to levy and collect
8 a uniform sales tax throughout the entire geographic area of the district
9 upon every transaction or other incident with respect to which a sales tax
10 is levied by the state pursuant to the provisions of article 26 of title 39,
11 ~~C.R.S.~~, excluding the sale of cigarettes, subject to the following
12 provisions:

13 (c) Any sales tax authorized pursuant to this subsection (5) shall
14 be levied and collected as provided in ~~section 32-19-112~~ PART 2 OF
15 ARTICLE 2 OF TITLE 29.

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

18 **32-1-1106. Special financial provisions - metropolitan districts**
19 **that provide fire protection, street improvement, safety protection,**
20 **or transportation services.** (2) (a) The collection, administration, and
21 enforcement of any sales tax levied by a metropolitan district pursuant to
22 subsection (1) of this section shall be performed by the executive director
23 of the department of revenue ~~in the same manner as that for the~~
24 ~~collection, administration, and enforcement of the state sales tax levied~~
25 ~~pursuant to article 26 of title 39, C.R.S., including, without limitation, the~~
26 ~~retention by a vendor of the percentage of the amount remitted to cover~~
27 ~~the vendor's expense in the collection and remittance of the sales tax as~~

1 provided in section 39-26-105, C.R.S. The executive director shall make
2 monthly distributions of sales tax collections to the district. The district
3 shall pay the net incremental cost incurred by the department in the
4 administration and collection of the sales tax AS SPECIFIED IN PART 2 OF
5 ARTICLE 2 OF TITLE 29.

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

15 (H) 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 tax levied on a sale made to the qualified purchaser
18 pursuant to the provisions of this article in the same manner as liability
19 would be levied on a qualified purchaser for state sales tax pursuant to
20 section 39-26-105 (3), C.R.S.

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

23 **32-9-119. Additional powers of district.** (2) (c) Sales tax levied
24 pursuant to this subsection (2) shall be collected, administered, and
25 enforced as follows: SPECIFIED IN PART 2 OF ARTICLE 2 OF TITLE 29.

26 (f) The collection, administration, and enforcement of said sales
27 tax shall be performed by the executive director of the department of

1 ~~revenue in the same manner as the collection, administration, and~~
2 ~~enforcement of the state sales tax imposed under article 26 of title 39,~~
3 ~~C.R.S., including, without limitation, the retention by a vendor of the~~
4 ~~percentage of the amount remitted to cover the vendor's expense in the~~
5 ~~collection and remittance of said tax as provided in section 39-26-105,~~
6 ~~C.R.S.~~

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

16 ~~(B) A qualified purchaser that provides a direct payment permit~~
17 ~~number to a vendor or retailer shall be liable and responsible for the~~
18 ~~amount of sales tax levied on any sale made to the qualified purchaser~~
19 ~~pursuant to this subsection (2) in the same manner as liability would be~~
20 ~~imposed on a qualified purchaser for state sales tax pursuant to section~~
21 ~~39-26-105 (5).~~

22 ~~(H) The executive director of the department of revenue shall~~
23 ~~administer, collect, and distribute any sales tax imposed in conformity~~
24 ~~with this article. The executive director of the department of revenue shall~~
25 ~~make monthly distributions of such sales tax collections to the district.~~
26 ~~The department of revenue shall retain an amount not to exceed the net~~
27 ~~incremental cost of such administration, collection, and distribution and~~

1 shall transmit such amount to the state treasurer, who shall credit the same
2 to the general fund; except that the amount retained by the department of
3 revenue in any given fiscal year commencing on or after July 1, 1994,
4 shall not exceed the amount retained by the department in the 1993-94
5 fiscal year, as adjusted in accordance with changes in the consumer price
6 index for the Denver-Boulder consolidated metropolitan statistical area.
7 The cost of such administration, collection, and distribution shall be the
8 audited net incremental cost thereof reduced by the amount of interest
9 earned on such sales tax collections prior to distribution to the district.

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

12 **32-13-107. Sales or use tax imposed - collection -**
13 **administration of tax - use - definitions.** (2) The collection,
14 administration, and enforcement of said sales and use tax shall be
15 performed by the executive director of the department of revenue in the
16 same manner as that for the collection, administration, and enforcement
17 of the state sales and use tax imposed under 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 said tax as provided in section 39-26-105. ~~C.R.S.~~ The
21 executive director shall make monthly distributions of such sales and use
22 tax collections to the district. The district shall pay the net incremental
23 cost incurred by the department of revenue in the administration and
24 collection of such sales and use taxes; except that in no event shall the
25 district pay in any given fiscal year commencing on or after July 1, 1994,
26 more than an amount equal to the amount paid by the district in the
27 1993-94 fiscal year, as adjusted in accordance with changes in the

1 consumer price index for the Denver-Boulder consolidated metropolitan
2 statistical area. The department may make expenditures for such costs
3 subject to annual appropriation by the general assembly.

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

6 **32-13-108. Petition or resolution for formation and levy of tax**
7 **- petition or resolution for extension of tax - verification of signatures**
8 **- election.** (1) (c) Such petition or resolution shall state that the proposed
9 scientific and cultural facilities district would levy and collect for a period
10 of time not to exceed ten years a uniform sales tax throughout the
11 geographical area of the district at a rate not to exceed thirty
12 one-hundredths of one percent upon every transaction or other incident
13 with respect to which a sales tax is levied by the county in which the
14 transaction or other incident occurs, pursuant to the provisions of ~~article~~
15 ~~2 of title 29, C.R.S.~~ PART 1 OF ARTICLE 2 OF TITLE 29.

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

1 included within the district for all candidates for the office of governor at
2 the last preceding general election or initiated by a resolution adopted by
3 the board of the scientific and cultural facilities district.

4 (b) Such petition or resolution shall state the name of the scientific
5 and cultural facilities district and that the district would continue to levy
6 and collect a uniform sales tax throughout the geographical area of the
7 district at a rate not to exceed thirty one-hundredths of one percent upon
8 every transaction or other incident with respect to which a sales tax is
9 levied by the county in which the transaction or other incident occurs,
10 pursuant to the provisions of ~~article 2 of title 29, C.R.S.~~ PART 1 OF
11 ARTICLE 2 OF TITLE 29, for a period of time not to exceed ten years from
12 the date upon which the authority of the district to levy and collect the
13 sales tax is scheduled to expire.

14 **SECTION 29.** In Colorado Revised Statutes, 32-13-110, **amend**
15 (1), (2), and (3) introductory portion as follows:

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

23 (2) (a) If such sales tax is levied pursuant to the provisions of this
24 article, the collection, administration, ~~and~~ enforcement, AND
25 DISTRIBUTION of said sales tax shall be performed by the executive
26 director of the department of revenue in the same manner as that for the
27 collection, administration, and enforcement of the state sales tax imposed

1 under article 26 of title 39, ~~C.R.S.~~, including, without limitation, the
2 retention by a vendor of the percentage of the amount remitted to cover
3 the vendor's expense in the collection and remittance of said tax as
4 provided in section 39-26-105. ~~C.R.S.~~ The executive director shall make
5 monthly distributions of such sales tax collections to the district. The
6 district shall pay the net incremental cost incurred by the department of
7 revenue in the administration and collection of such sales taxes; except
8 that in no event shall any district pay in any given fiscal year commencing
9 after the first full fiscal year of operation more than an amount equal to
10 the amount paid by the district in the first full fiscal year of operation, as
11 adjusted in accordance with changes in the consumer price index for the
12 Denver-Boulder consolidated metropolitan statistical area. The
13 department may make expenditures for such costs subject to annual
14 appropriation by the general assembly.

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

24 ~~(H) A qualified purchaser that provides a direct payment permit~~
25 ~~number to a vendor or retailer shall be liable and responsible for the~~
26 ~~amount of sales tax levied on any sale made to the qualified purchaser~~
27 ~~pursuant to this article in the same manner as liability would be imposed~~

1 ~~on a qualified purchaser for state sales tax pursuant to section 39-26-105~~
2 ~~(5).~~

3 (3) The proceeds of such sales tax collections shall be used by the
4 board to assist scientific and cultural facilities within the district. ~~After~~
5 ~~deducting any costs incurred by the district for the administration of such~~
6 ~~moneys,~~ Distributions shall be made by the board, in accordance with any
7 formula or criteria, if any, contained in the petition or resolution pursuant
8 to section 32-13-108 (2)(b), to scientific and cultural facilities which meet
9 the criteria, if any, specified in such petition or resolution, and which
10 meet the following criteria:

11 **SECTION 30.** In Colorado Revised Statutes, 32-14-114, **amend**
12 (2) as follows:

13 **32-14-114. Sales tax imposed - collection - administration of**
14 **tax - discontinuance.** (2) (a) The collection, administration, and
15 enforcement of the sales tax shall be performed by the executive director
16 of the department of revenue. ~~in the same manner as that for the~~
17 ~~collection, administration, and enforcement of the state sales tax imposed~~
18 ~~pursuant to article 26 of title 39, C.R.S., including, without limitation, the~~
19 ~~retention by a vendor of the percentage of the amount remitted to cover~~
20 ~~the vendor's expense in the collection and remittance of the sales tax as~~
21 ~~provided in section 39-26-105, C.R.S. The executive director shall make~~
22 ~~monthly distributions of such sales tax collections to the district. The~~
23 district shall pay the net incremental cost incurred by the department of
24 revenue in the administration and collection of such sales tax; except that
25 in no event shall the district pay in any given fiscal year commencing on
26 or after July 1, 1994, more than an amount equal to the amount paid by
27 the district in the 1993-94 fiscal year, as adjusted in accordance with

1 changes in the consumer price index for the Denver-Boulder consolidated
2 metropolitan statistical area. The department may make expenditures for
3 such costs subject to annual appropriation by the general assembly.

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

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

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

21 **32-15-110. Sales tax imposed - collection - administration of**
22 **tax - discontinuance.** (2) (a) The collection, administration, and
23 enforcement of the sales tax shall be performed by the executive director
24 of the department of revenue. ~~in the same manner as that for the~~
25 ~~collection, administration, and enforcement of the state sales tax imposed~~
26 ~~pursuant to article 26 of title 39, C.R.S., including, without limitation, the~~
27 ~~retention by a vendor of the percentage of the amount remitted to cover~~

1 the vendor's expense in the collection and remittance of the sales tax as
2 provided in section 39-26-105, C.R.S. The executive director shall make
3 monthly distributions of such sales tax collections to the district. The
4 district shall pay the net incremental cost incurred by the department of
5 revenue in the administration and collection of such sales tax.

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

15 (H) ~~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 tax levied on any sale made to the qualified purchaser
18 pursuant to the provisions of this article in the same manner as liability
19 would be imposed on a qualified purchaser for state sales tax pursuant to
20 section 39-26-105 (3), C.R.S.~~

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

23 **32-18-107. Sales tax - collection - administration.** (2) (a) The
24 executive director of the department of revenue shall collect, administer,
25 and enforce the sales tax authorized by this section. ~~in the same manner
26 as the state sales tax imposed pursuant to article 26 of title 39, C.R.S.,
27 including, without limitation, the retention by a vendor of the percentage~~

1 of the amount remitted to cover the vendor's expense in the collection and
2 remittance of the sales tax as provided in section 39-26-105, C.R.S. The
3 executive director shall distribute sales tax collections to the district
4 monthly. The district shall pay the net incremental cost incurred by the
5 department of revenue in the administration and collection of the sales
6 tax.

7 (b) (F) ~~A qualified purchaser, as defined in section 39-26-102~~
8 ~~(7.5), C.R.S., may provide a direct payment permit number issued~~
9 ~~pursuant to section 39-26-103.5, C.R.S., to any vendor or retailer that is~~
10 ~~liable and responsible for collecting and remitting any sales tax levied on~~
11 ~~any sale made to the qualified purchaser pursuant to this section. A~~
12 ~~vendor or retailer that has received a direct payment permit number in~~
13 ~~good faith from a qualified purchaser shall not be liable or responsible for~~
14 ~~collection and remittance of any sales tax imposed on the sale that is paid~~
15 ~~for directly from the qualified purchaser's funds and not the personal~~
16 ~~funds of any individual.~~

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

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

25 **32-19-111. Financial powers.** Any district created pursuant to
26 this ~~article~~ ARTICLE 19 shall have all of the financial powers described in
27 section 32-1-1101; except that the levy and collection of ad valorem taxes

1 shall be subject to the provisions of section 32-19-115. The district shall
2 also have the power, upon voter approval, to levy and collect a uniform
3 sales tax throughout the entire geographical area of the district upon every
4 transaction or other incident with respect to which a sales tax is levied by
5 the state pursuant to the provisions of article 26 of title 39; ~~C.R.S.~~ except
6 that such sales tax shall not be levied on the sale of cigarettes. Any sales
7 tax authorized pursuant to this section shall be levied and collected as
8 provided in ~~section 32-19-112~~ PART 2 OF ARTICLE 2 OF TITLE 29.

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

11 **32-19-112. Sales tax imposed - collection - administration of**
12 **tax.** (2) (a) The collection, administration, and enforcement of the sales
13 tax shall be performed by the executive director of the department of
14 revenue. ~~in the same manner as that for the collection, administration, and~~
15 ~~enforcement of the state sales tax imposed pursuant to article 26 of title~~
16 ~~39, C.R.S., including, without limitation, the retention by a vendor of the~~
17 ~~percentage of the amount remitted to cover the vendor's expense in the~~
18 ~~collection and remittance of the sales tax as provided in section~~
19 ~~39-26-105, C.R.S.~~ The executive director shall make monthly
20 distributions of sales tax collections to the district. The district shall pay
21 the net incremental cost incurred by the department in the administration
22 and collection of the sales tax.

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

1 payment permit number in good faith from a qualified purchaser shall not
2 be liable or responsible for collection and remittance of a sales tax
3 imposed on a sale that is paid for directly from the qualified purchaser's
4 funds and not the personal funds of an individual.

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

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

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

25 (b) ~~(f) A qualified purchaser may provide a direct payment permit~~
26 ~~number issued pursuant to section 39-26-103.5 to a vendor or retailer that~~
27 ~~is liable and responsible for collecting and remitting any sales tax levied~~

1 ~~on a sale made to the qualified purchaser pursuant to this article 21. A~~
2 ~~vendor or retailer that has received a direct payment permit number in~~
3 ~~good faith from a qualified purchaser shall not be liable or responsible for~~
4 ~~collection and remittance of a sales tax imposed on a sale that is paid for~~
5 ~~directly from the qualified purchaser's funds and not the personal funds~~
6 ~~of an individual.~~

7 ~~(H) A qualified purchaser that provides a direct payment permit~~
8 ~~number to a vendor or retailer shall be liable and responsible for the~~
9 ~~amount of sales tax levied on a sale made to the qualified purchaser~~
10 ~~pursuant to this article 21 in the same manner as liability would be~~
11 ~~imposed on a qualified purchaser for state sales tax pursuant to section~~
12 ~~39-26-105.~~

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

15 **32-22-106. District - general powers and duties - funds**
16 **created.** (1) In addition to any other powers granted to the district by this
17 article 22, the district has the following powers:

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

23 (B) The executive director of the department of revenue shall
24 collect, administer, and enforce the sales or use tax ~~to the extent feasible,~~
25 ~~in the manner provided in section 29-2-106~~ AS SPECIFIED IN PART 2 OF
26 ARTICLE 2 OF TITLE 29. The ~~executive director shall make monthly~~
27 ~~distributions of the tax collections to the district which shall apply the~~

1 ~~proceeds~~ MONTHLY DISTRIBUTIONS RECEIVED FROM THE DEPARTMENT OF
2 REVENUE PURSUANT TO SECTION 29-2-207 solely to the development,
3 financing, construction, operation, or maintenance of a passenger rail
4 system.

5 (C) The department shall retain an amount not to exceed the net
6 incremental cost of the collection, administration, and enforcement of the
7 sales tax or use tax, or both, and shall transmit the amount to the state
8 treasurer, who shall credit it to the front range passenger rail district sales
9 and use tax fund, which fund is hereby created. All money so retained is
10 hereby continuously appropriated from the fund to the department to the
11 extent necessary for the department's collection, administration, and
12 enforcement of this subsection (1)(q). Any money remaining in the fund
13 attributable to taxes collected in the prior fiscal year shall be transmitted
14 to the district; except that, before the transmission to the district of such
15 money, any money appropriated from the general fund to the department
16 for the collection, administration, and enforcement of the tax for the prior
17 fiscal year shall be repaid.

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

20 **32-22-107. Station area improvement districts.** With the
21 approval of each county or municipality having jurisdiction over the area
22 of such a district, the district may establish a station area improvement
23 district to finance the construction, operation, or maintenance of a station
24 for a passenger rail system. A station area improvement district may
25 consist only of all or a portion of the area within a two-mile radius of the
26 station to be funded by the station area improvement district, and the
27 general assembly finds that the area within a two-mile radius of a

1 passenger rail station, or any portion of such an area that the board may
2 designate as a station area improvement district, is an area that will be
3 especially benefited by the construction, operation, or maintenance of
4 such a station. The board shall not establish a station area improvement
5 district unless it receives a petition signed by the owners of property that
6 will bear a majority of the proposed assessments and by a petition signed
7 by the lesser of a majority of the registered electorate in the proposed
8 station area improvement district or one thousand registered electors in
9 the proposed station area improvement district. The method of creating
10 a station area improvement district, making improvements, AND assessing
11 the costs of improvements made against property ~~and levying a sales tax~~
12 shall be as provided in part 6 of article 20 of title 30; except that the board
13 shall perform the duties of the board of county commissioners under said
14 part 6 and the improvements shall be limited to the construction,
15 operation, or maintenance of a passenger rail station. THE METHOD OF
16 LEVYING A SALES TAX SHALL BE AS PROVIDED IN PART 2 OF ARTICLE 2 OF
17 TITLE 29.

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

20 **37-50-110. Levy and collection of uniform sales and use tax.**

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

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

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

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

27 (c) ~~(f) The board shall designate a financial officer who shall~~

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

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

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

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

1 liability has been sent to the taxpayer during such three-year period, in
2 which case the lien shall continue for one year only after the expiration
3 of such period or after the issuance of a final determination or assessment
4 based on the proposed adjustment issued prior to the expiration of the
5 three-year period. This subsection (1) shall not apply to income tax or to
6 any tax imposed under article 23.5 of this 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, **amend**
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 PURSUANT TO
19 SECTION 29-2-206 that is the same amount as permitted by the state under
20 this section, then such amount is the amount that was permitted as of
21 December 31, 2019.

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

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

1 OF TITLE 29, may use the GIS database. Any vendor that directly uses the
2 data contained in the GIS database, or uses data from a third-party
3 database that is verified to use the most recent information provided by
4 the GIS database, to determine the jurisdictions to which tax is owed is
5 held harmless for any tax, charge, or fee liability to any taxing jurisdiction
6 that otherwise would be due solely as a result of an error or omission in
7 the GIS database data.

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

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

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

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

23 **39-26-105.4. Remittance of tax - determination of address -**
24 **dealer held harmless.** (1) Any licensed motor vehicle dealer that
25 collects and remits tax to the department of revenue as specified in this
26 part 1 for any sale of a motor vehicle shall be held harmless for any tax,
27 charge, or fee liability to any taxing jurisdiction that the dealer proves was

1 not collected solely because an address that does not meet the
2 requirements of section 42-6-139, ~~C.R.S.~~, was provided by the purchaser
3 for purposes of calculating the amounts of tax either due on the sale and
4 purchase of such vehicle pursuant to this part 1 or ~~section 29-2-106,~~
5 ~~C.R.S.~~, SECTION 29-2-211, if the dealer:

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

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

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

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

1 ~~current sales tax ordinances, and shall likewise certify any subsequent~~
2 ~~changes therein.~~

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

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

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

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

26 **39-26-210. Limitations.** The taxes for any period, together with
27 the interest thereon and penalties with respect thereto, imposed by this

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

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

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

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

6 (2.5) (a) Except as set forth in ~~section 29-2-106.1(5)(b)~~ SECTION
7 29-2-208 (5)(b), within three years after the due date of the return
8 showing the overpayment or one year after the date of overpayment,
9 whichever is later, a vendor shall file any claim for refund with the
10 executive director of the department of revenue. The executive director
11 shall promptly examine such claim and shall make a refund or allow a
12 credit to any vendor who establishes that such vendor overpaid the tax
13 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 **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) (A) FOR ANY TAXABLE EVENT OCCURRING BEFORE JULY
5 1, 2025, upon the request of the authority, the executive director of the
6 department of revenue shall administer and collect the visitor benefit tax
7 authorized by ~~subparagraph (I) of this paragraph (i.5)~~ SUBSECTION
8 (1)(i.5)(I) OF THIS SECTION. If the authority requests that the executive
9 director administer and collect the tax, the executive director shall make
10 monthly distributions of the tax collections to the authority. 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 (B) FOR ANY TAXABLE EVENT OCCURRING ON OR AFTER JULY 1,
25 2025, UPON THE REQUEST OF THE AUTHORITY, THE EXECUTIVE DIRECTOR
26 OF THE DEPARTMENT OF REVENUE SHALL COLLECT, ADMINISTER, AND
27 ENFORCE THE VISITOR BENEFIT TAX AUTHORIZED BY THIS SUBSECTION

1 (1)(i.5) PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29, AND SHALL MAKE
2 MONTHLY DISTRIBUTIONS OF THE TAX COLLECTIONS TO THE AUTHORITY.

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

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

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

22 (C) The executive director of the department of revenue shall
23 collect, administer, and enforce the sales or use tax ~~to the extent feasible,~~
24 ~~in the manner provided in section 29-2-106~~ PURSUANT TO PART 2 OF
25 ARTICLE 2 OF TITLE 29. ~~The director shall make monthly distributions of~~
26 ~~the tax collections to the authority which shall apply the proceeds~~
27 MONTHLY DISTRIBUTIONS RECEIVED FROM THE DEPARTMENT OF REVENUE

1 PURSUANT TO SECTION 29-2-208 solely to the financing, construction,
2 operation, or maintenance of regional transportation systems.

3 (D) The department shall retain an amount not to exceed the total
4 cost of the collection, administration, and enforcement and shall transmit
5 the amount to the state treasurer, who shall credit the same to the regional
6 transportation authority sales tax fund, which fund is hereby created. The
7 amounts so retained are hereby appropriated annually from the fund to the
8 department to the extent necessary for the department's collection,
9 administration, and enforcement of this part 6. Any money remaining in
10 the fund attributable to taxes collected in the prior fiscal year shall be
11 transmitted to the authority; except that, prior to the transmission to the
12 authority of such money, any money appropriated from the general fund
13 to the department for the collection, administration, and enforcement of
14 the tax for the prior fiscal year shall be repaid.

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

17 **SECTION 55. Act subject to petition - effective date -**
18 **applicability.** This act takes effect July 1, 2025; except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within the ninety-day period after final adjournment of the general
22 assembly, then the act, item, section, or part will not take effect unless
23 approved by the people at the general election to be held in November
24 2024 and, in such case, will take effect July 1, 2025, or on the date of the
25 official declaration of the vote thereon by the governor, whichever is
26 later.