

CHAPTER 12

TAXATION

HOUSE BILL 95-1024

BY REPRESENTATIVES Reeves and Clarke;
also SENATOR Wattenberg.

AN ACT

CONCERNING THE COLLECTION OF PROPERTY TAXES.

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

SECTION 1. 39-10-101 (2) (b), Colorado Revised Statutes, 1994 Repl. Vol., is amended to read:

39-10-101. Collection of taxes. (2) (b) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), the taxes for any period, together with interest thereon, imposed by this section shall not be assessed, nor shall any lien be filed or distraint warrant issued or suit for collection be instituted or any other action to collect the same be commenced, more than six years after the date on which the tax was or is payable. Except as otherwise provided in paragraph (d) of this subsection (2), interest shall not be charged prior to the date on which additional assessment is made.

(II) EFFECTIVE JANUARY 1, 1996, THE TAXES FOR ANY PERIOD, TOGETHER WITH INTEREST THEREON, IMPOSED BY THIS SECTION SHALL NOT BE ASSESSED, NOR SHALL ANY LIEN BE FILED OR DISTRAINT WARRANT ISSUED OR SUIT FOR COLLECTION BE INSTITUTED OR ANY OTHER ACTION TO COLLECT THE SAME BE COMMENCED, MORE THAN TWO YEARS AFTER THE DATE ON WHICH THE TAX WAS OR IS PAYABLE WHEN THE FAILURE TO COLLECT THE TAX IS DUE TO AN ERROR OR OMISSION OF A GOVERNMENTAL ENTITY OR AT ANY TIME AFTER A CERTIFICATE OF TAXES DUE, SHOWING PAYMENT OF ALL TAXES DUE AND THE REDEMPTION OF ALL OUTSTANDING TAX SALES, FOR THE PROPERTY HAS BEEN ISSUED PURSUANT TO SECTION 39-10-115. THE PROVISIONS OF THIS SUBPARAGRAPH (II) SHALL NOT APPLY TO TAXES IMPOSED ON OIL AND GAS LEASEHOLDS AND LANDS.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. 39-10-116, Colorado Revised Statutes, 1994 Repl. Vol., is amended to read:

39-10-116. Civil penalty for checks not paid upon presentment. The treasurer shall assess a ~~fifteen-dollar~~ penalty UP TO THE AMOUNT AUTHORIZED IN SECTION 13-21-109 (1) (b), C.R.S., against any person who issues a check ~~returned for insufficient funds~~ to the treasurer in payment of taxes, interest, fees, or other charges collectible by the treasurer THAT IS NOT PAID UPON ITS PRESENTMENT. The penalty provided in this section shall be assessed in addition to any other penalties or interest provided by law. ~~For purposes of this section, the term "insufficient funds" means not having a sufficient balance in account with a bank or other drawee for the payment of a check when presented for payment within thirty days after issue.~~

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 17, 1995