

CHAPTER 124

TAXATION

HOUSE BILL 96-1290

BY REPRESENTATIVE Lamborn;
also SENATORS Johnson and Pascoe.

AN ACT

CONCERNING AN EXTENSION OF THE TIME PERIOD WITHIN WHICH A COMMON INTEREST COMMUNITY MUST FILE A PETITION FOR AN ABATEMENT OR REFUND OF PROPERTY TAXES LEVIED FOR CERTAIN PROPERTY TAX YEARS.

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

SECTION 1. 39-10-114 (1) (a) (I) (A) and (1) (b), Colorado Revised Statutes, 1994 Repl. Vol., are amended, and the said 39-10-114 (1) (a) (I) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

39-10-114. Abatement, cancellation of taxes. (1) (a) (I) (A) Except as otherwise provided in sub-subparagraphs (D) and (E) of this subparagraph (I), if taxes have been levied erroneously or illegally, whether due to erroneous valuation for assessment, irregularity in levying, clerical error, or overvaluation, the treasurer shall report the amount thereof to the board of county commissioners, which shall proceed to abate such taxes in the manner provided by law. If such taxes have been collected by the treasurer, the board of county commissioners shall authorize refund of the same in the manner provided by law. Except as provided in ~~sub-subparagraph~~ SUB-SUBPARAGRAPHS (E) AND (F) of this subparagraph (I), in no case shall an abatement or refund of taxes be made unless a petition for abatement or refund is filed within two years after January 1 of the year following the year in which the taxes were levied. For purposes of this sub-subparagraph (A), "clerical error" shall include, but shall not be limited to, any clerical error made by a taxpayer in completing personal property schedules pursuant to the provisions of article 5 of this title.

(F) NOTWITHSTANDING THE PERIODS OF LIMITATION FOR FILING A PETITION FOR AND DETERMINING THE AMOUNT OF AN ABATEMENT OR REFUND OF TAXES PROVIDED

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

IN SUB-SUBPARAGRAPH (A) OR (D) OF THIS SUBPARAGRAPH (I), AN ABATEMENT OR REFUND OF TAXES MAY BE MADE TO ANY COMMON INTEREST COMMUNITY FOR PROPERTY TAXES LEVIED FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 1985, BUT PRIOR TO JANUARY 1, 1996, ON PROPERTY NOT VALUED IN ACCORDANCE WITH SECTION 39-1-103 (10), IF A PETITION FOR ABATEMENT OR REFUND IS FILED ON OR BEFORE JUNE 1, 1997.

(b) Any taxes illegally or erroneously levied and collected, and delinquent interest thereon, shall be refunded pursuant to this section, together with refund interest at the same rate as that provided for delinquent interest set forth in section 39-10-104.5. Said refund interest shall accrue only from the date payment of taxes and delinquent interest thereon was received by the treasurer from the taxpayer. REFUND INTEREST ON ABATEMENTS OR REFUNDS MADE PURSUANT TO SUB-SUBPARAGRAPH (F) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL ONLY ACCRUE ON TAXES PAID FOR THE TWO LATEST YEARS OF ILLEGAL OR ERRONEOUS ASSESSMENT.

SECTION 2. 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: April 25, 1996