

CHAPTER 68

TAXATION

HOUSE BILL 09-1101

BY REPRESENTATIVE(S) Benefield, Todd, Apuan, Ferrandino, Kefalas, Merrifield, Murray, Stephens, Curry, Gerou, Middleton, Solano;
also SENATOR(S) Veiga, Hudak, Isgar.

AN ACT

CONCERNING THE ADMINISTRATION OF SALES TAX COLLECTIONS BY THE DEPARTMENT OF REVENUE.

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

SECTION 1. 39-26-118 (2) (a), Colorado Revised Statutes, is amended to read:

39-26-118. Recovery of taxes, penalty, and interest. (2) (a) If a person neglects or refuses to make a TIMELY return in payment of the tax or to pay OR CORRECTLY ACCOUNT FOR any tax as required by this article, the executive director of the department of revenue shall make an estimate, based upon the information that may be available, of the amount of taxes due OR NOT ACCOUNTED FOR OR INCORRECTLY ACCOUNTED FOR ON A RETURN for the period for which the taxpayer is delinquent and shall add thereto a penalty equal to the sum of fifteen dollars for the failure or ten percent ~~thereof~~ OF SUCH UNPAID, UNACCOUNTED, OR INCORRECTLY ACCOUNTED AMOUNT plus one-half percent per month from the date when due, not exceeding eighteen percent in the aggregate, and interest IF APPLICABLE on the delinquent taxes at the rate imposed under section 39-21-110.5. Promptly thereafter, the executive director shall give to the delinquent taxpayer written notice of the estimated taxes, penalty, and interest, which notice shall be sent by first-class mail as set forth in section 39-21-105.5.

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: March 25, 2009

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