

Second Regular Session

Sixty-second General Assembly

LLS NO. 00-0367.01 Christy Chase

SENATE BILL 00-100

STATE OF COLORADO

BY SENATOR Phillips;
also REPRESENTATIVES Kaufman, Plant and Takis.

A BILL FOR AN ACT

101 CONCERNING THE COLLECTION OF MUNICIPAL SALES TAXES BY
102 STATUTORY MUNICIPALITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Authorizes statutory cities and towns, upon written notification from the governing body to the executive director of the department of revenue, to collect, administer, and enforce its own sales tax adopted in accordance with the municipal sales tax laws.

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

2 **SECTION 1.** 29-2-106 (1), (2), (3) (a), (3) (b), (8), (9) (a), (9)
3 (b), and (9) (c), Colorado Revised Statutes, are amended, and the said
4 29-2-106 is further amended BY THE ADDITION OF A NEW
5 SUBSECTION, to read:

6 **29-2-106. Collection - administration - enforcement.**

7 (1) EXCEPT AS PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, the
8 collection, administration, and enforcement of any countywide or any city
9 or town sales tax adopted pursuant to this article shall be performed by
10 the executive director of the department of revenue in the same manner
11 as the collection, administration, and enforcement of the Colorado state

1 sales tax. Unless otherwise provided in this article, the provisions of
2 article 26 of title 39, C.R.S., shall govern the collection, administration,
3 and enforcement of sales taxes authorized under this article.

4 (1.5) UPON WRITTEN NOTIFICATION FROM THE GOVERNING BODY
5 TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE, ANY
6 STATUTORY CITY OR TOWN MAY COLLECT, ADMINISTER, AND ENFORCE ITS
7 OWN SALES TAX ADOPTED PURSUANT TO THIS ARTICLE.

8 (2) The effective date of any countywide sales tax or city or town
9 sales tax adopted under the provisions of this article shall be either
10 January 1 or July 1 following the date of the election in which such
11 county, CITY, OR TOWN sales tax proposal is approved; and notice of the
12 adoption of any county, CITY, OR TOWN sales tax proposal shall be
13 submitted by the county clerk and recorder or by the clerk of the city
14 council or board of trustees of a city or town to the executive director of
15 the department of revenue at least forty-five days prior to the effective
16 date of such tax. If such a sales tax proposal is approved at an election
17 held less than forty-five days prior to the January 1 or July 1 following
18 the date of election, such tax shall not be effective until the next
19 succeeding January 1 or July 1.

20 (3) (a) The executive director of the department of revenue shall,
21 at no charge, except as provided in paragraph (b) of this subsection (3)
22 AND SUBSECTION (1.5) OF THIS SECTION, administer, collect, and distribute
23 any sales tax imposed in conformity with this article. The executive
24 director shall make monthly distributions of sales tax collections to the
25 appropriate official in each county and in each incorporated city or town
26 in the amount determined under the distribution formula established in

1 accordance with this article. Except as provided in ~~sections~~ SECTION
2 39-26-208, ~~and 39-26-304~~, C.R.S., any use tax imposed pursuant to
3 section 29-2-109 shall be collected, administered, and enforced by the
4 city, town, or county as provided by ordinance or resolution.

5 (b) The executive director is hereby authorized to contract and
6 enter into agreements with the county clerk and recorder and
7 municipalities for the collection of state, county, and city or town use
8 taxes upon motor vehicles, and the county clerk and recorder OR THE
9 MUNICIPALITY may charge and retain a fee as the director may approve to
10 fully cover the cost of such collection by the county clerk and recorder OR
11 THE MUNICIPALITY.

12 (8) **Uniform collection procedures.** Each home rule city, town,
13 and city and county AND EACH STATUTORY CITY AND TOWN THAT
14 COLLECTS ITS OWN SALES TAX shall follow, and conform its ordinances
15 where necessary to, the statute of limitations applicable to the
16 enforcement of state sales and use tax collections, the statute of
17 limitations applicable to refunds of state sales and use taxes, the amount
18 of penalties and interest payable on delinquent remittances of state sales
19 and use taxes, and the posting of bonds pursuant to section 39-21-105 (4),
20 C.R.S.

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

1 STATUTORY CITY OR TOWN THAT collects its own sales or use tax.

2 (b) Such form shall be designed so as to permit reporting of
3 variations in base, rate, and vendor's fee, and shall contain adequate
4 location coding and use tax remittance items. Prior to the adoption of and
5 any revision to the form, each home rule city, town, and city and county
6 ~~which~~ AND EACH STATUTORY CITY AND TOWN THAT collects its own sales
7 tax shall be given the opportunity to comment on the proposed form or
8 revision to the form.

9 (c) Such standard form and any subsequent revisions shall be used
10 by each home rule city, town, and city and county ~~which~~ AND EACH
11 STATUTORY CITY AND TOWN THAT collects its own sales tax by the first
12 full month commencing one hundred twenty days after the effective date
13 of the regulation adopting or revising the standard form.

14 **SECTION 2.** 29-2-106.2 (1), Colorado Revised Statutes, is
15 amended to read:

16 **29-2-106.2. Location guides - precinct locators.** (1) Each home
17 rule city, town, and city and county AND EACH STATUTORY CITY AND
18 TOWN collecting its own sales or use tax shall make available to any
19 requesting vendor a map or other location guide showing the boundaries
20 of the municipality. The requesting vendor may rely on the map or other
21 location guide and any update thereof available to the vendor in
22 determining whether to collect a sales or use tax, or both, of the
23 municipality. No penalty shall be imposed or action for deficiency
24 maintained if the requesting vendor in good faith complies with the most
25 recent map or other location guide available to it.

26 **SECTION 3. Effective date.** This act shall take effect January

1 1, 2001.

2 **SECTION 4. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.