

UPDATED SUMMARY
SENATE BILL 16-036

Second Regular Session - Seventieth Colorado General Assembly

This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.

Current law requires a taxpayer wishing to appeal to the district court a final determination of the executive director of the department of revenue or a final determination of a local government, within a specified time after filing a notice of appeal, to either:

- ! Set aside twice the amount of the taxes, interest, and other charges stated in the final determination by filing a surety bond in such amount with the district court;
- ! Set aside twice the amount of the taxes, interest, and other charges stated in the final determination by establishing a savings account, deposit account, or certificate of deposit for such amount at a state or national bank or a state or federal savings and loan association doing business in this state; or
- ! Deposit the disputed amount with the executive director of the department of revenue. If the taxpayer chooses this option, the interest accrual is tolled.

Current law also requires home rule jurisdictions and statutory local governments to follow the same requirements for appeals to district courts related to the sales and use taxes they impose.

The bill repeals that requirement for everything but an appeal of a final determination by the executive director for frivolous submissions ~~and instead specifies that if the~~ *but allows a taxpayer to still choose to deposit the disputed amount with the executive director of the department of revenue if the taxpayer so wishes, allowing the interest accrual to be tolled. The bill then specifies that the requirements described above apply when a taxpayer wishes to appeal a district court ruling then within a specified number of days after the district court ruling the taxpayer must set aside money in one of the ways described above to an appellate court.*