

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0258.02 Ed DeCecco x4216

HOUSE BILL 15-1228

HOUSE SPONSORSHIP

Mitsch Bush and Becker J., Priola, Buck, Coram, Dore, Lee, Pabon, Rankin, Ryden,
Vigil, Williams

SENATE SPONSORSHIP

Scott,

House Committees

Transportation & Energy
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE SPECIAL FUEL EXCISE TAX ON LIQUEFIED**
102 **PETROLEUM GAS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill makes the following changes related to how the special fuel excise tax on liquefied petroleum gas (LPG) is imposed, collected, and administered in this state:

- ! Adds a private commercial fleet operator that uses LPG to the definition of "distributor"; (**Section 2**)
- ! Changes the definition of "gallons" for LPG from a gross

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- gallon to a net gallon, which accounts for temperature differences that affect LPG measurements; **(Section 2)**
- ! Limits the imposition of the tax so that in most instances it is only levied when LPG is placed in a motor vehicle's fuel tank, which is currently defined as a "use", instead of when the fuel is acquired, sold, offered for sale, or used for any purpose whatsoever; **(Section 3)**
- ! Requires a distributor that uses LPG from a cargo tank to propel a cargo tank motor vehicle to pay the tax on the gallons of LPG used to propel the motor vehicle, based on the vehicle's miles traveled; **(Section 3)**
- ! Requires a distributor that places the LPG in a fuel tank to pay the tax or, if none, for a nondistributor user to pay it; **(Section 3)**
- ! Eliminates the 2% allowance for LPG lost in transit or in handling; **(Section 3)**
- ! Prohibits the department of revenue from collecting any penalties or interest related to the LPG excise tax that is due from January 1, 2014, until January 1, 2016; **(Section 5)**
- ! Eliminates the minimum \$25,000 bond amount for LPG distributors; **(Section 6)**
- ! Requires the department of revenue to update its fuel tracking system to accommodate the LPG excise tax changes; and **(Section 8)**
- ! Eliminates the requirement that a LPG distributor preprint the serially numbered invoices for each sale or transfer of LPG. **(Section 9)**

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The special fuel excise tax applies to fuels that are used for the
5 generation of power to propel a motor vehicle on the highways of this
6 state;

7 (b) The tax is imposed on special fuel that is acquired, sold,
8 offered for sale, or used in this state for any purpose whatsoever;

9 (c) Liquefied petroleum gas is a type of special fuel subject to this

1 broad excise tax;

2 (d) Ninety-five percent of all liquefied petroleum gas is not used
3 as special fuel;

4 (e) The special fuel tax is often levied on liquefied petroleum gas
5 that is not used as special fuel; and

6 (f) As a result, sellers of liquefied petroleum gas are unnecessarily
7 burdened with administrative requirements, and consumers may
8 ultimately pay more for gas that is used to heat their homes or for other
9 nonvehicle purposes.

10 (2) Now, therefore, the general assembly declares that the
11 purpose of this act is to modify the special fuel tax to properly apply the
12 tax to liquefied petroleum gas that is actually used as special fuel.

13 **SECTION 2.** In Colorado Revised Statutes, 39-27-101, **amend**
14 (7) (a) (IV), (7) (a) (V), (11), and (34); and **add** (4.3), (4.7), (7) (a) (VI),
15 and (7) (d) as follows:

16 **39-27-101. Definitions - construction.** As used in this part 1,
17 unless the context otherwise requires:

18 (4.3) "CARGO TANK" MEANS A BULK PACKAGING THAT:

19 (a) IS A TANK INTENDED PRIMARILY FOR THE CARRIAGE OF LIQUIDS,
20 GASES, SOLIDS, OR SEMI-SOLIDS AND INCLUDES APPURTENANCES,
21 REINFORCEMENTS, FITTINGS, AND CLOSURES;

22 (b) IS PERMANENTLY ATTACHED TO OR FORMS A PART OF A MOTOR
23 VEHICLE, OR IS NOT PERMANENTLY ATTACHED TO A MOTOR VEHICLE BUT
24 THAT, BY REASON OF ITS SIZE, CONSTRUCTION, OR ATTACHMENT TO A
25 MOTOR VEHICLE, IS LOADED OR UNLOADED WITHOUT BEING REMOVED
26 FROM THE MOTOR VEHICLE;

27 (c) IS NOT FABRICATED UNDER A SPECIFICATION FOR CYLINDERS,

1 INTERMEDIATE BULK CONTAINERS, MULTI-UNIT TANK CAR TANKS,
2 PORTABLE TANKS, OR TANK CARS; AND

3 (d) IS NOT PRIMARILY INTENDED TO PROVIDE FUEL FOR THE
4 PROPULSION OF THE MOTOR VEHICLE.

5 (4.7) "CARGO TANK MOTOR VEHICLE" MEANS A MOTOR VEHICLE
6 WITH ONE OR MORE CARGO TANKS PERMANENTLY ATTACHED TO OR
7 FORMING AN INTEGRAL PART OF THE MOTOR VEHICLE.

8 (7) (a) "Distributor" means:

9 (IV) A private commercial fleet operator that uses ~~liquefied~~
10 ~~petroleum gas~~ or natural gas from a public utility, as defined in section
11 40-1-103 (1), C.R.S., if:

12 (A) The public utility is not a distributor with respect to the sale
13 of the ~~liquefied petroleum gas~~ or natural gas; and

14 (B) The commercial fleet operator has not contracted with another
15 person to be a distributor under subparagraph (V) of this paragraph (a);
16 or

17 (V) Any person who contracts with a private commercial fleet
18 operator to be a distributor on behalf of the operator; OR

19 (VI) A PRIVATE COMMERCIAL FLEET OPERATOR THAT USES
20 LIQUEFIED PETROLEUM GAS, IF THE OPERATOR HAS NOT CONTRACTED WITH
21 A PERSON TO BE A DISTRIBUTOR ON BEHALF OF THE OPERATOR.

22 (d) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (7) TO
23 THE CONTRARY, A PERSON WHO MEETS THE REQUIREMENTS OF SECTION
24 39-27-104 (5) (a) IS NOT A DISTRIBUTOR.

25 (11) "Gallons" means gallons as measured on a gross gallons
26 basis, as defined in section 8-20-201 (3), C.R.S.; except that:

27 (a) (I) For ~~purposes of~~ A VENDOR WHO SELLS compressed

1 natural gas AT RETAIL, "gallons" means gallons as measured by IN
2 ACCORDANCE WITH THE MASS LABELING REQUIREMENTS FOR GASOLINE
3 EQUIVALENTS THAT ARE INCLUDED IN SECTION 3-3 OF THE RULES
4 PROMULGATED BY THE DIVISION OF OIL AND PUBLIC SAFETY IN THE
5 DEPARTMENT OF LABOR AND EMPLOYMENT, OR ANY SUCCESSOR RULE;

6 (II) FOR ALL DISTRIBUTORS OF COMPRESSED NATURAL GAS OTHER
7 THAN THOSE SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a),
8 "GALLONS" MEANS GALLONS AS MEASURED IN ACCORDANCE WITH
9 WHICHEVER OF THE FOLLOWING WAS THE BASIS FOR THE SALE OF THE GAS
10 TO THE DISTRIBUTOR:

11 (A) The volumetric reporting requirements that are included in the
12 federal excise tax return, form 720, established by the federal internal
13 revenue service, or any successor form that is used for paying the federal
14 fuel tax;

15 (B) THE MASS LABELING REQUIREMENTS FOR GASOLINE
16 EQUIVALENTS THAT ARE INCLUDED IN SECTION 3-3 OF THE RULES
17 PROMULGATED BY THE DIVISION OF OIL AND PUBLIC SAFETY IN THE
18 DEPARTMENT OF LABOR AND EMPLOYMENT, OR ANY SUCCESSOR RULE; OR

19 (C) THE ENERGY MEASURE INCLUDED IN THE DEFINITION FOR
20 GASOLINE GALLON EQUIVALENT IN SECTION 1-6 OF THE RULES
21 PROMULGATED BY THE DIVISION OF OIL AND PUBLIC SAFETY IN THE
22 DEPARTMENT OF LABOR AND EMPLOYMENT, OR ANY SUCCESSOR RULE;
23 AND

24 (b) FOR PURPOSES OF LIQUEFIED PETROLEUM GAS, "GALLONS"
25 MEANS GALLONS AS MEASURED ON A NET GALLON BASIS AS DEFINED IN
26 SECTION 8-20-201 (5), C.R.S.

27 (34) "Use" or "uses" means the placing of special fuel into any

1 fuel tank, unless it is established to the satisfaction of the executive
2 director of the department of revenue that the fuel was consumed for a
3 purpose other than to propel a motor vehicle on the highways of this state.
4 With respect to fuel brought into this state in a fuel tank, "use" means the
5 consumption of the fuel in this state. A vendor placing special fuel OTHER
6 THAN LIQUEFIED PETROLEUM GAS into a fuel tank of a motor vehicle not
7 owned by the vendor is not deemed to have used the fuel.

8 **SECTION 3.** In Colorado Revised Statutes, 39-27-102, **amend**
9 (1) (a) (I), (1) (b) (I), and (2.5) as follows:

10 **39-27-102. Tax imposed on gasoline and special fuel - deposits**
11 **- penalties.** (1) (a) (I) (A) An excise tax is imposed and shall be collected
12 on all gasoline or special fuel acquired, sold, offered for sale, or used in
13 this state for any purpose whatsoever, but only one tax shall be paid upon
14 the same gasoline or special fuel in this state. Except as otherwise
15 provided in this subparagraph (I), no more than three tax-deferred
16 transactions shall take place after the gasoline or special fuel has left the
17 terminal of its origin, either within or outside of this state; except that, for
18 purposes of counting the applicable transactions in order to collect the tax
19 imposed by this subparagraph (I), counting shall begin when the gasoline
20 or special fuel first enters this state, whether by truck or by rail. If more
21 than three distributors acquire the gasoline or special fuel, the third
22 distributor shall be liable for payment of the tax imposed. Nothing in this
23 paragraph (a) shall preclude previous distributors from paying the tax. A
24 distributor shall not be required to pay tax on gasoline or special fuel that
25 is exempt pursuant to section 39-27-103 (2). The tax imposed shall be
26 computed upon the total amount of gasoline or special fuel, measured in
27 gallons, acquired by each distributor in this state and shall be paid in the

1 manner provided in this section. FOR PURPOSES OF THIS
2 SUB-SUBPARAGRAPH (A), "SPECIAL FUEL" DOES NOT INCLUDE LIQUEFIED
3 PETROLEUM GAS.

4 (B) AN EXCISE TAX IS IMPOSED ON LIQUEFIED PETROLEUM GAS
5 WHEN IT IS PLACED IN A FUEL TANK, UNLESS THE USE OF THE SPECIAL FUEL
6 IS EXEMPT. THE TAX IMPOSED IS COMPUTED UPON THE TOTAL AMOUNT OF
7 LIQUEFIED PETROLEUM GAS, MEASURED IN GALLONS, THAT IS PLACED IN
8 THE FUEL TANK. IF THE LIQUEFIED PETROLEUM GAS IS PLACED IN THE FUEL
9 TANK BY A DISTRIBUTOR, THE DISTRIBUTOR SHALL PAY THE TAX TO THE
10 DEPARTMENT OF REVENUE IN ACCORDANCE WITH THIS SECTION. ■ ■

11 (C) IF A DISTRIBUTOR USES LIQUEFIED PETROLEUM GAS FROM A
12 CARGO TANK TO PROPEL A CARGO TANK MOTOR VEHICLE ON THE
13 HIGHWAYS IN THIS STATE, AN EXCISE TAX IS IMPOSED ON THE LIQUEFIED
14 PETROLEUM GAS THAT IS USED AS SPECIAL FUEL. THE LIQUEFIED
15 PETROLEUM GAS THAT IS CARRIED IN THE CARGO TANK BUT NOT USED AS
16 SPECIAL FUEL IS NOT SUBJECT TO THE EXCISE TAX. THE TAX IMPOSED IS
17 COMPUTED UPON AN ESTIMATE OF THE TOTAL AMOUNT OF LIQUEFIED
18 PETROLEUM GAS, MEASURED IN GALLONS, USED TO PROPEL THE CARGO
19 TANK MOTOR VEHICLE BASED ON THE NUMBER OF MILES THAT THE
20 VEHICLE TRAVELED. A DISTRIBUTOR SHALL REPORT TO THE DEPARTMENT
21 OF REVENUE THE NUMBER OF MILES THAT THE VEHICLE TRAVELED BASED
22 ON ODOMETER READINGS. THE DEPARTMENT SHALL ESTABLISH THE FORM
23 TO BE USED TO REPORT THIS INFORMATION.

24 (b) (I) In the case of gasoline or special fuel shipped to a
25 distributor from a terminal, the amount of gasoline or special fuel
26 acquired is deemed to be the amount shipped from the terminal, as shown
27 by the terminal manifest; except that an allowance of two percent of the

1 total amount of gasoline or special fuel acquired during any calendar
2 month, as shown by terminal manifests, shall be deducted by the licensed
3 distributor to cover losses in transit and in unloading the gasoline or
4 special fuel and costs of collection and payment to the state of the tax
5 imposed by this section, out of which allowance the distributor shall make
6 to each retailer an allowance of one percent of the amount of gasoline or
7 special fuel delivered during each calendar month by the distributor to the
8 retailer, as shown by delivery invoices signed by the retailer, BUT THERE
9 IS NO ALLOWANCE FOR LIQUEFIED PETROLEUM GAS.

10



11 (2.5) Except as otherwise provided in paragraph (b) of subsection
12 (2) of this section, every person who imports gasoline or special fuel
13 OTHER THAN LIQUEFIED PETROLEUM GAS into this state for use or sale in
14 this state without a valid importer, supplier, blender, or distributor license
15 is liable for and shall pay an excise tax pursuant to paragraph (a) of
16 subsection (1) of this section on all gasoline or special fuel such person
17 imports for use or sale in this state. In addition to the excise tax, such
18 person shall be subject to the civil penalties set forth in subsection (9) of
19 this section. EVERY PERSON WHO IMPORTS LIQUEFIED PETROLEUM GAS
20 INTO THIS STATE WITHOUT A VALID IMPORTER, SUPPLIER, OR DISTRIBUTOR
21 LICENSE IS SUBJECT TO THE CIVIL PENALTIES SET FORTH IN SUBSECTION (9)
22 OF THIS SECTION. Immediately upon discovery of a violation of this
23 subsection (2.5), the department of revenue and agents thereof may
24 demand payment of such excise tax, IF OWED, and all applicable fines
25 associated with the unlicensed importation of gasoline or special fuel and
26 may detain the shipment of gasoline or special fuel until such excise tax
27 and fines are collected.

1 **SECTION 4.** In Colorado Revised Statutes, 39-27-102.5, **amend**
2 (3) (a) as follows:

3 **39-27-102.5. Exemptions on tax imposed - ex-tax purchases.**

4 (3) (a) The tax collected by the distributor pursuant to this section is
5 deemed to have been received by the distributor at the time ~~such~~ THE fuel
6 is acquired OR, IN THE CASE OF LIQUEFIED PETROLEUM GAS, AT THE TIME
7 THE FUEL IS PLACED IN A FUEL TANK OR USED TO PROPEL A CARGO TANK
8 MOTOR VEHICLE, irrespective of when payment is received by the
9 distributor for the amount of the invoice, including the tax, and the tax
10 required to be collected by the distributor constitutes a debt owed by the
11 distributor to this state.

12 **SECTION 5.** In Colorado Revised Statutes, 39-27-103, **add** (7)
13 as follows:

14 **39-27-103. Refunds - penalties - checkoff - limits on**
15 **collections.** (7) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
16 CONTRARY, THE DEPARTMENT OF REVENUE SHALL NOT COLLECT ANY
17 PENALTIES OR INTEREST RELATED TO THE TAX IMPOSED UNDER THIS PART
18 1 FOR LIQUEFIED PETROLEUM GAS THAT, FROM JANUARY 1, 2014, UNTIL
19 JANUARY 1, 2016, IS ACQUIRED, SOLD, OFFERED FOR SALE, OR USED IN THIS
20 STATE FOR ANY PURPOSE WHATSOEVER. THE DEPARTMENT SHALL REFUND
21 ANY OF THESE PROHIBITED PENALTIES OR INTEREST THAT WERE
22 COLLECTED PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (7).

23 **SECTION 6.** In Colorado Revised Statutes, 39-27-104, **amend**
24 (2) (a) (I) and (2) (b); and **add** (5) as follows:

25 **39-27-104. License and deposit - exception.** (2) (a) (I) (A) No
26 license to act as a distributor, refiner, or terminal operator of gasoline or
27 special fuel shall be issued until the applicant therefor has deposited with

1 the department of revenue evidence of a savings account, deposit, or
2 certificate of deposit meeting the requirements of section 11-35-101,
3 C.R.S., or a surety bond or a negotiable certificate of deposit issued by a
4 commercial bank doing business in this state acceptable to the executive
5 director of the department of revenue. When such deposit is a surety
6 bond, such bond shall be in the sum of approximately three times the
7 monthly tax liability estimated by the executive director to become due
8 by the licensee, except ~~that the amount of the surety bond shall never be~~
9 ~~less than twenty-five thousand dollars nor more than two hundred~~
10 ~~thousand dollars~~ AS OTHERWISE LIMITED IN SUB-SUBPARAGRAPH (B) OF
11 THIS SUBPARAGRAPH (I). If the deposit is a surety bond, it shall also be
12 conditioned upon compliance by the distributor or refiner with all
13 provisions of this part 1 and payment of all taxes and penalties to become
14 due and payable thereunder; if it is a negotiable certificate of deposit, it
15 shall be subject to forfeiture upon failure of the distributor or refiner to
16 comply with said provisions or to pay all said taxes and penalties. Upon
17 approval by the executive director of the application, a license to act as
18 a distributor or refiner shall be issued to the applicant.

19 (B) FOR GASOLINE AND SPECIAL FUEL OTHER THAN LIQUEFIED
20 PETROLEUM GAS, THE AMOUNT OF THE SURETY BOND MUST NEVER BE LESS
21 THAN TWENTY-FIVE THOUSAND DOLLARS NOR MORE THAN TWO HUNDRED
22 THOUSAND DOLLARS. FOR LIQUEFIED PETROLEUM GAS, THE AMOUNT OF
23 THE SURETY BOND MUST NEVER BE MORE THAN TWO HUNDRED THOUSAND
24 DOLLARS.

25 (b) If at any time after issuance of the license the executive
26 director of the department of revenue finds that the licensee is USING
27 LIQUEFIED PETROLEUM GAS OR acquiring gasoline or special fuel OTHER

1 THAN LIQUEFIED PETROLEUM GAS in a quantity that makes the licensee
2 liable for payment of excise tax, for the preceding and current month in
3 an amount greater than the amount of the deposit, the executive director
4 shall, by written notice to the licensee, demand an additional surety bond
5 or negotiable certificate of deposit to be deposited in an amount
6 determined necessary to secure payment of a greater amount of taxes, but
7 the aggregate amount of deposit shall in no event exceed two hundred
8 thousand dollars. If the licensee fails or refuses within ten days after
9 receipt of the written notice and demand to deposit an additional surety
10 bond or negotiable certificate of deposit in the amount determined, the
11 executive director may by written notice suspend or revoke the license
12 held by the licensee. The requirements of this section relative to making
13 a deposit shall apply only to distributors who are liable to the state for
14 payment of the tax imposed by section 39-27-102.

15 (5) (a) A PERSON WHO SELLS LIQUEFIED PETROLEUM GAS AT THE
16 RETAIL LEVEL OF TRADE THAT IS NOT USED AS SPECIAL FUEL DOES NOT ACT
17 AS A DISTRIBUTOR AND DOES NOT NEED TO BE LICENSED AS ONE UNDER
18 THIS SECTION IF THE PERSON:

19 (I) SUBMITS AN AFFIDAVIT, SIGNED UNDER PENALTY OF PERJURY,
20 STATING THAT THE PERSON WILL NOT PLACE LIQUEFIED PETROLEUM GAS
21 IN A FUEL TANK AS PART OF ANY SALE AND THAT, IF THE PERSON DOES
22 PLACE THE FUEL IN A FUEL TANK, THE PERSON IS SUBJECT TO THE
23 PENALTIES SET FORTH IN THIS SECTION; AND

24 (II) CONSPICUOUSLY POSTS AT THE DISTRIBUTION POINT A SIGN
25 INDICATING THAT THE LIQUEFIED PETROLEUM GAS IS NOT FOR SALE FOR
26 USE IN MOTOR VEHICLES.


27 (b) THE DEPARTMENT OF REVENUE SHALL ESTABLISH THE FORM OF

1 THE AFFIDAVIT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS SUBSECTION
2 (5).

3 SECTION 7. In Colorado Revised Statutes, 39-27-105, amend
4 (1) introductory portion, (1.3) (c), (1.3) (d), (2), (6) (a), and (7) (a); and
5 add (1.2) and (1.3) (f) as follows:

6 39-27-105. Collection of tax on gasoline and special fuel. (1) In
7 addition to the reporting requirements set forth in subsection (1.5) of this
8 section, every distributor, supplier, carrier, exporter, importer, blender,
9 refiner, or terminal operator of gasoline or special fuel OTHER THAN
10 LIQUEFIED PETROLEUM GAS on or before the twenty-sixth day of each
11 calendar month shall file with the executive director of the department of
12 revenue, on forms prescribed and furnished by the department, an
13 itemized statement made under penalty of perjury in the second degree,
14 showing the following:

15 (1.2) (a) EVERY DISTRIBUTOR, EXPORTER, OR IMPORTER OF
16 LIQUEFIED PETROLEUM GAS ON OR BEFORE THE TWENTY-SIXTH DAY OF
17 EACH CALENDAR MONTH SHALL FILE WITH THE EXECUTIVE DIRECTOR OF
18 THE DEPARTMENT OF REVENUE, ON FORMS PRESCRIBED AND FURNISHED BY
19 THE DEPARTMENT, A STATEMENT MADE UNDER PENALTY OF PERJURY IN
20 THE SECOND DEGREE, SHOWING THE FOLLOWING AGGREGATED AMOUNTS:

21 
22 (I) THE NUMBER OF GALLONS OF LIQUEFIED PETROLEUM GAS THAT
23 THE DISTRIBUTOR PLACED IN A FUEL TANK AND THAT ARE SUBJECT TO THE
24 EXCISE TAX UNDER THIS PART 1;

25 (II) THE NUMBER OF GALLONS OF LIQUEFIED PETROLEUM GAS THAT
26 THE DISTRIBUTOR PLACED IN A FUEL TANK AND THAT ARE EXEMPT FROM
27 THE EXCISE TAX UNDER THIS PART 1;

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(III) THE NUMBER OF GALLONS OF LIQUEFIED PETROLEUM GAS,
NOT PLACED IN A FUEL TANK, THAT ARE SOLD TO THE STATE OF
COLORADO, ANY OF ITS AGENCIES, ANY TOWN, CITY, COUNTY, CITY AND
COUNTY, SCHOOL DISTRICT OF THIS STATE, OR ANY OTHER POLITICAL
SUBDIVISION OF THIS STATE;



(IV) THE NUMBER OF GALLONS OF LIQUEFIED PETROLEUM GAS
SOLD TO A NONPROFIT TRANSIT AGENCY THAT ARE NOT PLACED IN A FUEL
TANK;



(V) THE NUMBER OF GALLONS OF LIQUEFIED PETROLEUM GAS
IMPORTED INTO THE STATE; AND



(VI) THE NUMBER OF GALLONS OF LIQUEFIED PETROLEUM GAS
EXPORTED FROM THIS STATE.

(b) SUBSECTION (1.5) OF THIS SECTION DOES NOT APPLY TO A
LICENSEE WITH RESPECT TO LIQUEFIED PETROLEUM GAS.

(1.3) (c) Distributors may aggregate figures stated in the reports
required by this part 1 for ~~liquefied petroleum gas~~ and natural gas for all
service stations or other facilities that dispense ~~liquefied petroleum gas~~
~~or~~ natural gas for sale to users and that are owned or operated by the same
distributor.

(d) Distributors may aggregate figures stated in the reports
required by this part 1 for ~~liquefied petroleum gas~~ and natural gas for
sales of such fuels to a particular class or type of individual user.
Distributors of ~~liquefied petroleum gas~~ and natural gas shall not be
required to separately report the amount of sales to individual users.

1 (f) DISTRIBUTORS OF LIQUEFIED PETROLEUM GAS SHALL
2 AGGREGATE FIGURES STATED IN THE REPORTS REQUIRED BY THIS PART 1.

3 (2) It is the duty of every distributor of gasoline or special fuel
4 OTHER THAN LIQUEFIED PETROLEUM GAS to compute the amount of tax
5 payable on all gasoline or special fuel acquired during the preceding
6 calendar month at the rate of tax per gallon imposed thereon in section
7 39-27-102 (1), and, in computing the amount of tax, the allowance of two
8 percent provided for in section 39-27-102 (1) shall be taken into account.

9 IT IS THE DUTY OF EVERY DISTRIBUTOR OF LIQUEFIED PETROLEUM GAS TO
10 COMPUTE THE AMOUNT OF TAX PAYABLE ON THE LIQUEFIED PETROLEUM
11 GAS PLACED IN A FUEL TANK OR USED TO PROPEL A CARGO TANK MOTOR
12 VEHICLE IN THE PRECEDING CALENDAR MONTH AT THE RATE OF TAX PER
13 GALLON IMPOSED THEREON. From the amount of tax so computed, the
14 distributor of gasoline or special fuel shall deduct one-half of one percent
15 to cover expenses of collection of the tax and bad debt losses and shall
16 pay the remaining balance to the department of revenue at the time of
17 filing the statement required to be filed by the provisions of this section.
18 A penalty of thirty dollars or ten percent of the tax due, plus one-half of
19 one percent per month from the date when due, not to exceed eighteen
20 percent in the aggregate, whichever is greater, shall be imposed for failure
21 to file any statement when due or pay the tax as provided in this section,
22 in addition to any other penalties provided by this part 1.

23 (6) (a) Every person who imports special fuel into this state for
24 use or sale in this state without a single trip permit or a valid importer's,
25 supplier's, or distributor's license is liable for and shall pay an excise tax
26 pursuant to section 39-27-102 (1) on all undyed special fuel OTHER THAN
27 LIQUEFIED PETROLEUM GAS such person imports for use or sale in this

1 state.

2 (7) (a) If any person other than a licensed distributor or supplier
3 physically diverts to one or more destinations within the boundaries of
4 this state all or any portion of a shipment of gasoline or special fuel that
5 is claimed as an export on the bill of lading or other affidavit, such person
6 shall report to the department of revenue the destinations within this state
7 to which the diverted gasoline or special fuel shipment was delivered
8 within one working day after such diversion. Such person shall be liable
9 for payment of the excise tax established in this part 1 on the amount of
10 gasoline or special fuel OTHER THAN LIQUEFIED PETROLEUM GAS diverted
11 to a destination within this state.

12 **SECTION 8.** In Colorado Revised Statutes, **amend** 39-27-109.7
13 as follows:

14 **39-27-109.7. Data collection services.** In order to track the
15 movement of gasoline or special fuel within this state and thereby
16 facilitate and expedite the collection of excise taxes imposed pursuant to
17 this part 1, the executive director of the department of revenue may enter
18 into a contract with one or more private entities for the provision of a
19 computer-based program to monitor and track the data that licensees are
20 required to report to the department pursuant to this part 1. Such
21 computer-based program shall be funded solely with moneys from the
22 highway users tax fund; except that, for the state fiscal year 2009-10, up
23 to thirty-seven thousand six hundred thirty dollars for the computer-based
24 program to monitor and track exempt dyed diesel fuel that is blended with
25 biodiesel fuel after withdrawal at a terminal rack or refinery rack pursuant
26 to section 39-27-102.5 (2) (a) may be funded by moneys received by the
27 governor's energy office created in section 24-38.5-101, C.R.S., as said

1 office existed prior to July 1, 2012, from the United States department of
2 energy. THE DEPARTMENT SHALL UPDATE THE COMPUTER-BASED
3 PROGRAM TO MONITOR AND TRACK THE DATA THAT LIQUEFIED
4 PETROLEUM LICENSEES ARE REQUIRED TO REPORT TO THE DEPARTMENT
5 PURSUANT TO THIS PART 1 BASED ON THE CHANGES IN HOUSE BILL
6 15-1228, ENACTED IN 2015.

7 **SECTION 9.** In Colorado Revised Statutes, 39-27-110, **add** (3)
8 (d) as follows:

9 **39-27-110. Inspection of records.** (3)(d) A SERIALY NUMBERED
10 INVOICE FOR THE SALE OR TRANSFER OF LIQUEFIED PETROLEUM GAS
11 REQUIRED UNDER PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (3) DOES
12 NOT HAVE TO BE PREPRINTED.

13 **SECTION 10. Act subject to petition - effective date.** Sections
14 2, 3, 4, 6, 7, and 9 of this act take effect January 1, 2016, and the
15 remainder of this act takes effect at 12:01 a.m. on the day following the
16 expiration of the ninety-day period after final adjournment of the general
17 assembly (August 5, 2015, if adjournment sine die is on May 6, 2015);
18 except that, if a referendum petition is filed pursuant to section 1 (3) of
19 article V of the state constitution against this act or an item, section, or
20 part of this act within such period, then the act, item, section, or part will
21 not take effect unless approved by the people at the general election to be
22 held in November 2016 and, in such case, will take effect on the date of
23 the official declaration of the vote thereon by the governor.