

CDOS Received August 5, 2021 3:03 P.M. CHammack

Be it enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 39-26-105 **amend** (1)(a)(I)(A); and add (1)(a)(I)(A.5) as follows:

39-26-105. Vendor liable for tax - definitions - repeal. (1)(a)(I)(A)

Except as provided in subsections (1)(a)(I)(B), (1.3), and (1.5) of this section, every retailer shall, irrespective of the provisions of section 39-26-106, be liable and responsible for the payment of an amount equivalent to two and ninety one-hundredths percent of all sales made on or after January 1, 2001, BUT BEFORE JULY 1, 2023, AND AFTER JUNE 30, 2025, by the retailer of commodities or services as specified in section 39-26-104.

(A.5) EXCEPT AS PROVIDED IN SUBSECTIONS (1)(a)(I)(B), (1.3), AND (1.5) OF THIS SECTION, EVERY RETAILER SHALL, IRRESPECTIVE OF THE PROVISIONS OF SECTION 39-26-106, BE LIABLE AND RESPONSIBLE FOR THE PAYMENT OF AN AMOUNT EQUIVALENT TO TWO AND EIGHTY-NINE ONE-HUNDREDTHS PERCENT OF ALL SALES MADE BETWEEN JULY 1, 2023 AND JUNE 30, 2025, BY THE RETAILER OF COMMODITIES OR SERVICES AS SPECIFIED IN SECTION 39-26-104.

SECTION 2. In Colorado Revised Statutes, 39-26-106, **amend** (1)(a) as follows:

39-26-106. Schedule of sales tax. (1) (a) (I) Except as otherwise provided in ~~subparagraph (II) of this~~

~~paragraph (a)~~ THIS SUBSECTION (1), there is imposed upon all sales of commodities and services specified in section 39-26-104 a tax at the rate of three percent of the amount of the sale, to be computed in accordance with schedules or systems approved by the executive director of the department of revenue. Said schedules or systems shall be designed so that no such tax is charged on any sale of seventeen cents or less.

(a)(II) On and after January 1, 2001, BUT BEFORE JULY 1, 2023, AND AFTER JUNE 30, 2025, there is imposed upon all sales of commodities and services specified in section 39-26-104 a tax at the rate of two and ~~ninety~~ ninety one-hundredths percent of the amount of the sale to be computed in accordance with schedules or systems approved by the executive director of the department of revenue. Said schedules or systems shall be designed so that no such tax is charged on any sale of seventeen cents or less.

(III) ON AND AFTER JULY 1, 2023, BUT BEFORE JULY 1, 2025, THERE IS IMPOSED UPON ALL SALES OF COMMODITIES AND SERVICES SPECIFIED IN SECTION 39-26-104 A TAX AT THE RATE OF TWO AND EIGHTY-NINE ONE-HUNDREDTHS PERCENT OF THE AMOUNT OF THE SALE TO BE COMPUTED IN ACCORDANCE WITH SCHEDULES OR SYSTEMS APPROVED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE. SAID SCHEDULES OR SYSTEMS SHALL BE DESIGNED SO THAT NO SUCH TAX IS CHARGED ON ANY SALE OF SEVENTEEN CENTS OR LESS.

SECTION 3. In Colorado Revised Statutes, 39-26-202, **amend** (1)(a) and (1)(b); and **add** (1)(b.5) as follows:

39-26-202. Authorization of tax. (1) (a) Except as otherwise provided in subsection (1)(b) AND (1)(b.5) of this section, there is imposed and shall be collected from every person in this state a tax or excise at the rate of three percent of storage or acquisition charges or costs for the privilege of storing, using, or consuming in this state any articles of tangible personal property purchased at retail.

(b) On and after January 1, 2001, BUT BEFORE JULY 1, 2023, AND AFTER JUNE 30, 2025, there is imposed

and shall be collected from every person in this state a tax or excise at the rate of two and ninety one-hundredths percent of storage or acquisition charges or costs for the privilege of storing, using, or consuming in this state any articles of tangible personal property purchased at retail.

(b.5) ON AND AFTER JULY 1, 2023, BUT BEFORE JULY 1, 2025, THERE IS IMPOSED AND SHALL BE COLLECTED FROM EVERY PERSON IN THIS STATE A TAX OR EXCISE AT THE RATE OF TWO AND EIGHTY-NINE ONE-HUNDREDTHS PERCENT OF STORAGE OR ACQUISITION CHARGES OR COSTS FOR THE PRIVILEGE OF STORING, USING, OR CONSUMING IN THIS STATE ANY ARTICLES OF TANGIBLE PERSONAL PROPERTY PURCHASED AT RETAIL.

SECTION 4. In Colorado Revised Statutes, 39-26-112, **amend** (1) as follows:

39-26-112. Excess tax - remittance - repeal. (1) If any vendor, during any reporting period, collects as a tax an amount in excess of three percent of all taxable sales made prior to January 1, 2001, ~~and~~ two and ninety one-hundredths percent of all taxable sales made on or after January 1, 2001, AND TWO AND EIGHTY-NINE ONE-HUNDREDTHS PERCENT OF ALL TAXABLE SALES MADE ON OR AFTER JULY 1, 2023, AND TWO AND NINETY ONE-HUNDREDTHS PERCENT ON OR AFTER JULY 1, 2025, such vendor shall remit to the executive director of the department of revenue the full net amount of the tax imposed in this part 1 and also such excess. The retention by the retailer or vendor of any excess of tax collections over the said percentage of the total taxable sales of such retailer or vendor, or the intentional failure to remit punctually to the executive director the full amount required to be remitted by the provisions of this part 1 is declared to be unlawful and constitutes a misdemeanor.

SECTION 5. Effective Date:

This act takes effect on the date of the proclamation of the Governor announcing the approval, by the registered electors of the state, of the proposed initiative.

SECTION 6. Successor legislation:

Any section referred to herein shall be deemed to include that section as amended, restated or replaced. Any successor legislation enacted after initial submission of the initiative but before the passage of the initiative to the same general intent and effect shall be repealed and re-enacted as contained herein and voted upon by the people.