

2023-2024 #22 - Amended

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

SECTION 1. In Colorado Revised Statutes, 39-26-105, **repeal and reenact, with amendments,** (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 ~~JANUARY~~ JULY 1, 2025~~2024~~, AND AFTER ~~DECEMBER~~ JUNE 31~~30, 2026~~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~~ 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 ~~JANUARY 1, 2025~~ JULY 1, 2024, AND ~~DECEMBER 31, 2026~~ JUNE 30, 2025, BY THE RETAILER OF COMMODITIES OR SERVICES AS SPECIFIED IN ~~SECTION~~ SECTION 39-26-104.

SECTION 2. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 39-26-106 (1)(a) as follows:

39-26-106. Schedule of sales tax. (1)(a)(I) EXCEPT AS OTHERWISE PROVIDED IN 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 ~~JANUARY 1, 2025~~ JULY 1, 2024, AND AFTER ~~DECEMBER 31, 2026~~ 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 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 ~~JANUARY 1, 2025~~ JULY 1, 2024, BUT BEFORE ~~DECEMBER 31, 2026~~ 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 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.

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SECTION 3. In Colorado Revised Statutes, 39-26-202, **repeal and reenact, with amendments,** (1) 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 ~~JANUARY 1, 2025~~JULY 1, 2024, AND AFTER ~~DECEMBER 31, 2026~~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 ~~JANUARY 1, 2025~~JULY 1, 2024, BUT BEFORE ~~DECEMBER 31, 2026~~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 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.

(c) SUCH TAX SHALL BE PAYABLE TO AND SHALL BE COLLECTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE AND SHALL BE COMPUTED IN ACCORDANCE WITH SCHEDULES OR SYSTEMS APPROVED BY SAID EXECUTIVE DIRECTOR. THE TRANSFER OF WIRELESS TELECOMMUNICATION EQUIPMENT AS AN INDUCEMENT TO ENTER INTO OR CONTINUE A CONTRACT FOR TELECOMMUNICATION SERVICES THAT ARE TAXABLE PURSUANT TO PART 1 OF THIS ARTICLE SHALL NOT BE CONSTRUED TO BE STORAGE, USE, OR CONSUMPTION OF SUCH EQUIPMENT BY THE TRANSFEROR.

SECTION 4. In Colorado Revised Statutes, 39-26-112, **repeal and reenact** (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, 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 ~~JANUARY 1, 2025~~JULY 1, 2024, AND TWO AND NINETY ONE-HUNDREDTHS PERCENT ON OR AFTER ~~DECEMBER 31, 2026~~JUNE 30, 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.

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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.

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