

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0168.01 Nicole Myers x4326

HOUSE BILL 26-1115

HOUSE SPONSORSHIP

Boesenecker and Stewart K.,

SENATE SPONSORSHIP

Roberts and Bright,

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE PREPAID WIRELESS
102 TELECOMMUNICATIONS SERVICE CHARGES.

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://leg.colorado.gov>.)

Colorado imposes 3 charges on all retail sales of prepaid wireless telecommunications services: A prepaid wireless 911 charge, a prepaid wireless 988 charge, and a prepaid wireless telephone disability access (TDA) charge, which, effective January 1, 2026, replaces the former telecommunications relay service charge. The bill makes the following modifications to the laws implementing the 3 prepaid wireless

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

telecommunications services:

- **Sections 1 and 10** of the bill correct erroneous cross references in connection with the prepaid wireless telecommunications services.
- **Section 2** modifies the definition of "prepaid wireless telecommunications service" (prepaid wireless definition) in the statute that implements the prepaid wireless 911 charge to include a wireless telecommunications service that is paid in advance, sold in predetermined units of time or money that decline with use or provides unlimited use of the service for a fixed time, and allows a user to make 911 calls. In addition, **section 7** adds a cross reference to the prepaid wireless definition to the statute that implements the prepaid wireless TDA charge. **Section 7** also adds a cross reference to an existing definition of "telecommunications service" to the prepaid wireless TDA charge statute, and **section 9** adds the same cross reference to the prepaid wireless 988 charge statute.
- Current law obligates a provider of free prepaid wireless services that uses federally supported services or programs to pay the prepaid wireless 911 charge. However, providers are not consistently referenced in the definition of a retail transaction or surcharge remittance procedures for the prepaid wireless 911 charge. **Section 3** adds providers to both the definition and the remittance procedures.
- Current law lists taxes or fees that are administered by the department of revenue (department), including the prepaid wireless 911 charge and the prepaid wireless TDA charge. **Section 4** includes the prepaid wireless 988 charge in the list of taxes or fees that are administered by the department.
- Current law permits the department to disclose confidential tax information regarding the prepaid wireless 911 charge to the public utilities commission (commission) and local governing bodies. **Section 5** allows the department to disclose the same information regarding the prepaid wireless TDA charge and the prepaid wireless 988 charge to the commission and their respective enterprises.
- Current law allows the department to require electronic filing and payment for the prepaid wireless 911 charge and the TDA charge. **Section 6** allows the department to require electronic filing and payment for the prepaid wireless 988 charge.
- Current law specifies that telecommunications services that are not subject to the prepaid wireless 911 charge are subject to the other 911 charges imposed by law. **Section**

8 clarifies that telecommunications services that are not subject to the prepaid wireless TDA charge are subject to other TDA charges imposed by law, and **section 10** makes the same clarification regarding the prepaid wireless 988 charge.

- The prepaid wireless 911 charge is imposed on providers that use federally supported services to provide free prepaid wireless telecommunications services. **Sections 9 and 10** impose the prepaid wireless 988 charge on such providers in the same manner as the prepaid wireless 911 charge.

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

2 **SECTION 1.** In Colorado Revised Statutes, 27-64-103, **amend**
3 (4)(b) as follows:

4 **27-64-103. 988 crisis hotline enterprise - creation - powers and**
5 **duties.**

6 (4) The enterprise's primary powers and duties are to:

7 (b) Effective January 1, 2022, impose a prepaid wireless 988
8 charge on each retail transaction, as defined in ~~section 40-17.5-104(1)(d)~~
9 SECTION 40-17.5-101 (10), in an amount to be established annually by the
10 enterprise, in collaboration with the public utilities commission, but not
11 to exceed thirty cents per each retail transaction in which prepaid wireless
12 service is purchased in Colorado. On or before October 1, 2021, and on
13 or before October 1 of each year thereafter, the enterprise, in
14 collaboration with the public utilities commission, shall establish the
15 amount of the charge for the next calendar year. The amount of the charge
16 must be reasonably calculated to meet the needs of the enterprise.

17 **SECTION 2.** In Colorado Revised Statutes, 29-11-101, **amend**
18 (21) as follows:

19 **29-11-101. Definitions.**

20 As used in this part 1, unless the context otherwise requires:

1 (21) "Prepaid wireless telecommunications service" means A
2 wireless telecommunications ~~access that allows the user to make 911~~
3 ~~calls, is paid for in advance, and is sold in predetermined units or dollars,~~
4 ~~of which the number of units or dollars available to the caller declines~~
5 ~~with use in a known amount.~~ SERVICE THAT:

6 (a) IS PAID FOR IN ADVANCE;

7 (b) IS SOLD IN PREDETERMINED UNITS OF TIME OR MONEY THAT
8 DECLINE WITH USE IN A KNOWN AMOUNT OR PROVIDES UNLIMITED USE OF
9 THE SERVICE FOR A FIXED PERIOD OF TIME; AND

10 (c) ALLOWS A SERVICE USER TO MAKE 911 CALLS.

11 **SECTION 3.** In Colorado Revised Statutes, 29-11-102.5, **amend**
12 (1)(e), (3)(a), (3)(b), and (3)(d); and **add** (1)(d.5) as follows:

13 **29-11-102.5. Imposition of charge on prepaid wireless -**
14 **prepaid wireless trust cash fund - rules - applicability - definitions -**
15 **repeal.**

16 (1) As used in this section:

17 (d.5) "PURCHASE" MEANS EXCHANGES OF MONEY AND EXCHANGES
18 OF NONMONETARY CONSIDERATION, SUCH AS CONSUMER INFORMATION
19 REQUIRED FOR REIMBURSEMENT CLAIMS UNDER FEDERALLY SUPPORTED
20 SERVICES OR PROGRAMS.

21 (e) "Retail transaction" means the purchase of prepaid wireless
22 telecommunications service from a seller OR PROVIDER for any purpose
23 other than resale. ~~For the purposes of this section, "purchase" includes~~
24 ~~exchanges of money and exchanges of nonmonetary consideration, such~~
25 ~~as consumer information required for reimbursement claims under~~
26 ~~federally supported services or programs.~~

27 (3) (a) The seller or provider who uses federally supported

1 services or programs shall remit any collected prepaid wireless 911
2 charges to the department at the times and in the manner provided in part
3 1 of article 26 of title 39. The department shall establish, by rule,
4 registration and payment procedures that substantially coincide with the
5 registration and payment procedures that apply under part 1 of article 26
6 of title 39. A seller OR PROVIDER is subject to the penalties under part 1
7 of article 26 of title 39, for failure to collect or remit a prepaid wireless
8 911 charge in accordance with this section.

9 (b) A seller or provider who uses federally supported services or
10 programs may deduct and retain three and three-tenths percent of the
11 prepaid wireless 911 charges that are collected by the seller OR PROVIDER
12 from consumers.

13 (d) The department shall, by rule, establish procedures by which
14 a seller OR PROVIDER may document that a transaction is not a retail
15 transaction, which procedures must substantially coincide with the
16 procedures for documenting that a sale was wholesale for purposes of the
17 sales tax under part 1 of article 26 of title 39.

18 **SECTION 4.** In Colorado Revised Statutes, 39-21-102, **amend**
19 (9) as follows:

20 **39-21-102. Scope.**

21 (9) This article 21 applies to the ~~fee~~ FEES imposed pursuant to
22 ~~section 40-17-104~~ SECTIONS 40-17-104 AND 40-17.5-104, but only to the
23 extent that this article 21 is not inconsistent with ~~section 40-17-104~~
24 SECTIONS 40-17-104 AND 40-17.5-104.

25 **SECTION 5.** In Colorado Revised Statutes, 39-21-113, **amend**
26 (26) as follows:

27 **39-21-113. Reports and returns - rule - repeal.**

1 (26) (a) Notwithstanding the provisions of this section, the
2 executive director shall provide the information disclosed in any
3 document, report, or return filed in connection with the prepaid wireless
4 911 charge imposed by section 29-11-102.5 to the public utilities
5 commission created in section 40-2-101 or a governing body as defined
6 in section 29-11-101 (16). Any information provided to the public utilities
7 commission or governing body, pursuant to this ~~subsection (26)~~ shall
8 ~~remain~~ SUBSECTION (26)(a) REMAINS confidential, and all agents, clerks,
9 and employees of the commission ~~or~~ AND THE governing body ~~and the~~
10 ~~department shall be~~ ARE subject to the limitations set forth in subsection
11 (4) of this section and the penalties contained in subsection (6) of this
12 section.

13 (b) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION TO THE
14 CONTRARY, THE EXECUTIVE DIRECTOR SHALL PROVIDE TO THE PUBLIC
15 UTILITIES COMMISSION CREATED IN SECTION 40-2-101 AND THE
16 COMMUNICATION SERVICES FOR PEOPLE WITH DISABILITIES ENTERPRISE
17 CREATED IN SECTION 26-21-103.5 THE INFORMATION DISCLOSED IN ANY
18 DOCUMENT, REPORT, OR RETURN FILED IN CONNECTION WITH THE PREPAID
19 TELEPHONE DISABILITY ACCESS CHARGE IMPOSED BY SECTION 40-17-104.
20 ANY INFORMATION PROVIDED TO THE COMMISSION AND THE ENTERPRISE
21 PURSUANT TO THIS SUBSECTION (26)(b) REMAINS CONFIDENTIAL, AND ALL
22 AGENTS, CLERKS, AND EMPLOYEES OF THE COMMISSION AND THE
23 ENTERPRISE ARE SUBJECT TO THE LIMITATIONS SET FORTH IN SUBSECTION
24 (4) OF THIS SECTION AND THE PENALTIES CONTAINED IN SUBSECTION (6) OF
25 THIS SECTION.

26 (c) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE
27 EXECUTIVE DIRECTOR SHALL PROVIDE TO THE PUBLIC UTILITIES

1 COMMISSION CREATED IN SECTION 40-2-101 AND THE 988 CRISIS HOTLINE
2 ENTERPRISE CREATED IN SECTION 27-64-103 THE INFORMATION DISCLOSED
3 IN ANY DOCUMENT, REPORT, OR RETURN FILED IN CONNECTION WITH THE
4 PREPAID WIRELESS 988 CHARGE IMPOSED BY SECTION 40-17.5-104. ANY
5 INFORMATION PROVIDED TO THE COMMISSION AND THE ENTERPRISE
6 PURSUANT TO THIS SUBSECTION (26)(c) REMAINS CONFIDENTIAL, AND ALL
7 AGENTS, CLERKS, AND EMPLOYEES OF THE COMMISSION ARE SUBJECT TO
8 THE LIMITATIONS SET FORTH IN SUBSECTION (4) OF THIS SECTION AND THE
9 PENALTIES CONTAINED IN SUBSECTION (6) OF THIS SECTION.

10 **SECTION 6.** In Colorado Revised Statutes, 39-21-119.5, **amend**
11 (2)(t) and (2)(u); and **add** (2)(v) as follows:

12 **39-21-119.5. Mandatory electronic filing of returns -**
13 **mandatory electronic payment - penalty - waiver - definitions.**

14 (2) Except as provided in subsection (6) of this section, the
15 executive director may, as specified in subsection (3) of this section,
16 require the electronic filing of returns and require the payment of any tax
17 or fee due by electronic funds transfer for the following:

18 (t) Any prepaid telephone disability access charge report required
19 to be filed and payment required to be made pursuant to section
20 40-17-104; ~~and~~

21 (u) Any retail delivery fee or enterprise retail delivery fees return
22 required to be filed pursuant to section 43-4-218 (6); AND

23 (v) ANY PREPAID WIRELESS 988 CHARGE REPORT REQUIRED TO BE
24 FILED AND PAYMENT REQUIRED TO BE MADE PURSUANT TO SECTION
25 40-17.5-104 (2).

26 **SECTION 7.** In Colorado Revised Statutes, 40-17-101, **add** (5.5)
27 and (9.5) as follows:

1 **40-17-101. Definitions.**

2 As used in this article 17, unless the context otherwise requires:

3 (5.5) "PREPAID WIRELESS TELECOMMUNICATIONS SERVICE" HAS
4 THE MEANING SET FORTH IN SECTION 29-11-101 (21).

5 (9.5) "TELECOMMUNICATIONS SERVICE" HAS THE MEANING SET
6 FORTH IN SECTION 40-15-102 (29).

7 **SECTION 8.** In Colorado Revised Statutes, 40-17-104, **add** (5)
8 as follows:

9 **40-17-104. Prepaid telephone disability access charges**
10 **collected for the enterprise - prepaid telephone disability access**
11 **charge cash fund - created - remittance - rules.**

12 (5) THIS SECTION APPLIES TO PREPAID WIRELESS
13 TELECOMMUNICATIONS SERVICE. ALL OTHER TELECOMMUNICATIONS
14 SERVICES ARE SUBJECT TO SECTIONS 40-17-102 AND 40-17-103.

15 **SECTION 9.** In Colorado Revised Statutes, 40-17.5-101, **amend**
16 (10); and **add** (9.7), (9.9), and (14) as follows:

17 **40-17.5-101. Definitions.**

18 As used in this article 17.5, unless the context otherwise requires:

19 (9.7) "PROVIDER" MEANS A PERSON THAT PROVIDES PREPAID
20 WIRELESS TELECOMMUNICATIONS SERVICE.

21 (9.9) "PURCHASE" MEANS EXCHANGES OF MONEY AND EXCHANGES
22 OF NONMONETARY CONSIDERATION, SUCH AS CONSUMER INFORMATION
23 REQUIRED FOR REIMBURSEMENT CLAIMS UNDER FEDERALLY SUPPORTED
24 SERVICES OR PROGRAMS.

25 (10) "Retail transaction" means the purchase of prepaid wireless
26 telecommunications service from a seller OR PROVIDER for any purpose
27 other than resale.

1 (14) "TELECOMMUNICATIONS SERVICE" HAS THE MEANING SET
2 FORTH IN SECTION 40-15-102 (29).

3 **SECTION 10.** In Colorado Revised Statutes, 40-17.5-104,
4 **amend** (1)(a), (2)(a), and (2)(b); and **add** (4) as follows:

5 **40-17.5-104. Prepaid wireless 988 charge - collection - rules.**

6 (1) (a) The seller shall collect, on behalf of the 988 crisis hotline
7 enterprise, the prepaid wireless 988 charge imposed by the enterprise
8 pursuant to section 27-64-103 (4)(b) from the consumer on each retail
9 transaction occurring in the state. The amount of the prepaid wireless 988
10 charge shall be either disclosed to the consumer or separately stated or
11 stated on the same line item as the ~~911 surcharge created in section~~
12 ~~29-11-102.3~~ PREPAID WIRELESS 911 CHARGE CREATED IN SECTION
13 29-11-102.5 on an invoice, receipt, or other similar document the seller
14 provides to the consumer. A seller shall elect to either disclose or
15 separately state the charge and shall not change the election without the
16 written consent of the department. The seller is deemed to have collected
17 the charge notwithstanding the seller's failure to separately disclose or
18 state the charge on an invoice, receipt, or other similar document the
19 seller provides to the consumer. A PROVIDER THAT USES FEDERALLY
20 SUPPORTED SERVICES OR PROGRAMS TO OFFER CUSTOMERS FREE PREPAID
21 WIRELESS TELECOMMUNICATIONS SERVICE IS DEEMED TO HAVE
22 COLLECTED THE CHARGE AND SHALL REMIT THE CHARGE FOR EACH RETAIL
23 TRANSACTION THAT OCCURS IN COLORADO.

24 (2) (a) The seller OR PROVIDER THAT USES FEDERALLY SUPPORTED
25 SERVICES OR PROGRAMS shall remit any collected prepaid wireless 988
26 charges to the department at the times and in the manner provided in part
27 1 of article 26 of title 39. The department shall establish, by rule,

1 registration and payment procedures that substantially coincide with the
2 registration and payment procedures that apply under part 1 of article 26
3 of title 39. A seller OR PROVIDER is subject to the penalties under part 1
4 of article 26 of title 39 for failure to collect or remit a prepaid wireless
5 988 charge in accordance with this section.

6 (b) A seller OR PROVIDER THAT USES FEDERALLY SUPPORTED
7 SERVICES OR PROGRAMS may deduct and retain three and three-tenths
8 percent of the prepaid wireless 988 charges that are collected by the seller
9 OR PROVIDER from the consumers.

10 (4) THIS SECTION APPLIES TO PREPAID WIRELESS
11 TELECOMMUNICATIONS SERVICE. ALL OTHER TELECOMMUNICATIONS
12 SERVICES ARE SUBJECT TO SECTIONS 40-17.5-102 AND 40-17.5-103.

13 **SECTION 11. Safety clause.** The general assembly finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety or for appropriations for
16 the support and maintenance of the departments of the state and state
17 institutions.