

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,**

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**House Committees**  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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.

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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:

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.**

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:

**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.