

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 26-1216

BY REPRESENTATIVE(S) Luck and Carter, Bradley, Espenoza;
also SENATOR(S) Exum and Rich, Coleman.

CONCERNING THE CORRECTION OF TECHNICAL DEFECTS IN CERTAIN
STATUTES ADMINISTERED BY THE DEPARTMENT OF REVENUE.

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

SECTION 1. In Colorado Revised Statutes, 24-46-108, **amend** (7)(d)(IV) and (7)(e) as follows:

24-46-108. Refundable income tax credits for certain businesses located in the state - definitions - repeal.

(7) To claim a refund in connection with an approved refund certificate, a taxpayer must:

(d) Submit all required records and information to the department on or before the due date, including extensions, for filing the taxpayer's state income tax return for the income tax year in which an income tax credit in excess of the amount applied for pursuant to subsection (7)(c) of this section will be refunded, including:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(IV) Any additional documentation required by section 39-36-106 (1)(b) or otherwise required by law; AND

(e) Subject to the limitation in subsection (8) of this section, agree to receive a refund of the eighty percent of the amount of the credit remaining after applying the credit under subsection (7)(c) of this section and forgo the remaining twenty percent of the amount claimed as a ~~refund~~; ~~and~~ REFUND.

SECTION 2. In Colorado Revised Statutes, 39-27-105, **amend** (2)(a)(I) as follows:

39-27-105. Collection of tax on gasoline and special fuel - rules - repeal.

(2) (a) (I) It is the duty of every distributor of gasoline or special fuel other than liquefied petroleum gas to compute the amount of tax payable on all gasoline or special fuel imported, removed from a terminal, or otherwise acquired during the preceding calendar month at the rate of tax per gallon imposed thereon in section 39-27-102 (1), and, in computing the amount of tax, the allowance of two percent provided for in ~~section 39-27-102 (1)(b)(I)(A) shall~~ SECTION 39-27-102 (1)(b)(I) MUST be taken into account.

SECTION 3. In Colorado Revised Statutes, 39-31-101, **amend** (2)(d) and (2.1) as follows:

39-31-101. Real property tax - tax equivalent - assistance - heat or fuel expenses assistance - eligibility - applicability - definitions - repeal.

(2) A grant is the amount of the general property taxes actually paid on the residence or the amount of taxes actually paid on a mobile home, plus any tax-equivalent payments computed pursuant to subsection (4) of this section, with respect to the rent of a trailer space during the year for which the grant is claimed, the amount of the specific ownership tax actually paid on a trailer coach, or the amount of the tax-equivalent payments, computed pursuant to subsection (4) of this section, actually made during the year for which such grant is claimed, but in no event may

it exceed:

(d) (I) For a grant claimed for the 2023 calendar year, either eight hundred seventy-two dollars reduced by ten percent of the claimant's income over the phase-out amount or the property tax flat grant amount, whichever amount is greater; OR

(II) For a grant claimed for years commencing on or after January 1, 2024, either the maximum grant amount allowed under this subsection (2)(d) for the prior year, adjusted for inflation and reduced by ten percent of the claimant's income over the phase-out amount, or the property tax flat grant amount, whichever amount is greater.

(2.1) THE AMOUNT OF A HEAT OR FUEL EXPENSES GRANT IS:

(a) For a grant claimed for the 2023 calendar year, either two hundred forty dollars reduced by ten percent of the claimant's income over the phase-out amount or the heat or fuel expenses flat grant amount, whichever amount is greater; OR

(b) For a grant claimed for years commencing on or after January 1, 2024, either the maximum grant amount allowed under this subsection (2.1) for the prior year, adjusted for inflation and reduced by ten percent of the claimant's income over the phase-out amount, or the heat or fuel expenses flat grant amount, whichever amount is greater.

SECTION 4. In Colorado Revised Statutes, 43-4-217, **amend** (6)(a) as follows:

43-4-217. Additional funding - road usage fees - rules - legislative declaration - definitions.

(6) (a) A distributor is not required to pay the road usage fee imposed by subsection (3) or (4) of this section or the bridge and tunnel impact fee imposed as authorized by section 43-4-805 (5)(g.5), if the distributor would otherwise be liable for the excise tax on the gasoline or special fuel subject to the fee but is allowed to sell the gasoline or special fuel without payment of the applicable excise tax pursuant to ~~section 39-27-102 (1)(b)(II)~~ or section 39-27-102.5 (2)(b).

SECTION 5. In Colorado Revised Statutes, 43-4-806, **repeal** (7.6)(a)(II)(A) and (7.6)(a)(II)(C) as follows:

43-4-806. High-performance transportation enterprise - creation - enterprise status - board - funds - powers and duties - user fees - limitations - reporting requirements - violations on the peak period shoulder lanes - legislative declaration - definitions.

(7.6) (a) (II) As used in this subsection (7.6), unless the context otherwise requires:

(A) ~~"Battery electric motor vehicle" has the same meaning as set forth in section 43-4-1202 (1).~~

(C) ~~"Plug-in hybrid electric motor vehicle" has the same meaning as set forth in section 43-4-1202 (14).~~

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO