

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 16-1025.01 Esther van Mourik x4215

SENATE BILL 16-130

SENATE SPONSORSHIP

Scott, Baumgardner, Cadman, Cooke, Crowder, Hill, Holbert, Scheffel

HOUSE SPONSORSHIP

(None),

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE METHODS USED BY THE DEPARTMENT OF REVENUE**
102 **TO COLLECT CONSUMER USE TAX, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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://www.leg.state.co.us/billsummaries>.)

Consumer use tax is the complement to sales tax and is due on the purchases of goods where the retailer did not charge sales tax. For example, any time consumers make an internet purchase and the out-of-state retailer does not charge sales tax, the purchaser should pay

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
April 20, 2016

the equivalent amount of sales tax as consumer use tax directly to the department of revenue.

The Colorado department of revenue has added a use tax line to the 2015 individual income tax return form in an effort to make self-reporting of use tax more convenient for consumers.

The bill specifies that after the 2015 income tax year the department of revenue is not allowed to add use tax reporting lines to the individual income tax return form for any reason.

The bill also prohibits the department of revenue from auditing any taxpayer for any amount he or she reported on the use tax lines included in the 2015 individual income tax return form.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-26-202, **amend**
3 (1) (c) as follows:

4 **39-26-202. Authorization of tax.** (1) (c) (I) Such tax shall be
5 payable to and shall be collected by the executive director of the
6 department of revenue and shall be computed in accordance with
7 schedules or systems approved by said executive director; EXCEPT THAT
8 AFTER THE INCOME TAX YEAR COMMENCING JANUARY 1, 2015, THE
9 EXECUTIVE DIRECTOR SHALL NOT ADD USE TAX REPORTING LINES TO ANY
10 INDIVIDUAL INCOME TAX RETURN FORM FOR ANY REASON. The transfer of
11 wireless telecommunication equipment as an inducement to enter into or
12 continue a contract for telecommunication services that are taxable
13 pursuant to part 1 of this article shall not be construed to be storage, use,
14 or consumption of such equipment by the transferor.

15 (II) NOTWITHSTANDING ANY OTHER SECTION OF LAW, THE
16 DEPARTMENT OF REVENUE SHALL NOT AUDIT ANY TAXPAYER FOR ANY
17 AMOUNT HE OR SHE REPORTED ON THE USE TAX LINES INCLUDED IN THE
18 2015 INDIVIDUAL INCOME TAX RETURN FORM.

19 **SECTION 2. Appropriation.** (1) For the 2016-17 state fiscal

1 year, \$48,877 is appropriated to the department of revenue. This
2 appropriation is from the general fund. To implement this act, the
3 department may use this appropriation as follows:

4 (a) \$47,677 for CITA annual maintenance and support; and

5 (b) \$1,200 for document management.

6 (2) For the 2016-17 state fiscal year, \$1,200 is appropriated to the
7 department of personnel. This appropriation is from reappropriated funds
8 received from the department of revenue under paragraph (b) of
9 subsection (1) of this section. To implement this act, the department may
10 use this appropriation to provide document management services for the
11 department of revenue.

12 **SECTION 3. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.