

CHAPTER 437

TAXATION

HOUSE BILL 23-1251

BY REPRESENTATIVE(S) Epps and Pugliese, Garcia, Gonzales-Gutierrez, Lindsay, Lindstedt, Mabrey, Martinez, Ortiz, Snyder, Taggart, Velasco;
also SENATOR(S) Pelton B., Moreno, Roberts, Smallwood.

AN ACT**CONCERNING THE REPEAL OF OBSOLETE PROVISIONS IN TITLE 39 OF THE COLORADO REVISED STATUTES.**

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

SECTION 1. In Colorado Revised Statutes, 39-22-516.7, **repeal** (1)(f), (1)(g), and (2)(a.3) as follows:

39-22-516.7. Tax credit for innovative motor vehicles - definitions - repeal.
(1) As used in this section, unless the context otherwise requires:

(f) ~~"Category 2" means light-duty passenger motor vehicle diesel-electric hybrids with a minimum fuel economy of seventy miles per gallon.~~

(g) ~~"Category 3" means light-duty passenger motor vehicle, light-duty truck, and medium-duty truck diesel-electric hybrid conversions that increase the fuel economy of the original motor vehicle by forty percent or more.~~

(2) (a.3) ~~With respect to the tax years commencing on or after January 1, 2013, but prior to January 1, 2017, there is allowed to any person a credit against the tax imposed by this article, not to exceed six thousand dollars, for the purchase, lease, or conversion of a motor vehicle defined as category 2 or category 3.~~

SECTION 2. In Colorado Revised Statutes, 39-22-518, **repeal** (2)(b)(II)(A) as follows:

39-22-518. Tax modification for net capital gains - definitions - repeal.
(2) For the purposes of this section:

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.

(b) (II) For purposes of this subsection (2)(b):

~~(A) "Colorado company, limited liability company, or partnership" means an entity with fifty percent or more of its property and payroll, as determined in accordance with article IV of the multistate tax compact, section 24-60-1301, C.R.S., assigned to locations within Colorado.~~

SECTION 3. In Colorado Revised Statutes, **repeal** 39-22-530.

SECTION 4. In Colorado Revised Statutes, 39-26-703, **amend** (2)(c) as follows:

39-26-703. Disputes and refunds - repeal. (2) (c) A refund shall be made or a credit allowed by the executive director of the department of revenue to any person entitled to an exemption where the person establishes: That a tax was paid by another on a purchase made on behalf of such person; ~~or that a tax was paid by an independent contractor on or before July 1, 1979, on tangible personal property incorporated into realty for the sole use, benefit, and ownership of any person entitled to an exemption;~~ that a refund has not been granted to the person making the purchase; and that the person entitled to exemption paid or reimbursed the purchaser for such tax. No such refund shall be made or credit allowed in an amount greater than the tax paid.

SECTION 5. 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; 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 7, 2023