

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB19-1245 be amended as follows:

1 Amend reengrossed bill, page 8, after line 21 insert:

2 **"SECTION 6.** In Colorado Revised Statutes, 39-26-105, **amend**
3 **(1)(c)(III) and (5)(c); amend as amended by House Bill 19-1240**
4 **(1)(c)(I) and (1)(c)(II); and add (1)(d) as follows:**

5 **39-26-105. Vendor liable for tax - repeal.** (1) (c) (I) Every
6 retailer shall remit, along with the return required in subsection (1)(b) of
7 this section, an amount equivalent to the percentage on sales as specified
8 in subsection (1)(a)(I) of this section to the executive director of the
9 department of revenue, less an amount as set forth in ~~subsection (1)(c)(II)~~
10 SUBSECTION (1)(c)(II) OR (1)(d) of this section to cover the retailer's
11 expense in the collection and remittance of said tax.

12 (II) FOR SALES MADE PRIOR TO JANUARY 1, 2020, the amount
13 retained by a retailer to cover the retailer's expense in collecting and
14 remitting tax pursuant to this section is three and one-third percent of all
15 sales tax reported.

16 (III) If any retailer is delinquent in remitting said tax, other than
17 in unusual circumstances shown to the satisfaction of the executive
18 director of the department of revenue, the retailer shall not be allowed to
19 retain any amounts UNDER THIS SUBSECTION (1)(c) OR SUBSECTION (1)(d)
20 OF THIS SECTION to cover such retailer's expense in collecting and
21 remitting said tax, and an amount equivalent to the said percentage, plus
22 the amount of any local vendor expense that may be allowed by the local
23 government to the vendor, shall be remitted to the executive director by
24 any such delinquent vendor. Any local vendor expense remitted to the
25 executive director shall be deposited to the state general fund.

26 (d) (I) FOR SALES MADE ON OR AFTER JANUARY 1, 2020, THE
27 AMOUNT RETAINED BY A RETAILER TO COVER THE RETAILER'S EXPENSE IN
28 COLLECTING AND REMITTING TAX IN ACCORDANCE WITH THIS SECTION IS
29 FOUR PERCENT OF THE TAX REPORTED; EXCEPT THAT A RETAILER SHALL
30 NOT RETAIN MORE THAN ONE THOUSAND DOLLARS IN ANY FILING PERIOD.

31 (II) A RETAILER WITH MULTIPLE LOCATIONS IS TREATED AS A
32 SINGLE RETAILER FOR PURPOSES OF THIS SUBSECTION (1)(d) AND IS
33 REQUIRED TO REGISTER ALL LOCATIONS UNDER ONE ACCOUNT WITH THE
34 DEPARTMENT OF REVENUE.

35 (III) IF A RETAILER IS PERMITTED TO RETAIN AN AMOUNT TO COVER
36 THE RETAILER'S EXPENSE IN COLLECTING AND REMITTING LOCAL SALES
37 TAX THAT IS THE SAME AMOUNT AS PERMITTED BY THE STATE UNDER THIS
38 SECTION, THEN SUCH AMOUNT IS THE AMOUNT THAT WAS PERMITTED AS
39 OF DECEMBER 31, 2019.

1 (5) (c) From the amount of the tax required to be remitted
2 pursuant to ~~paragraph (a) of this subsection (5)~~ SUBSECTION (5)(a) OF THIS
3 SECTION, a qualified purchaser shall be entitled to retain the amount
4 specified in ~~subparagraph (H) of paragraph (c) of subsection (1)~~
5 SUBSECTION (1)(c)(II) OR (1)(d) of this section that a retailer would
6 otherwise be entitled to retain to cover the retailer's expense in collecting
7 and remitting the tax imposed by this ~~article~~ ARTICLE 26 if the qualified
8 purchaser had not provided a direct payment permit number to the
9 retailer."

10 Renumber succeeding sections accordingly.

11 Page 11, line 18, strike "This" and insert "(1) Except as set forth in
12 subsection (2) of this section, this".

13 Page 11, after line 27 insert:

14 (2) (a) Section 5 of this act takes effect only if House Bill
15 19-1240 does not become law.

16 (b) Section 6 of this act takes effect only if House Bill 19-1240
17 becomes law, in which case section 6 of this act takes effect on the
18 effective date of this act or House Bill 19-1240, whichever is later."

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