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COLORADO USE TAX NOTICE AND REPORTING REQUIREMENTS BECOME EFFECTIVE JULY 1, 2017

Nexus

The Direct Marketing Association has reached a settlement agreement with the Colorado Department Revenue in regards to its lawsuit over the state’s use tax notice and reporting requirements. Pursuant to the settlement agreement, the use tax notice and reporting requirements legislation becomes effective on July 1, 2017. Per the agreement, the Department of Revenue will waive penalties for non-collecting retailers who fail to comply with the legislation prior to July 1, 2017. Non-Collecting Retailers will be required to include the required transactional notices on all invoices issued after July 1, 2017 per Sec 39-21-112(3.5)(c)(I) and 1 Colo Code Regs Section 201-1: 39-21-112.3.5(2).

The first annual summaries of customer purchases required of non-collecting retailers must be mailed to customers by January 31, 2018. The Department will waive all penalties for non-collecting retailers who do not include customer purchases made prior to July 1, 2017 in any annual summary provided to Colorado customers before the January 31, 2018 deadline. This summary must include all transactions dated after July 1, 2017 and if possible all 2017 transactions.

The first customer information reports required of non-collecting retailers must be filed with the Department by March 1, 2018. The Department will waive all penalties for non-collecting retailers who do not include customer purchases occurring prior to July 1, 2017 in their customer information report provided to the Department on or before the March 1, 2018 deadline. This information report must include all transactions dated after July 1, 2017 and if possible all 2017 transactions.

To view our previous news item on this case, [click here](#).

Based on this settlement, all Colorado non-collecting retailers should review their marketing materials, invoices and systems to ensure they will be able to

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comply. Penalties for non-compliance are harsh.

(Direct Marketing. Association v. Colorado Department of Revenue, Colo. Dist. Ct.,
No. 13-CV-34855, settlement announced 2/23/17)

(03/06/2017)

(New)

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