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EXECUTIVE ORDER

Ordering a One-Month Extension for Filing and Remitting State and State-Administered Local Sales Tax Due to the Presence of COVID-19 in Colorado

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 *et seq.* and the Executive Director of the Department of Revenue pursuant to C.R.S.§ 39-26-118(9), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order ordering the temporary suspension of certain statutes to provide a one-month extension for filing and remitting State and State-administered local sales tax due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

The economic impacts of COVID-19 are significant, and threaten to undermine the economic stability of many Coloradans and local businesses. The risk of contamination posed by COVID-19 has necessitated closure of multiple businesses. Employers and employees in virtually all sectors of the economy have been hard hit. We must take action to shore up economic security, employment, community cohesion, and community recovery.

This Executive Order extends the April 20, 2020 filing and remittance deadline for State and State-administered local sales taxes to May 20, 2020 and directs the Department of Revenue to waive penalties and interest that would otherwise accrue during this period.

II. Directives

A. I order that Colorado retailers that are required to file a sales tax return on April 20, 2020 pursuant to C.R.S. §§ 29-2-106, 39-26-105 and 39-26-109 may extend their April 20, 2020 filing and remittance deadline to be filed and paid in full on or before May 20, 2020. This is a one-time extension of the April 20, 2020 filing and remittance deadline for State and State-administered sales taxes. However, a retailer that does not file the return and remit full payment on or before April 20, 2020 will not be permitted to retain the vendor fee described in C.R.S. § 39-26-105(1)(c) and (d) and the vendor fees described in the statutes, ordinances, and resolutions that apply to the State-administered sales taxes. I also direct the Department of Revenue to promulgate and issue emergency rules to extend the April 20, 2020 filing and remittance deadline to May 20, 2020.

B. I order the Department of Revenue to temporarily suspend or waive penalties and interest that may accrue pursuant to C.R.S. § 39-26-118(2)(a) for any retailer that files the return and remits the full amount of State and State-administered sales tax due April 20, 2020 on or before May 20, 2020.

III. Duration

This Executive Order shall expire thirty (30) days from April 5, 2020, unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this fifth day of April, 2020

Jared Polis
Governor