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**STATE OF NEVADA  
DEPARTMENT OF TAXATION**

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Posted 10/29/2018

**NOTICE OF INTENT TO ACT UPON A REGULATION**

**Notice of Hearing for the Adoption of**

**LCB File No. R190-18**

**Nevada Tax Commission**

The Nevada Tax Commission will hold a Public Hearing at **9:00 a.m. on Monday, December 3, 2018** at the Nevada Department of Health and Human Services building at 4150 Technology Way, Room 303, Carson City, NV 89706 & Video Conferenced at the Nevada Department of Health Care Financing & Policy building at 1210 S. Valley View Blvd., Ste. 104, Las Vegas, NV 89102. The purpose of the hearing is to receive comments from all interested parties regarding the adoption of a regulation that pertains to LCB File No. R190-18.

The following information is provided pursuant to the requirements of NRS 233B.0603:

**1. Need and purpose of the proposed regulations or amendments**

The need and purpose of the proposed regulation is to modify the definition of vehicle to include electric vehicles as it pertains to the existing law that requires a person who sells a new tire for a vehicle to a customer for any purpose other than resale by the customer to collect from the customer, in addition to the applicable sales tax, a tire surcharge of \$1 per tire.

**2. How to obtain the approved or revised text of regulations prepared by LCB**

You may obtain a copy of the proposed regulation by writing to the Nevada Department of Taxation, 1550 College Parkway, Carson City, Nevada, 89706; or by calling their office at (775) 684-2059. The Revised Proposed Regulation is also available for review and download on the Department of Taxation website: <https://tax.nv.gov/uploadedFiles/taxnv.gov/Content/FAQs/LCB-Draft-Proposed-Regulation-R190-18.pdf>

3. Methods used in determining the impact on a small business

The Department used informed, reasonable judgment in determining that there will not be a negative impact on small businesses due to the nature of the regulation changes. Initially the Department conducted its own analysis by considering the extent of the regulatory provisions contained in LCB File No. R190-18.

The Department emailed out the small business impact questionnaire to 229 members on the interested parties list and to the Nevada Taxpayers Association. No responses were received.

The Department also held a workshop on October 25, 2018. No correspondence or public comment was received at the workshop.

4. Estimated economic effect of regulations on business and the public

a. Adverse and beneficial effects

The proposed permanent regulation presents no reasonably foreseeable or anticipated adverse economic effects to businesses or to the general public.

b. Immediate and long-term effects

The proposed permanent regulation presents no reasonably foreseeable or anticipated immediate or long-term effects to businesses or to the general public.

5. Cost for enforcement of the regulations

The proposed permanent regulation presents no significant foreseeable or anticipated cost or decrease in costs for enforcement.

6. Overlap or duplication of other state or local governmental agencies

The proposed temporary regulation does not overlap or duplicate any regulation of other state or local governmental entities.

7. Regulation required by federal law

Not applicable.

8. More stringent than federal regulations

The Department is not aware of any similar federal regulations of the same activity in which the state regulations are more stringent.

9. New or increases in existing fees

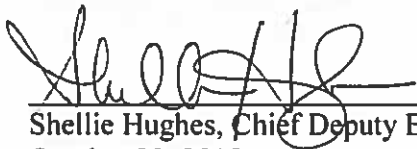
The proposed regulations do not include new fees or an increase in existing fees.

Persons wishing to comment on the proposed action of the Nevada Tax Commission may appear at the above scheduled public hearing or may address their comments, data, views, or arguments, in written

form, to the Nevada Tax Commission, 1550 E. College Parkway, Suite 115, Carson City, Nevada 89706. Written submissions must be received at least two weeks prior to the above scheduled public hearing.

A copy of this notice and the proposed permanent regulations to be adopted and amended will be on file at the Nevada State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed permanent regulations to be adopted and amended will be available at the Department of Taxation, 1550 College Parkway, Carson City, Nevada; Department of Taxation, 4600 Kietzke Lane, Building L, Suite 235, Reno, Nevada; Department of Taxation, 555 East Washington Avenue, Las Vegas, Nevada; Department of Taxation- 2550 Paseo Verde Parkway, Suite 180, Henderson, Nevada; and in all counties in which an office of the Department of Taxation is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of the proposed permanent regulations will include the entire text of any section of the Nevada Administrative Code, which is proposed for amendment or repeal. Copies will be mailed to members of the public upon request. A reasonable fee may be charged for copies if deemed necessary.

Under NRS 233B.064(2), when adopting any regulation, the Agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporation, and its reason for overruling the consideration urged against its adoption.



Shellie Hughes, Chief Deputy Executive Director  
October 29, 2018

Members of the public who are disabled and require accommodations or assistance at the meeting are requested to notify the Department of Taxation in writing or by calling 775-684-2030 no later than five working days prior to the meeting.

**Notice has been posted at the following locations:** The Department of Taxation - 1550 College Parkway, Carson City, Nevada. Notice was mailed to each County Public Library for posting.

**Notice has been EMAILED for posting at the following locations:** Department of Taxation - 4600 Kietzke Lane, Building L, Suite 235, Reno, Nevada; Department of Taxation - 555 E. Washington Avenue, Grant Sawyer Office Building, Las Vegas, Nevada; Department of Taxation - 2550 Paseo Verde Parkway, Suite 180, Henderson; The Legislative Building, Capitol Complex, Carson City, Nevada; and the Nevada State Library, 100 Stewart Street, Carson City, Nevada, Interested Parties Group & Mailing List maintained by the Department. **Notice of this meeting was posted on the Internet through the Department of Taxation website <https://tax.nv.gov/>, on the Legislative website at [www.leg.state.nv.us](http://www.leg.state.nv.us), and at the Nevada Public Notice Website <https://notice.nv.gov/>.**

**PROPOSED REGULATION OF  
THE NEVADA TAX COMMISSION**

**LCB File No. R190-18**

September 10, 2018

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 360.090 and 444A.090.

A REGULATION relating to tires; clarifying that the surcharge imposed on the purchase of a new tire for a vehicle applies to the purchase of a new tire for certain vehicles which are powered in whole or in part by one or more electric motors; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires a person who sells a new tire for a vehicle to a customer for any purpose other than resale by the customer to collect from the customer, in addition to the applicable sales tax, a tire surcharge of \$1 per tire. The seller is required to transmit a portion of all tire surcharges collected in this manner to the Department of Taxation for deposit with the State Treasurer for credit to the Solid Waste Management Account in the State General Fund. (NRS 444A.090) This regulation clarifies that the tire surcharge applies to the purchase of a new tire for vehicles which are or may be drawn on a highway and which are powered in whole or in part by one or more electric motors.

**Section 1.** NAC 444A.035 is hereby amended to read as follows:

444A.035 “Vehicle” ~~[has the meaning ascribed to it in NRS 444A.017.]~~ *means any device in, upon or by which any person or property is or may be transported or drawn upon land. The term does not include:*

- 1. Devices moved by human power;*
- 2. Devices moved by electrical power, except for a device in, upon or by which any person or property is or may be transported or drawn upon a highway as defined in NRS 482.045, which is powered in whole or in part by one or more electric motors.*

3. *Commercial coaches as defined in NRS 489.062;*
4. *Electric personal assistive mobility devices as defined in NRS 482.029; and*
5. *Mobile homes as defined in NRS 489.120.*