

**ADOPTED REGULATION OF THE
NEVADA TAX COMMISSION**

LCB File No. R081-26

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

AUTHORITY: §§ 1-3, 5-30, 43, 44, 46 and 47, NRS 360.090; §§ 4 and 31-42, NRS 360.090 and 360.092; § 45, NRS 360.090, 360.350, 360.360, 360.365 and 360.370.

A REGULATION relating to taxation; revising procedures governing proceedings before the Nevada Tax Commission; requiring the electronic filing of certain returns or other documents unless otherwise waived; revising provisions governing communications with the Executive Director of the Department of Taxation; expanding the methods by which certain payments are required to be made to the Department; revising provisions governing the issuance of subpoenas by a hearing officer; revising requirements for the issuance and delivery of an advisory opinion by the Executive Director; revising provisions governing the issuance of permits to collect sales and use taxes; imposing certain duties on persons who are required to file certain returns, statements, reports or other documents for certain taxes, fees, assessments, contributions or premiums; revising standards to determine whether the Department is required to pay interest to a taxpayer who overpays certain taxes; revising the procedures by which a taxpayer may dispute a determination or action of the Department and petition the Department for a redetermination; revising the procedures to become a user of the online portal of the Department; revising, updating and eliminating various obsolete provisions; repealing various provisions which are obsolete or redundant or relate to tax abatements which are no longer available; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Tax Commission to adopt regulations for carrying on the business of the Commission and the Department of Taxation. (NRS 360.090)

Section 2 of this regulation establishes the method the Commission and the Department will use to calculate any period prescribed or allowed for an action or filing in an administrative proceeding of the Commission or Department for the purpose of determining whether the action or filing occurs by the prescribed deadline.

Existing regulations authorize the hearing officer in certain administrative proceedings conducted by the Department to request a prehearing statement to explain the issues for consideration by the hearing officer and set forth the requirements for such a prehearing statement. (NAC 360.706) **Section 3** of this regulation applies the procedures for prehearing statements to all administrative proceedings of the Department and Commission.

Section 6 of this regulation applies the provisions of **sections 2 and 3** to administrative proceedings of the Commission or Department in the same manner as other regulations governing such proceedings.

Existing regulations establish certain requirements for communications with the Executive Director of the Department. (NAC 360.045) **Section 7** of this regulation eliminates certain provisions governing informal communications and other communications to or from the Department or Commission. **Section 7** also sets forth when pleadings filed by mail, through the Department's online portal or by electronic mail are deemed to be officially received by the Department. **Section 46** of this regulation eliminates a requirement to include in certain appeals to the Commission information that **section 7** no longer requires to be included in communications to the Commission.

Section 9 of this regulation eliminates existing requirements for: (1) a hearing calendar to be maintained by the Executive Director; (2) current assignments for hearings to be made from the calendar; and (3) a current copy of the hearing calendar to be posted at all offices of the Department. (NAC 360.055) Instead, **section 9**: (1) provides that notices of the meetings of the Commission will be given to the public by posting a notice and an agenda in accordance with the Open Meeting Law; and (2) specifies the locations at which meeting notices and agendas will be posted in accordance with the Open Meeting Law, including, without limitation, on the Internet website of the Department and at the Carson City, Reno and Las Vegas offices of the Department at least 3 business days before the meeting.

Existing regulations set forth certain requirements relating to transcripts of any hearings held before the Commission or a hearing officer. (NAC 360.058) **Section 11** of this regulation: (1) revises those requirements, including, without limitation, specifying the party responsible for furnishing a court reporter and bearing associated costs; and (2) requires a court reporter who transcribes a hearing held before the Commission or a hearing officer to be certified pursuant to provisions of existing law governing certified court reporters.

Existing regulations: (1) require a person appearing in a proceeding to conform to the recognized standards of ethical and courteous conduct; and (2) prohibit smoking during all meetings of the Commission and hearings before a hearing officer. (NAC 360.060) **Section 12** of this regulation: (1) requires a person appearing in a proceeding to conform to the recognized standards of ethical and courteous conduct, as determined by the hearing officer or Commission; (2) requires all parties, their counsel and all spectators to conduct themselves in a respectful manner during the hearing; (3) authorizes the hearing officer or Commission to take any action it determines is necessary to maintain order during a hearing; and (4) eliminates the prohibition of smoking during all meetings of the Commission and hearings before a hearing officer, a provision made redundant by the Nevada Clean Indoor Air Act. (NRS 202.2483)

Existing regulations provide that hearings will be held at the offices of the Department in Carson City, Nevada, or at such other place in the State as may be designated in the notice of hearing. (NAC 360.095) **Section 13** of this regulation eliminates the reference to Carson City and instead provides that hearings will be held at the offices of the Department or at such other place in the State as may be designated in the notice of hearing.

Existing law authorizes the Department to issue subpoenas for witnesses to appear and testify on any subject material to its responsibilities or for the production of books and papers. (NRS 360.240) **Section 14** of this regulation revises the requirements to obtain a subpoena issued by a hearing officer, including requirements for an application for a subpoena and the service of a subpoena.

Existing law requires certain state agencies to provide by regulation for the filing and prompt disposition of petitions for advisory opinions as to the applicability of any statutory provision, agency regulation or decision of the agency. (NRS 233B.120) Existing regulations require an advisory opinion to be: (1) issued by the Executive Director within 45 days after the filing of the petition therefor unless the Executive Director in writing orders an extension of time up to a maximum of 60 days after filing; and (2) delivered to the petitioner in person or by certified mail. (NAC 360.200) **Section 23** of this regulation: (1) extends the time for the Executive Director to issue an advisory opinion to not later than 60 days after the date on which the Department sends the petitioner a letter acknowledging receipt of the petition or the petitioner submits any additional information requested by the Executive Director; (2) authorizes an extension of time for the issuance of an advisory opinion to not more than an additional 60 days; (3) authorizes the delivery of an advisory opinion to the petitioner by electronic means if the petitioner has agreed in writing to accept delivery of the advisory opinion by electronic means; (4) authorizes the Executive Director to refuse to issue an advisory opinion under certain circumstances; (5) establishes certain limitations on the applicability of an advisory opinion; and (6) provides that advisory opinions are not considered contested cases under the Nevada Administrative Procedure Act.

Existing law requires a person conducting business in this State as a seller of tangible personal property to register with, or obtain a permit from, the Department to collect sales and use tax in this State. (NRS 360.5971) Senate Bill No. 441 of the 2021 Session of the Nevada Legislature consolidated into one provision multiple provisions of law governing such registrations and permits. (Chapter 342, Statutes of Nevada 2021, at page 2007) **Section 26** of this regulation updates a reference to those provisions of law in an existing regulation that requires the application of an unemancipated minor for a permit from the Department to include a statement from the parent or legal guardian of the minor acknowledging the responsibility of the parent or legal guardian to report and remit sales and use taxes to the Department if the minor fails to do so.

Existing law requires the Commission to adopt regulations providing for the electronic submission of returns to the Department and the payment of taxes, fees, interest and penalties to the Department through the use of credit cards, debit cards and electronic transfers of money. (NRS 360.092) Existing regulations establish the procedures and requirements for the electronic submission of a tax return to the Department and the electronic transfer of money for the payment of taxes, fees, interest and penalties to the Department. (NAC 360.550-360.598) **Section 4** of this regulation: (1) requires a taxpayer, tax preparer or other tax professional to submit any return, payment, request for a waiver, application for a registration, license or permit or claim for a refund or other document relating to taxes administered by the Department by electronic means, to the extent that the Department has an online portal that accepts electronic submissions; (2) authorizes a taxpayer, tax preparer or other tax professional to request a waiver of the requirement to electronically submit such an item or document upon establishing certain facts to the satisfaction of the Department; and (3) authorizes a taxpayer, tax preparer or other tax professional to submit such an item or document on paper if necessary due to a technical failure of the Department's online portal. **Sections 31 and 37** of this regulation make the provisions of existing regulations governing the electronic submission of tax returns and the electronic transfer of money to the Department apply to the tax returns and documents required by **section 4** to be filed electronically with the Department. **Section 8** of this regulation: (1) requires, with certain exceptions, fees and remittances to the Department to be submitted

electronically and paid by electronic funds transfers, credit card or debit card; and (2) provides that the Department may accept payment by check, money order or cashier's check if the Department gives a waiver or under certain other circumstances. (NAC 360.050) **Sections 32-36 and 38-40** of this regulation: (1) revise terminology related to the use of the Department's online portal; (2) revise the procedures for becoming a user of the online portal; and (3) remove references to a web address which is no longer in use. **Sections 41 and 42** of this regulation add credit cards and debit cards as a method by which an electronic transfer of money may be made to pay taxes, fees, interest and penalties to the Department, under certain circumstances and with certain exceptions. (NAC 360.594, 360.596)

Existing regulations impose certain duties on a person who is required to file a return pursuant to provisions of law governing sales and use taxes and who fails to do so within the time prescribed by specific statute, regulation or rule, or who files an incorrect, false or fraudulent return. (NAC 360.435) **Section 27** of this regulation imposes the same duties on a person who is required to file a return, statement, report or other document for other taxes, fees, assessments, contributions or premiums required to be collected by the Department.

Existing law requires interest to be paid to a taxpayer who receives a refund of an overpayment of certain taxes unless the Department determines that the overpayment was made intentionally or by reason of carelessness. (NRS 360.2935, 360.2937, 363A.170, 363B.160, 363C.620, 368A.270, 372.665, 372A.320, 372B.200, 374.670) Existing regulations establish the standards to be used by the Department in determining whether an overpayment of such taxes was made intentionally or by reason of carelessness. (NAC 360.485) **Section 30** of this regulation revises the standards to determine whether an overpayment was made by reason of carelessness. Specifically, **section 30** removes the seeking of advice on complex tax matters from certain professionals who have knowledge of, or experience in, tax matters as a factor indicating that the taxpayer made reasonable and prudent efforts to avoid the overpayment.

Section 45 of this regulation revises the procedure by which a taxpayer may dispute a determination issued or action taken by the Department and petition the Department for a redetermination by: (1) providing for an appeal to the Commission if the Executive Director of the Department denies a request to extend the deadline for filing a petition for redetermination; (2) requiring the Department to issue a notice that sets forth the results of the redetermination; and (3) authorizing the taxpayer to request a hearing before a hearing officer within a certain period after receiving the notice of the results of the redetermination.

Section 47 of this regulation repeals: (1) definitions of terms that are unnecessary because the term is defined by existing law; (2) provisions related to petitions for redetermination that are reenacted in **section 45**; (3) provisions governing contracts between the Department and a private debt collector for the collection of debt owed to the Department because such debt collection is assigned to the State Controller pursuant to NRS 353C.200; (4) obsolete provisions governing tax abatements for new or expanding businesses; and (5) provisions governing certain tax abatements for energy-efficient structures which are no longer available. **Sections 5, 10, 15-22, 24, 25, 28, 29, 43 and 44** of this regulation make conforming changes to certain terms used throughout chapter 360 of the Nevada Administrative Code to conform with a term defined for provisions of law governing taxation in Nevada Revised Statutes.

Section 1. Chapter 360 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this regulation.

Sec. 2. *In computing any period prescribed or allowed by the provisions of this section, NAC 360.043 to 360.200, inclusive, and section 3 of this regulation:*

1. If the period begins to run on the occurrence of an act or event, the day on which the act or event begins is excluded from the computation.

2. The last day of the period is included in the computation, except that if the last day falls on a Saturday, Sunday, legal holiday or holiday proclaimed by the Governor or on a day on which the offices of the Department are not open for the conduct of business, the period is extended to the close of business on the next business day.

Sec. 3. *1. The hearing officer may request that the parties file prehearing statements. The parties may file a joint prehearing statement. If the parties cannot agree on a joint prehearing statement, each party must file its statement by the date set by the hearing officer. The prehearing statement must be limited to a brief explanation of the issues for consideration by the hearing officer and must include, without limitation:*

(a) A statement of the unresolved issues that will be presented to the hearing officer, the nature of the specific transaction at issue, the amount in dispute and the legal issues involved in the matter.

(b) A statement of the issues that have been resolved by the parties, including, without limitation, the uncontested facts.

(c) A list of exhibits that each party expects to introduce at the hearing and any objections to those exhibits. The exhibits must be marked in advance of the hearing.

(d) A list of the witnesses that each party expects to testify at the hearing.

(e) An estimate of the time required for the hearing.

(f) A statement regarding whether the party will submit a posthearing brief.

2. A prehearing statement must be filed by the date set by the hearing officer. The hearing officer may grant an extension for filing the prehearing statement if the motion or stipulation requesting the extension is filed with the hearing officer before the date set for filing the statement. The hearing officer shall issue a written decision on the motion or stipulation requesting the extension.

3. Failure of a party to file a prehearing statement will not delay the scheduling of the hearing. The hearing officer shall provide notice of the hearing to the parties at least 10 days before the date of the hearing.

4. If a party wishes to raise an issue before or during the hearing that was not included in its prehearing statement, the hearing officer shall grant a continuance to allow the opposing party to prepare a response to the issue.

Sec. 4. *1. Except as otherwise provided in subsections 2 and 4, a taxpayer, tax preparer or other tax professional who is authorized or required to submit to the Department any return, payment, request for a waiver, application for a license, registration or permit, claim for a refund or other document relating to taxes or fees administered by the Department shall submit such item or document by electronic means, to the extent that the Department has an online portal that accepts electronic submissions.*

2. Not later than 20 days before the due date of the first item or document for which a waiver of the requirement for electronic submission set forth in subsection 1 is sought, a taxpayer, tax preparer or other tax professional may request a waiver of that requirement. The Department may not grant a waiver of the requirement for electronic submission of a payment

set forth in NRS 353.1467. Except as otherwise provided in this subsection, the Department may grant a waiver of the requirement for a period of not more than 1 year if the taxpayer, tax preparer or other tax professional establishes to the satisfaction of the Department that:

(a) The taxpayer, tax preparer or other tax professional lacks the facilities for electronic submission;

(b) Electronic submission would impose a severe economic hardship on the taxpayer, tax preparer or other tax professional; or

(c) Other good cause exists which excuses compliance with the requirement of electronic submission.

3. Except as otherwise provided in subsection 2, a taxpayer, tax preparer or other tax professional who timely submits a request for a waiver pursuant to subsection 2 may continue to submit a return, payment, request for a waiver, application for a license, registration or permit, claim for a refund or other document relating to taxes administered by the Department on paper until the Department issues a determination on the request for a waiver. A submission made pursuant to this subsection shall be deemed to comply with the requirements of subsection 1 during that period.

4. If a taxpayer, tax preparer or other tax professional is unable to submit a return, payment, request for a waiver, application for a license, registration or permit, claim for a refund or other document relating to taxes administered by the Department by electronic means due to a technical failure of the Department's online portal, the taxpayer, tax preparer or other tax professional may submit the return, payment, request for a waiver, application for a license, registration or permit, claim for a refund or other document relating to taxes administered by the Department on paper until the technical failure is resolved such that

electronic submissions can be made through the online portal. A submission made pursuant to this subsection must be accompanied by an attestation of the taxpayer, tax preparer or other tax professional that electronic submission was not possible due to a technical failure of the Department's online portal.

5. For the purposes of subsection 4, a technical failure is deemed to have occurred when the Department's online portal cannot receive electronic submissions continuously or intermittently over the course of any period of time greater than 4 hours on a given day, excepting such periods resulting from scheduled maintenance of the online portal for which public notice was previously provided.

6. If a taxpayer, tax preparer or other tax professional fails to comply with the requirement for electronic submission set forth in subsection 1 and that requirement has not been waived pursuant to subsection 2 or 4, the Department may take any action authorized by law, including, without limitation:

(a) Considering a return or payment to not be compliant and taking any action authorized by law for noncompliance with requirements for submitting a return or payment;

(b) Denying a request; or

(c) Refusing to accept any application for a license, registration or other authorization to conduct a business issued by the Department.

Sec. 5. NAC 360.035 is hereby amended to read as follows:

360.035 "Hearing officer" means the *Executive* Director or any other person the Commission may designate.

Sec. 6. NAC 360.043 is hereby amended to read as follows:

360.043 1. ~~{The}~~ *Except as otherwise provided by specific statute or regulation, the provisions of **chapter 233B of NRS and** NAC 360.043 to 360.200, inclusive ~~{:}~~, and sections 2 and 3 of this regulation:*

(a) Govern the practice and procedure in contested cases before the Commission and Department.

(b) Govern all practice and procedure before the Commission or Department under titles 31 and 32 of NRS.

(c) Will be liberally construed to secure the just, speedy and economical determination of all issues presented to the Commission or Department.

2. In special cases, where good cause appears, not contrary to statute, deviation from these rules, if stipulated to by all parties of record, will be permitted.

Sec. 7. NAC 360.045 is hereby amended to read as follows:

360.045 ~~{:}~~ All pleadings, including, ~~{but not limited to,}~~ *without limitation*, complaints, petitions, answers, briefs, motions, affidavits and applications, should be addressed to the *Executive* Director and not to individual members of the Commission or its staff. All pleadings are deemed to be officially received by the Department when ~~{a}~~ :

1. A true copy of the paper or document, properly addressed and stamped, is deposited in the United States mail ~~{:}~~

~~—2. Informal communications may be made with individual members of the staff and these communications and documents are deemed to be officially received by the Department when they are properly addressed and stamped and deposited in the United States mail.~~

~~—3. Informal communications from the Department or Commission must be signed by the responsible staff member or Commissioner.~~

~~—4.— Each communication must be limited to one subject, contain the name and address of the person originating the communication and the appropriate permit or account number, if any, pertaining to the subject of the communication.} ;~~

2. An electronic copy of the paper or document is submitted through the Department's online portal under the account of the taxpayer; or

3. An electronic copy of the paper or document is submitted by electronic mail at the direction of the hearing officer.

Sec. 8. NAC 360.050 is hereby amended to read as follows:

360.050 1. ~~{Fees}~~ *Except as otherwise provided in this subsection and subsection 2, fees and remittances to the Department must be submitted electronically and be made by electronic funds transfer, credit card or debit card unless a waiver is given pursuant to subsection 2 or 4 of section 4 of this regulation. If such a waiver is given, fees and remittances may be by check, money order, {bank draft} or cashier's check payable to the Department.*

2. ~~{Remittances in currency or coin are wholly at the risk of the remitter and the} The Department {assumes no responsibility for loss thereof.~~

~~—3.—~~ *may accept payment by check, money order or cashier's check without a waiver given pursuant to subsection 2 or 4 of section 4 of this regulation if the taxpayer demonstrates exigent or time-sensitive circumstances, including, without limitation, enforcement actions, account seizures or other situations in which payment by electronic methods is not reasonably available.*

3. Postage stamps will not be accepted as remittances.

Sec. 9. NAC 360.055 is hereby amended to read as follows:

360.055 ~~{1.}~~ ~~A hearing calendar will be maintained by the Director and current assignments for hearings will be made from the calendar. A current copy of the hearing calendar will be posted at all of the offices of the Department.~~

~~—2.}~~ Notice of the meetings of the Commission will be given to the public by posting a notice and an agenda *in accordance with the requirements of chapter 241 of NRS, including, without limitation, by posting a notice and an agenda on the Internet website of the Department and* at the Carson City, Reno ~~{,}~~ *and* Las Vegas ~~{and Elko}~~ offices of the Department at least 3 ~~{working}~~ *business* days before the meeting.

Sec. 10. NAC 360.056 is hereby amended to read as follows:

360.056 Oral evidence will be taken only upon oath or affirmation administered by the hearing officer ~~{, Director}~~ or a Commissioner. Before taking the witness stand, each person must swear, or affirm, that the testimony he or she is about to give will be the truth, the whole truth and nothing but the truth.

Sec. 11. NAC 360.058 is hereby amended to read as follows:

360.058 1. If a transcript of any hearing held before the Commission or ~~{the}~~ *a* hearing officer is desired by the petitioner or appellant, ~~{he or she}~~ *the petitioner or appellant* must ~~{furnish}~~ :

(a) Furnish the court reporter, ~~{pay for the transcript}~~ who must be certified pursuant to chapter 656 of NRS to provide the service of court reporting;

(b) Bear all costs associated with transcription; and ~~{deliver}~~

(c) Deliver, free of charge, a copy of the transcript to the Executive Director within 20 days after ~~{requesting a rehearing or filing an appeal}~~ receipt of the ~~{matter.}~~ final transcript.

2. If ~~{a transcript is prepared by the petitioner or appellant from a tape recording provided by the Department,}~~ the petitioner or appellant ~~{must, if he or she}~~ wishes to use , ~~{the transcript}~~ in ~~{any}~~ a subsequent hearing or appeal ~~{of the matter, deliver}~~ , *a transcript which has been prepared from an audio recording provided by the Department of any hearing held before a hearing officer or the Commission, the petitioner or appellant must:*

(a) Retain a court reporter who is certified pursuant to chapter 656 of NRS to perform the transcription; and

(b) Deliver, free of charge, a copy of the transcript to the Department within the period of time ~~{required by}~~ set forth in subsection 1.

Sec. 12. NAC 360.060 is hereby amended to read as follows:

360.060 1. A person appearing in a proceeding shall conform to the recognized standards of ethical and courteous conduct ~~{,}~~ , *as determined by the hearing officer or the Commission. All parties to the hearing, counsel for the parties and all spectators shall conduct themselves in a respectful manner during the proceeding.*

2. ~~{Smoking is prohibited during all meetings of}~~ *The hearing officer or* the Commission ~~{and hearings before the hearing officer.}~~ *may take any action it determines is necessary to maintain order during a hearing, including, without limitation:*

(a) Excluding a party, an attorney for a party or an authorized representative of a party from the hearing;

(b) Excluding a witness from the hearing; and

(c) Limiting the taking of testimony and presentation of evidence during the hearing.

Sec. 13. NAC 360.095 is hereby amended to read as follows:

360.095 1. Hearings will be held before the *Executive* Director or other designated hearing officer. Except as provided in subsection 3, notice of the place, date and hour of the hearing will be served at least 10 days before the date set for the hearing.

2. Hearings will be held at the offices of the Department ~~{in Carson City, Nevada,}~~ or at such other place in the State as may be designated in the notice of hearing.

3. In all hearings ordered to be held by the hearing officer, the hearing date may be set with less than 10 days' notice if the petitioner, or the petitioner's counsel, and staff agree in writing.

Sec. 14. NAC 360.135 is hereby amended to read as follows:

360.135 1. Subject to the restrictions imposed by NRS 360.240, a subpoena requiring the attendance of a witness from any place in the State to any designated place of a hearing for the purpose of taking testimony may be issued by the hearing officer.

2. A party desiring ~~{to}~~ a subpoena ~~{a witness}~~ must submit an application in writing to the hearing officer stating the reasons why a subpoena is requested.

3. ~~{The hearing officer may require that}~~ *An application to compel the attendance of a witness at a hearing for the purpose of taking the oral testimony of the witness must identify whether or not the witness is a nonparty witness.*

4. *Any application for* a subpoena ~~{requested by a party}~~ *duces tecum* for the production of books, waybills, papers, accounts or other documents ~~{be issued only after the submission of an application in writing, which specifies as clearly as may be, the books, waybills, papers, accounts or other}~~ *must contain a complete and specific description of the* documents *or other tangible things* desired.

~~{4.}~~ 5. *An application for a subpoena must be accompanied by a proposed subpoena, on a form prescribed by the Department, which contains:*

(a) The name and account number of the taxpayer;

(b) The name of the person to whom the subpoena will be directed and whether such a person is a party to the hearing;

(c) The address for service of the subpoena;

(d) The date, time and place of the hearing; and

(e) The name and signature of the requesting party or the attorney for the requesting party.

6. The hearing officer, upon receipt of an application for a subpoena, shall:

(a) Grant the application and issue the subpoena;

(b) Deny the application; or

(c) Schedule a hearing to decide whether to grant or deny the application.

~~15.1~~ 7. *A subpoena must be served by the requesting party at least 10 days before the hearing. A subpoena will be issued during the hearing or upon less than 10 days' notice only upon order of the hearing officer for reasonable cause shown by the requesting party. A subpoena duces tecum must be served on the opposing party not less than 7 days before service on the person to whom the subpoena duces tecum is directed.*

8. *The requesting party must arrange for service of the subpoena.* All costs incident to the ~~[subpoenas issued at the request of the petitioner]~~ *subpoena* must be paid by the ~~[petitioner, and the hearing officer may demand payment of the costs before the issuance of a subpoena.]~~ *requesting party.*

Sec. 15. NAC 360.173 is hereby amended to read as follows:

360.173 1. Except as otherwise provided in this section or required to carry out a specific statute, regulation or court order, the Commission will not consider any notice of appeal filed

more than 30 calendar days after service upon the taxpayer of the decision that is the subject of the notice of appeal.

2. The *Executive* Director may, within 45 calendar days after a notice of appeal is otherwise due, grant an extension of time for the filing of the notice of appeal if:

(a) A request for the extension, accompanied by any supporting documentation, is made in writing to the Department; and

(b) The *Executive* Director finds that the failure to file the notice of appeal in a timely manner:

(1) Occurred despite the exercise of ordinary care and without the intent of the taxpayer; and

(2) Is the result of circumstances beyond the control of the taxpayer. Such circumstances may include, without limitation, a natural disaster or other disaster beyond the control of the taxpayer, or the death or hospitalization of the person responsible for filing the notice of appeal.

3. A notice of appeal filed with the Department in accordance with an extension of time granted by the *Executive* Director pursuant to this section shall be deemed to be timely filed.

4. A taxpayer may appeal a decision of the *Executive* Director denying a request for an extension of time for the filing of a notice of appeal by filing an appeal of that decision with the Commission within 30 calendar days after service of the decision on the taxpayer.

5. As used in this section, “notice of appeal” means notice of an appeal by a taxpayer of a decision of the *Executive* Director or of any other officer or employee of the Department.

Sec. 16. NAC 360.174 is hereby amended to read as follows:

360.174 1. As soon as practicable after a taxpayer or the authorized representative of a taxpayer files a notice of appeal pursuant to paragraph (b) of subsection 1 of NRS 360.245, the

Department shall determine whether the appeal is likely to affect the revenue of a county or other local government. The Department shall make that determination based upon:

(a) The estimate provided pursuant to NAC 360.172 of the amount of money at issue on the appeal or, if the Department determines that the estimate is inaccurate, based upon the particular facts and circumstances of the appeal; and

(b) The applicable criteria established by the Commission pursuant to subsection 5.

2. If the Department determines pursuant to subsection 1 that an appeal is likely to affect the revenue of a county or other local government, the Department shall:

(a) As soon as practicable after making that determination, provide a copy of the notice of appeal to:

(1) The district attorney and the governing body of the county regarding which the determination is made; and

(2) The governing body of each other local government regarding which the determination is made.

(b) At least 30 calendar days before the date of the first meeting at which the Commission may hear the appeal, notify each person to whom a copy of the notice of appeal was provided pursuant to paragraph (a) of the date of that meeting.

↪ A county or other local government that receives a copy of a notice of appeal pursuant to this subsection may intervene in the appeal in the manner provided in NAC 360.070.

3. If a taxpayer or the authorized representative of a taxpayer files a notice of appeal pursuant to paragraph (b) of subsection 1 of NRS 360.245 and the *Executive* Director determines that the appeal involves a legal issue of broad applicability to:

(a) A county regarding which a copy of the notice of appeal has not been provided to the district attorney and the governing body of the county pursuant to subsection 2, the *Executive* Director may provide a copy of the notice of appeal to that district attorney and governing body.

(b) A local government regarding which a copy of the notice of appeal has not been provided to the governing body of the local government pursuant to subsection 2, the *Executive* Director may provide a copy of the notice of appeal to that governing body.

4. Each person and local government that receives a copy of a notice of appeal pursuant to this section shall hold and protect the information contained in the notice of appeal and any accompanying materials in accordance with any applicable laws pertaining to the confidentiality of that information, including, without limitation, any applicable provisions of NRS 360.247 and 360.255.

5. For the purposes of this section and subsection 6 of NRS 360.245, the Commission will, at least once every 5 years, establish for each county criteria for determining whether an appeal is likely to affect the revenue of the county or another local government within the county, including, without limitation, criteria pertaining to:

- (a) The population and distribution of taxes in the county or other local government; and
- (b) The ability of the county or other local government to meet its financial obligations.

↪ The Department shall provide the Commission with recommendations for those criteria.

Sec. 17. NAC 360.175 is hereby amended to read as follows:

360.175 1. The staff, petitioner or a designated representative may, within 30 days after service of the copy of the findings of fact, conclusions of law and decision of the hearing officer, file a notice of appeal with the Commission.

2. Within 30 days after filing a notice of appeal, the appellant shall file with the Commission:

(a) An opening brief setting forth the points relied upon in his or her appeal and authorities in support thereof; and

(b) A statement identifying the parts of the record before the hearing officer that he or she deems relevant to his or her appeal.

3. An appeal from the decision of the hearing officer to the Commission must be based upon one or more of the grounds set forth in subsection 3 of NRS 233B.135.

4. The filing of a notice of appeal does not excuse compliance with the decision of the hearing officer nor suspend the effectiveness of a decision unless otherwise ordered by the hearing officer.

5. Within 30 days after service of the appellant's opening brief upon a respondent, the respondent shall file with the Commission:

(a) An answering brief with the Commission; and

(b) A statement identifying the parts of the record before the hearing officer that he or she deems relevant to his or her response.

6. Within 30 days after service of the respondent's answering brief upon the appellant, the appellant may file with the Commission a reply brief.

7. After receipt of a notice of appeal, filed in compliance with subsection 1, and the documentation required by subsections 2, 5 and 6, the Department will schedule a time for oral argument before the Commission at its next meeting. The oral argument will be limited to a period of time not to exceed 20 minutes unless extended by the Commission. The Commission

will not review evidence which was not submitted to the hearing officer unless it determines that good cause exists for a failure to submit the evidence to the hearing officer.

8. The Commission will modify, reverse or affirm the decision of the hearing officer or remand the case to the hearing officer. The *Executive* Director shall issue a final written decision on behalf of the Commission.

9. A brief and any other documentation filed with the Commission pursuant to subsection 2, 5 or 6 must be accompanied by an acknowledgment of or an affidavit showing service on all other parties of record.

10. The filing deadlines set forth in subsections 2, 5 and 6 may be extended:

- (a) By the parties by stipulation; or
- (b) By the Chair of the Commission upon written application by the appellant or respondent and a showing of good faith by the moving party.

11. The Commission may dismiss an appeal if the appellant fails to timely file the documentation required by subsection 2.

Sec. 18. NAC 360.182 is hereby amended to read as follows:

360.182 1. A taxpayer may request a closed hearing by submitting the request in writing to the Commission:

- (a) Not later than 14 calendar days before the date of the hearing; or
- (b) If authorized by the *Executive* Director for good cause shown, not later than 5 calendar days before the date of the hearing.

2. A request for a closed hearing must include:

- (a) A list or summary of the information the taxpayer alleges to be proprietary or confidential information, which may include bank records, financial statements, customer lists, vendor lists,

trade secrets and unique business practices of the taxpayer, and any other information the taxpayer considers to be proprietary or confidential information; and

(b) A short statement explaining how the information alleged by the taxpayer to be proprietary or confidential information qualifies as such pursuant to NRS 360.247.

3. If the Commission receives a request for a closed hearing in accordance with the provisions of this section, the Commission will:

(a) Indicate on its written agenda that the taxpayer has requested a closed hearing; and

(b) Hold and protect the information included in the request and any information included in any briefs filed in the pertinent appeal, including any supporting materials and exhibits, in accordance with any applicable laws pertaining to the confidentiality of that information.

4. If a taxpayer submits a request for a closed hearing pursuant to:

(a) Paragraph (a) of subsection 1, the Department may, not later than 5 calendar days before the date of the hearing; or

(b) Paragraph (b) of subsection 1, the Department may, not later than 3 calendar days before the date of the hearing,

↪ file a written objection to the request with the Commission and serve a copy of the objection upon the taxpayer or the authorized representative of the taxpayer.

5. In a closed hearing, the Commission:

(a) May receive testimony from the taxpayer and other witnesses regarding the information the taxpayer alleges to be proprietary or confidential information; and

(b) Must determine by a majority vote of a quorum of its members whether that information qualifies as proprietary or confidential information pursuant to NRS 360.247. If the Commission determines that any of that information qualifies as proprietary or confidential information

pursuant to NRS 360.247, the Commission may continue to hold a closed hearing regarding that proprietary or confidential information until the Commission determines that the proprietary or confidential information has been adequately discussed within the context of the appeal.

6. A taxpayer who fails to submit a request for a closed hearing in accordance with the provisions of this section shall be deemed to have waived his or her right to request a closed hearing. The provisions of this section do not affect the right of a taxpayer or the agent of the taxpayer to request a continuance of any hearing on an appeal by the taxpayer.

7. As used in this section, “closed hearing” means a hearing before the Commission which is closed to the public pursuant to NRS 360.247.

Sec. 19. NAC 360.185 is hereby amended to read as follows:

360.185 1. The Commission may issue an order granting a rehearing or reconsideration of all or part of any matter on its own motion or on a petition by an aggrieved party. A motion or petition for rehearing or reconsideration will not be granted if the motion is made or the petition is filed more than 15 days after service of the Commission’s final decision on the matter or if a petition on the matter has been filed in the district court. The Commission will serve an order granting or denying a rehearing or reconsideration on all parties of record at least 5 days before the expiration of the time for filing a petition for judicial review pursuant to NRS 233B.130. The right of a person to file a petition in the district court is not affected by the person’s failure to have petitioned for the Commission’s rehearing or reconsideration.

2. No oral argument concerning a motion or petition for rehearing or reconsideration will be permitted.

3. Except as otherwise provided in subsection 4, if the Commission has not taken action on a motion or petition for rehearing or reconsideration within the 15-day period allowed for making such a motion or filing such a petition, the motion or petition shall be deemed denied.

4. If a motion or petition for rehearing or reconsideration is made or filed within the 15-day period but the Commission is not scheduled to meet within that period, the *Executive* Director may, upon a showing of good cause, stay enforcement of the Commission's original decision until the Commission can grant or deny the motion or petition.

5. A stay of enforcement may be ordered upon the condition that the petitioner comply with specific terms which are reasonably related to the original findings and decision.

6. If the Commission issues an order granting a rehearing or reconsideration, the subsequent decision by the Commission:

(a) Will be based on all pertinent parts of the record and such additional evidence and argument as it may permit.

(b) Is the final decision of the Commission for the purposes of judicial review.

Sec. 20. NAC 360.186 is hereby amended to read as follows:

360.186 Any person, corporation, partnership or association whose property valuation is required to be determined by the Commission pursuant to NRS 361.315, 361.320 or 361.325 may appear before the Commission during its annual meeting on the first Monday of October, if he or she has first delivered to the *Executive* Director no later than 7 working days in advance of the meeting a written petition to appear specifying which portions of the staff's valuation formulae are to be questioned and the specific basis for the questions.

Sec. 21. NAC 360.190 is hereby amended to read as follows:

360.190 1. Any person may petition for an advisory opinion concerning matters within the jurisdiction of the Department or Commission.

2. The Board may petition for an advisory opinion concerning compliance with any of the provisions of chapters 361, 361A and 362 of NAC adopted by the Commission.

3. All petitions must be in writing, be addressed to the *Executive* Director and set forth at least the following:

- (a) A statement that an advisory opinion is requested;
- (b) A succinct statement of all the facts and circumstances necessary to dispose of the petition;
- (c) A clear, simple statement of the issue or question to be resolved;
- (d) A statement of all statutes, rules, agency decisions or other authorities which the petitioner believes may be relevant in disposing of the petition; and
- (e) A statement with supporting arguments and authorities of the petitioner's opinion of a proper disposition of the petition.

Sec. 22. NAC 360.195 is hereby amended to read as follows:

360.195 Since the Commission's jurisdiction does not extend to equalization matters, the *Executive* Director may respond to any request for an advisory opinion as being directed to the Board.

Sec. 23. NAC 360.200 is hereby amended to read as follows:

360.200 1. Advisory opinions must:

- (a) Be written . ~~§~~
- (b) Include a statement of facts, question, analysis and opinion . ~~§~~

(c) Be issued by the *Executive* Director ~~{within 45}~~ *not later than 60* days after the ~~{filing}~~ *date on which the Department sends the petitioner a letter acknowledging receipt* of the petition. ~~{unless the}~~ *If the Executive Director requests additional information from the petitioner, the Executive Director shall issue the advisory opinion not later than 60 days after the date on which the petitioner submits the additional information. The Executive* Director *may*, in writing ~~{orders an extension of time up to a maximum of}~~, *extend either period for not more than an additional* 60 days. ~~{after filing; and}~~

(d) Be delivered to the petitioner in person or by certified mail ~~{+}~~, *unless the petitioner agrees in writing to accept delivery by electronic means.*

2. *The Executive Director may refuse to issue an advisory opinion if:*

(a) *The petition is not requested by or on behalf of a specifically identified person to whom the facts and circumstances set forth in the petition apply;*

(b) *The question or issue raised in the petition is the subject of a pending audit involving the petitioner or a pending administrative, civil, criminal or judicial proceeding in which the petitioner is a party; or*

(c) *The petition does not comply with the requirements of subsection 3 of NAC 360.190.*

3. *An advisory opinion:*

(a) *Is limited to the facts or circumstances set forth in the petition and any additional information submitted by the petitioner; and*

(b) *Is not applicable if the facts or circumstances are materially different from those set forth in the advisory opinion.*

4. Advisory opinions of the *Executive* Director are appealable to the Commission in the same manner as ~~any other~~ *an* appealable decision ~~it~~ *but are not considered contested cases under chapter 233B of NRS.*

Sec. 24. NAC 360.398 is hereby amended to read as follows:

360.398 1. If a notice of a deficiency determination has been issued by the Department pursuant to NRS 360.350, a taxpayer who files a petition for redetermination pursuant to NRS 360.360 may:

(a) Submit, with the petition for redetermination, a written request for the waiver or reduction of the penalty or interest, or both; or

(b) Request before the conclusion of the hearing on the petition for redetermination conducted pursuant to NRS 360.370 that the hearing officer waive or reduce the penalty or interest, or both.

2. If a taxpayer requests, pursuant to paragraph (a) of subsection 1, the waiver or reduction of the penalty or interest, or both, and does not challenge the correctness of the tax or fee that is the subject of the deficiency determination, the *Executive* Director or the *Executive* Director's designee shall make a determination on the request in the manner prescribed in NAC 360.396.

3. If a taxpayer requests the waiver or reduction of the penalty or interest, or both, pursuant to:

(a) Paragraph (a) of subsection 1 and challenges the correctness of the tax or fee that is the subject of the deficiency determination; or

(b) Paragraph (b) of subsection 1,
→ the hearing officer shall make a determination on the request as part of the adjudication of the petition for redetermination. If the hearing officer grants the request to waive or reduce the

penalty or interest, or both, the hearing officer may order that the waiver or reduction is contingent upon the requirement that the taxpayer pay the tax or fee for which the penalty or interest was assessed not more than 30 days after the issuance of the decision of the hearing officer.

4. A taxpayer aggrieved by a determination of the *Executive* Director or the *Executive* Director's designee or a hearing officer regarding a request to waive or reduce the penalty or interest, or both, may appeal that determination to the Commission in the manner provided pursuant to NRS 360.245 to 360.390, inclusive.

Sec. 25. NAC 360.410 is hereby amended to read as follows:

360.410 1. Except as otherwise provided in subsection 3, a check which was tendered within the due date prescribed by law but subsequently dishonored after the due date does not constitute timely payment.

2. Checks returned by a bank for any reason are subject to a charge of \$25.

3. If the check was not honored through the fault or error of the banking institution and the taxpayer can provide evidence to this effect, the payment will be considered made on the date tendered.

4. The *Executive* Director may waive the charge imposed by subsection 2 upon determining that a waiver is warranted by the circumstances.

Sec. 26. NAC 360.425 is hereby amended to read as follows:

360.425 Unless the applicant provides to the Department a decree of emancipation issued to the applicant pursuant to NRS 129.080 to 129.140, inclusive, the application of a person who is under the age of 18 years for a license or permit issued pursuant to NRS ~~372.125 or 374.130~~

360.5971 must include a statement signed by the parent or legal guardian of the applicant in substantially the following language:

I, the undersigned, hereby acknowledge responsibility until the applicant reaches 18 years of age for reporting or remitting to the Department any taxes imposed pursuant to (chapter 372 or 374 of NRS, as applicable) that the applicant fails to report or remit to the Department.

.....
Signature of applicant's parent or legal guardian

Sec. 27. NAC 360.435 is hereby amended to read as follows:

360.435 **1.** Any person who is required to file a return ~~pursuant to chapter 372 or 374 of NRS~~ and fails to do so within the time prescribed by specific statute, regulation or rule, or who files an incorrect, false or fraudulent return, must, upon written demand of the *Executive* Director or the *Executive* Director's designee, file the return required or the corrected return, as appropriate, within 10 days after the written demand for the return or corrected return has been mailed to the person. The person shall pay any tax due on the basis of such a return when filing the return.

2. *As used in subsection 1, "return" includes any tax return, statement, report or other document for a tax, fee, assessment, contribution or premium provided for in chapter 360, 360B, 362, 363A, 363B, 363C, 363D, 368A, 369, 370, 372, 372A, 372B, 374, 377, 377A, 377C, 377D, 444A, 585 or 680B of NRS or NRS 482.313, 482C.230 or 482C.240.*

Sec. 28. NAC 360.440 is hereby amended to read as follows:

360.440 1. If a taxpayer fails to file a return as required by the applicable provisions of chapter 360, 360B, 362, 363A, 363B, 363C, 363D, 369, 370, 372, 372A, 372B, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313, 482C.230 or 482C.240 or chapter 585 or 680B of NRS, the taxpayer or the taxpayer's representative may file with the Department an application for voluntary disclosure in a form prescribed by the Department before the Department has initiated an audit or investigation of the taxpayer. An application is deemed to be filed with the Department on the date the application is received by the Department.

2. If the Department verifies that it did not initiate an audit or investigation of the taxpayer before the date on which the application was filed, the Department shall accept the application and notify the taxpayer or the taxpayer's representative, as applicable, of the acceptance of the application within 30 days after the date on which the application was filed.

3. For the purposes of subsections 1 and 2, the Department has initiated an audit or investigation of a taxpayer if the Department has:

(a) Contacted the taxpayer by telephone, in person or in writing regarding a possible tax liability or registration requirement; or

(b) Given the taxpayer written notice that an audit will be conducted by the Department concerning liability for the type of tax that the taxpayer wishes to disclose voluntarily pursuant to this section.

4. Except as otherwise provided in subsection 5, the Department shall not consider the tax liability of a taxpayer as being voluntarily disclosed unless, within 90 days after the date on which notice of acceptance of the taxpayer's application is given pursuant to subsection 2, the

taxpayer or the taxpayer's representative complies with the requirements of this subsection. The taxpayer or the taxpayer's representative must:

(a) File with the Department any required registration and the delinquent tax returns for the tax estimated to be owed for the period being disclosed or, if the period being disclosed exceeds 8 years, for the 8 years immediately preceding the date on which the application was filed;

(b) Pay the tax estimated to be owed for the period being disclosed or, if the period being disclosed exceeds 8 years, for the 8 years immediately preceding the date on which the application was filed; and

(c) Submit any additional information or material required by the Department.

5. If a request for an extension of time to satisfy the requirements of subsection 4 is made in writing to the Department after the filing of an application and within 90 days after the date on which notice of acceptance of the application is given pursuant to subsection 2, the *Executive* Director or a person designated by the *Executive* Director may grant a taxpayer or the taxpayer's representative one extension of time, not to exceed 90 days, to satisfy those requirements. The request must be accompanied by proof satisfactory to the *Executive* Director or his or her designee that the requirements cannot be satisfied within the time otherwise required by subsection 4 despite the exercise of ordinary care by the taxpayer or the taxpayer's representative and because of circumstances beyond the control of the taxpayer or the taxpayer's representative.

6. The circumstances described in subsection 5 include, without limitation:

(a) A natural disaster or other disaster;

(b) The death or hospitalization of the taxpayer or the taxpayer's representative; or

(c) Any other circumstance that could not reasonably have been anticipated at the time the application was filed.

Sec. 29. NAC 360.450 is hereby amended to read as follows:

360.450 1. Except as otherwise provided in subsection 2 and NAC 360.460 and subject to the approval of the *Executive* Director or the *Executive* Director's designee, the Department may enter into an agreement with a taxpayer, upon the request of the taxpayer, that allows the taxpayer to pay taxes, interest and penalties in installments over a period of 12 months or less if:

(a) The taxpayer submits accurate and complete information that the Department requires to determine whether to enter into the agreement;

(b) The taxpayer agrees in writing to comply with all applicable laws and regulations of the Commission during the period in which the agreement is in effect, including, without limitation, reporting and payment requirements;

(c) The taxpayer agrees in writing that the agreement may be terminated immediately if the taxpayer fails timely to make any payment required by the agreement or defaults in any other reporting or payment requirement;

(d) The Department determines that as of the date on which the taxpayer requested to enter into the agreement, the taxpayer is unable to pay the entire amount of taxes, interest and penalties due for financial reasons; and

(e) The amount owed by the taxpayer on the date on which the taxpayer requested to enter into the agreement does not exceed the amount set by the Commission pursuant to NAC 360.454.

2. Except as otherwise provided in NAC 360.460, the *Executive* Director may, for good cause shown, upon the request of a taxpayer who satisfies the requirements set forth in subsection 1, authorize the Department to enter into an agreement with a taxpayer that allows the

taxpayer to pay taxes, interest and penalties in installments over a period of more than 12 months.

3. The Department or the *Executive* Director, as applicable, may deny a request to enter into an agreement pursuant to subsection 1 or 2 if the taxpayer has not complied with a previous agreement with the Department to pay taxes, interest and penalties in installments.

4. As used in this section, “good cause” includes, without limitation, circumstances that would prevent a taxpayer from paying the taxes, interest and penalties in a period of 12 months or less.

Sec. 30. NAC 360.485 is hereby amended to read as follows:

360.485 For the purposes of NRS 363A.170, 363B.160, 363C.620, 368A.270, 372.665, 372A.320, 372B.200 and 374.670, an overpayment of a tax imposed by chapter 363A, 363B, 363C, 368A, 372, 372A, 372B or 374 of NRS, as applicable, and administered by the Department was made:

1. Intentionally if the overpayment was made for any reason other than a good-faith belief that the taxpayer owed the tax and paid the amount of tax owed by the taxpayer.

2. By reason of carelessness if the overpayment is the result of the failure of the taxpayer to make reasonable and prudent efforts to avoid the overpayment. Such reasonable and prudent efforts may include, without limitation:

- (a) Maintaining accurate and complete books and records;
- (b) Correcting errors in the computation of the tax which were identified by an audit conducted before the overpayment;
- (c) Investigating the taxability of transactions during an audit when the overpayment was reasonably identifiable;

(d) Ceasing to make overpayments after receiving a refund for a prior overpayment involving the same or similar issues;

(e) Ceasing to make overpayments resulting from repeated transactions or transactions of a similar type when the taxability of the transactions is governed by a regulation or law that is commonly followed in the taxpayer's industry, trade or practice and the transactions are conducted over a period of time of sufficient length that a reasonable person would have discovered and corrected the issue causing the overpayment; *and*

(f) Seeking an advisory opinion or other written advice from the Department concerning an interpretation of law when the taxpayer is unsure of the correct interpretation of the law . ~~}; and~~

~~—(g) Seeking advice on complex tax matters from a certified public accountant certified to practice in this State pursuant to chapter 628 of NRS or any other person who is certified or licensed in this State to practice a profession the members of which engage in the provision of advice on tax matters and who has knowledge of, or experience in, tax matters.}~~

Sec. 31. NAC 360.550 is hereby amended to read as follows:

360.550 As used in NAC 360.550 to 360.598, inclusive, *and section 4 of this regulation,* the words and terms defined in NAC 360.552 to 360.582, inclusive, have the meanings ascribed to them in those sections.

Sec. 32. NAC 360.552 is hereby amended to read as follows:

360.552 “Authorized user” means a person who is granted authority by the taxpayer account security administrator to access taxpayer information available ~~{on}~~ *through* the ~~{website}~~ *online portal* of the Department . ~~}; located at https://www.nevadatax.nv.gov/web/ on the World Wide Web.}~~

Sec. 33. NAC 360.568 is hereby amended to read as follows:

360.568 “NevadaTax access code” means a personal identification number issued to a person by the Department that allows the person to become a ~~{website}~~ user *of the Department’s online portal* and to access and file tax information ~~{online at https://www.nevadatax.nv.gov/web/ on the World Wide Web.}~~ *through the online portal.*

Sec. 34. NAC 360.570 is hereby amended to read as follows:

360.570 “Permit” means one or more ~~{tax}~~ licenses , ~~{or}~~ registrations ~~{obtained from}~~ *or other forms of authorization issued by* the Department ~~{by completing and submitting a Nevada Business Registration by mailing or delivering it to the Department or by completing the Nevada Business Registration online at https://www.nevadatax.nv.gov/web/ on the World Wide Web.}~~ *for the purpose of engaging in a business or remitting taxes or fees to the Department, or both.*

Sec. 35. NAC 360.578 is hereby amended to read as follows:

360.578 “Taxpayer account security administrator” means a person appointed and authorized by a taxpayer to administer security access on the Department’s ~~{website, located at https://www.nevadatax.nv.gov/web/ on the World Wide Web.}~~ *online portal.*

Sec. 36. NAC 360.582 is hereby amended to read as follows:

360.582 ~~{“Website user”}~~ *“User”* means a taxpayer who, by way of providing specific information requested by the Department through its ~~{website}~~ *online* registration process, has obtained a username and password enabling the taxpayer to conduct transactions and access ~~{his or her}~~ *the taxpayer’s* account information ~~{online at https://www.nevadatax.nv.gov/web/ on the World Wide Web.}~~ *through the Department’s online portal.*

Sec. 37. NAC 360.584 is hereby amended to read as follows:

360.584 NAC 360.550 to 360.598, inclusive, *and section 4 of this regulation* apply to online registration, filing and payment by electronic transfer of money for taxes, fees, interest,

penalties or other charges provided for in ~~chapters 360, 361, 362, 363A, 363B, 363C, 368A, 369, 370, 372, 372A, 374, 377, 377A and~~ *any chapter of title 32 of NRS that is administered by the Department and to any fee or tax provided for in chapter 444A ~~of NRS and to any fee provided for in NRS 482.313~~ or ~~chapter~~ 680B of NRS ~~or~~ *NRS 482.313, 482C.230, 482C.240 or 585.497.**

Sec. 38. NAC 360.586 is hereby amended to read as follows:

360.586 The Department's ~~taxpayer service center website, located at <https://www.nevadatax.nv.gov/web/> on the World Wide Web,~~ *online portal* provides taxpayers with the ability to conduct transactions and review tax account information on the Internet.

Sec. 39. NAC 360.588 is hereby amended to read as follows:

360.588 1. To register online with the Department, a person must ~~submit a completed Nevada Business Registration and confirm the registration by clicking on the certification button on~~ *become a user of* the Department's ~~website. By clicking on the certification button, a person represents that:~~

~~—(a) The information contained in the online Nevada Business Registration is true and accurate; and~~

~~—(b) The signatory is duly authorized to act on behalf of the business.~~ *online portal.*

2. To become a ~~website~~ user of the Department's ~~website,~~ *online portal*, a taxpayer who has not obtained a permit from the Department must:

(a) Provide, during the ~~website~~ *online* registration process:

(1) The legal name and the federal employer identification number of the ~~registrant,~~ *business of the taxpayer;* or

(2) If the ~~{registrant}~~ *taxpayer* is a sole proprietor, the legal name and the social security number of the ~~{registrant}~~ *taxpayer*;

(b) ~~{Submit the legal name and electronic mail address of the taxpayer account security administrator}~~;

~~—(c)—~~ Submit a completed online Nevada Business Registration; and

~~{(d)}~~ (c) Confirm, by clicking on the ~~{certification}~~ *submit* button on the ~~{website}~~ *online portal* upon completion of the registration process, that:

(1) The information contained in the online Nevada Business Registration is true and accurate; *and*

(2) The signatory is duly authorized to act on behalf of the business . ~~{; and~~

~~——(3)—~~ ~~{Security access is granted to the taxpayer account security administrator}~~

3. To become a ~~{website}~~ user of the Department's ~~{website}~~ *online portal*, a taxpayer *or business* who has a permit issued by the Department must:

(a) Provide, during the ~~{website}~~ *online* registration process ~~{, the}~~ :

(1) *The* legal name of the ~~{registrant and any one of the following}~~:

~~——(1)—~~ *taxpayer or business*;

(2) The ~~{registrant's}~~ federal employer identification number ~~{;~~

~~——(2)—~~ ~~{If}~~ *of the business, or if* the ~~{registrant}~~ *taxpayer* is a sole proprietor, the ~~{registrant's}~~ social security number ~~{; or}~~ *of the taxpayer*; *and*

(3) The ~~{permit}~~ *account* number assigned to the ~~{registrant}~~ *taxpayer or business* by the Department;

(b) ~~{Provide}~~ *If the user is not an owner or officer of the business, or the social security number of the owner or an officer is not associated with the account, provide* selected

information from a return *or payment* that was previously filed *or made, as applicable*, by the ~~{registrant;~~

~~—(c) Provide the legal name and electronic mail address of the taxpayer account security administrator;~~ *business*; and

~~{(d)}~~ (c) Confirm, by clicking on the ~~{certification}~~ *submit* button on the ~~{website}~~ *online portal* upon completion of the registration process, that:

- (1) The information contained in the ~~{website}~~ *online* registration is true and accurate; *and*
- (2) The ~~{website}~~ user is duly authorized to act on behalf of the business and to receive confidential information . ~~{; and~~

~~—(3) Security access is granted to the taxpayer account security administrator.~~

Sec. 40. NAC 360.590 is hereby amended to read as follows:

360.590 A taxpayer account security administrator shall be deemed to have authorized and assumed responsibility for an authorized user accessing the account of the taxpayer and filing an electronic return on behalf of the taxpayer ~~{on}~~ *through* the Department's ~~{website}~~ *online portal*.

Sec. 41. NAC 360.594 is hereby amended to read as follows:

360.594 1. For each electronic return of taxes, fees, interest, penalties or other charges, a return must be completed and submitted with payment made no later than midnight Pacific Time on the return due date. Online payment may be submitted *through an electronic transfer of money* only by automated clearinghouse credit , ~~{or}~~ automated clearinghouse debit ~~{;}~~ , *credit card or debit card*.

2. If a person ~~{submits}~~ *who has been granted a waiver pursuant to subsection 2 or 4 of section 4 of this regulation submits* an electronic return ~~{but}~~ *and* sends payment through the

United States mail, a copy of the printout of the electronic return confirmation page must be submitted with the payment and must be postmarked by the return due date.

3. A zero-return must be submitted in the event that no taxes are due for the reporting period in accordance with statute.

Sec. 42. NAC 360.596 is hereby amended to read as follows:

360.596 1. An electronic transfer of money must be made by an automated clearinghouse credit , ~~for~~ automated clearinghouse debit ~~H~~ , *credit card or debit card*.

2. A taxpayer is responsible for paying any fees assessed against the taxpayer by the taxpayer's bank in connection with an electronic transfer of money.

3. The Department is responsible for paying transaction fees assessed by the State's bank in connection with an electronic transfer of money.

Sec. 43. NAC 360.650 is hereby amended to read as follows:

360.650 1. To determine whether an adjustment to the amount allocated to a local government or special district from the Local Government Tax Distribution Account is necessary pursuant to NRS 360.695, the *Executive* Director shall:

(a) On or before March 31 of each year, review the population, as determined pursuant to NRS 360.285 or subsection 9 of NRS 360.690, and assessed valuation of the taxable property, as determined pursuant to NRS 361.390, of each local government and special district; and

(b) Review all information that is available concerning the amount allocated to the local government or special district, including, without limitation:

(1) Whether the local government or special district has been determined to be in severe financial emergency pursuant to NRS 354.685; and

(2) A comparison of the total per capita revenue of the local government or special district and the total per capita revenue of each other local government or special district of similar size and type.

2. If, after conducting the review required pursuant to paragraph (a) of subsection 1, the *Executive* Director determines that an adjustment to the allocation of the local government or special district may be necessary, the *Executive* Director shall notify that local government or special district of his or her determination within 3 days after the *Executive* Director makes the determination.

3. The *Executive* Director shall report any findings he or she makes pursuant to this section to the Committee on Local Government Finance on or before December 1 of each year.

Sec. 44. NAC 360.702 is hereby amended to read as follows:

360.702 1. If a taxpayer provides written documentation during an audit that indicates that the taxpayer relied to his or her detriment on written advice provided by an officer, agent or employee of the Department, an opinion of the Attorney General or the Commission, or the written results of an audit of his or her records conducted by the Department, the auditor shall document the facts and circumstances relating to the issue for the audit file and shall continue the audit. Such documentation may include, without limitation:

(a) An advisory opinion issued by the Department pursuant to NAC 360.190, 360.195 and 360.200 in response to the request of the taxpayer for advice on an issue, if the facts contained in the request are similar to the facts of the transactions under review in the current audit;

(b) A letter issued by the Department to the taxpayer regarding the manner in which to account for the specific types of transactions under review in the current audit;

(c) Written documentation which establishes that the taxpayer has been audited previously by the Department and that the results of that audit conflict with the results of the current audit;

(d) An opinion or decision of the Attorney General or the Commission that addresses an issue or circumstances that are similar to the specific types of transactions under review in the current audit; and

(e) A letter issued by the Department to the taxpayer that defines the items, scope and issues reviewed in a prior audit which are similar to the specific types of transactions under review in the current audit. The occurrence of a prior audit is not conclusive evidence that relieves the taxpayer of liability in the current audit.

2. The *Executive* Director shall review the documents submitted by the taxpayer pursuant to subsection 1 and decide whether to recommend a waiver of the tax, interest or penalty, pursuant to NRS 360.294, to the Commission based on the information provided by the taxpayer pursuant to subsection 1.

Sec. 45. NAC 360.706 is hereby amended to read as follows:

360.706 1. If ~~[, after an audit,]~~ the Department ~~[determines that delinquent taxes are due,]~~ *issues any determination or takes any action affecting the account of a taxpayer that is subject to a petition for redetermination,* the Department shall ~~[issue to the taxpayer a]~~ *provide* notice *to the taxpayer* of the ~~[deficiency]~~ determination ~~[. The]~~ *or action. If the* notice *is related to an audit, the notice* must be issued on or before the estimated completion date or revised estimated completion date of the audit. The Department shall include with ~~[the]~~ *any* notice *issued pursuant to this section* a form prescribed by the Department for filing a petition for redetermination.

2. ~~[If the]~~ *A* taxpayer *who* wishes to dispute ~~[the findings of the audit, the taxpayer must]~~ *a determination or action described in subsection 1 may* petition the Department for a

redetermination within 45 days after ~~he or she~~ *the taxpayer* is served with the notice of the ~~deficiency~~ determination ~~or~~ *action*. A petition for redetermination must be submitted ~~or~~ *electronically through the Department's online portal unless electronic submission is waived pursuant to subsection 2 or 4 of section 4 of this regulation. If electronic submission is waived, a petition for redetermination must be submitted:*

(a) On a form prescribed by the Department for filing a petition for redetermination; or
(b) In the form of a letter which contains sufficient information to give notice to the Department that the taxpayer is disputing the ~~deficiency~~ determination ~~The letter must include,~~ *or action, including,* without limitation ~~the~~ :

- (1) *The* name of the taxpayer ~~the~~ ;
- (2) *The* account number assigned to the taxpayer by the Department ~~and the~~ ;
- (3) *The* amount *or scope* of the ~~tax, interest or penalty in dispute,~~ *determination or action being disputed; and*
- (4) *The reason the taxpayer disputes the determination or action.*

3. *If a person files a petition for redetermination in a contested case, all contested issues involved in the case shall be deemed to have been raised in the petition, regardless of whether those issues are expressly stated in the petition.*

4. The *Executive* Director may grant an extension for the filing of a petition for redetermination *pursuant to subsection 2* if ~~the~~ :

- (a) *The* request for an extension is ~~made~~ :
- (1) *Made* in writing ~~to~~ *and, unless electronic submission is waived pursuant to subsection 2 or 4 of section 4 of this regulation, submitted electronically through the Department's online portal; and*

(2) *Filed with the Department ~~and the~~ not later than 45 days after the taxpayer is served with the notice of the determination or action; and*

(b) *The Executive Director finds ~~[that the petition for redetermination was not filed or was filed late despite the exercise of ordinary care by and without the intent of the taxpayer and that the cause of the failure to file or late filing of the petition was circumstances beyond the control of the taxpayer. Such circumstances include, without limitation, a natural disaster or other disaster beyond the control of the taxpayer and the death or hospitalization of the person responsible for filing the petition for redetermination.~~*

~~—4.]~~ *good cause for the extension.*

5. A petition for redetermination ~~[will be sent to a hearing officer after:~~

~~—(a) The]~~ *that is filed with the Department in accordance with an extension of time granted by the Executive Director pursuant to subsection 4 shall be deemed to be timely filed.*

6. *If the Executive Director denies a request for an extension for the filing of a petition for redetermination pursuant to subsection 4, the taxpayer may file an appeal with the Department not later than 30 days after service of the denial on the taxpayer. The notice of appeal must include:*

(a) *An explanation of the reason the taxpayer failed to timely file the petition for redetermination or a request for an extension; and*

(b) *A copy of the petition for redetermination with the information required by subsection*

2.

7. *An appeal of a denial of a request for an extension of time to file a petition for redetermination pursuant to subsection 4 must:*

(a) Be limited to the issue of whether the petition for redetermination must be considered by the Department; and

(b) Not include the merits of the underlying determination or action.

8. Upon the filing of a notice of appeal pursuant to subsection 6, the Commission will issue a final decision as to whether the Department is required to consider the petition for redetermination. A decision to grant the appeal by the Commission must be made upon a finding of good cause.

9. Upon receipt of a timely filed petition for redetermination or a final decision of the Commission to grant an appeal pursuant to subsection 8, the Department ~~has reviewed~~ :

(a) Shall notify the taxpayer of receipt by the Department of the petition for redetermination;

(b) May require the taxpayer to provide additional documentation or information regarding the petition;

(c) Shall review any additional documentation that the taxpayer has submitted ; ~~with his or her petition;~~ and ~~if~~

~~—(b) The taxpayer and the Department have not agreed to a settlement based upon such documentation provided by the taxpayer.~~

~~—5. The hearing officer may request that the parties file prehearing statements. The parties may file a joint prehearing statement. If the parties cannot agree on a joint prehearing statement, each party must file its statement by the date set by the hearing officer. The prehearing statement must be limited to a brief explanation of the issues from the audit for consideration by the hearing officer and must include, without limitation:~~

~~—(a) A statement of the unresolved issues that will be presented to the hearing officer, the nature of the specific transaction at issue, the amount in dispute and the legal issues involved in the matter.~~

~~—(b) A statement of the issues that have been resolved by the parties, including, without limitation, the uncontested facts.~~

~~—(c) A list of exhibits that each party expects to introduce at the hearing and any objections to those exhibits. The exhibits must be marked in advance of the hearing.~~

~~—(d) A list of the witnesses that each party expects to testify at the hearing.~~

~~—(e) An estimate of the time required for the hearing.~~

~~—(f) A statement regarding whether the party will submit a posthearing brief.~~

~~—6. A prehearing statement must be filed by the date set by the hearing officer. The hearing officer may grant an extension for filing the prehearing statement if the motion or stipulation requesting the extension is filed with the hearing officer before the date set for filing the statement. The hearing officer shall issue a written decision on the motion or stipulation requesting the extension.~~

~~—7. Failure of a party to file a prehearing statement will not delay the scheduling of the hearing. The hearing officer shall provide notice of the hearing to the parties at least 10 days before the date of the hearing.~~

~~—8. If a party wishes to raise an issue that was not included in its prehearing statement before or during the hearing, the hearing officer shall grant a continuance to allow the opposing party to prepare a response to the issue.~~

~~—9.†~~

(d) Shall issue a notice of redetermination setting forth the results of the redetermination.

10. If a taxpayer disputes the results of the redetermination, the taxpayer may, not later than 30 days after the notice of redetermination is served on the taxpayer, request a hearing. A request for a hearing must be filed electronically through the Department's online portal unless electronic submission is waived pursuant to subsection 2 or 4 of section 4 of this regulation. If electronic submission is waived, a request for a hearing must be filed:

(a) On a form prescribed by the Department for filing such a request; or

(b) In the form of a letter which contains sufficient information to give notice to the Department that the taxpayer disputes the redetermination and is requesting a hearing and includes, without limitation:

- (1) The name of the taxpayer;*
- (2) The account number assigned to the taxpayer by the Department;*
- (3) The amount or scope of the redetermination in dispute; and*
- (4) The reason the taxpayer disputes the redetermination.*

11. The Executive Director may grant an extension for the filing of a request for a hearing made pursuant to subsection 10 if:

- (a) The request for an extension is:*
- (1) Made in writing and submitted electronically through the Department's online portal, unless electronic submission is waived pursuant to subsection 2 or 4 of section 4 of this regulation; and*
 - (2) Filed not later than 30 days after the notice of redetermination is served on the taxpayer; and*
- (b) The Executive Director finds that there is good cause for the extension.*

12. A request for a hearing that is filed with the Department in accordance with an extension granted by the Executive Director pursuant to subsection 11 shall be deemed to be timely filed.

13. If the Executive Director denies a request for an extension for the filing of a request for a hearing pursuant to subsection 11, the taxpayer may file an appeal with the Department not later than 30 days after service of the denial on the taxpayer. The appeal must include:

(a) An explanation of the reason the taxpayer failed to timely file the request for a hearing or a request for an extension; and

(b) A copy of the request for a hearing with the information required by subsection 10.

14. An appeal of a denial of a request for an extension of time to file a request for a hearing made pursuant to subsection 11 must:

(a) Be limited to the issue of whether a hearing will be granted; and

(b) Not include the merits of the underlying notice of redetermination.

15. Upon the filing of an appeal pursuant to subsection 13, the Commission will issue a final decision as to whether the Department is required to conduct a hearing. A decision to grant the appeal by the Commission must be made upon a finding of good cause.

16. Upon receipt of a timely request for a hearing or a final decision of the Commission to grant an appeal issued pursuant to subsection 15, the Department shall notify the taxpayer of receipt and that the Department will refer the matter to a hearing officer.

*17. The taxpayer may, at any time, withdraw ~~this or her~~ the taxpayer's petition for redetermination *or request for hearing* by submitting a written request ~~[- in the form of a letter,]~~ *for withdrawal* to the Department.*

18. The taxpayer bears the burden of demonstrating good cause and must provide documentation sufficient to support the request of the taxpayer.

19. As used in this section, “good cause” exists only if the taxpayer demonstrates all of the following:

(a) The reason for the request is not the result of an unreasonable delay or failure to exercise due diligence by the taxpayer to respond in a timely manner;

(b) The reason for the request is due to:

(1) Mistake, inadvertence, surprise or excusable neglect;

(2) A natural disaster or other event beyond the control of the taxpayer; or

(3) The death or hospitalization of the person responsible for filing the petition for redetermination;

(c) The request is reasonable in light of the reason for the delay;

(d) The taxpayer exercised ordinary diligence with regard to the taxpayer’s responsibilities for the taxes;

(e) The taxpayer is not merely delaying collection of the debt; and

(f) The taxpayer demonstrates a meritorious dispute with the determination.

Sec. 46. NAC 361.61064 is hereby amended to read as follows:

361.61064 1. A petitioner who wishes to appeal a determination of a county assessor described in paragraph (a) of subsection 1 of NRS 361.4734 or a determination of the Department described in paragraph (b) of subsection 1 of NRS 361.4734 must file a written notice of appeal with the ~~Commission~~ *Department* on a form provided by the Department within the period prescribed in subsection 2 of NRS 361.4734.

2. ~~In addition to the information required by subsection 4 of NAC 360.045, the~~ **The** notice of appeal must include:

- (a) The name and mailing address of the petitioner and the petitioner's contact person, if any;
- (b) The telephone number for daytime business hours and facsimile number of the petitioner and the petitioner's contact person, if any;
- (c) The electronic mail address, if available, of the petitioner and the petitioner's contact person, if any;
- (d) The tax year being appealed;
- (e) A description of the property and the assessor's parcel number or the identifying number of the property that is the subject of the appeal;
- (f) A copy of the decision of the county assessor or the Department for the tax year in question on the property that is the subject of the appeal; and
- (g) A statement of the relief requested.

3. Not later than 10 business days after receiving the notice of appeal of a determination issued pursuant to paragraph (a) of subsection 1 of NRS 361.4734, the Department shall provide a copy of the notice of appeal to the county assessor.

Sec. 47. NAC 360.025, 360.030, 360.096, 360.432, 360.476, 360.477 and 360.479 are hereby repealed.

TEXT OF REPEALED SECTIONS

360.025 “Department” defined. “Department” means the Department of Taxation.

360.030 “Director” defined. “Director” means the Executive Director of the Department.

360.096 Petition for redetermination in contested case; issues. If a person files a petition for a redetermination in a contested case, all contested issues involved in the case shall be deemed to have been raised in the petition.

360.432 Contract with private debt collector: Authorization by Commission; prior notification of debtor by Department.

1. Subject to the conditions set forth in NRS 353C.200, the Department may enter into a contract with a private debt collector or any other person for the assignment of the collection of a debt if the Commission authorizes the Department to enter into a contract with regard to the debt.

2. Upon the authorization of the Commission pursuant to subsection 1 and before entering into a contract pursuant to subsection 1, the Department shall notify the debtor that the debt may be assigned to a private debt collector if the debt is not paid in full. Notice provided to the debtor pursuant to this subsection must be served personally upon the debtor or by mail at his or her last address of record filed with the Department.

3. As used in this section, “debt” has the meaning ascribed to it in NRS 353C.040.

360.476 Local school support tax: Date of eligibility of machinery or equipment. If an application is approved by the Commission for a partial abatement of the taxes imposed pursuant to chapter 374 of NRS, the period of abatement begins on the date on which the applicant takes possession of the first delivery of eligible machinery or equipment at the location designated in the certificate of eligibility issued by the Commission. Upon taking possession of such eligible machinery or equipment, the applicant shall immediately notify the Commission and the Nevada Tax Commission.

360.477 Refund upon approval of application.

1. If the Commission approves an application for a partial abatement of the taxes imposed pursuant to chapter 364A of NRS, the applicant is eligible for a refund of any taxes imposed pursuant to chapter 364A of NRS which were paid previously by the applicant and which are subject to the abatement.

2. If the Commission approves an application for a partial abatement of the taxes imposed pursuant to chapter 374 of NRS, the applicant is eligible for a refund of any taxes imposed pursuant to chapter 374 of NRS which were paid previously by the applicant and which are subject to the abatement, if the Department determines pursuant to NAC 360.4755 that the machinery or equipment qualifies as eligible machinery or equipment and:

(a) If the machinery or equipment was acquired outside this State from a retailer that is not registered with the Nevada Tax Commission, the application for the partial abatement was made:

- (1) Before the acquisition of the machinery or equipment; or
- (2) After the acquisition of the machinery or equipment and within 60 days after the date on which the taxes on the acquisition imposed pursuant to chapter 374 of NRS were due; or

(b) If the machinery or equipment was acquired from a retailer that is registered with the Nevada Tax Commission, the application for the partial abatement was made within 60 days after the payment of the taxes on the acquisition imposed pursuant to chapter 374 of NRS.

360.479 Abatements for certain energy-efficient structures: Interpretation of certain statutory terms. For the purposes of:

1. Subsection 5 of section 15 of chapter 539, Statutes of Nevada 2007, the Department shall interpret the term:

(a) “Building” to mean a building or other structure that:

- (1) Meets the requirements of paragraphs (a), (b) and (c) of that subsection; and
- (2) Is described in the application for registration of the construction project with the Office of Energy for the purpose of obtaining the tax exemption provided pursuant to paragraph (d) of subsection 1 of NRS 374.307, as amended by chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 71,
➔ other than any building or other structure for which the principal use is as a residential dwelling for not more than four families.

(b) “Construction contract” to mean a contract between an owner of real property or an affiliate or subsidiary of the owner, and a contractor or construction manager which:

- (1) Defines their respective roles and responsibilities for the construction of a project on the property;
 - (2) Establishes the scope of work, the amount of money to be paid to the contractor or construction manager and the allowable time for the duration of the contract; and
 - (3) Describes the terms and conditions of a construction project.
- (c) “Preconstruction contract” to mean a written and executed agreement that:

(1) Precedes the construction of or the execution of a construction contract for a project for which a partial tax abatement is sought;

(2) Clearly indicates a commitment to construct the project; and

(3) Is entered into to provide at least one of the following services relating to the construction project:

(I) Project financing;

(II) Engineering;

(III) Design;

(IV) Architecture;

(V) Labor; or

(VI) Subcontracting.

(d) “Used in the construction of a building” to mean attached to or incorporated into a building by a contractor in the performance of a construction contract in such a manner as to:

(1) Become an integral or inseparable part of the building; or

(2) Become a fixture to the building.

2. Section 15.5 of chapter 539, Statutes of Nevada 2007, the Department shall interpret the term “building or other structure” to mean a building or other structure that:

(a) Meets the requirements of paragraphs (a), (b) and (c) of subsection 1 of that section; and

(b) Is described in the application for registration of the construction project with the Office of Energy for the purpose of obtaining the partial abatement of taxes provided pursuant to the former provisions of NRS 361.0775,

↪ other than any building or other structure for which the principal use is as a residential dwelling for not more than four families.

