

**PROPOSED REGULATION OF THE  
NEVADA TAX COMMISSION**

**LCB FILE NO. R152-26I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 06/26/2026**

# Updates to Chapter 360

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

## **New Regulation:**

### ***NAC 360.[ ]***

*For the purposes of NAC chapter 360, a reference to a "taxpayer" includes any representative of the taxpayer, including, without limitation, an attorney, authorized representative, tax preparer or other tax professional.*

## **New Regulation:**

### ***NAC 360.[ ] Penalty for failure to provide documents at request of Department.***

- (1) A taxpayer shall provide to the Department for examination any documents requested by the Department that the taxpayer is required to create and maintain under title 32 or chapter 444A, 482.313, 482C.230, 482C.240, 585 or 680B or NRS, excluding chapter 361, 361A, and 375 of NRS.*
- (2) A taxpayer's failure to comply with section 1 due to negligence or intentional disregard shall create a rebuttal presumption that such documents would have established or increased a deficiency determination.*
- (3) When the Department determines a taxpayer negligently or through intentional disregard failed to comply with section 1, a penalty of 10 percent of the amount of the deficiency determination must be added thereto pursuant to NRS 360.330.*
- (4) In determining whether a taxpayer negligently or through intentional disregard failed to comply with section 1, the Department may consider:*
  - a. Errors determined in prior audits;*
  - b. Documents provided to the Department appear incomplete, inconsistent, disorganized, non-contemporaneous, summary, recreated, or manipulated;*
  - c. Oral or written representations made by the taxpayer about the documents;*
  - d. Failure to exercise ordinary care such as:*
    - 1) Lacking systematic procedures, training, industry-standard practices, and verification for creation of business records, or*
    - 2) Providing incomplete information to, or not relying on the advice of, a professional advisor; and*

- e. *Any other factor deemed by the Department to be relevant.*

**New Regulation:**

***Submission of Records Requested by the Department outside of an audit***

1. *A taxpayer must provide all records requested by the Department within 30 days of receiving the written request specifying such records.*
2. *If all requested records are not submitted within 30 days, the taxpayer may either sign a waiver of the statute of limitations, or the matter will be determined based on the information available.*
3. *The Department may grant an extension, not to exceed 30 days, provided the request for such extension is submitted in writing within the 30-day period of the request and demonstrates good cause.*

**New Regulation:**

***Application of bonds and other security by tax type.***

1. *As used in this section:*
  - (a) *“Bond or other security” means any bond, cash deposit, certificate of deposit, investment certificate, savings certificate, letter of credit, or other security furnished to the Department pursuant to chapter 369, 370, 372 or 375A of NRS, including, without limitation, security furnished pursuant to NRS 369.350, 370.589, 372.510 and 375A.215.*
  - (b) *“Tax type” means the specific tax, fee, excise tax, deferred payment obligation or other liability for which a bond or other security is required or furnished pursuant to statute.*
2. *Except as otherwise provided in this section, a bond or other security furnished to the Department for a specific tax type may be applied only to liabilities arising under that same tax type.*
3. *Notwithstanding any other provision of law, including, without limitation, subsection 5 of NRS 372.510, the Department shall not apply, transfer, offset, liquidate, sell or otherwise use a bond or other security furnished for one tax type to satisfy a liability arising under a different tax type unless authorized pursuant to subsection 4.*
4. *If the Department approves the waiver, release, reduction or refund of a bond or other security furnished for a specific tax type pursuant to applicable law, the taxpayer or other person entitled to the return of the bond or other security may submit a written request to the Department to apply all or part of the amount otherwise eligible for waiver, release, reduction or refund to a liability owed for a different tax type administered by the Department.*
5. *A request submitted pursuant to subsection 4 must:*

- (a) Be submitted electronically through the Department's online portal unless a waiver is granted pursuant to subsection 2 of section 4 of LCB File No. R081-26;
- (b) Identify the tax type for which the bond or other security was originally furnished;
- (c) Identify the tax type and liability to which the amount is requested to be applied; and
- (d) Be signed by the taxpayer or an authorized representative of the taxpayer.
6. The Department may approve or deny a request submitted pursuant to subsection
4. In determining whether to approve such a request, the Department may consider, without limitation:
- (a) Whether the taxpayer is delinquent in filing returns, reports or other documents required by the Department;
- (b) Whether the taxpayer has outstanding compliance deficiencies;
- (c) Whether the taxpayer owes any tax, fee, penalty or interest for the tax type for which the bond or other security was originally furnished;
- (d) Whether approval of the request would impair the Department's ability to secure payment of liabilities for the tax type for which the bond or other security was originally required; and
- (e) Any other factor the Department determines is necessary to ensure compliance with chapters 360, 369, 370, 372 and 375A of NRS.
7. For purposes of this section:
- (a) A bond or other security furnished pursuant to NRS 369.350 may be applied only to liabilities arising under chapter 369 of NRS;
- (b) A bond or other security furnished pursuant to NRS 370.589 may be applied only to liabilities arising under chapter 370 of NRS, including, as applicable, liabilities relating to deferred payments for revenue stamps;
- (c) A bond or other security furnished pursuant to NRS 372.510 may be applied only to liabilities arising under chapter 372 of NRS; and
- (d) A bond furnished pursuant to NRS 375A.215 may be applied only to liabilities arising under chapter 375A of NRS.

**NAC 360.010 Definitions.** As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 360.015 to 360.040, inclusive, **and section [ ] of this regulation**, have the meanings ascribed to them in those sections.

**NAC 360.057 Filing and ~~Certificate of~~ service. (NRS 360.090)**

1. *Any document filed with the hearing officer or Commission must be served in person, by mail or by electronic means on the opposing party.*
2. With all documents required to be *filed and* served, *in person or by mail*, an acknowledgment of service or a certificate in substantially the following form must be included:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy thereof in person to ..... ) (by mailing a copy thereof, properly addressed, with postage prepaid, to ..... )

Dated at ....., this .....(day) of .....(month) of .....(year)

.....  
 .....

Signature

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**NAC 360.065 Classification of parties. (NRS 360.090)**

1. "Appellant" means any party appealing to the Commission from a decision of the hearing officer.
2. "Intervener" means a person or local government other than the original party to the proceeding who is directly and substantially affected by the proceeding and who is allowed pursuant to NAC 360.070 to appear and present testimony or otherwise participate at the hearing.
3. "Petitioner" means any person who requests or seeks a redetermination, refund or adjustment of any tax, tax liability or the amount of any tax paid by the person, an assessment for tax purposes or determination of value for any purpose, or who petitions the Department or Commission for an advisory opinion *or a declaratory order or* to adopt, amend or repeal a regulation.
4. "Respondent" means any person who is required to respond to an appeal of an administrative decision of the Commission.

**NAC 360.100 Prehearing conferences. (NRS 360.090, 360.370)**

1. The hearing officer may, upon the *hearing officer's* ~~[his or her]~~ own motion or the motion of a party, hold a prehearing conference for the purpose of formulating or simplifying the issues, obtaining admissions of fact or documents which will avoid unnecessary proof, arranging for the exchange of proposed exhibits or prepared expert testimony, limiting the number of witnesses, *establishing or reviewing* any procedure for the hearing and *taking* any other *action* ~~[matters]~~ which may ~~[expedite]~~ *promote the* orderly conduct *of or expedite* ~~[and the disposition of]~~ the proceedings or *the disposition or* settlements thereof.

2. The action taken at a prehearing conference and the agreements, admissions or stipulations made by the parties concerned must be made a part of the record. ~~{and must be approved by the parties. When approved,}~~ **T**he action will control the course of subsequent proceedings, unless otherwise stipulated to by all the parties of record with the consent of the hearing officer.

3. In any proceeding the hearing officer may, in **the hearing officer's** ~~{his or her}~~ discretion, call all of the parties together for a conference before the taking of testimony. The hearing officer shall state on the record the results of the conference.

**NAC 360.145 Admission of evidence; depositions; affidavits. (NRS 360.090, 360.370)**

1. The hearing will not be conducted according to the technical rules of evidence. Any relevant evidence may be admitted, except where precluded by law, if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs, even though the evidence might be subject to objection in civil actions.

2. Hearsay evidence, as that term is used in civil actions, may be admitted for the purpose of supplementing or explaining other evidence, but it is not sufficient to support findings of fact unless it would be admissible over objection in civil actions.

3. The rules of privilege will be applied as they are applied in civil actions.

4. Irrelevant, cumulative and unduly repetitious evidence is not admissible, nor is incompetent evidence, as that term is used in civil trials, with the exception of hearsay evidence as above provided.

5. The parties or their counsel may, by written stipulation, agree that certain specified evidence may be admitted, even though the evidence would otherwise be subject to objection.

~~—6. The hearing officer or any party to any proceeding may cause the depositions of witnesses to be taken in the manner prescribed by law and the rules of the court for depositions in civil actions.~~

7. The affidavit of any person may be admitted in evidence if all the parties stipulate and consent to its admission.

**NAC 360.150 Official notice. (NRS 360.090, 360.370)** The hearing officer may take official notice of the following matters **when properly introduced into the record and the opposing party has had the opportunity to examine the matter and present rebuttal evidence:**

1. Rules, regulations, official reports, decisions and orders of the Commission and any regulatory agency of the State.

2. Contents of decisions, orders, certificates, **licenses** and permits issued by the **Department and the Commission, including licenses issued pursuant to title 32, excluding licenses issued pursuant to chapter 361 of NRS.**

3. Matters of common knowledge and technical or scientific facts of established character.

~~—[4.— Official documents, if pertinent, when properly introduced into the record of formal proceedings by reference if proper and definite reference to the document is made by the party offering it and it is published and generally circulated so that all of the parties of interest at the hearing have an opportunity to examine it and present rebuttal evidence.]~~

~~[5.]~~**4.** Matters which may be judicially noticed by the courts of the State.

**NAC 360.155 Briefs.** (NRS 360.090, 360.370)

1. ~~[In any hearing, the]~~ **A** hearing officer may order **the parties to file** briefs ~~[filed]~~ with ~~[in such time as]~~ **the hearing officer** ~~[he or she allows]~~ **before or after the hearing.**

2. ~~[Briefs must be filed with the]~~ **A** hearing officer ~~[and be accompanied by an acknowledgment of or an affidavit showing service on all other]~~ **may consider any request by the** parties ~~[of record]~~ **to file briefs with the hearing officer before or after the hearing.**

**NAC 360.182 Appeal of taxpayer concerning liability for tax: Request for and conduct of closed hearing.** (NRS 360.090, 360.247)

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 ~~Department~~ ~~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 ~~the~~ ~~[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.

**NAC 360.187 Notice of hearing before order to seal and padlock business.** (NRS 360.090, 360.490) Any person who engages in business without having the appropriate permit or license required by title 32 of NRS or chapter 585 of NRS will be given 10 days' notice in writing which specifies the time and place of a hearing and requires the person to show cause why ~~[his or her]~~ ~~the~~ place of business should not be sealed and padlocked. The notice will be ~~[served]~~ ~~sent by electronic mail or, if the recipient has opted out of receiving notices through electronic means, [personally or] by mail [in the manner prescribed in~~ NRS 360.350].

**NAC 360.188 Decisions of Commission in contested cases not receiving evidentiary hearing: Form; delivery.** (NRS 360.090)

~~1. All final decisions in contested cases issued by or on behalf of the Commission upon which the petitioner has not received an evidentiary hearing before a hearing officer will be written and include separate findings of fact and conclusions of law based upon substantial evidence or matters officially noticed.~~

*1. In any appeal to the Commission in which a taxpayer has not received an evidentiary hearing before a hearing officer, the Commission's hearing officer shall conduct an evidentiary hearing in the manner prescribed in this section for contested cases.*

*2. After the close of the evidentiary hearing, the hearing officer shall file with the Commission within 30 days a proposed findings of fact, conclusions of law and decision. ~~Decisions will be delivered to~~ The proposed order must be served on each party. ~~and to his or her attorney of record either in person or by certified mail.~~*

**3. A party may file a written objection to the proposed order with the Department**

**within 30 days after receipt of the proposed order. The written objection must state with particularity the issues presented, the points of law or fact which are relied on and the relief requested. A party who files a written objection shall serve a copy of its objection on all parties.**

**4. A party may reply to the written objection within 30 days after receipt of the written objection. A reply must be served on all parties.**

**5. If no party files a written objection to the proposed order with the Department pursuant to subsection 4, the Commission will place the proposed order on the appropriate agenda for its next scheduled meeting for action by the Commission.**

**6. If a party files a written objection pursuant to subsection 4 within 30 days after receipt of the proposed order, the Commission will hold a hearing on the proposed order pursuant to NAC 360.175.**

**NAC 360.195 Jurisdiction.** (NRS 360.090) Since the Commission's jurisdiction does not extend to equalization matters, the **Executive** Director may respond to any **[request] petition** for an advisory opinion **or a declaratory order** as being directed to the Board.

**NAC 360.390 Estimate for county, incorporated city or unincorporated town: Distribution by demographer; appeal; revised estimates.** (NRS 360.090, 360.283)

1. The demographer employed by the Department shall distribute to the designated representative of each county, incorporated city and unincorporated town the estimates of the population of the county, incorporated city or unincorporated town not later than the first **business state-working** day in December.

2. A petition to appeal the estimates of the population of a county, incorporated city or unincorporated town must be submitted in writing to the Department not later than 2 weeks after the date on which the estimates are distributed. The petition must set forth the grounds for the appeal and include copies of all documentation supporting the appeal.

3. Upon filing a petition to appeal, the petitioner shall give notice of the appeal to the county and all incorporated cities and unincorporated towns within the county.

4. The Department will, within 5 **business state-working** days after receiving a petition to appeal, notify all counties, incorporated cities and unincorporated towns in the State of the receipt of the petition.

5. An appeal must be based on at least one of the following grounds:

(a) An error was made in the application of the methodology used to determine the estimates.

(b) An incorrect assumption was made in developing the proposed estimates.

(c) Additional information has become available which was not available or not used when the proposed estimates were being developed and the application of the additional information, if accepted by the Department and the demographer employed by the Department, would cause the proposed estimates to change materially.

6. The Department and the demographer employed by the Department will review the petition and may issue revised estimates. If revised estimates are issued, the Department will notify the petitioner in writing of the revised estimates as soon as practicable. If the revised estimates are agreed to by the petitioner not later than 30 days after the date on which the written notification is issued, or within such additional period as agreed to by the Department and the petitioner, the Department will issue a written decision on the petition adopting the revised estimates as the estimates of the population of the respective county, incorporated city or unincorporated town. If the revised estimates are not timely agreed to by the petitioner or if the Department and the demographer employed by the Department determine not to issue revised estimates within 30 days after the submission of the petition, the Department will set the appeal for hearing.

7. The appeal must be heard by a hearing officer of the Department in accordance with the provisions of NAC 360.043 to 360.200, inclusive. The Department will mail or transmit by **electronic means** ~~facsimile machine~~ to the petitioner and all counties, incorporated cities and unincorporated towns a notice of the date for the hearing during which oral arguments will be heard. The notice must be mailed or transmitted by **electronic means** ~~facsimile machine~~ not later than 5 **business state-working** days before the date of the hearing. Unless extended by the Department, an oral argument will be limited to 20 minutes.

8. A decision of the hearing officer may be appealed to the Commission. A decision of the Commission is a final decision for the purposes of judicial review.

9. An existing estimate of the population of any incorporated city or unincorporated town that does not submit a petition to appeal pursuant to this section will not be affected by any revised estimate that is agreed to by the Department and a petitioner pursuant to this section unless the Department determines that specific errors were made in the calculation of the existing estimate.

**NAC 360.395 Amount of penalty for late payment.** (NRS 360.090, 360.093, 360.417) The penalty imposed pursuant to NRS 360.417 and **NRS 680B.039** for the late payment of tax provided **under title 32 or [for in]** chapter ~~[362, 363A, 363B, 363C, 369, 370, 372, 372A, 377, 377A,]~~ 444A, ~~[or]~~ 585 **or 680B** of NRS, **excluding chapter 361, 361A, 362 and 375 of NRS** or any fee provided for in NRS 482.313, **482C.230 or 482C.240** must be in the amount of:

1. If the payment is not more than 10 days late, 2 percent of the amount of the tax or fee due.
2. If the payment is more than 10 days late but not more than 15 days late, 4 percent of the amount of the tax or fee due.
3. If the payment is more than 15 days late but not more than 20 days late, 6 percent of the amount of the tax or fee due.
4. If the payment is more than 20 days late but not more than 30 days late, 8 percent of the amount of the tax or fee due.
5. If the payment is more than 30 days late, 10 percent of the amount of the tax or fee due.

**NAC 360.396 Waiver or reduction of penalty or interest for late payment.** (NRS 360.090, 360.093, 360.417, 360.419)

1. Except as otherwise provided in NAC 360.398 and 363C.250, *this section applies only to any tax or fee imposed pursuant to title 32 or chapter 444A, 482.313, 482C.230, 482C.240 or 585 of NRS and does not apply to any tax, fee or assessment imposed pursuant to chapter 680B, 361, 361A, or 375 of NRS.* The Department shall waive or reduce a penalty or interest, or both, for a late payment if the total penalty and interest for the late payment is \$15 or less ~~as of the date the payment is made.~~
2. ~~The~~ With respect to any period for which a payment is required to have been made or a return is required to have been filed, the Department may waive or reduce a penalty or interest, or both, for a late payment or the late filing of a return if the late payment or late filing is determined by the Department to have been caused by circumstances beyond the control of the taxpayer or the taxpayer's agent, including, without limitation, the error of an employee of the taxpayer or the taxpayer's agent, and occurred despite the exercise of ordinary care and without intent.
3. In determining whether to waive or reduce the penalty or interest, or both, for a late payment or the late filing of a return pursuant to subsection 2, the Department may consider:
  - (a) The taxpayer's history of compliance and timely payment ~~of the taxpayer~~ and filing, subject to the limitations set forth in subsection 4;
  - (b) The weight and sufficiency of the evidence supporting the request of the taxpayer to waive or reduce the penalty or interest, or both, for the late payment or late filing;
  - (c) Any evidence which shows that the late payment or late filing was caused by circumstances that were not directly related to the actions of the taxpayer or the taxpayer's agent, including, without limitation:

(1) Fire, earthquake, flood or other acts of God, theft, or the death or serious illness of the taxpayer or the taxpayer's agent or a member of the immediate family of the taxpayer;

(2) An error or the misconduct of an employee of the taxpayer~~[,]~~ or the taxpayer's agent, including, without limitation, embezzlement; and

(3) Erroneous written information provided to the taxpayer or the taxpayer's agent by the Department; and

~~[(4) The misaddressed but timely mailing of the return or payment; and]~~

(d) Any other factor deemed by the Department to be relevant.

*2. In considering the taxpayer's history of compliance and timely payment and filing pursuant to paragraph (a) of subsection 3, the Department may consider the taxpayer's history:*

*(a) Of previous waiver requests, late filings, late payments, returns showing tax due that were filed without payment of the full tax due or any combination of these, subject to the limitations of paragraph (b); and*

*(b) Only as it relates to:*

*(1) The type of tax for which a waiver or reduction is requested; and*

*(2) Except as otherwise provided in this subparagraph, the period set forth in subsection 1 or 3 of NRS 360.355, as applicable, for serving or mailing a notice of determination of a deficiency or, in the case of a taxpayer's failure to make a return or a claim for an additional amount, the period set forth in subsection 2 or 3 of NRS 360.355, as applicable. The limitations of this subparagraph do not apply to cases of fraud or intentional evasion of the provisions of title 32 of NRS or any regulation adopted pursuant thereto.*

### **NAC 360.397 (Request for waiver or reduction of penalty or interest: Generally**

1. Except as otherwise provided in NAC 360.398 and 363C.250, ***this section applies only to any tax or fee imposed pursuant to title 32 or chapter 444A, 482.313, 482C.230, 482C.240 or 585 of NRS and does not apply to any tax, fee or assessment imposed pursuant to chapter 680B, 361, 361A, or 375 of NRS.*** A~~[a]~~ taxpayer or the taxpayer's agent may request the waiver or reduction of the penalty or interest, or both, by submitting to the Department a written statement signed under oath by the taxpayer or the taxpayer's agent which sets forth the facts and circumstances surrounding the failure of the taxpayer to make the payment in a timely manner.

2. ***A request described in subsection 1 must be submitted electronically through the Department's online portal unless a waiver is granted pursuant to subsection 2 of section 4 of LCB File No. R081-26.***

3. ***A claim for the waiver or reduction of a penalty or interest, or both, related to a tax or fee administered by the Department must be filed within 3 years***

*after the date on which the penalty or interest was initially assessed by the Department.*

*4. If an executed installment agreement is in effect pursuant to NAC 360.450, the period prescribed in subsection 3 is tolled until the installment agreement has been satisfied and all tax and fees due have been paid in full.*

*5. If a taxpayer fails to comply with the terms of an installment agreement described in subsection 4, the period prescribed in subsection 3 shall be calculated as if the installment agreement had never been executed.*

*6. The Department will not accept a request for the waiver or reduction of a penalty or interest, or both, unless the request is filed within the period prescribed in subsection 3.*

~~2.~~7. Except as otherwise provided in this subsection, ~~the~~ the Department shall not consider a request made pursuant to subsection 1 until the taxpayer has paid in full the tax or fee upon which the interest or penalty is assessed. The Department may consider a request made pursuant to subsection 1 before the taxpayer has made such a payment if the Department determines that the cost of taking any action for the collection of the tax for which the waiver or reduction is requested would exceed the total accumulated amount of all the unpaid taxes for the tax for which the waiver of reduction is requested and any applicable interest and penalties.

**NAC 360.438 Submission and withdrawal of offer to compromise; action by Department and Commission; effect of compromise. (NRS 360.090, 360.263)**

1. A person may request that the Commission compromise the liability of the person for a tax, contribution, premium, fee, interest or penalty assessed pursuant to **title 32 or the** ~~provisions~~ ~~of chapter 360, 360B, 362, 363A, 363B, 363C, 368A, 369, 370, 372, 372A, 374, 377, 377A,~~ or **chapter 444A, [of NRS, NRS] 482.313, 482C.230, 482C.240, [or chapter] 585 or 680B of NRS, excluding chapter 361, 361A, 362 and 375 of NRS,** as administered or audited by the Department by submitting to the Department, on a form prescribed by the Department, an offer to compromise the liability of the person.

2. An offer to compromise the liability of a person submitted pursuant to subsection 1 must include:

(a) A statement of the grounds upon which the compromise is sought and any other information to support the offer;

(b) Copies of such financial information and documentation as may be required by the Department, including, without limitation, financial statements, bank records, accounting ledgers and a statement or explanation of any assets that may be acquired by the person pursuant to the resolution of a pending claim, cause of action, settlement or insurance disbursement, inheritance or an unsatisfied judgment or court order;

(c) An affirmation, signed under penalty of perjury, attesting to the truthfulness and accuracy of all information and documentation submitted with the offer to compromise; and

(d) A written statement signed by the person consenting to suspend any and all statutory periods of limitation relevant to the collection of the liability of the taxpayer or the seizure, attachment, garnishment or execution upon property or assets of the taxpayer to satisfy the liability of the taxpayer during the period in which the Commission considers whether to accept or reject the offer of compromise.

3. The Department shall review, analyze and verify an offer of compromise and any accompanying information and documentation submitted pursuant to subsection 1.

4. If, after reviewing, analyzing and verifying the offer pursuant to subsection 3, the Department determines that:

(a) The offer does not comply with subsection 1 or does not include adequate supporting information and documentation, the Department shall return the offer to the person who submitted the offer with a written explanation of the deficiencies.

(b) Except as otherwise provided in paragraph (c), the offer complies with subsection 1, the Department shall forward to the Commission the offer and the recommendation of the Department as to whether the Commission should accept or reject the offer.

(c) The offer complies with subsection 1 and the Department will recommend that the Commission reject the offer, the Department shall advise the person submitting the offer in writing that the Department will recommend that the Commission reject the offer before forwarding the offer and the recommendation of the Department to the Commission pursuant to paragraph (b). A person so advised may withdraw the offer.

5. Except as otherwise provided in this subsection, if a person submits an offer pursuant to subsection 1, the Department shall cease, and shall not commence, any action related to the collection of the liability of the taxpayer or the seizure, attachment, garnishment or execution upon property or assets in satisfaction of the liability until the Commission accepts or rejects the offer. If the Department determines that the offer submitted pursuant to subsection 1 was offered for the purpose of delaying or avoiding the collection of the liability of the person, the Department may continue or commence any action related to the collection of the liability of the taxpayer or the seizure, attachment, garnishment or execution upon property or assets in satisfaction of the liability.

6. The Commission will review an offer received from the Department pursuant to subsection 4 and issue a written decision as to whether the Commission accepts or rejects the offer of compromise.

7. If the written decision of the Commission issued pursuant to subsection 6 is the acceptance of the offer of compromise, the Commission may:

(a) Make the acceptance of the offer contingent upon the satisfaction of conditions as the Commission deems appropriate, including, without limitation, that all or part of the amount of the compromise be paid within a specific time frame.

(b) Allow the person submitting the offer to pay the amount of the compromise in reasonable installments. If the Commission allows the person submitting the offer to pay the amount of the compromise in reasonable installments, the Commission may make the acceptance of the offer contingent upon the person complying with the schedule of installment payments.

8. If the Commission makes the acceptance of an offer of compromise contingent upon the satisfaction of a condition pursuant to subsection 7, the **Department Commission will monitor the compliance of the agreement** ~~hold a hearing before~~

~~finally accepting or rejecting the offer to determine whether the conditions upon the acceptance of the offer were satisfied.~~ If the **Department Commission** determines that ~~the conditions upon the acceptance of the offer were satisfied, the Commission will issue a written decision to accept the offer of compromise.~~ If the Commission determines that the conditions upon the acceptance of the offer were not satisfied, the **Department Commission** will issue a **notice written decision** specifying the manner in which such conditions failed to be satisfied. ***If the conditions are not met within 30 days of the notice, the Department shall notify the person in writing that the agreement has been terminated.***

***9. If an agreement is terminated pursuant to this section, the total amount covered by the agreement, including, without limitation, taxes, interest and penalties, is due on the date on which the agreement terminates.***

**109.** Except as otherwise provided in subsection 10, after the Commission has accepted an offer of compromise and the person has tendered the full amount of money offered in the compromise, the compromise will be deemed to be an accord and satisfaction of the liability of the person for that liability which is the subject of the compromise.

**1140.** If, after a hearing, the **Department Commission** determines that the acceptance by the Commission of an offer of compromise was procured through fraud, misrepresentation or concealment or resulted from a mutual mistake of fact, the Commission may issue a written decision to reinstate the liability of the taxpayer in the amount originally assessed by the Department. The written decision of the Commission is a final decision for the purposes of judicial review.

**1244.** The acceptance of an offer of compromise by the Commission pursuant to this section shall not be deemed to be a limitation on the rights and remedies of the Department with respect to any person not named or identified in the offer of compromise.

**NAC 360.552 “Authorized user” defined. (NRS 360.090, 360.092)** “Authorized user” means a person who is granted authority by the taxpayer account security administrator to access taxpayer information available on the ~~website of the~~ Department’s **online portal**, located at ~~<https://www.nevadatax.nv.gov/web/>~~ **<https://mynvntax.nv.gov>** ~~on the World Wide Web.~~

**NAC 360.568 “NevadaTax access code” defined. (NRS 360.090, 360.092)** “NevadaTax access code” means a personal identification number issued to a person by the Department that allows the person to become an **online website** user and to access and file tax information online at ~~<https://www.nevadatax.nv.gov/web/>~~ **<https://mynvntax.nv.gov>** on the **Department’s online portal** ~~World Wide Web.~~

**NAC 360.570 “Permit” defined.** (NRS 360.090, 360.092) “Permit” means one or more ~~tax licenses authorizations or registrations obtained from~~ **issued by** the Department ~~by-upon registration through the Department’s online portal at <https://myntax.nv.gov> or, if a waiver has been granted pursuant to section 4, subsection 2 of LCB File No. R081-26, upon submission of~~ **completing and submitting a form prescribed by the Department** ~~Nevada Business Registration by~~ **by** mailing or **other** ~~delivery~~ **ing it** to the Department. ~~or by completing the Nevada Business Registration online at <https://www.nevadatax.nv.gov/web/> on the World Wide Web.~~

**NAC 360.578 “Taxpayer account security administrator” defined.** (NRS 360.090, 360.092) “Taxpayer account security administrator” means a person appointed and authorized by a taxpayer to administer security access on the Department’s **online portal website**, located at **<https://myntax.nv.gov>** ~~<https://www.nevadatax.nv.gov/web/> on the World Wide Web.~~

**NAC 360.582 “Online Website user” defined.** (NRS 360.090, 360.092) “**Online Website** user” means a taxpayer who, by way of providing specific information requested by the Department through its **online website** registration process, has obtained a username and password enabling the taxpayer to conduct transactions and access **their** ~~his or her~~ account information online at **<https://myntax.nv.gov>** ~~<https://www.nevadatax.nv.gov/web/> on the World Wide Web.~~

**NAC 360.584 Applicability of provisions.** (NRS 360.090, 360.092) NAC 360.550 to 360.598, inclusive, apply to online registration, filing and payment by electronic transfer of money for taxes, fees, interest, penalties or other charges provided for **under title 32 or chapter** ~~[in chapters~~ 360, 361, 362, 363A, 363B, 363C, 368A, 369, 370, 372, 372A, 374, 377, 377A ~~and]~~ 444 A, **482.313, 482C.230, 482C.240, 585 or 680B** of NRS ~~[and to any fee provided for in NRS 482.313 or chapter 680B of NRS].~~

**NAC 360.586 Taxpayer ~~service center~~ online portal website.** (NRS 360.090, 360.092) The Department’s ~~taxpayer service center~~ **online portal website**, located at **<https://myntax.nv.gov>** ~~<https://www.nevadatax.nv.gov/web/> on the World Wide Web~~, provides taxpayers with the ability to conduct transactions and review tax account information on the Internet.

**NAC 360.588 Online registration with Department.** (NRS 360.090, 360.092)

1. To register online with the Department, a person must submit a completed Nevada Business Registration and confirm the registration by clicking on the **submit [certification]** button on the Department's **online portal [website]**. By clicking on the **submit [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.

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

- (a) Provide, during the **online [website]** registration process:
  - (1) The legal name and the federal employer identification number of the registrant; or
  - (2) If the registrant is a sole proprietor, the legal name and the social security number of the registrant;
- (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) Confirm, by clicking on the **submit [certification]** button on the **online portal [website]** upon completion of the registration process, that:
  - (1) The information contained in the online Nevada Business Registration is true and accurate;
  - (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 an **online [website]** user of the Department's **online portal [website]**, a taxpayer who has a permit **or license** issued by the Department must:

- (a) Provide, during the **online [website]** registration process, the legal name of the registrant and any one of the following:
  - (1) The registrant's federal employer identification number;
  - (2) If the registrant is a sole proprietor, the registrant's social security number; or
  - (3) The **account [permit]** number assigned to the registrant by the Department;
- (b) Provide selected information from a return **or payment** that was previously filed by the registrant;
- (c) Provide the legal name and electronic mail address of the taxpayer account security administrator; and
- (d) Confirm, by clicking on the **submit [certification]** button on the **online portal [website]** upon completion of the registration process, that:
  - (1) The information contained in the **online [website]** registration is true and accurate;
  - (2) The **online [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.

**NAC 360.590 Taxpayer account security administrator: Responsibility for authorized user.** (NRS 360.090, 360.092) 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 the Department's *online portal* ~~[website]~~.

**NAC 360.592 Electronic filing of documents: Signature.** (NRS 360.090, 360.092)

1. To file an electronic return online, a taxpayer, a taxpayer account security administrator or an authorized user must affix the taxpayer's electronic signature to the taxpayer's electronic return. Use of the taxpayer's electronic signature is the taxpayer's declaration that, to the best of the taxpayer's knowledge, information and belief, the electronic return is true, accurate and complete.

2. A person shall be deemed to have affixed *their* ~~his or her~~ signature to a tax return or other document filed electronically with the Department ~~by using his or her~~ *when they provide any form of approval, consent, or acknowledgement using a method authorized by the issuing agency.* ~~NevadaTax access code and checking the checkbox on the NevadaTax online registration.~~

**NAC 360.594 Electronic returns; zero returns.** (NRS 360.090, 360.092)

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 only by automated clearinghouse credit, ~~[or]~~ automated clearinghouse, *electronic funds transfer, credit card or debit card.*

2. *If a waiver has been granted pursuant to section 4, subsection 2 of LCB File No. R081-56 and [H]* a person submits an electronic return but 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.

**NAC 360.598 Maintenance of records by taxpayers.** (NRS 360.090, 360.092) Unless a different period of time is prescribed by statute, for each electronic return of

taxes, fees, interest, penalties or other charges, the taxpayer shall keep records, receipts, invoices and other ~~pertinent papers~~ *relevant documents* to substantiate the electronic return for 4 years following the later of the due date of the return or the date the electronic return was filed with the Department.

**NAC 360.610 Written claim: Executed under oath; contents; action of Department on filing.** (NRS 360.090, 360.535)

1. To *dispute or* claim an ownership interest in property transmitted to or seized by the Department pursuant to NRS 360.530, a person ~~[who does not owe any tax to the Department]~~ must file a written *dispute or* claim with the Department ~~[at least 3]~~ *within 20 days after the property is transmitted to or seized by the Department* ~~[before the date set for the sale of the property].~~

2. A written *dispute or* claim filed pursuant to subsection 1 must be executed under oath by the person *making the dispute or* ~~claiming the ownership interest~~ and must contain:

(a) The name of the person *making filing* the *dispute or* claim;

(b) An *electronic mail* address ~~[in this State]~~ where the person may be served by *electronic means* ~~[mail]~~;

(c) A description of the property *that is the subject of the dispute or claim* ~~in which the person claims an interest~~;

(d) A description of the *person's* interest *in the property claimed*; and

(e) A statement that sets forth the facts *and law* upon which the ~~[person bases his or her]~~ *dispute or* claim *is based*.

É The person may attach to the written *dispute or* claim any documents that support the *dispute or* claim.

3. If a *dispute or* claim is filed pursuant to this section, the Department shall not ~~conduct a sale~~ *sell, destroy, or dispose* of the *transmitted or seized* property to which the *dispute or* claim pertains until a final decision has been issued pursuant to NAC 360.612.

*4. If a person fails to file a dispute or claim within the period of time set forth in subsection 1, the person is deemed to have:*

*(a) Waived any right to challenge the transmission, seizure or disposition of the property; and*

*(b) Forfeited any interest in the property.*

**NAC 360.612 Administrative hearing: Date of hearing; notice; procedure; notice of findings of fact, conclusions of law and decision; appeal.** (NRS 360.090, 360.535)

1. A hearing officer shall conduct an administrative hearing after the Department receives a *dispute or* claim filed pursuant to NAC 360.610 to determine ownership of the property to which the claim pertains.

2. Except as otherwise provided in subsection 3, the hearing officer shall conduct an administrative hearing pursuant to this section within **20** ~~[15]~~ days after the Department receives a **dispute or** claim filed pursuant to NAC 360.610. The hearing officer may continue such a hearing for good cause shown.

3. An administrative hearing may be conducted pursuant to this section on the date on which the property to which the **dispute or** claim pertains is seized or transmitted to the Department if, on that date:

(a) The ownership of the property can be established to the satisfaction of the hearing officer with information obtained by the Department; or

(b) The person who is **disputing or** claiming the ownership interest can provide the information and documentation required by subsection 2 of NAC 360.610.

4. Except for a hearing held pursuant to subsection 3, notice of an administrative hearing conducted pursuant to this section must be **sent by** ~~[served]~~ **electronic mail or, if the recipient has opted out of receiving notices through electronic means,** by mail at least 10 days before the date of the hearing to any person **disputing or** claiming an interest in the property, including, without limitation, the person who transmitted the property to the Department or from whom the property was seized.

5. Notice of a hearing served pursuant to subsection 4 must specify:

(a) The purpose of the hearing; and

(b) The date, time and location of the hearing.

6. Except as otherwise provided in subsections 4, 7 and 8, a hearing held pursuant to this section must be conducted in accordance with the procedures for a hearing on a petition for redetermination set forth in NAC 360.095 to 360.170, inclusive.

7. A person who files a **dispute or** claim pursuant to NAC 360.610 has the burden of proof at the hearing held pursuant to this section. The hearing officer shall determine the manner in which evidence will be received.

8. After a hearing held pursuant to this section, the hearing officer shall prepare written findings of fact, conclusions of law and **a** ~~[his or her]~~ decision on the issues presented at the hearing. The hearing officer shall serve a copy of **the** ~~[his or her]~~ findings of fact, conclusions of law and decision upon any person who **disputes or** claims an ownership interest in the property, including, without limitation, the person who transmitted the property to the Department or from whom the property was seized, within 20 days after the date of the hearing.

9. Within 30 days after service of the copy of the findings of fact, conclusions of law and decision of the hearing officer pursuant to subsection 8, any person to whom the findings of fact, conclusions of law and decision were served may file a notice of appeal with the **Department Commission**. An appeal of the decision of a hearing officer must be made in writing and a hearing on the appeal will be conducted in accordance with the applicable rules set forth in NAC 360.175, 360.176 and 360.185.

**NAC 360.700 Contact to schedule appointment; contents of auditor's letter; period covered by audit; written request for extension of commencement date or estimated completion date; consequences of failure to provide necessary records. (NRS 360.090, 360.232, 360.2915)**

1. As soon as practicable after selection of an account for audit, the auditor assigned to the audit shall attempt to contact the taxpayer ~~by telephone~~ to schedule an appointment that is convenient for the taxpayer and the auditor for the purpose of performing the audit. ~~The auditor shall first attempt to contact the taxpayer using the primary method of contact for the taxpayer that is on file with the Department.~~ If the auditor is unable to contact the taxpayer ~~by telephone~~ using the primary preferred method of contact, the auditor shall attempt to contact the taxpayer using the secondary preferred method of contact for the taxpayer that is on file with the Department. ~~If the auditor is unable to contact the taxpayer using the primary or secondary preferred method of contact,~~ the auditor shall send a letter to the taxpayer requesting the taxpayer to contact the auditor to schedule an appointment for the purpose of performing the audit.

2. In scheduling an audit, the auditor and the taxpayer must discuss:

- (a) A date on which to commence the audit;
- (b) An estimate of the date by which the audit will be completed;
- (c) The first and last months of the audit period;
- (d) The nature of the business being audited and the availability of records;
- (e) The hours during which the records will be available for review by the auditor;
- (f) The contact person with whom the auditor is to work in conducting the audit and reviewing the results of the audit; and
- (g) The criteria set forth in subsection 4 for changing the period that the audit will cover and extending the commencement date or estimated completion date, or both, of the audit.

3. After contacting the taxpayer pursuant to subsection 1, the auditor shall send a letter to the taxpayer which includes:

- (a) The date, time and location of the first appointment for the audit;
- (b) The first and last months of the audit period;
- (c) The records that the taxpayer must make available for the audit;
- (d) The estimated completion date of the audit;
- (e) A copy of the Taxpayers' Bill of Rights;
- (f) A copy of each statute that authorizes the Department to perform an audit and issue a deficiency determination, if necessary, and the process for appealing such a determination; and
- (g) The name and telephone number of the auditor and the supervisor of the auditor.

4. The criteria to be used by the Department in determining whether to change the period that the audit will cover and to extend the commencement date or estimated completion date, or both, of the audit include, without limitation:

- (a) The time required by the taxpayer to gather records necessary for the audit; and
- (b) Circumstances determined by the Department to be beyond the control of the taxpayer or the Department.

5. A taxpayer may request an extension of the commencement date or estimated completion date, or both, of the audit. Such a request must be submitted in writing to the auditor and must set forth the reason for the request. The auditor shall, on good cause shown, grant a reasonable extension and shall notify the taxpayer in writing of the revised commencement date or the revised estimated completion date, or both, of the audit. If an extension is granted, the statute of limitations for the finding of a deficiency will not be tolled during the period of the extension and a waiver of the statute of limitations must be obtained from the taxpayer or the audit period must be adjusted to account for the extension.

*(a) A taxpayer must provide all records requested in the confirmation letter by the auditor on or before the start date of the audit. Otherwise, a Waiver of Limitation must be in place at the commencement of the audit to secure the audit period through the estimated completion date or the audit will be estimated.*

*(b) The Department may grant an extension, for receipt of records requested in the confirmation letter, provided the request for such extension is submitted in writing prior to the start date of the audit and demonstrates good cause.*

*(c) If, during the course of an audit, the auditor determines that additional records are necessary to verify the accuracy of the taxpayer's books, records, or reported information, the auditor may request such records as they are identified. The taxpayer must provide the requested records within 30 days of the request, unless the Department grants additional time for good cause.*

6. If a taxpayer fails to provide the records necessary to complete an audit by the estimated completion date or revised estimated completion date, the auditor may:

(a) Determine **or estimate** an amount of delinquent taxes due from the records provided;

(b) If the taxpayer has not provided any records, estimate an amount of delinquent taxes due based on information regarding the taxpayer that the Department has in its possession, including, without limitation, any returns filed by the taxpayer; or

(c) Request the Department to issue a subpoena for the production of records by the taxpayer.

**NAC 360.847 Issuance, transfer and application of transferable tax credits: Required notices to Department. (NRS 360.759)**

1. If the Office certifies the audit provided by a producer pursuant to paragraph (e) of subsection 3 of NRS 360.759 and determines that all other requirements for transferable tax credits have been met, at the same time that the Office notifies the producer that transferable tax credits will be issued, the Office shall notify the

Department that the transferable tax credits will be issued. The notice must provide the name of the producer and the amount of transferable tax credits that will be issued.

2. Upon receipt of the irrevocable declaration filed by a producer pursuant to subsection 6 of NRS 360.759 to declare the amount of transferable tax credits that will be applied to each tax or fee set forth in subsection 1 of NRS 360.759, the Office shall forward to the Department a copy of the certificate of eligibility which:

(a) Identifies the amount of transferable tax credits to be applied to the taxes imposed by chapters 363A, 363B and 680B of NRS, segregated by the amount of credit to be applied to each of those taxes; and

(b) Accounts for all of the credits which will be applied to those taxes.

3. Within 5 ~~calendar~~ days after receiving notice from a producer of the transfer of transferable tax credits pursuant to subsection 6 of NRS 360.759, the Office shall notify the Department of all transferable tax credits transferred, segregated by each credit applied to the taxes imposed by chapter 363A, 363B or 680B of NRS. The notification must include, without limitation:

(a) Contact information for the current holder of the transferable tax credits and each person to whom the transferable tax credits will be transferred;

(b) The current state of residence of the current holder of the transferable tax credits and each person to whom the transferable tax credits will be transferred;

(c) The dollar amount of the transfer; and

(d) The proposed date of the transfer.

4. A holder of the transferable tax credits, other than a producer, who intends to transfer any credit applied to the taxes imposed by chapter 363A, 363B or 680B of NRS must notify the Department of all such credits to be transferred, segregated by each credit applicable to the taxes set forth in chapters 363A, 363B and 680B of NRS. The notification must include, without limitation:

(a) Contact information for the current holder of the transferable tax credits and each person to whom the transferable tax credits will be transferred;

(b) The current state of residence of the current holder of the transferable tax credits and each person to whom the transferable tax credits will be transferred;

(c) The dollar amount of the transfer; and

(d) The proposed date of the transfer.

5. A holder of transferable tax credits who is applying such a credit to an amount of taxes due pursuant to chapter 363A, 363B or 680B of NRS shall include with the applicable return a form provided by the Department that indicates the amount of credit applied to the taxes due for that return.

6. A return in which any transferable tax credits are applied to a tax due pursuant to chapter 363A, 363B or 680B of NRS, must be ***submitted through the Department's online portal or, if a waiver has been granted pursuant to section 4, subsection 2***

*of LCB File No. R081-26, by mail or other deliver to the Department.* ~~mailed to the Department at the following address:~~

~~Film Tax Credit Return Processing~~

~~Nevada Department of Taxation~~

~~1550 College Parkway, Suite 115~~

~~Carson City, NV 89706~~

7. The amount of credit claimed in a single tax return may not exceed the amount of tax due for that return.