

**PROPOSED REGULATION OF THE
NEVADA TAX COMMISSION**

LCB File No. R020-05

August 2, 2005

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

AUTHORITY: §§1-3; NRS 360.090 and 372.725.

A REGULATION relating to taxation; clarifying the application of the Sales and Use Tax to the provision of the service of court reporting; and providing other matters properly relating thereto.

Section 1. Chapter 372 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *As used in sections 2 and 3 of this regulation, unless the context otherwise requires:*

1. “Captioning services” means the reporting of a proceeding by means of manual or mechanical shorthand writing and real time translation of the spoken word with open or closed captioning capabilities.

2. “Communication access real time translation services” means the reporting of a proceeding by means of mechanical shorthand writing and real time transmission of the spoken work, including, without limitation, for use in assisting in communications.

3. “Convention services” means the reporting of a convention proceeding by means of manual or mechanical shorthand writing of the spoken word through the use of real time translation or a certified transcript of the proceedings.

4. *“Court reporter” means a person who is certified pursuant to chapter 656 of NRS to provide the service of court reporting.*

5. *“Proceeding” means any judicial proceeding, quasi-judicial proceeding, legislative proceeding, quasi-legislative proceeding or other similar proceeding or meeting, including, without limitation:*

(a) Grand jury proceedings;

(b) Court proceedings;

(c) Pretrial examinations, depositions, motions and related proceedings of like character;

(d) Proceedings of an administrative agency if the final decision of the agency with reference thereto is subject to judicial review;

(e) Arbitration proceedings;

(f) Regulatory proceedings;

(g) A meeting of a board of directors; or

(h) Any other proceeding or meeting during which the certification of a court reporter is of significant value to the client of the court reporter.

6. *“Real time translation” means reporting by means of mechanical shorthand writing of the spoken word that is simultaneously transmitted from the system used for reporting to a laptop computer or a screen.*

7. *“Service as a depository” means providing service as a depository of documents related to a court proceeding pursuant to the order of a court, including, without limitation:*

(a) Storing documents used in litigation;

(b) Copying and imaging of documents used in litigation;

(c) Date stamping documents used in litigation; and

(d) Providing access to documents used in litigation.

8. “Service of court reporting” means the reporting for a proceeding by the use of any system of manual or mechanical shorthand writing.

9. “System of manual or mechanical shorthand writing” means a system used for the reporting of a proceeding, including, without limitation:

(a) A system for communication access real time translation services.

(b) A system for captioning services.

(c) A system for convention services.

10. “Transcript” means a written reproduction of a proceeding, including:

(a) A reproduction on paper.

(b) A reproduction on a computer disc or similar medium.

(c) A reproduction transmitted in an electronic or digital medium or format.

Sec. 3. 1. *Purchases of tangible personal property by a court reporter are subject to the sales tax if the property is acquired for use in the operation of the business. As an example of the application of this section, if a court report purchases office supplies, computer equipment, computer software or devices used in providing the service of court reporting, the court reporter is the consumer of the tangible personal property and must therefore pay the sales tax at the time of purchase.*

2. The sales tax does not apply to any charge for providing the service of court reporting if the charge is stated separately on the invoice or is part of a charge for other services.

Charges for providing the service of court reporting include, without limitation, any fee or charge for:

(a) Attending a proceeding;

- (b) Providing a transcript of a proceeding, or a copy thereof, to any party to that proceeding;*
- (c) Providing to any person a single copy of the transcript of a proceeding that is subject to the provisions of chapter 241 of NRS;*
- (d) Providing real time translation of a proceeding;*
- (e) Producing a condensed transcript of a proceeding;*
- (f) Providing service as a depository; or*
- (g) Supervision, consulting, research, postage, express delivery, telephone messages, transportation and travel expenses, copies or computer discs.*