

**PROPOSED REGULATION OF THE
NEVADA TAX COMMISSION**

LCB FILE NO. R158-22I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/30/2022**

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

1. 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 *on the date the tax is paid.*

2. The Department may waive or reduce a penalty or interest, or both, for a late payment *of a filing period* if the late payment is determined by the Department to have been caused by circumstances beyond the control of the taxpayer or the taxpayer's agent and occurred despite the exercise of ordinary care and without intent.

3. The Department may waive or reduce a penalty for late payment or late filing of a filing period 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 and occurred despite the exercise of ordinary care and without intent resulting from the error of an employee of the taxpayer.

~~3.~~ 4. In determining whether to waive or reduce the penalty or interest, or both, for a late payment pursuant to subsection 2, the Department may consider:

(a) The history of compliance and timely payment of the taxpayer;

(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;

(c) Any evidence which shows that the late payment 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, including, without limitation, embezzlement;

(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.

5. The Department may waive the penalty and interest in full for late payment or late filing of a period if:

1. This is the first time Taxpayer is requesting a waiver, and;

2. Taxpayer has no penalties or interest for the immediate 36 months prior to the period in which waiver is requested for assessed penalties and/or interest, and;

3. All current returns are timely and no delinquencies.

(Added to NAC by Tax Comm'n by R018-05, eff. 10-31-2005; A by R206-07, 4-17-2008)