

**PROPOSED REGULATION OF THE  
NEVADA TAX COMMISSION**

**LCB FILE NO. R116-24I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 06/06/2024**

## AGENCY PROPOSED REGULATION

### NEVADA TAX COMMISSION

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

A REGULATION relating to taxation; revising provisions relating to filing a claim for refund; and providing other matters properly relating thereto.

NAC 360.480(2) provides that a claim for a refund of interest or a penalty that was paid by the Taxpayer related to a tax administered by the Department must be filed within 3 years after the date of payment of the interest or penalty. However, there is no guidance in the tax statutes for when a claim must be filed if the Taxpayer has paid the tax but not the penalty and interest.

To address this situation the title of NAC 360.480 should be updated as well as make changes to the NAC for further clarification. In addition, adds guidance for crediting out of statute money to unclaimed property.

**Section 1.** NAC 360.480 is hereby amended to read as follows:

**NAC 360.480 Documentation required with claim for refund; time for filing claim for refund ~~of interest or penalty~~.** (NRS 360.090)

1. Except as otherwise provided in NAC 360.490 to 360.496, inclusive, a claim for a refund must be accompanied by:

(a) A statement setting forth the amount of the claim;

(b) A statement setting forth all grounds upon which the claim is based;

(c) All evidence the claimant relied upon in determining the claim, including affidavits of any witnesses; and

(d) Any other information and documentation requested by the Department.

2. A claim for a refund of interest *and/or* a penalty that was paid by the taxpayer related to a tax administered by the Department *and approved by the Department or the Nevada Tax*

*Commission* must be filed within 3 years after *service of written notification of the credit on the taxpayer.* ~~the date of payment of the interest or penalty.~~

3. *A claim for a refund of overpaid tax, as a result of, but not limited to, an amended return, correction or adjustment must be filed within 3 years after service of written notification of the credit on the taxpayer.*

4. *Except as otherwise provided in NRS chapter 361, NRS 360.235, 360.357, 360.7575, 362.130, 369.345, 369.370, 375B.280 and 680B.120, if a claim for refund is not filed with the Department within 3 years pursuant to NRS 354.230, 363A.160, 363B.150, 363C.610, 363D.200, 368A.260, 370.5041, 372.635, 372A.310, 372B.190, 374.640, 482.313, 482C.230 and section 2 and 3 if this regulation, the Department shall credit the amount of the overpayment against any other such tax or fee then due pursuant to NRS 360.236 and remit any remaining overpayment to the Nevada State Treasurer's Office, in accordance with NRS 120A.*