

ASSEMBLY BILL NO. 448—ASSEMBLYMEN  
YEAGER AND JAUREGUI

MARCH 27, 2023

Referred to Committee on Revenue

SUMMARY—Revises provisions governing the real property transfer tax. (BDR 32-938)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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

AN ACT relating to taxation; revising the exemption from the real property transfer tax applicable to certain transfers of real property between business entities; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides for the imposition of taxes on transfers of real property.  
2 (NRS 375.020, 375.023, 375.026) Existing law also provides that certain transfers  
3 are exempt from such taxes, including, without limitation, transfers between certain  
4 affiliated business entities. (NRS 375.090) This bill provides that this exemption  
5 does not apply if a transfer of real property is made to a business entity formed for  
6 the purpose of evading the tax on transfers of real property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 375.090 is hereby amended to read as follows:  
2 375.090 The taxes imposed by NRS 375.020, 375.023 and  
3 375.026 do not apply to:

4 1. ~~1.A~~ *Except as otherwise provided in this subsection, a* mere  
5 change in identity, form or place of organization, such as a transfer  
6 between a business entity and its parent, its subsidiary or an  
7 affiliated business entity if the affiliated business entity has identical  
8 common ownership. *The taxes imposed by NRS 375.020, 375.023*  
9 *and 375.026 apply to a transfer described in this subsection if the*



1 *business entity to which the real property is transferred was*  
2 *formed for the purpose of avoiding those taxes.*

3 2. A transfer of title to the United States, any territory or state  
4 or any agency, department, instrumentality or political subdivision  
5 thereof.

6 3. A transfer of title recognizing the true status of ownership of  
7 the real property, including, without limitation, a transfer by an  
8 instrument in writing pursuant to the terms of a land sale installment  
9 contract previously recorded and upon which the taxes imposed by  
10 this chapter have been paid.

11 4. A transfer of title without consideration from one joint  
12 tenant or tenant in common to one or more remaining joint tenants  
13 or tenants in common.

14 5. A transfer, assignment or other conveyance of real property  
15 if the owner of the property is related to the person to whom it is  
16 conveyed within the first degree of lineal consanguinity or affinity.

17 6. A transfer of title between former spouses in compliance  
18 with a decree of divorce.

19 7. A transfer of title to or from a trust without consideration if a  
20 certificate of trust is presented at the time of transfer.

21 8. Transfers, assignments or conveyances of unpatented mines  
22 or mining claims.

23 9. A transfer, assignment or other conveyance of real property  
24 to a corporation or other business organization if the person  
25 conveying the property owns 100 percent of the corporation or  
26 organization to which the conveyance is made.

27 10. A conveyance of real property by deed which becomes  
28 effective upon the death of the grantor pursuant to NRS 111.655 to  
29 111.699, inclusive, and a Death of Grantor Affidavit recorded in the  
30 office of the county recorder pursuant to NRS 111.699.

31 11. The making, delivery or filing of conveyances of real  
32 property to make effective any plan of reorganization or adjustment:

33 (a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C.  
34 §§ 101 et seq.;

35 (b) Approved in an equity receivership proceeding involving a  
36 railroad, as defined in the Bankruptcy Act; or

37 (c) Approved in an equity receivership proceeding involving a  
38 corporation, as defined in the Bankruptcy Act,

39 ↪ if the making, delivery or filing of instruments of transfer or  
40 conveyance occurs within 5 years after the date of the confirmation,  
41 approval or change.

42 12. A transfer to an educational foundation. As used in this  
43 subsection, "educational foundation" has the meaning ascribed to it  
44 in subsection 3 of NRS 388.750.



1 13. A transfer to a university foundation. As used in this  
2 subsection, "university foundation" has the meaning ascribed to it in  
3 subsection 3 of NRS 396.405.

4 14. A transfer to a library foundation. As used in this  
5 subsection, "library foundation" has the meaning ascribed to it in  
6 NRS 379.0056.

7 **Sec. 2.** This act becomes effective upon passage and approval.

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