

**PROPOSED REGULATION OF THE
NEVADA TAX COMMISSION**

LCB FILE NO. R044-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 03/04/2024**

Informational Report – Executive Order 2023-003

Section 1 - Comprehensive Review of Regulations

CHAPTER 372B - TAXES ON PASSENGER CARRIERS

- 1. The citation of the regulation with clear indication of the proposed modification in blue italics and matters to be omitted in red and bracketed.**

NAC 372B.100 “Excise tax on *the connection to* passenger transportation” defined. (NRS [360.090](#), [372B.110](#)) As used in this chapter, unless the context otherwise requires, “excise tax on *the connection to* passenger transportation” means the taxes imposed by NRS [372B.140](#), [372B.150](#) and [372B.160](#).

(Added to NAC by Tax Comm’n by R068-15, eff. 6-28-2016)

- 2. A clear and concise explanation on why such change should occur.**

Amend "excise tax on passenger transportation" to read "excise tax on the connection to passenger transportation". Clarify that the tax is due on the “connection,” not the transportation.

- 3. Information for each public meeting held to discuss the proposed regulation change, as mandated by Section 3 of Executive Order 2023-003, which must include:**

- a. The date of the meeting(s) and the number of persons who attended (not including Department staff or Commissioners):**

Workshop – 4/7/23 (11 people attended)

Hearing – 4/21/23 (12 people attended)

- b. Information for each person who provided public oral or written comment or testimony on the regulation:**

There was no public comment, either made orally or in writing for this regulation.

- 4. The estimated impact on any business, person, or agency if the change is to occur, which must include:**

- a. The adverse and beneficial effects;**
- b. The positive or negative economic impact; and**
- c. Cost savings to the state or agency.**

The amendment to this regulation presents no foreseeable or anticipated impact on any business, person, or agency if this change is to occur.

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- 1. The citation of the regulation with clear indication of the proposed modification in blue italics and matters to be omitted in red and bracketed.**

NAC 372B.200 Duties of Department: Identification, registration and notification of taxpayer; failure to register or notify does not excuse requirement to pay tax. ([NRS 360.090](#), [372B.110](#))

- The Department shall:
 - Use the best information available to identify each taxpayer;
 - Register each taxpayer; and
 - Notify each taxpayer of the requirement to pay the excise tax on *the connection to* passenger transportation.
- The failure of the Department to register or notify a taxpayer pursuant to subsection 1, or the failure of a taxpayer to be registered or receive notice of the requirement to pay the excise tax on passenger transportation, does not eliminate or excuse the requirement to pay the tax.
(Added to NAC by Tax Comm'n by R068-15, eff. 6-28-2016)

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Amend "excise tax on passenger transportation" to read "excise tax on the connection to passenger transportation". Clarify that the tax is due on the "connection," not the transportation.

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Exhibit 372B.2-A

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- 1. The citation of the regulation with clear indication of the proposed modification in blue italics and matters to be omitted in red and bracketed.**

NAC 372B.210 Tax due and payable monthly. ([NRS 360.090](#), [372B.110](#)) The excise tax on *the connection to* passenger transportation is due and payable to the Department monthly on or before the last day of the month next succeeding the month in which the tax accrued.

(Added to NAC by Tax Comm'n by R068-15, eff. 6-28-2016)

- 2. A clear and concise explanation on why such change should occur.**

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- 1. The citation of the regulation with clear indication of the proposed modification in blue italics and matters to be omitted in red and bracketed.**

NAC 372B.220 Requirements for return. (*NRS 360.090, 372B.110*)

- A return filed pursuant to *NAC 372B.215* must show:
 - The total amount of the fares charged by the taxpayer for transportation services during the preceding reporting period;
 - The amount of the taxes due from the taxpayer for the reporting period covered by the return; and
 - Such other information as the Department deems necessary for the proper administration of the excise tax on *the connection to* passenger transportation.
- For the purposes of this section, the total amount of the fares charged for transportation services includes, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare.
(Added to NAC by Tax Comm'n by R068-15, eff. 6-28-2016)

- 2. A clear and concise explanation on why such change should occur.**

Amend "excise tax on passenger transportation" to read "excise tax on the connection to passenger transportation". Clarify that the tax is due on the "connection," not on the transportation.

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Exhibit 372B.4-A

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- 1. The citation of the regulation with clear indication of the proposed modification in blue italics and matters to be omitted in red and bracketed.**

NAC 372B.230 Calculation of amount of tax due. ([NRS 360.090](#), [372B.110](#)) In determining the amount of the excise tax on *the connection to* passenger transportation due from a taxpayer:

1. A transportation network company, common motor carrier of passengers or certificate holder shall multiply the tax rate by the total of all amounts charged to its customer for transportation services, including, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare.

2. The amount due must be computed to the third decimal place and rounded to a whole cent using a method that rounds up to the next cent if the numeral in the third decimal place is greater than 4.

(Added to NAC by Tax Comm'n by R068-15, eff. 6-28-2016)

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