

Senate Bill No. 50—Committee on
Revenue and Economic Development

CHAPTER.....

AN ACT relating to taxation; revising provisions governing the sales tax holiday occurring over the day on which Nevada Day is observed and the immediately following weekend for certain members of the National Guard and certain relatives of such members; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides an exemption from sales and use taxes on purchases of tangible personal property by members of the Nevada National Guard who are on active status and who are residents of this State and certain relatives of such members of the Nevada National Guard if the purchase occurs on the date on which Nevada Day is observed or the immediately following Saturday or Sunday. (NRS 372.7281, 374.7285) To claim this exemption from the tax on the purchase of tangible personal property, existing law requires a person who is eligible for the exemption to obtain a letter of exemption from the Department of Taxation and to provide a copy of the letter to the retailer from whom the person purchases tangible person property. (NRS 372.7282, 374.7286)

This bill revises the manner in which a member of the Nevada National Guard or a relative of a member of the Nevada National Guard claims this exemption. This bill removes the requirement that to claim the exemption, the person must provide a copy of the letter of exemption to the retailer. Instead, this bill requires: (1) a retailer to collect the tax on the purchase of tangible personal property that qualifies for the exemption under existing law; and (2) the person who claims the exemption to submit to the Department a request for a refund of the tax, a copy of the letter of exemption issued to the person and the receipt issued to the person by the retailer indicating that the person paid the tax. Under this bill, the Department is required to issue a refund of the tax to a person who submits the required information.

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

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

Section 1. NRS 372.7282 is hereby amended to read as follows:

372.7282 1. A person who wishes to claim an exemption pursuant to NRS 372.7281 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department. A person who wishes to claim an exemption pursuant to subsection 4 or 5 of NRS 372.7281 must file the application not later than 30 days before the date on which Nevada Day is observed



pursuant to NRS 236.015, unless a different deadline is specified by the Department by regulation, provided that any deadline established by the Department must not be earlier than 45 days before the date on which Nevada Day is observed.

2. If the Department determines that a person is eligible for the exemption provided pursuant to NRS 372.7281, the Department shall issue a letter of exemption to the person. A letter of exemption issued to a member of the Nevada National Guard described in subsection 1 of NRS 372.7281 or a relative of a member described in subsection 2 of NRS 372.7281 expires 30 days after the member of the Nevada National Guard returns to the United States. A letter of exemption issued to a relative of a deceased member of the Nevada National Guard described in subsection 3 of NRS 372.7281 expires on the date 3 years after the date of the death of the member. A letter of exemption issued to a member of the Nevada National Guard described in subsection 4 of NRS 372.7281 or a relative of a member described in subsection 5 of NRS 372.7281 expires on December 31 of the year it is issued but may be renewed. *A retailer who makes a retail sale of tangible personal property to a member of the Nevada National Guard described in subsection 4 of NRS 372.7281 or a relative of a member described in subsection 5 of NRS 372.7281 shall collect the tax imposed by this chapter.*

3. To claim an exemption pursuant to *subsection 1, 2 or 3 of NRS 372.7281* for the sale of tangible personal property to such a person:

(a) The person must provide a copy of the letter of exemption to the retailer from whom the person purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption to the Department.

4. *To claim an exemption pursuant to subsection 4 or 5 of NRS 372.7281, as applicable, for the sale of tangible personal property to such a person, not later than 30 calendar days after the date of the sale, the person must submit to the Department:*

(a) *A request for a refund of the tax paid by the person upon a sale of tangible personal property that was exempt from tax pursuant to subsection 4 or 5 of NRS 372.7281, as applicable;*

(b) *A copy of the letter of exemption issued to the person; and*

(c) *A copy of the receipt which was provided to the person by the retailer from whom the person purchased the property and which indicates that the person to whom the letter of exemption was issued paid tax upon a sale of tangible personal property that was exempt from tax pursuant to subsection 4 or 5 of NRS 372.7281, as applicable.*



↪ *The Department shall issue a refund to a person who submits the information required by this subsection within the period established by this subsection.*

5. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 2. NRS 374.7286 is hereby amended to read as follows:

374.7286 1. A person who wishes to claim an exemption pursuant to NRS 374.7285 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department. A person who wishes to claim an exemption pursuant to subsection 4 or 5 of NRS 374.7285 must file the application not later than 30 days before the date on which Nevada Day is observed pursuant to NRS 236.015, unless a different deadline is specified by the Department by regulation, provided that any deadline established by the Department must not be earlier than 45 days before the date on which Nevada Day is observed.

2. If the Department determines that a person is eligible for the exemption provided pursuant to NRS 374.7285, the Department shall issue a letter of exemption to the person. A letter of exemption issued to a member of the Nevada National Guard described in subsection 1 of NRS 374.7285 or a relative of a member described in subsection 2 of NRS 374.7285 expires 30 days after the member of the Nevada National Guard returns to the United States. A letter of exemption issued to a relative of a deceased member of the Nevada National Guard described in subsection 3 of NRS 374.7285 expires on the date 3 years after the date of the death of the member. A letter of exemption issued to a member of the Nevada National Guard described in subsection 4 of NRS 374.7285 or a relative of a member described in subsection 5 of NRS 374.7285 expires on December 31 of the year it is issued but may be renewed. *A retailer who makes a retail sale of tangible personal property to a member of the Nevada National Guard described in subsection 4 of NRS 374.7285 or a relative of a member described in subsection 5 of NRS 374.7285 shall collect the tax imposed by this chapter.*

3. To claim an exemption pursuant to *subsection 1, 2 or 3 of NRS 374.7285*, for the sale of tangible personal property to such a person:

(a) The person must provide a copy of the letter of exemption to the retailer from whom the person purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption to the Department.



4. *To claim an exemption pursuant to subsection 4 or 5 of NRS 374.7285, as applicable, for the sale of tangible personal property to such a person, not later than 30 calendar days after the date of the sale, the person must submit to the Department:*

(a) A request for a refund of the tax paid by the person upon a sale of tangible personal property that was exempt from tax pursuant to subsection 4 or 5 of NRS 374.7285, as applicable;

(b) A copy of the letter of exemption issued to the person; and

(c) A copy of the receipt which was provided to the person by the retailer from whom the person purchased the property and which indicates that the person to whom the letter of exemption was issued paid tax upon a sale of tangible personal property that was exempt from tax pursuant to subsection 4 or 5 of NRS 374.7285, as applicable.

↳ The Department shall issue a refund to a person who submits the information required by this subsection within the period established by this subsection.

5. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 3. This act becomes effective on July 1, 2023.

