

SENATE BILL NO. 262—COMMITTEE ON TAXATION

FEBRUARY 26, 1999

Referred to Committee on Taxation

SUMMARY—Creates presumption that certain tangible personal property initially used in interstate or foreign commerce outside this state was not purchased for storage, use or other consumption in this state. (BDR 32-940)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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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; creating a presumption that certain tangible personal property initially used in interstate or foreign commerce outside this state was not purchased for storage, use or other consumption in this state; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 372 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. It is presumed that tangible personal property delivered outside***
4 ***this state to a purchaser was not purchased from a retailer for storage,***
5 ***use or other consumption in this state if the property:***
6 ***(a) Was first used in interstate or foreign commerce outside this state;***
7 ***and***
8 ***(b) Is used continuously in interstate or foreign commerce, but not***
9 ***exclusively in this state, for at least 12 months after the date that the***
10 ***property was first used pursuant to paragraph (a).***
11 ***2. As used in this section:***
12 ***(a) “Interstate or foreign commerce” means the transportation of***
13 ***passengers or property between:***
14 ***(1) A point in one state and a point in:***
15 ***(I) Another state;***
16 ***(II) A possession or territory of the United States; or***
17 ***(III) A foreign country; or***

1 (2) *Points in the same state when such transportation consists of*
2 *one or more segments of transportation that immediately follow*
3 *movement of the property into the state from a point beyond its borders*
4 *or immediately precede movement of the property from within the state to*
5 *a point outside its borders.*

6 (b) *“State” includes the District of Columbia.*

7 Sec. 2. NRS 372.255 is hereby amended to read as follows:

8 372.255 1. ~~On~~ *Except as otherwise provided in section 1 of this*
9 *act, on* and after July 1, 1979, it is presumed that tangible personal property
10 delivered outside this state to a purchaser known by the retailer to be a
11 resident of this state was purchased from a retailer for storage, use or other
12 consumption in this state and stored, used or otherwise consumed in this
13 state.

14 2. This presumption may be controverted by:

15 (a) A statement in writing, signed by the purchaser or his authorized
16 representative, and retained by the vendor, that the property was purchased
17 for use at a designated point or points outside this state.

18 (b) Other evidence satisfactory to the department that the property was
19 not purchased for storage, use or other consumption in this state.

20 Sec. 3. Chapter 374 of NRS is hereby amended by adding thereto a
21 new section to read as follows:

22 1. *It is presumed that tangible personal property delivered outside*
23 *this state to a purchaser was not purchased from a retailer for storage,*
24 *use or other consumption in this state if the property:*

25 (a) *Was first used in interstate or foreign commerce outside this state;*
26 *and*

27 (b) *Is used continuously in interstate or foreign commerce, but not*
28 *exclusively in this state, for at least 12 months after the date that the*
29 *property was first used pursuant to paragraph (a).*

30 2. *As used in this section:*

31 (a) *“Interstate or foreign commerce” means the transportation of*
32 *passengers or property between:*

33 (1) *A point in one state and a point in:*

34 (I) *Another state;*

35 (II) *A possession or territory of the United States; or*

36 (III) *A foreign country; or*

37 (2) *Points in the same state when such transportation consists of*
38 *one or more segments of transportation that immediately follow*
39 *movement of the property into the state from a point beyond its borders*
40 *or immediately precede movement of the property from within the state to*
41 *a point outside its borders.*

42 (b) *“State” includes the District of Columbia.*

1 **Sec. 4.** NRS 374.260 is hereby amended to read as follows:
2 374.260 1. ~~{On}~~ *Except as otherwise provided in section 3 of this*
3 *act, on* and after July 1, 1967, it ~~{shall be}~~ *is* further presumed that tangible
4 personal property delivered outside this state to a purchaser known by the
5 retailer to be a resident of the county was purchased from a retailer for
6 storage, use or other consumption in the county and stored, used or
7 otherwise consumed in the county.
8 2. This presumption may be controverted by:
9 (a) A statement in writing, signed by the purchaser or his authorized
10 representative, and retained by the vendor, that the property was purchased
11 for use at a designated point or points outside this state.
12 (b) Other evidence satisfactory to the department that the property was
13 not purchased for storage, use or other consumption in this state.

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