

Assembly Bill No. 37–Committee on Taxation

CHAPTER.....

AN ACT relating to state business licenses; authorizing the Department of Taxation to relieve a person from paying all or part of the penalty for the late payment of the annual fee for a state business license under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who has been issued a state business license to submit an annual fee of \$100 to the Department of Taxation for the license. If the person fails to submit the annual fee in a timely manner, he must pay a penalty in the amount of \$100 in addition to the annual fee. (NRS 360.784) Existing law also provides that the Department may relieve a person of any interest or penalty for his failure to make a timely return or payment of various taxes if the failure is the result of circumstances beyond his control and occurred despite the exercise of ordinary care and without intent. (NRS 360.419) **Section 1** of this bill authorizes the Department, in accordance with the provisions of NRS 360.419, to provide such relief to a person who fails to submit the annual fee for his state business license in a timely manner.

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

Section 1. NRS 360.419 is hereby amended to read as follows:

360.419 1. If the Executive Director or a designated hearing officer finds that the failure of a person to make a timely return or payment of a tax imposed pursuant to NRS 361.320 or chapter 361A, 362, 363A, 363B, 369, 370, 372, 372A, 374, 375A, 375B, 376A, 377 or 377A of NRS, *or timely payment of the annual fee for a state business license imposed pursuant to NRS 360.784*, is the result of circumstances beyond his control and occurred despite the exercise of ordinary care and without intent, the Department may relieve him of all or part of any interest or penalty, or both.

2. A person seeking ~~this~~ relief must file with the Department a statement under oath setting forth the facts upon which he bases his claim.

3. The Department shall disclose, upon the request of any person:

- (a) The name of the person to whom relief was granted; and
- (b) The amount of the relief.



4. The Executive Director or a designated hearing officer shall act upon the request of a taxpayer seeking relief pursuant to NRS 361.4835 which is deferred by a county treasurer or county assessor.

Sec. 2. NRS 360.784 is hereby amended to read as follows:

360.784 1. Except as otherwise provided in subsection 2, a person who has been issued a state business license shall submit a fee of \$100 to the Department on or before:

(a) The last day of the month in which the anniversary date of issuance of the state business license occurs in each year; or

(b) Such other annual date as the Department and person may mutually agree,

↪ unless the person submits a written statement to the Department, at least 10 days before that date, indicating that the person will not be conducting business in this State after that date.

2. The Department may reduce the amount of any initial fee required pursuant to paragraph (b) of subsection 1 to allow credit for the remaining portion of a year for which the fee has been paid for the state business license pursuant to paragraph (a) of subsection 1 or NRS 360.780.

3. ~~IA~~ *Except as otherwise provided in NRS 360.419, a* person who fails to submit the annual fee required pursuant to this section in a timely manner shall pay a penalty in the amount of \$100 in addition to the annual fee.

Sec. 3. This act becomes effective upon passage and approval.

