

Amendment No. 360

Assembly Amendment to Assembly Bill No. 316 (BDR 32-918)

Proposed by: Assembly Committee on Taxation

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

BJF/BAW



Date: 4/13/2015

A.B. No. 316—Revises provisions governing the taxation of occasional sales of firearms. (BDR 32-918)



ASSEMBLY BILL NO. 316—ASSEMBLYMEN DICKMAN, WHEELER, MOORE, JONES, FIORE; ELLISON, FLORES, GARDNER, O'NEILL, OSCARSON, SEAMAN, SHELTON, TITUS AND TROWBRIDGE

MARCH 16, 2015

JOINT SPONSORS: SENATORS GUSTAVSON; AND SETTELMAYER

Referred to Committee on Taxation

SUMMARY—Revises provisions governing the taxation of ~~occasional sales~~ certain deliveries and transfers of firearms. (BDR 32-918)

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; ~~exempting from~~ revising provisions governing the sales and use taxes ~~(the occasional sale) imposed on the delivery or transfer~~ of a firearm ~~+~~ from outside this State under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law ~~provides for the administration by the Department of Taxation of sales and use taxes in this State (Chapters 272 and 274 of NRS) Existing law exempts from such taxes the occasional sales of tangible personal property. (NRS 372.320, 374.325)~~ prohibits a person from transporting into or receiving in the state of his or her residence a firearm purchased or otherwise obtained by that person from outside that state, unless the person is licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice. Thus, for a person in this State to purchase a firearm from another state, the firearm must be transferred or delivered to a person in this State who is a federally licensed firearms dealer who then transfers or delivers the firearm to the purchaser after conducting the background check required by federal law. (18 U.S.C. § 922(a)(3), (b)(3) and (t))

Existing law imposes a sales tax on the gross receipts of a retailer from the sale of tangible personal property sold at retail in this State. (NRS 372.105, 374.110) Existing law also imposes a use tax on the storage, use or other consumption in this State of tangible personal property purchased from a retailer for storage, use or other consumption in this State. (NRS 372.185, 374.190) Under existing law, if an agent of an owner or former owner of tangible personal property delivers the property to a final consumer in this State pursuant to a retail sale made by an out-of-state retailer, the delivery is a retail sale in this State by the agent making the delivery. (NRS 372.050) Because, under these circumstances, the delivery of the property by the agent is considered a retail sale by the agent, the agent is required to impose, collect and remit the sales tax to the Department of Taxation. (NRS 372.110, 374.115)

This bill ~~requires~~ provides that, in administering the sales and use taxes, the Department ~~to consider the sale~~ must not consider the delivery or transfer of a firearm ~~+~~

including facilitating the transfer of a firearm) from out of state, ~~to be an occasional sale and exempted from the sales and use taxes, unless~~ by a person in this State who is a federally licensed firearms dealer to be a sale made by that federally licensed firearms dealer if:
(1) the delivery or transfer is made to facilitate the transfer of the firearm from out of state in compliance with federal law; and (2) the sale involves the payment of the sales price for the firearm to a ~~retailer or other~~ person ~~in this State who is a~~ other than the federally licensed firearms dealer. Because this bill provides that the delivery or transfer must not be considered a sale by the federally licensed firearms dealer, the federally licensed firearms dealer is not required to impose, collect and remit the sales tax or collect and remit the use tax on the delivery or transfer of the firearm. However, under this bill, the purchaser of the firearm is required to remit the use tax if the purchase of the firearm constitutes a retail sale by a retailer in another state.

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

Section 1. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

In administering the provisions of this chapter, the Department shall ~~not~~ consider the ~~sale~~ delivery or transfer of a firearm ~~to~~, including, without limitation, facilitating the transfer of a firearm) from out of state ~~to~~ by a person in this State who is licensed as a firearms dealer by the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice to be ~~an occasional~~ a sale ~~to~~, unless the sale is one in which the made by that licensed firearms dealer if:

1. The delivery or transfer of the firearm is made to facilitate the transfer of the firearm from out of state in compliance with 18 U.S.C. § 922; and

2. The sales price for the firearm is paid to a ~~retailer or~~ person other ~~person in this State who is~~ than the licensed ~~as a~~ firearms dealer ~~by the United States Department of the Treasury~~ delivering or transferring the firearm.

Sec. 2. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

In administering the provisions of this chapter, the Department shall ~~not~~ consider the ~~sale~~ delivery or transfer of a firearm ~~to~~, including, without limitation, facilitating the transfer of a firearm) from out of state ~~to~~ by a person in this State who is licensed as a firearms dealer by the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice to be ~~an occasional~~ a sale ~~to~~, unless the sale is one in which the made by that licensed firearms dealer if:

1. The delivery or transfer of the firearm is made to facilitate the transfer of the firearm from out of state in compliance with 18 U.S.C. § 922; and

2. The sales price for the firearm is paid to a ~~retailer or~~ person other ~~person in this State who is~~ than the licensed ~~as a~~ firearms dealer ~~by the United States Department of the Treasury~~ delivering or transferring the firearm.

Sec. 3. This act becomes effective on July 1, 2015.