

Sales/Use/Indirect:

Nevada: Draft Proposed Rule Reflects Remote Seller and Marketplace Facilitator Nexus Standards

LCB File No. R004-221, Nev. Tax. Comm. (1/12/22). The Nevada Tax Commission (Commission) has released a draft proposed administrative regulation reflecting state law [see A.B. 445 (2019) for details on Nevada’s marketplace facilitator nexus provisions] that imposes sales tax collection and remittance requirements on certain remote sellers, marketplace sellers and marketplace facilitators. The draft proposed regulation provides information on how and when remote sellers, marketplace sellers and marketplace facilitators must register, collect, remit and report sales tax in Nevada. In doing so, the Commission notes that the “provisions of existing law relating to the imposition, collection and remittance of sales and use taxes apply to every retailer who has a sufficient nexus with this State to satisfy the requirements of the United States Constitution, including certain retailers who do not maintain a physical presence in this State.” The proposal reflects that collection and remittance of state sales and use tax may apply if a remote seller or marketplace facilitator, in the calendar year or in the immediately preceding calendar year:

URL: <https://www.leg.state.nv.us/Register/2022Register/R004-221.pdf>

URL: <https://www.leg.state.nv.us/Session/80th2019/Reports/history.cfm?DocumentType=1&BillNo=445>

1. Had cumulative gross receipts from retail sales made to customers in Nevada, on its own behalf or on behalf of a seller, which exceeded \$100,000; or
2. Made or facilitated 200 or more separate in-state retail sales transactions, on its own behalf or on behalf of a seller.

The proposal incorporates definitions for a list of relevant terms, including “payment processing services,” “separate transaction,” “virtual currency,” “delivery network company, and “sales threshold.” Some numerical examples seek to illustrate Nevada’s application of the provisions. Please contact us with any questions.

— Renae Welder (Los Angeles)
Principal
Deloitte Tax LLP
rwelder@deloitte.com

Karri Rozario (Sacramento)
Senior Manager
Deloitte Tax LLP
krozario@deloitte.com

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