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February 22, 2016

Ms. Deonne Contine  
Executive Director  
Nevada Department of Taxation  
1550 College Parkway, Suite 115  
Carson City, Nevada 89706  
Email address: [contine@tax.state.nv.us](mailto:contine@tax.state.nv.us)

Re: Comment on Nevada Commerce Tax Regulation R123-15

Dear Director Contine,

Please allow us to offer comment on the proposed regulation (as we did concerning situs language in September) under the proposed commerce tax. Our comments and concerns remain the same, only the section numbers have changed.

Issue:

Real Estate Broker as defined under NRS 645.030 includes selling, buying, renting and property management. By limiting the regulation to just property "sold" by a real estate broker, that would mean that the regulation wouldn't apply to a buyer's broker or property manager. If gross receipts were also earned by a buyer's broker or property manager then they should also be included in this regulation for clarification.

Solution:

*(63) Real estate broker services*

*~~If real estate sold by a real estate broker is located in Nevada, the Gross receipts earned by a~~  
real estate broker as defined in NRS 645.030, on property located in Nevada are sitused to  
Nevada, regardless of where the broker's services were performed.*

Reference to NRS:

**NRS 645.030 "Real estate broker" defined.**

1. "Real estate broker" means a person who, for another and for compensation or with the intention or expectation of receiving compensation:

(a) Sells, exchanges, options, purchases, rents or leases, or negotiates or offers, attempts or agrees to negotiate the sale, exchange, option, purchase, rental or lease of, or lists or solicits prospective purchasers, lessees or renters of, any real estate or the improvements thereon or any modular homes, used manufactured homes, used mobile homes or other housing offered or conveyed with any interest in real estate;

(b) Engages in or offers to engage in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with any



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employment undertaken to promote the sale or lease of business opportunities or real estate by advance fee listing advertising or other offerings to sell, lease, exchange or rent property;

- (c) Engages in or offers to engage in the business of property management; or
- (d) Engages in or offers to engage in the business of business brokerage.

2. Any person who, for another and for compensation, aids, assists, solicits or negotiates the procurement, sale, purchase, rental or lease of public lands is a real estate broker within the meaning of this chapter.

3. The term does not include a person who is employed by a licensed real estate broker to accept reservations on behalf of a person engaged in the business of the rental of lodging for 31 days or less, if the employee does not perform any tasks related to the sale or other transfer of an interest in real estate.

[Part 2:150:1947; 1943 NCL § 6396.02] + [2.5:150:1947; added 1955, 615]—(NRS A 1957, 337; 1959, 393; 1963, 330; 1973, 1097; 1975, 1383; [1977, 928](#); [1979, 1535](#); [1981, 1327](#); [1985, 312](#), [1261](#); [1997, 505, 956](#); [2005, 648, 665](#))

Thank you for the opportunity to offer comment on this proposal. We stand ready to assist your department and the Tax Commission in addressing our concerns in a manner which complies with the legislative intent of SB 483, and yet meets the reality of Nevada's real estate marketplace. Should you have any questions, please feel free to contact our lobbying team, either Rocky Finseth at (702) 785-8026 or Jenny Reese at (775) 762-2966.

Sincerely,

Teresa McKee  
NVAR CEO

cc:

Rocky Finseth, CEO, Carrara Nevada