
NEVADA DEPARTMENT OF TAXATION

<http://tax.state.nv.us>



Tax Bulletin SUT 13-0001 **Issue Date: October 7, 2013** **Auction Companies and Estate Sellers**

Introduction

This bulletin provides information for auction companies and estate sellers.

Statutes and/or Regulations referenced

NRS 372.055, NRS 372.035

Sales and Sellers

Auction companies and estate sellers are retailers who must register with the Department of Taxation to collect and remit sales tax.

Auction companies and estate sellers, or any other like company, who is engaged in the business of selling tangible personal property of others whether or not they take possession or ownership of the property is a retailer under Nevada law.

NRS 372.055(1) defines a retailer as every person making more than two retail sales of tangible personal property during any 12-month period, including sales made in the capacity of assignee for the benefit of creditors or receivers.

NRS 372.055(2) further explains that in efficiently enforcing Nevada tax law, the Nevada Tax Commission may determine that a corporation is a retailer where the corporation obtains tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of others.

Thus, the transfer of tangible personal property would include the property of the estate which is being sold by you as an agent of the estate and, therefore, those sales are taxable.

Occasional Sale Exemption does not apply

NRS 372.035 defines an occasional sale as a sale of property not held or used by a seller in the course of an activity for which he is required to hold a seller's permit,

provided such sale is not one of a series of sales sufficient in number, scope and character to constitute an activity requiring the holding of a seller's permit.

Because estate sellers and auction companies are in the specific business of selling the property of an estate, your sales are sufficient in number and scope to warrant the necessity of a seller's permit and therefore the occasional sale exemption does not apply.

How to Register for a Nevada State Sales Tax Permit

Department of Taxation offices are open Monday - Friday from 8:00 am to 5:00 pm except for holidays. Department representatives at any location will be happy to assist you.

Both the Nevada Business Registration and the Supplemental Application forms must be completed to issue your Sales Tax/Use Tax Permit. Those forms can be found at the following link or at any Department location. **<http://tax.state.nv.us/forms.htm>**

Taxpayers are now able to register on-line, file returns, and update their accounts at **<https://www.nevadatax.nv.gov/web/>**