

JOE LOMBARDO
Governor

STATE OF NEVADA



MEMBERS
Boyd Martin, Chairman
Margaret Cavin
Bryan Cowart
Joe Hernandez
Kent Lay
Jan B. Leggett
Louis Polish Jr.

Northern Nevada
5390 Kietzke Lane, Suite 102
Reno, NV 89511
(775) 688-1141
Fax (775) 688-1271
Investigations: (775) 688-1150

www.nscb.nv.gov

Southern Nevada
8400 West Sunset Road, Suite 150
Las Vegas, NV 89113
(702) 486-1100
Fax (702) 486-1190

STATE CONTRACTORS BOARD

NOTICE OF INTENT TO ACT UPON A REGULATION

LCB File No. R032-24

Notice of Workshop and Hearing for the Adoption, Amendment or Repeal of Regulations
of
The State of Nevada Contractors Board

The State of Nevada Contractors Board (Board) will conduct a public workshop on Monday, May 6, 2024 at 8:30 a.m. and a public hearing on Tuesday, May 21, 2024 at 8:30 a.m. The workshop and hearing will be video-conferenced between the Board's Las Vegas office located at 8400 West Sunset Road, Suite 150, Las Vegas, Nevada 89113 and the Reno office located at 5390 Kietzke Lane, Suite 102, Reno, Nevada, 89511

The following information is provided pursuant to the requirements of NRS 233B.060 and 233B.0603:

- 1. The need for and purpose of the proposed regulation or amendment.**
Existing regulations under NAC 624.693 specify the necessary details for the informational form related to mechanics' and materialmen's liens and information about the process by which a lien may be placed on a property. The purpose of the proposed regulation aims to enhance clarity for the general public and the licensed contractor.
The purpose of the regulation amends NAC 624.693 to replace the language for the informational form and amends NAC 624.6932 to remove certain language in the statement that general building contractors are required to provide to the owner of a single-family residence with whom they have contracted.
- 2. A statement explaining how to obtain the approved or revised text of the proposed regulation.**
A copy of the proposed regulation is attached to this notice and may be obtained by visiting our website at www.nscb.nv.gov or writing to the Board's offices.
- 3. The estimated economic effect of this proposed regulation on the business which it is to regulate and on the public.**
 - (a) Adverse and beneficial effects.**
There is no economic effect on business or on the public.
 - (b) Both immediate and long-term effects.**
There is no economic effect on business or on the public.
- 4. The methods used by the agency to determine the impact on small business.**
The proposed regulation change has no impact on small business.
- 5. The estimated cost to the agency for the enforcement of the proposed regulation.**
There is no cost to the agency.

6. A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication and overlapping is necessary.

The Nevada State Contractors Board is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This does not apply.

8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

This does not apply.

9. Whether proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not establish new fees or increase existing fees.

Persons wishing to comment upon the proposed action of the Board may appear at the scheduled public workshop or public hearing or may address their comments, data, views or arguments, in written form to the Executive Officer of the Nevada State Contractors Board, 8400 West Sunset Road, Suite 150, Las Vegas, Nevada 89113 and the Reno office located at 5390 Kietzke Lane, Suite 102, Reno, Nevada, 89511. Written submissions must be received by the Board on or before April 30, 2024. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted, amended or repealed will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notices and the regulation to be adopted, amended or repealed will be available at the State Contractors Board 8400 West Sunset Road, Suite 150, Las Vegas, Nevada 89113 and the Reno office located at 5390 Kietzke Lane, Suite 102, Reno, Nevada, 89511, and www.nscb.nv.gov, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the board, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been mailed to all persons on the agency's mailing list of administrative regulations and posted at the following locations:

Nevada State Contractors Board – Reno Office
Nevada State Contractors Board – Las Vegas Office
Nevada State Contractors Board – Internet Website
Nevada Public Notice Website

Dated: April 4, 2024

**PROPOSED REGULATION OF THE
STATE CONTRACTORS' BOARD**

LCB File No. R032-24

March 15, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-3, NRS 624.100 and 624.600.

A REGULATION relating to contractors; revising provisions relating to certain informational forms a general building contractor is required to provide to certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a general building contractor to provide to an owner of a single-family residence with whom he or she has contracted an informational form regarding: (1) contractors; and (2) mechanics' and materialmen's liens. Existing law requires the State Contractors' Board to prescribe the contents of such forms. (NRS 624.600)

Existing regulations set forth the required content of the informational form regarding mechanics' and materialmen's liens, which includes certain information concerning the process by which a lien may be placed on a property and suggested steps the owner of a single-family residence may wish to take to protect his or her property. (NAC 624.693) **Section 1** of this regulation eliminates the content currently required for such a form, other than certain content advising an owner to consult an attorney under certain circumstances. **Section 1** sets forth new content that is required for such a form which includes a revised description of the process by which a lien may be placed on a property, an explanation of forms associated with that process and certain actions that an owner is advised to take in the event such a lien is placed on his or her property.

Existing regulations set forth the required content of the informational form regarding contractors, which include: (1) notice that a contractor is required to be licensed and regulated by the Board; (2) warnings to the owner of a single family residence that he or she may be liable for certain violations of law for work performed by an unlicensed contractor; and (3) contact information for the Board. (NAC 624.6932) **Section 2** of this regulation revises the required content of such a form to: (1) remove the warnings to the owner; and (2) require that certain information be included concerning the manner in which a complaint against a contractor may be filed.

Section 3 of this regulation authorizes a general building contractor to continue to use any informational forms in his or her possession that satisfy the requirements set forth under existing regulations until the general building contractor uses all such forms or July 1, 2024, whichever occurs first. **Section 3** requires any new informational form created by a general

building contractor on or after the effective date of this regulation to satisfy the requirements of **section 1 or 2**, as applicable.

Section 1. NAC 624.693 is hereby amended to read as follows:

624.693 The informational form that a general building contractor is required to provide regarding mechanics' and materialmen's liens pursuant to paragraph (b) of subsection 3 of NRS 624.600 to the owner of a single-family residence with whom he or she has contracted must be as follows:

~~{'NOTICE TO OWNER'~~

~~Pursuant to NRS 108.221 to 108.246, inclusive, a contractor, subcontractor, laborer, supplier of materials or other person or entity who:~~

~~—(1) Performs work or furnishes materials of the value of \$500.00 or more to improve the value of your property; and~~

~~—(2) Is not paid for the work or materials;~~

~~↪ has a right to place a lien on your property on which the work was performed and to sue you in court to obtain payment.~~

~~This means that after a court hearing, your property could be sold by an officer of the court and the proceeds of the sale used to satisfy the amount you owe. If you did not ask for and receive releases of liens from the contractors' subcontractors, laborers or suppliers of materials, a lien may be placed on your property or you may be sued even if you have paid your contractor in full.~~

~~To preserve their right to file a claim or lien against your property, certain claimants, such as subcontractors, laborers and suppliers of materials, are each required to provide you with a document called a “preliminary or pre-lien notice.” A preliminary or pre-lien notice is not a lien against your property. Its purpose is to notify you regarding persons or entities who may have a right to file a lien or claim against your property if they are not paid. To perfect their lien rights, contractors, subcontractors, laborers and suppliers of materials must file mechanics’ liens with the county recorder, which then become recorded liens against your property. Generally, the maximum time allowed for filing a mechanics’ lien against your property is 90 days after substantial completion of your project.~~

~~TO ENSURE EXTRA PROTECTION FOR YOURSELF AND YOUR PROPERTY, YOU MAY WISH TO TAKE ONE OR MORE OF THE FOLLOWING STEPS:~~

~~———(1) Request that your contractor supply you with a payment and performance bond, which guarantees completion of your project and payment of the subcontractors, laborers and suppliers of materials who work on the project. This payment and performance bond is different from the surety bond that a contractor must file for licensure pursuant to NRS 624.270. A payment and performance bond provides that if the contractor does not complete the project, the bonding company will pay damages up to the amount of the bond. This payment and performance bond, as well as a copy of the construction contract, should be filed with the county recorder for your further protection. There is a fee for a payment and performance bond. This fee is usually equal to between 1 and 6 percent of the amount of the contract, depending on the ability of the contractor to be bonded.~~

~~————(2) Require that payments be made directly to subcontractors, laborers and suppliers of materials through a mechanism that controls payment for construction. In the area in which you live, services to control the funding of your project may be available, for a fee, to control payment of your contractor by the use of vouchers or other means. These services may also provide you with waivers of liens and other forms of protection.~~

~~————(3) Issue joint checks for payment, made payable to both your contractor and the subcontractors, laborers and suppliers of materials who were involved in the project or portion of the project for which payment is due and who sent a preliminary or pre-lien notice to you. Those persons or entities have indicated that they may have the right to place a lien on your property, and therefore you need to protect yourself. Making checks jointly payable will help to ensure that all persons due payment are actually paid.~~

~~————(4) Require your contractor to provide you with unconditional “waiver and release” (lien release) forms so that when you make a payment on any completed phase of your project, each subcontractor, laborer and supplier of materials involved in that portion of the work for which the payment was made can sign the waiver and release forms. This protects you from liability to them for work for which they have already been paid.~~

- ~~• —Some stationery stores sell waiver and release forms if your contractor does not have them. The subcontractors, laborers and suppliers of materials from whom you obtain releases should be those persons or entities who have filed preliminary or pre-lien~~

~~notices with you. If you are not certain which subcontractors, laborers and suppliers of materials are working on your project, you may obtain a list from your contractor. In regard to projects involving improvements to a single-family residence or a duplex owned by an individual, the persons signing these releases lose their right to file a mechanics' lien against your property. In regard to other types of projects, obtaining such releases may still be important, but may not provide complete protection.~~

- ~~• To protect yourself by use of a waiver and release form, you must be certain that all subcontractors, laborers and suppliers of materials who work on your project sign a waiver and release form. If a mechanics' lien has already been filed against your property, in most cases the lien can only be released voluntarily by a recorded "release of mechanics' lien," which is signed by the person or entity that filed the mechanics' lien against your property. However, if the person or entity that filed the lien fails to bring an action to enforce the lien in a timely manner, the lien may be removed without voluntary action on the part of that person or entity. You should not make final payment on your project until all mechanics' liens that are filed against your property have been removed.]~~

Any person who provides work, materials or equipment with a value of \$500 or more to improve your property should be paid for the work performed or materials or equipment provided under this contract. If the person is not paid, the person has the legal right to place a lien upon your property as part of a legal process to obtain payment.

You may receive from one or more of the people who provided work, materials or equipment with a value of \$500 or more to improve your property a document titled “Pre-Lien Notice,” “Preliminary Notice,” “Notice of Right to Lien” or a similar title. THIS DOCUMENT IS NOT A LIEN AND HAS NO EFFECT ON YOUR PROPERTY. This document is required to be given by any person if he or she later must resort to filing a lien for nonpayment.

If a person who has provided work, materials or equipment with a value of \$500 or more to improve your property has given you a Pre-Lien Notice, Preliminary Notice, Notice of Right to Lien or a document with a similar title and is not paid for the work performed or the materials or equipment provided, the person may file a lien. The formal document used to file a lien will be titled “Notice of Lien.” If you receive a Notice of Lien, this means that the placement of a lien upon your property is being pursued.

EVERY contractor, subcontractor or supplier who furnishes work, materials or equipment to improve your property and has been paid in full or in part should provide you with a signed document called an “Unconditional Waiver and Release” that should accurately reflect the amount you have paid the contractor, subcontractor or supplier. This document terminates all lien rights of the contractor, subcontractor or supplier as to the amount you paid.

AT THE END OF YOUR PROJECT, YOU SHOULD INSIST THAT YOUR GENERAL CONTRACTOR PROVIDE YOU WITH AN UNCONDITIONAL WAIVER AND RELEASE UPON FINAL PAYMENT FROM EVERY SUBCONTRACTOR OR SUPPLIER THAT THE GENERAL CONTRACTOR HIRED TO IMPROVE YOUR PROPERTY.

LIEN LAW IS COMPLEX. TO PROTECT YOURSELF FULLY, YOU SHOULD CONSULT AN ATTORNEY:

- (1) BEFORE YOU SIGN A CONSTRUCTION CONTRACT; OR**
- (2) IF A LIEN IS FILED AGAINST YOUR PROPERTY.**

Sec. 2. NAC 624.6932 is hereby amended to read as follows:

624.6932 The informational form that a general building contractor is required to provide regarding contractors pursuant to paragraph (a) of subsection 3 of NRS 624.600 to the owner of a single-family residence with whom he or she has contracted must be as follows:

Contractors are required by law to be licensed and regulated by the State Contractors' Board. The State Contractors' Board has jurisdiction to investigate complaints that are filed against contractors. Any questions concerning a contractor may be referred to the State Contractors' Board.

~~The law of this State requires that a person or entity who enters into a contract to perform construction work be properly licensed by the State Contractors' Board for the category of work that the person or entity intends to perform. Laws regulating licensed contractors are designed to protect the public. If you contract with a person or entity who is not licensed to perform construction work, your remedies against that person or entity may be limited to a suit in civil court. You may be liable for damages arising out of any injuries to an unlicensed contractor or that contractor's employees, as well as withholding taxes, contributions pursuant to the Federal Insurance Contributions Act and contributions for industrial insurance and unemployment compensation. In addition, you must comply with other applicable state and federal laws~~

~~regarding employment. Finally, you should be aware that construction performed on your property must comply with all applicable laws, ordinances, building codes and regulations.~~

A contractor is required to include the contractor's license number on all of his or her advertising, vehicles, bids and contracts. You may contact the State Contractors' Board to find out if a contractor has a valid license and, if so, the status of that license and the status of any disciplinary action by visiting the website of the Board at <http://www.nvcontractorsboard.com> or calling the Board at ~~one of~~ the telephone ~~numbers listed above.~~ *number: (702) 486-1100 or (775) 688-1141. You may also file a complaint against a contractor at the same website and telephone numbers.*

Sec. 3. This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

1. A general building contractor who, on the effective date of this regulation, is in possession of one or more informational forms that satisfy the requirements of NAC 624.693 or 624.6932, as those sections existed before the effective date of this regulation, may continue to use such forms to satisfy the requirements of paragraph (a) or (b) of subsection 3 of NRS 624.600, as applicable, until:

(a) The general building contractor has used all such informational forms and is no longer in possession of any such informational forms; or

(b) July 1, 2024,

↳ whichever occurs first.

2. Any new informational form created by a general building contractor to satisfy the requirements of paragraph (a) or (b) of subsection 3 of NRS 624.600 on or after the effective date of this regulation must satisfy the requirements of NAC 624.693 or 624.6932, as amended by sections 1 and 2, respectively, of this regulation, as applicable.

Small Business Impact Statement

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State
Proposed Regulation R032-24

1. Background

Existing regulations under NAC 624.693 specify the necessary details for the informational form related to mechanics' and materialmen's liens and information about the process by which a lien may be placed on a property. The purpose of the proposed regulation aims to enhance clarity for the general public and the licensed contractor.

The purpose of the regulation amends NAC 624.693 to replace the language for the informational form and amends NAC 624.6932 to remove certain language in the statement that general building contractors are required to provide to the owner of a single-family residence with whom they have contracted.

2. Description of Solicitation:

The proposed regulation change clarifies existing language and has no significant impact on small business, therefore a small business impact study was not performed.

3. Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business?

The proposed regulation imposes no direct and significant economic burden upon a small business or directly restricts its' formation, operation or expansion.


4. How was that conclusion reached?

To reach its conclusion, the NSCB has determined it has not created, amended, or changed any processes. The NSCB is providing clarification to language found in NAC 624.693.

Ultimately, no adverse economic effects were identified because the proposed regulation changes do not significantly adversely affect NRS Chapter 624 licensee or those who may seek to become a licensee. These changes should have minimal impact on small business.

I, Margi Grein, Executive Officer of the Nevada State Contractors Board, certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and the information contained in this statement above is accurate.

Date: 4/5/2024

Signature: 
Margi Grein, Executive Officer
Nevada State Contractors Board