

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

**LCB File No. R081-00**

Effective May 24, 2000

**PLEASE NOTE: R081-00 was split out from R208-99, thus there is no Notice of Intent.  
Attached is the Notice of Intent to Adopt a Regulation for R208-99.**

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

AUTHORITY: §§1-5, NRS 338.1389, 338.147 and 624.100.

**Section 1.** Section 6 of LCB File No. 208-99, which was adopted by the state contractors' board and was filed with the secretary of state on May 24, 2000, is hereby amended to read as follows:

Sec. 6. "General contractor" means:

1. A general engineering contractor;
2. A general building contractor; ~~or~~
3. A general engineering and general building contractor ~~or~~; *or*
4. *A specialty contractor who is able to act as a prime contractor,*

FLUSH                      who is properly licensed pursuant to the provisions of chapter 624 of NRS.

**Sec. 2.** Section 8 of LCB File NO. 208-99, which was adopted by the state contractors' board and was filed with the secretary of state on May 24, 2000, is hereby amended to read as follows:

Sec. 8. 1. A general contractor who wishes to obtain a certificate of eligibility must submit to the board:

- (a) An application on a form provided by the board;
- (b) A notarized affidavit for a certificate of eligibility on a form provided by the board;
- (c) A notarized statement of compliance on a form provided by the board;
- (d) The fee set forth in NAC 624.130; and
- (e) Any other documentation required by the board.

2. ~~The~~ *For each classification of a license for which a certificate of eligibility is requested, the* applicant must be a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS on the date that he submits the application and who has been licensed as a general contractor for the 5 years immediately preceding the date on which he submits the application.

*3. If an applicant has more than one classification of a license as a general contractor, he must submit a separate application for each classification of a license for which a certificate of eligibility is requested and must satisfy all applicable requirements pursuant to NRS 338.1389 or 338.147.*

**Sec. 3.** Section 9 of LCB File NO. 208-99, which was adopted by the state contractors' board and was filed with the secretary of state on May 24, 2000, is hereby amended to read as follows:

Sec. 9. 1. An application for a certificate of eligibility must include, without limitation:

- (a) The name of the applicant;
- (b) The license number of the applicant;
- (c) The date of issuance of the license of the applicant;
- (d) The mailing and physical address of the applicant;

- (e) The telephone number of the applicant;
- (f) The name and address of the designated agent for service of process;
- (g) The name of any officer of the applicant and any identifying information;
- (h) The signature of the applicant; and
- (i) Any other information that the board may require.

2. ~~[A]~~ *For each classification of a license for which a certificate of eligibility is requested, a* certified public accountant shall review and examine any necessary banking records in accordance with generally accepted auditing standards, including, without limitation, bank statements, canceled checks, electronic transfers, cash disbursement records and any other records that the board deems appropriate, to substantiate an affidavit for a certificate of eligibility.

**Sec. 4.** Section 11 of LCB File NO. 208-99, which was adopted by the state contractors' board and was filed with the secretary of state on May 24, 2000, is hereby amended to read as follows:

Sec. 11. The certificate of eligibility must include, without limitation:

- 1. The date of issuance;
- 2. The date of expiration; ~~and~~
- 3. *The classification of the license; and*
- 4. Such other information that the board deems appropriate.

**Sec. 5.** This regulation becomes effective on May 24, 2000.

**LCB File No. R208-99**

**NOTICE OF INTENT TO ACT UPON A REGULATION**

Notice of Hearings for the Adoption, Amendment or Repeal of Regulations

Of

The State of Nevada Contractors' Board

**The State of Nevada Contractors' Board ("Board") will hold public hearings at 2:30 p.m. on Tuesday, March 7, 1999, at the Board's Las Vegas office. The purpose of the hearings is to receive comments from all interested persons regarding the adoption, amendment or repeal of regulations that pertain to Chapter 624 of the Nevada Administrative Code.**

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.**

**Pursuant NRS 338, upon proper application, the Board must issue a Certificate of Eligibility to licensed general contractors who qualify for a preference in bidding on certain public works projects in Nevada. Pursuant to this statutory requirement, these proposed regulations are necessary to implement the Certificate of Eligibility approval process required under NRS 338.**

***2. Either the terms or the substance of the regulations to be adopted amended or repealed or a description of the subjects and issues involved.***

**A copy of the proposed regulations may be obtained by contacting either of 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 will be no adverse effect on businesses if the proposed regulations are adopted, as the regulations are a fair and equitable method of assessing applicants.**

**(b) *Both immediate and long-term effects.***

**Once issued, the Certificates of Eligibility should simplify and expedite processing of bids on public works projects. Because qualification for issuance of Certificates of Eligibility must be demonstrated on each renewal date, tighter control on eligibility for bidders preference should be achieved in the future.**

**4. *the estimated cost to the Agency for enforcement of the proposed regulation.***

**Adoption of the proposed regulation will not result in any significant additional cost to the Agency for enforcement.**

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

**This proposed regulation does not overlap or duplicate any regulations of other state or local governmental agencies.**

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

**Does not apply.**

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

**Does not apply.**

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

**Yes. However, the regulations only impose a fee on general contractors who choose to apply for a certificate. It is not a mandatory assessment.**

Persons wishing to comment upon the proposed action of the Board may appear at the scheduled public hearing(s) or may address their comments, data, views or arguments, in written form to the Executive Officer of the Nevada State Contractors' Board, 4220 South Maryland Parkway, Building D, Suite 800, Las Vegas, Nevada 89119 or in Reno at 9670 Gateway Drive, Suite 100, Reno, Nevada 89511. Written submissions must be received by the Board on or before the day before the hearing(s). 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 regulations to be adopted, amended or repealed will be on file at the State Library, 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 will be available at the State Contractors' Board, 4220 South Maryland Parkway, Building D, Suite 800, Las Vegas, Nevada 89119 and 9670 Gateway Drive, Suite 100, Reno, Nevada 89511. In all counties in which an office of the Board is not maintained, a copy of this notice and proposed regulation will also be available for public inspection and copying at the main public library during business hours. This notice and the text of the proposed regulation will be 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 upon request. A reasonable fee may be charged for copies if it is deemed necessary.

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:

**Washoe County Court House**

Washoe County Library

Reno City Hall

Las Vegas City Hall

Sawyer State Building

Clark County Library

Offices of the State Contractors

' Board in Reno and Las Vegas

Dated: 2/7/00