

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

LCB File No. R013-02

Effective July 2, 2002

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

AUTHORITY: §§1 and 12, NRS 624.100; §§2-10, NRS 338.1389, 338.147 and 624.100; §11,
NRS 624.100 and 624.160.

Section 1. NAC 624.665 is hereby amended to read as follows:

624.665 A licensee shall ~~notify~~ *submit an application to* the board ~~in writing of a~~ *for any* change in its:

1. Officers or directors, if the licensee is a corporation;
2. General partners, if the licensee is a limited partnership; or
3. Members or managers, if the licensee is a limited-liability company,

FLUSH before or within 30 days after such a change is made.

Sec. 2. NAC 624.6853 is hereby amended to read as follows:

624.6853 “Affidavit for a certificate of eligibility” means an affidavit from a certified public accountant required pursuant to subsection 3 *or 4* of NRS 338.1389 or subsection 3 *or 4* of NRS 338.147.

Sec. 3. NAC 624.6859 is hereby amended to read as follows:

624.6859 ~~“General contractor”~~ *“Contractor”* means:

1. A general engineering contractor;
2. A general building contractor;
3. A general engineering and general building contractor; or

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4. A specialty contractor who is able to act as a prime contractor, who is properly licensed pursuant to the provisions of chapter 624 of NRS.

Sec. 4. NAC 624.6863 is hereby amended to read as follows:

624.6863 “Statement of compliance” means a statement from a **[general]** contractor who applies for a certificate of eligibility which states that the **[general]** contractor is properly licensed pursuant to the provisions of chapter 624 of NRS for the certificate of eligibility for which he is applying.

Sec. 5. NAC 624.687 is hereby amended to read as follows:

624.687 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. For each classification of a license for which a certificate of eligibility is requested, the applicant must be a **[general]** contractor who is licensed *in the classification for which the certificate is requested* 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 *in the classification for which the certificate is requested* 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. 6. NAC 624.6883 is hereby amended to read as follows:

624.6883 The board will issue a duplicate certificate of eligibility to any ~~general~~ contractor who has received a certificate of eligibility and who certifies that his certificate of eligibility has been lost or destroyed.

Sec. 7. NAC 624.6889 is hereby amended to read as follows:

624.6889 The board will not issue a certificate of eligibility to a ~~general~~ contractor whose license is not on active status. If the ~~general~~ contractor whose license is not on active status has received a certificate of eligibility, the board will revoke the certificate of eligibility. Such a contractor must reapply for a certificate of eligibility pursuant to subsection 3 *or* 4 of NRS 338.1389 or subsection 3 *or* 4 of NRS 338.147 and NAC 624.685 to 624.6899, inclusive.

Sec. 8. NAC 624.6893 is hereby amended to read as follows:

624.6893 1. If a ~~general~~ contractor who applies to the board for a certificate of eligibility submits false or misleading information, submits an application which is incomplete or does not comply with this chapter or chapter 338 or 624 of NRS, the board may:

- (a) Deny the application;
- (b) If the contractor has received a certificate of eligibility, revoke the certificate of eligibility; or
- (c) Take such actions that the board deems appropriate under the circumstances.

2. In carrying out the provisions of this section, the board may rely on information contained in the records maintained by the board and need not conduct any investigation, inquiry or hearing regarding the information contained in those records.

Sec. 9. NAC 624.6896 is hereby amended to read as follows:

624.6896 If a written objection is filed with a public body pursuant to subsection 13 of NRS 338.1389 or subsection 13 of NRS 338.147, the board will, upon request by the public body, provide to the public body a copy of the application of the ~~general~~ contractor against whom the complaint was made and any documentation submitted with the application.

Sec. 10. NAC 624.6899 is hereby amended to read as follows:

624.6899 1. If a public body determines that a written objection is accompanied by the required proof or substantiating evidence pursuant to subsection 14 of NRS 338.1389 or subsection 14 of NRS 338.147, the public body shall notify the board in writing of the determination of the public body within 30 days after the date of its determination.

2. Upon receipt of the written documentation from the public body, the board or its designee will immediately revoke the certificate of eligibility for the ~~general~~ contractor. No formal disciplinary hearing is required before revocation of the certificate of eligibility based upon the receipt of the documentation from the public body which received the bid or proposal on a contract for the completion of a public work.

Sec. 11. 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 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 at:

(1) ~~[70 Linden Street]~~ *9670 Gateway Drive*

Suite 100

Reno, Nevada ~~[89502]~~ *89511*

(775) 688-1141; or

(2) ~~[4220 South Maryland Parkway~~

~~Suite 800 D~~

~~Las Vegas, Nevada 89119]~~ *2310 Corporate Circle*

Suite 200

Henderson, Nevada 89074

(702) 486-1100.

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 his license number on all of his 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. The board has complete information on the status of all licensed contractors in the State of Nevada. This information is available through the "voice response system" of the State Contractors' Board. However, if you wish to obtain specific information about complaints that have been filed against a contractor, such information must be requested from the board in writing.

Sec. 12. NAC 624.595, 624.610 and 624.800 are hereby repealed.

TEXT OF REPEALED SECTIONS

624.595 Required experience of applicant or qualified employee. An applicant for a license or his qualified employee must have at least 4 years of experience as a workman, supervising employee or contractor in the classification or subclassification in which he is applying for a license.

624.610 Denial of application; request for hearing. If the board determines that sufficient evidence exists to deny an application for a license, the board will so notify the applicant. The applicant may then request, in writing, a hearing before the board. If the applicant does not make such a request in writing within 20 days after the mailing of the notice, the board will consider his application as withdrawn.

624.800 Exemption for property owner building or improving structures on property; certain contractors prohibited from contracting to perform function of managing contractor.

1. An owner of property who seeks an exemption pursuant to subsection 9 of NRS 624.031 must apply to the board for the exemption.

2. The board will grant an exemption if the owner:

(a) Provides proof satisfactory to the board that he has contracted with a managing contractor licensed in this state whose monetary limit established pursuant to NRS 624.220 is equal to or greater than the total cost of the project; and

(b) Is found to be financially responsible in accordance with the standards and criteria set forth in NRS 624.263.

3. A contractor shall not contract with an owner to perform the function of managing contractor unless his license is sufficient in scope to cover the entire job.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R013-02**

The State Contractors' Board adopted regulations assigned LCB File No. R013-02 which pertain to chapter 624 of the Nevada Administrative Code on May 21, 2002.

Notice date: 1/25/2002 & 3/18/2002
Hearing date: 4/19/2002

Date of adoption by agency: 5/21/2002
Filing date: 7/2/2002

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

A workshop and hearing were noticed on January 25, 2002 by posting at the Washoe County Court House; Washoe County Library; Reno City Hall; Las Vegas City Hall; Sawyer State Building; Clark County Library and Offices of the Contractors' Board in Reno and Las Vegas. The workshop was held on March 1, 2002. Based on comments received at the workshop, the hearing scheduled for March 1 was rescheduled. The hearing was noticed on March 18 and held on April 19, 2002. The notice was posted on the agency's website and mailed to approximately 135 interested individuals.

2. The number of persons who:

- | | | |
|-----|--|----------|
| (a) | Attended each hearing: | 3 |
| (b) | Testified at each hearing: | 2 |
| (c) | Submitted to the agency written comments: | 1 |

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notice posting, website and direct mail. Comments were received and incorporated into the proposed regulation.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted by the Nevada State Contractors Board at its May 21, 2002.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- | | |
|-----|---|
| (a) | Both adverse and beneficial effects: and |
| (b) | Both immediate and long-term effects. |

(a) The proposed revisions are expected to have a minimal economic impact on the regulated industry and the public. The regulation provides clear and concise rules for disciplinary matters before the Board.

(b) The revisions should provide contractors with a clear understanding of conduct required in matters heard by the Board.

6. The estimated cost to the agency for enforcement of the adopted regulation.

The cost of enforcement of the proposed regulation will be minimal.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations which the proposed amendments duplicate.