

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

LCB File No. R158-03

October 28, 2003

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

AUTHORITY: §§1-18, NRS 624.100, 624.160 and section 12 of Senate Bill No. 241 of the 72nd Session of the Nevada Legislature, chapter 362, Statutes of Nevada 2003, at page 2039.

Section 1. Chapter 624 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 18, inclusive, of this regulation unless the context otherwise requires, the words and terms defined in sections 2 to 13, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Appurtenance” has the meaning ascribed to it in NRS 40.605.*

Sec. 4. *“Claimant” has the meaning ascribed to it in NRS 40.610.*

Sec. 5. *“Constructional defect” has the meaning ascribed to it in NRS 40.615.*

Sec. 6. *“Contractor” has the meaning ascribed to it in NRS 40.620.*

Sec. 7. *“Design professional” has the meaning ascribed to it in section 3 of Senate Bill No. 241 of the 72nd Session of the Nevada Legislature, chapter 362, Statutes of Nevada 2003, at page 2034.*

Sec. 8. *“Group of petitioners” means a claimant and any contractor, subcontractor, supplier or design professional who agrees with the claimant to submit a request to the Board.*

Sec. 9. *“Member of the group of petitioners” means a person who is a claimant, contractor, subcontractor, supplier or design professional who has agreed to be a part of a group of petitioners submitting a request to the Board.*

Sec. 10. *“Request” means a question or dispute that concerns any matter which may affect or relate to a constructional defect, including, without limitation, questions concerning the need for repairs, the appropriate method for repairs, the sufficiency of any repairs that have been made and the respective rights and responsibilities of homeowners, claimants, contractors, subcontractors, suppliers and design professionals, submitted to the Board pursuant to the provisions of section 12 of Senate Bill No. 241 of the 72nd Session of the Nevada Legislature, chapter 362, Statutes of Nevada 2003, at page 2039.*

Sec. 11. *“Residence” has the meaning ascribed to it in NRS 40.630.*

Sec. 12. *“Subcontractor” has the meaning ascribed to it in section 4 of Senate Bill No. 241 of the 72nd Session of the Nevada Legislature, chapter 362, Statutes of Nevada 2003, at page 2034.*

Sec. 13. *“Supplier” has the meaning ascribed to it in section 5 of Senate Bill No. 241 of the 72nd Session of the Nevada Legislature, chapter 362, Statutes of Nevada 2003, at page 2034.*

Sec. 14. *For the purposes of subsection 3 of section 12 of Senate Bill No. 241 of the 72nd Session of the Nevada Legislature, chapter 362, Statutes of Nevada 2003, at page 2034, the Board will interpret the term “30 days after a question or dispute is submitted to the State Contractors’ Board” to mean 30 days after a group of petitioners has submitted to the Board:*

1. The request;

2. All of the materials and documentation required pursuant to subsection 2 of section 15 of this regulation; and

3. Any materials and documentation requested by the Board pursuant to subsection 3 of section 15 of this regulation.

Sec. 15. *1. A group of petitioners shall submit a request to the Board on a form prescribed by the Board.*

2. At the time a request is submitted to the Board, the group of petitioners shall also submit to the Board:

(a) Copies of any current photographs of the residence or appurtenance that is the subject of the request;

(b) Copies of any reports or analyses prepared by an expert witness that relate to the residence or appurtenance that is the subject of the request;

(c) Documentation of any repairs that have been attempted on the residence or appurtenance that is the subject of the request;

(d) Documentation of any repairs that are recommended by one of the petitioners or any other person for the residence or appurtenance that is the subject of the request;

(e) Copies of any building codes or industry standards that are applicable to the residence or appurtenance that is the subject of the request;

(f) Copies of all warranty information related to the residence or appurtenance that is the subject of the request;

(g) Copies of all documentation related to the residence or appurtenance that is the subject of the request, including, without limitation, correspondence between the claimant and any

contractor, subcontractor, supplier or design professional who performed work related to the residence or appurtenance that is the subject of the request;

(h) The full name of the member of the group of petitioners who is a contractor and was responsible for the residence or appurtenance that is the subject of the request;

(i) A list of all subcontractors whom the member of the group of petitioners who is a contractor believes performed work on or at the residence or appurtenance that is the subject of the request; and

(j) Written documentation that shows that the member of the group of petitioners who is a contractor has provided a copy of the request to all subcontractors whom the contractor believes performed work on or at the residence or appurtenance that is the subject of the request.

3. In addition to the materials and documentation required to be submitted to the Board pursuant to subsection 2, if the Board determines that additional information is required to render a decision on the request, the group of petitioners shall submit to the Board any additional information requested by the Board.

Sec. 16. 1. *The Board will charge and collect a fee of \$500 from the members of a group of petitioners that have been issued a license pursuant to chapter 624 of NRS to cover the costs of carrying out the duties of the Board that relate to the request.*

2. In addition to the fee required pursuant to subsection 1, if the costs of carrying out the duties of the Board that relate to the request exceed \$500, the Board will charge and collect from the members of the group of petitioners that have been issued a license pursuant to chapter 624 of NRS a fee equal to the costs of the Board that exceed \$500.

3. The members of the group of petitioners that have been issued a license pursuant to chapter 624 of NRS are jointly and severally liable for the fees provided for in subsections 2 and 3.

Sec. 17. 1. Upon the submission of a request to the Board, the staff of the Board shall commence an investigation into the facts related to the request.

2. The written report of the results of the investigation conducted by the staff of the Board must be delivered to the Executive Officer of the Board.

Sec. 18. 1. In determining a response to or decision on a request, the Board or its designee will review the written report of the results of the investigation conducted by the staff of the Board.

2. Upon determining the response to or decision on the request, the Board or its designee will notify the group of petitioners of the response or decision of the Board or its designee.