

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

LCB File No. R158-03

March 11, 2004

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

AUTHORITY: §§1-19, NRS 40.6887, 624.100 and 624.160.

A REGULATION relating to real property; establishing the procedures relating to the submission of a question or dispute concerning matters which may affect or relate to constructional defects to the State Contractors' Board; establishing a fee for the review by the State Contractors' Board of a question or dispute concerning matters which may affect or relate to constructional defects to the State Contractors' Board; and providing other matters properly relating thereto.

Section 1. Chapter 624 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 19, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 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 NRS 40.623.*

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 NRS 40.6887.*

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

Sec. 12. *“Subcontractor” has the meaning ascribed to it in NRS 40.632.*

Sec. 13. *“Supplier” has the meaning ascribed to it in NRS 40.634.*

Sec. 14. *For the purposes of subsection 3 of NRS 40.6887, the Board will deem a request to have been submitted to the Board:*

1. If a group of petitioners has submitted to the Board a request and provided all of the materials and documentation required pursuant to subsection 3 of section 15 of this regulation, when the request and all of the materials and documentation have been provided to the Board; or

2. If, after a group of petitioners has submitted to the Board a request, the Board determines that an investigation into the request is required to determine the materials and

documentation needed to issue a response to or a decision on the request, when the Board has completed its investigation and obtained all of the materials and documentation.

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

2. The Board will notify the group of petitioners submitting a request by certified mail of the materials and documentation related to the residence or appurtenance that the Board or its designee determines is required to issue a response to or a decision on the request.

3. The group of petitioners shall submit to the Board copies of all materials and documentation related to the residence or appurtenance which is the subject of the request that the Board or its designee determines is required to issue a response to or a decision on the request.

Sec. 16. 1. *If the Board determines that an investigation into a request is required to determine the materials and documentation needed to issue a response to or a decision on the request, the Board will notify the group of petitioner submitting the request by certified mail of the need for the investigation.*

2. After the Board has completed the investigation to determine the materials and documentation needed to issue a response to or a decision on a request, the Board will notify the group of petitioners of the materials and documentation required to issue a response to or a decision on the request pursuant to subsection 2 of section 15 of this regulation.

Sec. 17. 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 1 and 2.

Sec. 18. *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. 19. *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.