

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

LCB File No. R046-05

June 13, 2005

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

AUTHORITY: §§1-5, NRS 40.6887.

A REGULATION relating to constructional defects; revising the provisions governing the submittal of a request to the State Contractors' Board concerning any matter which may affect or relate to a constructional defect; authorizing the Executive Officer of the Board to designate staff of the Board or an independent licensed professional to conduct an investigation into a request; and providing other matters properly relating thereto.

Section 1. Chapter 624 of NAC is hereby amended by adding thereto a new section to read as follows:

“Requester” means a claimant or any contractor, subcontractor, supplier or design professional who submits a request to the Board.

Sec. 2. NAC 624.792 is hereby amended to read as follows:

624.792 For the purposes of subsection 3 of NRS 40.6887, the Board will deem a request to have been submitted to the Board when:

1. The request ~~[and consent in writing to the submission of the request by the claimant and any contractor, subcontractor, supplier and design professional to the residence or appurtenance have]~~ *has* been received by the Board;

2. All the materials and documentation required by the Board pursuant to NAC 624.793 have been provided to the Board; and

3. If the Board determines pursuant to the provisions of NAC 624.794 that an investigation into the request is required, the Board has completed the investigation.

Sec. 3. NAC 624.793 is hereby amended to read as follows:

624.793 1. A ~~[petitioner]~~ *requester* shall submit ~~[a request]~~ to the Board :

(a) *A request* on a form prescribed by the Board ~~[. The request must include, without limitation:~~

~~—(a) A consent in writing by the claimant granting access to the Board to the residence or appurtenance; and~~

~~—(b) A consent in writing to the submission of the request by the claimant and any contractor, subcontractor, supplier and design professional to the residence or appurtenance.~~

~~—2. If a petitioner submits a request to the Board without the consents required pursuant to the provisions of subsection 1, the Board will notify the petitioner that the Board is unable to provide a response to or render a decision on the request.~~

~~—3. In addition to the submission of the request pursuant to the provisions of subsection 1, the petitioner must submit to the Board, at the time of the submission of the request, copies] ; and~~

(b) *Copies* of all documentation or materials related to the residence or appurtenance that is the subject of the request ~~[.~~

~~4.] , if available.~~

2. If the Board determines that additional documentation or information related to the request is required to provide a response to or render a decision on the request, the Board will notify the ~~[petitioner and any other party to the request]~~ *requester* of the additional documentation or information required by the Board.

~~[5.]~~ 3. If the Board notifies a ~~[petitioner or other party to the request]~~ *requester* pursuant to subsection ~~[4]~~ 2 of additional documentation or information required by the Board, the ~~[petitioner or other party to the request]~~ *requester* shall submit the documentation or information requested to the Board.

Sec. 4. NAC 624.794 is hereby amended to read as follows:

624.794 1. Upon the submission of a request pursuant to the provisions of NAC 624.793, the Executive Officer of the Board will review the request to determine if an investigation is required to provide a response to or render a decision on the request.

2. If the Executive Officer of the Board determines that an investigation is required to provide a response to or render a decision on the request, the *Executive Officer will designate* staff of the Board ~~[will]~~ *or an independent licensed professional to* conduct an investigation into the request.

3. A written report of the results of any investigation into the request conducted pursuant to the provisions of this section must be submitted to the Executive Officer of the Board.

4. The Board will review the written report submitted to the Executive Officer of the Board before providing a response to or rendering a decision on the request.

Sec. 5. NAC 624.787 is hereby repealed.

TEXT OF REPEALED SECTION

624.787 “Petitioner” defined. (NRS 40.6887) “Petitioner” means a claimant or any contractor, subcontractor, supplier or design professional who submits a request to the Board.