

# PROPOSED REGULATION OF THE STATE CONTRACTORS' BOARD

## LCB File No. R097-12

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

AUTHORITY: NRS 624.100(1).

A REGULATION relating to the classification of general contractors in classification B.

**Section 1.** NAC 624.015 shall be amended to read as follows:

1. To apply for an owner-builder exemption from the provisions of chapter 624 of NRS pursuant to subsection 4 of NRS 624.031, an owner of property must submit an Owner-Builder Disclosure Statement to:

(a) The Board *accompanied with payment in the amount of a recordation fee for the county in which the property is located*; and

(b) The local building official responsible for issuing the permit for the work that will be the subject of the exemption.

2. If the Owner-Builder Disclosure Statement submitted pursuant to subsection 1 is completed fully and accurately, and signed by the applicant under penalty of perjury, the Board will approve the owner-builder exemption. *An owner-builder who has received an exemption pursuant to this section may not perform any of the work on the project that is of a type performed by a plumbing, electrical, refrigeration, fire safety, or heating or air-conditioning contractor.*

3. Unless the Board notifies the applicant within 10 days after he or she submits the Owner-Builder Disclosure Statement to the Board that the owner-builder exemption is denied, the owner-builder exemption shall be deemed to have been approved by the Board.

4. If the Board denies an application for an owner-builder exemption, the Board will, within 10 days after the applicant submits the Owner-Builder Disclosure Statement to the Board:

- (a) Notify the applicant that the owner-builder exemption is denied; and
- (b) Set forth the reasons for the denial.

5. If the applicant is notified pursuant to subsection 4 that the owner-builder exemption is denied, the applicant may submit supplemental materials to the Board regarding the application for an owner-builder exemption.

6. If it appears to the satisfaction of the Board that the materials submitted pursuant to subsection 5 satisfy the reasons for the denial of the owner-builder exemption, the Board may approve the owner-builder exemption.

*7. Within five business days after the owner-builder's exemption is granted, the Board shall submit a copy of the Owner-Builder Disclosure Statement for recordation to the recorder's office in the county in which the property is located.*

*8. If an owner-builder commences construction on a project without filing an Owner-Builder Disclosure Statement and receiving approval of the owner-builder exemption for the project, the building official with jurisdiction over the project shall issue a stop work order for the project until the owner-builder complies with the requirements of this section.*

*9. An owner-builder to whom an owner-builder exemption has been granted pursuant to this section may employ any person to perform work on the project as he deems appropriate, but may not enter into a contract with any person to perform work on the project unless that person is licensed as a contractor with the Board to perform such work.*

~~[7.]~~ 10. As used in this section, "Owner-Builder Disclosure Statement" means the form adopted by the Board pursuant to NAC 624.017.

*11. As used in this section, “owner-builder” means a natural person who owns a property on which he or she intends to construct a new and substantial structure intended for human habitation or usage. A person is not required to apply for approval as an owner-builder under this section where:*

*(a) The construction is not of a structure intended for human habitation or usage; or*

*(b) The work on an existing structure will not effect the structural integrity of an existing structure or will not involve plumbing, electrical, refrigeration, fire safety, or heating or air-conditioning.*

**Section 2.** NAC 624.017 shall be amended to read as follows:

1. The Board will adopt a form for the Owner-Builder Disclosure Statement.

2. The form must include, without limitation:

(a) The name, mailing address, physical address and telephone number of the owner of property applying for the owner-builder exemption from the provisions of chapter 624 of NRS pursuant to subsection 4 of NRS 624.031;

(b) The county where the property that will be subject to the owner-builder exemption is located;

(c) The parcel number of the county assessor for the property;

(d) A description of the work to be performed on the property;

(e) With regard to the work described in paragraph (d), the type of permit for which the owner of property is, or will be, applying;

*(f) If the project contains any work of a type performed by a plumbing, electrical, refrigeration, fire protection, or heating or air-conditioning contractor, the name and license number for each such contractor retained to perform work on the project and a description of*

*the work that each such contractor shall perform on the project;*

*(g) If the owner-builder has retained by contract any other person to perform work on the project not identified in subparagraph (f), the name and license number for each such person and a description of the work that each such contractor shall perform on the project;*

~~(f)~~ **(h)** A description of the basis for the owner-builder exemption; and

~~(g)~~ **(i)** A declaration, to be signed under penalty of perjury by the owner of property submitting the form, stating that:

(1) The owner of property owns the property and is building or improving a residential structure on the property for his or her own occupancy and not intended for sale or lease;

(2) The information contained in the Owner-Builder Disclosure Statement is accurate and complete; and

(3) The owner of property will comply with all applicable statutes, regulations, ordinances and codes.