

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

LCB File No. R019-14

Effective October 24, 2014

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

AUTHORITY: §1, NRS 624.100, 624.300, 624.341, 624.361 and 624.710.

A REGULATION relating to contractors; revising provisions relating to the imposition of fines; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing regulations address fines which the State Contractors' Board is authorized to impose in association with administrative citations for violations of certain provisions of chapter 624 of NRS. (NAC 624.7251) As required by NRS 624.300 and 624.710, this regulation adopts standards for use by the Board in determining the amount of administrative fines to be imposed by establishing factors which the Board or its designee will consider in assessing those fines. This regulation also provides that the Board or its designee may reduce or stay a fine under certain circumstances.

Section 1. NAC 624.7251 is hereby amended to read as follows:

624.7251 1. If the Board or its designee issues an ~~administrative citation pursuant to NRS 624.341 which includes~~ *order imposing* an administrative fine ~~[]~~ *pursuant to the provisions of this chapter and chapter 624 of NRS*, each such fine assessed by the Board or its designee must:

(a) Specify the violation for which the person is being cited; and

(b) Subject to the provisions of ~~[subsection 2.]~~ *subsections 2, 3 and 4*, be in an amount which is not less than the minimum amount or more than the maximum amount as follows for the violation:

Violation	Minimum Fine	Maximum Fine
NRS 624.301	\$1,000	3,000 10,000
Paragraph (a) of subsection 1 or subparagraph (4) of paragraph (b) of subsection 1 of NRS 624.3011.....	500	2,000 10,000
Subparagraph (1), (2) or (3) of paragraph (b) of subsection 1 of NRS 624.3011.....	1,000	3,000 10,000
Subsection 1 , 2 or 3 of NRS 624.3012	1,000	3,000 10,000
Subsection 4 of NRS 624.3012	500	2,000 10,000
Subsection 1 or 4 of NRS 624.3013.....	250	1,000 10,000
Subsection 2 of NRS 624.3013	1,000	3,000 10,000
Subsection 3 of NRS 624.3013	500	2,000 10,000
Subsection 5 of NRS 624.3013	50	1,000 10,000
NRS 624.3014.....	100	50,000
Subsection 1 or 6 of NRS 624.3015	250	2,000 10,000
Subsection 2 , 3 or 4 of NRS 624.3015	1,000	50,000
Subsection 4 of NRS 624.3015.....	1,000	50,000
Subsection 5 of NRS 624.3015	500	2,000 10,000
Subsection 6 of NRS 624.3015.....	250	1,000
Subsection 1 , 2 , 4, 6, 7 or 8 of NRS 624.3016.....	250	3,000 10,000
Subsection 3, 5 , 10 or 11 of NRS 624.3016	500	2,000 10,000

Violation	Minimum Fine	Maximum Fine
Subsection 4 or 6 of NRS 624.3016	250	1,000
Subsection 7 of NRS 624.3016	250	2,000
Subsection 8 of NRS 624.3016	250	750
Subsection 9 of NRS 624.3016	100	500 10,000
Subsection 1 of NRS 624.3017	500	2,000 10,000
Subsection 2 of NRS 624.3017	50	250 10,000
Subsection 3 of NRS 624.3017	100	500 10,000
Subsection 1 of NRS 624.302	1,000	50,000
Subsection 5 or 6 of NRS 624.302	250	1,000 10,000
<i>Subsection 7 of NRS 624.302</i>	<i>1,000</i>	<i>10,000</i>
Subsection 1 of NRS 624.305	1,000	50,000
<i>NRS 624.520</i>	<i>100</i>	<i>250</i>
Subsection 1 of NRS 624.700	1,000	50,000
<i>Subsection 1, 2 or 3 of NRS 624.720</i>	500 <i>1,000</i>	1,000 <i>50,000</i>
<i>NRS 624.740</i>	<i>1,000</i>	<i>50,000</i>

2. *In determining the amount of an administrative fine to be imposed pursuant to subsection 1, the Board or its designee will consider the factors set forth in paragraphs (a), (b) and (c) of subsection 4 of NRS 624.300 and paragraphs (a), (b) and (c) of subsection 2 of NRS 624.710, as applicable.*

3. Unless otherwise prohibited by law, the Board or its designee may reduce or stay a fine assessed pursuant to subsection 1 pending completion of a training program or examination required by the Board.

4. The Board or its designee will assess the maximum fine listed in subsection 1 only if one or more of the following circumstances apply:

- (a) The cited person has a history of violating the same or similar sections of NRS;
- (b) The administrative citation specifies more than one violation;
- (c) The cited person has exhibited bad faith by ignoring written warnings;
- (d) The violation or violations have caused harm to other persons;
- (e) The violation or violations were perpetrated against a senior citizen or a person with a disability; or
- (f) The violation or violations involved a construction project costing more than \$500,000.

**INFORMATIONAL STATEMENT OF ADOPTED REGULATION AS REQUIRED BY
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB FILE NO. R019-14**

The following statement is submitted for adopted amendments to the Nevada Administrative Code (NAC) Chapter 624 in compliance with NRS 233B.066.

1. A clear and concise explanation of the need for the adopted regulation.

The regulation identified as R019-14 modifies NAC 624.7251 to include standards used in the imposition of administrative fines for all violations of NRS 624.

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

The notice of workshop and notice of hearing to solicit comments on the proposed regulation was posted at various public locations, on the agency's website, on the Nevada Public Notice Website and distributed to approximately 400 individuals, businesses and trade associations. There was no public response received on the proposed regulation.

3. The number of persons who:

Attended each hearing: 0

Testified at each hearing: 0

Submitted to the agency written statements: 0

4. Names & Addresses of persons either submitting written statements or testimony:

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

The notice of workshop and hearing was posted at various public locations, on the agency's website, on the Nevada Public Notice Website and distributed to approximately 400 individuals, businesses and trade associations. Additionally, information concerning the proposed regulation was disseminated to licensed contractors through the agency's newsletter. There was no public response received concerning the proposed regulation.

6. 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 regulation was adopted without change since no public response was received.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

A) Estimated economic effect on the businesses which they are to regulate.

B) Estimated economic effect on the public which they are to regulate

There is no estimated economic effect on the businesses which it is to regulate since the regulation simply provides standards used in the imposition of fines that are already in statute.

- 8. The estimated cost to the agency for enforcement of the proposed regulation.**
There is no additional cost to the agency for enforcement of the proposed regulation.
- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement why the duplication or overlap 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 that the proposed regulation duplicates.
- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**
There are no federal regulations that apply.
- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**
This regulation does not provide a new fee or increase an existing fee.