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## STATE CONTRACTORS BOARD

### NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Workshop and Hearing for the Adoption, Amendment or Repeal of Regulations of  
The State of Nevada Contractors Board

**The State of Nevada Contractors Board (Board) will conduct a public workshop on Wednesday February 13, 2019 at 9:00 a.m. and a public hearing on Friday February 22, 2019 at 9:00 a.m. The workshop and hearing will be video-conferenced between the Board's Henderson office located at 2310 Corporate Circle, Suite 200, Henderson, Nevada 89074 and the Reno office located at 5390 Kietzke Lane, Suite 102, Reno, Nevada 89511.**

The following information is provided pursuant to the requirements of NRS 233B.060 and 233B.0603:

**1. The need for and purpose of the proposed regulation or amendment.**

The purpose of the proposed regulation is to amend Chapter 624 of the Nevada Administrative Code in order to: 1) Reduce barriers to licensure and provide greater portability by expanding and clarifying types of experience documentation needed for an applicant to become a license contractor; and, 2) Resolve conflict among various statutory schemes that can be reconciled and clarified with defining the employer-employee relationship as used in NRS Chapter 624.

**2. Either the terms or the substance of the regulations to be adopted, amended or repealed or a description of the subjects and issues involved.**

The proposed regulation changes NAC 624.590 by expanding the types of experience documentation necessary for an applicant to become a licensed contractor. Additional language defines "employer" and "employee" as those terms are used in the statues and regulations to remove ambiguity.

**3. The estimated economic effect of this proposed regulation on the business which it is to regulate and on the public.**

**(a) Adverse and beneficial effects.**

The proposed regulation will either have a positive or no economic impact as it seeks to expand and clarify the types of experience documentation necessary for an applicant to become a licensed contractor, and defines "employer" and "employee" as those terms are used in the statues and regulation to remove ambiguity. The regulation should not result in any adverse economic effect on the general public.

**(b) Both immediate and long-term effects.**

The immediate and long term effect of implementing the provisions of the proposed regulation would remove barriers to licensure and enhance portability by expanding the types of experience documentation needed for an applicant to become licensed. Additionally, the proposed regulation would resolve conflict among various statutory schemes that can be reconciled and clarified with defining the employer-employee relationship as used in NRS Chapter 624.

**4. The estimated cost to the agency for the enforcement of the proposed regulation.**

The proposed regulation will not result in any cost to the agency.

**5. A description of and citation to any regulations of other states or local governmental agencies**

**which the proposed regulation overlaps or duplicates and a statement explaining why the duplication and overlapping is necessary.**

The proposed regulation does not overlap or duplicate any regulation.

**6. If the regulation is required pursuant to federal law, a citation and description of the federal law.**  
Does not apply.

**7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**  
Does not apply.

**8. Whether proposed regulation establishes a new fee or increases an existing fee.**  
The regulation does not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Board may appear at the scheduled public workshop or may address their comments, data, views or arguments, in written form to the Executive Officer of the Nevada State Contractors Board, 2310 Corporate Circle, Suite 200, Henderson, Nevada 89074 and the Reno office located at 5390 Kietzke Lane, Suite 102, Reno, Nevada, 89511. Written submissions must be received by the Board five days prior to the scheduled workshop. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the board may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted, amended or repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notices and the regulation to be adopted will be available at the State Contractors Board 2310 Corporate Circle, Suite 200, Henderson, Nevada 89074 and the Reno office located at 5390 Kietzke Lane, Suite 102, Reno, Nevada, 89511. In all counties in which an office of the Board is not maintained, a copy of this notice and the text of the proposed regulation will also be available for public inspection and copying at the main public library during business hours. This notice and text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if deemed necessary.

Upon adoption of any regulation, the board, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been mailed to all persons on the agency's mailing list of administrative regulations and posted at the following locations:

Washoe County Court House  
Washoe County Library  
Reno City Hall  
Paseo Verde Library  
Sawyer State Building  
Clark County Library  
Offices of the State Contractors Board in Reno and Henderson  
The Board's website [www.nscb.nv.gov](http://www.nscb.nv.gov)  
State of Nevada Public Notice Website

Dated: January 14, 2019

**PROPOSED TEMPORARY REGULATION OF THE NEVADA STATE CONTRACTORS BOARD**

**LCB File No. R\*\*\*-18**

**November 15, 2018**

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 contractors; allowing various kinds of information to prove a contractor applicant’s experience; defining the term “employer”.

**Legislative Counsel’s Digest:**

Existing law. . .

**Section 1.** NAC 624.590 is hereby amended to read as follows:

1. A person must make a separate application for each classification of license in which the applicant desires to conduct business.

2. The Board will not consider an incomplete application. Each application must include, without limitation:

(a) All applicable fees;

(b) Except as otherwise provided in subsection 3, ~~[four notarized certificates]~~ *documentation* supporting the experience of the applicant or his or her qualified employee ~~[on the form provided by the Board]~~, *which may be any of the following:*

*(1) Four or more certificates of experience qualification completed on a form provided by the Board; or*

*(2) A current masters certification issued by a governmental agency in a discipline substantially similar to the requested classification; or,*

*(3) Proof of transferable military experience and training.*

(c) All information which is required to be confirmed by a bank;

(d) The financial statement required by NAC 624.593;

(e) Pursuant to subsection 2 of NRS 624.265, a completed set of fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of the fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; and

(f) Any other information required by the Board.

3. The Board will waive the requirements set forth in paragraph (b) of subsection 2 if the applicant or his or her qualified employee:

(a) Has a minimum of 4 years of experience that is approved by the Board pursuant to NAC 624.615 as a contractor licensed in good standing in the endorsing state;

(b) Has not been investigated for misconduct as a contractor or had a license revoked, modified, limited, suspended or otherwise disciplined by the endorsing state or any other jurisdiction in which he or she has been licensed;

(c) Does not have any disciplinary actions or proceedings pending against the applicant or his or her qualified employee by a licensing body in the endorsing state or any other jurisdiction; and

(d) Provides a completed application pursuant to subsection 2 on the form provided by the Board that includes, without limitation, the endorsing state verifying on a form provided by the Board that the applicant or his or her qualified employee has a valid license.

4. The Board shall deem an application to be withdrawn if the Board has not received all the information and fees required to complete the application within 6 months after the date the application is

submitted to the Board. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant or his or her qualified employee otherwise withdraws an application, the Board may not issue a license to the applicant or his or her qualified employee unless the applicant or his or her qualified employee submits a new application and pays the required fees.

5. As used in this section:

(a) “Endorsing state” means any state or territory in the United States, or the District of Columbia, that the Board determines to have requirements for licensing contractors which are substantially equivalent to the requirements for licensing contractors in this State pursuant to NAC 624.615.

(b) “Person” means:

(1) A natural person;

(2) A corporation, partnership, limited partnership or limited-liability company that is organized pursuant to the laws of this State; or

(3) A foreign corporation, foreign partnership, foreign limited partnership or foreign limited-liability company that is authorized to do business in this State.

**Sec. 2.** Chapter 624 of NAC is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this regulation.

**Sec. 3.** *“Employee” means a natural person under any appointment or contract of hire or apprenticeship, express or implied, written or oral, at-will or other, whether lawfully or unlawfully employed for a contractor and does not include:*

*1. An independent contractor; or*

*2. An employee or independent contractor of a person other than the contractor, such as a private employment agency or a labor leasing company.*

Sec. 4. *“Employer” means a contractor that receives the services of an employee by having control or custody of any employment, place of employment, or any employee.*