

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

LCB FILE NO. R030-211

**The following document is the initial draft regulation proposed
by the agency submitted on 08/11/2021**

PROPOSED REGULATION OF THE NEVADA STATE CONTRACTORS BOARD

LCB File No.

August 6, 2021

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 advertising by contractors for work concerning residential solar photovoltaic systems used to generate electricity.

Legislative Counsel’s Digest:

Section 1. Chapter 624 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. *Definitions. (NRS 624.100)* *As used in 2 to 10, inclusive, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, have the meanings ascribed to them in those sections.*

Sec. 3. *“Advertising” defined. (NRS 624.100)* *“Advertising” means attempting by publication, dissemination, solicitation or circulation to induce, directly or indirectly, any person to enter into any obligation for work concerning a residential photovoltaic system used to generate electricity.*

Sec. 4. *“Bait and switch” defined. (NRS 624.100)* *“Bait and switch” has the meaning ascribed to it in NRS 482.351 and NRS 598.0917.*

Sec. 5. *“Contract” defined. (NRS 624.100)* *“Contract” has the meaning ascribed to it in SB303 (2021) §3.*

Sec. 6. *“Contractor” defined. (NRS 624.100)* *“Contractor” has the meaning ascribed to it in SB303 (2021) §4.*

Sec. 7. *“Knowingly” defined. (NRS 624.100)* *“Knowingly” has the meaning ascribed to it in NRS 624.024.*

Sec. 8. *“Work concerning a residential photovoltaic system used to generate electricity” defined.* *“Work concerning a residential photovoltaic system used to generate electricity” has the meaning ascribed to it in SB303 (2021) §5.*

Sec. 9. Practices constituting deceptive advertising. (NRS 624.100, SB303 (2021) §10) *A contractor engages in deceptive advertising if, when advertising about work concerning a residential photovoltaic system used to generate electricity, the contractor knowingly:*

- 1. Makes a false representation as to the source, sponsorship, approval or certification of work concerning a residential photovoltaic system used to generate electricity.*
- 2. Makes a false representation about work concerning a residential photovoltaic system used to generate electricity or as to affiliation, connection, association with or certification by another person or entity.*
- 3. Represents that work concerning a residential photovoltaic system used to generate electricity is of a particular standard, quality or grade, or that such goods are of a particular style or model if the contractor knows or reasonably should know that the work concerning a residential photovoltaic system used to generate electricity does not meet the advertised standard, quality or grade.*
- 4. Makes false or misleading statements of fact concerning the price for work concerning a residential photovoltaic system used to generate electricity or the reasons for, existence of, or amounts of reductions in price .*
- 5. Makes an untrue statement of a material fact while advertising for work concerning a residential photovoltaic system used to generate electricity.*
- 6. Fails to disclose a material fact in connection while advertising for work concerning a residential photovoltaic system used to generate electricity and that omitted fact is necessary to comply with these regulations.*
- 7. Disparages the goods, services or business of another provider of work concerning a residential photovoltaic system used to generate electricity by false or misleading representation of fact.*
- 8. Advertises with the intent not to sell the work concerning a residential photovoltaic system used to generate electricity as advertised.*
- 9. Advertises with the intent not to supply reasonably expected public demand for work concerning a residential photovoltaic system used to generate electricity unless the advertisement discloses a limitation of quantity.*
- 10. Advertises that work concerning a residential photovoltaic system used to generate electricity can be completed within a certain number of days, unless, at the time the advertisement was made, more than half of the work concerning residential photovoltaic system used to generate electricity projects the contractor has completed were completed within the advertised number of days.*

11. *As a part of an advertising plan or scheme, notifies a person that the person has won a prize and that as a condition of receiving the prize the person must enter into a contract for work concerning a residential photovoltaic system used to generate electricity.*
12. *Advertises using an illustration of a residential photovoltaic system used to generate electricity and setting forth a price, if the price at the time the advertisement is made does not accurately reflect the completed residential photovoltaic system used to generate electricity as illustrated.*
13. *While advertising for work concerning a residential photovoltaic system used to generate electricity, sets forth an offer for financing that does not comply with the Truth in Lending Act.*
14. *Advertises that the work concerning a residential photovoltaic system used to generate electricity is free of charge for any period of time based on payment of undisclosed costs as a condition of receiving the work concerning a residential photovoltaic system used to generate electricity.*

Sec. 10. Prohibited advertising practices. (NRS 624.100, SB303 (2021) §10) *A contractor shall not engage in deceptive advertising or “bait and switch” advertising regarding work concerning residential photovoltaic system used to generate electricity or the sale of residential photovoltaic system used to generate electricity.*