

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

LCB FILE NO. R047-23I

**The following document is the initial draft regulation proposed
by the agency submitted on 08/25/2023**

PROPOSED REGULATION OF THE NEVADA STATE CONTRACTORS BOARD

LCB File No.

July xx, xxxx

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; streamline, clarify, reduce or improve existing regulations; remove and streamline duplicate license classifications.

Legislative Counsel’s Digest:

Existing law. . .

Section 1. NAC 624.001 is hereby amended to read as follows:

NAC 624.001 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [~~NAC 624.003 and~~] 624.005 *and 624.010* have the meanings ascribed to them in those sections.

(Added to NAC by Contractors’ Bd. by R023-19, eff. 10-30-2019)

Sec. 2. NAC 624.003 is hereby repealed.

~~[NAC 624.003 —“Board” defined. Board” has the meaning ascribed to it in NRS 624.010.]~~

(Added to NAC by Contractors’ Bd., eff. 12-29-97; A by R023-19, 10-30-2019)

Sec 3. NAC 624.070 is hereby repealed.

~~[NAC 624.070 —Election of officers and changes in organization. At the first regular meeting of each fiscal year, the Board will elect its officers and make any changes in or additions to its permanent organization of the Board.]~~

(Added to NAC by Contractors’ Bd., eff. 8-26-83)

Sec. 4. NAC 624.090 is hereby repealed.

~~[NAC 624.090 —Vacancies.
—1.—If a permanent vacancy occurs in any office, the remaining members of the Board shall, at the next meeting after the vacancy occurs, elect a successor to serve the unexpired term.
—2.—If a vacancy occurs on the Board, the Chair shall notify the Governor requesting him or her to appoint a new member.]~~

(Added to NAC by Contractors' Bd., eff. 8-26-83)

Sec. 5. NAC 624.132 is hereby amended to read as follows:

NAC 624.132 Definitions. As used in NAC 624.132 to 624.137, inclusive, unless the context otherwise requires, the words and terms defined in [~~NAC 624.133 and 624.134~~] *NRS 624.112 and NRS 624.115* have the meanings ascribed to them in those sections.

(Added to NAC by Contractors' Bd. by R061-01, eff. 11-20-2001; A by R098-12, 12-20-2012)

Sec. 6. NAC 624.133 is hereby repealed.

~~[NAC 624.133—"Compliance investigator" defined. Compliance investigator" means a person employed by the Board who is authorized to perform duties pursuant to NRS 624.112 and subsection 3 of NRS 624.115.]~~

(Added to NAC by Contractors' Bd. by R061-01, eff. 11-20-2001; A by R146-07, 4-17-2008)

Sec. 7. NAC 624.134 is hereby repealed.

~~[NAC 624.134—"Criminal investigator" defined. Criminal investigator" means a person employed by the Board who is authorized to perform duties pursuant to NRS 624.112 and subsection 2 of NRS 624.115.]~~

(Added to NAC by Contractors' Bd. by R061-01, eff. 11-20-2001; A by R146-07, 4-17-2008)

Sec. 8. Chapter 624.135 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 to 5, inclusive, of this regulation.

NAC Compliance investigator: Qualifications. Each person who is employed by the Board as a compliance investigator must have:

1. [~~A valid certificate in construction skills issued by a nationally recognized organization;~~
2.] A high school diploma and at least 4 years of progressively responsible experience performing field investigations;
- [3.] 2. A high school diploma and at least 4 years of experience in the construction industry as a contractor, journeyman, foreman or supervising employee, or the equivalent thereof, as determined by the Board;
- [4.—A bachelor's degree from an accredited college or university with a major in preengineering, construction inspection or construction technology, or a related area of study as determined by the Board, and at least 3 years of experience in the construction industry as a contractor, journeyman, foreman or supervising employee, or the equivalent thereof, as determined by the Board;] or
3. Any sufficient combination of education and experience as determined by the Board.
4. *Possess a Nevada Driver's license and be insurable as a driver under a motor vehicle liability policy obtained by the Board.*
5. *Not have an active contractor's license in Nevada or any other state.*

(Added to NAC by Contractors' Bd. by R061-01, eff. 11-20-2001; A by R077-06, 6-1-2006)

Sec. 9. Chapter 624.136 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

NAC 624.136 Criminal investigator: Qualifications. Each person who is employed by the Board as a criminal investigator must:

1. Hold valid certification as a peace officer by the Peace Officers' Standards and Training Commission pursuant to chapter 289 of NRS; and
2. Have one of the following:
 - (a) A high school diploma and have at least ~~[5]~~ 4 years of experience in law enforcement or criminal investigations, or equivalent experience, as determined by the Board;
 - (b) ~~[A bachelor's degree from an accredited college or university with a major in criminal justice, law enforcement, or a related area of study as determined by the Board, and have at least 4 years of experience in law enforcement or criminal investigations, or equivalent experience, as determined by the Board;]~~ or
- ~~[(c)]~~ Any sufficient combination of education and experience as determined by the Board.
3. *Possess a Nevada Driver's license and be insurable as a driver under a motor vehicle liability policy obtained by the Board.*
4. *Not have an active contractor's license in Nevada or any other state.*

(Added to NAC by Contractors' Bd. by R061-01, eff. 11-20-2001)

Sec. 10. NAC 624.137 is hereby repealed.

~~[NAC 624.137—Additional qualifications of investigators. In addition to the qualifications set forth in NAC 624.135 and 624.136, each compliance investigator and each criminal investigator who is employed by the Board must:~~

- ~~—1.— Be at least 21 years of age;~~
- ~~—2.— Be a citizen of the United States or lawfully entitled to remain and work in the United States;~~
- ~~—3.— Possess a Nevada driver's license and be insurable as a driver under a motor vehicle liability policy obtained by the Board;~~
- ~~—4.— Demonstrate knowledge of the provisions of this chapter, chapter 624 of NRS and the building codes adopted for use in this State;~~
- ~~—5.— Be of good moral character;~~
- ~~—6.— Not have been convicted of or pleaded nolo contendere to a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon or drug;~~
- ~~—7.— Not have a license issued by the Board on active status;~~
- ~~—8.— Pass the Construction Management Survey Examination not later than 1 year after beginning employment with the Board;~~
- ~~—9.— Complete annually at least 16 hours of training relating to law enforcement or construction;~~
- ~~—10.— Comply with the code of ethical standards as prescribed in NRS 281A.400; and~~
- ~~—11.— Submit to the Board a complete set of his or her fingerprints and written permission authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.]~~

(Added to NAC by Contractors' Bd. by R061-01, eff. 11-20-2001)

Sec. 11. NAC 624.620 is hereby repealed.

~~[NAC 624.620— Notice of approval; security bond or cash deposit. Following the acceptance, investigation and approval of an application, the Board will issue to the applicant a notice of approval. If the applicant does not furnish the required surety bond or cash deposit within 30 days after receiving the notice of approval, the application shall be deemed withdrawn unless the applicant requests and the Board grants an extension of time not to exceed an additional 30 days.]~~

(Added to NAC by Contractors' Bd., eff. 8-26-83)

Sec. 12. NAC 625.635 is hereby amended to read as follows:

NAC 624.635 Inactive status.

1. A contractor may apply to the Board to have his or her license placed on inactive status pursuant to NRS 624.282. The contractor must submit to the Board:

- (a) An application on a form provided by the Board; and
- (b) Any unexpired license on active status and any pocket card.

2. A contractor whose license has been placed on inactive status may renew that license on the date that the contractor would have renewed his or her license if it were on active status by submitting to the Board an application on a form provided by the Board and the fee set forth in NAC 624.130. Any license that is not renewed on or before the date for renewal automatically expires.

3. A license on inactive status that is not placed on active status within ~~[5]~~ 8 years after the date the inactive status is granted will expire.

4. A licensee who holds a license on inactive status that is in good standing may apply for active status by:

- (a) Submitting an application on a form provided by the Board;
- (b) Paying the fee set forth in NAC 624.130 and any applicable assessments; and
- (c) Fulfilling any other requirement for an active licensee.

(Added to NAC by Contractors' Bd. by R208-99, eff. 5-24-2000)

Sec. 13. NAC 624.6952 is hereby repealed.

~~[NAC 624.6952— "Contract" defined. "Contract" has the meaning ascribed to it in NRS 624.905.]~~

(Added to NAC by Contractors' Bd., eff. 12-17-97; A by R098-12, 12-20-2012)

Sec. 14. NAC 624.6954 is hereby repealed.

~~[NAC 624.6954— "Contractor" defined. "Contractor" has the meaning ascribed to it in NRS 624.910.]~~

(Added to NAC by Contractors' Bd., eff. 12-17-97; A by R094-05, 12-29-2005; R098-12, 12-20-2012)

Sec. 15. NAC 624.6957 is hereby repealed.

~~[NAC 624.6957 – “Work concerning a residential pool or spa” defined. Work concerning a residential pool or spa” has the meaning ascribed to it in NRS 624.915.]~~

(Added to NAC by Contractors’ Bd. by R094-05, eff. 12-29-2005)

Sec. 16. Chapter 624.710 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC 624.710 Address of applicant or licensee on file with Board deemed correct address; notice of address change.

1. The address of an applicant or licensee which is on file with the Board shall be deemed to be the correct address of the applicant or licensee.
2. Within 30 days after any change of address, an applicant or licensee shall provide to the Board written notice of any change of address of the applicant or licensee.
3. *Service by whatever means to the address on file with the Board shall be deemed correct.*

(Added to NAC by Contractors’ Bd., eff. 8-26-83; A by R081-01, 11-8-2001; R014-02, 7-2-2002; R014-19, 11-2-2020)

Sec. 17. NAC 624.7259 is hereby amended to read as follows:

NAC 624.7259 Addition or dismissal of cause for disciplinary action; amendment or withdrawal of complaint

1. The Executive Officer may add or dismiss a cause for disciplinary action against a respondent before the Board or its designee holds a hearing on that cause of action.
2. The Board or the Executive Officer may amend a complaint at any time. Notice of an amended complaint must be given in the same manner as a notice of an original complaint. The Board will grant a continuance if an amendment materially alters the complaint in such a way that the respondent will be unable to prepare the respondent’s case in a timely manner.
3. The Executive Officer may withdraw a complaint at any time ~~[before the Board holds a hearing on the complaint. After the hearing is commenced, only the Board may withdraw a complaint].~~

(Added to NAC by Contractors’ Bd. by R014-02, eff. 7-2-2002; A by R190-03, 1-22-2004; R014-19, 11-2-2020)

Sec. 18. NAC 624.7273 is hereby amended to read as follows:

NAC 624.7273 Motions: Contents; opposition; written reply; decision by Board.

1. A party may only make those motions set out in subsection 2 of NRS 622A.360. A motion, unless made at a hearing, must be made in writing.
2. A written motion must *be made at least 20 days before the scheduled hearing in the matter* and set forth the nature of the relief requested and the grounds for the relief.
3. A party who wishes to oppose a motion must serve and file a written response to the motion not later than 14 days after receiving the motion.
4. The moving party may serve and file a written reply only if an opposition to the motion has been served and filed *and only if it is filed at least two days before the scheduled hearing in the matter.*

5. The Board or its designee may issue a decision on a motion without oral argument.
6. If the Board or its designee wishes to oppose a motion, the Board or its designee is not required to serve or file a written response to the motion.

(Added to NAC by Contractors' Bd. by R014-02, eff. 7-2-2002; A by R190-03, 1-22-2004; R098-12, 12-20-2012; R014-19, 11-2-2020)

Sec. 19. NAC 624.822 is hereby amended to read as follows:

NAC 624.822 Meetings; principal office.

1. Regular meetings of the Commission must be held at:
 - (a) The principal office or such other place as the Commission may specify; and
 - (b) Such times as the Commission may designate.
2. The principal office of the Commission is located at the office of the ~~[person designated as the Secretary of the Commission]~~ *State Contractors Board*.
3. The principal office of the Commission must be open during regular business hours.

(Added to NAC by Comm'n on Construction Educ. by R207-01, eff. 9-4-2002)

Sec. 20. NAC 624.826 is hereby amended to read as follows:

NAC 624.826 Written communications and documents to Commission. All written communications and documents to the Commission must be addressed to the ~~[Secretary of the Commission]~~ *Executive Officer of the State Contractors Board, or his or her designee*.

(Added to NAC by Comm'n on Construction Educ. by R207-01, eff. 9-4-2002)

Sec. 21. NAC 624.828 is hereby repealed.

~~[NAC 624.828—Filings with Commission.—When a filing with the Commission is made, an original and two legible copies of the document, application or other paper must be filed.]~~

(Added to NAC by Comm'n on Construction Educ. by R207-01, eff. 9-4-2002)

Sec. 22. NAC 624.828 is hereby amended to read as follows:

NAC 624.840 Application for grant from Account: Requirements; review by Commission; notice of disposition; request for reconsideration. (NRS 624.570)

1. A ~~[school district in this State or a program of education that has been approved by the Commission may file an application]~~, *registered 501(c)(3) nonprofit agency, nonprofit educational institution, or governmental entity* on a form provided by the Commission, for a grant of money from the Construction Education Account.
2. An application must be received by the Commission before the deadline established by the Commission and must contain:
 - (a) The full name, address and telephone number of the applicant.
 - (b) The full name and telephone number of the fiscal agent or fiscal manager of the applicant.

(c) The following information, supported by appropriate documentation, concerning the qualifications of the applicant to receive a grant pursuant to this section:

(1) The applicant's strategies to increase enrollment in programs of education which relate to building construction.

(2) The applicant's strategies to increase awareness concerning the advantages of employment in the construction industry.

(3) The applicant's plan for statewide dissemination of project objectives.

(4) An outline of the applicant's program of education.

(5) The proposed expenses of the applicant.

(6) Any other information requested by the Commission to ascertain the qualifications of the applicant to receive a grant pursuant to this section.

3. An application and all supporting documentation must be notarized.

4. The Commission will meet semi-annually to review ~~[and rate]~~ applications. ~~[The Commission will review and rate each application on a "review rating form" created by the Commission. The "review rating form" must rate the application based upon the proposals of the applicant to meet planning criteria, goals and benchmarks, and budgetary requirements.]~~

5. Not later than 10 working days after the Commission reviews ~~[and rates]~~ an application, the Commission will notify the applicant of the disposition of the application.

6. If an application is denied by the Commission, the applicant may, within 30 days after the date on which the application is denied, submit a request for reconsideration of the application by the Commission. Within 30 days after receipt of a request for reconsideration, the Commission will:

(a) Reconsider the application;

(b) Determine whether to affirm the denial of the application or to approve the application;
and

(c) Notify the applicant of the disposition of the request for reconsideration.

7. If an applicant submits a request for reconsideration and wishes to present new information in support of its application, the applicant must provide to the Commission a statement setting forth the reasons for the applicant's failure to introduce the new information at the previous meeting and a detailed description of the new information proposed to be introduced.

(Added to NAC by Comm'n on Construction Educ. by R196-01, eff. 9-4-2002)