

Amendment No. 489

Senate Amendment to Senate Bill No. 127 (BDR 54-596)

Proposed by: Senate Committee on Commerce and Labor

Amendment Box: Replaces Amendment No. 111.

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date				
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold dashed underlining is newly added transitory language.

WLK



Date: 4/16/2009

S.B. No. 127—Exempts qualified persons or groups providing construction oversight services to a long-term recovery group from regulation as a contractor. (BDR 54-596)



SENATE BILL NO. 127—SENATOR AMODEI

FEBRUARY 11, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Exempts qualified persons or groups providing **construction oversight** services ~~as a project manager or construction manager~~ to a long-term recovery group from regulation as a contractor. (BDR 54-596)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to contractors; exempting a qualified person or group providing **construction oversight** services ~~as a project manager or construction manager~~ to a long-term recovery group from the provisions governing the licensure and regulation of contractors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill adds ~~project management and~~ construction ~~management~~ **oversight** services
2 related to recovery efforts after a disaster or emergency to the existing list of persons and
3 activities that are exempt from licensing and regulation of contractors if those services are
4 provided to a long-term recovery group by a qualified person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 624.031 is hereby amended to read as follows:
2 624.031 The provisions of this chapter do not apply to:
3 1. Work performed exclusively by an authorized representative of the United
4 States Government, the State of Nevada, or an incorporated city, county, irrigation
5 district, reclamation district, or other municipal or political corporation or
6 subdivision of this State.
7 2. An officer of a court when acting within the scope of his office.
8 3. Work performed exclusively by a public utility operating pursuant to the
9 regulations of the Public Utilities Commission of Nevada on construction,
10 maintenance and development work incidental to its business.
11 4. An owner of property who is building or improving a residential structure
12 on the property for his own occupancy and not intended for sale or lease. The sale
13 or lease, or the offering for sale or lease, of the newly built structure within 1 year
14 after its completion creates a rebuttable presumption for the purposes of this section

1 that the building of the structure was performed with the intent to sell or lease that
2 structure. An owner of property who requests an exemption pursuant to this
3 subsection must apply to the Board for the exemption. The Board shall adopt
4 regulations setting forth the requirements for granting the exemption.

5 5. Any work to repair or maintain property the value of which is less than
6 \$1,000, including labor and materials, unless:

7 (a) A building permit is required to perform the work;

8 (b) The work is of a type performed by a plumbing, electrical, refrigeration,
9 heating or air-conditioning contractor;

10 (c) The work is of a type performed by a contractor licensed in a classification
11 prescribed by the Board that significantly affects the health, safety and welfare of
12 members of the general public;

13 (d) The work is performed as a part of a larger project:

14 (1) The value of which is \$500 or more; or

15 (2) For which contracts of less than \$500 have been awarded to evade the
16 provisions of this chapter; or

17 (e) The work is performed by a person who is licensed pursuant to this chapter
18 or by an employee of that person.

19 6. The sale or installation of any finished product, material or article of
20 merchandise which is not fabricated into and does not become a permanent fixed
21 part of the structure.

22 7. The construction, alteration, improvement or repair of personal property.

23 8. The construction, alteration, improvement or repair financed in whole or in
24 part by the Federal Government and conducted within the limits and boundaries of
25 a site or reservation, the title of which rests in the Federal Government.

26 9. An owner of property, the primary use of which is as an agricultural or
27 farming enterprise, building or improving a structure on the property for his use or
28 occupancy and not intended for sale or lease.

29 **10. ~~Professional~~ Construction oversight services ~~in the form of project~~**
30 **~~management or construction management~~ provided to a long-term recovery**
31 **group by a qualified person within a particular geographic area that is described**
32 **in a proclamation of a state of emergency or declaration of disaster by the State**
33 **or Federal Government, including, without limitation, pursuant to NRS 414.070.**
34 **A long-term recovery group may reimburse such reasonable expenses as the**
35 **qualified person incurs in providing construction oversight services to that group.**
36 **Except as otherwise provided in this subsection, nothing in this subsection**
37 **authorizes a person who is not a licensed contractor to perform the acts described**
38 **in paragraphs (a) and (b) of subsection 1 of NRS 624.700. As used in this**
39 **subsection ~~the~~ "long-term":**

40 **(a) "Construction oversight services" means the coordination and oversight**
41 **of labor by volunteers.**

42 **(b) "Long-term recovery group" means a formal group of volunteers**
43 **coordinating response and recovery efforts related to a state of emergency or**
44 **disaster that is proclaimed or declared by the State or Federal Government.**

45 **(c) "Qualified person" means a person who possesses the abilities,**
46 **education, experience, knowledge, skills and training that a long-term recovery**
47 **group has identified as being necessary to provide construction oversight services**
48 **for a project to be performed by that group.**