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FIRST REPRINT

A.B. 23

ASSEMBLY BILL NO. 23—COMMITTEE  
ON COMMERCE AND LABOR

(ON BEHALF OF THE STATE CONTRACTORS' BOARD)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the resolution of certain administrative citations issued by the State Contractors' Board. (BDR 54-266)

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

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

AN ACT relating to contractors; authorizing a person who is issued a written administrative citation by the State Contractors' Board to request an informal citation conference before the Executive Officer of the Board; establishing requirements and procedures for such an informal citation conference; revising procedures by which a person is authorized to contest a citation; providing that the failure of a person to comply with the terms of a citation which has been affirmed or modified within a certain period of time constitutes cause for disciplinary action; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law requires the State Contractors' Board to issue or authorize the  
2 issuance of a written administrative citation to a person if the Board has reason to  
3 believe the person: (1) acted as a contractor without an active license of the proper  
4 classification; or (2) has violated provisions of existing law governing contractors  
5 or regulations of the Board. (NRS 624.341) Existing law authorizes a person who is  
6 issued such a citation to contest the citation within 15 business days after the date  
7 on which the citation was served and requires the Board to conduct a hearing on the  
8 matter. (NRS 624.345, 624.351) If a person does not contest a citation within  
9 that period and the Board does not extend that period, the citation is deemed a  
10 final order of the Board and not subject to review by any court or agency.  
11 (NRS 624.345) **Section 4** of this bill revises the requirement for the Board to hold a  
12 hearing concerning a contested citation to require: (1) a person who wishes to



13 contest a citation to submit to the Board written notice of his or her intent to contest  
14 the citation; and (2) the Board to hold the hearing on the matter within 90 calendar  
15 days after receipt of the written notice.

16 **Section 1** of this bill creates an additional, informal process for the resolution  
17 of an administrative citation issued by the Board. **Section 1** authorizes a person  
18 who is issued such a citation to submit to the Executive Officer of the Board, within  
19 15 business days after the date on which the citation is served on the person, a  
20 written request for an informal citation conference. Under **section 1**, the Executive  
21 Officer is required to conduct an informal citation conference within 60 business  
22 days after receiving such a request. At the conclusion of the conference, **section 1**  
23 requires the Executive Officer to affirm, modify or dismiss the citation and, if the  
24 citation is affirmed or modified, serve the affirmed or modified citation on the  
25 person or his or her attorney. **Sections 1 and 3** of this bill authorize a person who  
26 wishes to contest a citation which has been affirmed or modified following an  
27 informal citation conference to contest the citation within 15 business days after the  
28 date on which the affirmed or modified citation is served on the person. If the  
29 person submits to the Board written notice of his or her intent to contest  
30 the affirmed or modified citation within that period, or if that period is extended by  
31 the Board, **section 4** requires the Board to hold a hearing on the matter. If the  
32 person fails to contest the affirmed or modified citation within that period and that  
33 period is not extended by the Board, **section 3** of this bill deems the affirmed or  
34 modified citation a final order of the Board and not subject to review by any court  
35 or agency.

36 Existing law provides that the failure of a person to comply with a citation  
37 issued by the Board within the period permitted for compliance set forth in the  
38 citation or, if a hearing is held, within 15 business days after the hearing, constitutes  
39 cause for disciplinary action by the Board. (NRS 624.302) **Section 2** of this bill  
40 provides that the failure of a person to comply with a citation that has been affirmed  
41 or modified following an informal citation conference within the time permitted for  
42 compliance or, if a hearing is held on the affirmed or modified citation, within 15  
43 business days after the hearing, also constitutes cause for disciplinary action by the  
44 Board.

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

1 **Section 1.** Chapter 624 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. A person who is issued a written citation pursuant to NRS*  
4 *624.341 may, within 15 business days after the date on which the*  
5 *citation is served on the person, submit to the Executive Officer or*  
6 *his or her designee a written request for an informal citation*  
7 *conference.*

8 *2. The Executive Officer or his or her designee shall, within*  
9 *60 business days after the date on which a written request for an*  
10 *informal citation conference is received, conduct an informal*  
11 *citation conference with the person who submitted the request.*  
12 *The person may be represented by legal counsel at the conference.*

13 *3. An informal citation conference may be conducted in an*  
14 *informal manner and is not required to be conducted in*



1 *accordance with the requirements for the conduct of a hearing set*  
2 *forth in NRS 233B.121 to 233B.150, inclusive.*

3 *4. At the conclusion of an informal citation conference, the*  
4 *Executive Officer or his or her designee shall affirm, modify or*  
5 *dismiss the citation.*

6 *5. If the Executive Officer or his or her designee affirms or*  
7 *modifies a citation pursuant to subsection 4:*

8 *(a) The original citation issued pursuant to NRS 624.341 shall*  
9 *be considered withdrawn and replaced by the affirmed or modified*  
10 *citation; and*

11 *(b) The Executive Officer or his or her designee shall, within*  
12 *15 business days after the date on which the informal citation*  
13 *conference is concluded, serve on the person and his or her*  
14 *counsel, if applicable, the affirmed or modified citation and a*  
15 *written statement of the reasons for the decision to affirm or*  
16 *modify the citation.*

17 *6. A person whose citation was affirmed or modified pursuant*  
18 *to this section:*

19 *(a) May contest the affirmed or modified citation in*  
20 *accordance with the procedures set forth in NRS 624.345.*

21 *(b) May not submit a request to the Executive Officer or his or*  
22 *her designee for an informal citation conference concerning the*  
23 *affirmed or modified citation.*

24 *7. For the purposes of this section, a citation shall be deemed*  
25 *to have been served on a person on:*

26 *(a) The date on which the citation is personally delivered to the*  
27 *person; or*

28 *(b) If the citation is mailed, the date on which the citation is*  
29 *mailed by certified mail to the last known business or residential*  
30 *address of the person.*

31 **Sec. 2.** NRS 624.302 is hereby amended to read as follows:

32 624.302 The following acts or omissions, among others,  
33 constitute cause for disciplinary action pursuant to NRS 624.300:

34 1. Contracting, offering to contract or submitting a bid as a  
35 contractor if the contractor's license:

36 (a) Has been suspended or revoked pursuant to NRS 624.300; or

37 (b) Is inactive.

38 2. Failure to comply with a written citation issued pursuant to  
39 NRS 624.341 ~~within~~ :

40 (a) *Within* the time permitted for compliance set forth in the  
41 citation ~~if~~ *or, if the citation is affirmed or modified following an*  
42 *informal citation conference pursuant to section 1 of this act,*  
43 *within the time permitted for compliance set forth in the affirmed*  
44 *or modified citation; or ~~if, if~~*



1 (b) If a hearing is held pursuant to NRS 624.291, within 15  
2 business days after the hearing.

3 3. Except as otherwise provided in subsection 2, failure to pay  
4 an administrative fine imposed pursuant to this chapter within 30  
5 days after:

6 (a) Receiving notice of the imposition of the fine; or

7 (b) The final administrative or judicial decision affirming the  
8 imposition of the fine,

9 ↪ whichever occurs later.

10 4. The suspension, revocation or other disciplinary action taken  
11 by another state against a contractor based on a license issued by  
12 that state if the contractor is licensed in this State or applies for a  
13 license in this State. A certified copy of the suspension, revocation  
14 or other disciplinary action taken by another state against a  
15 contractor based on a license issued by that state is conclusive  
16 evidence of that action.

17 5. Failure or refusal to respond to a written request from the  
18 Board or its designee to cooperate in the investigation of a  
19 complaint.

20 6. Failure or refusal to comply with a written request by the  
21 Board or its designee for information or records, or obstructing or  
22 delaying the providing of such information or records.

23 7. Failure or refusal to comply with an order of the Board.

24 **Sec. 3.** NRS 624.345 is hereby amended to read as follows:

25 624.345 1. A person who is issued a written citation pursuant  
26 to NRS 624.341 or an order to cease and desist pursuant to NRS  
27 624.212 may contest the citation or order ~~[within]~~ :

28 (a) *Within* 15 business days after the date on which the citation  
29 or order is served on the person ~~[ ]~~; or

30 (b) *For a citation that has been affirmed or modified following*  
31 *an informal citation conference pursuant to section 1 of this act,*  
32 *within 15 business days after the date on which the affirmed or*  
33 *modified citation is served on the person.*

34 2. A person may contest, without limitation:

35 (a) The facts forming the basis for the determination that the  
36 person has committed an act which constitutes a violation of this  
37 chapter or the regulations of the Board;

38 (b) The time allowed to take any corrective action ordered;

39 (c) The amount of any administrative fine ordered;

40 (d) The amount of any order to reimburse the Board for the  
41 expenses incurred to investigate the person; and

42 (e) Whether any corrective action described in the citation or  
43 order is reasonable.

44 3. ~~[If a person does not contest a]~~ A citation issued pursuant to  
45 NRS 624.341 or an order to cease and desist issued pursuant to



1 NRS 624.212 ~~[within]~~ shall be deemed a final order of the Board  
2 and not subject to review by any court or agency if the person to  
3 whom the citation or order is issued does not contest the citation  
4 or order:

5 (a) *Within* 15 business days after the date on which the citation  
6 or order is served on the person ~~[ ]~~;

7 (b) *For a citation that has been affirmed or modified following*  
8 *an informal citation conference conducted pursuant to section 1*  
9 *of this act, within 15 business days after the date on which the*  
10 *affirmed or modified citation is served on the person;* or ~~[on]~~

11 (c) *On* or before such later date as specified by the Board  
12 pursuant to subsection 4 . ~~[, the citation or order shall be deemed a~~  
13 ~~final order of the Board and not subject to review by any court or~~  
14 ~~agency.]~~

15 4. The Board may, for good cause shown, extend the time to  
16 contest a citation issued pursuant to NRS 624.341 or an order to  
17 cease and desist issued pursuant to NRS 624.212.

18 5. For the purposes of this section:

19 (a) An order to cease and desist must be served in accordance  
20 with NRS 624.212.

21 (b) A citation shall be deemed to have been served on a person  
22 on:

23 (1) The date on which the citation is personally delivered to  
24 the person; or

25 (2) If the citation is mailed, the date on which the citation is  
26 mailed by certified mail to the last known business or residential  
27 address of the person.

28 **Sec. 4.** NRS 624.351 is hereby amended to read as follows:

29 624.351 ~~[ ]~~ 1. *The Board shall hold a hearing pursuant to*  
30 *NRS 624.291 if a person ~~[contests]~~ submits to the Board written*  
31 *notice of his or her intent to contest* a citation issued pursuant to  
32 NRS 624.341 or order to correct a violation of the provisions of this  
33 chapter ~~[within]~~ :

34 (a) *Within* 15 business days after ~~[receiving]~~ the date on which  
35 the citation or order ~~[ ]~~ is served on the person;

36 (b) *For a citation that has been affirmed or modified following*  
37 *an informal citation conference conducted pursuant to section 1*  
38 *of this act, within 15 business days after the date on which the*  
39 *affirmed or modified citation is served on the person;* or ~~[on]~~

40 (c) *On* or before such later date as specified by the Board  
41 pursuant to subsection 4 of NRS 624.345 . ~~[, the Board shall hold a~~  
42 ~~hearing pursuant to NRS 624.291.]~~

43 2. *If a person submits to the Board written notice of his or*  
44 *her intent to contest a citation or order within the time required by*  
45 *paragraph (a) or (b) of subsection 1, the Board shall hold the*



1 *hearing required by subsection 1 not later than 90 calendar days*  
2 *after the date on which the Board receives the written notice.*

3 **Sec. 5.** The amendatory provisions of this act apply only to a  
4 written citation issued pursuant to NRS 624.341 on or after  
5 October 1, 2023.

6 **Sec. 6.** (Deleted by amendment.)

