

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

LCB File No. R208-99

December 23, 1999

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

AUTHORITY: §§1-17, NRS 338.1389, 338.147 and 624.100; §18, NRS 624.100 and 624.265; §19, NRS 624.100 and 624.282; §20, NRS 338.1389, 338.147 and 624.282.

Section 1. Chapter 624 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 17, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Affidavit for a certificate of eligibility” means an affidavit from a certified public accountant required pursuant to subsection 3 of NRS 338.1389 or subsection 3 of NRS 338.147.*

Sec. 4. *“Affidavit for renewal of a certificate of eligibility” means an affidavit from a certified public accountant required pursuant to subsection 5 of NRS 338.1389 or subsection 5 of NRS 338.147.*

Sec. 5. *“Certificate of eligibility” means a certificate of eligibility to receive a preference in bidding on public works issued by the board pursuant to NRS 338.1389 or 338.147.*

Sec. 6. *“General contractor” means a general engineering contractor or general building contractor who is properly licensed pursuant to the provisions of chapter 624 of NRS.*

Sec. 7. *“Statement of compliance” means a statement from a general contractor who applies for a certificate of eligibility which states that the general contractor is properly licensed pursuant to the provisions of chapter 624 of NRS for the certificate of eligibility for which he is applying.*

Sec. 8. 1. *A general contractor who wishes to obtain a certificate of eligibility must submit to the board:*

- (a) An application on a form provided by the board;*
- (b) A notarized affidavit for a certificate of eligibility on a form provided by the board;*
- (c) A notarized statement of compliance on a form provided by the board;*
- (d) The fee set forth in NAC 624.130; and*
- (e) Any other documentation required by the board.*

2. *The applicant must be a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS on the date that he submits the application and for the 5 years immediately preceding the submission of the application.*

3. *If a general contractor has more than one classification or subclassification of a license as a general contractor, he must submit a separate application for each classification or subclassification of a license for which a certificate of eligibility is requested.*

Sec. 9. 1. *An application for a certificate of eligibility must include, without limitation:*

- (a) The name of the applicant;*
- (b) The license number of the applicant;*
- (c) The date of issuance of the license of the applicant;*
- (d) The mailing and physical address of the applicant;*
- (e) The telephone number of the applicant;*

- (f) The name and address of the designated agent for service of process;*
- (g) The name of any officer of the applicant and any identifying information;*
- (h) The signature of the applicant; and*
- (i) Any other information that the board may require.*

2. A certified public accountant shall review any necessary banking records in accordance with generally accepted auditing standards, including, without limitation, bank statements, canceled checks, electronic transfers, cash disbursement records and any other records that the board deems appropriate, to substantiate an affidavit for a certificate of eligibility.

Sec. 10. *The board or its designee will issue or deny a certificate of eligibility within a reasonable time after the date on which the board receives the application, all required documentation that supports the application and the fee set forth in NAC 624.130.*

Sec. 11. *The certificate of eligibility must include, without limitation:*

- 1. The date of issuance;*
- 2. The date of expiration; and*
- 3. Such other information that the board deems appropriate.*

Sec. 12. *The board will issue a duplicate certificate of eligibility to any general contractor who has received a certificate of eligibility and who certifies that his certificate of eligibility has been lost or destroyed.*

Sec. 13. *An affidavit for renewal of a certificate of eligibility must be on a form provided by the board and must be notarized.*

Sec. 14. *The board will not issue a certificate of eligibility to a general contractor whose license is not on active status. If the general contractor has received a certificate of eligibility,*

the board will revoke the certificate of eligibility. Such a contractor must reapply for a certificate of eligibility pursuant to subsection 3 of NRS 338.1389 or subsection 3 of NRS 338.147 and sections 2 to 17, inclusive, of this regulation.

Sec. 15. *1. If a general contractor who applies to the board for a certificate of eligibility submits false or misleading information, submits an application which is incomplete or does not comply with this chapter or chapter 338 or 624 of NRS, the board may:*

(a) Deny the application;

(b) If the contractor has received a certificate of eligibility, revoke the certificate of eligibility; or

(c) Take such actions that the board deems appropriate under the circumstances.

2. In carrying out the provisions of this section, the board may rely on information contained in the records maintained by the board and need not conduct any investigation, inquiry or hearing regarding the information contained in those records.

Sec. 16. *If a written objection is filed with a public body pursuant to subsection 11 of NRS 338.1389 or subsection 11 of NRS 338.147, the board will, upon request by the public body, provide to the public body a copy of the application of the general contractor against whom the complaint was made and any documentation submitted with the application.*

Sec. 17. *1. If a public body determines that a written objection is accompanied by the required proof or substantiating evidence pursuant to subsection 12 of NRS 338.1389 or subsection 12 of NRS 338.147, the public body shall notify the board in writing of the determination of the public body within 30 days after the date of its determination.*

2. Upon receipt of the written documentation from the public body, the board or its designee will immediately revoke the certificate of eligibility for the general contractor. No

formal disciplinary hearing is required before revocation of the certificate of eligibility based upon the receipt of the documentation from the public body which received the bid or proposal on a contract for the completion of a public work.

Sec. 18. *Any fingerprint cards required pursuant to subsection 2 of NRS 624.265 must be accompanied by a cashier's check made payable to the Nevada highway patrol for \$15.*

Sec. 19. *1. A contractor who holds a license on active status may apply to the board to have his 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 he would have renewed his 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 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.

Sec. 20. NAC 624.130 is hereby amended to read as follows:

624.130 The board will charge and collect the following fees:

FLUSH	To issue a duplicate license.....	\$10
FLUSH	To issue a duplicate identification card.....	1
FLUSH	<i>To issue a duplicate certificate of eligibility.....</i>	<i>50</i>
FLUSH	To consider an application for a change in the name of the licensee.....	10
FLUSH	To consider an application for an increase of a licensee’s monetary limit for a single project.....	50
FLUSH	To supply a pamphlet containing the statutes and regulations relating to contractors	5
FLUSH	To supply a report containing information regarding not more than 500 current licenses.....	50
FLUSH	To supply a report containing information regarding more than 500 current licenses.....	100
FLUSH	To consider a request for a permanent increase or decrease of a licensee’s monetary limit	150
FLUSH	To consider a request to change the qualified person or corporate officer listed on a license	150
FLUSH	To consider a request to broaden a license to include the entire classification or other specific subclassifications within the classification	150
FLUSH	To issue or renew a license for classification if the applicant has filed a surety bond with the board or if the applicant has been relieved of the requirement of filing a surety bond or establishing a cash	

	deposit with the board.....	180
FLUSH	To issue or renew a license for classification if the applicant has established a cash deposit with the board	230
FLUSH	<i>To issue or renew an inactive license</i>	<i>150</i>
FLUSH	To consider an application for the issuance of a license for a classification in which the applicant is not licensed	250
FLUSH	To examine for a master’s license.....	50
FLUSH	<i>To issue or renew a certificate of eligibility</i>	<i>700</i>
FLUSH	For photocopies (per page).....	1
FLUSH	For an examination on the skills of management.....	40
FLUSH	For a technical examination	35
FLUSH	For a combination of the technical examination and the examination on the skills of management	75
FLUSH	To retake any examination	35
FLUSH	To charge for returned checks.....	25