

**PROPOSED REGULATION OF THE REAL ESTATE DIVISION  
OF THE DEPARTMENT OF BUSINESS AND INDUSTRY**

**LCB File No. R012-04**

February 18, 2004

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

AUTHORITY: §§1, 2, 4-7 and 9-11, NRS 645D.120; §§3 and 8, NRS 645D.120 and 645D.240.

**Section 1.** Chapter 645D of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

**Sec. 2. 1.** *If a person submits a check or draft to the Division to obtain a certificate, approval, accreditation or other type of authorization to engage in an activity for which authorization is required pursuant to this chapter, or chapter 645D of NRS, and the check or draft is returned to the Division because the person had insufficient money or credit with the drawee to pay the check or draft or because the person stopped payment on the check or draft:*

*(a) The certificate, approval, accreditation or other type of authorization obtained by the person from the Division is automatically invalidated; or*

*(b) If the person has not obtained the certificate, approval, accreditation or other type of authorization from the Division, the Division may refuse to issue or reinstate the authorization.*

**2.** *In accordance with NRS 353C.115 and section 1 of LCB File No. R121-03, which was adopted by the State Controller pursuant thereto and filed with the Secretary of State on February 4, 2004, the Division will charge a person, for each check or draft returned to the Division because the person had insufficient money or credit with the drawee to pay the check*

*or draft or because the person stopped payment on the check or draft, a fee of \$25 or such other amount as may subsequently be required by NRS 353C.115 and section 1 of LCB File No. R121-03.*

*Sec. 3. 1. The Division will charge and collect, from each person who applies for a certificate, a fee for any investigation of the person's background undertaken pursuant to NRS 645D.180.*

*2. The fee will not exceed the actual cost to conduct the investigation.*

*Sec. 4. 1. The Division, or an agent designated by the Division, will maintain an applicants' handbook concerning any examination required by NAC 645D.250.*

*2. An applicant for a certificate may obtain a handbook at any office of the Division.*

*There is no charge for the handbook.*

*Sec. 5. 1. An applicant for a certificate who takes an examination required by NAC 645D.250 must complete the examination within the time limit, and under the testing conditions, established by the Division or the agent designated by the Division.*

*2. An applicant with a disability may request special accommodations in the matter of a time limit or the testing conditions for any examination. Such a request must be:*

*(a) In writing;*

*(b) Received a reasonable time before the scheduled examination; and*

*(c) Supported by adequate evidence.*

*3. The Division, or the agent designated by the Division, will grant a request for special accommodations if the accommodations requested:*

*(a) Are reasonable;*

*(b) Are feasible; and*

*(c) Do not impair the integrity of the examination process.*

*4. As used in this section, “disability” has the meaning ascribed to it in section 3 of the Americans with Disabilities Act of 1990, Public Law 101-336, 104 Stat. 329.*

**Sec. 6.** NAC 645D.150 is hereby amended to read as follows:

645D.150 ~~[(1) The]~~ *In addition to the information required by NRS 645D.170, an application for a certificate [as an inspector provided by the Division requires] must include* the following information:

- ~~[(a)]~~ *1. Two completed fingerprint cards [;*  
~~—(b)] of the applicant;~~
- 2. One recent photograph of the applicant;*  
~~[(c) The social security number of the applicant;~~
- ~~—(d) His place of business;~~
- ~~—(e)] and~~

*3. A document which proves that the applicant has:*

- ~~[(1)]~~ *(a) Error and omissions insurance of at least \$100,000; and*
- ~~[(2)]~~ *(b) Liability insurance of at least \$100,000 . [; and*  
~~—(f) Such other pertinent information as the Division may require.~~
- ~~—2.— An application for a certificate is valid for 1 year after the date it is filed with the Division. The Division may require an applicant to complete a supplemental form provided by the Division to ensure that all the information required by the Division is current.]~~

**Sec. 7.** NAC 645D.160 is hereby amended to read as follows:

645D.160 ~~[(1) ]~~ The fee for *an* application for a certificate is nonrefundable.

~~[2.—If the Division rejects an application for the issuance or renewal of a certificate, it will refund the fee submitted for the issuance or renewal of the certificate.]~~

**Sec. 8.** NAC 645D.250 is hereby amended to read as follows:

645D.250 1. *An applicant for a certificate must take and pass an examination administered by the Division or an agent designated by the Division.*

2. The examination must test the applicant on his knowledge and understanding of:

- (a) The subjects applicable to the type of certificate for which he is applying;
- (b) Chapter 645D of NRS and any regulations adopted pursuant thereto; and
- (c) *The provisions of* NAC 645D.460 to 645D.580, inclusive.

~~[2.]~~ 3. Separate examinations will be given for certification as a residential inspector, general inspector and master inspector.

~~[3.]~~ 4. A scaled score of 75 must be achieved to pass each test.

~~[4.]~~ 5. Each of the examinations will consist of questions covering the subjects set forth in subsection ~~[1.]~~ 2.

6. *The Division will only accept the results of an examination taken during the year immediately preceding the date of the application for a certificate.*

7. *An applicant must pay a fee of \$100 each time he takes an examination.*

**Sec. 9.** NAC 645D.270 is hereby amended to read as follows:

645D.270 1. ~~[The examination for a certificate as an inspector will be at least 4 hours, but not more than 8 hours.~~

~~—2.—The times may be different for the examination for each type of certificate.~~

~~—3.—The Division will establish the time for each examination and notify the applicants before the closing day for applications.~~

~~—4.— Test books and answer sheets will not be returned to the applicants.~~

~~—5.— Examinations]~~ *An applicant shall not retain any test book, answer sheet or other examination material.*

*2. Except as otherwise provided in NRS 645D.130, an examination* must not be made public.

**Sec. 10.** NAC 645D.290 is hereby amended to read as follows:

645D.290 1. An application for a certificate ~~[as an inspector]~~ will be denied ~~[for the results of an examination will be invalidated, or both,]~~ if, *during the examination*, the applicant:

- (a) Uses or possesses any unfair methods or notes ; ~~[during the examination;]~~
- (b) Gives or receives aid of any kind ; ~~[during the examination;]~~ or
- (c) Fails to obey instructions . ~~[during the examination.~~

~~—2.— Silent,]~~

*2. An applicant may use a silent, cordless, electronic* ~~[calculators may be used by the applicants]~~ *calculator* during the examination ~~[.]~~ *if the calculator does not have:*

- (a) The capability to print a paper tape; or*
- (b) A keyboard that contains the alphabet.*

**Sec. 11.** NAC 645D.260, 645D.275, 645D.280 and 645D.430 are hereby repealed.

---

---

**TEXT OF REPEALED SECTIONS**

---

---

**645D.260 Authorization to take written examination; examination given by person other than Division. (NRS 645D.120)**

1. An applicant for a certificate as an inspector may not take the written examination for certification until the Division authorizes him in writing to appear for the examination. An applicant will not receive such authorization unless his application is on file with the Division.

2. The applicant must:

(a) Take the examination prescribed by the Division at the time and place set forth in the written authorization sent to him; or

(b) If the examination will be given to the applicant by a person other than the Division, notify the Division of the date and time of his examination. The results of such an examination must be mailed directly to the Division from the person administering the examination.

**645D.275 Postponement. (NRS 645D.120)**

1. If an applicant postpones his examination and notifies the Division at least 30 days before the date of the examination, the fee for the examination may be applied to a subsequent examination that the applicant wishes to take.

2. An examination may be postponed only once.

**645D.280 Reexamination; withdrawal; period for acceptance of results. (NRS**

**645D.120)**

1. An applicant for a certificate who fails an examination may apply for reexamination on a form furnished by the Division not less than:

- (a) Thirty days after the date of his first failed examination; or
- (b) Sixty days after the date of his second failed examination.

2. If an applicant for a certificate fails an examination on a third or subsequent occasion, he is not eligible to take an examination again until 1 year after the date of his last failed examination and must submit a new application for examination together with all required fees and materials.

3. If an applicant, after filing an application for examination, withdraws and requests the Division to postpone action on the application for reasons acceptable to the Division, the applicant may apply for the next examination.

4. The Division will only accept results of an examination taken during the year immediately preceding the date of the application for a certificate.

**645D.430 Dishonor of check. (NRS 645D.120)** A certificate may be cancelled, suspended or revoked, or the holder of the certificate may be charged a processing fee, if any check given to the Division is not honored by the financial institution upon which it is drawn.