

LCB File No. R116-06

**PROPOSED REGULATION OF THE DIVISION OF INDUSTRIAL
RELATIONS OF THE DEPARTMENT OF BUSINESS AND INDUSTRY**

Explanation – Matter in *bold* italics is new; matter in brackets ~~omitted material~~ is material to be omitted

AUTHORITY: NRS 618.918

A REGULATION relating to occupational safety and health; establishing regulations regarding the licensure of photovoltaic installers and providing other matters properly related thereto.

Section 1. *Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 3 through 13, inclusive, of this regulation.*

Sec. 2. *As used in sections 8 to 14, inclusive, of this regulation, unless the context requires, the words and terms defined in sections 3 to 7, inclusive, of this regulation have the meanings ascribed thereto.*

Sec. 3. *“Approved photovoltaic installer examination” means an examination that is consistent with guidelines, standards and/or training developed by the Institute of Sustainable Power, Inc., the Interstate Renewable Energy Council, the North American Board of Certified Energy Practitioners or any other nationally recognized organization involved in developing guidelines, standards and/or training with the aim of improving the ability, education and quality of photovoltaic installers.*

Sec. 4. *“Chief” means the Chief Administrative Officer of the Nevada Occupational Safety and Health Administration.*

Sec. 5. *“Contractor” means a contractor, as that term is defined in NRS 624.020, who is involved in a photovoltaic system project.*

Sec. 6. *“Division of Industrial Relations” means the Division of Industrial Relations of the Department of Business and Industry.*

Sec. 7. *“Nevada OSHA” means the Occupational Safety and Health Administration of the Division of Industrial Relations.*

Sec. 8. 1. *A person who wishes to apply for a photovoltaic installer license must obtain an application form from Nevada OSHA and deliver the signed, completed application, evidence of the successful completion of an approved photovoltaic installer examination together with a license fee of \$25.00 payable to Nevada OSHA.*

2. *The application, evidence of successful completion of an approved photovoltaic installer examination and the license fee of \$25.00 must be returned to the Nevada OSHA office located at 1301 N. Green Valley Pkwy. Suite 200, Henderson, NV 89074, or 4600 Kietzke Lane, Building F-153, Reno, NV 89502.*

3. *An applicant must notify Nevada OSHA of any change in address within 15 working days. Any change of address notification received by Nevada OSHA, acts as an amendment to the original application. The address stated on the original application or as amended must be the proper mailing address for all filings, postings and communications made by mail between Nevada OSHA and the applicant.*

4. *In addition to the requirements of subsections 1 and 2, an applicant for the issuance or renewal of a license as a photovoltaic installer shall submit a signed statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. This statement along with the applicant’s social security number must be attached to the application.*

Sec. 9 *Nevada OSHA may deny an applicant a photovoltaic installer license if the applicant demonstrates the inability to comply fully with applicable requirements, procedures and standards set forth in this regulation, including but not limited to:*

- (a) Submission of false information or documentation required on an application; or*
- (b) Failure to submit any information or documentation required on the application or by this regulation.*

Sec. 10. *A person who has been issued a license as a photovoltaic installer must submit an application for the renewal of her/his photovoltaic installer license, and a renewal fee of \$25.00 before the license expires. A photovoltaic installer license expires one year from the date of issuance or renewal.*

Sec. 11. 1. *If Nevada OSHA imposes an administrative fine on a licensee pursuant to NRS 618.930, the licensee may appeal the imposition of an administrative fine by filing an appeal with the chief within 30 days after the receipt of the notice of violation.*

2. Any appeal filed made pursuant to this section stays the imposition of the administrative fine.

3. An appeal made pursuant to this section must be made in writing and describe the particular matters to be appealed. The appeal must be accompanied by any documents applicable to the appeal, and:

- (a) The names of any witnesses who may be called to the hearing; and*
- (b) The expected time needed to present the appeal.*

4. The chief or his designee shall set a date for a hearing within 10 days after the receipt of any written appeal. The chief or his designee shall hear all appeals made pursuant to this section and give all parties thereto notice of the hearing and a fair opportunity to participate at

the hearing. The chief or his designee shall issue his decision within a reasonable time after the conclusion of the hearing.

Sec. 12. *A licensee may appeal the suspension, or revocation of their license by filing an appeal with the chief within 30 days after the effective date of the suspension, or revocation.*

Sec. 13. *1. If Nevada OSHA notifies a licensee that it intends to suspend or revoke the license pursuant to NRS 618.932, the licensee may file a request for a hearing. The request filed pursuant to this section must be made in writing. The request must be accompanied by any documents applicable to suspension or revocation of the license, and:*

(a) The names of any witnesses who may be called at the hearing; and

(b) The expected time needed for the hearing.

2. A request filed pursuant to this section does not stay the suspension or revocation of a license.

3. The chief or his designee shall set a date for a hearing within 10 days after the receipt of a written request for a hearing. The chief or his designee shall hear all requests made pursuant to this section. The chief or his designee will issue a written decision within a reasonable time after the conclusion of the hearing.