

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

**LCB File No. R116-06**

September 27, 2006

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

AUTHORITY: §§1-12, NRS 618.918.

A REGULATION relating to photovoltaic installers; providing requirements for licensure of photovoltaic installers; providing procedures for appealing a fine or the suspension or revocation of a license; and providing other matters properly relating thereto.

**Section 1.** Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 11, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Licensee” means any person who is licensed by the Division pursuant to sections 2 to 11, inclusive, of this regulation.*

**Sec. 4.** *“Photovoltaic installer” has the meaning ascribed to it in NRS 618.912.*

**Sec. 5.** *For the purposes of NRS 618.922, an examination which is approved by the Enforcement Section must test a person’s knowledge on subjects which are consistent with the guidelines, standards and training suggested 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 training to improve the quality of services provided by photovoltaic installers.*

**Sec. 6. 1.** *A person applying for a license as a photovoltaic installer must:*

*(a) Comply with the requirements set forth in NRS 618.922 and 618.924; and*

*(b) Pay an application fee of \$25.*

**2.** *An applicant must notify the Enforcement Section of a change in his mailing address within 15 working days after the change occurs.*

**Sec. 7.** *The Enforcement Section may deny an application for a license on the following grounds:*

**1.** *Failure to comply with any of the requirements, procedures or standards provided in this chapter or chapter 618 of NRS; or*

**2.** *Use of fraudulent or deceptive means in procuring a license as a photovoltaic installer.*

**Sec. 8.** *To renew his license as a photovoltaic installer, a licensee must, on or before the date on which his license expires:*

**1.** *Comply with the requirements set forth in NRS 618.926; and*

**2.** *Pay a renewal fee of \$25.*

**Sec. 9.** *If the Enforcement Section intends to impose an administrative fine pursuant to NRS 618.930, it will notify the person of its intention by:*

**1.** *Delivering a notice of violation to the person by certified mail;*

**2.** *Enclosing with the notice of violation:*

*(a) A statement indicating the Enforcement Section's legal authority and jurisdiction to impose an administrative fine;*

*(b) A statement of the reasons for the imposition of the administrative fine, including a citation of the applicable regulations supporting the imposition of the fine; and*

*(c) A statement of the amount of the administrative fine; and*

*3. Stating the effective date of the imposition of the proposed administrative fine upon failure to appeal and the procedures for bringing an appeal.*

**Sec. 10.** *1. A person 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. An appeal filed pursuant to this section stays the imposition of the administrative fine.*

*3. An appeal filed pursuant to this section:*

*(a) Must be in writing and describe in particular the matters to be appealed. If it is alleged that the Enforcement Section does not have the jurisdiction or legal authority to act with regard to the imposition of an administrative fine, it must be indicated in the appeal documents.*

*(b) Must be accompanied by:*

*(1) Any documents applicable to the appeal;*

*(2) The names of any witnesses who may be called at the hearing on the appeal; and*

*(3) The expected time needed to present the appeal.*

*4. The Chief or his designee shall set a date for hearing an appeal within 10 days after the receipt of a written appeal.*

*5. 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 a written decision within a reasonable time after the conclusion of the hearing.*

**Sec. 11. 1.** *If the Enforcement Section notifies a licensee that it intends to suspend or revoke his license pursuant to NRS 618.932, the licensee may file a request for a hearing within 30 days after the receipt of the notice of intention to suspend or revoke.*

*2. A request filed pursuant to this section:*

*(a) Must be in writing and describe in particular the matters to be heard. If it is alleged that the Enforcement Section does not have the jurisdiction or legal authority to act with regard to the suspension or revocation, it must be indicated in the filed documents.*

*(b) Must be accompanied by:*

*(1) Any documents applicable to the suspension or revocation;*

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

*(3) The expected time needed for the hearing.*

*3. The Chief or his designee shall hold a hearing within 10 days after the receipt of a written request for a hearing.*

*4. The Chief or his designee shall hear all requests filed 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 a written decision within a reasonable time after the conclusion of the hearing.*

**Sec. 12.** NAC 618.008 is hereby amended to read as follows:

618.008 “Enforcement Section” means the Occupational Safety and Health ~~Enforcement Section~~ *Administration* of the Division.