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STATE OF NEVADA



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STATE CONTRACTORS BOARD

NOTICE OF INTENT TO ACT UPON A REGULATION

LCB File No. R031-24

Notice of Workshop and Hearing for the Adoption, Amendment or Repeal of Regulations
of
The State of Nevada Contractors Board

The State of Nevada Contractors Board (Board) will conduct a public workshop on Monday, May 6, 2024 at 8:30 a.m. and a public hearing on Tuesday, May 21, 2024 at 8:30 a.m. The workshop and hearing will be video-conferenced between the Board's Las Vegas office located at 8400 West Sunset Road, Suite 150, Las Vegas, Nevada 89113 and the Reno office located at 5390 Kietzke Lane, Suite 102, Reno, Nevada, 89511

The following information is provided pursuant to the requirements of NRS 233B.060 and 233B.0603:

1. The need for and purpose of the proposed regulation or amendment.

Under existing regulations, applicants for a contractor's license or for renewal of an existing license must include certain information in their application. The proposed change amends NAC 624.590 to include payment of unpaid fines, costs and recovery fund repayments.

The purpose of the proposed regulation amends NAC 624.590 to require applicants to include with their application, payment for any unpaid: (1) fines imposed by the Board; (2) costs the applicants owes to the Board; and (3) repayment of any amount owed by the applicants to the Residential Recovery Fund.

2. A statement explaining how to obtain the approved or revised text of the proposed regulation.

A copy of the proposed regulation is attached to this notice and may be obtained by visiting our website at www.nscb.nv.gov or writing to the Board's offices.

3. The estimated economic effect of this proposed regulation on the business which it is to regulate and on the public.

(a) Adverse and beneficial effects.

This proposed regulation is expected to have minimal adverse economic effect on small businesses exclusively that have not satisfied financial penalties ordered by the Nevada State Contractors Board or reimbursements ordered to the Residential Recovery Fund in an amount specified in said Orders, plus any possible outstanding collection fees.

There is no adverse or beneficial economic effect on the public.

(b) Both immediate and long-term effects.

There is no expected immediate and long-term effects on business or on the public.

4. The methods used by the agency to determine the impact on small business.

The proposed regulation change has no impact on small business if the business has not been ordered to pay fines, costs or reimburse the Residential Recovery Fund for claims made by harmed

individuals on the applicants' prior license, therefore a small business impact study was not performed.

5. The estimated cost to the agency for the enforcement of the proposed regulation.

There is no cost to the agency.

6. A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication and overlapping is necessary.

The Nevada State Contractors Board is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This does not apply.

8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

This does not apply.

9. Whether proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not establish new fees or increase existing fees.

Persons wishing to comment upon the proposed action of the Board may appear at the scheduled public workshop or public hearing or may address their comments, data, views or arguments, in written form to the Executive Officer of the Nevada State Contractors Board, 8400 West Sunset Road, Suite 150, Las Vegas, Nevada 89113 and the Reno office located at 5390 Kietzke Lane, Suite 102, Reno, Nevada, 89511. Written submissions must be received by the Board on or before April 30, 2024. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted, amended or repealed will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notices and the regulation to be adopted, amended or repealed will be available at the State Contractors Board 8400 West Sunset Road, Suite 150, Las Vegas, Nevada 89113 and the Reno office located at 5390 Kietzke Lane, Suite 102, Reno, Nevada, 89511, and www.nscb.nv.gov, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the board, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been mailed to all persons on the agency's mailing list of administrative regulations and posted at the following locations:

Nevada State Contractors Board – Reno Office
Nevada State Contractors Board – Las Vegas Office
Nevada State Contractors Board – Internet Website
Nevada Public Notice Website

Dated: April 5, 2024

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

LCB File No. R031-24

March 12, 2024

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

AUTHORITY: § 1, NRS 624.100, 624.212, as amended by section 1 of Assembly Bill No. 22, chapter 174, Statutes of Nevada 2023, at page 1017, NRS 624.240 and 624.250.

A REGULATION relating to contractors; requiring an application for a contractor's license to include payment for certain fines, costs and reimbursements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Contractors' Board to make reasonable regulations concerning the issuance of contractor's licenses. (NRS 624.240) Existing law further requires an applicant, in order to obtain or renew a contractor's license, to submit to the Board an application that contains any information requested by the Board to ascertain the background, financial responsibility, experience, knowledge and qualifications of the applicant. (NRS 624.250) Additionally, existing law authorizes the Board, in issuing a license, to consider, among other information, the payment by the applicant of any criminal or administrative fine and any administrative fee or cost imposed against the applicant. (NRS 624.212, as amended by section 1 of Assembly Bill No. 22, chapter 174, Statutes of Nevada 2023, at page 1017)

Existing regulations require an application to include, among other information, certain financial information. (NAC 624.590) This regulation additionally requires an application to include, except as otherwise provided by a court order, payment for any unpaid: (1) fines imposed on the applicant by the Board; (2) costs the applicant owes to the Board; and (3) repayment of any amount owed by the applicant to the Recovery Fund.

Section 1. NAC 624.590 is hereby amended to read as follows:

624.590 1. A person must make a separate application for each classification of license in which the applicant desires to conduct business.

2. The Board will not consider an incomplete application. Each application must include, without limitation:

- (a) All applicable fees;
- (b) Except as otherwise provided in subsection 3, one or more of the following types of documentation supporting the experience of the applicant or his or her qualified employee:
 - (1) Four or more certificates of work experience completed on a form provided by the Board;
 - (2) A current certification as a master issued by a governmental agency in a discipline substantially similar to the requested classification;
 - (3) Proof of transferable military experience and training; or
 - (4) If the applicant is seeking credit pursuant to subsection 4 toward the experience requirement set forth in subsection 6 of NRS 624.260, a certified copy of the certificate of completion or degree provided to the applicant upon the successful completion of a training program described in subsection 4;
- (c) All information which is required to be confirmed by a bank;
- (d) The financial statement required by NAC 624.593;
- (e) Pursuant to subsection 2 of NRS 624.265, a completed set of fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of the fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; ~~and~~
- (f) *Except as otherwise provided by a court order, payment for any unpaid:*
 - (1) *Fines imposed on the applicant by the Board pursuant to this chapter or chapter 624 of NRS;*
 - (2) *Costs the applicant owes to the Board pursuant to this chapter or chapter 624 of NRS; and*

(3) Repayment of any amount owed by the applicant to the Recovery Fund pursuant to paragraph (b) of subsection 2 of NRS 624.530; and

(g) Any other information required by the Board.

3. The Board will waive the requirements set forth in paragraph (b) of subsection 2 if the applicant or his or her qualified employee:

(a) Has a minimum of 4 years of experience that is approved by the Board pursuant to NAC 624.615 as a contractor licensed in good standing in the endorsing state;

(b) Has not been investigated for misconduct as a contractor or had a license revoked, modified, limited, suspended or otherwise disciplined by the endorsing state or any other jurisdiction in which he or she has been licensed;

(c) Does not have any disciplinary actions or proceedings pending against the applicant or his or her qualified employee by a licensing body in the endorsing state or any other jurisdiction; and

(d) Provides a completed application pursuant to subsection 2 on the form provided by the Board that includes, without limitation, the endorsing state verifying on a form provided by the Board that the applicant or his or her qualified employee has a valid license.

4. Pursuant to NRS 622.087, the Board may grant not more than 3 years of credit toward the satisfaction of the experience requirement set forth in subsection 6 of NRS 624.260 to an applicant who has successfully completed a training program for occupational, vocational, career, trade or technical education if the training program:

(a) Is provided in secondary or postsecondary education;

(b) Is approved by the Board and the State Board of Education; and

(c) Provided training in a discipline substantially similar to the classification in which the applicant is applying for licensure.

5. The Board shall deem an application to be withdrawn if the Board has not received all the information and fees required to complete the application within 6 months after the date the application is submitted to the Board. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant or his or her qualified employee otherwise withdraws an application, the Board may not issue a license to the applicant or his or her qualified employee unless the applicant or his or her qualified employee submits a new application and pays the required fees.

6. As used in this section:

(a) “Endorsing state” means any state or territory in the United States, or the District of Columbia, that the Board determines to have requirements for licensing contractors which are substantially equivalent to the requirements for licensing contractors in this State pursuant to NAC 624.615.

(b) “Person” means:

- (1) A natural person;
- (2) A corporation, partnership, limited partnership or limited-liability company that is organized pursuant to the laws of this State; or
- (3) A foreign corporation, foreign partnership, foreign limited partnership or foreign limited-liability company that is authorized to do business in this State.

Small Business Impact Statement

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State
Proposed Regulation R031-24

1. Background

Under existing regulations, applicants for a contractor's license or for renewal of an existing license must include certain information in their application. The proposed change amends NAC 624.590 to include payment of unpaid fines, costs and recovery fund repayments.

The purpose of the proposed regulation amends NAC 624.590 to require applicants to include with their application, payment for any unpaid: (1) fines imposed by the Board; (2) costs the applicants owes to the Board; and (3) repayment of any amount owed by the applicants to the Residential Recovery Fund.

2. Description of Solicitation:

The proposed regulation change has no significant impact on small business if the business has not been ordered to pay fines, costs or reimburse the Residential Recovery Fund for claims made by harmed individuals on an applicants' prior license, therefore a small business impact study was not performed.

3. Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business?

This proposed regulation is expected to have an insignificant adverse economic effect on small business formation, operation or expansion exclusively only if the principals or qualified individuals have not satisfied financial penalties ordered on a prior license by the Nevada State Contractors Board or reimbursements ordered to the Residential Recovery Fund in an amount specified in said Orders, plus any possible outstanding collection fees.

4. How was that conclusion reached?

The NSCB believes that only individuals with prior disciplinary action taken by the NSCB will be insignificantly burdened if they choose to reapply for a license.

Ultimately, no adverse economic effects were identified because the proposed regulation changes do not significantly adversely affect NRS Chapter 624 licensee or those who may seek to become a licensee. These changes should have minimal impact on small business.

I, Margi Grein, Executive Officer of the Nevada State Contractors Board, certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and the information contained in this statement above is accurate.

Date: 4/15/2024

Signature: 

Margi Grein, Executive Officer
Nevada State Contractors Board