

SENATE BILL NO. 128—SENATORS O'DONNELL, O'CONNELL, AMODEI, COFFIN, JACOBSEN, JAMES, MATHEWS, MCGINNESS, NEAL, PORTER, RAGGIO, RAWSON, RHOADS, SCHNEIDER, SHAFFER, TOWNSEND AND WASHINGTON

FEBRUARY 5, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Authorizes state contractors' board to request that telephone number be disconnected and to request beeper number be switched or disconnected if telephone or beeper number is included in unlawful advertisements. (BDR 54-607)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to contractors; authorizing the state contractors' board to request the public utilities commission of Nevada to order providers of telephone service to disconnect a telephone number included in advertisements for services for which the advertiser does not have the required license; authorizing the board to request a provider of paging services to switch a beeper number or disconnect paging services to a beeper included in such advertising; requiring such providers of services to comply with the orders; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 624.3017 is hereby amended to read as follows:
- 2 624.3017 The following acts, among others, constitute cause for
- 3 disciplinary action under NRS 624.300:
- 4 1. Workmanship which is not commensurate with standards of the
- 5 trade in general or which is below the standards in the building or
- 6 construction codes adopted by the city or county in which the work is
- 7 performed. If no applicable building or construction code has been adopted
- 8 locally, then workmanship must meet the standards prescribed in the
- 9 Uniform Building Code, Uniform Plumbing Code or National Electrical
- 10 Code in the form of the code most recently approved by the board. The

1 board shall review each edition of the Uniform Building Code, Uniform
2 Plumbing Code or National Electrical Code that is published after the 1996
3 edition to ensure its suitability. Each new edition of the code shall be
4 deemed approved by the board unless the edition is disapproved by the
5 board within 60 days of the publication of the code.

6 2. Advertising projects of construction without including in the
7 advertisements the name and license number of the licensed contractor who
8 is responsible for the construction.

9 ***3. Advertising projects of construction beyond the scope of the***
10 ***license.***

11 **Sec. 2.** NRS 624.307 is hereby amended to read as follows:

12 624.307 1. It is unlawful for any person, including a person exempt
13 under ***the provisions of*** NRS 624.330, to advertise as a contractor unless he
14 has a ~~valid~~ license in the appropriate classification established by ***the***
15 ***provisions of*** NRS 624.215 and 624.220.

16 2. ***All advertising by a licensed contractor must include the number***
17 ***of his license.***

18 3. ***If, after giving notice and holding a hearing pursuant to NRS***
19 ***624.310, the board determines that a person has engaged in advertising***
20 ***in a manner that violates the provisions of this section, the board may, in***
21 ***addition to any penalty, punishment or disciplinary action authorized by***
22 ***the provisions of this chapter, issue an order to the person to cease and***
23 ***desist the unlawful advertising and to:***

24 (a) ***Cause any telephone number included in the advertising, other***
25 ***than a telephone number to a provider of paging services, to be***
26 ***disconnected.***

27 (b) ***Request the provider of paging services to change the number of***
28 ***any beeper which is included in the advertising or disconnect the paging***
29 ***services to such a beeper, and to inform the provider of paging services***
30 ***that the request is made pursuant to this section.***

31 4. ***If a person fails to comply with paragraph (a) of subsection 3***
32 ***within 5 days after the date that he receives an order pursuant to***
33 ***subsection 3, the board may request the public utilities commission of***
34 ***Nevada to order the appropriate provider of telephone service to***
35 ***disconnect any telephone number included in the advertisement, except***
36 ***for a telephone number to a provider of paging services. If a person fails***
37 ***to comply with paragraph (b) of subsection 3 within 5 days after the date***
38 ***he receives an order pursuant to subsection 3, the board may request the***
39 ***provider of paging services to switch the beeper number or disconnect the***
40 ***paging services provided to the person, whichever the provider deems***
41 ***appropriate.***

1 **5. If the provider of paging services receives a request from a person**
2 **pursuant to subsection 3 or a request from the board pursuant to**
3 **subsection 4, it shall:**

4 **(a) Disconnect the paging service to the person; or**

5 **(b) Switch the beeper number of the paging service provided to the**
6 **person.**

7 **If the provider of paging services elects to switch the number pursuant to**
8 **paragraph (b), it shall not forward or offer to forward the paging calls**
9 **from the previous number, or provide or offer to provide a recorded**
10 **message that includes the new beeper number.**

11 **6. As used in this section ~~["advertising"]~~ :**

12 **(a) "Advertising"** includes , but is not limited to , the issuance of any
13 sign, card or device , or ~~by~~ the permitting or allowing of any sign or
14 marking on a motor vehicle, in any building, structure, newspaper,
15 magazine or airway transmission or in any directory under the listing of
16 "contractor " with or without any limiting qualifications.

17 ~~["3.—All advertising by a licensed contractor must include the number of~~
18 ~~his license.]~~

19 **(b) "Beeper" means a portable electronic device which is used to page**
20 **the person carrying it by emitting an audible or a vibrating signal when**
21 **the device receives a special radio signal.**

22 **(c) "Provider of paging services" means an entity, other than a public**
23 **utility, that provides paging service to a beeper.**

24 **(d) "Provider of telephone service" has the meaning ascribed to it in**
25 **NRS 707.355.**

26 **Sec. 3.** NRS 624.310 is hereby amended to read as follows:

27 624.310 1. Except as otherwise provided in subsection 4, if the board
28 refuses to issue or renew a license, suspends or revokes a license , **has**
29 **probable cause to believe that a person has violated NRS 624.307** or
30 imposes an administrative fine pursuant to NRS 624.235, the board shall
31 hold a hearing. The time and place for the hearing must be fixed by the
32 board, and notice of the time and place of the hearing must be personally
33 served on the applicant or accused or mailed to the last known address of
34 the applicant or accused at least 30 days before the date fixed for the
35 hearing.

36 2. The testimony taken pursuant to NRS 624.170 to 624.210, inclusive,
37 must be considered a part of the record of the hearing before the board.

38 3. The hearing must be public if a request is made therefor.

39 4. The board may suspend the license of a contractor without a hearing
40 if the board finds, based upon evidence in its possession, that the public
41 health, safety or welfare imperatively requires summary suspension of the

1 license of the contractor and incorporates that finding in its order. If the
2 board summarily suspends the license of the contractor, the board must
3 notify the contractor by certified mail. A hearing must be held within 30
4 days after the suspension if the contractor submits a written request for a
5 hearing to the board within 20 days after the board summarily suspends his
6 license.

7 **Sec. 4.** Chapter 703 of NRS is hereby amended by adding thereto a
8 new section to read as follows:

9 *1. Upon receiving a request from the state contractors' board to*
10 *disconnect a telephone number pursuant to NRS 624.307, the*
11 *commission shall issue an order to the appropriate provider of telephone*
12 *service to disconnect the telephone number.*

13 *2. Compliance in good faith by a provider of telephone service with*
14 *an order of the commission to terminate service issued pursuant to this*
15 *section shall constitute a complete defense to any civil or criminal action*
16 *brought against the provider of telephone service arising from the*
17 *termination of service.*

18 *3. As used in this section, "provider of telephone service" has the*
19 *meaning ascribed to it in NRS 707.355.*

20 **Sec. 5.** NRS 707.355 is hereby amended to read as follows:

21 707.355 1. Each provider of telephone service in this state shall,
22 when notified that ~~it~~ :

23 *(a) A court has ordered the disconnection of a telephone number*
24 *pursuant to NRS 706.2855 ~~it~~ ; or*

25 *(b) The public utilities commission of Nevada has ordered the*
26 *disconnection of a telephone number pursuant to NRS 624.307 and*
27 *section 4 of this act,*

28 *take such action as is necessary to carry out the order of the court ~~it~~ or the*
29 *public utilities commission of Nevada.*

30 *2. A provider of telephone service shall not:*

31 *(a) Forward or offer to forward the telephone calls of a telephone*
32 *number disconnected from service pursuant to the provisions of this*
33 *section; or*

34 *(b) Provide or offer to provide a recorded message that includes the*
35 *new telephone number for a business whose telephone number was*
36 *disconnected from service pursuant to the provisions of this section.*

37 *3. As used in this section, "provider of telephone service" includes, but*
38 *is not limited to:*

39 *(a) A public utility furnishing telephone service.*

40 *(b) A provider of cellular or other service to a telephone that is installed*
41 *in a vehicle or is otherwise portable.*

42 **Sec. 6.** Subsection 5 of section 2 of this act shall not be interpreted or
43 applied in a manner to unconstitutionally interfere with contractual rights in

1 effect at the time this act becomes effective. For purposes of this section,
2 the date the contract was last renewed shall be deemed to be the effective
3 date of the rights contained therein.

4 **Sec. 7.** Section 3 of this act becomes effective at 12:01 a.m. on
5 October 1, 1999.

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