
SENATE BILL NO. 409—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 15, 1999

Referred to Committee on Government Affairs

SUMMARY—Establishes provisions governing submission of design document to governmental entity. (BDR 22-871)

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 ~~[omitted material]~~ is material to be omitted.

AN ACT relating to design documents; establishing provisions governing the submission of a design document to a governmental entity; providing grounds for disciplinary action for violation of those provisions; 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.** Chapter 278 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 6, inclusive, of this act.
- 3 **Sec. 2.** *As used in this section and sections 3 and 4 of this act, unless*
4 *the context otherwise requires, “design document” means a plan,*
5 *drawing, specification, supporting calculation or other data prepared by*
6 *an architect, contractor, registered interior designer, landscape architect,*
7 *professional land surveyor, professional engineer, residential designer or*
8 *owner of residential property that describes the design, location,*
9 *orientation, scope of or materials required for the proposed construction*
10 *or remodeling of a building, structure or other type of improvement to*
11 *real property.*
- 12 **Sec. 3. 1.** *A design document that is submitted to a governmental*
13 *entity:*
- 14 *(a) Must contain the signature or seal and title of the architect,*
15 *contractor, registered interior designer, landscape architect, professional*
16 *land surveyor, professional engineer, residential designer or owner of*
17 *residential property who prepared the document or under whose direct*
18 *supervision the document was prepared; and*

1 (b) Must conform to:

2 (1) Any applicable building code or zoning regulation; and

3 (2) The uniform standards for the form and content of design
4 documents adopted pursuant to section 4 of this act.

5 2. The signature or seal on a design document of the architect,
6 contractor, registered interior designer, landscape architect, professional
7 land surveyor, professional engineer, residential designer or owner of
8 residential property who prepared the document or under whose direct
9 supervision the document was prepared is a representation by that person
10 that:

11 (a) He takes responsibility for each design set forth in the design
12 document; and

13 (b) The document conforms to the requirements set forth in
14 paragraph (b) of subsection 1.

15 3. Acceptance of a design document by a governmental entity
16 pursuant to this section does not preclude any civil action based on a
17 deficiency in the document.

18 Sec. 4. 1. In cooperation with building officials, the state board of
19 architecture, interior design and residential design, the board of
20 landscape architecture, the state contractors' board, and the state board
21 of professional engineers and land surveyors shall jointly establish
22 uniform standards for the form and content of design documents and
23 shall each adopt those standards by regulation. The governing body of
24 each county and city in this state shall adopt the uniform standards by
25 ordinance. Any amendment to the uniform standards must be made in
26 the same manner in which the standards were established initially.

27 2. As used in this section, "building official" means the official of a
28 political subdivision of this state who is charged with the administration
29 of a building code.

30 Sec. 5. A city or county building department shall notify the state
31 contractors' board in writing if a licensed contractor:

32 1. Submits plans for a project which are substantially incomplete; or

33 2. Submits plans for the same project which are rejected by the
34 public body at least three times.

35 Sec. 6. A city or county building department shall notify the board of
36 landscape architecture in writing if a person who holds a certificate to
37 practice landscape architecture issued pursuant to chapter 623A of NRS:

38 1. Submits plans for a project which are substantially incomplete; or

39 2. Submits plans for the same project which are rejected by the
40 public body at least three times.

1 **Sec. 7.** Chapter 338 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 8 and 9 of this act.

3 **Sec. 8.** *A public body shall notify the state contractors' board in*
4 *writing if a licensed contractor:*

5 1. *Submits plans for a project which are substantially incomplete; or*

6 2. *Submits plans for the same project which are rejected by the*
7 *public body at least three times.*

8 **Sec. 9.** *A public body shall notify the board of landscape*
9 *architecture in writing if a person who holds a certificate to practice*
10 *landscape architecture issued pursuant to chapter 623A of NRS:*

11 1. *Submits plans for a project which are substantially incomplete; or*

12 2. *Submits plans for the same project which are rejected by the*
13 *public body at least three times.*

14 **Sec. 10.** NRS 623.270 is hereby amended to read as follows:

15 623.270 1. The board may place the holder of any certificate of
16 registration issued pursuant to this chapter on probation, reprimand him,
17 fine him not more than \$10,000, suspend or revoke his license, impose the
18 costs of investigation and prosecution upon him or take any combination of
19 these disciplinary actions, if proof satisfactory to the board is presented
20 that:

21 (a) The certificate was obtained by fraud or concealment of a material
22 fact.

23 (b) The holder of the certificate has been found guilty by the board or by
24 a court of justice of any fraud, deceit or concealment of a material fact in
25 his professional practice, or has been convicted by a court of justice of a
26 crime involving moral turpitude.

27 (c) The holder of the certificate has been found guilty by the board of
28 incompetency, negligence or gross negligence in:

29 (1) The practice of architecture or residential design; or

30 (2) His practice as a registered interior designer.

31 (d) The holder of a certificate has affixed his signature or seal to plans,
32 drawings, specifications or other instruments of service which have not
33 been prepared by him or in his office, or under his direct supervision, or
34 has permitted the use of his name to assist any person who is not a
35 registered architect, registered interior designer or residential designer to
36 evade any provision of this chapter.

37 (e) The holder of a certificate has aided or abetted any unauthorized
38 person to practice:

39 (1) Architecture or residential design; or

40 (2) As a registered interior designer.

41 (f) The holder of the certificate has violated any law, regulation or code
42 of ethics pertaining to:

43 (1) The practice of architecture or residential design; or

1 (2) Practice as a registered interior designer.

2 (g) The holder of a certificate has failed to comply with an order issued
3 by the board or has failed to cooperate with an investigation conducted by
4 the board.

5 If discipline is imposed pursuant to this section, the costs of the proceeding,
6 including investigative costs and attorney's fees, may be recovered by the
7 board.

8 2. The conditions for probation imposed pursuant to subsection 1 may
9 include, but are not limited to:

10 (a) Restriction on the scope of professional practice.

11 (b) Peer review.

12 (c) Required education or counseling.

13 (d) Payment of restitution to all parties who suffered harm or loss.

14 (e) Payment of all costs of the administrative investigation and
15 prosecution.

16 3. As used in this section:

17 (a) *"Design document" has the meaning ascribed to it in section 2 of*
18 *this act.*

19 (b) "Gross negligence" means conduct which demonstrates a reckless
20 disregard of the consequences affecting the life or property of another
21 person.

22 ~~[(b)]~~ (c) "Incompetency" means conduct which, in:

23 (1) The practice of architecture or residential design; or

24 (2) Practice as a registered interior designer,
25 demonstrates a significant lack of ability, knowledge or fitness to discharge
26 a professional obligation ~~+~~

27 ~~-(e)]~~, *including, without limitation, submitting to a governmental entity*
28 *plans for the same project that are rejected by the governmental entity at*
29 *least three times or affixing his signature or seal to a design document*
30 *submitted to a governmental entity that does not conform to the*
31 *requirements set forth in paragraph (b) of subsection 1 of section 3 of*
32 *this act.*

33 (d) "Negligence" means a deviation from the normal standard of
34 professional care exercised generally by other members in:

35 (1) The profession of architecture or residential design; or

36 (2) Practice as a registered interior designer.

37 **Sec. 11.** NRS 623A.280 is hereby amended to read as follows:

38 623A.280 The following acts, among others, constitute cause for
39 disciplinary action:

40 1. A certificate holder has signed or sealed instruments of service
41 which were not prepared by him or under his immediate supervision.

2. A certificate holder has permitted the use of his signature or seal by another person to evade the provisions of this chapter or any regulation adopted by the board.

3. A certificate holder has not signed, sealed or dated instruments of service prepared by the certificate holder.

4. A certificate holder impersonates a landscape architect of the same or similar name.

5. A certificate holder is practicing under an assumed, fictitious or corporate name.

6. A certificate holder is practicing landscape architecture in violation of the provisions of this chapter or any regulation adopted by the board.

7. A certificate holder has obtained his certificate by fraud or misrepresentation.

8. A certificate holder is guilty of fraud or deceit in the practice of landscape architecture.

9. A certificate holder is guilty of negligence, willful misconduct or gross incompetence ~~H~~, *including, without limitation, submitting to a governmental entity plans for the same project that are rejected by the governmental entity at least three times or affixing his signature or seal to a design document submitted to a governmental entity that does not conform to the requirements set forth in paragraph (b) of subsection 1 of section 3 of this act. As used in this subsection, "design document" has the meaning ascribed to it in section 2 of this act.*

10. A certificate holder is convicted of, or enters a plea of nolo contendere to:

(a) Any felony; or

(b) Any crime, an essential element of which is dishonesty, or which is directly related to the practice of landscape architecture.

11. A certificate holder is guilty of aiding or abetting any person in the violation of the provisions of this chapter or any regulation adopted by the board.

12. A person is practicing as a landscape architect with a certificate which has expired or has been suspended or revoked.

13. A certificate holder is disciplined by an agency of another state or foreign country which regulates the practice of landscape architecture and at least one of the grounds for the disciplinary action taken is a ground for disciplinary action pursuant to this chapter.

Sec. 12. NRS 624.3011 is hereby amended to read as follows:

624.3011 1. The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

(a) Willful and prejudicial departure from or disregard of plans or specifications in any material respect without the consent of the owner or his authorized representative and the person entitled to have the particular

1 construction project or operation completed in accordance with the plans
2 and specifications.

3 (b) Failure to respond to a claim arising out of a constructional defect,
4 as that term is defined in NRS 40.615.

5 (c) Willful or deliberate disregard and violation of:

6 (1) The building laws of the state or of any political subdivision
7 thereof.

8 (2) The safety laws or labor laws of the state.

9 (3) Any provision of the Nevada health and safety laws or the
10 regulations adopted thereunder relating to the digging, boring or drilling of
11 water wells.

12 (4) The laws of this state regarding industrial insurance.

13 *(d) Submitting to a governmental entity plans for the same project that*
14 *are rejected by the governmental entity at least three times.*

15 *(e) Affixing his signature or seal to a design document submitted to a*
16 *governmental entity that does not conform to the requirements set forth*
17 *in paragraph (b) of subsection 1 of section 3 of this act.*

18 *(f) Affixing his signature or seal to a design document submitted to a*
19 *governmental entity if a court of competent jurisdiction determines*
20 *subsequently that a design set forth in the design document is deficient.*

21 2. If a contractor performs construction without obtaining any
22 necessary building permit, there is a rebuttable presumption that the
23 contractor willfully and deliberately violated the building laws of this state
24 or of its political subdivisions. The board shall not require the contractor to
25 obtain that permit more than 90 days after the construction is completed.

26 *3. As used in this section, "design document" has the meaning*
27 *ascribed to it in section 2 of this act.*

28 **Sec. 13.** NRS 625.410 is hereby amended to read as follows:

29 625.410 The board may take disciplinary action against a licensee, an
30 applicant for licensure, an intern or an applicant for certification as an
31 intern for:

32 1. The practice of any fraud or deceit in obtaining or attempting to
33 obtain or renew a license or cheating on any examination required by this
34 chapter.

35 2. Any gross negligence, incompetency or misconduct in the practice
36 of professional engineering as a professional engineer or in the practice of
37 land surveying as a professional land surveyor ~~H~~, *including, without*
38 *limitation, submitting to a governmental entity plans for the same project*
39 *that are rejected by the governmental entity at least three times or*
40 *affixing his signature or seal to a design document submitted to a*
41 *governmental entity that does not conform to the requirements set forth*
42 *in paragraph (b) of subsection 1 of section 3 of this act. As used in this*

1 *subsection, “design document” has the meaning ascribed to it in section*
2 *2 of this act.*

3 3. Aiding or abetting any person in the violation of any provision of
4 this chapter or regulation adopted by the board.

5 4. Conviction of or entry of a plea of nolo contendere to:

6 (a) Any felony; or

7 (b) Any crime, an essential element of which is dishonesty, or which is
8 directly related to the practice of engineering or land surveying.

9 5. A violation of any provision of this chapter or regulation adopted by
10 the board.

11 6. Discipline by another state or territory, the District of Columbia, a
12 foreign country, the Federal Government or any other governmental
13 agency, if at least one of the grounds for discipline is the same or
14 substantially equivalent to any ground contained in this chapter.

15 7. Practicing after the license of the professional engineer or
16 professional land surveyor has expired or has been suspended or revoked.

17 8. Failing to comply with an order issued by the board.

18 9. Failing to provide requested information within 30 days after receipt
19 of a request by the board or its investigators concerning a complaint made
20 to the board.