

SENATE BILL NO. 163—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 15, 2001

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions relating to enforcement of building codes and zoning regulations by cities and counties. (BDR 22-240)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: 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 local governments; requiring cities and counties to require by ordinance certain persons who inspect buildings or perform a similar function to comply with certain requirements for certification and continuing education; 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 and 3 of this act.
3 **Sec. 2.** *“Building official” means a person employed by a city or*
4 *county who is charged with the administration and enforcement of*
5 *zoning regulations and building codes. The term includes a person*
6 *appointed to fill the position of building official pursuant to NRS 278.570*
7 *and an administrative official of the city or county who is authorized by*
8 *the city or county to assume the functions of the position of building*
9 *official pursuant to NRS 278.570.*
10 **Sec. 3.** *1. A city or county that provides for the inspection of*
11 *structures and the enforcement of zoning regulations and building codes*
12 *by means of the withholding of building permits pursuant to NRS*
13 *278.570 shall by ordinance:*
14 *(a) Establish a list of national and international organizations which*
15 *certify persons who inspect a structure or a part of a structure and which*
16 *are approved by the city or county, as appropriate, for certifying persons*
17 *pursuant to this section;*
18 *(b) Require a person who fills the position of building official, reviews*
19 *plans or inspects any part of a structure pursuant to NRS 278.570 or*
20 *278.575 to be certified by an organization on the list described in*
21 *paragraph (a);*



- 1 (c) Establish requirements for continuing education for a person who
2 is required to be certified pursuant to this section; and
3 (d) Prohibit a person who is not certified or who does not fulfill the
4 requirements for continuing education pursuant to this section from
5 filling the position of building official, reviewing plans or inspecting any
6 part of a structure pursuant to NRS 278.570 or 278.575.
- 7 2. The requirements for continuing education established pursuant
8 to paragraph (c) of subsection 1 must include the completion of at least
9 4.5 units of continuing education every 3 years and must specify the
10 methods by which a person may obtain the units of continuing education.
11 The methods must allow a person to earn:
- 12 (a) One-tenth of a unit for each hour he attends a seminar or session
13 which is taught by an approved professional organization;
14 (b) One unit for each hour of credit for a course he completes which
15 is on a subject approved by the city or county and which is offered at an
16 approved academic institution;
17 (c) Not more than one unit for each correspondence course or other
18 course he completes which is designed for home study and which is
19 sponsored by a model code organization or an approved academic
20 institution;
21 (d) One-tenth of a unit for each hour he instructs a seminar or session
22 for an approved professional organization;
23 (e) One unit for each hour of credit for a course he instructs which is
24 on a subject approved by the city or county and which is offered at an
25 approved academic institution, not to exceed two units per 3-year period
26 for instructing the same course;
27 (f) One unit for each paper, book or technical article that he writes
28 which is published for an approved academic institution or for a trade
29 journal or magazine of an approved professional organization, not to
30 exceed three units per 3-year period;
31 (g) One-tenth of a unit for each hour he attends a hearing for the
32 development of a uniform or model code of standards for construction
33 that is conducted by a model code organization, not to exceed one unit
34 per year;
35 (h) Not more than one unit for 3 years of continuous employment as a
36 building official, reviewer of plans or building inspector; and
37 (i) One-half unit for each committee or board of a model code
38 organization upon which he serves for a year, not to exceed one unit per
39 year.
- 40 3. As used in this section:
- 41 (a) "Approved academic institution" means an accredited college or
42 university or any other academic institution that is approved by the city
43 or county for purposes of this section.
44 (b) "Approved professional organization" means a model code
45 organization or a national or international organization of professionals
46 in the construction industry that is approved by the city or county for
47 purposes of this section.
48 (c) "Model code organization" means an organization that adopts a
49 national or international uniform or model code of standards for



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1 *construction, including, without limitation, the Council of American*
2 *Building Officials, the International Conference of Building Officials*
3 *and the International Association of Plumbing and Mechanical Officials,*
4 *which is approved by the city or county for purposes of this section.*

5 **Sec. 4.** NRS 278.010 is hereby amended to read as follows:

6 278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2*
7 *and 3 of this act*, unless the context otherwise requires, the words and
8 terms defined in NRS 278.0105 to 278.0195, inclusive, *and section 2 of*
9 *this act* have the meanings ascribed to them in those sections.

10 **Sec. 5.** NRS 278.564 is hereby amended to read as follows:

11 278.564 1. Any deed restrictions in the unincorporated area of a
12 county whose population is 100,000 or more but less than 400,000,
13 recorded after July 1, 1973, may provide for the establishment and
14 operation, under appropriate rules and procedure, of a construction
15 committee.

16 2. As soon as a construction committee has been established and
17 organized pursuant to the provisions of subsection 1, and no later than
18 January 1 of each year thereafter, the officers of the committee shall file an
19 affidavit with the building ~~inspector~~ *official* having jurisdiction over the
20 area within which the subdivision is situated, identifying the committee as
21 the constituted construction committee empowered pursuant to recorded
22 deed restrictions to determine compliance with those restrictions on lots in
23 the subdivision. The affidavit must also set forth the names of the officers
24 of the committee, including the address of a particular officer designated as
25 the authorized representative of the committee for the purposes of NRS
26 278.563 to 278.568, inclusive.

27 **Sec. 6.** NRS 278.565 is hereby amended to read as follows:

28 278.565 1. A copy of deed restrictions proposed for a subdivision in
29 a county whose population is 100,000 or more but less than 400,000 must
30 be filed with the planning commission or governing body with the tentative
31 map.

32 2. Upon final approval of the subdivision, a copy of the restrictions
33 must be:

34 (a) Filed with the building ~~inspector~~ *official* having jurisdiction over
35 the area within which the subdivision is situated.

36 (b) Presented to each prospective purchaser of real property within the
37 subdivision.

38 3. The original copy of the restrictions may be recorded with the
39 county recorder immediately following the recording of the final map.

40 **Sec. 7.** NRS 278.566 is hereby amended to read as follows:

41 278.566 1. Except as provided in subsection 3, the building
42 ~~inspector~~ *official* in a county whose population is 100,000 or more but
43 less than 400,000, shall not issue any building permit for the construction,
44 reconstruction, alteration or use of any building or other structure on a lot
45 subject to deed restrictions unless he has received a written report thereon
46 from the construction committee.

47 2. An application for a written report must be made by certified mail
48 addressed to the authorized representative of the construction committee. If
49 the construction committee fails or refuses to submit its written report to



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1 the building ~~inspector~~ official within 20 days from the date of its receipt
2 of a written request therefor, the building ~~inspector~~ official must proceed
3 as provided by law in cases where there is no functioning construction
4 committee.

5 3. This section does not apply if the cost of the construction,
6 reconstruction, alteration or use specified in subsection 1 is \$500 or less.

7 **Sec. 8.** NRS 278.567 is hereby amended to read as follows:

8 278.567 If the construction committee required by NRS 278.564 fails
9 to be organized, is dissolved or becomes inactive:

10 1. The building ~~inspector~~ official may issue an otherwise proper
11 building permit for an improvement on property subject to deed
12 restrictions.

13 2. An owner or owners of real property within a subdivision may
14 lawfully undertake to prevent, or seek damages by reason of, a violation of
15 deed restrictions pertaining to such subdivision.

16 **Sec. 9.** NRS 278.570 is hereby amended to read as follows:

17 278.570 1. The governing body of any city or county may provide
18 for the inspection of structures and the enforcement of the zoning
19 regulations *and building codes* by means of the withholding of building
20 permits. For such purpose the governing body may establish and fill a
21 position of city or county building ~~inspector~~ official, and may fix the
22 compensation attached to the position, or may authorize an administrative
23 official of the city or county to assume the functions of the position in
24 addition to his customary functions. *A building official must comply with
25 the requirements for certification and continuing education enacted
26 pursuant to section 3 of this act.*

27 2. The building ~~inspector~~ official may appoint such employees as he
28 may deem necessary for the fulfillment of the duties of his position. The
29 appointment, promotion, demotion and removal of such employees shall be
30 subject to the same provisions of law as govern other corresponding civil
31 employees in the city or county. *Any employee appointed pursuant to this
32 subsection whose duties include the reviewing of plans or the inspection
33 of any portion of a structure must comply with the requirements for
34 certification and continuing education enacted pursuant to section 3 of
35 this act.*

36 3. The expenditures of the building ~~inspector~~ official shall be within
37 the amounts appropriated for the purpose by the governing body which
38 may provide the funds, equipment and accommodations necessary for the
39 building ~~inspector's~~ official's work.

40 **Sec. 10.** NRS 278.573 is hereby amended to read as follows:

41 278.573 1. A building ~~inspector~~ official who issues a permit to the
42 owner of a residence to construct, alter, repair, add to, subtract from,
43 improve, move, wreck or demolish the residence shall, at the same time,
44 deliver to him a statement. The owner of the residence shall acknowledge
45 in writing receipt of the statement.

46 2. The statement delivered by the building ~~inspector~~ official must
47 include the following text:

48 State law requires construction to be done by licensed contractors.

49 You have applied for a permit under an exemption to that law. The



1 exemption allows you, as the owner of your property, to act as your
2 own contractor with certain restrictions although you do not have a
3 license.

4 You must directly supervise the construction, on the job, yourself.
5 The building or residence must be for your own use or occupancy. It
6 may not be built or substantially improved for sale or lease. If you sell
7 or lease a building you have built or substantially improved yourself
8 within 1 year after the construction is complete, it is presumed that
9 you built or substantially improved it for sale or lease, which is a
10 violation of this exemption and a violation of chapter 624 of NRS.

11 You may not hire an unlicensed person to act as your contractor or
12 to supervise people working on your building. It is your responsibility
13 to make sure that people employed by you have the licenses required
14 by state law and by county or municipal licensing ordinances. You
15 may not delegate the responsibility for supervising work to a
16 contractor unless he is licensed to perform the work being done. Any
17 person working on your building who is not licensed must work under
18 your direct supervision and must be employed by you, which means
19 that you must deduct FICA and withholding tax and provide industrial
20 insurance and pay the required contribution for unemployment
21 compensation for that employee, and comply with other state and
22 federal laws relating to employment. Your construction must comply
23 with all applicable laws, ordinances, building codes and zoning
24 regulations.

25 **Sec. 11.** NRS 278.575 is hereby amended to read as follows:

26 278.575 The governing body of a city or county which, pursuant to
27 NRS 278.570, appoints a building ~~inspector or authorizes an~~
28 ~~administrative official of the city or county to assume the functions of that~~
29 ~~position,~~ *official* may establish a program to allow independent
30 contractors *who comply with the requirements for certification and*
31 *continuing education enacted pursuant to section 3 of this act* to review
32 plans for and inspect buildings on behalf of ~~that building inspector or~~
33 ~~administrative~~ *the building* official.

34 **Sec. 12.** NRS 278.587 is hereby amended to read as follows:

35 278.587 A city or county building ~~department~~ *official* shall notify the
36 state board of professional engineers and land surveyors in writing if a
37 licensed professional engineer or land surveyor:

- 38 1. Submits plans that are substantially incomplete; or
39 2. Submits plans for the same project that are rejected by the
40 department at least three times.

41 **Sec. 13.** NRS 278.589 is hereby amended to read as follows:

42 278.589 A city or county building ~~inspector, or other officer~~
43 ~~performing the functions of that position,~~ *official* shall notify the state
44 board of architecture, interior design and residential design in writing if a
45 registered architect, interior designer or residential designer:

- 46 1. Submits plans for a project which are substantially incomplete; or
47 2. Submits plans for the same project which are rejected by the city or
48 county ~~officer~~ *building official* at least three times.



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1 **Sec. 14.** NRS 278.610 is hereby amended to read as follows:

2 278.610 1. After ~~the establishment of the position of building~~
3 ~~inspector and the filling of the position as provided in~~ *a building official*
4 *is appointed pursuant to* NRS 278.570, it is unlawful to erect, construct,
5 reconstruct, alter or change the use of any building or other structure within
6 the territory covered by the building code or zoning regulations without
7 obtaining a building permit from the building ~~inspector~~ *official*.

8 2. The building ~~inspector~~ *official* shall not issue any permit unless
9 the plans of and for the proposed erection, construction, reconstruction,
10 alteration or use fully:

11 (a) Conform to all building code and zoning regulations then in effect.

12 (b) If applicable, comply with the provisions of NRS 393.110.

13 3. A building ~~inspector~~ *official* shall not issue a building permit to a
14 person acting for another unless the applicant proves to the satisfaction of
15 the building ~~inspector~~ *official* that he is licensed as a contractor for that
16 work pursuant to the provisions of chapter 624 of NRS.

17 **Sec. 15.** NRS 40.670 is hereby amended to read as follows:

18 40.670 1. A contractor who receives written notice of a
19 constructional defect resulting from work performed by the contractor or
20 his agent, employee or subcontractor which creates an imminent threat to
21 the health or safety of the inhabitants of the residence shall take reasonable
22 steps to cure the defect as soon as practicable. The contractor shall not cure
23 the defect by making any repairs for which he is not licensed or by causing
24 any repairs to be made by a person who is not licensed to make those
25 repairs. If the contractor fails to cure the defect in a reasonable time, the
26 owner of the residence may have the defect cured and may recover from
27 the contractor the reasonable cost of the repairs plus reasonable attorney's
28 fees and costs in addition to any other damages recoverable under any
29 other law.

30 2. A contractor who does not cure a defect pursuant to this section
31 because he has determined, in good faith and after a reasonable inspection,
32 that there is not an imminent threat to the health or safety of the inhabitants
33 is not liable for attorney's fees and costs pursuant to this section, except
34 that if a building inspector, *building official or other similar authority*
35 employed by a governmental body with jurisdiction certifies that there is
36 an imminent threat to the health and safety of the inhabitants of the
37 residence, the contractor is subject to the provisions of subsection 1.

38 **Sec. 16.** NRS 384.080 is hereby amended to read as follows:

39 384.080 1. The commission is vested with all of the functions and
40 powers relating to the administration of NRS 384.010 to 384.210,
41 inclusive.

42 2. It may, to the extent permitted by money appropriated or otherwise
43 received therefor, employ such technical and clerical personnel, including a
44 building inspector ~~or~~ *or other similar authority*, as may be necessary to the
45 discharge of its duties, and fix their compensation.

46 **Sec. 17.** NRS 384.110 is hereby amended to read as follows:

47 384.110 1. No structure may be erected, reconstructed, altered,
48 restored, moved or demolished within the historic district until after an
49 application for a certificate of appropriateness as to exterior architectural



1 features has been submitted to and approved by the commission. The
2 application for a certificate of appropriateness shall be in such form and
3 accompanied by such plans, specifications and other material as the
4 commission may from time to time prescribe.

5 2. In its deliberations under the provisions of NRS 384.010 to 384.210,
6 inclusive, the commission shall not consider interior arrangement or use,
7 and shall take no action under NRS 384.010 to 384.210, inclusive, except
8 for the purpose of preventing the erection, reconstruction, restoration,
9 alteration, moving or razing of buildings in the district obviously
10 incongruous with the historic aspects of the district.

11 3. ~~Nothing in~~ *The provisions of* NRS 384.010 to 384.210, inclusive,
12 ~~prevents~~ *do not prevent:*

13 (a) The ordinary maintenance or repair of any exterior architectural
14 feature in the historic district which does not involve a change of design or
15 material or the outward appearance thereof;

16 (b) The construction, reconstruction, alteration or demolition of any
17 such feature which the building inspector or similar authority certifies is
18 required by the public safety because of an unsafe or dangerous condition;
19 or

20 (c) The construction, reconstruction, alteration or demolition of any
21 such feature under a permit issued by a building inspector or similar
22 authority prior to the effective date of the establishment of such district.

23 **Sec. 18.** NRS 384.190 is hereby amended to read as follows:

24 384.190 1. The building inspector *or similar authority* employed by
25 the commission may investigate, inspect and examine any structure, place
26 or area in the district, either in connection with an application for a
27 certificate of appropriateness, or at any time to determine whether it is in
28 violation of any provision of NRS 384.010 to 384.210, inclusive, or any
29 regulation or order adopted or issued under authority of NRS 384.010 to
30 384.210, inclusive.

31 2. Whenever any work is being done contrary to the provisions of NRS
32 384.010 to 384.210, inclusive, the building inspector *or similar authority*
33 may order the work stopped by notice in writing served on any person
34 engaged in the doing or causing such work to be done, and any such person
35 shall forthwith stop such work until authorized by the commission to
36 proceed with the work.

37 **Sec. 19.** NRS 405.040 is hereby amended to read as follows:

38 405.040 1. It shall be unlawful for any person, firm, association or
39 corporation, personally or by agent, to erect, place or maintain any
40 billboard, sign or any form of notice or advertising outside the city limits of
41 any city or town:

42 (a) On the public domain;

43 (b) On land owned or leased by such advertiser or agent but not used as
44 the site for manufacturing the goods or articles advertised; or

45 (c) On the lands of another except where, by painting, an area of the
46 barns or other outbuildings thereon may be preserved (for the purposes of
47 this paragraph "area" is defined as the entire wall or roof aspect on which
48 an advertisement may be painted),



1 without first having secured from the county building ~~inspector,~~ **official,**
2 if one has been appointed pursuant to NRS 278.570, or if not, from the
3 county clerk of the county in which the sign may be located a permit to
4 erect, or continue the use of, such sign, billboard or other form of notice or
5 advertisement.

6 2. No permit for the erection of such sign, billboard or other form of
7 advertisement shall be issued unless and until the applicant shall have paid
8 a fee in the sum of \$5. On the tender of the fee the county building
9 ~~inspector,~~ **official** or county clerk shall issue the permit.

10 3. No fee shall be required for any billboard, sign or advertisement
11 erected or placed by any farm bureau, chamber of commerce or lawful
12 authority to advertise exclusively any city, town or geographic area, or
13 public event.

14 4. This section shall not apply to the owner or occupant of any land
15 outside the limits of any city, who may place or erect on the land or on the
16 outbuildings thereon any sign or notice or advertisement intended to
17 benefit the land or improvements thereon and advertise the business
18 conducted in the buildings on the land.

19 **Sec. 20.** NRS 405.060 is hereby amended to read as follows:

20 405.060 On granting a permit the county building ~~inspector,~~ **official**
21 or county clerk shall assign a permit number which shall be painted or
22 printed, together with the name of the county in which the permit is issued,
23 on every sign, billboard or other form of advertising, as the case may be,
24 placed under NRS 405.020 to 405.100, inclusive.

25 **Sec. 21.** NRS 523.164 is hereby amended to read as follows:

26 523.164 1. The director shall adopt regulations for the conservation
27 of energy in buildings, including manufactured homes, which establish the
28 minimum standards for:

- 29 (a) The construction of floors, walls, ceilings and roofs;
30 (b) The equipment and systems for heating, ventilation and air-
31 conditioning;
32 (c) Electrical equipment and systems;
33 (d) Insulation; and
34 (e) Other factors which affect the use of energy in a building.

35 2. The director may exempt a building from a standard if he
36 determines that application of the standard to the building would not
37 accomplish the purpose of the regulations.

38 3. The regulations must authorize allowances in design and
39 construction for solar, wind or any other renewable source of energy used
40 to supply all or a part of the energy required in a building.

41 4. The standards adopted by the director are the minimum standards
42 for the conservation of energy which apply only to areas in which the
43 governing body of the local government has not adopted standards for the
44 conservation of energy in buildings. Such governing bodies shall assist the
45 director in the enforcement of the regulations adopted pursuant to this
46 section.

47 5. The director shall solicit comments regarding the adoption of
48 regulations pursuant to this section from:

- 49 (a) Persons in the business of constructing and selling homes;



- 1 (b) Contractors;
- 2 (c) Public utilities;
- 3 (d) Local building ~~inspectors;~~ *officials*; and
- 4 (e) The general public,

5 before adopting any regulations. The director must conduct at least three
6 hearings in different locations in the state, after giving 30 days' notice of
7 each hearing, before he may adopt any regulations pursuant to this section.

8 **Sec. 22.** NRS 618.425 is hereby amended to read as follows:

9 618.425 1. Any employee, representative of employees, provider of
10 health care or governmental officer or employee whose primary duty is to
11 ensure public safety, including a building inspector, *building official or*
12 *other similar authority*, believing that a violation of a safety or health
13 standard exists that threatens physical harm, or that an imminent danger
14 exists, may request an investigation by giving notice, orally or in writing,
15 to the administrator or his representative of the violation or danger.

16 2. The person giving the notice must state with reasonable particularity
17 the grounds for the notice. The name of any employee giving a complaint
18 notice or names of employees mentioned in the complaint must be held
19 confidential. If the complaint is given orally, the division shall send to the
20 complainant a form upon which he may supplement his oral complaint. His
21 failure to return the form does not affect the division's duty to act pursuant
22 to this section.

23 3. If upon receipt of the notification the division determines that there
24 are reasonable grounds to believe that a violation or imminent danger
25 exists, it shall make a special investigation within 14 days unless there is a
26 substantial probability that death or serious physical harm could result from
27 the violation or danger, then the investigation must be made immediately
28 after the administrator receives the notice to determine whether a violation
29 or imminent danger exists. The division need not investigate a complaint
30 within the times required by this subsection if, from the facts stated in the
31 complaint, the administrator determines that the complaint is intended
32 solely to harass the employer. If the division determines that there are no
33 reasonable grounds to believe that a violation or imminent danger exists, it
34 shall notify the employees or other person who gave the notice of such
35 determination within 14 days after the administrator receives the notice.

36 **Sec. 23.** NRS 618.435 is hereby amended to read as follows:

37 618.435 1. Before or during any inspection of a workplace, any
38 employee, representative of employees, provider of health care or
39 governmental officer or employee whose primary duty is to ensure public
40 safety, including a building inspector, *building official or other similar*
41 *authority*, may notify the administrator or any representative of the
42 administrator responsible for conducting the inspection, orally or in
43 writing, of any violation of this chapter which they have reason to believe
44 exists in the workplace. The division shall by regulation establish
45 procedures for informal review of any refusal by a representative of the
46 administrator to issue a citation with respect to any such alleged violation
47 and shall furnish the employees or other persons requesting the review a
48 written statement of the reasons for the administrator's final disposition of
49 the case within 14 days after the administrator receives the notice.



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1 2. An opportunity must be afforded to a representative of the employer
2 and an authorized representative of the employees to accompany the
3 representative of the division during the physical inspection of the place of
4 employment or, where there is no authorized representative of the
5 employees, consultation must be had with a reasonable number of
6 employees, but no more than one employee may accompany the division's
7 representative during the inspection.

8 3. Any employee of the employer who accompanies the representative
9 of the division during the inspection pursuant to subsection 2 is entitled to
10 be paid by the employer at his regular rate of pay for the time spent with
11 the representative of the division inspecting the place of employment if he
12 would have otherwise been compensated for working during that time.

13 4. For the purposes of this section, "representative of an employee"
14 means a person previously identified to the division as an authorized
15 representative of the employee bargaining unit of a labor organization
16 which has a collective bargaining relationship with the employer and
17 represents the affected employees.

18 **Sec. 24.** NRS 645D.100 is hereby amended to read as follows:

19 645D.100 The provisions of this chapter do not apply to:

20 1. A federal or state employee, or an employee of a local government,
21 who prepares or communicates an inspection report as part of his official
22 duties, unless a certificate is required as a condition of his employment.

23 2. A person appointed to evaluate real estate pursuant to chapter 152 of
24 NRS or NRS 269.125, except as required by the appointing judge.

25 3. A board of appraisers acting pursuant to NRS 269.135.

26 4. A person licensed, certified or registered pursuant to chapter 645,
27 645C or 684A of NRS while he is performing an act within the scope of his
28 license, certification or registration.

29 5. A person who makes an evaluation of an improvement as an
30 incidental part of his employment for which special compensation is not
31 provided, if that evaluation is only provided to his employer for internal
32 use within the place of his employment.

33 6. A person who provides an estimate of cost, repair or replacement of
34 any improvements upon real estate.

35 *7. Any person who reviews plans, performs inspections, prepares*
36 *inspection reports or examines any component of a structure or*
37 *construction pursuant to NRS 278.570 and 278.575.*

38 **Sec. 25.** Notwithstanding the provisions of this act, a city or county
39 shall not require a person to comply with the requirements for certification
40 and continuing education pursuant to the provisions of section 3 of this act
41 before October 1, 2007.

