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SB273

SB273 provides that "a contractor or his representative must be present at any inspection at the residence . . . that is subject to a claim governed by NRS 40.600 to 40.695, inclusive . . ." What is the purported wrong that is sought to be corrected by this requirement? What if the contractor or his representative does not want to be present? The bill says that the contractor or his representative "must be present."

If the intent of SB273 is to say that a homeowner cannot conduct an inspection of his own residence without having the contractor or the contractor's representative present, SB273 would constitute an unreasonable invasion of the right to privacy and would violate the property rights of the homeowner. A homeowner should never be deprived of the right to inspect his own home any time he wants to. Nor should a homeowner be deprived of the right to bring in a consultant of his choosing to give him advice.

There is no conceivable need for this legislation. The bill suggests that its sponsor assumes that contractors are being deprived of the opportunity to inspect residences that are the subject of construction defect lawsuits. That is not the way construction defect lawsuits are run. Parties to a lawsuit have a right to conduct discovery. Parties to a lawsuit have a right to conduct an inspection of the premises that is the subject of the lawsuit (NRCP 34). Various provisions of Chapter 40 afford the contractor the right to inspect (NRS 40.645 and NRS 40.682). So builders

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are not deprived of the right to inspect each and every residence that is the subject of a construction defect claim.

In sum, there is simply no justification for this awkwardly drafted legislative proposal.