

ASSEMBLY BILL NO. 193—ASSEMBLYWOMAN KIRKPATRICK

MARCH 10, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to contractors.
(BDR 54-920)

FISCAL NOTE: Effect on Local Government: No.
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 contractors; providing that certain construction managers are not contractors; providing that a master developer is not a contractor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation and licensure of contractors in this State. (Chapter 624 of NRS) Under existing law, a contractor is defined to include a construction manager who performs management and counseling services on a construction project for a professional fee. (NRS 624.020)

This bill amends the definition of contractor to exclude a construction manager on a planned unit development who performs management or consulting services for the sole benefit of a master developer and who does not contract with a contractor in connection with the development. This bill also excludes a master developer from the definition of contractor. "Master developer" is defined as a person who buys, sells or develops a planned unit development, including a person who enters into an agreement with a city or county concerning the development of land as set forth in NRS 278.0201.

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

Section 1. Chapter 624 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Master developer" means a person who buys, sells or develops a planned unit development, including, without*



1 *limitation, a person who enters into a development agreement*
2 *pursuant to NRS 278.0201.*

3 **Sec. 3. “Planned unit development” has the meaning**
4 **ascribed to it in NRS 278A.065.**

5 **Sec. 4.** NRS 624.006 is hereby amended to read as follows:

6 624.006 As used in this chapter, unless the context otherwise
7 requires, the words and terms defined in NRS 624.010 to 624.024,
8 inclusive, *and sections 2 and 3 of this act*, have the meanings
9 ascribed to them in those sections.

10 **Sec. 5.** NRS 624.020 is hereby amended to read as follows:

11 624.020 1. “Contractor” is synonymous with “builder.”

12 2. A contractor is any person, except a registered architect or a
13 licensed professional engineer, acting solely in his professional
14 capacity, who in any capacity other than as the employee of another
15 with wages as the sole compensation, undertakes to, offers to
16 undertake to, purports to have the capacity to undertake to, or
17 submits a bid to, or does himself or by or through others, construct,
18 alter, repair, add to, subtract from, improve, move, wreck or
19 demolish any building, highway, road, railroad, excavation or other
20 structure, project, development or improvement, or to do any part
21 thereof, including the erection of scaffolding or other structures or
22 works in connection therewith. Evidence of the securing of any
23 permit from a governmental agency or the employment of any
24 person on a construction project must be accepted by the Board or
25 any court of this State as prima facie evidence that the person
26 securing that permit or employing any person on a construction
27 project is acting in the capacity of a contractor pursuant to the
28 provisions of this chapter.

29 3. A contractor includes a subcontractor or specialty contractor,
30 but does not include anyone who merely furnishes materials or
31 supplies without fabricating them into, or consuming them in the
32 performance of, the work of a contractor.

33 4. A contractor includes a construction manager who performs
34 management and counseling services on a construction project for a
35 professional fee , *except that a contractor does not include a*
36 *construction manager who performs management or consulting*
37 *services on a planned unit development for the sole benefit of a*
38 *master developer, so long as the construction manager does not*
39 *contract with any contractor with respect to the development.*

40 5. *A contractor does not include a master developer.*

