

ASSEMBLY BILL NO. 370—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 23, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Revises definition of “contractor” to include certain construction managers, general contractors and employment agencies. (BDR 54-726)

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; revising the definition of “contractor” to include a construction manager, general contractor or other person who engages in certain activities relating to a construction project and certain employment agencies which provide skilled workers for the construction project; 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 624.020 is hereby amended to read as follows:
2 624.020 1. “Contractor” is synonymous with “builder.”
3 2. A contractor is any person, except a registered architect or a
4 licensed professional engineer, acting solely in his professional
5 capacity, who in any capacity other than as the employee of another
6 with wages as the sole compensation, undertakes to, offers to
7 undertake to, purports to have the capacity to undertake to, or
8 submits a bid to, or does himself or by or through others, construct,
9 alter, repair, add to, subtract from, improve, move, wreck or
10 demolish any building, highway, road, railroad, excavation or other
11 structure, project, development or improvement, or to do any part
12 thereof, including the erection of scaffolding or other structures or
13 works in connection therewith. Evidence of the securing of any
14 permit from a governmental agency or the employment of any



1 person on a construction project must be accepted by the Board or
2 any court of this State as prima facie evidence that the person
3 securing that permit or employing any person on a construction
4 project is acting in the capacity of a contractor pursuant to the
5 provisions of this chapter.

6 3. A contractor includes a subcontractor or specialty contractor,
7 but does not include anyone who merely furnishes materials or
8 supplies without fabricating them into, or consuming them in the
9 performance of, the work of a contractor.

10 4. A contractor includes ~~fa~~ :

11 (a) A construction manager ~~[who performs management and~~
12 ~~counseling services on a construction project for a professional fee.]~~
13 *, general contractor or any other person who, in addition to*
14 *providing services relating to reconstruction, budgeting or*
15 *scheduling for a construction project, procures or obtains through*
16 *competitive bidding any contract with a specialty contractor,*
17 *subcontractor or supplier to complete the construction project; or*

18 (b) *Any person who assumes liability for delivery of a*
19 *construction project or otherwise serves as the principal contractor*
20 *for the construction project.*

21 5. *A contractor includes an employment agency which*
22 *provides a skilled workman on a temporary basis to a contractor*
23 *licensed pursuant to this chapter if, during the period the*
24 *workman is employed for the contractor, the employment agency*
25 *retains responsibility for ensuring the payment of:*

26 (a) *The wages of the workman;*

27 (b) *Any payroll taxes or premiums for workers' compensation*
28 *or unemployment insurance for the workman; or*

29 (c) *Any similar obligations on behalf of the workman.*

