

Amendment No. 374

Senate Amendment to Senate Bill No. 434

(BDR 52-1103)

Proposed by: Committee on Commerce and Labor**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

| ASSEMBLY ACTION | Initial and Date | SENATE ACTION | Initial and Date |
|--|------------------|--|------------------|
| Adopted <input type="checkbox"/> Lost <input type="checkbox"/> | _____ | Adopted <input type="checkbox"/> Lost <input type="checkbox"/> | _____ |
| Concurred In <input type="checkbox"/> Not <input type="checkbox"/> | _____ | Concurred In <input type="checkbox"/> Not <input type="checkbox"/> | _____ |
| Receded <input type="checkbox"/> Not <input type="checkbox"/> | _____ | Receded <input type="checkbox"/> Not <input type="checkbox"/> | _____ |

Amend the bill as a whole by renumbering sections 1 through 12 as sections 4 through 15 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“**Section 1.** Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *A person shall not, directly or indirectly, perform or offer to perform, for a fee, any work concerning a residential swimming pool or spa or any consultation or supervision concerning such work or otherwise hold himself out as being able to perform such acts for a fee, unless the person holds:*

1. A license as a contractor or subcontractor under state law which authorizes the person to perform such acts for a fee; or

SH/KP

Date: 4/18/2005

S.B. No. 434—Revises provisions governing regulation of contractors.

2. Any other license, certificate, registration or permit under state law which authorizes the person to perform such acts for a fee.

Sec. 3. 1. The Board shall adopt regulations to provide for classifications of licensing that authorize a contractor who performs work concerning a residential swimming pool or spa to perform, in connection with such work, the installation of:

(a) Plumbing, including, without limitation, connections to potable water; and

(b) Gas lines.

2. The regulations adopted by the Board must include, without limitation, regulations establishing the qualifications, training and examinations that are required for such classifications.”.

Amend section 1, page 2, line 2, by deleting “inclusive:” and inserting:
“inclusive ~~[-]~~, **and sections 2 and 3 of this act:”.**

Amend section 1, page 2, line 12, by deleting “**means:**” and inserting:
“**means any of the following acts, if performed for a fee:”.**

Amend section 1, page 3, line 1, by deleting “**selling,**”.

Amend section 1, page 3, lines 10 and 11, by deleting “**including connection to potable water,**”.

Amend section 1, page 3, by deleting line 14 and inserting:
“packaged pool heaters. **The scope of such work also includes the installation of plumbing, including, without limitation, connections to potable water, and the installation of gas lines if the contractor holds classifications for such work pursuant to section 3 of this act.”.**

Amend sec. 3, page 4, line 14, by deleting “~~[\$1,000]~~ **\$2,000**” and inserting “**\$1,000**”.

Amend sec. 3, page 4, line 39, after “inclusive,” by inserting:

“and sections 2 and 3 of this act”.

Amend sec. 4, page 5, line 28, by deleting “[~~\$1,000~~] **\$2,000**” and inserting “\$1,000”.

Amend sec. 4, page 7, lines 14 and 17, after “inclusive,” by inserting:

“and sections 2 and 3 of this act”.

Amend sec. 8, page 9, line 24, after “597.719” by inserting:

“or section 2 of this act”.

Amend sec. 9, page 9, line 42, after “inclusive,” by inserting:

“or section 2 or 3 of this act”.

Amend sec. 9, page 10, line 4, by deleting “inclusive.” and inserting:

“inclusive ~~[-]~~, or section 2 or 3 of this act.”.

Amend sec. 9, page 10, line 6, by deleting “inclusive:” and inserting:

“inclusive ~~[-]~~, or section 2 or 3 of this act:”.

Amend sec. 10, page 11, line 38, by deleting “**10**,” and inserting “**9**,”.

Amend sec. 10, page 11, by deleting lines 43 and 44 and inserting “2001;”.

Amend sec. 10, page 12, by deleting lines 10 through 17 and inserting:

“within any 15-day period,

↪ the contractor shall comply with the provisions of subsection 8.

8. ~~[A]~~ ***Except as otherwise provided in subsection 9, a*** contractor”.

Amend sec. 10, pages 12 and 13, by deleting lines 39 through 44 on page 12 and lines 1 through 23 on page 13, and inserting:

“9. After a contractor who performs work concerning a residential swimming pool or spa has acted in the capacity of a licensed contractor in the State of Nevada for not less than 5 consecutive

years, the Board may relieve the contractor of the requirements of subsection 8 if evidence supporting such relief is presented to the Board. The Board may at any time thereafter require the contractor to obtain a performance bond and a payment bond pursuant to subsection 8 if:

(a) Evidence is presented to the Board supporting this requirement;

(b) The Board determines that the contractor has violated one or more of the provisions of NRS 624.301 to 624.305, inclusive;

(c) The contractor has entered into a contract on or after July 1, 2001, that is later found to be void and unenforceable against the owner pursuant to subsection 5 of NRS 597.719 or pursuant to any regulation adopted by the Board with respect to contracts for work concerning a residential pool or spa; or

(d) The contractor has five valid complaints filed against him with the Board within any 15-day period.

10. As used in this section, “substantiated claim for wages” has”.

Amend sec. 12, page 14, line 12, after “597.719” by inserting:

“or section 2 of this act”.

Amend the bill as a whole by deleting sections 13 through 15.

Amend the title of the bill to read as follows:

“AN ACT relating to contractors; prohibiting a person from performing, for a fee, any work on residential pools or spas without the proper license or other authorization under state law; requiring the State Contractors’ Board to adopt classifications of licensing that authorize contractors who perform work on residential pools and spas to install plumbing and gas lines in connection with such work; revising the scope of the

provisions regulating contractors who perform work on residential pools and spas;
allowing the Board to relieve certain contractors who perform work on residential pools
and spas from the requirement to obtain performance and payment bonds under certain
circumstances; providing penalties; and providing other matters properly relating
thereto.”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law regulates contractors who perform certain work on residential pools and spas. (NRS 597.713-597.7198) The type of work performed by a contractor that is subject to regulation is defined under existing law to include the construction, repair or maintenance of residential pools and spas. (NRS 597.713)

This bill expands the type of work performed by a contractor that is subject to regulation. Such work is defined under this bill to include the design, construction, repair, maintenance, restoration, alteration or improvement of residential pools and spas, as well as any consultation or supervision that a contractor performs concerning such work. This bill prohibits a person from performing or offering to perform, for a fee, any such work on residential pools or spas without the proper license or other authorization under state law.

This bill also requires the State Contractors' Board to adopt regulations establishing classifications of licensing that authorize contractors who perform work on residential pools and spas to install plumbing and gas lines in connection with that work. The regulations must establish the qualifications, training and examinations required to receive such classifications.

Under existing law, certain contractors who perform work on residential pools and spas must meet certain bonding requirements before performing the work. The bonding requirements apply to any contractor who is licensed by the State Contractors' Board on or after July 1, 2001, and to other contractors who commit certain violations. (NRS 624.270)

This bill allows the Board to relieve certain contractors who perform work on residential pools and spas from the bonding requirements. To be eligible for such relief, the contractor must be licensed in this State for at least 5 consecutive years and the Board must find that there is evidence to support relieving the contractor from the bonding requirements. If the Board grants such relief, the Board may reinstate the bonding requirements if the contractor commits certain violations or engages in certain conduct that would support reinstatement of the bonding requirements.