

SENATE BILL NO. 279—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE STATE CONTRACTORS' BOARD)

MARCH 13, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Provides express authority for the State Contractors' Board to collect and disseminate data and to conduct investigations. (BDR 54-624)

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 express authority for the State Contractors' Board to collect and disseminate data and to conduct investigations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes the State Contractors' Board to undertake all functions
2 and duties related to the administration of chapter 624 of NRS, which governs
3 contractors. (NRS 624.160) **Section 1** of this bill provides express authority for the
4 Board to collect and disseminate data regarding complaints on contractors and to
5 conduct investigations of contractors. **Sections 2 and 3** of this bill provide that the
6 express authority granted by **section 1** is an exception to existing provisions
7 providing for confidentiality of complaints and investigations.

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

1 **Section 1.** NRS 624.160 is hereby amended to read as follows:
2 624.160 1. The Board is vested with all of the functions and
3 duties relating to the administration of this chapter.
4 2. The Board shall:
5 (a) Carry out a program of education for customers of
6 contractors.



(b) Maintain and make known a telephone number for the public to obtain information about self-protection from fraud in construction and other information concerning contractors and contracting.

(c) Collect and maintain records, reports and compilations of statistical data concerning investigations and complaints.

(d) Upon request, disclose and disseminate to a member of the public a compilation of statistical data regarding complaints on a specific contractor.

3. The Board may provide advisory opinions and take other actions that are necessary for the effective administration of this chapter and the regulations of the Board.

4. The Board may, on its own motion, and shall, upon receipt of a written complaint or upon receipt of information from a governmental agency, investigate the actions of any person acting in the capacity of a contractor, with or without a license.

Sec. 2. NRS 624.265 is hereby amended to read as follows:

624.265 1. An applicant for a contractor's license or a licensed contractor and each officer, director, partner and associate thereof must possess good character. Lack of character may be established by showing that the applicant or licensed contractor, or any officer, director, partner or associate thereof, has:

(a) Committed any act which would be grounds for the denial, suspension or revocation of a contractor's license;

(b) A bad reputation for honesty and integrity;

(c) Entered a plea of nolo contendere or guilty to, been found guilty of or been convicted, in this State or any other jurisdiction, of a crime arising out of, in connection with or related to the activities of such person in such a manner as to demonstrate his unfitness to act as a contractor, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal; or

(d) Had a license revoked or suspended for reasons that would preclude the granting or renewal of a license for which the application has been made.

2. Upon the request of the Board, an applicant for a contractor's license, and any officer, director, partner or associate of the applicant, must submit to the Board completed fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of his fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The fingerprint cards and authorization form submitted must be those that are provided to the applicant by the Board. The applicant's fingerprints may be taken by an agent of the Board or an agency of law enforcement.



1 3. ~~The~~ *Except as otherwise provided in NRS 624.160, the*
2 Board shall keep the results of the investigation confidential and not
3 subject to inspection by the general public.

4 4. The Board shall establish by regulation the fee for
5 processing the fingerprints to be paid by the applicant. The fee must
6 not exceed the sum of the amounts charged by the Central
7 Repository for Nevada Records of Criminal History and the Federal
8 Bureau of Investigation for processing the fingerprints.

9 5. The Board may obtain records of a law enforcement agency
10 or any other agency that maintains records of criminal history,
11 including, without limitation, records of:

- 12 (a) Arrests;
- 13 (b) Guilty pleas;
- 14 (c) Sentencing;
- 15 (d) Probation;
- 16 (e) Parole;
- 17 (f) Bail;
- 18 (g) Complaints; and
- 19 (h) Final dispositions,

20 ➔ for the investigation of a licensee or an applicant for a
21 contractor's license.

22 **Sec. 3.** NRS 624.327 is hereby amended to read as follows:

23 624.327 1. Except as otherwise provided in this section
24 ~~§~~ *and NRS 624.160*, a complaint filed with the Board, all
25 documents and other information filed with the complaint and all
26 documents and other information compiled as a result of the
27 investigation conducted to determine whether to initiate disciplinary
28 action are confidential.

29 2. The complaint or other document filed by the Board to
30 initiate disciplinary action and all documents and information
31 considered by the Board when determining whether to impose
32 discipline are public records.

33 **Sec. 4.** This act becomes effective upon passage and approval.

