

SENATE BILL NO. 50—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE STATE CONTRACTORS' BOARD)

PREFILED DECEMBER 5, 2008

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to complaints against contractors. (BDR 54-348)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 provisions relating to complaints against contractors; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Sections 2 and 5** of this bill provide for the dissemination of information
2 relating to complaints against specific contractors to members of the general public
3 upon request. **Section 3** of this bill provides for criminal prosecution of a person
4 who knowingly makes a false complaint against a contractor. **Section 4** of this bill
5 revises the applicability of chapter 624 of NRS to clarify that certain work
6 performed, rather than the person performing the work, is exempt from the
7 provisions of the chapter.

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

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

3 **Sec. 2. 1. *The Board shall make available to the public***
4 ***upon written request a report of complaints against a licensee that***
5 ***includes:***

6 ***(a) Complaints on which the Board has taken disciplinary***
7 ***action against the licensee; and***

8 ***(b) Complaints:***

9 ***(1) Of which the Board has initiated investigations;***



1 (2) *Containing allegations of violations which a member of*
2 *the Investigations Office of the Board has probable cause to*
3 *believe have occurred;*

4 (3) *Which have been reviewed by a supervisor of the*
5 *Investigations Office of the Board; and*

6 (4) *Which relate to allegations of violations that, if proven,*
7 *would be grounds for disciplinary action against, or criminal*
8 *prosecution of, the licensee.*

9 2. *A report of complaints against a licensee must include a*
10 *disclaimer indicating that complaints disclosed pursuant to*
11 *paragraph (b) of subsection 1 contain allegations that have not*
12 *been proven to be true. The disclaimer may contain any other*
13 *information that the Board determines would be relevant to a*
14 *person evaluating the complaints included in the report.*

15 **Sec. 3. 1. Any person who files a complaint, or causes a**
16 **complaint to be filed, against a licensee with the Board alleging**
17 **that the licensee has violated the provisions of this chapter,**
18 **knowing that the complaint is false, is guilty of a misdemeanor.**

19 2. *The Board may notify a district attorney that a person has*
20 *filed a complaint, or caused a complaint to be filed, which the*
21 *Board believes to be a false complaint against a licensee.*

22 **Sec. 4.** NRS 624.031 is hereby amended to read as follows:
23 624.031 The provisions of this chapter do not apply to:

24 1. Work performed exclusively by an authorized representative
25 of the United States Government, the State of Nevada, or an
26 incorporated city, county, irrigation district, reclamation district ~~§~~
27 or other municipal or political corporation or subdivision of this
28 State.

29 2. An officer of a court when acting within the scope of his
30 office.

31 3. Work performed exclusively by a public utility operating
32 pursuant to the regulations of the Public Utilities Commission of
33 Nevada on construction, maintenance and development work
34 incidental to its business.

35 4. ~~{A-n}~~ **Work performed exclusively by an** owner of property
36 who is building or improving a residential structure on the property
37 for his own occupancy and not intended for sale or lease. The sale or
38 lease, or the offering for sale or lease, of the newly built structure
39 within 1 year after its completion creates a rebuttable presumption
40 for the purposes of this section that the building of the structure was
41 performed with the intent to sell or lease that structure. An owner of
42 property who requests an exemption pursuant to this subsection
43 must apply to the Board for the exemption. The Board shall adopt
44 regulations setting forth the requirements for granting the
45 exemption.



5. Any work to repair or maintain property the value of which is less than \$1,000, including labor and materials, unless:

(a) A building permit is required to perform the work;

(b) The work is of a type performed by a plumbing, electrical, refrigeration, heating or air-conditioning contractor;

(c) The work is of a type performed by a contractor licensed in a classification prescribed by the Board that significantly affects the health, safety and welfare of members of the general public;

(d) The work is performed as a part of a larger project:

(1) The value of which is \$500 or more; or

(2) For which contracts of less than \$500 have been awarded to evade the provisions of this chapter; or

(e) The work is performed by a person who is licensed pursuant to this chapter or by an employee of that person.

6. The sale or installation of any finished product, material or article of merchandise which is not fabricated into and does not become a permanent fixed part of the structure.

7. The construction, alteration, improvement or repair of personal property.

8. The construction, alteration, improvement or repair financed in whole or in part by the Federal Government and conducted within the limits and boundaries of a site or reservation, the title of which rests in the Federal Government.

9. ~~[An]~~ *Work performed exclusively by an* owner of property, the primary use of which is as an agricultural or farming enterprise, building or improving a structure on the property for his use or occupancy and not intended for sale or lease.

Sec. 5. NRS 624.327 is hereby amended to read as follows:

624.327 1. Except as otherwise provided in this section and NRS 239.0115 ~~[, the existence of and the personally identifying information in]~~ *and section 2 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential.

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

Sec. 6. This act becomes effective upon passage and approval.

