

ASSEMBLY BILL NO. 31—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE STATE CONTRACTORS' BOARD)

PREFILED DECEMBER 14, 2010

Referred to Committee on Commerce and Labor

SUMMARY—Revises an exemption from the provisions governing contractors. (BDR 54-621)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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 an exemption for certain repairs or maintenance of property from the provisions governing contractors; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for the licensing and regulation of contractors by the
2 State Contractors' Board (chapter 624 of NRS) and imposes criminal and civil
3 penalties for engaging in the business or acting in the capacity of a contractor
4 without having an active contractor's license. (NRS 624.710, 624.750) Existing law
5 also sets forth exemptions from the provisions of chapter 624 of NRS, including an
6 exemption that applies under certain circumstances for work to repair or maintain
7 property the value of which is less than \$1,000, including labor and materials.
8 (NRS 624.031) This bill revises that exemption by making it applicable for work to
9 repair or maintain property the value of which is less than \$1,000, including labor
10 and materials, aggregated for all work performed for a person and any member of
11 his or her immediate family in the immediately preceding 12 months.

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

1 **Section 1.** NRS 624.031 is hereby amended to read as follows:
2 624.031 The provisions of this chapter do not apply to:



1 1. Work performed exclusively by an authorized representative
2 of the United States Government, the State of Nevada, or an
3 incorporated city, county, irrigation district, reclamation district, or
4 other municipal or political corporation or subdivision of this State.

5 2. An officer of a court when acting within the scope of his or
6 her office.

7 3. Work performed exclusively by a public utility operating
8 pursuant to the regulations of the Public Utilities Commission of
9 Nevada on construction, maintenance and development work
10 incidental to its business.

11 4. An owner of property who is building or improving a
12 residential structure on the property for his or her own occupancy
13 and not intended for sale or lease. The sale or lease, or the offering
14 for sale or lease, of the newly built structure within 1 year after its
15 completion creates a rebuttable presumption for the purposes of this
16 section that the building of the structure was performed with the
17 intent to sell or lease that structure. An owner of property who
18 requests an exemption pursuant to this subsection must apply to the
19 Board for the exemption. The Board shall adopt regulations setting
20 forth the requirements for granting the exemption.

21 5. Any work to repair or maintain property the value of which
22 is less than \$1,000, including labor and materials, *aggregated for all*
23 *work performed for a person and any member of his or her*
24 *immediate family in the immediately preceding 12 months*, unless:

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

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

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

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

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

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

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

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

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

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



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1 9. An owner of property, the primary use of which is as an
2 agricultural or farming enterprise, building or improving a structure
3 on the property for his or her use or occupancy and not intended for
4 sale or lease.

5 10. Construction oversight services provided to a long-term
6 recovery group by a qualified person within a particular geographic
7 area that is described in a proclamation of a state of emergency or
8 declaration of disaster by the State or Federal Government,
9 including, without limitation, pursuant to NRS 414.070. A long-
10 term recovery group may reimburse such reasonable expenses as the
11 qualified person incurs in providing construction oversight services
12 to that group. Except as otherwise provided in this subsection,
13 nothing in this subsection authorizes a person who is not a licensed
14 contractor to perform the acts described in paragraphs (a) and (b) of
15 subsection 1 of NRS 624.700. As used in this subsection:

16 (a) "Construction oversight services" means the coordination
17 and oversight of labor by volunteers.

18 (b) "Long-term recovery group" means a formal group of
19 volunteers coordinating response and recovery efforts related to a
20 state of emergency or disaster that is proclaimed or declared by the
21 State or Federal Government.

22 (c) "Qualified person" means a person who possesses the
23 abilities, education, experience, knowledge, skills and training that a
24 long-term recovery group has identified as being necessary to
25 provide construction oversight services for a project to be performed
26 by that group.

