

ASSEMBLY BILL NO. 298—ASSEMBLYMAN CARRILLO

MARCH 13, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions concerning building codes.
(BDR 40-30)

FISCAL NOTE: Effect on Local Government: No.
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 building codes; requiring any construction, alteration or change in the use of a building or other structure to be in compliance with the *Uniform Mechanical Code*; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any construction, alteration or change in the use of a building or other structure in this State must be in compliance with the *Uniform Plumbing Code*, except that a city or county may modify or amend that *Code* after a review of such modifications or amendments by the State Public Works Board. (NRS 444.350, 444.420) **Sections 1-4** of this bill require compliance with the *Uniform Mechanical Code*, in addition to the *Uniform Plumbing Code*.

Existing law requires that the reconstruction of existing hotels and the construction of new hotels, including all types of transient lodging establishments, be in accord with the *Uniform Building Code* and the *Uniform Plumbing Code*. (NRS 447.185) **Section 5** of this bill requires that such reconstruction or construction complies with the *Uniform Mechanical Code*.

Existing law provides that grounds for disciplinary action against a contractor include workmanship which is not commensurate with standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is performed. If no applicable building or construction code has been adopted locally, then workmanship must meet the standards prescribed in the *Uniform Building Code*, *Uniform Plumbing Code* or *National Electrical Code* in the form of the code most recently approved by the State Contractors' Board. (NRS 624.3017) **Section 6** of this bill adds the *Uniform Mechanical Code* to the codes that are to be used to provide standards if no applicable building or construction code has been adopted locally.



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

Section 1. NRS 444.340 is hereby amended to read as follows:
444.340 The policy of the State of Nevada with respect to the
uniformity of plumbing *and mechanical* codes throughout the State
is:

1. That uniformity is a matter of statewide interest and concern,
affecting health and environmental conditions, housing costs and
efficiency in private housing construction.

2. That, by allowing local governments to waive and modify
provisions of the Uniform Plumbing Code *H* and the Uniform
Mechanical Code, adopted by the International Association of
Plumbing and Mechanical Officials, based on differences in
geographic and climatic conditions only upon submission of such
proposed waivers and modifications to the State Public Works
Board, excessive waivers and modifications would be deterred.

Sec. 2. NRS 444.350 is hereby amended to read as follows:

444.350 1. Any construction, alteration or change in the use
of a building or other structure in this State must be in compliance
with the Uniform Plumbing Code and the Uniform Mechanical
Code of the International Association of Plumbing and Mechanical
Officials in the form most recently adopted by that Association,
unless the State Public Works Board posts a notice of disapproval of
any amendment to the Code pursuant to subsection 5.

2. Any city or county may adopt such modifications as are
deemed reasonably necessary because of its geographic, topographic
or climatic conditions. Any city or county desiring to make changes
to the Uniform Plumbing Code or the Uniform Mechanical Code
must, before its adoption, submit the Code with the proposed
amendments to the State Public Works Board.

3. No city or county may allow the use of any solder or flux
that contains more than 0.2 percent lead or allow the use of any pipe
or pipe fitting that contains more than 8 percent lead in the
installation or repair of a public water system or any residence or
facility connected to a public water system. As used in this
subsection, "public water system" has the meaning ascribed to it in
NRS 445A.840.

4. A facility used by members of the public whose construction
or renovation begins on or after January 1, 1994, must provide on its
premises a sufficient number of water closets and urinals to comply
with the minimum standards set forth in the Uniform Plumbing
Code. As used in this subsection, "facility used by members of the
public" means any motion picture house, theater, concert hall,
community hall, sports arena, stadium, ski resort or other permanent



1 place of exhibition or entertaining to which members of the public
2 are invited or which is intended for public use. The term does not
3 include:

- 4 (a) A hotel as defined in NRS 447.010.
- 5 (b) A food establishment as defined in NRS 446.020.
- 6 (c) A children's camp as defined in NRS 444.220.
- 7 (d) A historic structure as defined in NRS 244A.6825.
- 8 (e) A public or private school.
- 9 (f) A convention hall.

10 5. The Chair of the State Public Works Board or the Chair's
11 designee shall review each amendment to the Uniform Plumbing
12 Code **and the Uniform Mechanical Code** and approve or
13 disapprove of the amendment for use in Nevada. If the Chair does
14 not post a notice of disapproval within 30 days after an amendment
15 is published, the amendment shall be deemed approved for this
16 State.

17 6. As used in this section, unless the context otherwise
18 requires, "convention hall" means a facility which incorporates both
19 space for exhibitions and a substantial number of smaller spaces for
20 meetings, and which is primarily for use by trade shows, public
21 shows, conventions or related activities.

22 **Sec. 3.** NRS 444.420 is hereby amended to read as follows:
23 444.420 The State Public Works Board shall:

24 1. Review all proposed adoptions of the Uniform Plumbing
25 Code **and the Uniform Mechanical Code** by any city or county and
26 any proposed changes to the Uniform Plumbing Code **and the**
27 **Uniform Mechanical Code**, and advise such city or county on
28 whether or not such change is deemed warranted by geographic,
29 topographic or climatic conditions.

30 2. Submit a copy of the Uniform Plumbing Code **and the**
31 **Uniform Mechanical Code** adopted by any city or county to the
32 Division.

33 **Sec. 4.** NRS 444.430 is hereby amended to read as follows:

34 444.430 1. The governing body of any city or county shall,
35 60 days prior to the adoption of any regulation for the enforcement
36 of the Uniform Plumbing Code **or the Uniform Mechanical Code**
37 or any other regulations pursuant thereto, deliver by certified or
38 registered mail, a copy of the proposed regulation to the State Public
39 Works Board for the Board's recommendation on the proposed
40 regulation.

41 2. The governing body of the city or county may, 60 days after
42 the State Public Works Board receives the copy of the proposed
43 regulation, adopt the regulation with or without the approval of the
44 State Public Works Board.



1 **Sec. 5.** NRS 447.185 is hereby amended to read as follows:

2 447.185 The reconstruction of existing hotels, including all
3 types of transient lodging establishments, and the construction of
4 new hotels, including all types of transient lodging establishments,
5 shall be in accord with pertinent state laws, rules and regulations of
6 the State Board of Health or local board of health, and the latest
7 editions of the Uniform Building Code , the Uniform Mechanical
8 Code and the Uniform Plumbing Code and such other codes as the
9 State Board of Health may designate.

10 **Sec. 6.** NRS 624.3017 is hereby amended to read as follows:

11 624.3017 The following acts, among others, constitute cause
12 for disciplinary action under NRS 624.300:

13 1. Workmanship which is not commensurate with standards of
14 the trade in general or which is below the standards in the building
15 or construction codes adopted by the city or county in which the
16 work is performed. If no applicable building or construction code
17 has been adopted locally, then workmanship must meet the
18 standards prescribed in the Uniform Building Code, Uniform
19 Plumbing Code , Uniform Mechanical Code or National Electrical
20 Code in the form of the code most recently approved by the Board.
21 The Board shall review each edition of the Uniform Building Code,
22 Uniform Plumbing Code , Uniform Mechanical Code or National
23 Electrical Code that is published after the 1996 edition to ensure its
24 suitability. Each new edition of the code shall be deemed approved
25 by the Board unless the edition is disapproved by the Board within
26 60 days of the publication of the code.

27 2. Advertising projects of construction without including in the
28 advertisements the name and license number of the licensed
29 contractor who is responsible for the construction.

30 3. Advertising projects of construction beyond the scope of the
31 license.

32 **Sec. 7.** This act becomes effective:

33 1. Upon passage and approval for the purposes of adopting
34 regulations and performing any other preparatory administrative
35 tasks necessary to carry out the provisions of this act; and

36 2. On January 1, 2016, for all other purposes.

