

Amendment No. 858

Senate Amendment to Assembly Bill No. 359 First Reprint (BDR 54-643)

Proposed by: Senate Committee on Commerce, Labor and Energy**Amends:** Summary: No Title: No 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"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JFD/EGO



Date: 5/25/2017

A.B. No. 359—Exempts certain entities that enter into contracts or agreements with the State of Nevada or a political corporation or subdivision of the State from certain provisions relating to contractors.
(BDR 54-643)



ASSEMBLY BILL NO. 359—ASSEMBLYMAN THOMPSON

MARCH 20, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Exempts certain entities that enter into contracts or agreements with the State of Nevada or a political corporation or subdivision of the State from certain provisions relating to contractors. (BDR 54-643)

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; exempting certain entities that enter into contracts or agreements with the State or a political corporation or subdivision of this State from certain provisions relating to contractors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that chapter 624 of NRS, which provides for the licensing and regulation of contractors, does not apply to work performed by an authorized representative of the State of Nevada or an incorporated city, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this State. (NRS 624.031) This bill expands this exemption to include a nonprofit entity which ~~it~~ takes the following actions without performing any act that requires a contractor's license: (1) enters into a contract with the State of Nevada, or any such political corporation or subdivision of this State, to facilitate the repair or maintenance of properties; (2) facilitates work to be performed on such a property by a licensed contractor; and (3) ~~it~~ becomes a party with the owner of such a property and a licensed contractor to a contract or agreement for the work on the property.

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

Section 1. NRS 624.031 is hereby amended to read as follows:

624.031 The provisions of this chapter do not apply to:

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

2. *Any entity that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), which ~~it~~ takes the following actions without performing any act that requires a license pursuant to this chapter:*

1 (a) *Enters into a contract or other agreement with the State of Nevada, or an*
2 *incorporated city, county, irrigation district, reclamation district, or other*
3 *municipal or political corporation or subdivision of this State, to facilitate the*
4 *repair or maintenance of properties, including, without limitation, weatherization*
5 *and energy efficiency services;*

6 (b) *Facilitates work to be performed on such a property by a person licensed*
7 *pursuant to this chapter; and*

8 (c) ~~Has~~ Becomes *a party with the owner of such a property and a person*
9 *licensed pursuant to this chapter to a contract or agreement for the work on the*
10 *property.*

11 3. An officer of a court when acting within the scope of his or her office.

12 ~~13~~ 4. Work performed exclusively by a public utility operating pursuant to
13 the regulations of the Public Utilities Commission of Nevada on construction,
14 maintenance and development work incidental to its business.

15 ~~14~~ 5. An owner of property who is building or improving a residential
16 structure on the property for his or her own occupancy and not intended for sale or
17 lease. The sale or lease, or the offering for sale or lease, of the newly built structure
18 within 1 year after its completion creates a rebuttable presumption for the purposes
19 of this section that the building of the structure was performed with the intent to sell
20 or lease that structure. An owner of property who requests an exemption pursuant to
21 this subsection must apply to the Board for the exemption. The Board shall adopt
22 regulations setting forth the requirements for granting the exemption.

23 ~~15~~ 6. Any work to repair or maintain property the value of which is less than
24 \$1,000, including labor and materials, 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, refrigeration,
27 heating or air-conditioning contractor;

28 (c) The work is of a type performed by a contractor licensed in a classification
29 prescribed by the Board that significantly affects the health, safety and welfare of
30 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 to evade the
34 provisions of this chapter; or

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

37 ~~16~~ 7. The sale or installation of any finished product, material or article of
38 merchandise which is not fabricated into and does not become a permanent fixed
39 part of the structure.

40 ~~17~~ 8. The construction, alteration, improvement or repair of personal
41 property.

42 ~~18~~ 9. The construction, alteration, improvement or repair financed in whole
43 or in part by the Federal Government and conducted within the limits and
44 boundaries of a site or reservation, the title of which rests in the Federal
45 Government.

46 ~~19~~ 10. An owner of property, the primary use of which is as an agricultural
47 or farming enterprise, building or improving a structure on the property for his or
48 her use or occupancy and not intended for sale or lease.

49 ~~10~~ 11. Construction oversight services provided to a long-term recovery
50 group by a qualified person within a particular geographic area that is described in a
51 proclamation of a state of emergency or declaration of disaster by the State or
52 Federal Government, including, without limitation, pursuant to NRS 414.070. A
53 long-term recovery group may reimburse such reasonable expenses as the qualified

person incurs in providing construction oversight services to that group. Except as otherwise provided in this subsection, nothing in this subsection authorizes a person who is not a licensed contractor to perform the acts described in paragraphs (a) and (b) of subsection 1 of NRS 624.700. As used in this subsection:

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

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

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

~~HHH~~ 12. A person licensed as a real estate broker, real estate broker-salesperson or real estate salesperson pursuant to chapter 645 of NRS who, acting within the scope of the license or a permit to engage in property management issued pursuant to NRS 645.6052, assists a client in scheduling work to repair or maintain residential property pursuant to a written brokerage agreement or a property management agreement. Such assistance includes, without limitation, assisting a client in the hiring of any number of licensed contractors to perform the work. Nothing in this subsection authorizes the performance of any work for which a license is required pursuant to this chapter by a person who is not licensed pursuant to this chapter or the payment of any additional compensation to a person licensed as a real estate broker, real estate broker-salesperson or real estate salesperson for assisting a client in scheduling the work. The provisions of this subsection apply only if a building permit is not required to perform the work and if the value of the work does not exceed \$10,000 per residential property during the fixed term of the written brokerage agreement, if the assistance is provided pursuant to such an agreement, or during a period not to exceed 6 months if the assistance is provided pursuant to a property management agreement. As used in this subsection:

(a) "Brokerage agreement" has the meaning ascribed to it in NRS 645.005.

(b) "Property management agreement" has the meaning ascribed to it in NRS 645.0192.

(c) "Real estate broker" has the meaning ascribed to it in NRS 645.030.

(d) "Real estate broker-salesperson" has the meaning ascribed to it in NRS 645.035.

(e) "Real estate salesperson" has the meaning ascribed to it in NRS 645.040.

(f) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units; or

(2) A single-family residential unit, including a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

Sec. 2. NRS 645.6051 is hereby amended to read as follows:

645.6051 1. A person licensed pursuant to this chapter as a real estate broker, real estate broker-salesperson or real estate salesperson shall maintain a record of all work performed on a residential property that the person assists a client in scheduling pursuant to subsection ~~HHH~~ 12 of NRS 624.031.

2. The record required by subsection 1 must include, without limitation:

(a) The name of any person licensed pursuant to chapter 624 of NRS who performs such work;

(b) The date on which the work was performed;

1 (c) A copy of any written contract to perform the work; and

2 (d) A copy of any invoice prepared in connection with the work.

3 3. As used in this section, "residential property" has the meaning ascribed to
4 it in NRS 624.031.

5 **Sec. 3.** This act becomes effective on July 1, 2017.