

Amendment No. 118

Assembly Amendment to Assembly Bill No. 29	(BDR 54-241)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: Yes Title: Yes 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.

JRS/WLK



Date: 4/15/2019

A.B. No. 29—Repeals certain provisions relating to general building contractors.
(BDR 54-241)



ASSEMBLY BILL NO. 29—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE STATE CONTRACTORS' BOARD)

PREFILED NOVEMBER 16, 2018

Referred to Committee on Commerce and Labor

SUMMARY—~~[Repeals certain]~~ **Revises** provisions relating to ~~[general building]~~
contractors, ~~[]~~ **and construction projects.** (BDR 54-241)FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to ~~[contractors; repealing provisions which require a general building contractor to be a prime contractor for the purpose of classifying the general contractor in the contracting business;]~~ **construction; authorizing a general engineering contractor to hire not more than one general building contractor on a single construction project under certain circumstances; authorizing a general building contractor to provide management and counseling services on a construction project for a professional fee; imposing certain limitations relating to general building contractors on a single construction project; requiring each construction project to have not more than one licensed prime contractor under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, ~~[for the purpose of classification in]~~ the contracting business ~~[a general building contractor is a contractor whose principal contracting business involves the construction or remodeling of various buildings or structures which require the use of more than two unrelated building trades or crafts, and upon which the general building contractor is a prime contractor.]~~ **is classified to include the branches of: (1) general engineering contracting; (2) general building contracting; and (3) specialty contracting. Existing law also sets forth the circumstances under which a contractor is considered to be a general engineering contractor, general building contractor or a specialty contractor. (NRS 624.215) Section 1 of this bill [repeals the requirement that a general building contractor must be a prime contractor for that purpose.] : (1) authorizes a general engineering contractor, when acting as a prime contractor, to hire not more than one general building contractor to provide work, materials or equipment on a single construction project; (2) authorizes a general building contractor to provide management and counseling services on a construction project for a professional fee; (3) limits the number of general building contractors for a single construction project; and (4) requires each construction project**

16 to have not more than one licensed prime contractor who is responsible for the work,
17 materials or equipment for the construction project. Section 1 also defines the term
18 "prime contractor" for that purpose.

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

1 **Section 1.** NRS 624.215 is hereby amended to read as follows:

2 624.215 1. For the purpose of classification, the contracting business
3 includes the following branches:

- 4 (a) General engineering contracting.
5 (b) General building contracting.
6 (c) Specialty contracting.

7 ↗ General engineering contracting and general building contracting are mutually
8 exclusive branches.

9 2. A general engineering contractor is a contractor whose principal
10 contracting business is in connection with fixed works, including irrigation,
11 drainage, water supply, water power, flood control, harbors, railroads, highways,
12 tunnels, airports and airways, sewers and sewage disposal systems, bridges, inland
13 waterways, pipelines for transmission of petroleum and other liquid or gaseous
14 substances, refineries, chemical plants and industrial plants requiring a specialized
15 engineering knowledge and skill, power plants, piers and foundations and structures
16 or work incidental thereto.

17 3. ~~1A~~ Except as otherwise provided in subsections 5 and 6, a general
18 building contractor is a contractor whose principal contracting business is in
19 connection with the construction or remodeling of buildings or structures for the
20 support, shelter and enclosure of persons, animals, chattels or movable property of
21 any kind, requiring in their construction the use of more than two unrelated building
22 trades or crafts , upon which he or she is a prime contractor and where the
23 construction or remodeling of a building is the primary purpose. Unless he or she
24 holds the appropriate specialty license, a general building contractor may only
25 contract to perform specialty contracting if he or she is a prime contractor on a
26 project. A general building contractor shall not perform specialty contracting in
27 plumbing, electrical, refrigeration and air-conditioning or fire protection without a
28 license for the specialty. A person who exclusively constructs or repairs mobile
29 homes, manufactured homes or commercial coaches is not a general building
30 contractor.

31 4. A specialty contractor is a contractor whose operations as such are the
32 performance of construction work requiring special skill and whose principal
33 contracting business involves the use of specialized building trades or crafts.

34 5. A general engineering contractor, when acting as a prime contractor,
35 may hire not more than one general building contractor to provide any work,
36 materials or equipment as specified in subsection 3 on a single construction
37 project.

38 6. A general building contractor may contract to provide management and
39 counseling services on a construction project for a professional fee. A general
40 building contractor who has contracted to provide management and counseling
41 services may hire not more than one general building contractor to provide any
42 work, materials or equipment as specified in subsection 3 on a single
43 construction project.

7. A single construction project must be limited to not more than one general building contractor who provides management and counseling services for a professional fee and not more than one general building contractor who provides any work, materials or equipment as specified in subsection 3.

8. Except as otherwise provided in this subsection, each construction project must have one, but not more than one, prime contractor who is a licensed contractor and is responsible for the work, materials and equipment for the construction project. A construction project is not required to have a prime contractor if the work for the construction project or the person providing the work for the construction project is exempt pursuant to NRS 624.031.

9. This section does not prevent the Board from establishing, broadening, limiting or otherwise effectuating classifications in a manner consistent with established custom, usage and procedure found in the building trades. The Board is specifically prohibited from establishing classifications in such a manner as to determine or limit craft jurisdictions.

10. As used in this section, "prime contractor" means:

(a) A general engineering contractor who enters into an oral or written agreement with an owner of a construction project or an agent of an owner to provide any work, materials or equipment for which the general engineering contractor is licensed;

(b) A general building contractor who enters into an oral or written agreement with an owner of a construction project or an agent of an owner to provide any work, materials or equipment for which the general building contractor is licensed;

(c) A general engineering contractor and general building contractor who enter into an oral or written agreement with an owner of a construction project or an agent of an owner to provide any work, materials or equipment for which the general engineering contractor and general building contractor are licensed; or

(d) A specialty contractor who enters into an oral or written agreement with an owner of a construction project or an agent of an owner to provide:

(1) Any work, materials or equipment for which the specialty contractor is licensed; and

(2) Any other work which is incidental and supplemental thereto.

Sec. 2. This act becomes effective upon passage and approval.