

PROPOSED REGULATION OF THE NEVADA STATE CONTRACTORS BOARD

LCB File No. R***-18

November 15, 2018

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

AUTHORITY: NRS 624.100(1);

A REGULATION relating to contractors; allowing various kinds of information to prove a contractor applicant's experience; defining the term "employer".

Legislative Counsel's Digest:

Existing law. . .

Section 1. NAC 624.590 is hereby amended to read as follows:

1. A person must make a separate application for each classification of license in which the applicant desires to conduct business.

2. The Board will not consider an incomplete application. Each application must include, without limitation:

(a) All applicable fees;

(b) Except as otherwise provided in subsection 3, ~~[four notarized certificates]~~ *documentation* supporting the experience of the applicant or his or her qualified employee ~~[on the form provided by the Board]~~, *which may be any of the following:*

(1) Four or more certificates of experience qualification completed on a form provided by the Board; or

(2) A current masters certification issued by a governmental agency in a discipline substantially similar to the requested classification; or,

(3) Proof of transferable military experience and training.

(c) All information which is required to be confirmed by a bank;

(d) The financial statement required by NAC 624.593;

(e) Pursuant to subsection 2 of NRS 624.265, a completed set of fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of the fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; and

(f) Any other information required by the Board.

3. The Board will waive the requirements set forth in paragraph (b) of subsection 2 if the applicant or his or her qualified employee:

(a) Has a minimum of 4 years of experience that is approved by the Board pursuant to NAC 624.615 as a contractor licensed in good standing in the endorsing state;

(b) Has not been investigated for misconduct as a contractor or had a license revoked, modified, limited, suspended or otherwise disciplined by the endorsing state or any other jurisdiction in which he or she has been licensed;

(c) Does not have any disciplinary actions or proceedings pending against the applicant or his or her qualified employee by a licensing body in the endorsing state or any other jurisdiction; and

(d) Provides a completed application pursuant to subsection 2 on the form provided by the Board that includes, without limitation, the endorsing state verifying on a form provided by the Board that the applicant or his or her qualified employee has a valid license.

4. The Board shall deem an application to be withdrawn if the Board has not received all the information and fees required to complete the application within 6 months after the date the application is submitted to the Board. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant or his or her qualified employee otherwise withdraws an application, the Board may not issue a license to the applicant or his or her qualified employee unless the applicant or his or her qualified employee submits a new application and pays the required fees.

5. As used in this section:

(a) “Endorsing state” means any state or territory in the United States, or the District of Columbia, that the Board determines to have requirements for licensing contractors which are substantially equivalent to the requirements for licensing contractors in this State pursuant to NAC 624.615.

(b) “Person” means:

(1) A natural person;

(2) A corporation, partnership, limited partnership or limited-liability company that is organized pursuant to the laws of this State; or

(3) A foreign corporation, foreign partnership, foreign limited partnership or foreign limited-liability company that is authorized to do business in this State.

Sec. 2. Chapter 624 of NAC is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this regulation.

Sec. 3. *“Employee” means a natural person under any appointment or contract of hire or apprenticeship, express or implied, written or oral, at-will or other, whether lawfully or unlawfully employed for a contractor and does not include:*

1. An independent contractor; or

2. An employee or independent contractor of a person other than the contractor, such as a private employment agency or a labor leasing company.

Sec. 4. *“Employer” means a contractor that receives the services of an employee by having control or custody of any employment, place of employment, or any employee.*