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STATE CONTRACTORS BOARD

NOTICE OF INTENT TO ACT UPON A REGULATION

LCB File No. R050-23

Notice of Workshop and Hearing for the Adoption, Amendment or Repeal of Regulations
of
The State of Nevada Contractors Board

The State of Nevada Contractors Board (Board) will conduct a public workshop on Thursday February 1, 2024 at 1:00 p.m. and a public hearing on Thursday, February 15, 2024 at 1:00 p.m. The workshop and hearing will be video-conferenced between the Board's Las Vegas office located at 8400 West Sunset Road, Suite 150, Las Vegas, Nevada 89113 and the Reno office located at 5390 Kietzke Lane, Suite 102, Reno, Nevada, 89511

The following information is provided pursuant to the requirements of NRS 233B.060 and 233B.0603:

- 1. The need for and purpose of the proposed regulation or amendment.**
The purpose of the proposed regulation is to amend Chapter 624 of the Nevada Administrative Code to consolidated duplicate license classifications in the trade of wrecking.
- 2. Either the terms or the substance of the regulations to be adopted, amended or repealed or a description of the subjects and issues involved.**
A copy of the proposed amended and repealed regulation is attached to this notice.
- 3. The estimated economic effect of this proposed regulation on the business which it is to regulate and on the public.**
 - (a) Adverse and beneficial effects.**
There is no economic effect on business or on the public.
 - (b) Both immediate and long-term effects.**
The immediate and long-term effect of implementing the change should be beneficial since it will more accurately explain the work allowed under the classification.
- 4. The methods used by the agency to determine the impact on small business.**
The proposed change consolidates a duplicate license classification into a single classification and will not impact small business.
- 5. The estimated cost to the agency for the enforcement of the proposed regulation.**
Cost to the agency should be minimal.
- 6. A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication and overlapping is necessary.**
The Nevada State Contractors Board is not aware of any similar regulations of other state or government agencies that the proposed regulations overlap or duplicate.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This does not apply.

8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

This does not apply.

9. Whether proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not establish new fees or increase existing fees.

Persons wishing to comment upon the proposed action of the Board may appear at the scheduled public workshop or public hearing or may address their comments, data, views or arguments, in written form to the Executive Officer of the Nevada State Contractors Board, 8400 West Sunset Road, Suite 150, Las Vegas, Nevada 89113 and the Reno office located at 5390 Kietzke Lane, Suite 102, Reno, Nevada, 89511. Written submissions must be received by the Board on or before January 26, 2024. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted, amended or repealed will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notices and the regulation to be adopted, amended or repealed will be available at the State Contractors Board 8400 West Sunset Road, Suite 150, Las Vegas, Nevada 89113 and the Reno office located at 5390 Kietzke Lane, Suite 102, Reno, Nevada, 89511, and www.nscb.nv.gov, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the board, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been mailed to all persons on the agency's mailing list of administrative regulations and posted at the following locations:

Nevada State Contractors Board – Reno Office
Nevada State Contractors Board – Las Vegas Office
Nevada State Contractors Board – Internet Website
Nevada Public Notice Website

Dated: January 8, 2024

**PROPOSED REGULATION OF
THE STATE CONTRACTORS' BOARD**

LCB File No. R050-23

September 19, 2023

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

AUTHORITY: §§ 1, 2 and 3, NRS 624.100 and 624.220.

A REGULATION relating to contractors; revising provisions governing certain classifications and subclassifications of a license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Contractors' Board to adopt regulations necessary to effect the classification and subclassification of contractors in a manner consistent with established usage and procedure as found in the construction business. (NRS 624.220) Existing regulations create a classification A license for contractors in the branch of general engineering. (NAC 624.140) Existing regulations also create subclassifications for a license designated classification A, including subclassification A-13. A person licensed in subclassification A-13 is authorized to perform the wrecking of existing structures by the use of tools, equipment or explosives, and the raising, cribbing and underpinning of buildings and other structures so that alterations, repairs and new substructures may be constructed under the retained and undisturbed portion of the building or other structure. (NAC 624.150) **Section 1** of this regulation provides instead that a person licensed in subclassification A-13 is authorized to perform the wrecking and demolishing of existing structures by the use of tools, equipment or explosives, and the raising, cribbing, underpinning and moving of buildings and other structures so that alterations, additions and repairs may be made and new substructures may be constructed under the permanently retained and undisturbed portion of the building or other structure. **Section 1** further provides that a person who holds a subclassification A-13 license may not alter, add to, repair or renovate the permanently retained portion of the structure.

Existing regulations: (1) create a license in the specialty of wrecking; and (2) designate such a license as classification C-31. A person who holds a license designated C-31, may: (1) wreck and demolish an existing structure with tools, equipment and explosives; and (2) raise, crib, underpin and move a structure so that alterations, additions and repairs may be made and a new substructure may be built under the permanently retained portion of the structure, but may not alter, add to, repair or renovate the permanently retained portion of the structure. (NAC 624.480) **Section 3** of this regulation eliminates the C-31 classification license.

Section 2 of this regulation provides that on the effective date of this regulation: (1) any holder of a license in subclassification A-13 shall be deemed to hold a license in

subclassification A-13, as amended by the provisions of **section 1**; and (2) any holder of a license in classification C-31 shall be deemed to hold a license in subclassification A-13, as amended by the provisions of **section 1**.

Section 1. NAC 624.150 is hereby amended to read as follows:

624.150 The subclassifications of a license designated classification A and the work authorized for persons licensed in the respective subclassifications are:

1. AIRPORTS (subclassification A-1): The construction, alteration and repair of airports, including any navigational equipment, lights, beacons, markers, taxiways, runways, hangars and terminals.

2. HIGHWAYS (subclassification A-2): The construction of highways, roads, streets and other public ways used for vehicular travel, including any drains, tunnels, bridges and other appurtenances to the construction.

3. DAMS AND RESERVOIRS (subclassification A-3): The construction, whether from earth, masonry, steel or concrete, or any combination of these materials, of dams and reservoirs designed to obstruct, control or use water, including the relocation of existing structures, any necessary excavation and the construction of embankments, foundations, piles, piers, spillways, tunnels, roadways and other incidental work.

4. BRIDGES (subclassification A-4): The installation, construction, alteration and repair of bridges which are fabricated of steel, masonry, concrete or other suitable materials, and are designed for use by pedestrians or moving traffic, and any abutments, foundations, piles, piers, culverts, roadways and other appurtenances to the bridges.

5. DIAMOND AND CORE DRILLING (subclassification A-5): The obtainment by diamond or core drilling, of concrete, soil and rock.

6. DRILLING OF OIL, GAS AND EXPLORATORY WELLS (subclassification A-6): The drilling, altering and repair of existing or new oil, gas or exploratory wells, including the casing, packing and installation of pumps and other supplemental material, equipment or structures.

7. EXCAVATING AND GRADING (subclassification A-7): The digging, movement and placement of material forming the surface of the earth, other than water, with hand and power tools, machines and explosives to cut, fill, excavate, grade, backfill and perform other similar excavating, grading and trenching operations.

8. SEALING AND STRIPING OF IMPERMEABLE PAVING SURFACES (subclassification A-8): The filling of cracks and voids in existing asphaltic, concrete or similar impermeable paving surfaces, the application of sealants and the installation of precast bumpers, traffic signs, nonelectrical markers and striping on the surfaces.

9. PIERS AND FOUNDATIONS (subclassification A-9): The examination, excavation, drilling, compacting, pumping, sealing and other work necessary to construct, alter or repair piers, piles, footings and foundations placed in the earth's subsurface to prevent structural settling and to provide an adequate capacity to sustain or transmit the structural load to the soil or rock below.

10. COMMERCIAL AND RESIDENTIAL POOLS (subclassification A-10): The construction, alteration and repair of commercial and residential pools and spas, used for swimming, therapy or decoration, including any appurtenant equipment. The sub-classifications of this subclassification are:

(a) RESIDENTIAL POOLS (sub-subclassification A-10a): The design, construction, alteration and repair of residential pools and spas, used for swimming, therapy or decoration, including any appurtenant equipment.

(b) RESIDENTIAL SPAS (sub-subclassification A-10b): The design, construction and repair of residential spas, including any appurtenant equipment.

(c) REPAIR OF POOLS AND SPAS (sub-subclassification A-10c): The repair and replacement of plaster, coping and coating of pool decks on residential pools and spas.

(d) POOLS AND SPAS OF FIBERGLASS (sub-subclassification A-10d): The design, construction and repair of residential pools and spas which are made of fiberglass.

(e) MAINTENANCE AND REPAIR OF POOLS AND SPAS (sub-subclassification A-10e): The alteration and repair of plaster, tile, coping, pumps, filters, heaters, decking, pool painting, timers, controls and lights on residential and commercial spas, pools, fountains, waterfalls and ponds.

(f) WATER AND GAS LINES FOR RESIDENTIAL POOLS AND SPAS (sub-subclassification A-10f): The installation of water and gas service lines from the point of service to the pool equipment of the pool or spa of a single-family residence. Work in this sub-subclassification is authorized only for the holder of a certificate as a master plumber, journeyman plumber or journeyman in a plumbing specialty, or an equivalent certificate, issued by the appropriate local building department.

11. RECYCLING ASPHALT (subclassification A-11): The scarifications of existing asphaltic mat, the raking of the asphalt into rows, its pulverization, the incorporation of necessary additives, the aeration, spreading and compacting of the asphalt and the application of a coating composed of such ingredients as asphaltic concrete or slurry.

12. EXCAVATING, GRADING, TRENCHING AND SURFACING (subclassification A-12): All work authorized for a license of subclassification A-7 and the mixing, fabrication and

placement of pavement and surfaces consisting of graded mineral aggregates, asphalt or concrete products.

13. WRECKING BUILDINGS (subclassification A-13): The wrecking *and demolishing* of existing structures by the use of tools, equipment or explosives, and the raising, cribbing , ~~and~~ underpinning *and moving* of buildings and other structures so that alterations, *additions and* repairs *may be made* and new substructures may be constructed under the *permanently* retained and undisturbed portion of the building or other structure. *A person who holds a subclassification A-13 license may not alter, add to, repair or renovate the permanently retained portion of the structure.*

14. STEEL ERECTION AND INDUSTRIAL MACHINERY (subclassification A-14): The fabrication and erection of steel shapes and plates, regardless of shape or size, to be used as structural members, including any related riveting, welding and rigging, and the installation of any industrial machinery.

15. SEWERS, DRAINS AND PIPES (subclassification A-15): The laying of cast-iron, steel, concrete, vitreous and nonvitreous pipe for sewers, drains and irrigation, including any related excavating, grading, trenching, backfilling, paving and surfacing, and the fabrication and erection of cesspools and septic tanks.

16. PAVING OF STREETS, DRIVEWAYS AND PARKING LOTS (subclassification A-16): Examination, excavation, grading, compacting, alteration and repair in the application of asphalt to streets, driveways, parking lots, boat ramps, and landing strips and taxiways for an airport.

17. LINES TO TRANSMIT ELECTRICITY (subclassification A-17): The installation, alteration and repair of primary overhead lines which transmit electricity, including the erection

of poles, towers, anchors, guys, transformers, substations, circuit breakers and any other related hardware, equipment or systems.

18. FARM IRRIGATION (subclassification A-18): The excavation, fabrication, installation, alteration and repair of pipes, pumps, fixtures and any other material and equipment used in or incidental to systems for irrigating crops.

19. PIPELINE AND CONDUITS (subclassification A-19): The fabrication and installation of electrical conduits only, and pipelines including the trenching, boring, shoring, backfilling, compacting, paving, surfacing and application of protective coatings necessary to complete only the installation of the pipes and conduits. A person who holds a subclassification A-19 *license* may perform any of the work authorized for the following subclassifications:

(a) Water (subclassification A-19a).

(b) Gas (subclassification A-19b).

(c) Electrical conduits for underground transmission (subclassification A-19c).

20. INDUSTRIAL PIPING (subclassification A-20): The fabrication and installation of pipes for the transmission of steam, gases, chemicals and other substances required for industrial manufacturing or commercial operations and any related excavation, trenching and backfilling.

21. FENCING AND GUARDRAILS (subclassification A-21): The assembling, cutting, shaping, fabricating and installing of wood or metal fencing, guardrails, signs and nonelectric markers for highways, equipment for playgrounds and supplemental materials.

22. UNCLASSIFIED (subclassification A-22): Work limited in scope by the Board to a specialty which is supported by the licensee's knowledge and experience in a trade or craft and which is not included in the other subclassifications of a license in classification A.

23. REMOVAL OF ASBESTOS (subclassification A-23): The cleaning, handling, repair, removal, encapsulation, enclosure, hauling and disposal of, or other work with, materials containing asbestos.

24. FOUNTAINS AND OTHER WATER FEATURES (subclassification A-24): The construction, alteration and repair of commercial and residential fountains, waterfalls, ponds and similar water features not intended to serve as swimming pools, including any appurtenant equipment.

25. TELECOMMUNICATION TOWERS (subclassification A-25): The fabrication and erection of towers used to support telecommunication equipment, including any related riveting, welding and rigging, and the installation of electrical components and related equipment.

Sec. 2. On the effective date of this regulation:

1. A person who holds a subclassification A-13 license issued pursuant to the former provisions of subsection 13 of NAC 624.150 shall be deemed to hold a subclassification A-13 license issued pursuant to the provisions of that subsection as amended by the provisions of this regulation.

2. A person who holds a classification C-31 license issued pursuant to the former provisions of NAC 624.480 shall be deemed to hold a subclassification A-13 license issued pursuant to the provisions of subsection 13 of NAC 624.150 as amended by the provisions of this regulation.

Sec. 3. NAC 624.480 is hereby repealed.

TEXT OF REPEALED SECTION

624.480 Classification C-31: Wrecking. (NRS 624.100, 624.220)

The Board will grant to qualified applicants a license in the specialty of wrecking. The Board designates such a license as “classification C-31.” A person who holds a license designated classification C-31 may:

1. Wreck and demolish an existing structure with tools, equipment and explosives; and
2. Raise, crib, underpin and move a structure so that alterations, additions and repairs may be made and a new substructure may be built under the permanently retained portion of the structure, but may not alter, add to, repair or renovate the permanently retained portion of the structure.

Small Business Impact Statement

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State
Proposed Regulation R050-23

1. Background

The Nevada State Contractors Board (NSCB) proposes amendments to the Administrative Code to amend and consolidated duplicate license classifications in the trade of wrecking.

2. Description of Solicitation:

The NSCB has determined that the proposed regulation changes should not have an adverse financial impact upon a small business; therefore, a solicitation process was not entered into. The proposed regulation changes are not expected to negatively impact the formation, operation, or expansion of a small business in Nevada.

3. Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business?

Pursuant to NRS 233B.0608, the NSCB made a concerted effort to determine whether the proposed regulation was likely to: 1) impose a direct and significant economic burden upon a small business, or 2) directly restrict the formation, operation, or expansion of a small business. As a result of this effort, the NSCB determined that there is no impact upon small business as a result of the proposed regulation.

4. How was that conclusion reached?

No adverse economic effects were identified because the proposed regulation changes do not adversely affect NRS Chapter 624 licensees or those who may seek to become a licensee. These changes should have no impact on small business.

I, Margi Grein, Executive Officer of the Nevada State Contractors Board, certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and the information contained in this statement above is accurate.

Date: 1/8/24

Signature: 
Margi Grein, Executive Officer
Nevada State Contractors Board