

ASSEMBLY BILL NO. 203—ASSEMBLYMEN CARRILLO,  
KIRKPATRICK, BROOKS; DALY, ELLISON, HANSEN AND  
SEGERBLOM

FEBRUARY 23, 2011

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JOINT SPONSOR: SENATOR MANENDO  
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Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing contractors.  
(BDR 54-660)

FISCAL NOTE: Effect on Local Government: Increases or Newly  
Provides for Term of Imprisonment in County or City  
Jail or Detention Facility.  
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.

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AN ACT relating to contractors; requiring the State Contractors’  
Board to issue or authorize the issuance of a written  
administrative citation to a person who acts as a  
contractor without an active license of the proper  
classification; and providing other matters properly  
relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes the State Contractors’ Board to issue a written  
2 administrative citation if the Board, based upon a preponderance of the evidence,  
3 has reason to believe that a person has violated any provision of statute or any  
4 administrative regulation governing contractors. (NRS 624.341) **Section 1** of this  
5 bill requires the Board to issue such a citation if a person has acted as a contractor  
6 without an active license of the proper classification. **Section 3** of this bill revises  
7 the definition of “contractor” as it pertains to public works. (NRS 338.010)

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

1       **Section 1.** NRS 624.341 is hereby amended to read as follows:  
2       624.341 1. If the Board or its designee, based upon a  
3       preponderance of the evidence, has reason to believe that a person  
4       has ~~[committed an]~~ :

5       (a) *Acted as a contractor without an active license of the*  
6       *proper classification issued pursuant to this chapter, the Board or*  
7       *its designee, as appropriate, shall issue or authorize the issuance*  
8       *of a written administrative citation to the person.*

9       (b) *Committed any other* act which constitutes a violation of  
10       this chapter or the regulations of the Board, the Board or its  
11       designee, as appropriate, may issue or authorize the issuance of a  
12       written administrative citation to the person.

13       **2.** A citation issued pursuant to this section may include,  
14       without limitation:

15       (a) An order to take action to correct a condition resulting from  
16       an act that constitutes a violation of this chapter or the regulations of  
17       the Board, at the person's cost;

18       (b) An order to pay an administrative fine not to exceed  
19       \$50,000, except as otherwise provided in subsection 1 of NRS  
20       624.300; and

21       (c) An order to reimburse the Board for the amount of the  
22       expenses incurred to investigate the complaint.

23       ~~[2-]~~ **3.** If a written citation issued pursuant to ~~[subsection 1]~~  
24       *this section* includes an order to take action to correct a condition  
25       resulting from an act that constitutes a violation of this chapter or  
26       the regulations of the Board, the citation must state the time  
27       permitted for compliance, which must be not less than 15 business  
28       days after the date the person receives the citation, and specifically  
29       describe the action required to be taken.

30       ~~[3-]~~ **4.** The sanctions authorized by ~~[subsection 1]~~ *this section*  
31       are separate from, and in addition to, any other remedy, civil or  
32       criminal, authorized by this chapter.

33       ~~[4-]~~ **5.** The failure of an unlicensed person to comply with a  
34       citation or order after it is final is a misdemeanor. If an unlicensed  
35       person does not pay an administrative fine imposed pursuant to this  
36       section within 60 days after the order of the Board becomes final,  
37       the order may be executed upon in the same manner as a judgment  
38       issued by a court.

39       **Sec. 2.** (Deleted by amendment.)

40       **Sec. 3.** NRS 338.010 is hereby amended to read as follows:  
41       338.010 As used in this chapter:



- 1 1. "Authorized representative" means a person designated by a  
2 public body to be responsible for the development, solicitation,  
3 award or administration of contracts for public works pursuant to  
4 this chapter.
- 5 2. "Contract" means a written contract entered into between a  
6 contractor and a public body for the provision of labor, materials,  
7 equipment or supplies for a public work.
- 8 3. "Contractor" means:
- 9 (a) A person who is licensed pursuant to the provisions of  
10 chapter 624 of NRS . ~~for performs such work that the person is not~~  
11 ~~required to be licensed pursuant to chapter 624 of NRS.]~~
- 12 (b) A design-build team.
- 13 4. "Day labor" means all cases where public bodies, their  
14 officers, agents or employees, hire, supervise and pay the wages  
15 thereof directly to a worker or workers employed by them on public  
16 works by the day and not under a contract in writing.
- 17 5. "Design-build contract" means a contract between a public  
18 body and a design-build team in which the design-build team agrees  
19 to design and construct a public work.
- 20 6. "Design-build team" means an entity that consists of:
- 21 (a) At least one person who is licensed as a general engineering  
22 contractor or a general building contractor pursuant to chapter 624  
23 of NRS; and
- 24 (b) For a public work that consists of:
- 25 (1) A building and its site, at least one person who holds a  
26 certificate of registration to practice architecture pursuant to chapter  
27 623 of NRS.
- 28 (2) Anything other than a building and its site, at least one  
29 person who holds a certificate of registration to practice architecture  
30 pursuant to chapter 623 of NRS or landscape architecture pursuant  
31 to chapter 623A of NRS or who is licensed as a professional  
32 engineer pursuant to chapter 625 of NRS.
- 33 7. "Design professional" means:
- 34 (a) A person who is licensed as a professional engineer pursuant  
35 to chapter 625 of NRS;
- 36 (b) A person who is licensed as a professional land surveyor  
37 pursuant to chapter 625 of NRS;
- 38 (c) A person who holds a certificate of registration to engage in  
39 the practice of architecture, interior design or residential design  
40 pursuant to chapter 623 of NRS;
- 41 (d) A person who holds a certificate of registration to engage in  
42 the practice of landscape architecture pursuant to chapter 623A of  
43 NRS; or
- 44 (e) A business entity that engages in the practice of professional  
45 engineering, land surveying, architecture or landscape architecture.



- 1 8. "Eligible bidder" means a person who is:  
2 (a) Found to be a responsible and responsive contractor by a  
3 local government or its authorized representative which requests  
4 bids for a public work in accordance with paragraph (b) of  
5 subsection 1 of NRS 338.1373; or  
6 (b) Determined by a public body or its authorized representative  
7 which awarded a contract for a public work pursuant to NRS  
8 338.1375 to 338.139, inclusive, to be qualified to bid on that  
9 contract pursuant to NRS 338.1379 or 338.1382.
- 10 9. "General contractor" means a person who is licensed to  
11 conduct business in one, or both, of the following branches of the  
12 contracting business:  
13 (a) General engineering contracting, as described in subsection 2  
14 of NRS 624.215.  
15 (b) General building contracting, as described in subsection 3 of  
16 NRS 624.215.
- 17 10. "Governing body" means the board, council, commission  
18 or other body in which the general legislative and fiscal powers of a  
19 local government are vested.
- 20 11. "Local government" means every political subdivision or  
21 other entity which has the right to levy or receive money from ad  
22 valorem or other taxes or any mandatory assessments, and includes,  
23 without limitation, counties, cities, towns, boards, school districts  
24 and other districts organized pursuant to chapters 244A, 309, 318,  
25 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750,  
26 inclusive, and any agency or department of a county or city which  
27 prepares a budget separate from that of the parent political  
28 subdivision. The term includes a person who has been designated by  
29 the governing body of a local government to serve as its authorized  
30 representative.
- 31 12. "Offense" means failing to:  
32 (a) Pay the prevailing wage required pursuant to this chapter;  
33 (b) Pay the contributions for unemployment compensation  
34 required pursuant to chapter 612 of NRS;  
35 (c) Provide and secure compensation for employees required  
36 pursuant to chapters 616A to 617, inclusive, of NRS; or  
37 (d) Comply with subsection 4 or 5 of NRS 338.070.
- 38 13. "Prime contractor" means a contractor who:  
39 (a) Contracts to construct an entire project;  
40 (b) Coordinates all work performed on the entire project;  
41 (c) Uses his or her own workforce to perform all or a part of the  
42 public work; and  
43 (d) Contracts for the services of any subcontractor or  
44 independent contractor or is responsible for payment to any  
45 contracted subcontractors or independent contractors.



1   ↳ The term includes, without limitation, a general contractor or a  
2 specialty contractor who is authorized to bid on a project pursuant to  
3 NRS 338.139 or 338.148.

4   14. “Public body” means the State, county, city, town, school  
5 district or any public agency of this State or its political subdivisions  
6 sponsoring or financing a public work.

7   15. “Public work” means any project for the new construction,  
8 repair or reconstruction of:

9   (a) A project financed in whole or in part from public money  
10 for:

11       (1) Public buildings;

12       (2) Jails and prisons;

13       (3) Public roads;

14       (4) Public highways;

15       (5) Public streets and alleys;

16       (6) Public utilities;

17       (7) Publicly owned water mains and sewers;

18       (8) Public parks and playgrounds;

19       (9) Public convention facilities which are financed at least in  
20 part with public money; and

21       (10) All other publicly owned works and property.

22   (b) A building for the Nevada System of Higher Education of  
23 which 25 percent or more of the costs of the building as a whole are  
24 paid from money appropriated by this State or from federal money.

25   16. “Specialty contractor” means a person who is licensed to  
26 conduct business as described in subsection 4 of NRS 624.215.

27   17. “Stand-alone underground utility project” means an  
28 underground utility project that is not integrated into a larger  
29 project, including, without limitation:

30   (a) An underground sewer line or an underground pipeline for  
31 the conveyance of water, including facilities appurtenant thereto;  
32 and

33   (b) A project for the construction or installation of a storm drain,  
34 including facilities appurtenant thereto,

35   ↳ that is not located at the site of a public work for the design and  
36 construction of which a public body is authorized to contract with a  
37 design-build team pursuant to subsection 2 of NRS 338.1711.

38   18. “Subcontract” means a written contract entered into  
39 between:

40       (a) A contractor and a subcontractor or supplier; or

41       (b) A subcontractor and another subcontractor or supplier,

42   ↳ for the provision of labor, materials, equipment or supplies for a  
43 construction project.

44   19. “Subcontractor” means a person who:



- 1 (a) Is licensed pursuant to the provisions of chapter 624 of NRS  
2 or performs such work that the person is not required to be licensed  
3 pursuant to chapter 624 of NRS; and  
4 (b) Contracts with a contractor, another subcontractor or a  
5 supplier to provide labor, materials or services for a construction  
6 project.  
7 20. "Supplier" means a person who provides materials,  
8 equipment or supplies for a construction project.  
9 21. "Wages" means:  
10 (a) The basic hourly rate of pay; and  
11 (b) The amount of pension, health and welfare, vacation and  
12 holiday pay, the cost of apprenticeship training or other similar  
13 programs or other bona fide fringe benefits which are a benefit to  
14 the worker.  
15 22. "Worker" means a skilled mechanic, skilled worker,  
16 semiskilled mechanic, semiskilled worker or unskilled worker in the  
17 service of a contractor or subcontractor under any appointment or  
18 contract of hire or apprenticeship, express or implied, oral or  
19 written, whether lawfully or unlawfully employed. The term does  
20 not include a design professional.

