

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

LCB File No. R128-08

Effective September 18, 2008

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

AUTHORITY: §1, NRS 624.100 and 624.220.

A REGULATION relating to contractors; revising provisions governing an application for an increase in the monetary limit on a contractor's license for a single project; and providing other matters properly relating thereto.

Section 1. NAC 624.670 is hereby amended to read as follows:

624.670 1. A licensee may submit to the Board a written application ~~[for]~~ *requesting* an increase, for a single project, in the monetary limit on his license. The application must be made at least 2 working days before the date he submits his bid for the project. *Not more than five such applications may be submitted by a licensee during any 12-month period.*

2. A licensee must submit with the application:

(a) If the ~~[license has a]~~ *licensee is requesting an increase in the* monetary limit ~~[of]~~ *on his license for a single project to an amount that is* less than \$1,000,000:

(1) A current financial statement that is:

(I) Prepared by an independent certified public accountant;

(II) Submitted on a form prescribed by the Board and accompanied by an affidavit that verifies the accuracy of the financial statement; or

(III) Prepared using accounting software in accordance with generally accepted accounting principles and accompanied by an affidavit that verifies the accuracy of the financial statement; and

(2) Any supporting information the Board requests.

(b) If the ~~license has a~~ *licensee is requesting an increase in the* monetary limit ~~of~~ *on his license for a single project to an amount that is* \$1,000,000 or more:

(1) A financial statement that is prepared and reviewed or audited by a certified public accountant within 1 year before the filing of the application; and

(2) Any other supporting information the Board requests.

3. The Board will approve the application if it finds that the financial status of the licensee is adequate to justify the increase and if the licensee:

(a) Procures and agrees to maintain any performance or payment bond, or both, that the Board requires; and

(b) Complies with any other conditions the Board finds necessary to protect the public interest.

4. A licensee who has complied with the requirements of subsections 1 and 2 may submit his bid for the project before the Board acts upon his application if he submits with the bid a statement that the bid is contingent upon the approval of his application by the Board. The Board may deny the application if it determines that the licensee has submitted his bid without submitting the statement required pursuant to this subsection.

5. If a licensee submits a bid in compliance with subsection 4 and the Board:

(a) Approves his application, the approval shall be deemed to become effective at the time the bid was submitted.

(b) Denies his application, the bid shall be deemed void and not to have exceeded the monetary limit placed on his license.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R128-08

The State Contractors' Board adopted regulations assigned LCB File No. R128-08 which pertain to chapter 624 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

A workshop and hearing notice to amend NAC 624 was posted June 30, 2008 at the following locations: Washoe County Court House; Washoe County Library; Reno City Hall; Las Vegas City Hall; Sawyer State Building; Clark County Library and Offices of the Contractors' Board in Reno and Las Vegas. In addition, the notice was posted on the agency's web site and mailed to approximately 135 interested individuals. The workshop was held July 31, 2008 and the hearing held August 5, 2008. No member of the public attended the workshop and hearing. Any interested person may write to the Board at 9670 Gateway Drive, Suite 100, Reno, Nevada to obtain any documents relating to the workshop or hearing.

2. The number of persons who:

- | | |
|---|---------------------------|
| (a) Attended each workshop & hearing: | 0 (workshop); 0 (hearing) |
| (b) Testified at each workshop: | 0 |
| (c) Testified at hearing: | 0 |
| (c) Submitted to the agency written comments: | 0 |

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notice posting, web site and direct mail.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted without change because no members of the industry or public offered comments.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and
- (b) Both immediate and long-term effects

- (a) The proposed revision should have no adverse economic effect on members of the industry both immediate and long-term.
- (b) The estimated effect on the public both immediate and long term should have minimal impact on the public.

6. The estimated cost to the agency for enforcement of the adopted regulation.

The cost to the agency for enforcement of the proposed regulation should be minimal.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations which the proposed amendments duplicate.