

## LCB File No. R195-08

### PROPOSED REGULATION OF THE REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY

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

AUTHORITY: NRS 645D.120

**Sec. 1.** Chapter 645D.2448 of NAC is hereby amended to read as follows:

**NAC 645D.2448 Approved courses: Required instruction; additional instruction.** (NRS 645D.120)

1. An approved course must include instruction in:
  - (a) Current practices for the inspection of structures; and
  - (b) State and federal laws and regulations relating to inspections or inspection practices ; ~~H~~
  - (c) Must contain a minimum of 4 hours of instruction on NRS 645D and NAC 645D.*
2. The Division may approve a course that includes, without limitation, instruction in one or more of the following:
  - (a) The administration of laws and regulations relating to the inspection of structures, including, without limitation, certification, enforcement and contracts;
  - (b) The evaluation of a structure and its components, including, without limitation, the evaluation of the items set forth in NAC 645D.480 to 645D.580, inclusive;
  - (c) The nature of inspections;
  - (d) The purpose and use of inspections;
  - (e) Methods of inspection; and
  - (f) Construction.

**Sec. 2.** Chapter 645D.4355 of NAC is hereby amended to read as follows:

**NAC 645D.4355 Standards for courses of instruction.** (NRS 645D.120)

1. A course of instruction for continuing education must include:
  - (a) Current information concerning inspection practices that will improve the professional knowledge of the holder of a certificate and enable him to provide better service to the public.
  - (b) Information that relates to applicable state and federal laws and regulations relating to inspections or inspection practices.
2. The Division considers courses in the following areas to be acceptable for continuing education:
  - (a) Legislative issues that concern holders of certificates or the practice of inspecting structures, including, without limitation, pending and recent legislation;
  - (b) The administration of laws and regulations governing inspections of structures, including, without limitation, certification, enforcement, office management and employees' contracts;
  - (c) The relationship of an inspection report to a real estate transaction;
  - (d) The evaluation of a structure and its components, including, without limitation, the evaluation of the items set forth in NAC 645D.480 to 645D.580, inclusive, and studies of feasibility;
  - (e) Real estate and inspection mathematics;
  - (f) The nature of inspections;

- (g) The purpose and use of inspections;
- (h) Methods of inspection;
- (i) Construction; ~~and~~
- (j) Computer software relating to inspections or inspection practices ~~and~~; *and*
- (k) Personal Development, not to exceed 2 hours.*

3. If the sponsor agrees to comply with all other requirements of approval, the Division will accept without specific approval any course in inspection practices or directly related subjects if the course has been previously approved by the Division.

**Sec. 3.** Chapter 645D.436 of NAC is hereby amended to read as follows:

**NAC 645D.436 Unacceptable courses and activities.** (NRS 645D.120) The following kinds of courses and activities do not meet the standards for continuing education:

- 1. A course designed to develop or improve clerical, office or business skills not related to the inspection process, such as typing, shorthand, the operation of business machines, the use of computers, speed reading, improvement of memory and writing letters.
- 2. A program of office training or other activity that is held as part of the general business of the holder of a certificate.
- 3. A course for the orientation of holders of certificates.
- 4. A course for the development of instructors.
- 5. A course that promotes or sells products or services. .*
- 6. A course designed to prepare a student for examination.*

**Sec. 4.** Chapter 645D.470 of NAC is hereby amended to read as follows:

**NAC 645D.470 Prohibited acts.** (NRS 645D.120) A certified inspector shall not, while making an inspection:

- 1. Offer to perform or perform any act or service that is unlawful.
- 2. Offer warranties or guaranties of any kind.
- 3. Offer to perform or perform any job function for which he does not have a license, including, but not limited to, the services of an engineer, architect, plumber or electrician.
- 4. Calculate the strength, adequacy or efficiency of any system or component.
- 5. Enter any area or perform any procedure that may damage any part of the structure being inspected or endanger any person, including, but not limited to, the certified inspector.
- 6. Operate any system or component that is shut down or otherwise inoperable.
- 7. Operate any system or component that does not respond to normal operating controls.
- 8. Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including, but not limited to, toxins, molds and other fungi, carcinogens, radon, noise or contaminants, unless he is licensed or certified to make such inspections and determinations.
- 9. Determine the effectiveness of any system installed to control or remove suspected hazardous substances.
- 10. Predict the future condition of any system or component, including, but not limited to, the failure of a component.
- 11. Project the operating costs of any component.
- 12. Repair a defect identified during the inspection.
- 13. Inspect any pool or spa system, unless he is licensed or certified to make such inspections and determinations.*