

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

LCB File No. R177-01

December 20, 2001

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

AUTHORITY: §§1-45, NRS 645D.120.

Section 1. Chapter 645D of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 31, inclusive, of this regulation.

Sec. 2. *“Distance education course” means a course of instruction in which the student receives instruction at a location at which the instructor is not physically present. Such a course may include, without limitation, instruction provided via CD-ROM, the Internet or videoconference.*

Sec. 3. *“Inspection report” has the meaning ascribed to it in NRS 645D.070.*

Sec. 4. *For the purposes of NAC 645D.240 and sections 4 to 16, inclusive, of this regulation, “school” includes:*

1. The University of Nevada, or any other university or college with the same or an equivalent accreditation.

2. Any professional school or college licensed by the commission on postsecondary education.

3. A nationally recognized organization of inspectors.

Sec. 5. *Before any school offers or conducts a course of instruction designed to fulfill the educational requirements for the original certification of an inspector under chapter 645D of*

NRS, the school must be approved by the division. The application for approval must be made on a form prescribed by the division. The application must include the following information for determining the eligibility of the school for approval:

- 1. The name and address of the school;*
- 2. The type of school and a description of its facilities;*
- 3. The names of the owners of the school, including, if applicable, the name of the business organization which owns the school and the names and addresses of all directors, principals, officers, and other persons having interests as owners;*
- 4. A list of the instructors and evidence of their qualifications;*
- 5. A list of the courses to be offered and a topical syllabus for each course;*
- 6. The allotment of time for each subject taught;*
- 7. A proposed schedule of courses for 1 year;*
- 8. The titles, authors and publishers of all required textbooks;*
- 9. A copy of an examination and the correct answer for each question; and*
- 10. A statement of the:*
 - (a) Purpose of the school;*
 - (b) Fees to be charged;*
 - (c) Days, times and locations of classes;*
 - (d) Number of quizzes and examinations;*
 - (e) Grading systems, including the methods of testing and standards of grading;*
 - (f) Requirements for attendance; and*
 - (g) Location of the students' records.*

Sec. 6. If a school has applied for and received the approval of the division to offer courses to meet the educational requirements for the original certification of an inspector under chapter 645D of NRS, the school shall, as a condition of the approval:

1. Maintain a record of each student's attendance and certification in any of those courses. The records must be maintained for 3 years after the enrollment of the student and must be open for inspection by the division, upon its request, during the school's business hours.

2. Upon the request of a transferring student, furnish the school to which the student is transferring a copy of his attendance record and certification for each of those courses which he has completed.

3. Upon the request of a student, furnish the division with a transcript of the record of the grades and attendance of the student.

Sec. 7. 1. A school which the division has approved to give a course fulfilling the educational requirements for the original certification of an inspector under chapter 645D of NRS shall require each student to attend the required number of hours of instruction and pass an examination in the course to attain the certification.

2. The school may certify only the number of hours for which the course has been approved by the division.

3. The completion of a portion of a course is not acceptable to satisfy certification requirements.

4. As used in this section, "hour of instruction" means 50 minutes or more. The division will deem 15 hours of instruction equal to one semester credit.

Sec. 8. 1. *A school may file with the division a written request for a hearing before a hearing officer if the:*

(a) School's application for approval of a course is denied; or

(b) Administrator determines that an approved school or course no longer complies with the standards prescribed in this chapter and the approval of the school or course is withdrawn.

2. *The request must be filed within 20 calendar days after receiving the order of denial or withdrawal of approval. The hearing officer shall hold the hearing within 90 calendar days after the request for a hearing is filed unless the school makes a written request for a continuance and the hearing officer grants that request. The hearing officer shall decide the matter within 90 calendar days after the hearing. Except as otherwise provided in this subsection, the hearing officer shall conduct the hearing in the same manner as a hearing conducted pursuant to NAC 645D.700.*

Sec. 9. *A school approved by the division shall not make any misrepresentation in its advertising about any course of instruction which it offers to fulfill requirements for certification under this chapter. Any advertisement must specify that such courses have been approved by the division.*

Sec. 10. 1. *A school which conducts courses approved by the division shall employ as instructors of those courses only persons who possess:*

(a) A good reputation for honesty, integrity and trustworthiness; and

(b) At least one of the following qualifications, unless granted a special exemption by the division:

(1) A bachelor's degree in the field in which the person is instructing.

(2) Current experience teaching subjects relating to the inspection of structures in the University and Community College System of Nevada or another institution which awards degrees. The person must demonstrate to the satisfaction of the division the academic training or work experience that qualifies him to teach the course.

(3) Five years of full-time experience, other than in a secretarial position, working in a job directly related to the subject taught.

(4) Three years of experience teaching the specific subject.

2. Such a school shall not employ, without the written approval of the division, an instructor who has been subject to discipline by any licensing authority within the 5 years immediately preceding the employment, or who has been subject to discipline by the division more than twice.

3. Such a school shall limit guest lecturers who are not approved by the division to a total of 10 percent of the instructional hours per approved course. A guest lecturer must be an expert in the subject that he teaches.

Sec. 11. 1. *The division may revoke its approval of a particular instructor who is employed by a school which conducts courses approved by the division if:*

(a) Any licensing authority has taken disciplinary action against the instructor; or

(b) After an audit of the course and review of the evaluations of the course, the division concludes that the instructor is not qualified to instruct the course.

2. The division will give the instructor and school written notice that it has revoked the approval of the instructor. The written notice must specify the reason for the revocation.

3. *An instructor may appeal the decision of the division to revoke his approval by making a written demand to the division for a hearing within 20 calendar days after the instructor receives the written notice pursuant to subsection 2.*

4. *Within 90 days after receipt of a written demand for such a hearing, a hearing officer shall conduct the hearing in the same manner as a hearing conducted pursuant to NAC 645D.700.*

Sec. 12. *A course of instruction, to comply with the requirements of NAC 645D.210 for an applicant for certification as a certified residential inspector, must consist of at least 40 hours of instruction in a classroom, including instruction relating to the inspection of structures pursuant to the requirements of NAC 645D.480 to 645D.580, inclusive.*

Sec. 13. *A course of instruction, to comply with the requirements of NAC 645D.220 for an applicant for certification as a certified general inspector, must consist of at least 50 hours of instruction in a classroom, including instruction relating to the inspection of structures pursuant to the requirements of NAC 645D.480 to 645D.580, inclusive.*

Sec. 14. *A course of instruction, to comply with the requirements of NAC 645D.230 for an applicant for certification as a certified master inspector, must consist of at least 60 hours of instruction in a classroom, including instruction relating to the inspection of structures pursuant to the requirements of NAC 645D.480 to 645D.580, inclusive.*

Sec. 15. 1. *An owner, instructor or affiliate of a school approved by the division or other person associated with the school shall not take an examination for a certificate conducted by the division or its agent unless he first submits to the division:*

(a) A written statement that his purpose in taking the examination is to fulfill one of the requirements for obtaining a certificate; and

(b) A written agreement to apply for a certificate upon passing the examination.

2. Such a school or anyone associated with its operation shall not:

(a) Solicit information from any person to discover past questions asked on any such examination; or

(b) Distribute to any person a copy of the questions or otherwise communicate to him the questions without the prior written approval of the owner of the copyright to the questions.

Sec. 16. *1. Within 15 calendar days after the occurrence of any material change in a school which would affect its approval by the division, the school shall give the division written notice of that change.*

2. To qualify for annual renewal of approval by the division, a school must submit to the division, before July 1:

(a) A written certification, in a form prescribed by the division, declaring that the school meets all applicable requirements of this chapter; and

(b) A sworn statement, in a form prescribed by the division, declaring that the information contained in the original application is current or if it is not current, a list of all material changes.

3. The division may deny renewal of approval to any school that does not meet the standards required by this chapter.

4. Within 60 calendar days after a decision is made to deny renewal of approval, the division will send written notice of the decision and the basis for that decision by certified mail to the last known address of the school.

Sec. 17. As used in sections 17 to 31, inclusive, of this regulation, unless the context otherwise requires, “continuing education” means the education required pursuant to NAC 645D.390 for the renewal or reinstatement of a certificate.

Sec. 18. 1. Courses for continuing education must contain:

(a) Current information on inspection practices which will improve the professional knowledge of the holder of a certificate and enable him to provide better service to the public.

(b) Information that pertains to pertinent 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 which 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; and

(i) Construction.

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. 19. *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 which 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.

Sec. 20. *1. An application for approval of a distance education course or a course given in Nevada for continuing education must be submitted to the division on a form provided by the division.*

2. The division will not give retroactive approval for such a course.

3. In determining whether to approve a course pursuant to this section, the division will consider:

(a) Whether the course consists of at least 2 hours of instruction.

(b) Whether the sponsor of the course is willing to certify to the attendance of holders of certificates at the course.

(c) Whether the sponsor is willing to maintain for 3 years a record of attendance which contains:

(1) The name of each holder of a certificate in attendance and the number of his certificate.

(2) The title and description of the course.

(3) The hours of instruction attended by the holder of a certificate and the dates of his attendance.

(4) A statement or indication whether the holder of a certificate passed or failed the course, if applicable.

(d) Whether the sponsor of the course is willing to assure that an approved instructor will preside throughout the course.

(e) In the case of distance education courses:

(1) Whether the holder of a certificate will be required to complete:

(I) A written examination proctored by an official approved by the division; or

(II) If the course does not include such an examination, the course mechanisms required by the division for accreditation of the course; and

(2) Whether the course is presented by an accredited college or university or has received approval for college credit from the American Council on Education's College Credit Recommendation Service.

(f) In the case of presentations by videotape, whether the sponsor will provide an approved instructor at the site of the presentation to supplement and control instruction in the course.

(g) Any other criteria that the division deems appropriate.

4. For all approved courses, the sponsor shall provide a certified copy of the record of completing the course to the holder of a certificate upon his completion of the course. The division will accept the certificate as proof of the holder's attendance for the purpose of renewing or reinstating his certificate. If the course is taken at a university or community college, the proof of attendance must include a certified transcript. The certificate of a sponsor must contain the:

- (a) Name of the sponsor;*
- (b) Name of the holder of a certificate and his certificate number;*
- (c) Number of hours of instruction;*
- (d) Dates of instruction;*
- (e) Title of the course or seminar;*
- (f) Sponsor's number assigned by the division; and*
- (g) Signature of the person authorized to sign for the sponsor.*

5. The division may grant approval for courses of continuing education offered by a nationally recognized organization of inspectors without considering a specific application.

Sec. 21. 1. *Except as otherwise provided in section 20 of this regulation regarding distance education courses, an inspector may apply to the division for the approval of a course of continuing education which is provided out of state if the inspector has:*

- (a) Attended or will attend the course outside Nevada;*
- (b) Taken or will take the course within the period prescribed by subsection 3 of section 29 of this regulation; and*
- (c) Submitted an application on a form supplied by the division.*

2. Under appropriate circumstances, the division may give retroactive approval for a course attended out of state.

3. Except as otherwise provided in subsection 5, approval of a course pursuant to this section applies only to the specific:

- (a) Course described in the application;*
- (b) Date on which the course was given; and*
- (c) Inspector who submitted the application.*

4. In determining whether to approve a course attended out of state, the division will consider:

- (a) Whether the course consists of at least 2 hours of instruction.*
- (b) Whether the course meets the standards set forth in section 18 of this regulation and is acceptable under the provisions of section 19 of this regulation.*
- (c) Any available information regarding the qualifications of the instructor of the course.*
- (d) The sufficiency of the proof of attendance of the course by the applicant. To obtain credit for attendance of the course, the applicant must attend the required number of hours of instruction and take and pass any examination administered in the course.*
- (e) Any other criteria that the division deems appropriate.*

5. If the division approves a specific course based on an initial application by an inspector pursuant to subsections 1 to 4, inclusive, it will approve an application submitted subsequently by another inspector who attended the same course if that inspector submits proof of his attendance of the same course.

6. If the division approves a course pursuant to this section, the sponsor of the course:

(a) Is not required to comply with sections 24 and 27 and subsection 2 of section 28 of this regulation.

(b) Shall not advertise that the course has been approved by the division.

Sec. 22. 1. *The division's approval of a course for continuing education is effective for 1 year after the original approval or a reapproval.*

2. A sponsor must apply for reapproval on a form provided by the division and describe on that form any changes in the course.

3. The approval or reapproval of any course of continuing education by the division is subject to a condition that the division may audit the course the first time the course is offered. If the division does not audit a course during the first offering of the course in Nevada, the division will deem the course approved.

4. Each of the following acts and conditions is a ground for the division to withdraw its approval of a course:

(a) Poor quality of the curriculum or instruction, as shown by evaluations.

(b) Violation of any of the provisions of this chapter governing continuing education.

5. In determining whether to withdraw its approval of a course deemed to be approved pursuant to subsection 3, the division will follow the procedure set forth in NAC 645D.700.

Sec. 23. 1. *If the division audits the first offering of a course provided in Nevada and determines that the course does not meet the standards for courses of continuing education set forth in this chapter, the division will revoke the conditional approval of the course. Within 30 days after the conduct of the audit, the administrator shall give the school written notice that approval of the course has been revoked and shall provide specific reasons for the revocation. The revocation of a course is effective upon receipt of the written notice by the school.*

2. The division will give credit for continuing education to a student who attended the course before the school received written notice of the revocation of the course.

3. The school may appeal the decision of the division to revoke approval of a course pursuant to this section by making a written demand to the division for a hearing within 20 calendar days after the school receives the written notice pursuant to subsection 1.

4. Within 90 days after receipt of a written demand for a hearing, the division will hold a hearing.

Sec. 24. *Except as otherwise provided in subsection 6 of section 21 of this regulation:*

1. The sponsor of an approved course for continuing education shall:

(a) Not present a course for the main purpose of selling products and shall limit the announcement of products during the course to not more than 1 minute for each hour of credit;

(b) Not allow a holder of a certificate to pass the course by taking the examination without having the required attendance;

(c) Admit authorized personnel of the division to audit and evaluate the presentation of the course; and

(d) Notify the division within 15 calendar days after making any material change in the course.

2. Each sponsor shall provide evaluations for a course for continuing education and shall maintain a tabulation of the results of the evaluations for 2 years. The division may request a review of those evaluations.

3. The sponsor shall determine whether a final examination is required for the completion of the course.

4. If a course offered by a professional organization has been approved for continuing education, the organization shall not restrict attendance of the course to members of that organization.

Sec. 25. 1. *An instructor of a course for continuing education must possess:*

(a) A good reputation for honesty, integrity and trustworthiness; and

(b) At least one of the following qualifications, unless granted a special exemption by the division:

(1) A bachelor's degree in the field in which the person is instructing.

(2) Current experience teaching subjects relating to the inspection of structures in the University and Community College System of Nevada or another institution which awards degrees. The person must demonstrate to the satisfaction of the division the academic training or work experience that qualifies him to teach the course of continuing education.

(3) Five years of full-time experience, other than in a secretarial position, working in a job directly related to the subject taught.

(4) Three years of experience teaching the specific subject.

2. *An instructor who has been subject to discipline by any licensing authority:*

(a) Within the last 5 years; or

(b) More than twice,

FLUSH *shall not instruct a course of continuing education without the approval of the division.*

3. *A sponsor of a course of continuing education shall limit guest lecturers who are not approved by the division to a total of 10 percent of the instructional hours per approved course. A guest lecturer must be an expert in the subject that he teaches.*

Sec. 26. 1. The division may revoke the approval of an instructor of a course of continuing education if:

(a) Any licensing authority has taken disciplinary action against the instructor; or

(b) After an audit of the course and review of the evaluations of the course, the division concludes that the instructor is not qualified to instruct the course.

2. The division will give the instructor and sponsor written notice that it has revoked the approval of the instructor. The written notice must specify the reason for the revocation.

3. An instructor may appeal the decision of the division to revoke his approval by making a written demand to the division for a hearing within 20 calendar days after the instructor receives the written notice pursuant to subsection 2.

4. Within 90 days after receipt of a written demand for such a hearing, a hearing officer shall conduct the hearing in the same manner as a hearing conducted pursuant to NAC 645D.700.

Sec. 27. Except as otherwise provided in subsection 6 of section 21 of this regulation, if a course has been approved and is being offered for continuing education, the sponsor must state on all the materials used in the course:

1. That the course is approved for continuing education in Nevada by the division;

2. The number of hours of credit for continuing education for which the course is approved; and

3. The sponsor's number assigned by the division.

Sec. 28. 1. Any advertising, promotional brochure or form for registration for a course for continuing education must contain, in writing, the policy of the sponsor concerning cancellation and refunds.

2. Except as otherwise provided in subsection 6 of section 21 of this regulation, all advertising must specify that such courses have been approved by the division.

Sec. 29. 1. A holder of a certificate may receive credit for continuing education if he teaches an approved course. Credit will be given only once for teaching the same course. The holder of a certificate must submit proof that he taught the course during the applicable period of certification. The instructor may receive 2 hours of credit per each hour of instruction.

2. A course may not be taken for credit more than once in the same period of certification.

3. Courses taken to satisfy requirements for the renewal or reinstatement of a certificate must be completed within the 2 years immediately before the latest date for renewing or reinstating the certificate.

4. A holder of a certificate may receive credit for continuing education only upon certification by the sponsor that the holder of a certificate has attended and completed at least 90 percent of the course.

Sec. 30. The division will allow not more than:

1. Seven hours of credit per day of instruction for courses of continuing education given without a final examination; and

2. Eight hours of credit per day of instruction for courses of continuing education requiring a final examination.

Sec. 31. 1. The division will grant credit for continuing education, not to exceed 5 hours, to a holder of a certificate once during each period of certification for attending an

educational meeting presented by a regionally or nationally recognized organization of inspectors if:

(a) The holder of a certificate was not participating in or otherwise affiliated with the meeting;

(b) The meeting lasted at least 1 hour; and

(c) The organization certifies to the attendance of the holder of a certificate.

2. The division will grant credit for continuing education, not to exceed 10 hours, to a holder of a certificate once during each period of certification for attending an educational trade show presented by a regionally or nationally recognized organization of inspectors if:

(a) The holder of a certificate was not participating in or otherwise affiliated with the trade show;

(b) The trade show lasted at least 1 hour; and

(c) The organization certifies to the attendance of the holder of a certificate.

Sec. 32. NAC 645D.010 is hereby amended to read as follows:

645d.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 645D.020 to 645D.060, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 33. NAC 645D.060 is hereby amended to read as follows:

645D.060 “Readily accessible” means that the item being inspected is accessible without the certified inspector having to:

1. Move furniture or stored items;
2. Damage paint finishes;
3. Fit into an area or opening less than 18 inches by 24 inches; *or*

4. Use a ladder that extends to more than 12 feet tall to reach the ~~item; or~~
~~5. Use a tool to open the~~ item.

Sec. 34. NAC 645D.090 is hereby amended to read as follows:

645D.090 1. Except as otherwise provided in subsection 2, this chapter applies to any person who:

(a) Performs inspections of residential or commercial property ; ~~for a structure for the purpose of a second or subsequent sale of the property or structure;~~ and

(b) Signs a document regarding the inspection in a way that designates the person as a “certified inspector.”

2. This chapter does not apply to ~~:~~

~~(a) A professional engineer or land surveyor licensed pursuant to chapter 625 of NRS;~~

~~(b) An architect licensed pursuant to chapter 623 of NRS;~~

~~(c) A contractor licensed pursuant to chapter 624 of NRS;~~

~~(d) A person licensed to control pests pursuant to chapter 555 of NRS;~~

~~(e) A building inspector appointed by a county or city who is performing an inspection pursuant to NRS 278.570 to 278.610, inclusive; or~~

~~(f) Any of the persons listed in paragraphs (a) to (e), inclusive, who perform part of an inspection for a certified inspector or provide an evaluation of a portion of a structure, but do not sign the final report.]~~ *any person exempted from the provisions of chapter 645D of NRS pursuant to NRS 645D.100.*

Sec. 35. NAC 645D.120 is hereby amended to read as follows:

645D.120 A certified general inspector may ~~perform~~ :

1. Provide training for and the evaluation of a certified residential inspector or another certified general inspector.

2. Perform an inspection of any residential or commercial structure.

Sec. 36. NAC 645D.200 is hereby amended to read as follows:

645D.200 As used in NAC 645D.210, 645D.220 and 645D.230, ~~unless the context otherwise requires,~~ “hour of academic instruction” means at least 50 minutes of actual time spent receiving instruction.

Sec. 37. NAC 645D.210 is hereby amended to read as follows:

645D.210 1. An applicant for a certificate as a certified residential inspector:

(a) Must furnish proof satisfactory to the division that he has successfully completed:

(1) Not less than 40 hours of academic instruction in subjects related to structural inspections in courses approved by the division . ~~for equivalent experience as an inspector.~~

(2) An examination approved by the division.

(3) The observation of at least 25 inspections performed by:

(I) A certified general inspector or a certified master inspector for a fee; or

(II) An instructor approved by the administrator.

(b) Must possess a high school diploma or its equivalent.

~~[2.—Experience as an inspector must demonstrate ability of the applicant]~~

(c) Must demonstrate his ability to produce a *complete and* credible inspection report according to the standards and requirements set forth in NAC 645D.460 to 645D.580, inclusive.

~~[3.]~~ *2.* An applicant must submit to the division a log of the inspections he ~~performed for a fee~~ *observed* on a form supplied by the division.

Sec. 38. NAC 645D.220 is hereby amended to read as follows:

645D.220 1. An applicant for a certificate as a certified general inspector:

(a) Must furnish proof satisfactory to the division that he has successfully completed:

(1) Not less than 50 hours of academic instruction in subjects related to structural inspections in courses approved by the division.

(2) An examination approved by the division.

(3) At least 200 inspections for a fee, of which not less than 25 must be inspections of commercial structures.

(4) At least ~~[six inspections, of which not less than three must be]~~ **three** inspections of commercial structures ~~[.]~~ under the supervision of **another certified general inspector or** a certified master inspector. ~~[If the applicant is unable to inspect three commercial structures, he may inspect any building that is not a warehouse that measures not less than 100,000 square feet or any other building that the division approves.]~~ The inspections must be evaluated by the **supervising certified general inspector or** certified master inspector and recorded on a form provided by the division.

(b) Must possess a high school diploma or its equivalent.

~~[2.— Experience as an inspector must demonstrate ability of the applicant]~~

(c) **Must demonstrate his ability** to produce a **complete and** credible inspection report according to the standards and requirements set forth in NAC 645D.460 to 645D.580, inclusive.

~~[3.]~~ **2.** An applicant must submit to the division a log of the inspections he performed for a fee on a form supplied by the division.

Sec. 39. NAC 645D.230 is hereby amended to read as follows:

645D.230 1. An applicant for a certificate as a certified master inspector:

(a) Must furnish proof satisfactory to the division that he has successfully completed:

- (1) Not less than 60 hours of academic instruction in subjects related to structural inspections in courses approved by the division;
- (2) An examination approved by the division; and
- (3) At least 400 inspections for a fee, of which not less than 50 of the inspections must be of commercial structures or structures consisting of more than four residential units.

(b) Must possess a high school diploma or its equivalent.

~~{2. — Experience as an inspector must demonstrate ability of the applicant}~~

(c) *Must demonstrate his ability* to produce a *complete and* credible inspection report according to the standards and requirements set forth in NAC 645D.460 to 645D.580, inclusive.

~~{3.}~~ 2. An applicant must submit to the division a log of the inspections he performed for a fee on a form supplied by the division.

Sec. 40. NAC 645D.280 is hereby amended to read as follows:

645D.280 1. An applicant for a certificate ~~{as an inspector}~~ who fails an examination may apply for reexamination on a form furnished by the division ~~{}~~ *not less than:*

(a) *Thirty days after the date of his first failed examination; or*

(b) *Sixty days after the date of his second failed examination.*

2. *If an applicant for a certificate fails an examination on a third or subsequent occasion, he is not eligible to take an examination again until 1 year after the date of his last failed examination and must submit a new application for examination together with all required fees and materials.*

3. If an applicant, after filing an application for examination, withdraws and requests the division to postpone action on the application for reasons acceptable to the division, the applicant may apply for the next examination.

~~[3.]~~ 4. The division will only accept results of an examination taken during the year immediately preceding the date of the application for a certificate.

Sec. 41. NAC 645D.350 is hereby amended to read as follows:

645D.350 1. Each *certified general inspector or* certified master inspector who is training and evaluating a certified residential inspector or a certified general inspector shall file with the division a form provided by the division that sets forth the amount of experience gained by the certified residential inspector or certified general inspector while that certified inspector is being trained and evaluated. A copy of the form must be given to the certified inspector being trained and evaluated, and a copy of the form must be maintained *for 3 years* by the *certified general inspector or* certified master inspector ~~[for 3 years.]~~ *who conducted the training and evaluation.*

2. The completed form must set forth:

(a) The type of structure being inspected; and

(b) Whether the certified inspector being trained and evaluated complied with the requirements of NAC 645D.460 to 645D.580, inclusive, in making the inspection of the structure.

Sec. 42. NAC 645D.450 is hereby amended to read as follows:

645D.450 1. ~~[A]~~ *Except as otherwise provided in this section, a* certified inspector shall conduct each inspection *and prepare a complete inspection report of each inspection* in accordance with NAC 645D.460 to 645D.580, inclusive.

2. A certified inspector may exceed the requirements set forth in NAC 645D.460 to 645D.580, inclusive, when conducting an inspection.

3. A certified inspector may conduct a partial inspection or reinspection that does not satisfy all the requirements of NAC 645D.480 to 645D.580, inclusive, if:

(a) The partial inspection or reinspection satisfies all the relevant requirements of NAC 645D.460 to 645D.580, inclusive; and

(b) The inspection report:

(1) States that a partial inspection or reinspection has been performed;

(2) Describes the purpose of the partial inspection or reinspection; and

(3) Clearly identifies the matters included in the partial inspection or reinspection.

4. The provisions of NAC 645D.480 to 645D.580, inclusive, do not require a certified inspector to move or disturb any item, including, without limitation, insulation, personal items, panels, furniture, equipment, plants, soil, snow, ice or other debris, that obstructs his access to or visibility of any item listed in NAC 645D.480 to 645D.580, inclusive.

Sec. 43. NAC 645D.470 is hereby amended to read as follows:

645D.470 A certified inspector shall not, while making an inspection : ~~[of a building consisting of less than five dwelling units, an individually owned residential unit within a multifamily building, or their attached garages and carports:]~~

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. ~~Move or disturb any item that obstructs access or visibility, including, but not limited to, insulation, personal items, panels, furniture, equipment, plants, soil, snow, ice or other debris.~~

~~9.]~~ Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including, but not limited to, toxins, carcinogens, noise or contaminants, unless he is licensed or certified to make such inspections and determinations.

~~10.]~~ 9. Determine the effectiveness of any system installed to control or remove suspected hazardous substances.

~~11.]~~ 10. Predict the future condition of any system or component, including, but not limited to, the failure of a component.

~~12.]~~ 11. Project the operating costs of any component.

~~13.]~~ 12. Evaluate the acoustical characteristics of any system or component.

Sec. 44. NAC 645D.520 is hereby amended to read as follows:

645D.520 1. A certified inspector shall inspect the electrical systems of the structure being inspected, including, but not limited to, the following components of the electrical system:

- (a) The switches, receptacles and fixtures;
- (b) The main panel box and all subpanel boxes, including, but not limited to, the feeders; and
- (c) The readily accessible wiring and junction boxes.

2. An inspection of the electrical system must include, without limitation:

- (a) An identification and description of the amperage and type of overcurrent protection devices, including, but not limited to, the fuses and breakers;
- (b) A description of the condition of the electrical system, including, but not limited to, the grounding cables;

(c) A verification of the compatibility and condition of the main and branch circuit overcurrent protection devices to the size of the conductors served by them ; ~~that are visible without the removal of safety covers;~~

(d) The testing of a representative number of readily accessible switches, receptacles and light fixtures in each room or area of the structure;

(e) A test and verification of the grounding , ~~and~~ polarity *and operation* of all readily accessible ~~receptacles, including, but not limited to, the~~ ground fault circuit interrupter devices; and

(f) An evaluation of the system and all readily accessible wiring.

Sec. 45. NAC 645D.600 is hereby amended to read as follows:

645D.600 In determining whether a certified inspector is guilty of unprofessional conduct or professional incompetence, the division will consider, among other things, whether the inspector has:

1. Failed to perform an inspection *and prepare a complete inspection report of the inspection* in accordance with NAC ~~645D.460~~ *645D.450* to 645D.580, inclusive;
2. Done his utmost to protect the public against fraud, misrepresentation or unethical practices relative to his profession;
3. Made an inspection and prepared an inspection report of any property outside of his field of experience or competence without the assistance of a qualified authority; or
4. Adequately documented any required disclosures of his interest in any property with which he is dealing.