
ASSEMBLY BILL NO. 220—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE CONTRACTORS' BOARD)

FEBRUARY 28, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes to provisions governing contractors. (BDR 54-502)

FISCAL NOTE: Effect on Local Government: No.
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.

AN ACT relating to contractors; providing for the confidentiality of certain information obtained or received by the State Contractors' Board; authorizing the Board to require a criminal investigator employed by the Board to conduct a background investigation of an applicant for employment with the Board; authorizing a district court in a proceeding for a judicial review of a final decision of the Board to dismiss an agency or person from the proceeding under certain circumstances; expanding the circumstances under which a criminal investigator employed by the Board may exercise the powers of a peace officer; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 624.110 is hereby amended to read as follows:
2 624.110 1. The Board may maintain offices in as many
3 localities in the State as it finds necessary to carry out the provisions
4 of this chapter, but it shall maintain one office in which there must
5 be at all times open to public inspection a complete record of
6 applications, licenses issued, licenses renewed and all revocations,
7 cancelations and suspensions of licenses.



1 2. ~~[/Credit reports, references, investigative memoranda,~~
2 ~~financial information and data pertaining to a licensee's net worth~~
3 ~~are]~~ *Unless disclosed by a member or employee of the Board*
4 *during a public hearing conducted by the Board:*

5 (a) *Any document, photograph, note, memorandum or other*
6 *information obtained or received by the Board or any investigator*
7 *employed by the Board in connection with an investigation of an*
8 *alleged violation of a provision of this chapter or regulation*
9 *adopted pursuant to this chapter; and*

10 (b) *Any credit report, reference or other financial information*
11 *relating to a licensee obtained or received by the Board,*
12 *is confidential and not open to public inspection.*

13 3. *Any statement, report or other information obtained or*
14 *received by the Board or by any investigator employed by the*
15 *Board in connection with an investigation under, or the*
16 *administration or enforcement of, the provisions of this chapter or*
17 *any regulation adopted pursuant to this chapter must not be*
18 *admitted as evidence in any civil action other than:*

19 (a) *An action to enforce the provisions of this chapter or any*
20 *regulation adopted pursuant to this chapter; or*

21 (b) *A hearing or review conducted in accordance with this*
22 *chapter or any regulation adopted pursuant to this chapter.*

23 **Sec. 2.** NRS 624.115 is hereby amended to read as follows:

24 624.115 1. The Board may employ attorneys, investigators
25 and other professional consultants and clerical personnel necessary
26 to the discharge of its duties.

27 2. The Board may require criminal investigators who are
28 employed by the Board pursuant to NRS 624.112 to:

29 (a) Conduct a background investigation of ~~[/a]~~ :
30 (1) *A license or an applicant for a contractor's license; or*
31 (2) *An applicant for employment with the Board;*

32 (b) Locate and identify persons who:
33 (1) Engage in the business or act in the capacity of a
34 contractor within this state in violation of the provisions of this
35 chapter;

36 (2) Submit bids on jobs situated within this state in violation
37 of the provisions of this chapter; or

38 (3) Otherwise violate the provisions of this chapter or the
39 regulations adopted pursuant to this chapter; ~~[/and]~~

40 (c) *Investigate any alleged occurrence of constructional fraud;*
41 *and*

42 (d) *Issue a misdemeanor citation prepared manually or*
43 *electronically pursuant to NRS 171.1773 to a person who violates a*
44 *provision of this chapter that is punishable as a misdemeanor. A*



1 criminal investigator may request any constable, sheriff or other
2 peace officer to assist him in the issuance of such a citation.

3 **Sec. 3.** NRS 624.335 is hereby amended to read as follows:
4 624.335 1. The Investigations Office of the Board shall:

5 (a) Upon the receipt of a complaint against a licensee, initiate an
6 investigation of the complaint.

7 (b) Within 10 days after receiving such a complaint, notify the
8 licensee and, if known, the person making the complaint of the
9 initiation of the investigation, and provide a copy of the complaint
10 to the licensee.

11 (c) Upon the completion of its investigation of a complaint,
12 provide the licensee and, if known, the person making the complaint
13 with written notification of any action taken on the complaint and
14 the reasons for taking that action.

15 2. The Investigations Office of the Board may attempt to
16 resolve the complaint by:

17 (a) Meeting and conferring with the licensee and the person
18 making the complaint; and

19 (b) Requesting the licensee to provide appropriate relief.

20 3. If the subject matter of the complaint is not within the
21 jurisdiction of the Board, ~~for if the Board or the Investigations~~
22 ~~Office is unable to resolve the complaint after exhausting all~~
23 ~~reasonable remedies and methods of resolution,] the Board or its~~
24 designee ~~[shall:]~~ *may:*

25 (a) Forward the complaint, together with any evidence or other
26 information in the possession of the Board concerning the
27 complaint, to any public or private agency which, in the opinion of
28 the Board, would be effective in resolving the complaint; and

29 (b) Notify the person making the complaint of its action
30 pursuant to paragraph (a) and of any other procedures which may be
31 available to resolve the complaint.

32 **Sec. 4.** NRS 624.470 is hereby amended to read as follows:

33 624.470 1. Except as otherwise provided in subsection 3, in
34 addition to the annual fee for a license required pursuant to NRS
35 624.280, a residential contractor shall pay to the Board an annual
36 assessment ~~fin]~~ *not to exceed* the following amount, if the monetary
37 limit on his license is:

38	
39	Not more than \$1,000,000..... \$100
40	More than \$1,000,000 but limited..... 250
41	Unlimited..... 500
42	

43 2. The Board shall administer and account separately for the
44 money received from the annual assessments collected pursuant to



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1 subsection 1. The Board may refer to the money in the account as
2 the "Recovery Fund."

3 3. The Board shall ~~{suspend the collection of}~~ *reduce the*
4 *amount of the* assessments *collected* pursuant to subsection 1 when
5 the balance in the account reaches 150 percent of the largest balance
6 in the account during the previous fiscal year.

7 4. Except as otherwise provided in NRS 624.540, the money in
8 the account must be used to pay claims made by owners who are
9 damaged by the failure of a residential contractor to perform
10 qualified services adequately, as provided in NRS 624.400 to
11 624.560, inclusive.

12 **Sec. 5.** NRS 233B.130 is hereby amended to read as follows:

13 233B.130 1. Any party who is:

14 (a) Identified as a party of record by an agency in an
15 administrative proceeding; and

16 (b) Aggrieved by a final decision in a contested case,
17 is entitled to judicial review of the decision. Where appeal is
18 provided within an agency, only the decision at the highest level is
19 reviewable unless a decision made at a lower level in the agency
20 is made final by statute. Any preliminary, procedural or intermediate
21 act or ruling by an agency in a contested case is reviewable if review
22 of the final decision of the agency would not provide an adequate
23 remedy.

24 2. Petitions for judicial review must:

25 (a) Name as respondents the agency and all parties of record to
26 the administrative proceeding;

27 (b) Be instituted by filing a petition in the district court in and
28 for Carson City, in and for the county in which the aggrieved party
29 resides or in and for the county where the agency proceeding
30 occurred; and

31 (c) Be filed within 30 days after service of the final decision of
32 the agency.

33 Cross-petitions for judicial review must be filed within 10 days after
34 service of a petition for judicial review.

35 3. The agency and any party desiring to participate in the
36 judicial review must file a statement of intent to participate in the
37 petition for judicial review and serve the statement upon the agency
38 and every party within 20 days after service of the petition.

39 4. A petition for rehearing or reconsideration must be filed
40 within 15 days after the date of service of the final decision. An
41 order granting or denying the petition must be served on all parties
42 at least 5 days before the expiration of the time for filing the petition
43 for judicial review. If the petition is granted, the subsequent order
44 shall be deemed the final order for the purpose of judicial review.



1 5. The petition for judicial review and any cross-petitions for
 2 judicial review must be served upon the agency and every party
 3 within 45 days after the filing of the petition, unless, upon a
 4 showing of good cause, the *district* court extends the time for such
 5 service. *If the proceeding involves a petition for judicial review or*
 6 *cross-petition for judicial review of a final decision of the State*
 7 *Contractors' Board, the district court may, on its own motion or*
 8 *the motion of a party, dismiss from the proceeding any agency*
 9 *or person who:*

10 (a) *Is named as a party in the petition for judicial review or*
 11 *cross-petition for judicial review; and*

12 (b) *Was not a party to the administrative proceeding for which*
 13 *the petition for judicial review or cross-petition for judicial review*
 14 *was filed.*

15 6. The provisions of this chapter are the exclusive means of
 16 judicial review of, or judicial action concerning , a final decision in
 17 a contested case involving an agency to which this chapter applies.

18 **Sec. 6.** NRS 289.300 is hereby amended to read as follows:

19 289.300 1. A person employed as an investigator by the
 20 Private Investigator's Licensing Board pursuant to NRS 648.025 has
 21 the powers of a peace officer.

22 2. A person employed as a criminal investigator by the State
 23 Contractors' Board pursuant to NRS 624.112 has the powers of a
 24 peace officer to carry out his duties pursuant to subsection 2 of NRS
 25 624.115 . [~~for the limited purpose of obtaining and exchanging~~
 26 ~~information on persons who hold a contractor's license or are~~
 27 ~~applying for a contractor's license.]~~

