

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.



* A B 2 2 0 R 1 *

1 2. Credit reports, references, ~~investigative memoranda,~~
2 financial information and data pertaining to *an applicant's or* a
3 licensee's net worth are confidential and not open to public
4 inspection.

5 *3. Any information or records obtained or received by the*
6 *Board or an investigator employed by the Board in conjunction*
7 *with an investigation and any report or other cumulative record of*
8 *the investigation are confidential and not open to public*
9 *inspection until the investigation is completed. After the*
10 *investigation is completed, the information or records must remain*
11 *confidential and not open to public inspection unless:*

12 *(a) The Board imposes disciplinary action as a result of the*
13 *investigation; or*

14 *(b) The person about whom the investigation was made*
15 *submits a written request to the Board that the materials be open*
16 *to public inspection.*

17 *4. This section does not prevent or prohibit the Board from*
18 *communicating or cooperating with any other licensing board or*
19 *agency or any agency which is investigating an applicant or a*
20 *licensee, including a law enforcement agency.*

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

22 624.115 1. The Board may employ attorneys, investigators
23 and other professional consultants and clerical personnel necessary
24 to the discharge of its duties.

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

27 (a) Conduct a background investigation of ~~an~~ :

28 *(1) A license or an applicant for a contractor's license; or*

29 *(2) An applicant for employment with the Board;*

30 (b) Locate and identify persons who:

31 (1) Engage in the business or act in the capacity of a
32 contractor within this state in violation of the provisions of this
33 chapter;

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

36 (3) Otherwise violate the provisions of this chapter or the
37 regulations adopted pursuant to this chapter; ~~and~~

38 (c) *Investigate any alleged occurrence of constructional fraud;*
39 *and*

40 (d) Issue a misdemeanor citation prepared manually or
41 electronically pursuant to NRS 171.1773 to a person who violates a
42 provision of this chapter that is punishable as a misdemeanor. A
43 criminal investigator may request any constable, sheriff or other
44 peace officer to assist him in the issuance of such a citation.



1 **Sec. 3.** NRS 624.335 is hereby amended to read as follows:
2 624.335 1. The Investigations Office of the Board shall:

3 (a) Upon the receipt of a complaint against a licensee, initiate an
4 investigation of the complaint.

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

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

13 2. The Investigations Office of the Board may attempt to
14 resolve the complaint by:

15 (a) Meeting and conferring with the licensee and the person
16 making the complaint; and

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

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

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

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

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

31 624.470 1. Except as otherwise provided in subsection 3, in
32 addition to the annual fee for a license required pursuant to NRS
33 624.280, a residential contractor shall pay to the Board an annual
34 assessment ~~fin] not to exceed~~ the following amount, if the monetary
35 limit on his license is:

36	
37	Not more than \$1,000,000..... \$100
38	More than \$1,000,000 but limited..... 250
39	Unlimited..... 500
40	

41 2. The Board shall administer and account separately for the
42 money received from the annual assessments collected pursuant to
43 subsection 1. The Board may refer to the money in the account as
44 the "Recovery Fund."



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

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

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

11 233B.130 1. Any party who is:

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

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

22 2. Petitions for judicial review must:

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

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

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

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

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

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

43 5. The petition for judicial review and any cross-petitions for
44 judicial review must be served upon the agency and every party
45 within 45 days after the filing of the petition, unless, upon a



1 showing of good cause, the *district* court extends the time for such
2 service. *If the proceeding involves a petition for judicial review or*
3 *cross-petition for judicial review of a final decision of the State*
4 *Contractors' Board, the district court may, on its own motion or*
5 *the motion of a party, dismiss from the proceeding any agency*
6 *or person who:*

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

9 (b) *Was not a party to the administrative proceeding for which*
10 *the petition for judicial review or cross-petition for judicial review*
11 *was filed.*

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

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

16 289.300 1. A person employed as an investigator by the
17 Private Investigator's Licensing Board pursuant to NRS 648.025 has
18 the powers of a peace officer.

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

