

SENATE BILL NO. 132—SENATOR COFFIN

FEBRUARY 13, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Requires licensure of persons engaged in certain activities relating to control of mold. (BDR 53-235)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Yes.

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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 mold; requiring the State Contractors' Board to license and regulate persons who engage in the remediation of mold; requiring the Board of Registered Environmental Health Specialists to certify and regulate persons who engage in the inspection and testing of mold; requiring the State Environmental Commission to adopt regulations for the disposal of mold and material containing mold; providing penalties; 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.** Chapter 624 of NRS is hereby amended by adding  
2     thereto the provisions set forth as sections 2 to 17, inclusive, of this  
3     act.  
4     **Sec. 2.** *As used in NRS 624.240 to 624.750, inclusive, unless*  
5     *the context otherwise requires, “license” means a contractor’s*  
6     *license issued pursuant to NRS 624.240 to 624.288, inclusive.*  
7     **Sec. 3.** *As used in sections 3 to 17, inclusive, of this act,*  
8     *unless the context otherwise requires:*  
9     1. *“Mold” means any form of multicellular fungi that lives*  
10    *on plant or animal matter and in indoor environments, which may*  
11    *or may not be a health hazard. The term includes, without*  
12    *limitation, the following types of mold:*  
13    (a) *Clasdosporium;*



- 1 (b) Penicillium;
- 2 (c) Alternaria;
- 3 (d) Aspergillus;
- 4 (e) Fuaria;
- 5 (f) Trichoderma;
- 6 (g) Memnoniella;
- 7 (h) Mucor; and
- 8 (i) Stachybotrys chartarum.
- 9 2. "Remediation of mold" includes, without limitation:
  - 10 (a) The enclosure or removal of mold or material containing
  - 11 mold from a building or structure, including any associated
  - 12 mechanical systems inside or outside the building or structure;
  - 13 (b) The abatement of mold or material containing mold in a
  - 14 building or structure, including any associated mechanical
  - 15 systems inside or outside the building or structure;
  - 16 (c) The repair, renovation or demolition of a building or
  - 17 structure containing mold or material containing mold; or
  - 18 (d) Any activity connected with the enclosure, removal,
  - 19 abatement, repair, renovation or demolition of a building or
  - 20 structure containing mold or material containing mold.
- 21 **Sec. 4.** The provisions of sections 3 to 17, inclusive, of this
- 22 act do not apply to the remediation of mold by a person in his
- 23 residence, or by the developer, contractor or any subcontractor
- 24 who constructed the residence.
- 25 **Sec. 5.** 1. The Board shall adopt regulations establishing
- 26 standards and procedures for the licensure of persons engaged in
- 27 the remediation of mold.
- 28 2. The regulations must include, without limitation, standards
- 29 for:
  - 30 (a) Examinations;
  - 31 (b) Qualifications;
  - 32 (c) Renewal of licenses;
  - 33 (d) Revocation of licenses; and
  - 34 (e) Continuing education.
- 35 3. The Board shall not adopt any regulation concerning the
- 36 effect various types of mold may have on human health or
- 37 designating what types of mold are health hazards unless federal
- 38 standards have been adopted for this purpose and the regulation
- 39 of the Board is in compliance with those federal standards or the
- 40 regulation is in compliance with generally accepted scientific
- 41 practices for the remediation of mold.
- 42 **Sec. 6.** The Board shall:
  - 43 1. Establish by regulation a schedule of fees designed to
  - 44 recover revenue to defray the cost of carrying out the provisions of
  - 45 sections 3 to 17, inclusive, of this act.



1       2. *Collect fees for applications, the issuance and renewal of*  
2 *licenses, examinations, job notifications and inspections,*  
3 *recordkeeping and any other activity of the Board related to the*  
4 *provisions of sections 3 to 17, inclusive, of this act.*

5       **Sec. 7. 1.** *A person shall not engage in the remediation of*  
6 *mold unless he holds a license issued by the Board.*

7       2. *A person licensed to engage in the remediation of mold*  
8 *shall not engage in the remediation of mold on any building or*  
9 *structure for which the inspection and testing of mold was*  
10 *performed by a person who is:*

11       (a) *Related by blood or marriage to the person licensed to*  
12 *engage in the remediation of mold; or*

13       (b) *In any type of business relationship with the person*  
14 *licensed to engage in the remediation of mold.*

15       **Sec. 8.** *A person applying for a license to engage in the*  
16 *remediation of mold must:*

17       1. *Submit an application on a form prescribed and furnished*  
18 *by the Board;*

19       2. *Pass an examination approved or administered by the*  
20 *Board;*

21       3. *Present proof satisfactory to the Board that he is insured to*  
22 *the extent determined necessary by the Board for the appropriate*  
23 *activities associated with the remediation of mold that are*  
24 *permitted under the requested license, for the effective period of*  
25 *the license; and*

26       4. *Comply with any additional requirements established by*  
27 *the Board.*

28       **Sec. 9. 1.** *An applicant for the issuance or renewal of a*  
29 *license to engage in the remediation of mold shall submit to*  
30 *the Board the statement prescribed by the Welfare Division of the*  
31 *Department of Human Resources pursuant to NRS 425.520. The*  
32 *statement must be completed and signed by the applicant.*

33       2. *The Board shall include the statement required pursuant to*  
34 *subsection 1 in:*

35       (a) *The application or any other forms that must be submitted*  
36 *for the issuance or renewal of the license; or*

37       (b) *A separate form prescribed by the Board.*

38       3. *A license to engage in the remediation of mold may not be*  
39 *issued or renewed by the Board if the applicant:*

40       (a) *Fails to submit the statement required pursuant to*  
41 *subsection 1; or*

42       (b) *Indicates on the statement submitted pursuant to*  
43 *subsection 1 that he is subject to a court order for the support of a*  
44 *child and is not in compliance with the order or a plan approved*



1 *by the district attorney or other public agency enforcing the order*  
2 *for the repayment of the amount owed pursuant to the order.*

3 *4. If an applicant indicates on the statement submitted*  
4 *pursuant to subsection 1 that he is subject to a court order for the*  
5 *support of a child and is not in compliance with the order or a*  
6 *plan approved by the district attorney or other public agency*  
7 *enforcing the order for the repayment of the amount owed*  
8 *pursuant to the order, the Board shall advise the applicant to*  
9 *contact the district attorney or other public agency enforcing the*  
10 *order to determine the actions that the applicant may take to*  
11 *satisfy the arrearage.*

12 **Sec. 10.** *An application for the issuance of a license to*  
13 *engage in the remediation of mold must include the social security*  
14 *number of the applicant.*

15 **Sec. 11.** *1. A license to engage in the remediation of mold*  
16 *expires on December 31 of each year.*

17 *2. To renew a license to engage in the remediation of mold, a*  
18 *person must, on or before January 1 of each year:*

19 *(a) Apply to the Board for renewal;*

20 *(b) Submit the statement required pursuant to section 9 of this*  
21 *act;*

22 *(c) Pay the annual fee for renewal established by the Board;*  
23 *and*

24 *(d) Submit evidence satisfactory to the Board of his completion*  
25 *of the requirements for continuing education or training*  
26 *established by the Board, if any.*

27 *3. The Board may adopt regulations requiring continuing*  
28 *education or training of persons who are licensed to engage in the*  
29 *remediation of mold and, as a prerequisite to the renewal or*  
30 *restoration of such a license, require each licensee to comply with*  
31 *those requirements.*

32 **Sec. 12.** *1. The State Environmental Commission shall*  
33 *adopt, by regulation, standards for the disposal of mold and*  
34 *material containing mold removed from a building or structure*  
35 *during a project for the remediation of mold.*

36 *2. All mold and material containing mold removed from a*  
37 *building or structure during a project for the remediation of mold*  
38 *must be disposed of in accordance with the regulations adopted by*  
39 *the State Environmental Commission pursuant to subsection 1.*

40 **Sec. 13.** *1. If the Board receives a copy of a court order*  
41 *issued pursuant to NRS 425.540 that provides for the suspension*  
42 *of all professional, occupational and recreational licenses,*  
43 *certificates and permits issued to a person who is the holder of a*  
44 *license to engage in the remediation of mold, the Board shall deem*  
45 *the license issued to that person to be suspended at the end of the*



1 30th day after the date on which the court order was issued unless  
2 the Board receives a letter issued to the holder of the license by the  
3 district attorney or other public agency pursuant to NRS 425.550  
4 stating that the holder of the license has complied with the  
5 subpoena or warrant or has satisfied the arrearage pursuant to  
6 NRS 425.560.

7 2. The Board shall reinstate a license to engage in the  
8 remediation of mold that has been suspended by a district court  
9 pursuant to NRS 425.540 if the Board receives a letter issued by  
10 the district attorney or other public agency pursuant to NRS  
11 425.550 to the person whose license was suspended stating that the  
12 person whose license was suspended has complied with the  
13 subpoena or warrant or has satisfied the arrearage pursuant to  
14 NRS 425.560.

15 **Sec. 14.** 1. If the Board finds that a person has violated any  
16 of the provisions of sections 3 to 17, inclusive, of this act, or any  
17 standard or regulation adopted pursuant thereto, the Board may:

18 (a) Upon the first violation, impose upon the person an  
19 administrative fine of not more than \$15,000.

20 (b) Upon the second and subsequent violations:

21 (1) Impose upon the person an administrative fine of not  
22 more than \$25,000; and

23 (2) If the person is licensed to engage in the remediation of  
24 mold, revoke his license and require the person to fulfill certain  
25 requirements, as determined by the Board, to have his license  
26 reinstated.

27 2. Any penalty imposed pursuant to this section does not  
28 relieve the person from criminal prosecution for engaging in the  
29 remediation of mold without a license.

30 3. If the license of a contractor for projects for the  
31 remediation of mold is revoked pursuant to this section and the  
32 owner of a building or structure upon which the contractor is  
33 engaged in a project employs another licensed contractor to  
34 complete the project, the original contractor may not bring an  
35 action against the owner of the building or structure for breach of  
36 contract or damages based on the employment of another  
37 contractor.

38 **Sec. 15.** 1. If the Board intends to revoke a person's license  
39 to engage in the remediation of mold, the Board shall first notify  
40 the person by certified mail. The notice must contain a statement  
41 of the Board's legal authority, jurisdiction and reasons for the  
42 proposed action.

43 2. Notwithstanding the notification requirements of  
44 subsection 1, if the Board finds that protection of the public health



1 *requires immediate action, the Board may order a summary*  
2 *suspension of such a license pending proceedings for revocation.*

3 *3. A person is entitled to a hearing to contest the summary*  
4 *suspension or proposed revocation of his license. A request for*  
5 *such a hearing must be made pursuant to regulations adopted by*  
6 *the Board.*

7 *4. Upon receiving a request for a hearing to contest a*  
8 *summary suspension, the Board shall hold a hearing within 10*  
9 *days after the date of the receipt of the request.*

10 **Sec. 16. 1. The Board may maintain in any court of**  
11 **competent jurisdiction a suit for an injunction against any person**  
12 **engaged in the remediation of mold in violation of any of the**  
13 **provisions of sections 3 to 17, inclusive, of this act or any standard**  
14 **or regulation adopted by the Board pursuant thereto.**

15 **2. An injunction:**

16 *(a) May be issued without proof of actual damage sustained by*  
17 *any person, this provision being a preventive as well as a punitive*  
18 *measure.*

19 *(b) Does not relieve the person from criminal liability for*  
20 *engaging in the remediation of mold without a license.*

21 **Sec. 17. Any person who engages in the remediation of mold**  
22 **without a license issued by the Board is guilty of a misdemeanor.**

23 **Sec. 18. NRS 624.031 is hereby amended to read as follows:**

24 624.031 The provisions of ~~[[this chapter]]~~ **NRS 624.005 to**  
25 **624.750, inclusive,** do not apply to:

26 1. Work performed exclusively by an authorized representative  
27 of the United States Government, the State of Nevada, or an  
28 incorporated city, county, irrigation district, reclamation district, or  
29 other municipal or political corporation or subdivision of this state.

30 2. An officer of a court when acting within the scope of his  
31 office.

32 3. Work performed exclusively by a public utility operating  
33 pursuant to the regulations of the Public Utilities Commission of  
34 Nevada on construction, maintenance and development work  
35 incidental to its business.

36 4. An owner of property who is building or improving a  
37 residential structure on the property for his own occupancy and not  
38 intended for sale or lease. The sale or lease, or the offering for sale  
39 or lease, of the newly built structure within 1 year after its  
40 completion creates a rebuttable presumption for the purposes of this  
41 section that the building of the structure was performed with the  
42 intent to sell or lease that structure. An owner of property who  
43 requests an exemption pursuant to this subsection must apply to the  
44 Board for the exemption. The Board shall adopt regulations setting  
45 forth the requirements for granting the exemption.



1 5. An owner of a complex containing not more than four  
2 condominiums, townhouses, apartments or cooperative units, the  
3 managing officer of the owner or an employee of the managing  
4 officer, who performs work to repair or maintain that property the  
5 value of which is less than \$500, including labor and materials,  
6 unless:

- 7 (a) A building permit is required to perform the work;
- 8 (b) The work is of a type performed by a plumbing, electrical,  
9 refrigeration, heating or air-conditioning contractor;
- 10 (c) The work is of a type performed by a contractor licensed in a  
11 classification prescribed by the Board that significantly affects the  
12 health, safety and welfare of members of the general public;
- 13 (d) The work is performed as a part of a larger project:
  - 14 (1) The value of which is \$500 or more; or
  - 15 (2) For which contracts of less than \$500 have been awarded  
16 to evade the provisions of this chapter; or
- 17 (e) The work is performed by a person who is licensed pursuant  
18 to this chapter or by an employee of that person.

19 6. The sale or installation of any finished product, material or  
20 article of merchandise which is not fabricated into and does not  
21 become a permanent fixed part of the structure.

22 7. The construction, alteration, improvement or repair of  
23 personal property.

24 8. The construction, alteration, improvement or repair financed  
25 in whole or in part by the Federal Government and conducted within  
26 the limits and boundaries of a site or reservation, the title of which  
27 rests in the Federal Government.

28 9. An owner of property, the primary use of which is as an  
29 agricultural or farming enterprise, building or improving a structure  
30 on the property for his use or occupancy and not intended for sale or  
31 lease.

32 **Sec. 19.** NRS 624.250 is hereby amended to read as follows:

33 624.250 1. To obtain or renew a license, an applicant must  
34 submit to the Board an application in writing containing:

- 35 (a) The statement that the applicant desires the issuance of a  
36 license under the terms of ~~{this chapter.}~~ *NRS 624.005 to 624.750,*  
37 *inclusive.*
- 38 (b) The street address or other physical location of the  
39 applicant's place of business.
- 40 (c) The name of a person physically located in this state for  
41 service of process on the applicant.
- 42 (d) The street address or other physical location in this state and,  
43 if different, the mailing address, for service of process on the  
44 applicant.



1 (e) The names and physical and mailing addresses of any  
2 owners, partners, officers, directors, members and managerial  
3 personnel of the applicant.

4 (f) Any information requested by the Board to ascertain the  
5 background, financial responsibility, experience, knowledge and  
6 qualifications of the applicant.

7 2. The application must be:

8 (a) Made on a form prescribed by the Board in accordance with  
9 the rules and regulations adopted by the Board.

10 (b) Accompanied by the fee fixed by this chapter.

11 3. The Board shall include on an application form for the  
12 issuance or renewal of a license, a method for allowing an applicant  
13 to make a monetary contribution to the Construction Education  
14 Account created pursuant to NRS 624.580. The application form  
15 must state in a clear and conspicuous manner that a contribution to  
16 the Construction Education Account is voluntary and is in addition  
17 to any fees required for licensure. If the Board receives a  
18 contribution from an applicant, the Board shall deposit the  
19 contribution with the State Treasurer for credit to the Construction  
20 Education Account.

21 4. If the applicant is a natural person, the application must  
22 include the social security number of the applicant.

23 **Sec. 20.** NRS 624.2545 is hereby amended to read as follows:

24 624.2545 1. If the Board denies an application for issuance or  
25 renewal of a license pursuant to ~~this chapter,~~ *NRS 624.005 to*  
26 *624.750, inclusive*, the Board shall send by certified mail, return  
27 receipt requested, written notice of the denial to the most current  
28 address of the applicant set forth in the records of the Board.

29 2. A notice of denial must include, without limitation, a  
30 statement which explains that the applicant has a right to a hearing  
31 before the Board if the applicant submits a written request for such a  
32 hearing to the Board within 60 days after the notice of denial is sent  
33 to the address of the applicant pursuant to this section.

34 3. If an applicant who receives a notice of denial pursuant to  
35 this section desires to have the denial reviewed at a hearing before  
36 the Board, he must submit a written request for a hearing before the  
37 Board concerning the denial within 60 days after the notice of denial  
38 is sent to his address. If an applicant does not submit notice in  
39 accordance with this subsection, the applicant's right to a hearing  
40 shall be deemed to be waived.

41 4. Except as otherwise provided in this subsection, if the Board  
42 receives notice from an applicant pursuant to subsection 3, the  
43 Board shall hold a hearing on the decision to deny the application of  
44 the applicant within 90 days after the date the Board receives notice  
45 pursuant to subsection 3. If an applicant requests a continuance and





1 the Board grants the continuance, the hearing required pursuant to  
2 this subsection may be held more than 90 days after the date the  
3 Board receives notice pursuant to subsection 3.

4 **Sec. 21.** NRS 624.283 is hereby amended to read as follows:  
5 624.283 1. Each license issued under the provisions of ~~this~~  
6 ~~chapter~~ **NRS 624.005 to 624.750, inclusive**, expires 1 year after the  
7 date on which it is issued, except that the Board may by regulation  
8 prescribe shorter or longer periods and prorated fees to establish a  
9 system of staggered renewals. Any license which is not renewed on  
10 or before the date for renewal is automatically suspended.

11 2. A license may be renewed by submitting to the Board:  
12 (a) An application for renewal;  
13 (b) The statement required pursuant to NRS 624.268 if the  
14 holder of the license is a natural person;  
15 (c) The fee for renewal fixed by the Board; and  
16 (d) Any assessment required pursuant to NRS 624.470 if the  
17 holder of the license is a residential contractor as defined in  
18 NRS 624.450.

19 3. The Board may require a licensee to demonstrate his  
20 financial responsibility at any time through the submission of:  
21 (a) A financial statement that is prepared by an independent  
22 certified public accountant; and  
23 (b) If the licensee performs residential construction, such  
24 additional documentation as the Board deems appropriate.

25 4. If a license is automatically suspended pursuant to  
26 subsection 1, the licensee may have his license reinstated upon filing  
27 an application for renewal within 6 months after the date of  
28 suspension and paying, in addition to the fee for renewal, a fee for  
29 reinstatement fixed by the Board, if he is otherwise in good standing  
30 and there are no complaints pending against him. If he is otherwise  
31 not in good standing or there is a complaint pending, the Board shall  
32 require him to provide a current financial statement prepared by an  
33 independent certified public accountant or establish other conditions  
34 for reinstatement. If the licensee is a natural person, his application  
35 for renewal must be accompanied by the statement required  
36 pursuant to NRS 624.268. A license which is not reinstated within 6  
37 months after it is automatically suspended may be cancelled by the  
38 Board, and a new license may be issued only upon application for an  
39 original contractor's license.

40 **Sec. 22.** NRS 624.284 is hereby amended to read as follows:  
41 624.284 A contractor's license issued pursuant to ~~this chapter~~  
42 **NRS 624.005 to 624.750, inclusive**, does not authorize a contractor  
43 to construct or repair a mobile home, manufactured home or  
44 commercial coach.



1     **Sec. 23.** NRS 624.3014 is hereby amended to read as follows:  
2     624.3014 The following acts, among others, constitute cause  
3 for disciplinary action under NRS 624.300:

4     1. Acting in the capacity of a contractor under any license  
5 issued hereunder except:

6     (a) In the name of the licensee as set forth upon the license.

7     (b) As an employee of the licensee as set forth in the application  
8 for such license or as later changed pursuant to this chapter and the  
9 rules and regulations of the Board.

10    2. With the intent to evade the provisions of ~~[this chapter:]~~  
11 *NRS 624.005 to 624.750, inclusive:*

12     (a) Aiding or abetting an unlicensed person to evade ~~[the~~  
13 ~~provisions of this chapter.]~~ *those provisions.*

14     (b) Combining or conspiring with an unlicensed person to  
15 perform an unauthorized act.

16     (c) Allowing a license to be used by an unlicensed person.

17     (d) Acting as agent, partner or associate of an unlicensed person.

18     (e) Furnishing estimates or bids to an unlicensed person.

19    3. Any attempt by a licensee to assign, transfer or otherwise  
20 dispose of a license or permit the unauthorized use thereof.

21     **Sec. 24.** NRS 624.450 is hereby amended to read as follows:

22     624.450 “Residential contractor” means a contractor who is  
23 licensed pursuant to ~~[this chapter]~~ *NRS 624.005 to 624.750,*  
24 *inclusive,* and who contracts with the owner of a single-family  
25 residence to perform qualified services.

26     **Sec. 25.** NRS 624.700 is hereby amended to read as follows:

27     624.700 1. It is unlawful for any person or combination of  
28 persons to:

29     (a) Engage in the business or act in the capacity of a contractor  
30 within this state; or

31     (b) Submit a bid on a job situated within this state,  
32 without having an active license therefor as provided in ~~[this~~  
33 ~~chapter.]~~ *NRS 624.005 to 624.750, inclusive,* unless that person or  
34 combination of persons is exempted from licensure pursuant to  
35 NRS 624.031.

36    2. The district attorneys in this state shall prosecute all  
37 violations of this section which occur in their respective counties,  
38 unless the violations are prosecuted by the Attorney General. Upon  
39 the request of the Board, the Attorney General shall prosecute any  
40 violation of this section in lieu of prosecution by the district  
41 attorney.

42    3. In addition to any other penalty imposed pursuant to this  
43 chapter, a person who is convicted of violating subsection 1 may be  
44 required to pay:

45     (a) Court costs and the costs of prosecution;



1 (b) Reasonable costs of the investigation of the violation to the  
2 Board;

3 (c) Damages he caused as a result of the violation up to the  
4 amount of his pecuniary gain from the violation; or

5 (d) Any combination of paragraphs (a), (b) and (c).

6 4. If a person submits a bid or enters into a contract in violation  
7 of subsection 1, the bid or contract shall be deemed void ab initio.

8 **Sec. 26.** Chapter 625A of NRS is hereby amended by adding  
9 thereto the provisions set forth as sections 27 to 41, inclusive, of this  
10 act.

11 **Sec. 27.** *As used in sections 27 to 41, inclusive, of this act,*  
12 *unless the context otherwise requires:*

13 1. *“Inspection and testing of mold” includes, without*  
14 *limitation:*

15 (a) *Visual inspection;*

16 (b) *Surface sampling;*

17 (c) *Air monitoring; and*

18 (d) *Laboratory analysis.*

19 2. *“Mold” means any form of multicellular fungi that lives*  
20 *on plant or animal matter and in indoor environments, which may*  
21 *or may not be a health hazard. The term includes, without*  
22 *limitation, the following types of mold:*

23 (a) *Clasdosporium;*

24 (b) *Penicillium;*

25 (c) *Alternaria;*

26 (d) *Aspergillus;*

27 (e) *Fuarim;*

28 (f) *Trichoderma;*

29 (g) *Memnoniella;*

30 (h) *Mucor; and*

31 (i) *Stachybotrys chartarum.*

32 **Sec. 28.** 1. *The Board shall adopt regulations establishing*  
33 *standards and procedures for the certification of persons engaged*  
34 *in the inspection and testing of mold.*

35 2. *The regulations must include, without limitation, standards*  
36 *for:*

37 (a) *Examinations;*

38 (b) *Qualifications;*

39 (c) *Renewal of certificates;*

40 (d) *Revocation of certificates; and*

41 (e) *Continuing education.*

42 3. *The Board shall not adopt any regulation concerning the*  
43 *effect various types of mold may have on human health or*  
44 *designating what types of mold are health hazards unless federal*  
45 *standards have been adopted for this purpose and the regulation*



1 *of the Board is in compliance with those federal standards or the*  
2 *regulation is in compliance with generally accepted scientific*  
3 *practices for the inspection and testing of mold.*

4 **Sec. 29. The Board shall:**

5 *1. Establish by regulation a schedule of fees designed to*  
6 *recover revenue to defray the cost of carrying out the provisions of*  
7 *sections 27 to 41, inclusive, of this act.*

8 *2. Collect fees for applications, the issuance and renewal of*  
9 *certificates, examinations, job notifications and inspections,*  
10 *recordkeeping and any other activity of the Board related to the*  
11 *provisions of sections 27 to 41, inclusive, of this act.*

12 **Sec. 30. 1. A person shall not engage in the inspection and**  
13 **testing of mold unless he holds a certificate issued by the Board.**

14 *2. A person certified to engage in the inspection and testing*  
15 *of mold shall not engage in the remediation of mold on any*  
16 *building or structure for which the inspection and testing of mold*  
17 *was performed by a person who is:*

18 *(a) Related by blood or marriage to the person certified to*  
19 *engage in the inspection and testing of mold; or*

20 *(b) In any type of business relationship with the person*  
21 *certified to engage in the inspection and testing of mold.*

22 **Sec. 31. A person applying for a certificate to engage in the**  
23 **inspection and testing of mold must:**

24 *1. Submit an application on a form prescribed and furnished*  
25 *by the Board;*

26 *2. Pass an examination approved or administered by the*  
27 *Board;*

28 *3. Present proof satisfactory to the Board that he is insured to*  
29 *the extent determined necessary by the Board for the appropriate*  
30 *activities associated with the inspection and testing of mold that*  
31 *are permitted under the requested certificate, for the effective*  
32 *period of the certificate; and*

33 *4. Comply with any additional requirements established by*  
34 *the Board.*

35 **Sec. 32. 1. An applicant for the issuance or renewal of a**  
36 **certificate to engage in the inspection and testing of mold shall**  
37 **submit to the Board the statement prescribed by the Welfare**  
38 **Division of the Department of Human Resources pursuant to NRS**  
39 **425.520. The statement must be completed and signed by the**  
40 **applicant.**

41 *2. The Board shall include the statement required pursuant to*  
42 *subsection 1 in:*

43 *(a) The application or any other forms that must be submitted*  
44 *for the issuance or renewal of the certificate; or*

45 *(b) A separate form prescribed by the Board.*



\* S B 1 3 2 R 2 \*

1       3. A certificate to engage in the inspection and testing of  
2 mold may not be issued or renewed by the Board if the applicant:

3       (a) Fails to submit the statement required pursuant to  
4 subsection 1; or

5       (b) Indicates on the statement submitted pursuant to  
6 subsection 1 that he is subject to a court order for the support of a  
7 child and is not in compliance with the order or a plan approved  
8 by the district attorney or other public agency enforcing the order  
9 for the repayment of the amount owed pursuant to the order.

10       4. If an applicant indicates on the statement submitted  
11 pursuant to subsection 1 that he is subject to a court order for the  
12 support of a child and is not in compliance with the order or a  
13 plan approved by the district attorney or other public agency  
14 enforcing the order for the repayment of the amount owed  
15 pursuant to the order, the Board shall advise the applicant to  
16 contact the district attorney or other public agency enforcing the  
17 order to determine the actions that the applicant may take to  
18 satisfy the arrearage.

19       **Sec. 33.** An application for the issuance of a certificate to  
20 engage in the inspection and testing of mold must include the  
21 social security number of the applicant.

22       **Sec. 34. 1.** A certificate to engage in the inspection and  
23 testing of mold expires on December 31 of each year.

24       2. To renew a certificate to engage in the inspection and  
25 testing of mold, a person must, on or before January 1 of each  
26 year:

27       (a) Apply to the Board for renewal;

28       (b) Submit the statement required pursuant to section 32 of  
29 this act;

30       (c) Pay the annual fee for renewal established by the Board;  
31 and

32       (d) Submit evidence satisfactory to the Board of his completion  
33 of the requirements for continuing education or training  
34 established by the Board, if any.

35       3. The Board may adopt regulations requiring continuing  
36 education or training of persons who are certified to engage in the  
37 inspection and testing of mold and, as a prerequisite to the  
38 renewal or restoration of such a certificate, require each holder of  
39 a certificate to comply with those requirements.

40       **Sec. 35. 1.** The State Environmental Commission shall  
41 adopt, by regulation, standards for the disposal of mold and  
42 material containing mold removed from a building or structure  
43 during the inspection and testing of mold.

44       2. All mold and material containing mold removed from a  
45 building or structure during the inspection and testing of mold



1 *must be disposed of in accordance with the regulations adopted by*  
2 *the State Environmental Commission pursuant to subsection 1.*

3 **Sec. 36.** *A person certified to engage in the inspection and*  
4 *testing of mold shall:*

5 *1. If a laboratory is used for any aspect of collecting or*  
6 *analyzing air samples for a project, use only a laboratory that*  
7 *complies with the standards adopted by the State Environmental*  
8 *Commission.*

9 *2. If a commercial laboratory is used for any aspect of*  
10 *collecting or analyzing air samples for a project, use only a*  
11 *laboratory in which the holder of the certificate or the owner of*  
12 *the building or structure has no financial interest, unless the State*  
13 *Environmental Commission by regulation provides otherwise.*

14 **Sec. 37.** *1. If the Board receives a copy of a court order*  
15 *issued pursuant to NRS 425.540 that provides for the suspension*  
16 *of all professional, occupational and recreational licenses,*  
17 *certificates and permits issued to a person who is the holder of a*  
18 *certificate to engage in the inspection and testing of mold, the*  
19 *Board shall deem the certificate issued to that person to be*  
20 *suspended at the end of the 30th day after the date on which the*  
21 *court order was issued unless the Board receives a letter issued to*  
22 *the holder of the certificate by the district attorney or other public*  
23 *agency pursuant to NRS 425.550 stating that the holder of the*  
24 *certificate has complied with the subpoena or warrant or has*  
25 *satisfied the arrearage pursuant to NRS 425.560.*

26 *2. The Board shall reinstate a certificate to engage in the*  
27 *inspection and testing of mold that has been suspended by a*  
28 *district court pursuant to NRS 425.540 if the Board receives a*  
29 *letter issued by the district attorney or other public agency*  
30 *pursuant to NRS 425.550 to the person whose certificate was*  
31 *suspended stating that the person whose certificate was suspended*  
32 *has complied with the subpoena or warrant or has satisfied the*  
33 *arreage pursuant to NRS 425.560.*

34 **Sec. 38.** *1. If the Board finds that a person has violated any*  
35 *of the provisions of sections 27 to 41, inclusive, of this act, or any*  
36 *standard or regulation adopted pursuant thereto, the Board may:*

37 *(a) Upon the first violation, impose upon the person an*  
38 *administrative fine of not more than \$15,000.*

39 *(b) Upon the second and subsequent violations:*

40 *(1) Impose upon the person an administrative fine of not*  
41 *more than \$25,000; and*

42 *(2) If the person is certified to engage in the inspection and*  
43 *testing of mold, revoke his certificate and require the person to*  
44 *fulfill certain requirements, as determined by the Board, to have*  
45 *his certificate reinstated.*



1       2. Any penalty imposed pursuant to this section does not  
2       relieve the person from criminal prosecution for engaging in the  
3       inspection and testing of mold without a certificate.

4       3. If the certificate of a contractor for projects for the  
5       inspection and testing of mold is revoked pursuant to this section  
6       and the owner of a building or structure upon which the  
7       contractor is engaged in a project employs another licensed  
8       contractor to complete the project, the original contractor may not  
9       bring an action against the owner of the building or structure for  
10      breach of contract or damages based on the employment of  
11      another contractor.

12      **Sec. 39.** 1. If the Board intends to revoke a person's  
13      certificate to engage in the inspection and testing of mold, the  
14      Board shall first notify the person by certified mail. The notice  
15      must contain a statement of the Board's legal authority,  
16      jurisdiction and reasons for the proposed action.

17      2. Notwithstanding the notification requirements of  
18      subsection 1, if the Board finds that protection of the public health  
19      requires immediate action, the Board may order a summary  
20      suspension of such a certificate pending proceedings for  
21      revocation.

22      3. A person is entitled to a hearing to contest the summary  
23      suspension or proposed revocation of his certificate. A request for  
24      such a hearing must be made pursuant to regulations adopted by  
25      the Board.

26      4. Upon receiving a request for a hearing to contest a  
27      summary suspension, the Board shall hold a hearing within 10  
28      days after the date of the receipt of the request.

29      **Sec. 40.** 1. The Board may maintain in any court of  
30      competent jurisdiction a suit for an injunction against any person  
31      engaged in the inspection and testing of mold in violation of any  
32      of the provisions of sections 27 to 41, inclusive, of this act or any  
33      standard or regulation adopted by the Board pursuant thereto.

34      2. An injunction:

35      (a) May be issued without proof of actual damage sustained by  
36      any person, this provision being a preventive as well as a punitive  
37      measure.

38      (b) Does not relieve the person from criminal liability for  
39      engaging in the inspection and testing of mold without a  
40      certificate.

41      **Sec. 41.** Any person who engages in the inspection and  
42      testing of mold without a certificate issued by the Board is guilty of  
43      a misdemeanor.



\* S B 1 3 2 R 2 \*

1     **Sec. 42.** NRS 625A.110 is hereby amended to read as follows:  
2     625A.110 1. To be eligible for registration ~~+~~ *as an*  
3     *environmental health specialist*, an applicant must have:

4         (a) A baccalaureate or higher degree from an accredited college  
5         or university;

6         (b) Satisfactorily completed at least 45 quarter hours or 30  
7         semester hours of academic work approved by the Board in  
8         environmental health and public hygiene or the physical and  
9         biological sciences, or a combination of both; and

10        (c) At least 2 years of experience approved by the Board in this  
11        field of public health.

12     2. The Board may register a person who is not qualified under  
13     subsection 1, if he:

14         (a) Was actively employed in this field of public health in this  
15         state on July 1, 1987;

16         (b) Is a graduate of an accredited high school;

17         (c) Has had at least 4 years of successful experience in this field;

18         (d) Passes a written or oral examination administered by the  
19         Board; and

20         (e) Completes all the requirements of this subsection before  
21         July 1, 1991.

22     3. The Board may register, upon written application, any  
23     person who:

24         (a) Was employed in this field of public health in this state on  
25         July 1, 1987, and was a registered sanitarian in this state before  
26         July 1, 1977; or

27         (b) Is registered as an environmental health specialist with the  
28         National Environmental Health Association and is a resident of this  
29         state.

30     **Sec. 43.** NRS 625A.140 is hereby amended to read as follows:

31     625A.140 Each certificate issued by the Board *to an*  
32     *environmental health specialist* must be numbered and contain the:

33         1. Designation "Registered Environmental Health Specialist."

34         2. Name of the person registered.

35         3. Date of issuance.

36         4. Seal of the Board.

37         5. Signatures of the members of the Board.

38     **Sec. 44.** NRS 625A.150 is hereby amended to read as follows:

39     625A.150 1. The Board shall adopt regulations requiring  
40     participation in a program of continuing education as a prerequisite  
41     for the renewal of a certificate of registration ~~+~~ *as an*  
42     *environmental health specialist*.

43     2. The Board may exempt an environmental health specialist  
44     from the requirements for continuing education if he is able to show





1 good cause why the requirements could not be met. The exemption  
2 may not be granted to a person more than once in any 2-year period.

3 **Sec. 45.** NRS 625A.160 is hereby amended to read as follows:  
4 625A.160 The grounds for initiating disciplinary action under  
5 ~~[this chapter]~~ *the provisions of NRS 625A.090 to 625A.200,*  
6 *inclusive*, are:

- 7 1. Unprofessional conduct;
- 8 2. Conviction of a felony or any offense involving moral  
9 turpitude;
- 10 3. The suspension or revocation of a certificate or license as an  
11 environmental health specialist by any other jurisdiction; or
- 12 4. Failure to meet the requirements for continuing education.

13 **Sec. 46.** NRS 625A.170 is hereby amended to read as follows:  
14 625A.170 The following acts, among others established by the  
15 Board, constitute unprofessional conduct:

- 16 1. Willfully making a false or fraudulent statement or  
17 submitting a forged or false document in applying for a certificate;
- 18 2. Habitual drunkenness or addiction to the use of a controlled  
19 substance;
- 20 3. Engaging in any conduct in his professional activities which  
21 is intended to deceive or which the Board has determined is  
22 unethical; or
- 23 4. Violating or attempting to violate, directly or indirectly, or  
24 assisting in or abetting the violation of or conspiring to violate any  
25 provision of ~~[this chapter]~~ *NRS 625A.090 to 625A.200, inclusive*, or  
26 a regulation of the Board.

27 **Sec. 47.** NRS 625A.190 is hereby amended to read as follows:

28 625A.190 1. Upon denial of an application for registration or  
29 renewal of a certificate *as an environmental health specialist* or  
30 other disciplinary action, the Board shall give the person written  
31 notice of its decision mailed to him at his last known address by  
32 certified mail, return receipt requested. The notice must:

- 33 (a) State the reason for the denial or disciplinary action; and
- 34 (b) Inform the person that he has the right to a hearing before the  
35 Board.

36 2. A written request for a hearing must be filed with the Board  
37 within 30 days after the notice is mailed. If a hearing is requested,  
38 the Board shall set a time and place for a formal hearing and notify  
39 the person of the time and place set for the hearing. The Board shall  
40 hold the hearing at the time and place designated in the notice.

41 **Sec. 48.** NRS 625A.200 is hereby amended to read as follows:

42 625A.200 1. Only a person who holds a valid certificate of  
43 registration *as an environmental health specialist* issued by the  
44 Board may use the title "registered environmental health specialist"



1 or "environmental health specialist" or the abbreviation "R.E.H.S."  
2 or "E.H.S." after his name.

3 2. Any person who violates this section is guilty of a  
4 misdemeanor.

5 **Sec. 49.** NRS 338.410 is hereby amended to read as follows:

6 338.410 "Contractor" means:

7 1. A person who:

8 (a) Is licensed pursuant to the provisions of ~~chapter 624 of~~  
9 NRS **624.005 to 624.750, inclusive**, or performs such work that he  
10 is not required to be licensed pursuant to ~~chapter 624 of NRS;~~  
11 **those provisions**; and

12 (b) Contracts with a public body to provide labor, materials or  
13 services for a public work.

14 2. A design-build team that contracts with a public body to  
15 design and construct a public work pursuant to NRS 338.1711 to  
16 338.1727, inclusive.

17 **Sec. 50.** NRS 338.445 is hereby amended to read as follows:

18 338.445 "Subcontractor" means a person who:

19 1. Is licensed pursuant to the provisions of ~~chapter 624 of~~  
20 NRS **624.005 to 624.750, inclusive**, or performs such work that he  
21 is not required to be licensed pursuant to ~~chapter 624 of NRS;~~  
22 **those provisions**; and

23 2. Contracts with a contractor, another subcontractor or a  
24 supplier to provide labor, materials or services for a public work.

25 **Sec. 51.** NRS 364A.340 is hereby amended to read as follows:

26 364A.340 A person who:

27 1. Is required to be licensed pursuant to ~~chapter 624 of NRS;~~  
28 **the provisions of NRS 624.005 to 624.750, inclusive**; and

29 2. Contracts with a subcontractor who is required to be  
30 licensed pursuant to ~~that chapter~~ **those provisions** and to have a  
31 business license and pay the tax imposed by this chapter,  
32 shall require proof that the subcontractor has a business license  
33 before commencing payments to the subcontractor. For the purposes  
34 of this section, a subcontractor proves that he has a business license  
35 by submitting a copy of the business license to the contractor.

36 **Sec. 52.** NRS 597.713 is hereby amended to read as follows:

37 597.713 As used in NRS 597.713 to 597.7198, inclusive:

38 1. "Board" means the State Contractors' Board.

39 2. "Contractor" means a person licensed pursuant to the  
40 provisions of ~~chapter 624 of~~ NRS **624.005 to 624.750, inclusive**,  
41 whose scope of work includes the construction, repair or  
42 maintenance of any residential swimming pool or spa, regardless of  
43 use, including the repair or replacement of existing equipment or the  
44 installation of new equipment, as necessary. The scope of such work  
45 includes layout, excavation, operation of construction pumps for



1 removal of water, steelwork, construction of floors, installation of  
2 gunite, fiberglass, tile and coping, installation of all perimeter and  
3 filter piping, installation of all filter equipment and chemical feeders  
4 of any type, plastering of the interior, construction of decks,  
5 installation of housing for pool equipment and installation of  
6 packaged pool heaters.

7 **Sec. 53.** NRS 599B.010 is hereby amended to read as follows:  
8 599B.010 As used in this chapter, unless the context otherwise  
9 requires:

10 1. "Chance promotion" means any plan in which premiums are  
11 distributed by random or chance selection.

12 2. "Commissioner" means the Commissioner of Consumer  
13 Affairs.

14 3. "Consumer" means a person who is solicited by a seller or  
15 salesman.

16 4. "Division" means the Consumer Affairs Division of the  
17 Department of Business and Industry.

18 5. "Donation" means a promise, grant or pledge of money,  
19 credit, property, financial assistance or other thing of value given in  
20 response to a solicitation by telephone, including, but not limited to,  
21 a payment or promise to pay in consideration for a performance,  
22 event or sale of goods or services. The term does not include  
23 volunteer services, government grants or contracts or a payment by  
24 members of any organization of membership fees, dues, fines or  
25 assessments or for services rendered by the organization to those  
26 persons, if:

27 (a) The fees, dues, fines, assessments or services confer a bona  
28 fide right, privilege, professional standing, honor or other direct  
29 benefit upon the member; and

30 (b) Membership in the organization is not conferred solely in  
31 consideration for making a donation in response to a solicitation.

32 6. "Goods or services" means any property, tangible or  
33 intangible, real, personal or mixed, and any other article, commodity  
34 or thing of value.

35 7. "Premium" includes any prize, bonus, award, gift or any  
36 other similar inducement or incentive to purchase.

37 8. "Recovery service" means a business or other practice  
38 whereby a person represents or implies that he will, for a fee,  
39 recover any amount of money that a consumer has provided to a  
40 seller or salesman pursuant to a solicitation governed by the  
41 provisions of this chapter.

42 9. "Salesman" means any person:

43 (a) Employed or authorized by a seller to sell, or to attempt to  
44 sell, goods or services by telephone;



- 1 (b) Retained by a seller to provide consulting services relating to  
2 the management or operation of the seller's business; or  
3 (c) Who communicates on behalf of a seller with a consumer:  
4 (1) In the course of a solicitation by telephone; or  
5 (2) For the purpose of verifying, changing or confirming an  
6 order,  
7 except that a person is not a salesman if his only function is to  
8 identify a consumer by name only and he immediately refers the  
9 consumer to a salesman.
- 10 10. Except as otherwise provided in subsection 11, "seller"  
11 means any person who, on his own behalf, causes or attempts to  
12 cause a solicitation by telephone to be made through the use of one  
13 or more salesmen or any automated dialing announcing device  
14 under any of the following circumstances:  
15 (a) The person initiates contact by telephone with a consumer  
16 and represents or implies:  
17 (1) That a consumer who buys one or more goods or services  
18 will receive additional goods or services, whether or not of the same  
19 type as purchased, without further cost, except for actual postage or  
20 common carrier charges;  
21 (2) That a consumer will or has a chance or opportunity to  
22 receive a premium;  
23 (3) That the items for sale are gold, silver or other precious  
24 metals, diamonds, rubies, sapphires or other precious stones, or any  
25 interest in oil, gas or mineral fields, wells or exploration sites or any  
26 other investment opportunity;  
27 (4) That the product offered for sale is information or  
28 opinions relating to sporting events;  
29 (5) That the product offered for sale is the services of a  
30 recovery service; or  
31 (6) That the consumer will receive a premium or goods or  
32 services if he makes a donation;  
33 (b) The solicitation by telephone is made by the person in  
34 response to inquiries from a consumer generated by a notification or  
35 communication sent or delivered to the consumer that represents or  
36 implies:  
37 (1) That the consumer has been in any manner specially  
38 selected to receive the notification or communication or the offer  
39 contained in the notification or communication;  
40 (2) That the consumer will receive a premium if the recipient  
41 calls the person;  
42 (3) That if the consumer buys one or more goods or services  
43 from the person, the consumer will also receive additional or other  
44 goods or services, whether or not the same type as purchased,



- 1 without further cost or at a cost that the person represents or implies  
2 is less than the regular price of the goods or services;
- 3 (4) That the product offered for sale is the services of a  
4 recovery service; or
- 5 (5) That the consumer will receive a premium or goods or  
6 services if he makes a donation; or
- 7 (c) The solicitation by telephone is made by the person in  
8 response to inquiries generated by advertisements that represent or  
9 imply that the person is offering to sell any:
- 10 (1) Gold, silver or other metals, including coins, diamonds,  
11 rubies, sapphires or other stones, coal or other minerals or any  
12 interest in oil, gas or other mineral fields, wells or exploration sites,  
13 or any other investment opportunity;
- 14 (2) Information or opinions relating to sporting events; or  
15 (3) Services of a recovery service.
- 16 11. "Seller" does not include:
- 17 (a) A person licensed pursuant to chapter 90 of NRS when  
18 soliciting offers, sales or purchases within the scope of his license.
- 19 (b) A person licensed pursuant to chapter 119A ~~[, 119B, 624.]~~ or  
20 ***119B of NRS, NRS 624.005 to 624.750, inclusive or chapter*** 645 or  
21 696A of NRS when soliciting sales within the scope of his license.
- 22 (c) A person licensed as an insurance broker, agent or solicitor  
23 when soliciting sales within the scope of his license.
- 24 (d) Any solicitation of sales made by the publisher of a  
25 newspaper or magazine or by an agent of the publisher pursuant to a  
26 written agreement between the agent and publisher.
- 27 (e) A broadcaster soliciting sales who is licensed by any state or  
28 federal authority, if the solicitation is within the scope of the  
29 broadcaster's license.
- 30 (f) A person who solicits a donation from a consumer when:
- 31 (1) The person represents or implies that the consumer will  
32 receive a premium or goods or services with an aggregated fair  
33 market value of 2 percent of the donation or \$50, whichever is less;  
34 or
- 35 (2) The consumer provides a donation of \$50 or less in  
36 response to the solicitation.
- 37 (g) A charitable organization which is registered or approved to  
38 conduct a lottery pursuant to chapter 462 of NRS.
- 39 (h) A public utility or motor carrier which is regulated pursuant  
40 to chapter 704 or 706 of NRS, or by an affiliate of such a utility or  
41 motor carrier, if the solicitation is within the scope of its certificate  
42 or license.
- 43 (i) A utility which is regulated pursuant to chapter 710 of NRS,  
44 or by an affiliate of such a utility.



- 1 (j) A person soliciting the sale of books, recordings, video  
2 cassettes, software for computer systems or similar items through:  
3 (1) An organization whose method of sales is governed by  
4 the provisions of Part 425 of Title 16 of the Code of Federal  
5 Regulations relating to the use of negative option plans by sellers in  
6 commerce;  
7 (2) The use of continuity plans, subscription arrangements,  
8 arrangements for standing orders, supplements, and series  
9 arrangements pursuant to which the person periodically ships  
10 merchandise to a consumer who has consented in advance to receive  
11 the merchandise on a periodic basis and has the opportunity to  
12 review the merchandise for at least 10 days and return it for a full  
13 refund within 30 days after it is received; or  
14 (3) An arrangement pursuant to which the person ships  
15 merchandise to a consumer who has consented in advance to receive  
16 the merchandise and has the opportunity to review the merchandise  
17 for at least 10 days and return it for a full refund within 30 days after  
18 it is received.  
19 (k) A person who solicits sales by periodically publishing and  
20 delivering a catalog to consumers if the catalog:  
21 (1) Contains a written description or illustration of each item  
22 offered for sale and the price of each item;  
23 (2) Includes the business address of the person;  
24 (3) Includes at least 24 pages of written material and  
25 illustrations;  
26 (4) Is distributed in more than one state; and  
27 (5) Has an annual circulation by mailing of not less than  
28 250,000.  
29 (l) A person soliciting without the intent to complete and who  
30 does not complete, the sales transaction by telephone but completes  
31 the sales transaction at a later face-to-face meeting between the  
32 solicitor and the consumer, if the person, after soliciting a sale by  
33 telephone, does not cause another person to collect the payment  
34 from or deliver any goods or services purchased to the consumer.  
35 (m) Any commercial bank, bank holding company, subsidiary or  
36 affiliate of a bank holding company, trust company, savings and  
37 loan association, credit union, industrial loan company, personal  
38 property broker, consumer finance lender, commercial finance  
39 lender, or insurer subject to regulation by an official or agency of  
40 this state or of the United States, if the solicitation is within the  
41 scope of the certificate or license held by the entity.  
42 (n) A person holding a certificate of authority issued pursuant to  
43 chapter 452 of NRS when soliciting sales within the scope of the  
44 certificate.



- 1 (o) A person licensed pursuant to chapter 689 of NRS when  
2 soliciting sales within the scope of his license.
- 3 (p) A person soliciting the sale of services provided by a  
4 community antenna television company subject to regulation  
5 pursuant to chapter 711 of NRS.
- 6 (q) A person soliciting the sale of agricultural products, if the  
7 solicitation is not intended to and does not result in a sale of more  
8 than \$100 that is to be delivered to one address. As used in this  
9 paragraph, "agricultural products" has the meaning ascribed to it in  
10 NRS 587.290.
- 11 (r) A person who has been operating, for at least 2 years, a retail  
12 business establishment under the same name as that used in  
13 connection with the solicitation of sales by telephone if, on a  
14 continuing basis:
- 15 (1) Goods are displayed and offered for sale or services are  
16 offered for sale and provided at the person's business establishment;  
17 and
- 18 (2) At least 50 percent of the person's business involves the  
19 buyer obtaining such goods or services at the person's business  
20 establishment.
- 21 (s) A person soliciting only the sale of telephone answering  
22 services to be provided by the person or his employer.
- 23 (t) A person soliciting a transaction regulated by the Commodity  
24 Futures Trading Commission, if:
- 25 (1) The person is registered with or temporarily licensed by  
26 the Commission to conduct that activity pursuant to the Commodity  
27 Exchange Act, ~~15~~ 7 U.S.C. §§ 1 et seq. ; ~~15~~ and
- 28 (2) The registration or license has not expired or been  
29 suspended or revoked.
- 30 (u) A person who contracts for the maintenance or repair of  
31 goods previously purchased from the person:
- 32 (1) Making the solicitation; or  
33 (2) On whose behalf the solicitation is made.
- 34 (v) A person to whom a license to operate an information  
35 service or a nonrestricted gaming license, which is current and valid,  
36 has been issued pursuant to chapter 463 of NRS when soliciting  
37 sales within the scope of his license.
- 38 (w) A person who solicits a previous customer of the business  
39 on whose behalf the call is made if the person making the call:
- 40 (1) Does not offer the customer any premium in connection  
41 with the sale;  
42 (2) Is not selling an investment or an opportunity for an  
43 investment that is not registered with any state or federal authority;  
44 and  
45 (3) Is not regularly engaged in telephone sales.



1 (x) A person who solicits the sale of livestock.  
2 (y) An issuer which has a class of securities that is listed on the  
3 New York Stock Exchange, the American Stock Exchange or the  
4 National Market System of the National Association of Securities  
5 Dealers Automated Quotation System.

6 (z) A subsidiary of an issuer that qualifies for exemption  
7 pursuant to paragraph (y) if at least 60 percent of the voting power  
8 of the shares of the subsidiary is owned by the issuer.

9 **Sec. 54.** Section 11 of this act is hereby amended to read as  
10 follows:

11 Sec. 11. 1. A license to engage in the remediation of  
12 mold expires on December 31 of each year.

13 2. To renew a license, a person must, on or before  
14 January 1 of each year:

15 (a) Apply to the Board for renewal;

16 (b) ~~Submit the statement required pursuant to section 9~~  
17 ~~of this act;~~

18 ~~(e)}~~ Pay the annual fee for renewal established by the  
19 Board; and

20 ~~(d)}~~ (c) Submit evidence satisfactory to the Board of his  
21 completion of the requirements for continuing education or  
22 training established by the Board, if any.

23 3. The Board may adopt regulations requiring continuing  
24 education or training of persons who are licensed to engage in  
25 the remediation of mold and, as a prerequisite to the renewal  
26 or restoration of such a license, require each licensee to  
27 comply with those requirements.

28 **Sec. 55.** Section 34 of this act is hereby amended to read as  
29 follows:

30 Sec. 34. 1. A certificate to engage in the inspection  
31 and testing of mold expires on December 31 of each year.

32 2. To renew a certificate to engage in the inspection and  
33 testing of mold, a person must, on or before January 1 of each  
34 year:

35 (a) Apply to the Board for renewal;

36 (b) ~~Submit the statement required pursuant to section 32~~  
37 ~~of this act;~~

38 ~~(e)}~~ Pay the annual fee for renewal established by the  
39 Board; and

40 ~~(d)}~~ (c) Submit evidence satisfactory to the Board of his  
41 completion of the requirements for continuing education or  
42 training established by the Board, if any.

43 3. The Board may adopt regulations requiring continuing  
44 education or training of persons who are certified to engage in  
45 the inspection and testing of mold and, as a prerequisite to the





1 renewal or restoration of such a certificate, require each  
2 holder of a certificate to comply with those requirements.

3 **Sec. 56.** 1. This section and sections 1 to 53, inclusive, of  
4 this act become effective on July 1, 2003, for the purpose of  
5 adopting regulations and performing any other preparatory  
6 administrative tasks that are necessary to carry out this act and on  
7 October 1, 2004, for all other purposes.

8 2. Sections 54 and 55 of this act become effective on the date  
9 on which the provisions of 42 U.S.C. § 666 requiring each state to  
10 establish procedures under which the state has authority to withhold  
11 or suspend, or to restrict the use of professional, occupational and  
12 recreational licenses of persons who:

13 (a) Have failed to comply with a subpoena or warrant relating to  
14 a proceeding to determine the paternity of a child or to establish or  
15 enforce an obligation for the support of a child; or

16 (b) Are in arrears in the payment for the support of one or more  
17 children,  
18 are repealed by the Congress of the United States.

19 3. Sections 9, 10, 13, 32, 33 and 37 of this act expire by  
20 limitation on the date on which the provisions of 42 U.S.C. § 666  
21 requiring each state to establish procedures under which the state  
22 has authority to withhold or suspend, or to restrict the use of  
23 professional, occupational and recreational licenses of persons who:

24 (a) Have failed to comply with a subpoena or warrant relating to  
25 a proceeding to determine the paternity of a child or to establish or  
26 enforce an obligation for the support of a child; or

27 (b) Are in arrears in the payment for the support of one or more  
28 children,  
29 are repealed by the Congress of the United States.

