

ASSEMBLY BILL NO. 501—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE STATE CONTRACTORS' BOARD)

MARCH 28, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Revises certain provisions governing contractors.
(BDR 54-636)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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; prohibiting certain unfair business practices and other improper practices by contractors; extending the statute of limitations for certain misdemeanor offenses; revising provisions regarding certain financial statements submitted to the State Contractors' Board; authorizing the Board to deny a license or take disciplinary action for certain criminal offenses committed in other jurisdictions; increasing the amount of administrative fines the Board may impose for certain violations; requiring the Board to establish standards for use by the Board in determining the amount of certain administrative fines; requiring the payment of interest on certain administrative fines; 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 and 3 of this act.

3 **Sec. 2.** *The following acts, among others, are unfair business*
4 *practices and constitute cause for disciplinary action under*
5 *NRS 624.300:*

6 1. *When a contractor states that service, replacement parts,*
7 *equipment or repairs are needed when such service, replacement*
8 *parts, equipment or repairs actually are not needed.*

9 2. *When a contractor makes any false or misleading*
10 *statement or representation of material fact that is intended,*
11 *directly or indirectly, to induce another person to use the services*
12 *of the contractor or to enter into any contract with the contractor*
13 *or any obligation relating to such a contract.*

14 3. *When a contractor makes any false or misleading*
15 *statement or representation of material fact that is intended,*
16 *directly or indirectly, to disparage the goods, services or business*
17 *of another person.*

18 **Sec. 3.** *For any violation of the provisions of this chapter*
19 *that is punishable as a misdemeanor, an indictment must be*
20 *found, or an information or complaint filed, within 2 years after*
21 *the commission of the offense.*

22 **Sec. 4.** NRS 624.263 is hereby amended to read as follows:

23 624.263 1. The financial responsibility of a licensee or an
24 applicant for a contractor's license must be established
25 independently of and without reliance on any assets or guarantees of
26 any owners or managing officers of the licensee or applicant, but the
27 financial responsibility of any owners or managing officers of the
28 licensee or applicant may be inquired into and considered as a
29 criterion in determining the financial responsibility of the licensee or
30 applicant.

31 2. The financial responsibility of an applicant for a contractor's
32 license or of a licensed contractor must be determined by using the
33 following standards and criteria in connection with each applicant or
34 contractor and each associate or partner thereof:

- 35 (a) Net worth.
36 (b) Amount of liquid assets.
37 (c) Prior payment and credit records.
38 (d) Previous business experience.
39 (e) Prior and pending lawsuits.
40 (f) Prior and pending liens.
41 (g) Adverse judgments.
42 (h) Conviction of a felony or crime involving moral turpitude.



1 (i) Prior suspension or revocation of a contractor's license in
2 Nevada or elsewhere.

3 (j) An adjudication of bankruptcy or any other proceeding under
4 the federal bankruptcy laws, including:

5 (1) A composition, arrangement or reorganization
6 proceeding;

7 (2) The appointment of a receiver of the property of the
8 applicant or contractor or any officer, director, associate or partner
9 thereof under the laws of this State or the United States; or

10 (3) The making of an assignment for the benefit of creditors.

11 (k) Form of business organization, corporate or otherwise.

12 (l) Information obtained from confidential financial references
13 and credit reports.

14 (m) Reputation for honesty and integrity of the applicant or
15 contractor or any officer, director, associate or partner thereof.

16 3. A licensed contractor shall, as soon as it is reasonably
17 practicable, notify the Board in writing upon the filing of a petition
18 or application relating to the contractor that initiates any proceeding,
19 appointment or assignment set forth in paragraph (j) of subsection 2.
20 The written notice must be accompanied by:

21 (a) A copy of the petition or application filed with the court; and

22 (b) A copy of any order of the court which is relevant to the
23 financial responsibility of the contractor, including any order
24 appointing a trustee, receiver or assignee.

25 4. Before issuing a license to an applicant who will engage in
26 residential construction or renewing the license of a contractor who
27 engages in residential construction, the Board may require the
28 applicant or licensee to establish his financial responsibility by
29 submitting to the Board:

30 (a) A financial statement ~~[prepared]~~ *that is:*

31 (1) *Prepared* by a certified public accountant; *or*

32 (2) *Submitted on a form or in a format prescribed by the*
33 *Board together with an affidavit which verifies the accuracy of the*
34 *financial statement;* and

35 (b) A statement setting forth the number of building permits
36 issued to and construction projects completed by the licensee during
37 the immediately preceding year and any other information required
38 by the Board. The statement submitted pursuant to this paragraph
39 must be provided on a form approved by the Board.

40 5. In addition to the requirements set forth in subsection 4, the
41 Board may require a licensee to establish his financial responsibility
42 at any time.

43 6. An applicant for an initial contractor's license or a licensee
44 applying for the renewal of a contractor's license has the burden of



1 demonstrating his financial responsibility to the Board, if the Board
2 requests him to do so.

3 **Sec. 5.** NRS 624.264 is hereby amended to read as follows:

4 624.264 1. In addition to any other requirements set forth in
5 this chapter, if an applicant will engage in residential construction
6 and the applicant or the natural person qualifying on behalf of the
7 applicant pursuant to NRS 624.260 has not held a contractor's
8 license issued pursuant to this chapter within the 2 years
9 immediately preceding the date that the application is submitted to
10 the Board, the Board shall require the applicant to establish his
11 financial responsibility by submitting to the Board:

12 (a) A financial statement that is **[prepared]** :

13 *(1) Prepared* by an independent certified public accountant;
14 *or*

15 *(2) Submitted on a form or in a format prescribed by the*
16 *Board together with an affidavit which verifies the accuracy of the*
17 *financial statement;* and

18 (b) Any other information required by the Board.

19 2. Before the Board may issue a contractor's license to the
20 applicant, the Board must determine whether, based on the financial
21 information concerning the applicant, it would be in the public
22 interest to do any or all of the following:

23 (a) Require the applicant to obtain the services of a construction
24 control with respect to any money that the applicant requires a
25 purchaser of a new residence to pay in advance to make upgrades to
26 the new residence. If the Board imposes such a requirement, the
27 applicant may not:

28 (1) Be related to the construction control or to an employee
29 or agent of the construction control; or

30 (2) Hold, directly or indirectly, a financial interest in the
31 business of the construction control.

32 (b) Establish an aggregate monetary limit on the contractor's
33 license, which must be the maximum combined monetary limit on
34 all contracts that the applicant may undertake or perform as a
35 licensed contractor at any one time, regardless of the number of
36 contracts, construction sites, subdivision sites or clients. If the Board
37 establishes such a limit, the Board:

38 (1) Shall determine the period that the limit is in effect; and

39 (2) During that period, may increase or decrease the limit as
40 the Board deems appropriate.

41 3. If the Board issues a contractor's license to an applicant
42 described in subsection 1, for the first 2 years after the issuance of
43 the license, the licensee must submit to the Board, with each
44 application for renewal of the license:

45 (a) A financial statement that is **[prepared]** :



1 (1) *Prepared* by an independent certified public accountant;
2 *or*

3 (2) *Submitted on a form or in a format prescribed by the*
4 *Board together with an affidavit which verifies the accuracy of the*
5 *financial statement;* and

6 (b) A statement setting forth the number of building permits
7 issued to and construction projects completed by the licensee during
8 the immediately preceding year and any other information required
9 by the Board. The statement submitted pursuant to this paragraph
10 must be provided on a form approved by the Board.

11 4. Before the Board may renew the contractor's license of the
12 licensee, the Board must determine whether, based on the financial
13 information concerning the licensee, it would be in the public
14 interest to do any or all of the following:

15 (a) Require the licensee to obtain the services of a construction
16 control with respect to any money that the licensee requires a
17 purchaser of a new residence to pay in advance to make upgrades to
18 the new residence. If the Board imposes such a requirement, the
19 licensee may not:

20 (1) Be related to the construction control or to an employee
21 or agent of the construction control; or

22 (2) Hold, directly or indirectly, a financial interest in the
23 business of the construction control.

24 (b) Establish an aggregate monetary limit on the contractor's
25 license, which must be the maximum combined monetary limit on
26 all contracts that the licensee may undertake or perform as a
27 licensed contractor at any one time, regardless of the number of
28 contracts, construction sites, subdivision sites or clients. If the Board
29 establishes such a limit, the Board:

30 (1) Shall determine the period that the limit is in effect; and

31 (2) During that period, may increase or decrease the limit as
32 the Board deems appropriate.

33 **Sec. 6.** NRS 624.265 is hereby amended to read as follows:

34 624.265 1. An applicant for a contractor's license or a
35 licensed contractor and each officer, director, partner and associate
36 thereof must possess good character. Lack of character may be
37 established by showing that the applicant or licensed contractor, or
38 any officer, director, partner or associate thereof, has:

39 (a) Committed any act which would be grounds for the denial,
40 suspension or revocation of a contractor's license;

41 (b) A bad reputation for honesty and integrity;

42 (c) Entered a plea of nolo contendere or guilty to, been found
43 guilty of or been convicted, *in this State or any other jurisdiction,*
44 of a crime arising out of, in connection with or related to the
45 activities of such person in such a manner as to demonstrate his



1 unfitness to act as a contractor, and the time for appeal has elapsed
2 or the judgment of conviction has been affirmed on appeal; or

3 (d) Had a license revoked or suspended for reasons that would
4 preclude the granting or renewal of a license for which the
5 application has been made.

6 2. Upon the request of the Board, an applicant for a
7 contractor's license, and any officer, director, partner or associate of
8 the applicant, must submit to the Board completed fingerprint cards
9 and a form authorizing an investigation of the applicant's
10 background and the submission of his fingerprints to the Central
11 Repository for Nevada Records of Criminal History and the Federal
12 Bureau of Investigation. The fingerprint cards and authorization
13 form submitted must be those that are provided to the applicant by
14 the Board. The applicant's fingerprints may be taken by an agent of
15 the Board or an agency of law enforcement.

16 3. The Board shall keep the results of the investigation
17 confidential and not subject to inspection by the general public.

18 4. The Board shall establish by regulation the fee for
19 processing the fingerprints to be paid by the applicant. The fee must
20 not exceed the sum of the amounts charged by the Central
21 Repository for Nevada Records of Criminal History and the Federal
22 Bureau of Investigation for processing the fingerprints.

23 5. The Board may obtain records of a law enforcement agency
24 or any other agency that maintains records of criminal history,
25 including, without limitation, records of:

- 26 (a) Arrests;
- 27 (b) Guilty pleas;
- 28 (c) Sentencing;
- 29 (d) Probation;
- 30 (e) Parole;
- 31 (f) Bail;
- 32 (g) Complaints; and
- 33 (h) Final dispositions,

34 ➔ for the investigation of a licensee or an applicant for a
35 contractor's license.

36 **Sec. 7.** NRS 624.283 is hereby amended to read as follows:

37 624.283 1. Each license issued under the provisions of this
38 chapter expires 1 year after the date on which it is issued, except
39 that the Board may by regulation prescribe shorter or longer periods
40 and prorated fees to establish a system of staggered renewals. Any
41 license which is not renewed on or before the date for renewal is
42 automatically suspended.

43 2. A license may be renewed by submitting to the Board:

- 44 (a) An application for renewal;



1 (b) The statement required pursuant to NRS 624.268 if the
2 holder of the license is a natural person;

3 (c) The fee for renewal fixed by the Board; and

4 (d) Any assessment required pursuant to NRS 624.470 if the
5 holder of the license is a residential contractor as defined in
6 NRS 624.450.

7 3. The Board may require a licensee to demonstrate his
8 financial responsibility at any time through the submission of:

9 (a) A financial statement that is ~~prepared~~ :

10 (1) *Prepared* by an independent certified public accountant;
11 *or*

12 (2) *Submitted on a form or in a format prescribed by the*
13 *Board together with an affidavit which verifies the accuracy of the*
14 *financial statement;* and

15 (b) If the licensee performs residential construction, such
16 additional documentation as the Board deems appropriate.

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

32 **Sec. 8.** NRS 624.283 is hereby amended to read as follows:

33 624.283 1. Each license issued under the provisions of this
34 chapter expires 1 year after the date on which it is issued, except
35 that the Board may by regulation prescribe shorter or longer periods
36 and prorated fees to establish a system of staggered renewals. Any
37 license which is not renewed on or before the date for renewal is
38 automatically suspended.

39 2. A license may be renewed by submitting to the Board:

40 (a) An application for renewal;

41 (b) The fee for renewal fixed by the Board; and

42 (c) Any assessment required pursuant to NRS 624.470 if the
43 holder of the license is a residential contractor as defined in
44 NRS 624.450.



1 3. The Board may require a licensee to demonstrate his
2 financial responsibility at any time through the submission of:

3 (a) A financial statement that is ~~prepared~~ :

4 (1) *Prepared* by an independent certified public accountant;
5 *or*

6 (2) *Submitted on a form or in a format prescribed by the*
7 *Board together with an affidavit which verifies the accuracy of the*
8 *financial statement;* and

9 (b) If the licensee performs residential construction, such
10 additional documentation as the Board deems appropriate.

11 4. If a license is automatically suspended pursuant to
12 subsection 1, the licensee may have his license reinstated upon filing
13 an application for renewal within 6 months after the date of
14 suspension and paying, in addition to the fee for renewal, a fee for
15 reinstatement fixed by the Board, if he is otherwise in good standing
16 and there are no complaints pending against him. If he is otherwise
17 not in good standing or there is a complaint pending, the Board shall
18 require him to provide a current financial statement prepared by an
19 independent certified public accountant or establish other conditions
20 for reinstatement. A license which is not reinstated within 6 months
21 after it is automatically suspended may be cancelled by the Board,
22 and a new license may be issued only upon application for an
23 original contractor's license.

24 **Sec. 9.** NRS 624.300 is hereby amended to read as follows:

25 624.300 1. Except as otherwise provided in subsections 3 and
26 4, the Board may:

27 (a) Suspend or revoke licenses already issued;

28 (b) Refuse renewals of licenses;

29 (c) Impose limits on the field, scope and monetary limit of the
30 license;

31 (d) Impose an administrative fine of not more than \$10,000;

32 (e) Order a licensee to repay to the account established pursuant
33 to NRS 624.470, any amount paid out of the account pursuant to
34 NRS 624.510 as a result of an act or omission of that licensee;

35 (f) Order the licensee to take action to correct a condition
36 resulting from an act which constitutes a cause for disciplinary
37 action, at the licensee's cost, that may consist of requiring the
38 licensee to:

39 (1) Perform the corrective work himself;

40 (2) Hire and pay another licensee to perform the corrective
41 work; or

42 (3) Pay to the owner of the construction project a specified
43 sum to correct the condition; or



1 (g) Issue a public reprimand or take other less severe
2 disciplinary action, including, without limitation, increasing the
3 amount of the surety bond or cash deposit of the licensee,
4 ➔ if the licensee commits any act which constitutes a cause for
5 disciplinary action.

6 2. If the Board suspends or revokes the license of a contractor
7 for failure to establish financial responsibility, the Board may, in
8 addition to any other conditions for reinstating or renewing the
9 license, require that each contract undertaken by the licensee for a
10 period to be designated by the Board, not to exceed 12 months, be
11 separately covered by a bond or bonds approved by the Board and
12 conditioned upon the performance of and the payment of labor and
13 materials required by the contract.

14 3. If a licensee violates the provisions of NRS 624.3014 , ~~for~~
15 subsection *2 or 3* of NRS 624.3015, *subsection 1 of NRS 624.302*
16 *or subsection 1 of NRS 624.305*, the Board may impose *for each*
17 *violation* an administrative fine ~~for~~ *in an amount that is* not more
18 than ~~[\$20,000.]~~ *\$50,000. The Board shall, by regulation, establish*
19 *standards for use by the Board in determining the amount of an*
20 *administrative fine imposed pursuant to this subsection. The*
21 *standards must include, without limitation, provisions requiring*
22 *the Board to consider:*

23 (a) *The gravity of the violation;*

24 (b) *The good faith of the licensee; and*

25 (c) *Any history of previous violations of the provisions of this*
26 *chapter committed by the licensee.*

27 4. If a licensee is prohibited from being awarded a contract for
28 a public work pursuant to NRS 338.017, the Board may suspend the
29 license of the licensee for the period of the prohibition.

30 5. If a licensee commits a fraudulent act which is a cause for
31 disciplinary action under NRS 624.3016, the correction of any
32 condition resulting from the act does not preclude the Board from
33 taking disciplinary action.

34 6. If the Board finds that a licensee has engaged in repeated
35 acts that would be cause for disciplinary action, the correction of
36 any resulting conditions does not preclude the Board from taking
37 disciplinary action pursuant to this section.

38 7. The expiration of a license by operation of law or by order
39 or decision of the Board or a court, or the voluntary surrender of a
40 license by a licensee, does not deprive the Board of jurisdiction to
41 proceed with any investigation of, or action or disciplinary
42 proceeding against, the licensee or to render a decision suspending
43 or revoking the license.

44 8. The Board shall not issue a private reprimand to a licensee.



1 9. An order that imposes discipline and the findings of fact and
2 conclusions of law supporting that order are public records.

3 10. *An administrative fine imposed pursuant to this section,*
4 *NRS 624.341 or 624.710 plus interest at a rate that is equal to the*
5 *prime rate at the largest bank in this State, as determined by the*
6 *Commissioner of Financial Institutions on January 1 or July 1, as*
7 *appropriate, immediately preceding the date of the order imposing*
8 *the administrative fine, plus 4 percent, must be paid to the Board*
9 *before the issuance or renewal of a license to engage in the*
10 *business of contracting in this State. The interest must be collected*
11 *from the date of the order until the date the administrative fine is*
12 *paid.*

13 11. All fines *and interest* collected pursuant to this section
14 must be deposited with the State Treasurer for credit to the
15 Construction Education Account created pursuant to NRS 624.580.

16 **Sec. 10.** NRS 624.3016 is hereby amended to read as follows:

17 624.3016 The following acts or omissions, among others,
18 constitute cause for disciplinary action under NRS 624.300:

19 1. Any fraudulent or deceitful act committed in the capacity of
20 a contractor, including, without limitation, misrepresentation or the
21 omission of a material fact.

22 2. A conviction of a violation of NRS 624.730, *or a conviction*
23 *in this State or any other jurisdiction of* a felony relating to the
24 practice of a contractor or a crime involving moral turpitude.

25 3. Knowingly making a false statement in or relating to the
26 recording of a notice of lien pursuant to the provisions of
27 NRS 108.226.

28 4. Failure to give a notice required by NRS 108.227, 108.245
29 or 108.246.

30 5. Failure to comply with NRS 597.713, 597.716 or 597.719 or
31 any regulations of the Board governing contracts for the
32 construction of residential pools and spas.

33 6. Failure to comply with NRS 624.600.

34 7. Misrepresentation or the omission of a material fact, or the
35 commission of any other fraudulent or deceitful act, to obtain a
36 license.

37 8. Failure to pay an assessment required pursuant to
38 NRS 624.470.

39 9. Failure to file a certified payroll report that is required for a
40 contract for a public work.

41 10. Knowingly submitting false information in an application
42 for qualification or a certified payroll report that is required for a
43 contract for a public work.



1 **Sec. 11.** NRS 624.323 is hereby amended to read as follows:

2 624.323 1. In addition to any other requirements set forth in
3 this chapter, if an investigation is conducted against a licensee and
4 the Board determines that there is cause to proceed with a formal
5 disciplinary proceeding against the licensee, the Board shall require
6 the licensee to submit to the Board:

7 (a) A financial statement that is ~~prepared~~ :

8 (1) *Prepared* by an independent certified public accountant;
9 *or*

10 (2) *Submitted on a form or in a format prescribed by the*
11 *Board together with an affidavit which verifies the accuracy of the*
12 *financial statement;* and

13 (b) A statement setting forth the number of building permits
14 issued to and construction projects completed by the licensee during
15 the immediately preceding year and any other information required
16 by the Board. The statement submitted pursuant to this paragraph
17 must be provided on a form approved by the Board.

18 2. After providing the licensee with notice and an opportunity
19 to be heard, the Board must determine whether, based on the
20 financial information concerning the licensee, it would be in the
21 public interest to do any or all of the following:

22 (a) Require the licensee to obtain the services of a construction
23 control with respect to any money that the licensee requires a
24 purchaser of a new residence to pay in advance to make upgrades to
25 the new residence. If the Board imposes such a requirement, the
26 licensee may not:

27 (1) Be related to the construction control or to an employee
28 or agent of the construction control; or

29 (2) Hold, directly or indirectly, a financial interest in the
30 business of the construction control.

31 (b) Establish an aggregate monetary limit on the contractor's
32 license, which must be the maximum combined monetary limit on
33 all contracts that the licensee may undertake or perform as a
34 licensed contractor at any one time, regardless of the number of
35 contracts, construction sites, subdivision sites or clients. If the Board
36 establishes such a limit, the Board:

37 (1) Shall determine the period that the limit is in effect; and

38 (2) During that period, may increase or decrease the limit as
39 the Board deems appropriate.

40 3. The provisions of this section do not limit the authority of
41 the Board to take disciplinary action against the licensee.

42 **Sec. 12.** NRS 624.710 is hereby amended to read as follows:

43 624.710 1. If any person violates the provisions of subsection
44 1 of NRS 624.700, the Board may impose *for each violation* an



1 administrative fine ~~to~~ *in an amount that is* not less than \$1,000
2 ~~nor~~ *and not* more than ~~[\$10,000 for each violation.]~~ *\$50,000.*

3 2. ~~Am~~ *The Board shall, by regulation, establish standards*
4 *for use by the Board in determining the amount of an*
5 *administrative fine imposed pursuant to this section . is* *The*
6 *standards must include, without limitation, provisions requiring*
7 *the Board to consider:*

8 (a) *The gravity of the violation;*

9 (b) *The good faith of the licensee; and*

10 (c) *Any history of previous violations of the provisions of this*
11 *chapter committed by the licensee.*

12 3. *An administrative fine imposed pursuant to this section is*
13 *in addition to any other penalty imposed pursuant to this chapter.*

14 ~~3-~~ 4. If the administrative fine is not paid when due, the fine
15 must be recovered in a civil action brought by the Attorney General
16 on behalf of the Board.

17 ~~4-~~ 5. All administrative fines collected pursuant to this
18 section must be deposited with the State Treasurer for credit to the
19 Construction Education Account created pursuant to NRS 624.580.

20 **Sec. 13.** NRS 624.720 is hereby amended to read as follows:

21 624.720 1. It is unlawful for any person, including a person
22 exempt under the provisions of NRS 624.031, to advertise as a
23 contractor unless he has a license in the appropriate classification
24 established by the provisions of NRS 624.215 and 624.220.

25 2. *It is unlawful for a licensed contractor to disseminate, as*
26 *part of any advertising by the contractor, any false or misleading*
27 *statement or representation of material fact that is intended,*
28 *directly or indirectly, to induce another person to use the services*
29 *of the contractor or to enter into any contract with the contractor*
30 *or any obligation relating to such a contract.*

31 3. All advertising by a licensed contractor must include the
32 name of his company and the number of his license.

33 ~~3-~~ 4. If, after giving notice and holding a hearing pursuant to
34 NRS 624.291, the Board determines that a person has engaged in
35 advertising in a manner that violates the provisions of this section,
36 the Board may, in addition to any penalty, punishment or
37 disciplinary action authorized by the provisions of this chapter, issue
38 an order to the person to cease and desist the unlawful advertising
39 and to:

40 (a) Cause any telephone number included in the advertising,
41 other than a telephone number to a provider of paging services, to be
42 disconnected.

43 (b) Request the provider of paging services to change the
44 number of any beeper which is included in the advertising or
45 disconnect the paging services to such a beeper, and to inform the



1 provider of paging services that the request is made pursuant to this
2 section.

3 ~~[4,] 5.~~ If a person fails to comply with paragraph (a) of
4 subsection ~~[3,] 4~~ within 5 days after the date that he receives an order
5 pursuant to subsection ~~[3,] 4~~, the Board may request the Public
6 Utilities Commission of Nevada to order the appropriate provider of
7 telephone service to disconnect any telephone number included in
8 the advertisement, except for a telephone number to a provider of
9 paging services. If a person fails to comply with paragraph (b) of
10 subsection ~~[3,] 4~~ within 5 days after the date he receives an order
11 pursuant to subsection ~~[3,] 4~~, the Board may request the provider of
12 paging services to switch the beeper number or disconnect the
13 paging services provided to the person, whichever the provider
14 deems appropriate.

15 ~~[5,] 6.~~ If the provider of paging services receives a request
16 from a person pursuant to subsection ~~[3,] 4~~ or a request from the
17 Board pursuant to subsection ~~[4,] 5~~, it shall:

18 (a) Disconnect the paging service to the person; or

19 (b) Switch the beeper number of the paging service provided to
20 the person.

21 ➤ If the provider of paging services elects to switch the number
22 pursuant to paragraph (b), it shall not forward or offer to forward the
23 paging calls from the previous number, or provide or offer to
24 provide a recorded message that includes the new beeper number.

25 ~~[6,] 7.~~ As used in this section:

26 (a) "Advertising" includes, but is not limited to, the issuance of
27 any sign, card or device, or the permitting or allowing of any sign or
28 marking on a motor vehicle, in any building, structure, newspaper,
29 magazine or airway transmission, on the Internet or in any directory
30 under the listing of "contractor" with or without any limiting
31 qualifications.

32 (b) "Beeper" means a portable electronic device which is used to
33 page the person carrying it by emitting an audible or a vibrating
34 signal when the device receives a special radio signal.

35 (c) "Provider of paging services" means an entity, other than a
36 public utility, that provides paging service to a beeper.

37 (d) "Provider of telephone service" has the meaning ascribed to
38 it in NRS 707.355.

39 **Sec. 14.** NRS 171.090 is hereby amended to read as follows:

40 171.090 Except as otherwise provided in NRS 171.095 and
41 202.885, *and section 3 of this act*, an indictment for:

42 1. A gross misdemeanor must be found, or an information or
43 complaint filed, within 2 years after the commission of the offense.

44 2. Any other misdemeanor must be found, or an information or
45 complaint filed, within 1 year after the commission of the offense.



1 **Sec. 15.** NRS 171.095 is hereby amended to read as follows:
2 171.095 1. Except as otherwise provided in subsection 2 and
3 NRS 171.083 and 171.084:

4 (a) If a felony, gross misdemeanor or misdemeanor is committed
5 in a secret manner, an indictment for the offense must be found, or
6 an information or complaint filed, within the periods of limitation
7 prescribed in NRS 171.085 and 171.090 *and section 3 of this act*
8 after the discovery of the offense, unless a longer period is allowed
9 by paragraph (b) or the provisions of NRS 202.885.

10 (b) An indictment must be found, or an information or
11 complaint filed, for any offense constituting sexual abuse of a child,
12 as defined in NRS 432B.100, before the victim of the sexual abuse
13 is:

14 (1) Twenty-one years old if he discovers or reasonably
15 should have discovered that he was a victim of the sexual abuse by
16 the date on which he reaches that age; or

17 (2) Twenty-eight years old if he does not discover and
18 reasonably should not have discovered that he was a victim of the
19 sexual abuse by the date on which he reaches 21 years of age.

20 2. If any indictment found, or an information or complaint
21 filed, within the time prescribed in subsection 1 is defective so that
22 no judgment can be given thereon, another prosecution may be
23 instituted for the same offense within 6 months after the first is
24 abandoned.

25 **Sec. 16.** 1. Except as otherwise provided in subsection 2, the
26 provisions of this act do not apply to any acts, omissions, violations
27 or offenses committed before the effective date of this act.

28 2. The provisions of this section do not prohibit the State
29 Contractors' Board from denying an application for a license
30 pursuant to chapter 624 of NRS based on a criminal conviction for
31 an offense committed before the effective date of this act.

32 **Sec. 17.** 1. This section and sections 1 to 7, inclusive, and 9
33 to 16, inclusive, of this act become effective upon passage and
34 approval.

35 2. The provisions of section 7 of this act expire by limitation
36 on the date on which the provisions of 42 U.S.C. § 666 requiring
37 each state to establish procedures under which the state has
38 authority to withhold or suspend, or to restrict the use of
39 professional, occupational and recreational licenses of persons who:

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

43 (b) Are in arrears in the payment for the support of one or more
44 children,

45 ↪ are repealed by the Congress of the United States.



1 3. Section 8 of this act becomes effective on the date on which
2 the provisions of 42 U.S.C. § 666 requiring each state to establish
3 procedures under which the state has authority to withhold or
4 suspend, or to restrict the use of professional, occupational and
5 recreational licenses of persons who:
6 (a) Have failed to comply with a subpoena or warrant relating to
7 a procedure to determine the paternity of a child or to establish or
8 enforce an obligation for the support of a child; or
9 (b) Are in arrears in the payment for the support of one or more
10 children,
11 ↪ are repealed by the Congress of the United States.



