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ASSEMBLY BILL NO. 537—COMMITTEE ON COMMERCE AND LABOR

MARCH 29, 2005

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Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning submittal of certain questions and disputes to State Contractors’ Board. (BDR 3-294)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

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AN ACT relating to property; clarifying that a claimant or any contractor, subcontractor, supplier or design professional may submit a question or dispute to the State Contractors’ Board concerning any matter which may affect or relate to a constructional defect; and providing other matters properly relating thereto.

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

- 1       **Section 1.** NRS 40.6887 is hereby amended to read as follows:  
2       40.6887 1. A claimant ~~and~~ *or* any contractor, subcontractor,  
3       supplier ~~and~~ *or* design professional may submit a question or  
4       dispute to the State Contractors’ Board concerning any matter which  
5       may affect or relate to a constructional defect, including, without  
6       limitation, questions concerning the need for repairs, the appropriate  
7       method for repairs, the sufficiency of any repairs that have been  
8       made and the respective rights and responsibilities of homeowners,  
9       claimants, contractors, subcontractors, suppliers and design  
10      professionals.  
11      2. If a question or dispute is submitted to the State Contractors’  
12      Board pursuant to this section, the State Contractors’ Board shall,  
13      pursuant to its regulations, rules and procedures, respond to the  
14      question or investigate the dispute and render a decision. Nothing in  
15      this section authorizes the State Contractors’ Board to require the



1 owner of a residence or appurtenance to participate in any  
2 administrative hearing which is held pursuant to this section.

3 3. Not later than 30 days after a question or dispute is  
4 submitted to the State Contractors' Board pursuant to subsection 1,  
5 the State Contractors' Board shall respond to the question or render  
6 its decision. The response or decision of the State Contractors'  
7 Board:

8 (a) Is not binding and is not subject to judicial review pursuant  
9 to the provisions of chapters 233B and 624 of NRS; and

10 (b) Is not admissible in any judicial or administrative proceeding  
11 brought pursuant to the provisions of this chapter.

12 4. The provisions of this chapter do not preclude a claimant or  
13 a contractor, subcontractor, supplier or design professional from  
14 pursuing any remedy otherwise available from the State  
15 Contractors' Board pursuant to the provisions of chapter 624 of  
16 NRS concerning a constructional defect.

17 5. If an action for a constructional defect has been commenced,  
18 the court shall not stay or delay any proceedings before the court  
19 pending an answer to a question or decision concerning a dispute  
20 submitted to the State Contractors' Board.

21 6. The State Contractors' Board shall adopt regulations  
22 necessary to carry out the provisions of this section and may charge  
23 and collect reasonable fees from licensees to cover the cost of  
24 carrying out its duties pursuant to this section.

25 **Sec. 2.** This act becomes effective upon passage and approval.

