

PROPOSED AMENDMENT TO NAC 624

MAY 25, 2005

LCB File No.

Effective:

***EXPLANATION** – Matter in *italics* is new; matter in brackets [] is material to be omitted.*

QUESTIONS AND DISPUTES CONCERNING CONSTRUCTIONAL DEFECTS

NAC 624.780 Definitions. ([NRS 40.6887](#)) As used in [NAC 624.780](#) to [624.795](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 624.781](#) to [624.791](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Contractors' Bd. by R158-03, eff. 5-14-2004)

NAC 624.781 “Appurtenance” defined. ([NRS 40.6887](#)) “Appurtenance” has the meaning ascribed to it in [NRS 40.605](#).

(Added to NAC by Contractors' Bd. by R158-03, eff. 5-14-2004)

NAC 624.782 “Board” defined. ([NRS 40.6887](#)) “Board” means the State Contractors' Board or its designee.

(Added to NAC by Contractors' Bd. by R158-03, eff. 5-14-2004)

NAC 624.783 “Claimant” defined. ([NRS 40.6887](#)) “Claimant” has the meaning ascribed to it in [NRS 40.610](#).

(Added to NAC by Contractors' Bd. by R158-03, eff. 5-14-2004)

NAC 624.784 “Constructional defect” defined. ([NRS 40.6887](#)) “Constructional defect” has the meaning ascribed to it in [NRS 40.615](#).

(Added to NAC by Contractors' Bd. by R158-03, eff. 5-14-2004)

NAC 624.785 “Contractor” defined. ([NRS 40.6887](#)) “Contractor” has the meaning ascribed to it in [NRS 40.620](#).

(Added to NAC by Contractors' Bd. by R158-03, eff. 5-14-2004)

NAC 624.786 “Design professional” defined. ([NRS 40.6887](#)) “Design professional” has the meaning ascribed to it in [NRS 40.623](#).

(Added to NAC by Contractors' Bd. by R158-03, eff. 5-14-2004)

NAC 624.787 [~~Petitioner~~] “Requester” defined. ([NRS 40.6887](#)) “[~~Petitioner~~] ” *Requester* means a claimant or any contractor, subcontractor, supplier or design professional who submits a request to the Board.

(Added to NAC by Contractors' Bd. by R158-03, eff. 5-14-2004)

NAC 624.788 “Request” defined. ([NRS 40.6887](#)) “Request” means a question or dispute that concerns any matter which may affect or relate to a constructional defect, including, without limitation, questions concerning the need for repairs, the appropriate method for repairs, the sufficiency of any repairs that have been made and the respective rights and responsibilities of homeowners, claimants, contractors, subcontractors, suppliers and design professionals, submitted to the Board pursuant to the provisions of [NRS 40.6887](#).

(Added to NAC by Contractors’ Bd. by R158-03, eff. 5-14-2004)

NAC 624.789 “Residence” defined. ([NRS 40.6887](#)) “Residence” has the meaning ascribed to it in [NRS 40.630](#).

(Added to NAC by Contractors’ Bd. by R158-03, eff. 5-14-2004)

NAC 624.790 “Subcontractor” defined. ([NRS 40.6887](#)) “Subcontractor” has the meaning ascribed to it in [NRS 40.632](#).

(Added to NAC by Contractors’ Bd. by R158-03, eff. 5-14-2004)

NAC 624.791 “Supplier” defined. ([NRS 40.6887](#)) “Supplier” has the meaning ascribed to it in [NRS 40.634](#).

(Added to NAC by Contractors’ Bd. by R158-03, eff. 5-14-2004)

NAC 624.792 When request is deemed to have been submitted to Board. ([NRS 40.6887](#)) For the purposes of subsection 3 of [NRS 40.6887](#), the Board will deem a request to have been submitted to the Board when:

1. The request ~~[and consent in writing to the submission of the request by the claimant and any contractor, subcontractor, supplier and design professional to the residence or appurtenance have]~~ *has* been received by the Board;

2. All the materials and documentation required by the Board pursuant to [NAC 624.793](#) have been provided to the Board; and

3. If the Board determines pursuant to the provisions of [NAC 624.794](#) that an investigation into the request is required, the Board has completed the investigation.

(Added to NAC by Contractors’ Bd. by R158-03, eff. 5-14-2004)

NAC 624.793 Submission of request [~~and pertinent consents,~~] documents, materials and information. ([NRS 40.6887](#))

1. A petitioner shall submit a request to the Board on a form prescribed by the Board. ~~[The request must include, without limitation:~~

~~(a) A consent in writing by the claimant granting access to the Board to the residence or appurtenance; and~~

~~—(b) A consent in writing to the submission of the request by the claimant and any contractor, subcontractor, supplier and design professional to the residence or appurtenance.]~~

~~—[2. If a petitioner submits a request to the Board without the consents required pursuant to the provisions of subsection 1, the Board will notify the petitioner that the Board is unable to provide a response to or render a decision on the request.]~~

3. In addition to the submission of the request pursuant to the provisions of subsection 1, the petitioner must submit to the Board, at the time of the submission

of the request, copies of all documentation or materials related to the residence or appurtenance that is the subject of the request, *if available*.

4. If the Board determines that additional documentation or information related to the request is required to provide a response to or render a decision on the request, the Board will notify the petitioner ~~[and any other party to the request]~~ of the additional documentation or information required by the Board.

5. If the Board notifies a petitioner ~~[or other party to the request]~~ pursuant to subsection 4 of additional documentation or information required by the Board, the petitioner ~~[or other party to the request]~~ shall submit the documentation or information requested to the Board.

(Added to NAC by Contractors' Bd. by R158-03, eff. 5-14-2004)

NAC 624.794 Review of request; investigation and report. ([NRS 40.6887](#))

1. Upon the submission of a request pursuant to the provisions of [NAC 624.793](#), the Executive Officer of the Board will review the request to determine if an investigation is required to provide a response to or render a decision on the request.

2. If the Executive Officer of the Board determines that an investigation is required to provide a response to or render a decision on the request, *the Executive Officer will designate* staff of the Board *or an independent licensed professional to* ~~[will]~~ conduct an investigation into the request.

3. A written report of the results of any investigation into the request conducted pursuant to the provisions of this section must be submitted to the Executive Officer of the Board.

4. The Board will review the written report submitted to the Executive Officer of the Board before providing a response to or rendering a decision on the request.

(Added to NAC by Contractors' Bd. by R158-03, eff. 5-14-2004)

NAC 624.795 Assessment, notification and payment of fees. ([NRS 40.6887](#))

1. Pursuant to the provisions of [NRS 40.6887](#), a contractor who constructed or contracted for the construction of the residence or appurtenance that is the subject of the request shall pay to the Board fees sufficient to cover the costs of providing a response to or rendering a decision on the request.

2. The Board will notify the contractor of the assessment of the fees by the Board.

3. The contractor shall pay the fees assessed to cover the costs to the Board within 15 days after receiving notice of the fees pursuant to subsection 2.

(Added to NAC by Contractors' Bd. by R158-03, eff. 5-14-2004)