

SENATE BILL NO. 494—COMMITTEE ON
COMMERCE, LABOR AND ENERGY

MARCH 25, 2013

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Provides certain exemptions from provisions relating to contractors. (BDR 54-1093)

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

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

AN ACT relating to contractors; exempting certain licensed real estate brokers from provisions relating to contractors; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law exempts from the provisions of chapter 624 of NRS, which
2 provides for the licensing and regulation of contractors, certain persons, work and
3 activities. (NRS 624.031) This bill exempts from those provisions a licensed real
4 estate broker who, acting within the scope of his or her license or a permit to
5 engage in property management, assists a client in scheduling or performing work
6 to repair or maintain property, unless a building permit is required to perform the
7 work.

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

1 **Section 1.** NRS 624.031 is hereby amended to read as follows:
2 624.031 The provisions of this chapter do not apply to:
3 1. Work performed exclusively by an authorized representative
4 of the United States Government, the State of Nevada, or an
5 incorporated city, county, irrigation district, reclamation district, or
6 other municipal or political corporation or subdivision of this State.
7 2. An officer of a court when acting within the scope of his or
8 her office.
9 3. Work performed exclusively by a public utility operating
10 pursuant to the regulations of the Public Utilities Commission of



1 Nevada on construction, maintenance and development work
2 incidental to its business.

3 4. An owner of property who is building or improving a
4 residential structure on the property for his or her own occupancy
5 and not intended for sale or lease. The sale or lease, or the offering
6 for sale or lease, of the newly built structure within 1 year after its
7 completion creates a rebuttable presumption for the purposes of this
8 section that the building of the structure was performed with the
9 intent to sell or lease that structure. An owner of property who
10 requests an exemption pursuant to this subsection must apply to the
11 Board for the exemption. The Board shall adopt regulations setting
12 forth the requirements for granting the exemption.

13 5. Any work to repair or maintain property the value of which
14 is less than \$1,000, including labor and materials, unless:

15 (a) A building permit is required to perform the work;

16 (b) The work is of a type performed by a plumbing, electrical,
17 refrigeration, heating or air-conditioning contractor;

18 (c) The work is of a type performed by a contractor licensed in a
19 classification prescribed by the Board that significantly affects the
20 health, safety and welfare of members of the general public;

21 (d) The work is performed as a part of a larger project:

22 (1) The value of which is \$500 or more; or

23 (2) For which contracts of less than \$500 have been awarded
24 to evade the provisions of this chapter; or

25 (e) The work is performed by a person who is licensed pursuant
26 to this chapter or by an employee of that person.

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

30 7. The construction, alteration, improvement or repair of
31 personal property.

32 8. The construction, alteration, improvement or repair financed
33 in whole or in part by the Federal Government and conducted within
34 the limits and boundaries of a site or reservation, the title of which
35 rests in the Federal Government.

36 9. An owner of property, the primary use of which is as an
37 agricultural or farming enterprise, building or improving a structure
38 on the property for his or her use or occupancy and not intended for
39 sale or lease.

40 10. Construction oversight services provided to a long-term
41 recovery group by a qualified person within a particular geographic
42 area that is described in a proclamation of a state of emergency or
43 declaration of disaster by the State or Federal Government,
44 including, without limitation, pursuant to NRS 414.070. A long-
45 term recovery group may reimburse such reasonable expenses as the



1 qualified person incurs in providing construction oversight services
2 to that group. Except as otherwise provided in this subsection,
3 nothing in this subsection authorizes a person who is not a licensed
4 contractor to perform the acts described in paragraphs (a) and (b) of
5 subsection 1 of NRS 624.700. As used in this subsection:

6 (a) "Construction oversight services" means the coordination
7 and oversight of labor by volunteers.

8 (b) "Long-term recovery group" means a formal group of
9 volunteers coordinating response and recovery efforts related to a
10 state of emergency or disaster that is proclaimed or declared by the
11 State or Federal Government.

12 (c) "Qualified person" means a person who possesses the
13 abilities, education, experience, knowledge, skills and training that a
14 long-term recovery group has identified as being necessary to
15 provide construction oversight services for a project to be performed
16 by that group.

17 *11. A person licensed as a real estate broker pursuant to*
18 *chapter 645 of NRS who, acting within the scope of the license or*
19 *a permit to engage in property management pursuant to NRS*
20 *645.6052, assists a client in scheduling or performing work to*
21 *repair or maintain property pursuant to a written brokerage*
22 *agreement or a property management agreement. Such assistance*
23 *includes, without limitation, assisting a client in the hiring of any*
24 *number of specialty contractors to perform the work. The*
25 *provisions of this subsection do not apply if a building permit is*
26 *required to perform the work. As used in this subsection:*

27 (a) "Brokerage agreement" has the meaning ascribed to it in
28 NRS 645.005.

29 (b) "Property management agreement" has the meaning
30 ascribed to it in NRS 645.0192.

31 (c) "Real estate broker" has the meaning ascribed to it in
32 NRS 645.030.

33 **Sec. 2.** This act becomes effective on July 1, 2013.



