



Nevada State Board of Architecture, Interior Design and Residential Design

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NOTICE

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To: Contractors Licensed Pursuant to Chapter 624 of Nevada Revised Statutes

From: Nevada State Board of Architecture, Interior Design and Residential Design

Re: Clarification of the Contractor's Exemption

The Nevada State Board of Architecture, Interior Design & Residential Design is responsible for protecting the health, safety, and welfare of the public by assuring the quality of the built environment. This letter is provided to you, a contractor licensed pursuant to NRS 624 to ensure compliance with Chapter 623 of Nevada Revised Statute (NRS 623), which governs the practice of architecture, interior design, and residential design.

Contractors licensed under the laws of the state of Nevada are exempt from certain provisions of NRS 623, if they prepare their own drawings for their own construction activities and meet the code requirements set forth by the building department. Since a contractor is only allowed to provide drawings under the specific guidelines of this exemption, it is important that you, the contractor, understand the exemption. It reads as follows:

NRS 623.330(1) (d) Exemptions; civil and criminal liability

1. The following persons are exempt from the provisions of this chapter:

(d) A contractor licensed pursuant to the provisions of chapter 624 of NRS who provides his own drawings for his own construction activities.

Your own drawings as defined in NAC 623.0195 means: *For the purposes of paragraph (d) of subsection 1 of NRS 623.330, the Board interprets the phrase "his or her own drawings" to include only drawings prepared by a contractor or an employee of the contractor.* This means that the employee must be a W-2 employee and not hired on a 1099 contract basis, as that would be in conflict with the intent of the exemption in NRS 623.

After you have prepared drawings for a client that hired you to design and build a project, can the client hire a different contractor to build the project using your drawings?

The answer is no. Those drawings are your property! The client cannot shop bids using drawings you prepared for the purpose of building the project because this is not the intent of the contractor's exemption.

How can you prevent this from happening to you? Include language in your agreement with the client that the plans belong to you and may only be used by you for your own construction activities.

If you prepare a set of architectural plans knowing that the project will be built by someone else, you are considered to be practicing unlicensed architecture and in violation of NRS 623 as follows:

NRS 623.360 Prohibited acts; penalties; injunctive relief.

1. It is unlawful for any person to:

- (a) Hold himself out to the public or solicit business as an architect, registered interior designer or residential designer in this state without having a certificate of registration or temporary certificate issued by the Board.*
- (b) Advertise, put out any sign, card or other device which indicates to the public that he is an architect, registered interior designer or residential designer or that he is otherwise qualified to:*
 - (1) Engage in the practice of architecture or residential design; or*
 - (2) Practice as a registered interior designer,
without having a certificate of registration issued by the Board.*
- (c) Engage in the practice of architecture or residential design or practice as a registered interior designer without a certificate of registration issued by the Board.*

NRS 623.365 states that in addition to any other civil penalty provided by law, a person who violates any provision of NRS 623 or any regulation adopted by the board is subject to a civil penalty of not more than \$10,000 for each violation.

Another thing to be aware of is that a general building contractor shall not prepare drawings for the following specialties: plumbing, electrical, refrigeration and air conditioning, or fire protection unless you hold a specialty license.

Finally, your drawings must be consistent with industry standards. If you submit drawings to the building department and it is determined that the drawings are substandard, you will have to use the services of an appropriate design professional such as an architect, residential designer, registered interior designer, or engineer.

Please share the information in this letter with anyone in the industry that it may pertain to.

We are available to provide education and assistance to you regarding the exemption in NRS 623.330.1(d). If you have any questions or concerns regarding the architectural services that your business is providing, please contact us for further clarification at (702) 486-7300.