

West's Nevada Revised Statutes Annotated [Currentness](#)

Title 53. Labor and Industrial Relations

Chapter 618. Occupational Safety and Health ([Refs & Annos](#))

▣ Certain Occupations

→ Control of Asbestos ([Refs & Annos](#))

→ **618.750. Definitions**

As used in NRS 618.750 to [618.850](#), inclusive, unless the context otherwise requires:

1. "Asbestos" means asbestiform varieties of:

- (a) Chrysotile (serpentine);
- (b) Crocidolite (riebeckite);
- (c) Amosite (cummingtonite-grunerite);
- (d) Anthophyllite;
- (e) Tremolite; or
- (f) Actinolite.

2. "Control of asbestos" means:

- (a) The encapsulation, enclosure or removal of asbestos or material containing asbestos from a building or structure, including any associated mechanical systems, whether inside or outside the building or structure;
- (b) The abatement of the danger posed to human beings by the presence of asbestos or material containing asbestos in a building or structure, including any associated mechanical systems, whether inside or outside the building or structure;
- (c) The repair, renovation or demolition of a building or structure containing asbestos or materials containing asbestos; or

(d) Any activity connected with that encapsulation, enclosure, removal, abatement, repair, renovation or demolition.

3. "Occupation" means a specific discipline involved in a project for the control of asbestos, including those tasks performed respectively by an inspector, management planner, consultant, project designer, contractor, supervisor or worker engaged in the control of asbestos.

4. "Worker" means any person actually engaged in work directly related to asbestos on a project for the control of asbestos who is not required to be licensed in any other occupation.

### **618.755. Scope**

NRS 618.750 to 618.850, inclusive, does not apply to:

1. The control of asbestos by a person in his own residence.
2. A person employed by a public utility which supplies electricity when performing emergency activities which include, but are not limited to:
  - (a) The removal of insulation containing asbestos on pipes;
  - (b) The removal of small quantities of insulation containing asbestos on beams or above ceilings;
  - (c) The replacement of a gasket containing asbestos on a valve;
  - (d) The installation or removal of a small section of drywall; and
  - (e) The installation of electrical conduits running through or proximate to materials containing asbestos,if the person is trained by and works under the direction of a person who is capable of identifying existing hazards in a workplace which are related to asbestos, tremolite, anthophyllite or actinolite, and is authorized to take prompt corrective measures to eliminate them as set forth in 29 C.F.R. § 1926.32(f) on June 28, 1989.

### **618.760. Regulations of Division: Generally**

The Division may adopt such regulations as are necessary to carry out the provisions of NRS 618.750 to

618.850, inclusive.

**618.765. Regulations of Division: Standards and procedures**

1. Not later than 60 days after June 28, 1989, the Division shall adopt regulations establishing standards and procedures for the licensure of each occupation which are at least as stringent as those contained in the Model Contractor Accreditation Plan for States set out in Appendix C of Subpart E of Part 763 of Title 40 of the Code of Federal Regulations, as it existed on January 1, 1989. The regulations must include standards for:

- (a) Courses which provide initial training;
- (b) Courses which provide a review of the initial training;
- (c) Examinations;
- (d) Qualifications;
- (e) Renewal of licensure; and
- (f) Revocation of licensure.

2. After consultation with the Health Division of the Department of Health and Human Services, the Division of Environmental Protection of the State Department of Conservation and Natural Resources and the county air pollution control agencies designated pursuant to [NRS 445B.500](#), the Division shall adopt standards for:

- (a) Projects for the control of asbestos;
- (b) Specifying the amount of asbestos within a material which must be present to qualify the material as a "material containing asbestos" for the purposes of [NRS 618.750](#) to [618.850](#), inclusive;
- (c) Laboratories which analyze building materials for the presence of asbestos;
- (d) Laboratories which collect or analyze air samples for those projects; and
- (e) The assessment of the exposure of occupants of a building at the completion of a project for the control of asbestos.

3. The Division shall by regulation adopt a standard for the assessment of the exposure of the occupants of a building to airborne asbestos. The standard:

(a) Must be set according to a time-weighted average concentration of asbestos fibers in the air, measured under normal occupancy conditions; and

(b) Must be at least as stringent as the corresponding federal standard, if one has been adopted.

4. The standard adopted pursuant to subsection 3 may be used:

(a) To assess the need to respond to the presence of asbestos in a building; or

(b) To determine which buildings or structures are most in need of such response.

The standard does not require the monitoring of the air of any building or structure, or create a duty for the Division to inspect any building or structure, except in connection with the enforcement of this chapter.

#### **618.770. Assessments and fees: Establishment; collection; use**

1. The costs of carrying out the provisions of [NRS 618.750](#) to [618.850](#), inclusive, must be paid from assessments payable by each insurer based upon expected annual expenditures for claims. The Division shall adopt regulations which establish formulas of assessment which result in an equitable distribution of costs among the insurers.

2. In addition, the Division shall by regulation establish a schedule of fees designed to recover revenue to defray the costs of carrying out the provisions of [NRS 618.750](#) to [618.850](#), inclusive. The Division may collect fees for applications, the issuance and renewal of licenses, examinations, the review and approval of training courses, job notifications and inspections, recordkeeping, and any other activity of the Division related to the provisions of [NRS 618.750](#) to [618.850](#), inclusive. The fee for the issuance or renewal of a license must not exceed \$200.

3. Any fees collected pursuant to this section must be used to offset the assessments established pursuant to subsection 1.

4. As used in this section, "insurer" has the meaning ascribed to it in [NRS 232.550](#).

#### **618.775. Regulations of State Environmental Commission**

The State Environmental Commission shall adopt regulations for the disposal of asbestos and material containing asbestos.

#### **618.780. Disposal of asbestos and material containing asbestos**

All asbestos and material containing asbestos removed from a building during a project to control asbestos must be disposed of in accordance with the regulations adopted by the State Environmental Commission for the disposal of asbestos and material containing asbestos.

#### **618.785. Provisions and standards not to be used as evidence to deny liability or claim for compensation for exposure to asbestos**

Nothing in NRS 618.750 to 618.850, inclusive, including standards adopted pursuant thereto, may be used as evidence:

1. To deny liability in an action seeking damages for disease as a result of exposure to asbestos in a building or structure; or
2. To deny a claim for compensation pursuant to chapters 616A to 616D, inclusive, or 617 of NRS relating to exposure to asbestos.

#### **618.790. License required**

A person shall not engage in a project for the control of asbestos unless he holds a valid license issued by the Division.

#### **618.795. Issuance of licenses by Division**

1. The Division shall issue licenses to qualified applicants in each occupation.
2. The Division may adopt regulations to include within the definition of “occupation” any discipline deemed necessary, including that of instructor in the control of asbestos.

#### **618.800. Application for license: Requirements and procedures**

A person applying for a license in an occupation must:

1. Submit an application on a form prescribed and furnished by the Division, accompanied by a fee prescribed by the Division;
2. Successfully complete a course of training in the control of asbestos approved or administered by the Division for that occupation;
3. Pass an examination approved or administered by the Division for that occupation;
4. If he is a contractor, present proof satisfactory to the Division that he is insured to the extent determined necessary by the Administrator for the appropriate activities for the control of asbestos permitted under the requested license, for the effective period of the license; and
5. Meet any additional requirement established by the Division.

**618.801. Application for license: Statement by applicant regarding child support; grounds for denial of license; duty of Division**

<Text of section expires by limitation on the date of the repeal of the federal law requiring states to establish procedures for restricting licenses for persons with child support arrearages or related procedural noncompliance.>

1. An applicant for the issuance or renewal of a license in an occupation shall submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to [NRS 425.520](#). The statement must be completed and signed by the applicant.
2. The Division shall include the statement required pursuant to subsection 1 in:
  - (a) The application or any other forms that must be submitted for the issuance or renewal of the license; or
  - (b) A separate form prescribed by the Division.
3. A license in an occupation may not be issued or renewed by the Division if the applicant:
  - (a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

#### **618.802. Application for license: Inclusion of social security number of applicant**

<Text of section expires by limitation on the date of the repeal of the federal law requiring states to establish procedures for restricting licenses for persons with child support arrearages or related procedural noncompliance.>

An application for the issuance of a license in an occupation must include the social security number of the applicant.

#### **618.805. Renewal of license; continuing education or training**

<Text of section expires by limitation on the date of the repeal of the federal law requiring states to establish procedures for restricting licenses for persons with child support arrearages or related procedural noncompliance. See, also, section effective on the date of the repeal of the federal law requiring states to establish procedures for restricting licenses for persons with child support arrearages or related procedural noncompliance.>

1. To renew a license, a person must, on or before January 1 of each year:

(a) Apply to the Division for renewal;

(b) Submit the statement required pursuant to [NRS 618.801](#);

(c) Pay the annual fee for renewal set by the Division; and

(d) Submit evidence satisfactory to the Division of his completion of the requirements for continuing education or training established by the Division, if any.

2. The Division may adopt regulations requiring continuing education or training of the licensees in any occupation and, as a prerequisite to the renewal or restoration of a license, require each licensee to comply with those requirements.

#### **618.805. Renewal of license; continuing education or training**

<Text of section effective on the date of the repeal of the federal law requiring states to establish procedures for restricting licenses for persons with child support arrearages or related procedural noncompliance. See, also, section effective until the date of the repeal of the federal law requiring states to establish procedures for restricting licenses for persons with child support arrearages or related procedural noncompliance.>

1. To renew a license a person must, on or before January 1 of each year:

(a) Apply to the Division for renewal;

(b) Pay the annual fee for renewal set by the Division; and

(c) Submit evidence satisfactory to the Division of his completion of the requirements for continuing education or training established by the Division, if any.

2. The Division may adopt regulations requiring continuing education or training of the licensees in any occupation and, as a prerequisite to the renewal or restoration of a license, require each licensee to comply with those requirements.

#### **618.810. Issuance of license as contractor on basis of status as qualified employee prohibited**

The Division shall not issue a license as a contractor for projects for the control of asbestos on the basis of a person's status under chapter 624 of NRS as a qualified employee.

#### **618.815. Issuance of license to applicant who holds license issued by another state**

The Division may issue a license in an occupation to an applicant who holds a valid license in that occupation issued to him by the District of Columbia or any state or territory of the United States, or who has met the requirements for that occupation set by the Environmental Protection Agency pursuant to the Asbestos Hazard Emergency Response Act, if:

1. The legal requirements of that district, state or territory for licensure in that occupation were, at the time of issuance of the license, at least equivalent to those of this State.
2. The applicant passes an examination, if required by the Board.
3. The applicant furnishes to the Board such other proof of his qualifications as the Board requires.

#### **618.820. Duties of person licensed as contractor**

A person licensed as a contractor for projects for the control of asbestos shall:

1. If a laboratory is used for any aspect of collecting or analyzing air samples for a project, use only a laboratory which meets the standards adopted by the Division.
2. If a commercial laboratory is used for any aspect of collecting or analyzing air samples for a project, use only a laboratory in which the contractor or owner of the building or structure has no financial interest, unless the Division by regulation provides otherwise.
3. Comply with the standards adopted by the Division for projects.
4. Unless specifically exempted by the Division, refrain from providing any of the services of an inspector, management planner, consultant or project designer on a project.

#### **618.825. Employment of unlicensed person by licensed contractor prohibited**

A person licensed as a contractor for projects for the control of asbestos shall not employ to engage in activities directly related to asbestos on his projects a person who is not licensed pursuant to [NRS 618.795](#).

#### **618.830. Inspection of projects**

The Division or a person authorized by the Division shall inspect annually at least one project for the control of asbestos conducted by each contractor licensed pursuant to [NRS 618.795](#). The contractor shall, upon request of the Division or a person authorized by the Division, allow the inspection of all property, activities and facilities at the project and all related documents and records.

#### **618.833. Suspension of license for failure to pay child support or comply with certain subpoenas or war-**

### **rants; reinstatement of license**

<Text of section expires by limitation on the date of the repeal of the federal law requiring states to establish procedures for restricting licenses for persons with child support arrearages or related procedural noncompliance.>

1. If the Division receives a copy of a court order issued pursuant to [NRS 425.540](#) that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license in an occupation, the Division shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to [NRS 425.550](#) stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

2. The Division shall reinstate a license in an occupation that has been suspended by a district court pursuant to [NRS 425.540](#) if the Division receives a letter issued by the district attorney or other public agency pursuant to [NRS 425.550](#) to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

### **618.835. Disciplinary action; owner of building not liable for employment of another contractor after revocation of license of original contractor**

1. If the Division finds that a person, other than a worker, has violated any of the provisions of [NRS 618.780](#), [618.790](#), [618.820](#) or [618.825](#), or the standards or regulations adopted pursuant to [NRS 618.750](#) to [618.850](#), inclusive, it may:

(a) Upon the first violation, impose upon him an administrative fine of not more than \$15,000.

(b) Upon the second and subsequent violations:

(1) Impose upon him an administrative fine of not more than \$25,000; and

(2) If he is licensed pursuant to [NRS 618.795](#), revoke his license and require him to fulfill certain training or educational requirements to have his license reinstated.

Any penalty imposed pursuant to this section does not relieve the person from criminal prosecution for engaging in the control of asbestos without a license, nor from the imposition of a penalty pursuant to [NRS 445B.640](#).

2. If the license of a contractor for projects for the control of asbestos is revoked pursuant to this section and the owner of a building or structure upon which the contractor is engaged in a project employs another licensed contractor to complete the project, the original contractor may not bring an action against the owner of the building or structure for breach of contract or damages based on the employment of another contractor.

#### **618.840. Notice of intent to revoke license; summary suspension; hearing**

1. Except as otherwise provided in subsection 2, if the Division intends to revoke a person's license, it shall first notify him by certified mail. The notice must contain a statement of the Division's legal authority, jurisdiction and reasons for the proposed action.
2. If the Division finds that protection of the public health requires immediate action, it may order a summary suspension of a license pending proceedings for revocation.
3. A person is entitled to a hearing to contest the summary suspension or proposed revocation of his license. A request for such a hearing must be made pursuant to regulations adopted by the Division.
4. Upon receiving a request for a hearing to contest a summary suspension, the Division shall hold a hearing within 10 days after the date of the receipt of the request.

#### **618.845. Injunctive relief**

The Division may maintain in any court of competent jurisdiction a suit for an injunction against any person engaged in the control of asbestos in violation of the provisions of [NRS 618.780](#), [618.790](#), [618.820](#) or [618.825](#), or the standards or regulations adopted by the division pursuant to [NRS 618.750](#) to [618.850](#), inclusive. An injunction:

1. May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.
2. Does not relieve the person from criminal liability for engaging in the control of asbestos without a license.

#### **618.850. Penalty for acting without license**

Any person who engages in the control of asbestos without a license issued by the Division is guilty of a misdemeanor.

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