

**SMALL BUSINESS IMPACT STATEMENT**  
**APRIL 4, 2014**  
**Concerning Licensed Energy Auditors**  
**NAC 645D in LCB R122-12**

**1. R122-12 Small Business Impact Statement pursuant to NRS 233B.0608:**

**(a) A description of the manner in which comment was solicited from affected small business, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

Proposed regulation #R122-12 directs the Real Estate Division of the Department of Business and Industry to keep certain information concerning an applicant confidential; it defines terms used in the chapter; it establishes certain requirements for licensure and practice as an energy auditor pursuant to Chapter 645D. It also establishes regulations for the operation and oversight of training programs in preparation for licensure pursuant to Chapter 645D. R122-12 establishes the standards of practice of a licensee and the grounds and procedure for disciplinary action against a licensee pursuant to Chapter 645D.

The Small Business Impact Statement for LCB File #R122-12 was posted on the Real Estate Division website.

Interested persons may obtain a copy of the Small Business Impact Statement from:

Teralyn Thompson, Legal Administrative Officer  
Nevada Real Estate Division  
2501 East Sahara Avenue  
Las Vegas, NV 89104

**(b) The manner in which the small business analysis was conducted for R122-12.**

The Division posted on its web site the small business impact solicitation in addition to a Notice of Workshop for April 4, 2014. The Division sought comment during the August 30, 2012 Workshop on the proposed regulation including any small business impact from business owners or the public. No comment has been submitted at this time.

**(c) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**

**(1) Both adverse and beneficial effects:**

**(I) Adverse effects:**

The Division does not anticipate any adverse economic effect of the proposed regulations.

**(II) Beneficial effects:**

Establishing qualifications for licensure as an energy auditor ensures a fair and competitive market for conducting residential energy audits.

**(2) Both direct and indirect effects.**

**(I) Direct effect:**

The requirement for licensure of persons performing energy auditor functions will be a direct benefit to the integrity of the profession.

**II) Indirect effect:**

It is expected that an indirect benefit will be that the public is exposed to fewer unlicensed and unqualified persons illegally performing energy audits.

**(d) Description of the methods that the Real Estate Division considered to reduce the impact of the R122-12 on small businesses and a statement whether the Real Estate Division actually used any part of those methods.**

The requirement for a license to perform residential energy audits was established by statute in the 2011 Legislative Session. The proposed regulations in R122-12 include a provision for late renewal of the license which is simpler than reapplying for a new license. The proposed regulation also provides for reinstatement of an inactive license to active status.

**(e) The estimated cost to the agency for enforcement of the proposed regulation.**

There is no additional cost to the agency for the implementation of R122-12.

**(f) If R122-12 provides a new fee or increases an existing fee, the total annual amount the Real Estate Division expects to collect and the manner in which the money will be used.**

R122-12 creates a provision for late renewal of an expired license, which is a benefit to the licensee not to have to reapply for a new license. With only 35 licensed energy auditors, the Division anticipates no impact to revenues to the General Fund.

**(g) If R122-12 includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

R122-12 does not duplicate any existing federal, state or local standards regulating the same activity.

**(h) The reasons for the conclusions of the Real Estate Division regarding the impact of R122-12 on small businesses.**

Officials from the Real Estate Division have attended the public meetings and have listened to and observed the public comments. The final Small Business Impact Statement will reflect any concerns expressed and considered by the Division.

I certify that, to the best of my knowledge or belief, the information contained in the Small Business Impact Statement for R122-12 was prepared properly and is accurate.

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**GAIL J. ANDERSON, Administrator**  
Department of Business & Industry  
Real Estate Division