

October/November 2019

NCLCLB News

Your source for NC Licensed Landscape Contractor information.



FOCUS ON: Increased Violations

There has been an increase in contract and code violations in licensed landscape contractor work across the state.

Please make sure you and your crews are following these General Minimum Standards - not just the **bolded** and underlined sections - to avoid violations and fines, ensure quality work, and meet customer expectations.

A list of all Minimum Standards can be found here:

<https://nclclb.com/statutes-and-rules/minimum-standards/>

21 NCAC 28B .0501 GENERAL MINIMUM STANDARDS

(a) Prior to commencing work, services performed by a licensed landscape contractor ("licensed contractor") that **exceed five thousand dollars (\$5,000) in value shall be described in a written agreement**. This agreement may be authored by either party and shall contain:

1. The **business name, license number, business address, and telephone number of the licensed contractor**;
2. The **name and address of client or customer**;
3. The address or location of work to be performed, if different from the client or customer's address;

4. The date of the proposal;
5. The description of the work to be performed;
6. The total value in lump sum, unit price, or time and material price;
7. The estimated time of completion unless already identified in an original prime contract, if applicable;
8. The terms of payment;
9. The terms of warranty (if any);
10. The terms of maintenance, including the party responsible for maintenance;
11. The **signatures of all parties** by individuals legally authorized to act on behalf of the parties;
12. **Affixation of a seal described in G.S. 89D-12(d) or a statement that the licensed contractor is licensed by the Board and the current address and phone number of the Board**; and
13. The date of signing.

Contracts that are lump sum and have no breakout of cost for services that are either covered or noncovered under G.S. 89D-11 through G.S. 89D-13 shall be inclusive of covered services under G.S. 89D-13(5).

(b) All work performed by a licensed contractor shall meet all applicable building codes, local ordinances, and project specifications. All work performed by a licensed contractor shall meet manufacturer's specifications.

(c) If project plans or specifications prepared by someone other than the licensed contractor do not meet pertinent codes and ordinances, the licensed contractor shall bring this to the attention of the client or customer.

(d) If the licensed contractor observes a condition while the work is being performed that requires attention beyond the original scope of work, the contractor shall report the condition to a supervisor, the owner, or the person responsible for authorizing the work.

(e) The licensed contractor shall call for utility location services pursuant to the Underground Utility Safety and Damage Prevention Act, G.S. 87-115 et seq., also known as the N.C. 811 law.

(f) The licensed contractor shall maintain a worksite that meets state and local standards for a safe workplace.

Remember, Minimum Standards are the law! They establish required guidelines licensed landscape contractors must follow on all landscape work - from contracts to installation.

Did You Know?...

It's not too late to reinstate your license!

If you, or a colleague, were a Licensed Landscape Contractor in 2018-2019, but missed the August 1 renewal deadline and/or did not receive enough continuing education credits, **you can still be reinstated, but don't wait.**

To reinstate your license, you will need to:

- Submit documentation of continuing education credits; and
- Pay the \$185 reinstatement fee (\$100 reinstatement fee+\$60 license fee+\$25 late renewal fee).

Visit www.nclclb.com for more information and reinstatement forms.

Maintaining Your License



Even The Board Administrator Takes CE!

In August, the Board's Executive Administrator attended a two day, *Investigator Training Course* offered by the National Association of State Contractor Licensing Agencies. This 14 hour interactive course focused on Investigative Fundamentals, Interview Strategies, Effective Report Writing, Confidential Testimony and Safety Awareness Training.

In September, the Board's Executive Administrator and Board Investigator participated in a 6 hour Investigator Training Program in Raleigh to further their investigator skills. While the current laws limit what the Board can and cannot do, having this expanded investigation knowledge will be helpful in future investigations.



Continuing Education Audits

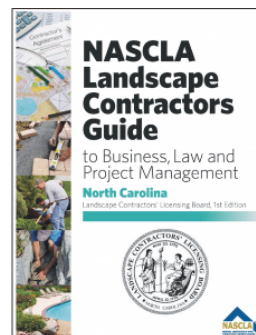
The Board has begun auditing licensees for continuing education (CE) compliance.

CLICK HERE for a full description of the audit requirements and process per the law: 21 NCAC 28B .0403

You must personally attend the approved continuing education course/activity to obtain credit.

Filing false information is a violation of North Carolina law (N.C.G.S.89D) and can jeopardize your license.

Testing and Reference Manuals Available



Find full details and order online: <https://nclclb.com/licensing-2/manuals/>

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