

# NCLCLB Enewsletter

Your source for North Carolina Landscape Contractor information.



## Focus On: 811

### Why You Should Always Document 811 Locator Markings: Lessons from a Contractor's Experience

When preparing for landscape work, following the rules and regulations is crucial to avoid legal or financial disputes. One of these rules, 21 NCAC 28B .0501, requires contractors in North Carolina to call the 811 service to locate underground utilities. While this is a standard safety measure, there's an important lesson to be learned: don't assume the 811-locator service is flawless.

#### A Cautionary Tale

Recently, a licensed landscape contractor followed all the proper steps, including contacting 811 before beginning site work. Despite this, an unmarked service line was cut during the project. To the contractor's surprise, the power company billed them for the repair costs. Now embroiled in a dispute, the contractor faces the challenge of proving the 811-locator failed to mark the line.

This situation underscores a critical point: even when you follow all regulations, things can still go wrong.

#### Protect Yourself with Documentation

The simplest way to safeguard yourself in these scenarios is to document everything. After the 811 locator marks the site, take clear, timestamped photos of all markings. This evidence can serve as your defense if a utility line is missed, and subsequently damaged.

Here are a few tips for thorough documentation:

1. **Photograph All Markings:** Include wide-angle shots to show the site layout and close-

- ups of specific markings.
- 2. **Note the Date and Time:** Use a timestamp feature on your camera or smartphone to verify when the photos were taken.
- 3. **Keep Records Organized:** Store these photos along with the 811-request confirmation and any other relevant documents.
- 4. **Communicate Clearly:** Share your concerns with the utility companies and your client if any discrepancies arise.

### Why It Matters

Documenting locator markings isn't just about protecting your business from financial loss; it's about ensuring safety and accountability on the job site. Damage to underground utilities can cause significant delays, additional costs, and even safety hazards. Proactively documenting markings ensures you've done your part to comply with safety standards and can protect you in the event of a dispute.

### Final Thoughts

The 811-locator service is an essential resource for preventing utility damage, but it's not infallible. By taking a few extra steps to document markings, you can mitigate risks and safeguard your business. Don't leave your protection to chance—prepare, document, and proceed with confidence.

## Did You Know...

...you can avoid complaints against you and your business by following the written agreement requirements in Administrative Rule 12 NCAC 28B .0501.

With the new year right around the corner, now is a perfect time to review your customer contracts and be sure they meet the NC Landscape License Minimum Standards.

### 21 NCAC 28B .0501 GENERAL

(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

[CLICK HERE TO DOWNLOAD ALL MINIMUM STANDARDS](#)

## Maintaining Your License



## Continuing Education Available for 2024-2025 Licensing Year

Landscape Contractor Licensees must complete seven (7) continuing education (CE) hours from August 1, 2024 - July 31, 2025.:

- Three (3) CEs must be technical (landscape)
- Two (2) CEs must be business
- The remaining two (2) credits can be technical or business.

**You must personally attend** the approved webinar/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.**

You can search the easy-to-use list of approved courses by course#, sponsor, date, hours of credit, or location.

[CLICK HERE to Search for Approved Education Classes](#)



## CE Audits

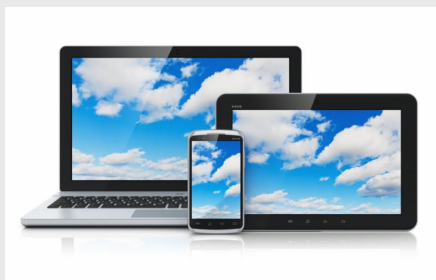
The Board is auditing licensees for continuing education (CE) compliance. License audits are conducted randomly.

To ensure your license is in compliance, make sure you maintain CE attendance records for two years following the processing date of the renewal application to which the CEs were applied.

Licensees selected for an audit shall submit all requested information to the Board within 21 calendar days after the date the licensee is notified.

Failure to maintain compliance with the Board's CE requirements shall result in the licensee's status being changed to inactive per 21 NCAC 28B .0403.

[CLICK HERE for Audit Requirements and Processes](#)



## NCLCLB Portal

Our portal allows NC Licensed Landscape Contractors to easily keep track of their continuing education credits, renewal status, license history, and personal information 24/7/365.

Your login id and password may be found in your renewal reminder email notifications. Contact the NCLCLB



## Reinstatement

If you missed the license renewal deadline, reinstate today!

If you do not reinstate your license by July 31, 2025, as stipulated in N.C.G.S. § 89D-20\*, you will be required to submit a new application, pay all applicable fees and take the 3-part exam to become licensed again.

office at [info@nclclb.com](mailto:info@nclclb.com) or (919) 266-8090 if you need assistance with your login ID and password.

Need help?:  
[landscape.licensing@nclclb.com](mailto:landscape.licensing@nclclb.com) or  
(919) 266-8070.

**LOG IN to the NCLCLB  
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**CONTACT NCLCLB**

NC Landscape Contractors' Licensing Board | 3901 Barrett Drive Suite 202 | Raleigh, NC 27609  
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