

General Contractors: Your License Number is Now Required on All Advertising in North Carolina

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Earlier this year, the North Carolina Board for General Contractors adopted a new regulation, 21 NCAC 12.0501, requiring that general contractors' "license numbers shall be included on all contracts, advertisements, and licensee websites." "Contracts" and "websites" are intuitive, but this regulation was enacted without any additional guidance. Particularly, without a definition for "advertisements," the regulation is undeniably vague. Business cards, banners, project signs, letterhead stationary and e-mail signature blocks are likely to be included in the "advertisements" category and should now include license numbers. Even your trucks, assuming your name is displayed on them, should have your license number placed in a visible location.

While this will undoubtedly add cost, there is no immediate need to go and buy new business cards or to repaint your trucks. After discussions with the North Carolina Licensing Board on how they intend to enforce the new regulation, we've learned there will be a transition period for compliance, though one was not explicitly provided for in the regulations. During the transition period, the Board has advised that steps such as handwriting a license number on business cards or placing stickers somewhere on trucks and banners is sufficient to show adequate efforts at compliance. Furthermore, the Board has advised that clarification of the new regulation, including defining "advertisement," will come with the next set of amendments. For now, the Board should be taking a soft approach to enforcement. However, the Board has advised that all employees of a general contractor are subject to compliance with the regulation.

Therefore, each employee's business card, letterhead and advertising materials must come into compliance.

Best practice mandates that your business should begin transitioning to compliance.

Nexsen Pruet's Construction Practice has served as attorneys for the construction industry throughout North and South Carolina for years. The group is one of the leading construction practices in the Carolinas, with experience in all areas of the industry. If you have any additional questions, please feel free to reach out to Brett M. Becker, Esq., at (336)-387-5150.