



## Issue 2, 2018

### ● Welcome

In this edition of *The Site Report*, our construction law e-newsletter, we cover a variety of issues affecting our clients and the industry right now. As with each issue, we encourage you to let us know if there are topics you would like us to discuss in future editions.

We also invite you to join us at the [DRI Construction Law Committee's Construction Law Bootcamp](#) event. The one-day, in-depth workshop is being held November 8 in Chicago. It will be narrowly focused on the key aspects of the construction claims and litigation process from start to finish and will provide an excellent overview for anyone who wants to increase their familiarity with the construction claims process. Our own [Steven Hemric](#) will be in attendance, so be sure to let him know if you will be there.

Thanks for reading.

[Spilman's Construction Law Practice Group](#)

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### ● Breaking News - New North Carolina Law Requires Contractor's License on Everything

As recently announced by the [Carolinas Associated General Contractors](#), all North Carolina general contractors must begin including their state general contractor license number on everything.

The new regulation, [21 NCAC 12.0501](#), states: "license numbers shall be included on all contracts, advertisements and licensee websites."

Click [here](#) to read the entire bulletin from the Carolinas AGC.

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### ● Could Your Business be Taking Better Advantage of M/WBE Development Programs? Yes.

By [Steven C. Hemric](#)

The coming year will bring significant opportunities to businesses across the construction industry regarding government projects, particularly to minority and woman-owned businesses ("M/WBEs"). Governments across the nation have approved budgets with significant increases in construction spending. When the government undertakes these large construction expenditures, the robust M/WBE participation programs requiring at least 10 percent M/WBE participation on government builds come into play. The federal government, and most states, also provide incentives to majority-owned contractors who hire M/WBEs. Familiarity with these programs will assist any contractor in taking full advantage of the opportunities available.

Click [here](#) to read the entire article.

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## ● **Avoiding Spoliation of Evidence is an Ongoing Obligation**

By **Julian E. Neiser**

Destruction of evidence can be fatal in any lawsuit, but it is especially troubling in construction defect disputes. It's always important to allow an opponent and their expert the opportunity to inspect premises and review the alleged defects.

A recent Pennsylvania appellate decision highlights the need to do more than just allow a site visit in a defect case. It also drives home the need for clients to advise counsel of any repairs or changes to work at issue in a lawsuit.

Click [here](#) to read the entire article.

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## ● **Changes on the Public Construction Horizon: A North Carolina Legislative Update**

By **Steven C. Hemric**

This past year the North Carolina Legislature has been incredibly active. Among the legislation proposed and adopted, a few of the bills will create changes in how contractors interact with various public entities. Most notably, big changes are on the horizon for contractors that work with the NCDOT and with school systems.

Click [here](#) to read the entire article.

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## ● **A Sales Tax on Services? North Carolina's New Sales Tax on Repair, Maintenance, and Installation Services**

By **Lindsay J. Cook**

General contractors, subcontractors, and builders providing construction services in North Carolina should be aware that labor charges on certain of their projects may now be subject to sales tax under the state's new repair, maintenance, and installation ("RMI") rules. While the RMI rules largely became effective on January 1, 2017, the rules provide a grace period where the North Carolina Department of Revenue will not generally assess sales tax due for filing periods between March 1, 2016 and January 1, 2019 where the service provider fails to collect it on RMI services. Contractors should consult their tax advisors or attorney now to determine how the RMI rules will impact their business, including North Carolina sales tax registration, collection, reporting, and documentation obligations.

Click [here](#) to read the entire article.

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## ● **Spilman Featured Attorney Profile - Julian E. Neiser**



**Julian E. Neiser**

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Julian E. Neiser is a Member in our Pittsburgh office and co-chair of our Construction Practice Group. Julian is a commercial and construction lawyer with extensive experience in commercial and bankruptcy litigation, contract negotiations, and alternative dispute resolution involving businesses of all sizes. He also is a mediator and serves as outside general counsel to corporations.

He is AVA® Preeminent™ Peer-Review Rated by Martindale-Hubbell and received the Duquesne University School of Law Adjunct Award in 2017. He is Vice Chair of the Allegheny County Bar Association Construction Section, and he serves on the American Bar Association Construction Forum and the Allegheny County Bar Association's Local Rules Committee.

Admitted to practice in Pennsylvania, Julian is a graduate of the University of Pittsburgh and the Duquesne University School of Law.

He also is a veteran of the United States Marine Corps and is a member of the East Coast Drill Instructors Association.

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