

## **SUBCHAPTER 07C – PROCESS TO BECOME A NOTARY AND RENEW A NOTARY COMMISSION**

### **SECTION .0100 – GENERAL PROVISIONS**

#### **18 NCAC 07C .0101 SCOPE**

This Subchapter sets requirements for the application, commissioning, and recommissioning process for traditional notaries public.

*History Note: Authority G.S. 10B-4;  
Eff. July 1, 2024.*

#### **18 NCAC 07C .0102 DEFINITIONS RELATED TO APPLICATION AND RECOMMISSIONING PROCESS**

For purposes of this Subchapter:

- (1) "Commission applicant" is an applicant for an initial commission or for recommissioning as a traditional notary public.
- (2) "Exam" means a test prepared by the Department and administered by:
  - (a) a certified notary instructor; or
  - (b) the Department or its designee.

*History Note: Authority G.S. 10B-4;  
Eff. July 1, 2024.*

### **SECTION .0200 – INITIAL APPLICATION FOR NOTARY PUBLIC APPOINTMENT AND COMMISSION**

#### **18 NCAC 07C .0201 INITIAL APPLICATION**

An applicant for initial appointment as a traditional notary public who is not a licensed member of the North Carolina State Bar shall:

- (1) possess a current personal copy of the North Carolina notary public manual applicable to traditional notaries;
- (2) successfully complete the notary course and exam; and
- (3) submit the application form specified in 18 NCAC 07B .0407.

Note: The official North Carolina notary public manual is written by the Department. The Department's website includes information regarding where to purchase the manual.

*History Note: Authority G.S. 10B-4;  
Eff. April 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
Transferred from 18 NCAC 07B .0301 Eff. June 1, 2023;  
Amended Eff. March 1, 2025.*

#### **18 NCAC 07C .0202 TIMING**

An applicant for initial appointment as a traditional notary public shall:

- (1) submit an application within three months after successfully completing the notary course and exam; or
- (2) if a licensed member of the North Carolina State Bar, comply with the rules in Section .0700 of this Subchapter.

*History Note: Authority G.S. 10B-4;  
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Amended Eff. July 1, 2024.*

**18 NCAC 07C .0203 REQUIREMENTS FOR APPLICANTS RESIDING OUTSIDE NORTH CAROLINA**

A commission applicant who resides outside the State of North Carolina and has a regular place of work or business in North Carolina shall submit an affidavit from the applicant's employer that shall be on the employer's business letterhead, and include:

- (1) the name, address, and telephone number of the employer's business;
- (2) the name of the applicant;
- (3) affirmation that:
  - (a) the applicant works for the employer;
  - (b) the applicant regularly spends all or part of the applicant's work time working for the employer in a physical location within the State of North Carolina; and
  - (c) the street address of the physical location within North Carolina at which the applicant works; and
- (4) the printed name and the signature of the individual signing the statement;
- (5) the title of the individual signing the statement;
- (6) a statement that the signer has the authority to sign on behalf of the employer;
- (7) a telephone number and email address at which the signer can be contacted; and
- (8) a jurat certificate.

*History Note: Authority G.S. 10B-4;  
Eff. April 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
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Amended Eff. July 1, 2024.*

**18 NCAC 07C .0204 ADDITIONAL REQUIREMENTS FOR APPLICANTS LISTING CONVICTIONS**

A commission applicant who submits a criminal history record shall include with the application the information required by 18 NCAC 07B .0500.

*History Note: Authority G.S. 10B-4;  
Eff. July 1, 2024.*

**18 NCAC 07C .0205 REQUIREMENTS FOR APPLICANT WITH PENDING CRIMINAL CHARGES**

A commission applicant who has pending criminal charges in a court shall comply with 18 NCAC 07B .0505.

*History Note: Authority G.S. 10B-4;  
Eff. July 1, 2024.*

**18 NCAC 07C .0206 REQUIREMENTS FOR APPLICANTS REGARDING PROFESSIONAL LICENSES, NOTARIAL COMMISSIONS, AND PUBLIC OFFICES**

A commission applicant who has applied for, holds, or has held a professional license, a notarial commission, or a public office, shall comply with 18 NCAC 07B .0700.

*History Note: Authority G.S. 10B-4;  
Eff. March 1, 2025.*

**18 NCAC 07C .0207 FINDINGS OR ADMISSIONS OF LIABILITY BASED ON APPLICANT'S DECEIT**

A commission applicant for whom, in a civil lawsuit, there has been a finding or admission of fault or liability based on the applicant's deceit shall include with the application:

- (1) a list of each finding or admission;
- (2) a copy of the document containing the finding or admission;
- (3) a brief description of the circumstances surrounding the finding or admission;
- (4) if not included in the document in Item (2) of this Rule:

- (a) the date on which the finding or admission was made;
- (b) the court in which the civil lawsuit was filed; and
- (c) the case name and docket number; and
- (5) any additional information that the applicant wishes the Department to consider.

*History Note: Authority G.S. 10B-4;  
Eff. March 1, 2025.*

**18 NCAC 07C .0208 FINDINGS THAT THE APPLICANT ENGAGED IN OFFICIAL MISCONDUCT**

A commission applicant who is, has previously been, or has acted in the capacity as a notary public of any locality, state, federally recognized tribe, or nation, and who has listed on the application findings of official misconduct, civil findings, or admissions of fault or liability regarding the applicant's activities as a notary, shall include with the application:

- (1) the name of the court or governmental agency, board, or commission that made the finding;
- (2) a copy of the document in which the official misconduct finding was made;
- (3) if not included in the document in Item (2) of this Rule:
  - (a) the date on which the finding or admission was made;
  - (b) the court or governmental agency, board or commission that made the finding; and
  - (c) the case name and docket number, or similar unique designation;
- (4) a description of the circumstances surrounding the finding; and
- (5) any additional information that the applicant wishes the Department to consider.

*History Note: Authority G.S. 10B-4;  
Eff. March 1, 2025.*

**18 NCAC 07C .0209 FINDING OF UNAUTHORIZED PRACTICE OF LAW**

A commission applicant against whom a finding has been made that the applicant engaged in the unauthorized practice of law shall include with the application:

- (1) the name of the court or governmental agency, board, or commission that made the finding;
- (2) a copy of the finding;
- (3) the date of the finding, if not included in the copy provided pursuant to Item (2) of this Rule;
- (4) a description of the circumstances surrounding the finding; and
- (5) any additional information that the applicant wishes the Department to consider.

*History Note: Authority G.S. 10B-4;  
Eff. March 1, 2025.*

**18 NCAC 07C .0210 FINDING OF FALSE OR MISLEADING ADVERTISING**

A commission applicant against whom a charge or finding has been made that as a notary public, the notary knowingly used false or misleading advertising that represents that the notary has powers, duties, rights, or privileges not conveyed by law, shall include with the application:

- (1) the name of the court or governmental agency, board, or commission in which the charge or finding is made;
- (2) a copy of the charge or finding;
- (3) the date of the charge or finding, if not included in the copy provided pursuant to Item (2) of this Rule;
- (4) a description of the circumstances surrounding the charge or finding; and
- (5) any additional information that the applicant wishes the Department to consider.

*History Note: Authority G.S. 10B-4;  
Eff. March 1, 2025.*

**SECTION .0300 – COURSE OF INSTRUCTION**

**18 NCAC 07C .0301 COURSES TAUGHT BY CERTIFIED NOTARY INSTRUCTORS**

An applicant for an initial notary commission shall successfully complete a notary course taught by a certified notary instructor before submitting an initial commission application to the Department.

*History Note:* Authority G.S. 10B-4;  
Eff. July 1, 2024.

### **18 NCAC 07C .0303 PRESENTATION OF SATISFACTORY EVIDENCE OF IDENTITY IN CONNECTION WITH NOTARY COURSE**

A commission applicant who is not personally known to the certified notary instructor shall present satisfactory evidence of identity to the notary instructor:

- (1) before the course begins;
- (2) before the instructor signs the application; and
- (3) upon request of the instructor at any other time during the course.

*History Note:* Authority G.S. 10B-4;  
Eff. July 1, 2024.

### **18 NCAC 07C .0304 SATISFACTORY EVIDENCE PRESENTED TO INSTRUCTOR**

The satisfactory evidence of identity presented to a certified notary instructor pursuant to Rule .0303 of this Section shall match the applicant's name for use on a notary public commission.

*History Note:* Authority G.S. 10B-4;  
Eff. July 1, 2024.

### **18 NCAC 07C .0305 RETESTING**

A notary applicant who fails to achieve a passing grade on the notary course exam and who wishes to be commissioned as a notary public may retake the exam if:

- (1) the institution at which the course is taught permits retesting; and
- (2) the retest is taken within 30 days of the date of the exam failure.

*History Note:* Authority G.S. 10B-4;  
Eff. July 1, 2024.

## **SECTION .0400 - APPOINTMENT AND COMMISSIONING OF NOTARIES**

### **18 NCAC 07C .0401 APPOINTMENT**

The Department shall appoint or reappoint an applicant to the office of notary public after reviewing the application submitted by the applicant and determining that:

- (1) the application is accepted; and
- (2) the applicant is qualified to be appointed pursuant to N.C. Const. Art. VI, Sec. 8, Chapter 10B of the General Statutes, and the rules in this Chapter.

*History Note:* Authority G.S. 10B-4;  
Eff. April 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
Transferred from 18 NCAC 07B .0501 Eff. June 1, 2023;  
Amended Eff. March 1, 2025.

### **18 NCAC 07C .0402 ISSUANCE OF CERTIFICATES**

The Department shall provide:

- (1) to the Register of Deeds in the county of the notary public's commissioning:
  - (a) a certificate of appointment that includes the appointee's full legal name and the commission name of the appointee; and

- (b) a commission certificate in the commission name of the appointee to be used by the Register of Deeds to document that the notary oath has been administered to the appointee; and
- (2) a duplicate commission certificate to a notary public, upon request to the Department.

*History Note:* Authority G.S. 10B-4;  
Eff. March 1, 2025.

#### **18 NCAC 07C .0403 NOTICE TO APPOINTEE**

The Department shall send the appointee notice that:

- (1) the certificate of appointment has been issued; and
- (2) the appointee shall appear before the Register of Deeds in the county of commissioning and take the oath of office within 45 days of the certificate of appointment issuance date.

*History Note:* Authority G.S. 10B-4;  
Eff. March 1, 2025.

#### **18 NCAC 07C .0404 COMMISSION CERTIFICATE**

A commission certificate:

- (1) shall not be valid until the oath of office has been taken; and
- (2) shall include:
  - (a) the appointee's name for use on a notary public commission;
  - (b) the county of commissioning;
  - (c) the beginning date of the commission; and
  - (d) the expiration date of the commission.

*History Note:* Authority G.S. 10B-4;  
Eff. April 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
Transferred from 18 NCAC 07B .0502(a) Eff. June 1, 2023;  
Amended Eff. March 1, 2025.

#### **18 NCAC 07C .0405 SATISFACTORY EVIDENCE OF IDENTITY**

Before taking the oath of office, an appointee shall:

- (1) present satisfactory evidence matching the appointee's name on the certificate of appointment to the Register of Deeds, assistant Register of Deeds, or deputy Register of Deeds who will administer the oath of office; or
- (2) be personally known to the Register of Deeds, assistant Register of Deeds, or deputy Register of Deeds who will administer the oath of office.

*History Note:* Authority G.S. 10B-4;  
Eff. April 1, 2007;  
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#### **18 NCAC 07C .0406 REGISTER OF DEEDS**

After administering the oath of office, the Register of Deeds, assistant Register of Deeds, or deputy Register of Deeds shall:

- (1) require that the notary public sign the certificate of appointment;
- (2) sign and date the certificate of appointment;
- (3) record the certificate of appointment as required by G.S. 10B-10(c);
- (4) deliver the commission certificate to the notary; and
- (5) deliver notice to the Department as required by G.S. 10B-10(d).

*History Note:* Authority G.S. 10B-4;  
Eff. July 1, 2024.

**18 NCAC 07C .0407 PERFORMING TRADITIONAL NOTARIAL ACTS**

No individual may perform a notarial act unless the individual has a valid commission certificate.

*History Note:* Authority G.S. 10B-4;  
Eff. July 1, 2024.

**18 NCAC 07C .0408 RESERVED FOR FUTURE CODIFICATION**

**18 NCAC 07C .0409 TERM OF COMMISSION**

The term of a notary public's commission shall be calculated from the date that the commission application is filed pursuant to 18 NCAC 07B .0312 unless Rule .0410 of this Subchapter applies.

*History Note:* Authority G.S. 10B-4;  
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Amended Eff. July 1, 2024.

**18 NCAC 07C .0410 TERM OF REAPPOINTMENT COMMISSION**

A recommissioning notary public's five year term shall begin on the day following the expiration of the existing commission if:

- (1) the application for reappointment has been filed before the expiration of the existing commission; and
- (2) the notary takes the oath of office for recommissioning within 45 days of the issuance date on the certificate of appointment.

*History Note:* Authority G.S. 10B-4;  
Eff. July 1, 2024.

**18 NCAC 07C .0411 NOTARIAL ACTS PROHIBITED DURING GAPS BETWEEN COMMISSION TERMS**

A notary public shall not perform a notarial act after the expiration of the notary's commission until the notary has been reappointed and has taken the oath for a subsequent commission.

*History Note:* Authority G.S. 10B-4;  
Eff. July 1, 2024.

**SECTION .0500 – REMEDIES FOR FAILURE TO COMPLY WITH APPLICATION OR COMMISSIONING REQUIREMENTS**

**18 NCAC 07C .0501 RESERVED FOR FUTURE CODIFICATION**

**18 NCAC 07C .0502 LATE APPLICATION**

A commission applicant for an initial appointment who submits an application more than three months after successfully completing the notary course shall comply again with the requirements for initial appointment in G.S. 10B-6 and the rules in this Subchapter.

*History Note:* Authority G.S. 10B-4;  
Eff. April 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

*Transferred from 18 NCAC 07B .0302(b) Eff. June 1, 2023;  
Amended Eff. July 1, 2024.*

**18 NCAC 07C .0503      RESERVED FOR FUTURE CODIFICATION**

**18 NCAC 07C .0504      APPLICATION AFTER RECOMMISSIONING DENIAL BASED ON FAILING EXAM**

An applicant for recommissioning whose application is denied due to failure to pass the recommissioning exam within the time frame established in Rule .0605 of this Subchapter may reapply by complying again with the requirements for recommissioning in G.S. 10B-11 and the rules in this Subchapter.

*History Note:      Authority G.S. 10B-4;  
                          Eff. April 1, 2007;  
                          Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
                          Transferred from 18 NCAC 07B .0403 Eff. June 1, 2023;  
                          Amended Eff. July 1, 2024.*

**18 NCAC 07C .0505      APPLICATION FOR RECOMMISSIONING WITHIN 12 MONTHS OF COMMISSION EXPIRATION OR PURSUANT TO G.S. 10B-53**

A notary public may seek recommissioning by complying with G.S. 10B-11 and the rules in this Subchapter if:

- (1) the notary's commission has expired and less than 12 months have elapsed since the expiration of the prior commission; or
- (2) the notary seeks recommissioning pursuant to G.S. 10B-53.

*History Note:      Authority G.S. 10B-4;  
                          Eff. April 1, 2007;  
                          Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
                          Transferred from 18 NCAC 07B .0504 Eff. June 1, 2023;  
                          Amended Eff. July 1, 2024.*

**18 NCAC 07C .0506      RECOMMISSIONING EDUCATIONAL REQUIREMENT**

A notary public seeking recommissioning pursuant to Rule .0505 of this Section need not attend a notary course but shall pass the online recommissioning exam, unless the exception in G.S. 10B-11(b)(3) applies to the notary.

*History Note:      Authority G.S. 10B-4;  
                          Eff. July 1, 2024.*

**18 NCAC 07C .0508      CANCELLATION OF COMMISSION**

If the Department has not received notice from the Register of Deeds that an appointee took the oath within 45 days of the certificate of appointment issuance date, the Department shall:

- (1) cancel the commission; and
- (2) notify the appointee of the cancellation.

*History Note:      Authority G.S. 10B-4;  
                          Eff. July 1, 2024.*

**18 NCAC 07C .0509      RESCIND CANCELLATION OF CERTIFICATE OF APPOINTMENT**

If a notary public presents the Department with the notary's valid commission certificate, the Department shall rescind the cancellation of the notary's commission previously made pursuant to Rule .0508 of this Section.

*History Note:      Authority G.S. 10B-4;  
                          Eff. July 1, 2024.*

**18 NCAC 07C .0510      CONFIRMATION OF NOTARY STATUS**

The Department shall confirm a notary public's commission status upon written request.

*History Note:* Authority G.S. 10B-4;  
Eff. July 1, 2024.

## **SECTION .0600 – STEPS FOR RECOMMISSIONING**

### **18 NCAC 07C .0601 APPLICATION STEPS FOR RECOMMISSIONING**

A notary public seeking recommissioning within the time permitted by G.S. 10B-11 and the rules in this Subchapter shall submit the recommissioning application specified in 18 NCAC 07B .0409.

*History Note:* Authority G.S. 10B-4;  
Eff. April 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
Transferred from 18 NCAC 07B .0401(a) Eff. June 1, 2023;  
Amended Eff. July 1, 2024.

### **18 NCAC 07C .0602 METHOD OF TAKING RECOMMISSIONING EXAM**

The recommissioning exam shall be taken on the Department's website.

*History Note:* Authority G.S. 10B-4;  
Eff. April 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
Transferred from 18 NCAC 07B .0401(b) Eff. June 1, 2023;  
Amended Eff. July 1, 2024.

### **18 NCAC 07C .0603 COURSE AS ALTERNATIVE TO RECOMMISSIONING EXAM**

An applicant for recommissioning may comply with the rules in Section .0300 of this Subchapter as though the applicant were applying for an initial notary commission in lieu of taking or retaking the recommissioning exam.

*History Note:* Authority G.S. 10B-4;  
Eff. April 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
Transferred from 18 NCAC 07B .0402 Eff. June 1, 2023;  
Amended Eff. July 1, 2024.

### **18 NCAC 07C .0604 EXAM LENGTH AND PASSING SCORE**

A notary public seeking recommissioning and taking the recommissioning exam shall:

- (1) have 30 minutes to complete the recommissioning exam; and
- (2) achieve a passing score of at least 80 percent on the exam.

*History Note:* Authority G.S. 10B-4;  
Eff. July 1, 2024.

### **18 NCAC 07C .0605 RETAKING RECOMMISSIONING EXAM AFTER FAILURE**

If an applicant for recommissioning fails the recommissioning exam, the applicant may take the exam up to 2 additional times within 30 days of the date on which the exam is first taken.

*History Note:* Authority G.S. 10B-4;  
Eff. July 1, 2024.

### **18 NCAC 07C .0606 FAILURE TO PASS EXAM WITHIN 30 DAYS**



If a notary public seeking recommissioning fails to pass the recommissioning or notary course exam within 30 days of the date on which the exam was first taken, the application shall be denied.

*History Note: Authority G.S. 10B-4;  
Eff. July 1, 2024.*

**18 NCAC 07C .0607 INDIVIDUAL WHO FAILS TO SEEK RECOMMISSIONING WITHIN ONE YEAR**

An individual who fails to seek recommissioning within one year of commission expiration may be commissioned as a notary public only upon completion of all requirements for an initial notary commission.

*History Note: Authority G.S. 10B-4;  
Eff. July 1, 2024.*

**SECTION .0700 - ATTORNEY NOTARIES**

**18 NCAC 07C .0701 ATTORNEY APPLICATION FOR INITIAL APPOINTMENT**

Notary applicants for initial appointment who are licensed members of the North Carolina State Bar shall:

- (1) maintain a personal copy of the most recent notary public manual approved by the Department; and
- (2) either:
  - (a) submit a completed notarial commission application form described in 18 NCAC 07B .0407 without any of the following being required:
    - (i) attending the notary course;
    - (ii) passing the notary course exam; and
    - (iii) obtaining a signature from a notary instructor; or
  - (b) comply with the rules in this Subchapter for an individual who is not a licensed member of the State Bar.

*History Note: Authority G.S. 10B-4;  
Eff. July 1, 2024.*

**18 NCAC 07C .0702 RECOMMISSIONING OF ATTORNEY NOTARIES**

Licensed members of the North Carolina State Bar who are commissioned notaries public may apply for recommissioning by complying with the rules in this Subchapter, except that licensed members of the State Bar shall not be required to take any course or exam prior to recommissioning.

*History Note: Authority G.S. 10B-4;  
Eff. July 1, 2024.*

**18 NCAC 07C .0703 ATTORNEYS WHO FAIL TO TAKE NOTARIAL OATH TIMELY**

A licensed member of the North Carolina State Bar who fails to take the oath of office within 45 days of the issuance date on a certificate of appointment or reappointment shall submit a new application and fee in compliance with the rules in this Subchapter.

*History Note: Authority G.S. 10B-4;  
Eff. July 1, 2024.*

**18 NCAC 07C .0704 ATTORNEYS SEEKING REGISTRATION OR REREGISTRATION AS ELECTRONIC NOTARIES**

A licensed member of the North Carolina State Bar who applies to be registered or reregistered as an electronic notary public shall:

- (1) comply with the rules in Subchapter 07F of this Chapter;
- (2) successfully complete the electronic notary course and exam;
- (3) possess a current and personal copy of the North Carolina notary manual applicable to electronic notaries; and

- (4) submit an electronic notary application and fee.

*History Note: Authority G.S. 10B-4; 10B-126; 10B-134.21;  
Eff. July 1, 2024.*