

CHAPTER 7 - NOTARY PUBLIC DIVISION

SECTION .0100 - GENERAL PROVISIONS

18 NCAC 07A .0101 LOCATION AND HOURS

History Note: Authority G.S. 143A-23;
Eff. February 1, 1976;
Amended Eff. August 1, 2000; January 1, 1995; September 1, 1986;
Repealed Eff. April 1, 2007.

18 NCAC 07 .0102 GENERAL PURPOSE

History Note: Authority G.S. 10A-4; 10A-6; 10A-9(f); 10A-13;
Eff. February 1, 1976;
Amended Eff. January 1, 1995;
Repealed Eff. September 1, 2000.

18 NCAC 07 .0103 NOTARIES PUBLIC DEPUTY

History Note: Authority G.S. 10-1;
Eff. February 1, 1976;
Amended Eff. September 1, 1986;
Repealed Eff. January 1, 1995.

SECTION .0200 - APPOINTMENT OF NOTARIES PUBLIC

18 NCAC 07 .0201 REQUIREMENTS FOR INITIAL APPOINTMENT

History Note: Authority G.S. 10-1;
Eff. February 1, 1976;
Amended Eff. September 1, 1986; January 1, 1983;
Repealed Eff. January 1, 1995.

18 NCAC 07A .0202 INVESTIGATIONS

History Note: Authority G.S. 10A-4(c); 10A-13(d);
Eff. February 1, 1976;
Amended Eff. January 1, 1995;
Repealed Eff. April 1, 2007.

18 NCAC 07 .0203 DISQUALIFICATION

History Note: Authority N. C. Const. Art. VI, Sec. 8;
Eff. February 1, 1976;
Repealed Eff. September 1, 1986.

18 NCAC 07A .0204 DISPOSITION OF COMMISSIONS

18 NCAC 07A .0205 FEE

18 NCAC 07A .0206 REQUIREMENTS FOR REAPPOINTMENT

18 NCAC 07A .0207 REVOCATION OF COMMISSIONS

18 NCAC 07A .0208 CERTIFICATES OF AUTHORITY

History Note: Authority G.S. 10A-6; 10A-7; 10A-8; 10A-9(f); 10A-13(d); 147-37; 150B-19(5);
Eff. February 1, 1976;

*Amended Eff. August 1, 2000; January 1, 1995; September 1, 1976;
Repealed Eff. April 1, 2007.*

SECTION .0300 - NOTARY PUBLIC EDUCATION PROGRAM

18 NCAC 07A .0301 APPROVED COURSE OF STUDY
18 NCAC 07A .0302 INSTRUCTORS
18 NCAC 07A .0303 APPROVED MANUAL

*History Note: Authority G.S. 10A-4(b)(3); 10A-7;
 Eff. September 1, 1986;
 Amended Eff. August 1, 2000; March 1, 1996;
 Repealed Eff. April 1, 2007.*

SUBCHAPTER 07B – GENERAL REQUIREMENTS

SECTION .0100 – GENERAL PROVISIONS

18 NCAC 07B .0101 SCOPE

The rules in this Subchapter implement Chapter 10B of the General Statutes, the Notary Public and Electronic Notary Acts. The rules govern the qualification, commissioning, notarial acts, conduct and discipline of notaries as Constitutional officers of the State.

*History Note: Authority G.S. 10B-2; 10B-14(f); 10B-102; 10B-125(b);
 Eff. April 1, 2007;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,
 2016.*

18 NCAC 07B .0102 DEFINITIONS

- (a) The definitions in G.S. 10B-3 apply to this Subchapter.
- (b) For purposes of Chapter 10B of the General Statutes and Subchapters 07B and 07C of this Chapter:
- (1) "Applicant" means an individual who seeks appointment or reappointment to the office of notary public;
 - (2) "Appoint" or "Appointment" means the naming of an individual to the office of notary public after determination that the individual has complied with Chapter 10B of the General Statutes and Subchapter 07B of this Chapter. For the purposes of these Rules, the terms "appoint", "reappoint", "appointment", "reappointment", "commission", "recommission", "commissioning", and "recommissioning" all refer to the term "commission" as defined in G.S. 10B-3(4) or to the process of acquiring or maintaining such commission;
 - (3) "Appointee" means an individual who has been appointed or reappointed to the office of notary public but has not yet taken the oath of office to be commissioned;
 - (4) "Commissioning date" means the date of commissioning or recommissioning as entered on a commission certificate;
 - (5) "Crime" means a crime or:
 - (A) Attempt to commit a crime;
 - (B) Accessory to commission of a crime;
 - (C) Aiding and abetting of a crime;
 - (D) Conspiracy to commit a crime; or
 - (E) Solicitation to commit a crime.
 - (6) "Division" means the Notary Public Section of the North Carolina Department of the Secretary of State.

*History Note: Authority G.S. 10B-14(f);
 Eff. April 1, 2007;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.

18 NCAC 07B .0103 OPERATING HOURS AND GENERAL CONTACT INFORMATION

(a) Mailing Address. The mailing address for the Division of Certification and Filing, Notary Public Section is P.O. Box 29626, Raleigh, NC 27626-0626.

(b) Hours. Office hours for the public are 8:00 a.m. to 4:00 p.m. Monday through Friday with the exception of state holidays.

(c) Contacting the Division. In addition to contacting the Division by mail as provided in Paragraph (a) of this Rule, contact with the Division may be by:

- (1) On-line information service: The Department provides on-line information services at its website: www.sosnc.gov.
- (2) Electronic Mail: For basic information the Notary Public Section may be contacted by email at notary@sosnc.gov. Electronic mail shall not be used for filing applications.
- (3) Telephone Number: The telephone number for Notary Customer Service is (919) 814-5400.
- (4) Fax Number: To send information to the Notary Public Section via fax, the number is 919-814-5597.

*History Note: Authority G.S. 10B-14(f); 147-34;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2021; October 1, 2019.*

18 NCAC 07B .0104 FORMS (TRANSFERRED TO 18 NCAC 07B .0401 EFF. JUNE 1, 2023)

18 NCAC 07B .0105 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07B .0106 WAIVER

The Director may waive any rule in this Subchapter that is not statutorily required based on the factors set forth in Rule .0901 of this Chapter.

*History Note: Authority G.S. 10B-14(f); 147-36;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.*

18 NCAC 07B .0107 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07B .0108 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07B .0109 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07B .0110 PUBLIC INFORMATION

(a) The information that the Department shall make available on individual notaries public include:

- (1) Full legal name;
- (2) County of Commission;
- (3) Employer's Name;
- (4) Employer's street and mailing addresses;
- (5) Employer's phone number;
- (6) Status of Commission;
- (7) Disciplinary action, if any.

(b) A request for confidential notary information shall be in writing and shall include documentation of the right of the requestor to receive the confidential notary information, including:

- (1) Authorization of the notary that the person is an agent of the notary authorized to request and receive the information;

- (2) Subpoena or court order;
- (3) Statement of authority from a law enforcement or government agency; or
- (4) N.C. State Bar applicant "Release of Information" form.

History Note: Authority G.S. 10B-2; 10B-7(b); 10B-14(f);
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 .1001 Eff. June 1, 2023.

SECTION .0200 – FEES PAID TO THE DIVISION

18 NCAC 07B .0201 US CURRENCY

Fees shall be paid by a personal or business check, a money order, or a cashier's check in U.S. dollars and cents made payable to the N.C. Department of the Secretary of State.

History Note: Authority G.S. 10B-14(f); 25-3-506; 147-37;
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 .0105(a) Eff. June 1, 2023.

18 NCAC 07B .0202 ONLINE FEE PAYMENT

Fees for on-line applications may be paid by an automated clearinghouse debit account (ACH).

History Note: Authority G.S. 10B-14(f); 25-3-506; 147-37;
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 .0105(b) Eff. June 1, 2023.

18 NCAC 07B .0203 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07B .0204 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07B .0205 UNPAID FEES

If a fee is paid with a check or other instrument which is returned by the institution upon which it was issued for "insufficient funds" or for other similar reason:

- (1) The Division shall issue a notice of intent to deny the application or revoke the commission; and
- (2) The Division shall issue a denial or revocation if the fee is not paid in full within 10 business days after the date on the notice of intent to deny or revoke.
- (3) The Division shall charge a twenty-five dollar (\$25.00) fee for which payment has been refused by the payor's bank for insufficient funds or for no account.

History Note: Authority G.S. 10B-14(f); 25-3-506; 147-37;
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 .0105(c) Eff. June 1, 2023.

SECTION .0300 –INITIAL APPOINTMENT

18 NCAC 07B .0301 INITIAL COMMISSION (TRANSFERRED TO 18 NCAC 07C .0201 EFF. JUNE 1, 2023)

18 NCAC 07B .0302 TIMING OF FILING OF INITIAL APPLICATION (PARAGRAPH (A) TRANSFERRED TO 18 NCAC 07C .0202 AND PARAGRAPH (B) TRANSFERRED TO 18 NCAC 07C .0502 EFF. JUNE 1, 2023)

SECTION .0400 – FORMS

18 NCAC 07B .0401 GENERAL

All forms issued pursuant to Chapter 10B of the General Statutes may be found on the Department's website or may be obtained by contacting the Department using one of the means set out in Rule .0103 of this Subchapter.

*History Note: Authority G.S. 10B-2; 10B-14(f);
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 .0104 Eff. June 1, 2023.*

18 NCAC 07B .0402 REAPPOINTMENT TEST (TRANSFERRED TO 18 NCAC 07C .0603 EFF. JUNE 1, 2023)

18 NCAC 07B .0403 APPLICATION AFTER REAPPOINTMENT DENIAL BASED ON FAILING TEST (TRANSFERRED TO 18 NCAC 07C .0504 EFF. JUNE 1, 2023)

SECTION .0500 - COMMISSIONS

18 NCAC 07B .0501 APPOINTMENT AND ISSUANCE OF COMMISSIONING CERTIFICATE (TRANSFERRED TO 18 NCAC 07C .0401 EFF. JUNE 1, 2023)

18 NCAC 07B .0502 COMMISSIONING CERTIFICATE DATE (PARAGRAPH (A) TRANSFERRED TO 18 NCAC 07C .0402 AND PARAGRAPH (B) TRANSFERRED TO 18 NCAC 07C .0203 EFF. JUNE 1, 2023)

18 NCAC 07B .0503 OATH OF OFFICE AND DELIVERY OF COMMISSIONING CERTIFICATE (TRANSFERRED TO 18 NCAC 07C .0406 EFF. JUNE 1, 2023)

18 NCAC 07B .0504 REAPPOINTMENT IF OATH NOT TAKEN WITHIN 45 DAYS (TRANSFERRED TO 18 NCAC 07C .0505 EFF. JUNE 1, 2023)

18 NCAC 07B .0505 TERM OF OFFICE (TRANSFERRED TO 18 NCAC 07C .0409 EFF. JUNE 1, 2023)

SECTION .0600 – REJECTIONS, DENIALS, DISCIPLINE, AND ENFORCEMENT

18 NCAC 07B .0601 FACTORS CONSIDERED IN DISCIPLINARY ACTIONS

When determining whether to deny an application or take disciplinary action against a notary, the Director may consider a variety of factors including:

- (1) Nature, number and severity of any acts, offenses, official misconduct or crimes under consideration;
- (2) Evidence pertaining to the honesty, credibility, truthfulness, and integrity of the applicant or notary public;
- (3) Actual or potential monetary or other harm to the general public, group, individual, or client;
- (4) History of complaints received by the Department;
- (5) Prior disciplinary record or warning from the Department;
- (6) Evidence in mitigation;
- (7) Evidence in aggravation;
- (8) Occupational, vocational, or professional license disciplinary record;
- (9) Evidence of rehabilitation. NOTE: Examples include reference letters and proof of class attendance;

- (10) Criminal record;
- (11) Reports from law enforcement agencies;
- (12) Willfulness;
- (13) Negligence.

History Note: Authority G.S. 10B-14(f); 10B-60;
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 .0901 Eff. June 1, 2023.

18 NCAC 07B .0602 GENERAL APPLICATION DENIAL

- (a) Unqualified applicant. The Director shall deny the application of an applicant for a notary public commission who does not qualify for office based on the factors set forth in Chapter 10B of the General Statutes and this Subchapter.
- (b) Current disciplinary action. The Director shall deny an application if the application is submitted before the expiration of a period of suspension or revocation of a commission previously held by the applicant.
- (c) Information regarding convictions and judgments.
 - (1) The Director shall deny an application which contains false information about the applicant's criminal record or record of civil lawsuit findings or admissions of liability based on the applicant's deceit; or
 - (2) The Director may deny an application which contains misleading information, including:
 - (A) The applicant's criminal record, including whether all charges were dismissed or consolidated or whether all terms and conditions of a judgment have been completed;
 - (B) Misstatement or omission of a nonmaterial fact;
 - (C) Whether a civil lawsuit included findings based on the applicant's deceit; or
 - (D) Whether, in a civil lawsuit or settlement of a civil lawsuit, an applicant made admissions of liability related to the applicant's deceit.
- (d) Applicant notarization. The Director shall deny an application if the applicant notarizes his or her own signature.
- (e) The Director shall deny an application if the applicant:
 - (1) Leaves three or more sections of the application incomplete;
 - (2) Fails to submit an application for initial appointment within 90 days of class; or
 - (3) Fails to submit complete and correct information on an application for initial appointment or reappointment after three submissions by the applicant.

History Note: Authority G.S. 10B-5; 10B-14(f);
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 .0902 Eff. June 1, 2023.

18 NCAC 07B .0603 EXECUTED DOCUMENT VIOLATIONS

The Director shall revoke the commission of a notary who performs a notarial act knowing that the document or information contained in it is false or fraudulent, or that the intent of the executed document is dishonest. Acts of fraud or dishonesty include:

- (1) Notarizing a blank DMV vehicle title document;
- (2) Embezzlement;
- (3) Forgery;
- (4) Fraud;
- (5) Identity theft;
- (6) Impersonation of a law enforcement officer;
- (7) Receiving stolen goods or property; and
- (8) Theft.

History Note: Authority G.S. 10B-2; 10B-5(d); 10B-14(f); 10B-60;
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 .0903 Eff. June 1, 2023.

18 NCAC 07B .0604 COMPLETE AND LAWFUL NOTARIAL ACT VIOLATIONS

(a) The Director may take disciplinary action against a notary for an offense relating to failure to meet the statutory requirements for a notarial act.

(b) Offenses relating to failure to meet the statutory requirements for a complete and lawful notarial act include:

- (1) Incomplete attestation;
- (2) Improper acknowledgment language;
- (3) Incorrect signature;
- (4) Incorrect expiration date;
- (5) Failure to administer an oath or affirmation;
- (6) Failure to verify identification;
- (7) Failure to require personal appearance;
- (8) Notarization of a document in which the notary is a named, interested, or signed party;
- (9) Notarization of a "non-signature" or a copy of a signature;
- (10) Charging a fee in excess of that which is set by law, including fees for mileage or travel;
- (11) Acting as a notary when not commissioned;
- (12) Unauthorized use of a seal.

History Note: Authority G.S. 10B-2; 10B-14(f); 10B-60;
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 .0904 Eff. June 1, 2023.

18 NCAC 07B .0605 OTHER VIOLATIONS

The Director may take disciplinary action against a notary for violation of Chapter 10B of the General Statutes or this Subchapter, including failure to provide information required by Rule .0107 of this Subchapter.

History Note: Authority G.S. 10B-2; 10B-14(f); 10B-60;
Eff. April 1, 2007;
Amended Eff. May 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0905 Eff. June 1, 2023.

18 NCAC 07B .0606 MINIMUM SANCTION

(a) If a notary commits a combination of acts of official misconduct, the notary shall receive, at a minimum, the maximum penalty of the lesser of the acts committed.

(b) Nothing in this Section shall restrict the Secretary from using any other statutory penalty available.

History Note: Authority G.S. 10B-2; 10B-14(f); 10B-60;
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 .0906 Eff. June 1, 2023.

18 NCAC 07B .0607 APPEAL PROCEDURES

(a) Applicants for commissioning or recommissioning whose applications have been denied and notaries who have received disciplinary action by the Director have the right to file a petition for a contested case hearing pursuant to Article 3 of Chapter 150B of the General Statutes.

(b) Petition forms may be obtained from the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6700; 1711 New Hope Church Road, Raleigh, NC 27609; 984-236-1850; <https://www.oah.nc.gov>.

(c) A copy of a Petition filed with the Office of Administrative Hearings must also be served on the process agent for the Department of the Secretary of State.

*History Note: Authority G.S. 10B-2; 10B-14(f);
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2019;
Eff. February 1, 2021;
Transferred from 18 NCAC 07B .0907 Eff. June 1, 2023.*

SECTION .0700 – PROFESSIONAL LICENSES, CIVIL AND CRIMINAL HISTORY

18 NCAC 07B .0701 GENERAL

(a) Other Professional Licenses. An applicant shall list on his or her application all suspensions, revocations and other disciplinary actions taken against the applicant regarding the applicant's current or former professional licenses.

(b) Criminal Record. An applicant shall list on his or her application all misdemeanor and felony convictions related to crimes of dishonesty and moral turpitude. For purposes of this Chapter, those crimes include:

- (1) Arson;
- (2) Assault;
- (3) Battery;
- (4) Burglary;
- (5) Carrying a concealed weapon without a permit;
- (6) Child molestation;
- (7) Child pornography;
- (8) Discharge of a firearm in a public place or into a dwelling;
- (9) Domestic violence;
- (10) Driving under the influence;
- (11) Unlawful possession or sale of drugs;
- (12) Embezzlement;
- (13) Failure to comply with a court order;
- (14) Failure to pay child support;
- (15) Failure to return to confinement;
- (16) False financial statements;
- (17) Forgery;
- (18) Fraud;
- (19) Identity theft;
- (20) Impersonation of a law enforcement officer;
- (21) Hit and run;
- (22) Kidnapping;
- (23) Prostitutions;
- (24) Multiple worthless checks showing a pattern of behavior indicating moral turpitude and dishonesty;
- (25) A worthless check in excess of five hundred dollars (\$500.00);
- (26) Possession of an unregistered firearm;
- (27) Practicing law without a license;
- (28) Rape;
- (29) Receipt of stolen goods or property;
- (30) Resisting arrest;
- (31) Robbery;
- (32) Statutory rape;
- (33) Tax evasion;
- (34) Terrorist threats or acts;
- (35) Theft;
- (36) Threats to commit a crime or cause bodily injury;
- (37) Spousal abuse.

(c) In considering whether to appoint or reappoint an applicant to the office of notary public, the Director may consider the factors set forth in Rule .0901 of this Subchapter.

History Note: Authority G.S. 10B-5(d); 10B-7; 10B-11; 10B-14(f);
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 .0201 Eff. June 1, 2023.

18 NCAC 07B .0702	INSTRUCTOR CERTIFICATION – GENERAL (TRANSFERRED TO 18 NCAC 07E .0105 EFF. JUNE 1, 2023)
18 NCAC 07B .0703	TIMING OF INSTRUCTOR CERTIFICATION APPLICATION (TRANSFERRED TO 18 NCAC 07E .0106 EFF. JUNE 1, 2023)
18 NCAC 07B .0704	DEPARTMENT REJECTION OF APPLICATIONS (TRANSFERRED TO 18 NCAC 07E .0107 EFF. JUNE 1, 2023)
18 NCAC 07B .0705	FEES (TRANSFERRED TO 18 NCAC 07E .0104 EFF. JUNE 1, 2023)
18 NCAC 07B .0706	VERIFICATION THAT APPLICANT CONTINUES TO MEET REQUIREMENTS FOR A NOTARY COMMISSION (TRANSFERRED TO 18 NCAC 07E .0108 EFF. JUNE 1, 2023)
18 NCAC 07B .0707	OTHER VERIFICATIONS (TRANSFERRED TO 18 NCAC 07E .0111 EFF. JUNE 1, 2023)
18 NCAC 07B .0708	EVIDENCE OF MINIMUM EXPERIENCE (TRANSFERRED TO 18 NCAC 07E .0201 EFF. JUNE 1, 2023)
18 NCAC 07B .0709	JOURNAL AS EVIDENCE OF EXPERIENCE (TRANSFERRED TO 18 NCAC 07E .0204 EFF. JUNE 1, 2023)
18 NCAC 07B .0710	EMPLOYER AFFIDAVIT AS EVIDENCE OF EXPERIENCE (TRANSFERRED TO 18 NCAC 07E .0209 EFF. JUNE 1, 2023)
18 NCAC 07B .0711	ALTERNATIVE EVIDENCE OF EXPERIENCE (TRANSFERRED TO 18 NCAC 07E .0212 EFF. JUNE 1, 2023)
18 NCAC 07B .0712	RECOMMENDATIONS (TRANSFERRED TO 18 NCAC 07E .0112 EFF. JUNE 1, 2023)
18 NCAC 07B .0713	ORAL PRESENTATION REQUIREMENT FOR APPLICANT (TRANSFERRED TO 18 NCAC 07E .0303 EFF. JUNE 1, 2023)
18 NCAC 07B .0714	NOTARY PUBLIC INSTRUCTOR CERTIFICATION AND RECERTIFICATION EXAMINATIONS (TRANSFERRED TO 18 NCAC 07E .0302)
18 NCAC 07B .0715	ADDITIONAL REQUIREMENTS (TRANSFERRED TO 18 NCAC 07E .0701 EFF. JUNE 1, 2023)
18 NCAC 07B .0716	MINIMUM INSTRUCTIONAL DUTIES OF CERTIFIED NOTARY PUBLIC INSTRUCTORS (TRANSFERRED TO 18 NCAC 07E .0601 EFF. JUNE 1, 2023)

- 18 NCAC 07B .0717** EVALUATIONS OF INSTRUCTION (TRANSFERRED TO 18 NCAC 07E .1001 EFF. JUNE 1, 2023)
- 18 NCAC 07B .0718** ELIGIBILITY FOR RECERTIFICATION AS NOTARY PUBLIC INSTRUCTOR (TRANSFERRED TO 18 NCAC 07E .1101 EFF. JUNE 1, 2023)
- 18 NCAC 07B .0719** NOTARY PUBLIC INSTRUCTOR RECERTIFICATION REQUIREMENTS (TRANSFERRED TO 18 NCAC 07E .1102 EFF. JUNE 1, 2023)
- 18 NCAC 07B .0720** DENIAL OF NOTARY PUBLIC INSTRUCTOR CERTIFICATION OR RECERTIFICATION (TRANSFERRED TO 18 NCAC 07B .1103 EFF. JUNE 1, 2023)

SECTION .0800 – INVESTIGATIONS – RESERVED

SECTION .0900 – ENFORCEMENT AND DISCIPLINARY ACTION

- 18 NCAC 07B .0901** FACTORS CONSIDERED IN DISCIPLINARY ACTIONS (TRANSFERRED TO 18 NCAC 07B .0601 EFF. JUNE 1, 2023)
- 18 NCAC 07B .0902** GENERAL APPLICATION DENIAL (TRANSFERRED TO 18 NCAC 07B .0602 EFF. JUNE 1, 2023)
- 18 NCAC 07B .0903** EXECUTED DOCUMENT VIOLATIONS (TRANSFERRED TO 18 NCAC 07B .0603 EFF. JUNE 1, 2023)
- 18 NCAC 07B .0904** COMPLETE AND LAWFUL NOTARIAL ACT VIOLATIONS (TRANSFERRED TO 18 NCAC 07B .0604 EFF. JUNE 1, 2023)
- 18 NCAC 07B .0905** OTHER VIOLATIONS (TRANSFERRED TO 18 NCAC 07B .0605 EFF. JUNE 1, 2023)
- 18 NCAC 07B .0906** MINIMUM SANCTION (TRANSFERRED TO 18 NCAC 07B .0606 EFF. JUNE 1, 2023)
- 18 NCAC 07B .0907** APPEAL PROCEDURES (TRANSFERRED TO 18 NCAC 07B .0607 EFF. JUNE 1, 2023)

SECTION .1000 – PUBLIC RECORDS AND REQUESTS FOR INFORMATION

- 18 NCAC 07B .1001** PUBLIC INFORMATION (TRANSFERRED TO 18 NCAC 07B .0110 EFF. JUNE 1, 2023)

SUBCHAPTER 07C – ELECTRONIC NOTARY STANDARDS

SECTION .0100 – GENERAL PROVISIONS

- 18 NCAC 07C .0101** SCOPE (TRANSFERRED TO 18 NCAC 07F .0101 EFF. JUNE 1, 2023)
- 18 NCAC 07C .0102** DEFINITIONS (TRANSFERRED TO 18 NCAC 07F .0102 EFF. JUNE 1, 2023)

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

18 NCAC 07C .0201 INITIAL APPLICATION

(a) Application Form.

- (1) Applicants for initial appointment shall use the application form designated by the Division for that purpose and may download the application form from the Department's website.
- (2) Applicants for initial appointment who are members of the North Carolina State Bar may download the application form from the Department's website and may file the completed application without first obtaining a signature from a notary instructor.
- (3) All other applicants for initial appointment who download the application form from the Department's website shall obtain a signature on the application from a notary instructor certifying that the applicant successfully completed the required course of instruction before the applicant may file the form with the Department.

(b) Submission of Application. An applicant for an initial appointment shall submit his or her application by:

- (1) U.S. mail;
- (2) In person delivery; or
- (3) Courier service.

*History Note: Authority G.S. 10B-14(f);
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.*

18 NCAC 07C .0202 TIMING

Submission deadline. An applicant for initial appointment who is not a licensed member of the North Carolina State Bar shall submit an application within three months after passing the examination required by G.S. 10B-8.

*History Note: Authority G.S. 10B-8; 10B-14(f);
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(a) Eff. June 1, 2023.*

18 NCAC 07C .0203 APPLICATION RECEIPT DATE

Applications shall not be deemed received until complete.

*History Note: Authority G.S. 10B-14(f);
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(b) Eff. June 1, 2023.*

SECTION .0300 – COURSE OF INSTRUCTION

18 NCAC 07C .0301 APPROVED COURSE OF STUDY FOR ELECTRONIC NOTARIES PUBLIC (TRANSFERRED TO 18 NCAC 07F .0301 EFF. JUNE 1, 2023)

SECTION .0400 - APPOINTMENT AND COMMISSIONING OF NOTARIES

18 NCAC 07C .0401 APPOINTMENT

- (a) Upon determination that an applicant has complied with all requirements of the Act and this Subchapter, the Director shall appoint or reappoint the applicant to the office of notary public and issue a commissioning certificate.
- (b) The Division shall send the commissioning certificate to the Register of Deeds in the county of commissioning.
- (c) The Division shall send the appointee notice that:
 - (1) The commissioning certificate has been issued; and

- (2) The appointee shall appear within 45 days of the commissioning date to take the oath of office before the Register of Deeds in the county of commissioning.

History Note: Authority G.S. 10B-2; 10B-5; 10B-10; 10B-11; 10B-14(f);
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 NCA 07B .0501 Eff. June 1, 2023.

18 NCAC 07C .0402 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07C .0403 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07C .0404 NO BACK-DATING

A commissioning certificate shall not be back-dated.

History Note: Authority G.S. 10B-14(f);
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.

18 NCAC 07C .0405 SATISFACTORY EVIDENCE OF IDENTITY

- (a) Before taking the oath of office, an appointee shall present to the Register of Deeds satisfactory evidence of the appointee's identity as set out in G.S. 10B-3(22).
(b) The Register of Deeds shall document the type of evidence provided by the appointee on the form provided by the Department.
(c) After administering the oath of office the Register of Deeds shall deliver the commissioning certificate to the notary public.

History Note: Authority G.S. 10B-2; 10B-3(22); 10B-9; 10B-10; 10B-11; 10B-14(f);
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 .0503 Eff. June 1, 2023.

18 NCAC 07C .0406 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07C .0407 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07C .0408 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07C .0409 TERM OF OFFICE

- (a) A notary's commission or recommission shall not be effective until the oath of office has been administered.
(b) A notary's five year term of office begins on the date on the commissioning certificate.

History Note: Authority G.S. 10B-10; 10B-14(f);
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 .0505 Eff. June 1, 2023.

**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

An applicant who applies more than three months after compliance with G.S. 10B-8(a) shall

- (1) Comply again with G.S. 10B-8(a);
- (2) Submit an application for initial appointment; and
- (3) Pay the application fee.

*History Note: Authority G.S. 10B-8; 10B-14(f);
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.*

18 NCAC 07C .0503 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07C .0504 APPLICATION AFTER REAPPOINTMENT DENIAL BASED ON FAILING TEST

An applicant for reappointment whose application is denied due to failure to pass the reappointment test may reapply by:

- (1) Complying with G.S. 10B-8(a);
- (2) Submitting an application for reappointment; and
- (3) Paying the application fee.

*History Note: Authority G.S. 10B-2; 10B-5; 10B-6; 10B-8; 10B-13; 10B-14(f);
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.*

18 NCAC 07C .0505 FAILURE TO TAKE TIMELY OATH

(a) An appointee who fails to take the oath of office within 45 days of the commissioning certificate date may reapply for reappointment.

(b) Reapplication within one year of commission date. If an appointee seeks reappointment more than 45 days and less than one year after the commissioning certificate date, the appointee shall:

- (1) Apply for reappointment;
- (2) Submit another application fee; and
- (3) Pass the reappointment test.

(c) Reapplication one year or more after commissioning certificate date. If an appointee seeks reappointment one year or more after the commissioning certificate date, the appointee shall:

- (1) Comply with the requirements of G.S. 10B-8(a);
- (2) Apply for reappointment; and
- (3) Submit another application fee.

*History Note: Authority G.S. 10B-11; 10B-14(f);
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.*

SECTION .0600 – STEPS FOR REAPPOINTMENT

18 NCAC 07C .0601 APPLICATION STEPS FOR REPOINTMENT

Application for Reappointment.

- (1) An applicant for reappointment shall submit an application for reappointment.
- (2) Applicants for reappointment may apply on-line on the Department's website.

History Note: Authority G.S. 10B-11; 10B-14(f);
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.

18 NCAC 07C .0602 TIMING OF APPLICATION FOR REAPPOINTMENT

Timing of Application for Reappointment. An applicant for reappointment shall apply for reappointment no earlier than 10 weeks before the expiration date of the applicant's commission.

History Note: Authority G.S. 10B-11; 10B-14(f);
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.

18 NCAC 07C .0603 REAPPOINTMENT TEST

- (a) Attorneys who are licensed members of the North Carolina State Bar do not have to take a reappointment test.
- (b) The reappointment test may be taken either:
 - (1) By completing the on-line test on the Department's website;
 - (2) By completing a paper test at the Department's offices at a time based upon:
 - (A) The availability of the Division's staff; and
 - (B) The availability of the applicant; or
 - (3) By completing a paper test at a time and place mutually agreed upon by the applicant and a certified notary public instructor.
- (c) An applicant for reappointment shall have 30 minutes to complete the test. An applicant needing accommodation pursuant to the Americans with Disabilities Act shall contact the Division and request the accommodation.
- (d) If an applicant fails the reappointment test, the applicant may re-take the test no more than two times within 30 days of the date on which the test is first taken.
- (e) If the applicant fails to pass the reappointment test within 30 days, the applicant shall not be reappointed and the application shall be denied.

History Note: Authority G.S. 10B-2; 10B-8; 10B-14(f); 168A-7; 42 USC 12132;
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.

18 NCAC 07C .0604 PROTECTED ACCESS (TRANSFERRED TO 18 NCAC 07F .1002 EFF. JUNE 1, 2023)

SECTION .0700 – RECORDS OF ELECTRONIC NOTARIAL ACTS - RESERVED

SECTION .0800 – ELECTRONIC NOTARY ACT INVESTIGATION AND ENFORCEMENT- RESERVED

SUBCHAPTER 07D – CONTINUING OBLIGATIONS OF NOTARIES

SECTION .0100 - RESERVED FOR FUTURE CODIFICATION

SECTION .0200 - RESERVED FOR FUTURE CODIFICATION

SECTION .0300 – NOTICE TO DEPARTMENT OF CHANGES

18 NCAC 07D .0301 GENERAL OBLIGATIONS

- (a) A notary shall notify the Director of changes in name, address or county as required by G.S. 10B-50, 10B-51, and 10B-53.
- (b) A notary shall notify the Director that the notary has been convicted of a crime as set out in G.S. 10B-3(9) and Rule .0201 of this Subchapter, within 45 days of the date on which judgment is entered.
- (c) A notary shall notify the Director of changes in:
 - (1) Residency or place of work to a location outside the State of North Carolina;
 - (2) Residency status in the United States;
 - (3) Ability to speak, read and write the English language;
 - (4) A finding or admission of liability in a civil lawsuit based upon the notary's deceit;
 - (5) Revocation, suspension, restriction, or denial of a professional license by the State of North Carolina or any other state or nation;
 - (6) A finding that the notary has engaged in official misconduct, whether or not disciplinary action resulted;
 - (7) A finding or a charge that a notary has knowingly used false or misleading advertising in which the notary was represented as having powers, duties, rights or privileges that a North Carolina notary, by law, does not possess; or
 - (8) The North Carolina State Bar or the courts of North Carolina or the bar or courts of any other state or nation finding that the notary has engaged in the unauthorized practice of law.
- (d) A notary shall respond within the time period set out in a request from the Director for information, including a request for information regarding wrongful notarial acts alleged to have been performed by the notary.

History Note: Authority G.S. 10B-14(f);
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 .0107 Eff. June 1, 2023.

SUBCHAPTER 07E – NOTARY INSTRUCTOR REQUIREMENTS

SECTION .0100 – NOTARY INSTRUCTOR APPLICATION REQUIREMENTS

18 NCAC 07E .0101 INSTRUCTOR CERTIFICATION – SCOPE

- (a) Except as otherwise provided in G.S. 10B-14 and this Section, notaries public shall comply with all requirements for certification or recertification as a notary public instructor as set forth in this Chapter.
- (b) A notary public who is a licensed member of the North Carolina State Bar shall comply with all requirements of this Chapter in order to obtain certification or recertification as a notary public instructor.

History Note: Authority G.S. 10B-8; 10B-14;
Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0701 Eff. June 1, 2023.

18 NCAC 07E .0102 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0103 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0104 FEES

- (a) The fee required by G.S. 10B-14 for certification and recertification as a notary public instructor shall be paid in accordance with Rule .0105 of this Chapter.

(b) A person asserting that he or she is not required to submit a fee pursuant to G.S. 10B-14(c) shall include verification that as of the date of application the applicant is currently employed as a register of deed, clerk of court or is the Director or an authorized employee of the Secretary as set forth in G.S. 10B-14(c).

(c) The Secretary may refuse to administer the notary public instructor certification examination to an applicant who has failed to pay the fee required for certification or recertification as a notary public instructor before the examination date.

History Note: Authority G.S. 10B-8; 10B-14;
Eff. January 1, 2008.;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0705 Eff. June 1, 2023.

18 NCAC 07E .0105 INSTRUCTOR CERTIFICATION - GENERAL

Applicants for notary public instructor certification shall:

- (1) Complete the Department's notary public instructor application form and submit it to the Department;
- (2) Comply with the requirements of Rule .0708 through Rule .0711 of this Chapter regarding verification of 12 months of experience;
- (3) Comply with the requirements of Rule .0712 of this Chapter regarding recommendations;
- (4) Comply with the requirements of Rule .0713 of this Chapter regarding an oral presentation of a notary public course curriculum lesson;
- (5) Make a passing grade on the final examination in the notary public instructor certification course as set forth in Rule .0714 of this Chapter; and
- (6) Except as otherwise provided in G.S. 10B-14(c) and Rule .0705 of this Chapter, pay the required fee.

History Note: Authority G.S. 10B-8; 10B-14;
Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0702 Eff. June 1, 2023.

18 NCAC 07E .0106 TIMING OF INSTRUCTOR CERTIFICATION APPLICATION

An application for notary public instructor certification or recertification shall not be submitted to the Division during the period of any sanction issued by the Division.

History Note: Authority G.S. 10B-8; 10B-14;
Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0703 Eff. June 1, 2023.

18 NCAC 07E .0107 DEPARTMENT REJECTION OF APPLICATIONS

The Department shall reject a notary instructor certification or recertification application which is received:

- (1) While an investigation into the applicant's performance of the duties of a notary public or notary public instructor is open; or
- (2) During the period of any sanction issued by the Division.

History Note: Authority G.S. 10B-8; 10B-14;
Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0704 Eff. June 1, 2023.

18 NCAC 07E .0108 VERIFICATION THAT APPLICANT CONTINUES TO MEET REQUIREMENTS FOR A NOTARY COMMISSION

An applicant for notary public instructor certification or recertification shall verify that:

- (1) The applicant continues to meet each of the qualifications for a notary commission found in G.S. 10B-5 and 10B-7; and
- (2) With regard to changes requiring notification to the Division pursuant to Rule .0107 of this Chapter, verify:
 - (a) That there have been no changes requiring notification to the Department;
 - (b) That there have been changes requiring notification to the Department and that the applicant has made all required notifications; or
 - (c) That there have been changes requiring notification to the Department and the applicant has not previously made the required notification to the Department but is including the notification with the application.

History Note: Authority G.S. 10B-8; 10B-14;
 Eff. January 1, 2008;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
 Transferred from 18 NCAC 07B .0706 Eff. June 1, 2023.

18 NCAC 07E .0109 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0110 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0111 OTHER VERIFICATIONS

An applicant for notary public instructor certification shall verify that he or she:

- (1) Possesses and has read the current notary public guidebook; and
- (2) Has read Chapter 10B of the General Statutes and this Chapter.

History Note: Authority G.S. 10B-8; 10B-14;
 Eff. January 1, 2008;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
 Transferred from 18 NCAC 07B .0707 Eff. June 1, 2023.

18 NCAC 07E .0112 RECOMMENDATIONS

A notary public instructor certification applicant shall submit three recommendations on the Division's recommendation form from persons unrelated to the applicant by birth, marriage or adoption.

History Note: Authority G.S. 10B-8; 10B-14;
 Eff. January 1, 2008;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
 Transferred from 18 NCAC 07B .0712 Eff. June 1, 2023.

SECTION .0200 – NOTARY INSTRUCTOR APPLICANT VERIFICATION OF EXPERIENCE

18 NCAC 07E .0201 EVIDENCE OF MINIMUM EXPERIENCE

- (a) For purposes of these Rules a notarial act is an act set out in G.S. 10B-20(a).
- (b) For purposes of demonstrating the experience required by G.S. 10B-14(a)(2), an applicant shall show evidence of performing notarial acts during each month of the 12 months immediately preceding the application to become a certified notary instructor.
- (c) Evidence of performance of notarial acts shall be presented by one of the methods set forth in Rule .0709 through Rule .0711 of this Chapter.

History Note: Authority G.S. 10B-8; 10B-14;
 Eff. January 1, 2008;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
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18 NCAC 07E .0202 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0203 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0204 JOURNAL AS EVIDENCE OF EXPERIENCE

(a) An applicant for notary public instructor certification may submit a journal of notarial acts as evidence of experience performing notarial acts.

(b) The submitted journal shall, at a minimum, include:

- (1) The dates on which notarial acts were performed;
- (2) The type of notarial act performed; and
- (3) The name(s) of the party(ies) for whom each notarial act was performed.

(c) The applicant shall submit an affidavit verifying that the information in the journal submitted in compliance with this Rule is true and correct.

*History Note: Authority G.S. 10B-8; 10B-14;
Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0709 Eff. June 1, 2023.*

18 NCAC 07E .0205 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0206 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0207 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0208 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0209 EMPLOYER AFFIDAVIT AS EVIDENCE OF EXPERIENCE

(a) An applicant for notary public instructor certification may submit an affidavit from his or her employer verifying that the applicant has had experience performing notarial acts.

(b) The submitted affidavit shall, at a minimum, include the following:

- (1) The name of the corporation, business, individual or entity employing the applicant;
- (2) The full name of the person verifying the applicant's experience;
- (3) The authority of the person to verify the applicant's experience, including his or her title;
- (4) The address, telephone number and, if applicable, email address of the person verifying the applicant's experience;
- (5) A narrative description of the reasons the applicant has performed notarial acts while employed by the person or entity submitting the affidavit; and
- (6) Verification that the applicant has performed at least one notarial act during each of the 12 immediately preceding months.

(c) The submitted affidavit may also contain a recommendation pursuant to Rule .0712 of this Chapter.

*History Note: Authority G.S. 10B-8; 10B-14;
Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0710 Eff. June 1, 2023.*

18 NCAC 07E .0210 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0211 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0212 ALTERNATIVE EVIDENCE OF EXPERIENCE

An applicant for notary public instructor certification may submit evidence of experience performing notarial acts other than a journal or employer affidavit, provided the evidence includes:

- (1) An affidavit from the applicant verifying that the applicant has performed at least one notarial act in each of the 12 immediately preceding months; and
- (2) An affidavit from at least one person unrelated to the applicant by birth, marriage or adoption which establishes that the applicant has performed at least one notarial act during each of the 12 months immediately preceding the application.

*History Note: Authority G.S. 10B-8; 10B-14;
Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0711 Eff. June 1, 2023.*

SECTION .0300 – NOTARY INSTRUCTOR EDUCATION

18 NCAC 07E .0301 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0302 NOTARY PUBLIC INSTRUCTOR CERTIFICATION AND RECERTIFICATION EXAMINATIONS

- (a) A passing grade on the notary public instructor certification or recertification final examination shall be 90 percent.
- (b) A notary public instructor certification or recertification applicant who fails to achieve a passing grade on the final examination may apply to take the test one additional time within three months.

*History Note: Authority G.S. 10B-8; 10B-14;
Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0714 Eff. June 1, 2023.*

18 NCAC 07E .0303 ORAL PRESENTATION REQUIREMENT FOR APPLICANT

- (a) A notary public instructor certification student shall provide an oral presentation of a section of the notary public curriculum which shall be evaluated according to the standards set forth in Paragraph (c) of this Rule.
- (b) A passing grade on the notary public instructor certification oral presentation shall be 80 percent.
- (c) The oral presentation of a notary public instructor certification student shall be graded for instructional ability using standards including the notary public instructor student's:
 - (1) Voice quality (projection, articulation, speech rate);
 - (2) Verbal skill (fluency and clarity);
 - (3) Physical appearance and mannerisms (attire, posture, body language, eye contact, movement) to project a professional demeanor;
 - (4) Professional qualities of the instructor (knowledge, self-confidence, tact, enthusiasm, sensitivity);
 - (5) Selection and use of training aids (use of writing surface and other aids, effective use of multimedia, transparencies, and slides, relates aids to objectives, and use of aids when scheduled);
 - (6) Presentation of information in logical sequence;
 - (7) Timing of presentation to allow for sufficient time for questions and discussion;
 - (8) Transition of subjects with continuous progression and development of lesson;
 - (9) Emphasis of key points and frequent summarization of topics to entire lesson or course and use of examples to clarify the subjects;
 - (10) Frequent establishment of relevance of the topics to entire lesson or course and use of examples to clarify the subjects; and
 - (11) Following the Division's notary public curriculum.

(d) A notary public instructor student who fails the oral presentation portion of the notary public instructor certification course may schedule one additional oral presentation within three months of the failure to complete the oral presentation requirement as required by Paragraph (b) of this Rule.

History Note: Authority G.S. 10B-8; 10B-14;
Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0713 Eff. June 1, 2023.

SECTION .0400 – RESERVED FOR FUTURE CODIFICATION

SECTION .0500 – RESERVED FOR FUTURE CODIFICATION

SECTION .0600 – NOTARY INSTRUCTOR TEACHING OBLIGATIONS

18 NCAC 07E .0601 MINIMUM INSTRUCTIONAL DUTIES OF CERTIFIED NOTARY PUBLIC INSTRUCTORS

- (a) A certified notary public instructor shall verify the identity of each student during the first instructional period and again prior to administration of the notary public examination by requiring satisfactory evidence of identity as defined in G.S. 10B-3(22)(a).
- (b) A certified notary public instructor shall follow the Division supplied curriculum for notary public instruction unless the instructor has been granted approval by the Division for a variance.
- (c) While performing their duties as certified notary public instructors, certified instructors shall comply with applicable State and federal laws relating to adult education.
- (d) When administering the notary public examination, a certified notary public instructor shall take steps to prevent cheating by students taking the notary public examination.
- (e) When administering the notary public examination, a certified notary public instructor shall report to the Division within two business days if the instructor has reason to believe that there has been cheating on a notary public examination by any student, and shall provide:
- (1) The name, address and contact information for any student suspected of cheating; and
 - (2) A narrative description of the instructor's reasons for believing cheating may have occurred.
- (f) Notary public instructors shall submit student notary public examination grades to the Division within two business days after the examination has been administered.
- (g) A notary public instructor shall demonstrate a professional demeanor at all times during instruction and administration of the duties of a certified notary public instructor.
- (h) A notary public instructor shall not use profanity or obscene language when instructing the notary public course or administering the notary public examination.

History Note: Authority G.S. 10B-8; 10B-14;
Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0716 Eff. June 1, 2023.

SECTION .0700 – NOTARY INSTRUCTOR CONTINUING OBLIGATIONS

18 NCAC 07E .0701 ADDITIONAL REQUIREMENTS

If the Division receives information or a complaint that gives reason to question the notary public instructor's eligibility or ability to perform the duties of a notary public instructor, the Division may require the notary public instructor to:

- (1) Submit to an interview;
- (2) Submit additional information; or
- (3) Submit audio and visual documentation such as a video of actual instruction.

History Note: Authority G.S. 10B-8; 10B-14;

Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0715 Eff. June 1, 2023.

SECTION .0800 – RESERVED FOR FUTURE CODIFICATION

SECTION .0900 – RESERVED FOR FUTURE CODIFICATION

SECTION .1000 – NOTARY INSTRUCTOR EVALUATION

18 NCAC 07E .1001 EVALUATIONS OF INSTRUCTION

(a) If the employer of a certified notary public instructor conducts a written performance evaluation of the instructor at least once per calendar year, the instructor shall submit a copy of the performance evaluation to the Department within 30 days after receipt of the written performance evaluation from the employer.

(b) If the employer of a certified notary public instructor does not conduct a written performance evaluation of the instructor at least once per calendar year, the instructor shall:

- (1) Require that his or her notary public course students in one class each calendar year complete the Division's student evaluation of notary public course instructor form; and
- (2) Shall submit copies of all completed student evaluation forms to the Division within 30 days of receipt of the completed forms.

(c) The Department may conduct evaluations of instructional performance of certified notary public instructors by methods including:

- (1) Surveys of notary public students;
- (2) Requests for audio-visual recordings of courses; and
- (3) Observation of classroom instruction.

History Note: Authority G.S. 10B-8; 10B-14;
Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0717 Eff. June 1, 2023.

SECTION .1100 – NOTARY INSTRUCTOR RE-CERTIFICATION

18 NCAC 07E .1101 ELIGIBILITY FOR RE-CERTIFICATION AS NOTARY PUBLIC INSTRUCTOR

A notary public instructor shall not be eligible for recertification as a notary public instructor if the notary public instructor:

- (1) Has failed to submit notary public student examination grades or notary public instructor evaluations to the Division as required by Rules .0716 and .0717 of this Chapter;
- (2) Has been subject to disciplinary action by the Division in relation to:
 - (a) The performance of notary public duties pursuant to Chapter 10B of the General Statutes or this Chapter; or
 - (b) The performance of notary public instructor duties; or
- (3) Has failed to comply with other requirements imposed upon a notary or notary public instructor pursuant to law or rule.

History Note: Authority G.S. 10B-8; 10B-14;
Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0718 Eff. June 1, 2023.

18 NCAC 07E .1102 NOTARY PUBLIC INSTRUCTOR RE-CERTIFICATION REQUIREMENTS

An applicant for recertification as a notary public instructor shall:

- (1) Complete the Department's notary public instructor application form and submit it to the Department;
- (2) Comply with the requirements of Rule .0708 through Rule .0711 of this Chapter regarding verification of 12 months of experience performing notarial acts;
- (3) Comply with the requirements of Rule .0713 of this Chapter regarding an oral presentation of a notary public course lesson;
- (5) Make a passing grade on the final examination in the notary public instructor certification recertification course as set forth in Rule .0714 of this Chapter;
- (6) Except as otherwise provided in Rule .0705 of this Chapter, pay the required fee; and
- (7) Submit an affidavit verifying that the applicant has taught the notary public instructor course at least twice a year during the two-year certification period.

History Note: Authority G.S. 10B-8; 10B-14;
 Eff. January 1, 2008;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
 Transferred from 18 NCAC 07B .0719 Eff. June 1, 2023.

18 NCAC 07E .1103 DENIAL OF NOTARY PUBLIC INSTRUCTOR CERTIFICATION OR RE-CERTIFICATION

An application for notary public instructor certification or recertification may be denied:

- (1) For any reason for which an application for commissioning or re-commissioning of a notary public may be denied; or
- (2) If an applicant no longer meets the requirements or fails to comply with the requirements to be a certified notary public instructor.

History Note: Authority G.S. 10B-8; 10B-14;
 Eff. January 1, 2008;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
 Transferred from 18 NCAC 07B .0720 Eff. June 1, 2023.

SUBCHAPTER 07F – ELECTRONIC NOTARY PUBLIC REQUIREMENTS

SECTION .0100 – GENERAL

18 NCAC 07F .0101 SCOPE

- (a) The rules in this Subchapter implement G.S. 10B, Article 2, the Electronic Notary Act. and G.S. 47-16.1.
- (b) The rules in this Subchapter are adopted pursuant to the provisions of Subchapter I of Chapter 96 of Title 15 of the United States Code, Electronic Records and Signatures in Commerce.

History Note: Authority G.S. 10B-125(b); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
 Eff. January 1, 2007;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
 Transferred from 18 NCAC 07C .0101 Eff. June 1, 2023.

18 NCAC 07F .0102 DEFINITIONS

In addition to terms defined in Article 1 of Chapter 10B of the General Statutes and Subchapter 07B of this Chapter, and for purposes of Article 2 of Chapter 10B of the General Statutes and this Subchapter:

- (1) "Applicant" means a person applying for registration as a North Carolina electronic notary.
- (2) "Approved Electronic Notary Solution Provider" means a person or entity approved to provide an Electronic Notarization System by the Department pursuant to Article 2 of Chapter 10B of the General Statutes and Article 1A of Chapter 47 of the General Statutes.

- (3) "Biometric Authentication" means proving the identity of a user by requiring verification of the user's identity through technologies that require measurement and analysis of one or more human physiological or behavioral characteristics of the user in order to access and use an electronic notarization system. Biometric authentication technologies include fingerprint scanning devices, retinal scanning devices, and handwriting analysis devices.
- (4) "Department" means the North Carolina Department of the Secretary of State. Unless specifically noted in rule text, for the purposes of this Subchapter "Department" means the notary public section of the Department's certification and filing division.
- (5) "Electronic Notarization System" means a set of applications, programs, hardware, software, or technology designed to enable a notary to perform electronic notarizations.
- (6) "Independently Verifiable" means capable of government or third-party authentication of a notarial act, a notary's identity, and a notary's relevant authority.
- (7) "Password Authentication" means requiring the user to enter a secret word, phrase, or symbol set in order to access and use an electronic notarization system.
- (8) "Token Authentication" means requiring use of a physical device in addition to a password or personal identification number ("PIN" number) in order to access and use an electronic notarization system. Physical devices used in token authentication technologies include magnetic cards or "smart cards" and Universal Serial Bus (USB) memory sticks or "USB keys".
- (9) "Under the exclusive control of the notary", for the purposes of the Department's interpretation of the requirements of G.S. 10B-126(b), means "under the notary public's sole control" as defined in this subchapter.
- (10) "Under the notary public's sole control" means accessible by and attributable solely to the notary to the exclusion of all other persons and entities, either through being in the direct physical custody of the notary or through being secured with one or more biometric, password, token, or other authentication technologies in an electronic notarization system provided by an approved electronic notary solution provider approved pursuant to the Act and this Subchapter.

History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002; Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0102 Eff. June 1, 2023.

SECTION .0200 – QUALIFICATIONS TO BE ELECTRONIC NOTARY

18 NCAC 07F .0201 VALID COMMISSION

Qualifications. An applicant shall provide:

- (1) All information required for registration pursuant to G.S. 10B-106(d);
- (2) Verification that the applicant holds a valid North Carolina notary commission and continues to meet the qualifications to hold the notary commission;
- (3) Verification that the applicant is in compliance with all provisions of the Notary Act;
- (4) Any other information requested by the Department to prove the qualifications of the applicant.

History Note: Authority G.S. 10B-125(b), 10B-126(d) ; 47-16.5; 47-16.7; 147-36; 15 USC 7002; Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0201(a) Eff. June 1, 2023.

SECTION .0300 – EDUCATION OF ELECTRONIC NOTARIES

18 NCAC 07F .0301 APPROVED COURSE OF STUDY FOR ELECTRONIC NOTARIES PUBLIC

- (a) The Department shall administer the training course and testing for applicants for electronic notary registration.

(b) Upon the Secretary's determination of a need for additional instructors, the Department may train certified notary public instructors who are also registered as electronic notaries public to administer the training course and testing for applicants for electronic notary registration.

History Note: Authority G.S. 10B-107; 10B-125, 10B-126; 47-16.5; 47-16.7; 147-36; 15 USC 7002; Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0301 Eff. June 1, 2023.

SECTION .0400 – APPLICATION FOR REGISTRATION AS ELECTRONIC NOTARY

18 NCAC 07F .0401 SUBMISSION

Submission. The applicant shall:

- (1) Complete the registration form on line;
- (2) Print the form;
- (3) Have the form notarized; and
- (4) Submit the form by:
 - (A) U.S. mail;
 - (B) In person delivery; or
 - (D) Courier service.

History Note: Authority G.S. 10B-125(b), 10B-126(d) ; 47-16.5; 47-16.7; 147-36; 15 USC 7002; Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0201(b) Eff. June 1, 2023.

SECTION .0500 – REGISTRATIONS

18 NCAC 07F .0501 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07F .0502 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07F .0503 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07F .0504 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07F .0505 OATHS TIMING

The applicant shall take the oath in the Register of Deeds office within 45 days of the issue date on the electronic notary oath notification letter.

History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002; Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0202(a) Eff. June 1, 2023.

18 NCAC 07F .0506 EVIDENCE OF IDENTITY

Before taking the oath of office, an applicant shall present to the Register of Deeds evidence of the applicant's identity as defined in G.S. 10B-3(22).

History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002; Eff. January 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0202(b) Eff. June 1, 2023.

18 NCAC 07F .0507 CERTIFICATE DELIVERY

After administering the oath of office, the Register of Deeds shall deliver the electronic notary registration certificate to the electronic notary.

History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0202(c) Eff. June 1, 2023.

18 NCAC 07F .0508 REGISTRATION EFFECTIVE DATE

The applicant's electronic notary registration shall not be effective until the applicant takes the oath.

History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0202(d) Eff. June 1, 2023.

SECTION .0600 – RESERVED FOR FUTURE CODIFICATION

SECTION .0700 – ELECTRONIC NOTARY SIGNATURE

18 NCAC 07F .0701 UNIQUE SIGNATURE

The electronic notary signature shall be independently verifiable and unique to the electronic notary.

History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0401(a) Eff. June 1, 2023.

18 NCAC 07F .0702 SOLE CONTROL

The electronic notary signature shall be retained under the electronic notary's sole control.

History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0401(b) Eff. June 1, 2023.

18 NCAC 07F .0703 EXCLUSIVE

When the electronic notary performs an electronic notarization, the electronic signature used by the electronic notary must be accessible by and attributable solely to the electronic notary to the exclusion of all other persons and entities for the entire time necessary to perform the electronic notarization.

History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0401(c) Eff. June 1, 2023.

18 NCAC 07F .0704 LOGICALLY ATTACHED

The electronic notary signature shall be attached or logically associated with the document, linking the data in such a manner that any subsequent alterations to the underlying document or electronic notary certificate are observable through visual examination.

History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002; Eff. January 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07C .0401(d) Eff. June 1, 2023.

18 NCAC 07F .0705 IMAGE

An image of the electronic notary's handwritten signature shall appear on any visual or printed representation of an electronic notary certificate regardless of the technology being used to affix the electronic notary's electronic signature.

History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002; Eff. January 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07C .0401(e) Eff. June 1, 2023.

SECTION .0800 – ELECTRONIC NOTARY SEAL

18 NCAC 07F .0801 UNIQUE SEAL

The electronic notary seal shall be independently verifiable and unique to the electronic notary.

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002; Eff. January 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07C .0402(a) Eff. June 1, 2023.

18 NCAC 07F .0802 SOLE CONTROL

The electronic notary seal shall be retained under the electronic notary's sole control.

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002; Eff. January 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07C .0402(b) Eff. June 1, 2023.

18 NCAC 07F .0803 EXCLUSIVE

When the electronic notary performs an electronic notarization, the electronic seal used by the electronic notary shall be accessible by and attributable solely to the electronic notary to the exclusion of all other persons and entities for the entire time necessary to perform the electronic notarization.

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002; Eff. January 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07C .0402(c) Eff. June 1, 2023.

18 NCAC 07F .0804 LOGICALLY ATTACHED

The electronic notary seal shall be attached or logically associated with the document, linking the data in such a manner that any subsequent alterations to the underlying document or electronic notary certificate are observable through visual examination.

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0402(d) Eff. June 1, 2023.

18 NCAC 07F .0805 IMAGE

An image of the electronic notary's electronic seal shall appear on any visual or printed representation of the electronic notary certificate regardless of the technology being used to affix the electronic notary's electronic seal.

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0402(e) Eff. June 1, 2023.

18 NCAC 07F .0806 PERIMETER

The perimeter of the electronic notary seal shall contain a border such that the physical appearance of the seal replicates the appearance of an inked seal on paper.

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0402(f) Eff. June 1, 2023.

18 NCAC 07F .0807 CONTENTS

The electronic notary seal must have, within its border, the electronic notary's name exactly as commissioned, the words "Electronic Notary Public", the words "North Carolina" or "N.C.", and the county of commission including the word "County" or "Co.".

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0402(g) Eff. June 1, 2023.

18 NCAC 07F .0808 ELECTRONIC NOTARY SEALS

The electronic notary seal is the property of the electronic notary and shall be subject to laws governing private property.

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0602 Eff. June 1, 2023.

SECTION .0900 – RE-REGISTRATION AS ELECTRONIC NOTARY

18 NCAC 07F .0901 RE-REGISTRATION

A notary applying to re-register as an electronic notary shall comply with application procedures found in the Act and this Subchapter.

History Note: Authority G.S. 10B-125, 10B-126; 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,
2016;
Transferred from 18 NCAC 07C .0203 Eff. June 1, 2023.

SECTION .1000 – CONFIDENTIALITY, SECURITY, AND RECORDS RETENTION

18 NCAC 07F .1001 EMPLOYERS OF ELECTRONIC NOTARIES

(a) Neither the employer nor any of the employer's employees or agents shall use or permit the use of an electronic notary seal or signature by anyone other than the electronic notary to whom it is registered.

(b) Upon the cessation of employment of an electronic notary, the employer of the notary shall:

- (1) Relinquish control of the electronic notary seal;
- (2) Transfer possession of the electronic notary seal to the electronic notary; or
- (3) Eliminate the ability of any other person to use the former employee's electronic notary seal if the electronic notarization system used by the employer does not permit transfer of possession of the electronic notary seal.

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,
2016;
Transferred from 18 NCAC 07C .0603 Eff. June 1, 2023.

18 NCAC 07F .1002 PROTECTED ACCESS

Access to electronic notary signatures and electronic notary seals shall be protected by the use of a password, token, biometric, or other form of authentication approved by the Department according to Article 2 of Chapter 10B of the General Statutes, and Article 1A of Chapter 47 of the General Statutes.

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,
2016;
Transferred from 18 NCAC 07C .0604 Eff. June 1, 2023.

SECTION .1100 – CONTINUING OBLIGATIONS OF ELECTRONIC NOTARIES

18 NCAC 07F .1101 PHYSICAL PRESENCE REQUIREMENT FOR ELECTRONIC NOTARIZATION

When an electronic notary performs an electronic notarization, the principal and the electronic notary shall be in each other's physical presence during the entire electronic notarization so that the principal and the electronic notary can see, hear, communicate with, and give identification documents as required under G.S. 10B-3(22) to each other without the use of electronic devices such as telephones, computers, video cameras, or facsimile machines.

History Note: Authority G.S. 10B-116(1); 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,
2016;
Transferred from 18 NCAC 07C .0403 Eff. June 1, 2023.

18 NCAC 07F .1102 SEPARATE ATTESTATIONS

Each electronic signature requiring notarization and attestation in the form of an acknowledgment shall be individually affixed to the electronic document by the principal signer and shall be acknowledged separately by the principal signer, except in the following situation:

- (1) The notarized document is executed on behalf of an entity as defined in G.S. 55-1-40(9)(a) or (c); and
- (2) The notarized document does not adversely affect the claim, right or obligation of another.

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0601 Eff. June 1, 2023.

SUBCHAPTER 07G – RESERVED FOR FUTURE CODIFICATION

SUBCHAPTER 07H – RESERVED FOR FUTURE CODIFICATION

SUBCHAPTER 07I – RESERVED FOR FUTURE CODIFICATION

**SUBCHAPTER 07J – REQUIREMENTS FOR TECHNOLOGY TO CONDUCT ELECTRONIC
NOTARIZATION**

SECTION .0100 – RESERVED FOR FUTURE CODIFICATION

**SECTION .0200 – PROCESS FOR APPROVAL FOR AVEN TECHNOLOGY TO CONDUCT
ELECTRONIC NOTARIZATION**

18 NCAC 07J .0201 ELECTRONIC NOTARY SOLUTION PROVIDER APPLICATION

(a) Any person or entity applying to the Department for designation as an approved electronic notary solution provider must complete and submit an application to the Department for review and approval before authorizing any electronic notary seals or electronic signatures to North Carolina electronic notaries. The application shall include the following information:

- (1) Hardware and software specifications and requirements for the provider's electronic notarization system,
- (2) A description of the type(s) of technology used in the provider's electronic notarization system, and
- (3) A demonstration of how the technology is used to perform an electronic notarization.

(b) An electronic notary solution provider may appeal the Department's rejection of the provider's application for designation as an approved electronic notary solution provider as provided under Article 3 of Chapter 150B of the General Statutes.

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0501 Eff. June 1, 2023.

SECTION .0300 – RESERVED FOR FUTURE CODIFICATION

SECTION .0400 – IN-PERSON ELECTRONIC NOTARIZATION (AVEN) PROVIDER REQUIREMENTS

18 NCAC 07J .0401 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07J .0402 CRITERIA FOR APPROVAL OF ELECTRONIC NOTARY SOLUTION PROVIDERS

Each applicant and each approved electronic notary solution provider shall:

- (1) Provide a free and readily available viewer/reader so as to enable all parties relying on the electronically notarized record or document to view the electronic notary signature and the electronic notary seal without incurring any cost;
- (2) Comply with the laws, policies, and rules that govern North Carolina notaries;
- (3) Provide an electronic notarization system or solution that complies with the technical specifications of the rules and standards that govern electronic notarization processes and procedures in North Carolina;
- (4) Require such of the provider's principals or employees to take the mandatory electronic notary education course online and pass the required examination as is necessary to ensure the provider possesses sufficient familiarity with North Carolina's electronic notary laws and requirements;
- (5) Require notaries to present the NC Secretary of State's Electronic Notary Certificate to Perform Electronic Notary Acts prior to authorizing an electronic notary seal and signature;
- (6) Verify the authorization of a North Carolina notary to perform electronic notary acts by logging on to the Department's website and comparing the name, notary commission number and commission expiration date with the information on the Electronic Notary Certificate to Perform Electronic Notary Acts prior to authorizing an electronic notary seal and signature;
- (7) Provide prorated fees to align the usage and cost of the electronic notary system or solution with the commission term limit of the electronic notary purchasing the electronic notary seal and signature;
- (8) Suspend the use of any electronic notarization system or solution for any notary whose commission has been revoked or suspended by the North Carolina Secretary of State; and
- (9) Submit an exemplar of the electronic notary signature and the electronic notary seal to the Department for each electronic notary who subscribes to the provider's electronic notary solution.

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002; Eff. January 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07C .0502 Eff. June 1, 2023.

SECTION .0500 – RESERVED FOR FUTURE CODIFICATION

SECTION .0600 – CONTINUING OBLIGATIONS OF ELECTRONIC NOTARIZATION TECHNOLOGY PROVIDERS

18 NCAC 07J .0601 ELECTRONIC NOTARY SOLUTION PROVIDER CHANGES

- (a) An electronic notary solution provider shall notify the Department within 45 days of changes, modifications or updates to information previously submitted to the Department.
- (b) An approved electronic notary solution provider shall obtain approval of the Department pursuant to the Act and this Subchapter before making available to North Carolina electronic notaries any updates or subsequent versions of the provider's electronic notarization system.

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002; Eff. January 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07C .0503 Eff. June 1, 2023.

SUBCHAPTER 07K – MISCELLANEOUS RULES

SECTION .0100 – GENERAL

18 NCAC 07K .0101 DEFINITIONS

For purposes of Chapter 10B of the General Statutes and the Rules in this Chapter:

- (1) "Approved" means that an applicant has been authorized by the Department to provide services as a technology provider in compliance with Chapter 10B of the General Statutes and the rules in this Chapter. Technology providers licensed by the Department are deemed approved.
- (2) "Armed Forces of the United States" means the persons described in 10 U.S.C. 101(a)(4) and G.S. 143B-1224(2), including their reserve components.
- (3) "Bank or financial institution" means a "depository institution" as defined in G.S. 53-208.42(7).
- (4) "Certificate of appointment" means a document issued by the Department notifying a Register of Deeds that:
 - (a) the named appointee is authorized to take the oath of office; and
 - (b) the Register of Deeds or designee shall provide the commission certificate to the notary public after:
 - (i) administering the oath of office to the appointee; and
 - (ii) signing of the certificate by both the Register of Deeds or designee, and the notary.
- (5) "Commission certificate" means the document confirming that an individual:
 - (a) has complied with all requirements of Chapter 10B of the General Statutes and the rules in this Chapter; and
 - (b) is authorized to act as a notary public.
- (6) "Commit" means the final step in the notarial act after which:
 - (a) the notarial act is complete;
 - (b) all entries are permanent; and
 - (c) no changes can be made to the entries made permanent pursuant to Sub-Item (b) of this Item.
- (7) "Dishonored payment" or "payment that has been dishonored" means money tendered to the Department by any means that is refused, rejected, or failed to be paid to the Department.
- (8) "Enter information" means to:
 - (a) handwrite, type, or input data;
 - (b) confirm that pre-populated words or numbers are correct. Note: An example would be clicking a checkbox to select the correct date;
 - (c) select applicable options from among offered options. Note: An example would be selecting "oath or affirmation" from a drop-down list of the types of notarial acts; or
 - (d) include in the electronic journal acknowledged signatures of:
 - (i) principals;
 - (ii) a designee of a principal; or
 - (iii) a credible witness.
- (9) "Federal business mileage rate" means the business mileage rate set by the U.S. Internal Revenue Service (IRS).
- (10) "Federally recognized Indian tribe" means a tribe on the list published in the Federal Register by the U.S. Secretary of the Interior pursuant to 25 U.S.C. 5131.
- (11) "File" means the date upon which a filing submitted to the Department is deemed complete by the Department. Note: "File" shall not mean that the Department has determined that the filer is qualified and will be appointed, registered, approved, or licensed.
- (12) "Filer" means a person that submits a filing to the Department.
- (13) "Filing" means a form or other document required or permitted to be filed with the Department pursuant to Chapter 10B of the General Statutes or the rules in this Chapter.
- (14) "Form" means a departmental data collection instrument that requires or requests information, without regard to the format.
- (15) "Form preparer" means an individual who enters information on a form:
 - (a) at the direction of another; and
 - (b) without exercising independent judgment or discretion as to the content entered.
- (16) "Information technology" or "IT" means that term as defined in G.S. 143B-1320(a)(11).
- (17) "Information technology security" or "IT security" means the tools, techniques, and strategies used to protect the confidentiality, integrity, and availability of data, information systems, and digital assets from:

- (a) internal and external threats; and
 - (b) unauthorized access, use, disclosure, disruption, modification, or destruction.
- (18) "Initial appointment" means the first issuance by the Department of a commission certificate to a notary public.
- (19) "Instructor," "certified notary public instructor," "certified instructor," "notary instructor," and "certified notary instructor" mean a notary public who has complied with:
- (a) the requirements of G.S. 10B-14; and
 - (b) the rules in Subchapter 07E of this Chapter.
- (20) "Location" means a description establishing that a principal is present in a jurisdiction where the notarial act may take place. Note: A statement that the principal is then located inside the U.S. embassy in Paris, France, would suffice to establish that the principal is present in a jurisdiction where the notarial act may take place.
- (21) "Long-term" means a period of at least one year.
- (22) "Notarial transaction process" includes:
- (a) steps before the notarial act takes place. Note: The interactions establishing the date and location of a notarial act, obtaining advance consent to travel fees, and the steps required by G.S. 10B-134.9(a) are examples of steps before the notarial act;
 - (b) the notarial act; and
 - (c) steps following the notarial act. Note: Affixing the notary's seal and signature are examples of steps following the notarial act.
- (23) "Person" means the term as defined in G.S. 12-3(6).
- (24) "State recognized tribe" means a group listed in G.S. 143B-407(a).
- (25) "Successfully complete" and "successful completion" mean that a notarial applicant has complied with Chapter 10B and the rules in this Chapter and has:
- (a) presented satisfactory evidence of identity as defined in G.S. 10B-3(22) or be personally known as defined in G.S. 10B-3(17);
 - (b) attended a notarial course taught by a certified notary instructor; and
 - (c) achieved a passing grade on the course examination as described in G.S. 10B-8(a).
- (26) "Technological failure" means a deficiency in:
- (a) any component of the electronic notarization system;
 - (b) any component of the computer systems of the notary or principals; or
 - (c) the connections linking the components described in Sub-Items (a) and (b) of this Item.
- For purposes of this Rule, "component of the electronic notarization system" means any combination of hardware, software, a notary public's electronic journal, and communications technology recordings.
- (27) "Technology provider" means:
- (a) a platform;
 - (b) a depository;
 - (c) a custodial service; or
 - (d) an AVEN as defined in 18 NCAC 07F .0102(1).
- (28) "Termination of employment" means the cessation of permanent or temporary work for another, whether compensated or not, for any reason, including voluntary and involuntary cessation of work.
- (29) "Traditional notarization" means a notarial act in which:
- (a) there is personal appearance as defined in G.S. 10B-3(16); and
 - (b) one of the following occurs:
 - (i) a document is executed and notarized with ink signatures signed by hand or facsimile stamp and affixed with the physical notary seal as defined in G.S. 10B-3(23);
 - (ii) an oath or affirmation is administered without the execution of a document; or
 - (iii) creating an inventory as described in G.S. 53C-6-13(a).
- (30) "Traditional notary public" means an individual commissioned to perform traditional notarizations.
- (31) "Type of notarial act" means an acknowledgement, an oath or affirmation, verification or proof, inventory of an abandoned safe deposit box, or notarization of an absentee ballot.
- (32) "Under the exclusive control of the notary" means accessible by and attributable solely to the notary public to the exclusion of all other persons through being:
- (a) in the case of a physical seal:

- (i) in the direct physical custody of the notary; or
 - (ii) physically secured; or
 - (b) in the case of an electronic seal or electronic signature, secured with one or more methods of authentication in an approved electronic notarization system.
- (33) "United States" or "U.S." means the term as defined in G.S. 12-3(11).

History Note: Authority G.S. 10B-4; 10B-14; 10B-36; 10B-38; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.19; 10B-134.21;
Eff. July 1, 2024.

SECTION .0200 – CHARGING FEES FOR NOTARIAL ACTS

18 NCAC 07K .0201 TRAVEL FEE RATE

A notary public who charges travel fees shall refer to the IRS website for the current federal business mileage rate prior to charging the travel fee.

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

18 NCAC 07K .0202 ESTIMATE OF CHARGES

In addition to the publication or provision of a notary public's schedule of fees pursuant to G.S. 10B-32, if a principal requests a fee estimate from a notary, the notary shall provide an estimate that includes:

- (1) the estimated total fee; and
- (2) the basis for the estimated charges.

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

18 NCAC 07K .0203 INCLUSION OF FEES IN JOURNAL

A notarial journal maintained pursuant to the rules in Subchapter I of this Chapter shall include, with regard to a specific notarial act for which fees were charged:

- (1) how much the notary public charged for each notarial act performed; and
- (2) if travel reimbursement was charged:
 - (a) the actual reimbursement charged; and
 - (b) the fee charged per mile.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15;
Eff. January 1, 2024.

18 NCAC 07K .0204 CONSENT TO TRAVEL FEES MAY BE ELECTRONIC

A notary public who charges travel fees pursuant to G.S. 10B-31(5) may obtain the advance consent of the principal in writing and delivered in any manner agreed upon by the notary and the principal.

History Note: Authority G.S. 10B-4; 10B-31;
Eff. January 1, 2024.

18 NCAC 07K .0205 CONTENTS OF ADVANCE CONSENT TO TRAVEL FEES

A notary public who charges travel fees shall obtain advance written consent of the principal that includes the following information:

- (1) date of the consent;
- (2) name of the principal;
- (3) name of the notary;
- (4) estimated mileage that the notary will charge;
- (5) fee per mile that the notary will charge; and
- (6) planned date of the notary's travel.

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

18 NCAC 07K .0206 NOTARIAL RECORD OF WRITTEN CONSENT TO TRAVEL FEES

A notary public who charges travel fees shall preserve the advance written consent as a notarial record:

- (1) in the notary's journal; or
- (2) if written consent is not included in a journal, then a record of the written consent including the contents required by Rule .0205 of this Section shall be maintained by the notary.

History Note: Authority G.S. 10B-4; 10B-31; 10B-126; 10B-134.15;
Eff. January 1, 2024.