

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;
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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