

SUBCHAPTER 07D – CONTINUING OBLIGATIONS OF NOTARIES

SECTION .0100 – GENERAL OBLIGATIONS

18 NCAC 07D .0101 SCOPE

The rules in this Subchapter set forth the continuing obligations of notaries public.

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

18 NCAC 07D .0102 RESPONSE TO DEPARTMENT REQUESTS

A notary public shall respond to a request by the Department for information, records, or an interview relating to qualifications to be a notary or performance of notarial acts:

- (1) in the manner and within the time period set by the Department; or
- (2) as provided in an extension granted pursuant to Rule .0104 of this Section.

History Note: Authority G.S. 10B-4; 10B-126(f); 10B-134.17(c);
Eff. July 1, 2024.

18 NCAC 07D .0103 EXTENSION REQUEST TO DEPARTMENT

18 NCAC 07D .0104 DEPARTMENT RESPONSE TO EXTENSION REQUEST

History Note: Authority G.S. 10B-4; 10B-126(f); 10B-134.17(c);
Eff. July 1, 2024;
Repealed Eff. July 1, 2025.

18 NCAC 07D .0105 NOTARIZATION OF OPEN VEHICLE TITLE PROHIBITED

A notary public shall not notarize an assignment and warranty of title on the reverse of the certificate of title form approved by the Division of Motor Vehicles unless the following fields have been completed by an individual other than the notary:

- (1) the name and address of the buyer or transferee, except as provided in G.S. 20-72(b) for insurers and used motor vehicle dealers;
- (2) the required odometer reading disclosures;
- (3) the required disclosures about repairs, flood, and reconstruction or salvage;
- (4) the date the vehicle was delivered to the buyer or transferred;
- (5) the printed name of the seller; and
- (6) the signature of the seller.

History Note: Authority G.S. 10B-2; 10B-4; 20-72(b);
Eff. July 1, 2025.

18 NCAC 07D .0106 NO USE OF FOREIGN LANGUAGE TRANSLATORS

A notary public shall not allow a principal or remotely located principal to communicate with the notary by means of an individual converting one language to a different language, orally or in writing. An interpreter, transliterator, or CART captioner may facilitate communication between the notary and principal in compliance with 18 NCAC 07B .0800.

History Note: Authority G.S. 10B-2; 10B-4;
Eff. July 1, 2025.

SECTION .0200 – CHARGING FEES FOR NOTARIAL ACTS

18 NCAC 07D .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;
Transferred from 18 NCAC 07K .0201 Eff. March 1, 2025

18 NCAC 07D .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;
Transferred from 18 NCAC 07K .0202 Eff. March 1, 2025.

18 NCAC 07D .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;
Transferred from 18 NCAC 07K .0203 Eff. March 1, 2025.

18 NCAC 07D .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;
Transferred from 18 NCAC 07K 0204 Eff. March 1, 2025.

18 NCAC 07D .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;
Transferred from 18 NCAC 07K .0205 Eff. March 1, 2025.

18 NCAC 07D .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;

Transferred from 18 NCAC 07K .0206 Eff. March 1, 2025.

SECTION .0300 – NOTICE TO DEPARTMENT OF CHANGES

18 NCAC 07D .0301 OBLIGATIONS TO GIVE NOTICE OF CHANGES IN PRIMARY INFORMATION

A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0410 to notify the Department within 45 calendar days of changes in the applicant's or notary's:

- (1) name;
- (2) mailing or street address;
- (3) county of commission;
- (4) residential or mobile telephone number;
- (5) personal or business email address;
- (6) status as a resident of the United States;
- (7) ability to speak, read and write in the English language; or
- (8) employer regarding:
 - (a) change of employer;
 - (b) change in employer business name. Note: A business changing from ABC, Inc. to ABC, LLC is an example of a change in employer business name;
 - (c) change in employer street or mailing address; or
 - (d) change in employer telephone number.

*History Note: Authority G.S. 10B-4;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0107 Eff. June 1, 2023;
Amended Eff. July 1, 2024.*

18 NCAC 07D .0302 NOTICE TO DEPARTMENT OF PENDING CRIMINAL CHARGES

A notary applicant or notary public shall notify the Department within 45 calendar days of a previously unreported pending criminal charge against the applicant or notary by complying with 18 NCAC 07B .0505.

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

18 NCAC 07D .0303 NOTICE TO DEPARTMENT OF CRIMINAL CHARGE DISPOSITION

Within 45 calendar days of the date of the final disposition of a criminal charge against a notary applicant or a notary public, the applicant or notary shall notify the Department by complying with 18 NCAC 07B .0506.

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

18 NCAC 07D .0304 NOTICE TO DEPARTMENT OF FINDINGS OR ADMISSIONS OF DECEIT

A notary applicant or a notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding or admission of fault or liability in a civil lawsuit based on the applicant's or notary's deceit.

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

18 NCAC 07D .0305 NOTICE TO DEPARTMENT OF CHANGES TO PROFESSIONAL LICENSES, NOTARY COMMISSIONS, OR PUBLIC OFFICES

A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0412 to notify the Department within 45 calendar days of an issuance, a denial, a revocation, a suspension, a restriction, or a resignation of the applicant's or notary's professional license, notary commission, or public office.

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

18 NCAC 07D .0306 NOTICE TO DEPARTMENT OF OFFICIAL MISCONDUCT

A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding that the applicant or notary has engaged in official misconduct and shall provide the Department with the documents and information required by 18 NCAC 07C .0208.

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

18 NCAC 07D .0307 NOTICE TO DEPARTMENT OF FALSE OR MISLEADING ADVERTISING

A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding or a charge that the applicant or notary has knowingly used false or misleading advertising that represents that the applicant or notary has powers, duties, rights, or privileges the applicant or notary does not possess by law.

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

18 NCAC 07D .0308 NOTICE TO DEPARTMENT REGARDING UNAUTHORIZED PRACTICE OF LAW

A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding by a court or the attorney-licensing agency of any state, federally recognized tribe, or nation, that the applicant or notary has engaged in the unauthorized practice of law.

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

18 NCAC 07D .0309 NOTIFICATION OF ELECTRONIC NOTARY SOLUTION SERIOUS SERVICE PERFORMANCE PROBLEMS

An electronic notary public shall use the form described in 18 NCAC 07B .0420 to notify the Department of any electronic notary solution dysfunction that the electronic notary considers:

- (1) to be persistent and disruptive; or
- (2) to indicate possible problems with security, privacy, or accuracy of credential verification or identity proofing.

Note: For purposes of this rule, persistent and disruptive dysfunctions include repeated abnormal system interruptions or stoppages, extremely slow system responses, and other unusual system interactions that delay or hinder the notarial act, as determined by the electronic notary.

History Note: Authority G.S. 10B-4; 10B-36;
Eff. July 1, 2025.

18 NCAC 07D .0310 NOTARY REPORT OF LOSS, THEFT AND SIMILAR ISSUES

Within 10 days of discovery, a notary public shall report to the Department using the form specified in 18 NCAC 07B .0431:

- (1) for a physical notary seal or journal, its unauthorized use, loss, theft, or vandalization;
- (2) for an electronic notary seal or signature, its unauthorized use, loss of use, compromise of security, or having been rendered incapable of affixing a legible image; or
- (3) for an electronic notary journal, a communication technology recording, a session record, or other notarial records:
 - (a) the permanent loss of data, use, or access;
 - (b) compromise of security or unauthorized use; or
 - (c) theft.

History Note: Authority G.S. 10B-4; 10B-36; 10B-125(b); 10B-126(d); 10B-134.21;
Eff. July 1, 2025.

SECTION .0400 – GENERAL REQUIREMENTS FOR USE OF TECHNOLOGY

18 NCAC 07D .0401 ELECTRONIC NOTARY SEAL

An electronic notary public shall:

- (1) obtain an electronic notary seal only from an authorized IPEN solution or platform provider;
- (2) present the electronic notary's registration certificate to the provider; and
- (3) undergo credential analysis and identity proofing upon:
 - (a) account creation with the provider;
 - (b) presentation of:
 - (i) a commission certificate with a name, county, or expiration date change; or
 - (ii) a recommissioning certificate; and
 - (c) at any time requested by the provider.

History Note: Authority G.S. 10B-4; 10B-125(b);
Eff. July 1, 2025.

18 NCAC 07D .0402 LICENSED PLATFORM USE FOR REMOTE OATHS AND AFFIRMATIONS PURSUANT TO G.S. 10B-134.9(D)

A notary public shall use a licensed platform for administration of oaths or affirmations pursuant to G.S. 10B-134.9(d) and comply with the rules in Section .0500 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-134.21;
Eff. July 1, 2025.

18 NCAC 07D .0403 TRADITIONAL NOTARY PUBLIC USE OF APPROVED CUSTODIAN FOR JOURNAL

Any custodial services used by a traditional notary public shall have been approved by the Department.

History Note: Authority G.S. 10B-4; 10B-134.19; 10B-134.21;
Eff. July 1, 2025.

18 NCAC 07D .0404 NOTARY USE OF IDENTITY PROOFING AND CREDENTIAL ANALYSIS INDEPENDENT OF PLATFORM

A notary public shall use approved identity proofing or credential analysis solutions when performing an in-person notarial act if the notary:

- (1) verifies the identity of the principal using personal knowledge or satisfactory evidence, as defined in G.S. 10B-3(22);
- (2) uses the identity proofing or credential analysis only as a supplement to, and not a replacement for, the identification process described in Item (1) of this Rule; and
- (3) complies with G.S. 10B-134.11(a)(2).

History Note: Authority G.S. 10B-4; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07D .0405 APPROVED OR LICENSED TECHNOLOGY TO BE USED BY AN ELECTRONIC NOTARY PUBLIC

An electronic notary public shall use only authorized technology providers when performing electronic notarial acts and remote electronic notarial acts.

History Note: Authority G.S. 10B-4; 10B-134.21;
Eff. July 1, 2025.

18 NCAC 07D .0406 NOTIFICATION TO TECHNOLOGY PROVIDER OF CHANGES

Prior to conducting any electronic notarial act, a notary public shall have provided the notary's technology providers with a copy of any new commission certificate reflecting changes to the notary's:

- (1) commission name;
- (2) commission county; or
- (3) commission expiration date.

History Note: Authority G.S. 10B-4; 10B-134.21;
Eff. July 1, 2025.

SECTION .0500 – REQUIREMENTS FOR GS 10B-134.9(D) OATHS AND AFFIRMATIONS

18 NCAC 07D .0501 NOTARY ADMINISTRATION OF REMOTE OATH OR AFFIRMATION PURSUANT TO G.S. 10B-134.9(D)

A notary public administering a remote oath or affirmation pursuant to G.S. 10B-134.9(d) shall comply with:

- (1) the rules in this Section; and
- (2) the rules in 18 NCAC 07H, with the exception of Sections .0500 and .0600.

History Note: Authority G.S. 10B-4; 10B-134.21;
Eff. July 1, 2025.

18 NCAC 07D .0502 DECLARATION OF JUDICIAL OFFICIAL OR OFFICER OF THE COURT

A notary public may administer a remote oath or affirmation pursuant to G.S. 10B-134.9(d) only if:

- (1) the notarial act is requested by a judicial officer or an officer of the court; and
- (2) the requesting officer declares to the notary prior to the administration of the remote oath or affirmation that:
 - (a) the oath or affirmation is one that will be performed in the course of a judicial action or proceeding; and
 - (b) the oath or affirmation will not involve the notarization of a document.

History Note: Authority G.S. 10B-4; 10B-134.21;
Eff. July 1, 2025.

18 NCAC 07D .0503 PLATFORM CONFIRMATION OF NOTARY STATUS

Before completing the platform account registration process in order to administer an oath or affirmation pursuant to G.S. 10B-134.9(d), a notary public shall:

- (1) undergo credential analysis and identity proofing by the platform upon initial account creation;
- (2) present to the platform:
 - (a) for an electronic notary public, the electronic notary's registration certificate; and
 - (b) for a traditional notary, the notary's commission certificate; and
- (3) if the notary will use the platform's journal, inform the platform and provide the platform with the name of the notary's approved custodian.

History Note: Authority G.S. 10B-4; 10B-134.21;
Eff. July 1, 2025.

18 NCAC 07D .0504 TRAINING REQUIREMENT FOR NOTARY PUBLIC ADMINISTERING A G.S. 10B-134.9(D) OATH OR AFFIRMATION

A notary public shall not administer a remote oath or affirmation pursuant to G.S. 10B-134.9(d) unless the notary has completed the Department's educational module specific to G.S. 10B-134.9(d).

Note: The educational module may be taken separately or as part of the electronic notary public course.

History Note: Authority G.S. 10B-4; 10B-134.21;
Eff. July 1, 2025.

18 NCAC 07D .0505 DOCUMENTATION OF REMOTE OATH OR AFFIRMATION PURSUANT TO G.S. 10B-134.9(D)

An entry shall be made in a notarial journal for each administration of a remote oath or affirmation pursuant to G.S. 10B-134.9(a) by any notary public who keeps a journal.

History Note: Authority G.S. 10B-4; 10B-134.15(b); 10B-134.21;
Eff. July 1, 2025.

18 NCAC 07D .0506 JOURNAL ENTRY

An entry in a notarial journal pursuant to Rule .0505 of this Section shall include the name of the judicial official or officer of the court who made the declaration pursuant to Rule .0502 of this Section.

History Note: Authority G.S. 10B-4; 10B-134.15(b); 10B-134.21;
Eff. July 1, 2025.

18 NCAC 07D .0507 RECORDING COUNT OF NOTARIAL ACTS

Before ending a session in which remote oaths or affirmations are administered pursuant to G.S. 10B-134.9(d), a notary public shall:

- (1) count the number of oaths or affirmations administered that do not include a principal signature; and
- (2) enter that number of notarial acts in the field designated by the platform for that purpose.

History Note: Authority G.S. 10B-4; 10B-134.21;
Eff. July 1, 2025.

SECTION .0600 – ACCESS TO NOTARIAL RECORDS

18 NCAC 07D .0601 DISCLOSURE OF CONFIDENTIAL INFORMATION

A notary public may disclose confidential information or provide a copy of a journal, a journal entry, or notarial records only pursuant to:

- (1) G.S. 10B-20(p)(1)-(5);
- (2) a waiver of information confidentiality that complies with Rule .0602 of this Section;
- (3) a request that complies with Rule .0603 of this Section; or
- (4) a request for an electronic journal by an employer of the electronic notary public that is made pursuant to G.S. 10B-134.15(c) and Rules .0603 and .0604 of this Section.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.15(d); 10B-134.21;
Eff. July 1, 2025.

18 NCAC 07D .0602 RELEASE OF CONFIDENTIAL INFORMATION ON REQUEST OF PRINCIPALS

A notary public may release confidential information learned from the principals or records generated during a notarial transaction only if:

- (1) all principals who participated in the notarial transaction agree;
- (2) the request is provided to the notary in writing with a statement signed and dated by each principal with:
 - (a) the printed name of each principal who participated in the transaction;
 - (b) the date of the transaction;
 - (c) a description of the types of notarial acts performed by the notary during the transaction;
 - (d) a description of the confidential information sought; and
 - (e) an instruction stating to whom the confidential information may be delivered; and
- (3) the principal provides any other information that the notary may request for purposes of determining the information to be provided or to whom it is to be provided.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.15(d); 10B-134.21;
Eff. July 1, 2025.

18 NCAC 07D .0603 EMPLOYER REQUEST FOR JOURNAL ENTRIES

An electronic notary may provide the electronic notary's former employer with a copy of work-related entries in the electronic notary's electronic journal upon:

- (1) leaving employment with the employer; and
- (2) request of the employer.

Note: For purposes of this rule, "work-related" means electronic notarial acts and remote electronic notarial acts performed for the electronic notary public's employer in the course of the electronic notary's employment.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126(a); 10B-134.15(a);
Eff. July 1, 2025.

18 NCAC 07D .0604 ADDITIONAL ELECTRONIC NOTARY OBLIGATIONS UPON EMPLOYER REQUEST

An electronic notary public shall not provide the electronic notary's work-related electronic journal entries to the electronic notary's employer unless the notary retains a backup copy as required by G.S. 10B-134.15(c).

History Note: Authority G.S. 10B-4; 10B-38; 10B-126(a); 10B-134.15(a);
Eff. July 1, 2025.

18 NCAC 07D .0605 SUPPLEMENTAL ENTRIES RE ACCESS TO JOURNALS

Upon releasing confidential information pursuant to this Section of this Subchapter and unless directed otherwise by court order or the Department, a notary public or electronic notary public shall make a supplemental entry in:

- (1) the electronic notary's electronic journal; or
- (2) the traditional notary's journal, if any.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126(a); 10B-134.15(a);
Eff. July 1, 2025.

18 NCAC 07D .0606 CONTENTS OF SUPPLEMENTAL ENTRY RE RELEASE OF CONFIDENTIAL INFORMATION

A notary public or an electronic notary public who makes a supplemental journal entry pursuant to Rule .0605 of this Section shall include the following in the entry:

- (1) the name of the requestor;
- (2) the dates of the request and the notary's response to the request;
- (3) the information requested; and
- (4) any other information that the notary determines necessary to include.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126(a); 10B-134.15(a);
Eff. July 1, 2025.