

## SUBCHAPTER 07F – ELECTRONIC NOTARY PUBLIC REQUIREMENTS

### SECTION .0100 – GENERAL

#### 18 NCAC 07F .0101 SCOPE

The rules in this Subchapter implement Chapter 10B, Article 2, of the General Statutes, the Electronic Notary Act.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; Eff. January 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
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Amended Eff. July 1, 2024.

## SUBCHAPTER 07F – ELECTRONIC NOTARY PUBLIC REQUIREMENTS

### SECTION .0100 – GENERAL

#### 18 NCAC 07F .0102 DEFINITIONS

For purposes of Article 2 of Chapter 10B of the General Statutes, this Subchapter, and Subchapters 07H and 07J of this Chapter:

- (1) "Biometric authentication" means proving the identity of a user 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. Note: Biometric authentication technologies include fingerprint scanning devices and retinal scanning devices.
- (2) "Electronic notary applicant" means a commissioned North Carolina notary public who applies to be registered or reregistered as an electronic notary public.
- (3) "Electronic notary's electronic signature" means:
  - (a) an electronic image of the handwritten signature of the electronic notary public in the name of the notary as it appears on the notary's commission; and
  - (b) the technology provider's security features attached to the signature in Sub-Item (3)(a) of this Rule.
- (4) "Independently verifiable" means capable of government or third-party authentication of a notarial act, an electronic notary's identity and current status with the Department.
- (5) "In the presence of the electronic notary at the time of notarization" means that an individual and an electronic notary public are in close physical proximity to one another without using technology to establish personal appearance.

*History Note:* Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; Eff. January 1, 2007;  
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Amended Eff. July 1, 2025; July 1, 2024.

#### 18 NCAC 07F .0103 ELECTRONIC NOTARIES PERFORMING REMOTE ELECTRONIC NOTARIAL ACTS

An electronic notary public shall not perform a remote electronic notarial act until the electronic notary has complied with the requirements of:

- (1) this Subchapter; and
- (2) 18 NCAC 07D .0400 and 18 NCAC 07H.

*History Note:* Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; Eff. July 1, 2024;  
Amended Eff. July 1, 2025.

## **SECTION .0200 – QUALIFICATIONS TO BE ELECTRONIC NOTARY**

### **18 NCAC 07F .0201 VALID COMMISSION**

An electronic notary applicant shall hold a valid North Carolina notary commission and shall affirm that the applicant continues to meet the qualifications to hold the notary commission.

*History Note:* Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; 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;  
Amended Eff. July 1, 2024.

## **SECTION .0200 – QUALIFICATIONS TO BE ELECTRONIC NOTARY**

### **18 NCAC 07F .0202 CURRENT PERSONAL COPY OF MANUAL**

An electronic notary applicant shall possess a current and personal copy of the North Carolina notary manual applicable to electronic notaries.

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

## **SECTION .0300 – EDUCATION OF ELECTRONIC NOTARIES PUBLIC**

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

- (a) The Department shall develop the training course and testing for applicants for electronic notary public registration.
- (b) The Department shall train certified notary instructors to teach the training course and administer testing for electronic notary applicants.

*History Note:* Authority G.S. 10B-4; 10B-14; 10B-126; 10B-134.21; 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;  
Amended Eff. July 1, 2024.

### **18 NCAC 07F .0302 COURSES TO BE TAUGHT BY CERTIFIED NOTARY INSTRUCTORS**

Before submitting an application for registration as an electronic notary public, an individual shall attend and successfully complete an electronic notary course taught by a certified notary instructor.

*History Note:* Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; 10B-134.21; Eff. July 1, 2024.

## **SECTION .0300 – EDUCATION OF ELECTRONIC NOTARIES PUBLIC**

### **18 NCAC 07F .0303 ELECTRONIC NOTARY COURSE**

Before performing a remote electronic notarization, electronic notaries public registered prior to July 1, 2025, shall either:

- (1) successfully complete a remote electronic notarization course module taught by a certified notary instructor or designee of the Department; or
- (2) successfully complete an electronic notary course pursuant to Rule .0302 of this Section.

*History Note:* Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; 10B-134.21; Eff. March 1, 2025;

*Amended Eff. July 1, 2025.*

**18 NCAC 07F .0304 STUDENT IDENTITY**

Each electronic notary course student shall:

- (1) be personally known to the certified notary instructor; or
- (2) present satisfactory evidence of identity to the certified notary instructor.

*History Note: Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; 10B-134.21;  
Eff. July 1, 2024.*

**18 NCAC 07F .0305 PASSING SCORE ON EXAMINATION**

A passing score on the electronic notary course examination shall be 80 percent or higher.

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

**SECTION .0400 – APPLICATION FOR REGISTRATION AS ELECTRONIC NOTARY PUBLIC**

**18 NCAC 07F .0401 SUBMISSION**

The electronic notary applicant shall electronically submit the electronic notary registration form, described at 18 NCAC 07B .0404.

*History Note: Authority G.S. 10B-4; 10B-106;  
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;  
Amended Eff. March 1, 2025.*

**18 NCAC 07F .0402 TIMING OF APPLICATION**

An electronic notary applicant shall submit an application to be registered as an electronic notary public within three months of successfully completing the electronic notary course.

Note: For the purposes of this Rule, "month" shall mean that term as defined in G.S. 12-3(3).

*History Note: Authority G.S. 10B-4; 10B-106; 10B-134.21;  
Eff. July 1, 2024.*

**18 NCAC 07F .0403 NOTICE TO DEPARTMENT OF CHANGES**

An electronic notary applicant shall have provided all notices to the Department required by Chapter 10B of the General Statutes and the rules in this Chapter before submitting an application.

*History Note: Authority G.S. 10B-4; 10B-50; 10B-51; 10B-52; 10B-53; 10B-106; 10B-126(d); 10B-127; 10B-134.15; 10B-134.21;  
Eff. July 1, 2024.*

**18 NCAC 07F .0404 FAILURE TO SUBMIT APPLICATION IN TIME**

The Department shall deny an application that does not comply with Rule .0402 of this Section. If the applicant reapplies, the electronic notary applicant shall comply with the following:

- (1) successfully complete the electronic notary course again;
- (2) submit a new application; and
- (3) tender applicable fees.

*History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.21;  
Eff. July 1, 2024.*

**SECTION .0500 – REGISTRATIONS**

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

**18 NCAC 07F .0502      RESERVED FOR FUTURE CODIFICATION**

**18 NCAC 07F .0503      NOTICE OF DEPARTMENT'S ACTIONS FOR QUALIFIED ELECTRONIC NOTARY APPLICANTS**

The Department shall notify the notary public that the notary is qualified by electronically issuing an electronic notary registration certificate to the electronic notary public.

*History Note:      Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.21;  
Eff. March 1, 2025.*

**18 NCAC 07F .0504      RESERVED FOR FUTURE CODIFICATION**

**18 NCAC 07F .0505      OATHS TIMING**

**18 NCAC 07F .0506      EVIDENCE OF IDENTITY**

**18 NCAC 07F .0507      CERTIFICATE DELIVERY**

**18 NCAC 07F .0508      REGISTRATION EFFECTIVE DATE**

*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),(b),(c),(d) Eff. June 1, 2023;  
Repealed Eff. March 1, 2025.*

**18 NCAC 07F .0509      REGISTRATION EFFECTIVE DATE**

The applicant's electronic notary public registration shall be effective as of the date stated on the registration certificate.

*History Note:      Authority G.S. 10B-4; 10B-106; 10B-134.21;  
Eff. March 1, 2025.*

**18 NCAC 07F .0512      CONFIRMATION OF ELECTRONIC NOTARY STATUS**

Upon electronic request of a technology provider, the Department shall report a notary public's status as an electronic notary public registered to perform electronic and remote electronic notarizations.

*History Note:      Authority G.S. 10B-4; 10B-106; 10B-134.15; 10B-134.17; 10B-134.21;  
Eff. March 1, 2025.*

**18 NCAC 07F .0513      PERFORMING ELECTRONIC AND REMOTE ELECTRONIC NOTARIAL ACTS**

A notary public shall not perform any electronic or remote electronic notarial act until:

- (1) the notary has received the electronic notary registration certificate; and
- (2) the electronic notary public has provided notice to the Department of all technology providers pursuant to Rule .0601 of this Subchapter.

*History Note:      Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;  
Eff. March 1, 2025.*

**SECTION .0600 – SELECTION AND USE OF TECHNOLOGY PROVIDER TO PERFORM ELECTRONIC NOTARIAL ACTS**

**18 NCAC 07F .0601      NOTICE TO DEPARTMENT OF TECHNOLOGY PROVIDER**

An electronic notary public shall use the form described in 18 NCAC 07B .0405 to provide notice to the Department of all technology providers proposed to be used:

- (1) to affix the electronic notary's electronic signature and electronic notary's seal;
- (2) as the means to create and maintain the electronic notary's electronic journal and a backup copy of the journal;
- (3) as the custodian of the electronic notary's journal;
- (4) as the platform that the electronic notary will use if the notary intends to perform remote electronic notarial acts; and
- (5) for identity proofing and credential analysis technologies not otherwise associated with platforms disclosed in Item (4) of this Rule.

*History Note:* Authority G.S. 10B-4; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.17; 10B-134.21;  
Eff. March 1, 2025;  
Amended Eff. July 1, 2025.

#### **18 NCAC 07F .0602 APPROVED TECHNOLOGY PROVIDER**

An electronic notary public shall use only technology providers approved or licensed by the Department and listed on the Department's website.

*History Note:* Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;  
Eff. July 1, 2024.

### **SECTION .0700 – ELECTRONIC NOTARY SIGNATURE**

#### **18 NCAC 07F .0701 UNIQUE SIGNATURE**

The electronic notary signature shall be independently verifiable and specific to each electronic notary public.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127; 10B-134.21;  
Eff. January 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
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Amended Eff. July 1, 2024.

#### **18 NCAC 07F .0702 SOLE CONTROL**

The electronic notary public shall retain exclusive control of the electronic notary signature such that the electronic signature can be attributed solely to the electronic notary.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127; 10B-134.21;  
Eff. January 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
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Amended Eff. July 1, 2024.

#### **18 NCAC 07F .0703 EXCLUSIVE**

*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;  
Repealed Eff. July 1, 2024.

### **SECTION .0700 – ELECTRONIC NOTARY SIGNATURE**

#### **18 NCAC 07F .0704 ELECTRONIC SIGNATURE**

The electronic notary public shall apply the electronic notary's electronic signature to the document being notarized and upon commitment the signature shall be permanently affixed to the document.

*History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127; 10B-134.21;  
Eff. January 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
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Amended Eff. July 1, 2025; July 1, 2024.*

#### **18 NCAC 07F .0705 APPEARANCE OF ELECTRONIC SIGNATURE**

An electronic notary public shall:

- (1) electronically sign the electronic notary certificate; and
- (2) verify that the image of the electronic notary's handwritten electronic signature is an accurate representation of the notary's handwritten signature.

*History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127; 10B-134.21;  
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;  
Amended Eff. July 1, 2024.*

#### **18 NCAC 07F .0706 SIGNATURE COMPLIANCE**

An electronic notary public shall ensure that the electronic notary's electronic signature complies with Chapter 10B of the General Statutes and the rules in this Subchapter each time it is affixed.

*History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;  
Eff. July 1, 2024.*

#### **18 NCAC 07F .0707 SIGNATURE REVIEW BEFORE USE**

An electronic notary public shall review the electronic notary's electronic signature for accuracy before the signature is used for the first time.

*History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;  
Eff. July 1, 2024.*

#### **18 NCAC 07F .0708 AFFIXING ELECTRONIC SIGNATURE**

An electronic notary public shall not affix the electronic notary's electronic signature until:

- (1) the principals have appeared before the electronic notary as required by Article 2 of Chapter 10B of the General Statutes;
- (2) the principals have been identified;
- (3) the oath or affirmation has been administered, if required;
- (4) the principals have affixed their signatures to the electronic document or acknowledged them, if applicable; and
- (5) the journal entry has been made in accordance with the rules in 18 NCAC 07I.

*History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.15; 10B-134.21;  
Eff. July 1, 2024.*

#### **18 NCAC 07F .0709 REVIEW AFTER AFFIXING ELECTRONIC SIGNATURE**

After the electronic notary public affixes the notary's electronic signature, and before the electronic signature is committed by the notary, the electronic notary shall review the electronic signature to ensure that it:

- (1) is present on the notary certificate;
- (2) is legible; and

- (3) does not obscure:
  - (a) the notary certificate;
  - (b) any content in the notary certificate; or
  - (c) any content in the document being notarized.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127; 10B-134.21;  
Eff. July 1, 2024.

**18 NCAC 07F .0710 PLACEMENT OF ELECTRONIC SIGNATURE**

Before committal, the electronic notary shall ensure that the electronic notary's electronic signature does not obscure any text or signatures on the electronic record.

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

**SECTION .0800 – ELECTRONIC NOTARY SEAL**

**18 NCAC 07F .0801 UNIQUE SEAL**

The electronic notary seal shall be independently verifiable and specific to each electronic notary public.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127; 10B-134.21;  
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;  
Amended Eff. July 1, 2024.

**18 NCAC 07F .0802 SOLE CONTROL**

The electronic notary public shall retain exclusive control of the electronic notary seal such that the electronic notary seal can be attributed solely to the electronic notary.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127; 10B-134.17; 10B-134.21;  
Eff. January 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
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Amended Eff. July 1, 2024.

**18 NCAC 07F .0803 EXCLUSIVE**

*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;  
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Repealed Eff. July 1, 2024.

**SECTION .0800 – ELECTRONIC NOTARY SEAL**

**18 NCAC 07F .0804 ATTRIBUTES OF ELECTRONIC SEAL**

(a) After completing a notarial certificate for an in-person electronic or remote electronic notarial act, the electronic notary public shall do the following in this order:

- (1) apply an image of the notary's electronic seal;
  - (2) apply an image of the notary's electronic signature;
  - (3) review the notarial certificate and images of the notary's electronic seal and signature for accuracy;
- and

- (4) digitally sign, or authorize the platform or IPEN solution to digitally sign, the certificate.
- (b) An electronic notary shall not exit the notarial session before satisfying the requirements of Paragraph (a) of this Rule.
- (c) For purposes of Paragraph (a)(4) of this Rule, "digitally sign" means applying a digital signature to the electronically notarized record using security features established by the IPEN provider or platform.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127; 10B-134.21;  
Eff. January 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
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Amended Eff. July 1, 2025; July 1, 2024.

#### **18 NCAC 07F .0805 APPEARANCE OF ELECTRONIC NOTARY SEAL**

An electronic notary public shall:

- (1) electronically affix the electronic notary seal; and
- (2) verify that the image is an accurate representation of the seal.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;  
Eff. January 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
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Amended Eff. July 1, 2024.

#### **18 NCAC 07F .0806 PERIMETER**

*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;  
Repealed Eff. March 1, 2025.

#### **18 NCAC 07F .0807 CONTENTS OF ELECTRONIC NOTARY SEAL**

When the electronic record to which the electronic notary's electronic seal is affixed is printed on an eight and one-half by 11 sheet of paper, the notary's seal shall have:

- (1) a visible border:
  - (a) having a physical appearance of the seal that replicates the appearance of an inked seal on paper;
  - (b) with the size and shape required by G.S. 10B-37(c); and
  - (c) that includes an identifier in no less than an eight point type assigned by the Department to the producer of the electronic seal; and
- (2) inside its border with a minimum eight point type:
  - (a) the information required by G.S. 10B-117(1), (2), and (4);
  - (b) the words:
    - (i) "State of North Carolina";
    - (ii) "North Carolina"; or
    - (iii) the abbreviation "N.C.";
  - (c) the name of the county of commission with either:
    - (i) the word "County"; or
    - (ii) the abbreviation "Co."; and
  - (d) the expiration date of the electronic notary's commission.

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

#### **18 NCAC 07F .0808 USE OF ELECTRONIC NOTARY SEALS**

Only the electronic notary public whose commission name and county of commission is incorporated into the electronic seal is permitted to apply the electronic notary's electronic notary seal to an electronic document.

*History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d);*  
*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;*  
*Amended Eff. July 1, 2024.*

#### **18 NCAC 07F .0809 SEAL COMPLIANCE**

An electronic notary public shall ensure that the electronic notary's electronic seal complies with Chapter 10B of the General Statutes and the rules in this Subchapter each time it is affixed.

*History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;*  
*Eff. July 1, 2024.*

#### **18 NCAC 07F .0810 SEAL LIMITATION**

An electronic notary public's electronic seal shall include no information or images other than those required by Rule .0807 of this Subchapter.

*History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;*  
*Eff. July 1, 2024.*

#### **18 NCAC 07F .0811 SEAL REVIEW BEFORE USE**

An electronic notary public shall review the electronic notary's electronic seal for compliance with the rules in this Section before the seal is used for the first time.

*History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;*  
*Eff. July 1, 2024.*

#### **18 NCAC 07F .0812 AFFIXING ELECTRONIC SEAL**

An electronic notary public shall not affix the electronic notary's electronic seal until:

- (1) the principals have appeared before the electronic notary as required by Article 2 of Chapter 10B of the General Statutes;
- (2) the principals have been identified;
- (3) the oaths or affirmations have been administered, if required;
- (4) the principals have affixed their signatures to the electronic document or acknowledged them if applicable; and
- (5) the journal entry has been made in accordance with the rules in 18 NCAC 07I.

*History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.15; 10B-134.21;*  
*Eff. July 1, 2024.*

#### **18 NCAC 07F .0813 REVIEW AFTER AFFIXING ELECTRONIC SEAL**

After the electronic notary public affixes the electronic notary's electronic seal, and before the electronic notary commits the electronic seal, the electronic notary shall review the notary's electronic seal to ensure that it:

- (1) is present on the notary certificate;
- (2) is legible; and
- (3) does not obscure:

- (a) the notary certificate;
- (b) any content in the notary certificate; or
- (c) any content in the document being notarized.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;  
Eff. July 1, 2024.

**18 NCAC 07F .0814 FINALIZATION OF NOTARIAL SESSION**

After an electronic notary public has complied with the requirements of Sections .0700 and .0800 of this Subchapter relating to review of signatures and seals after affixing them, the electronic notary shall:

- (1) ensure that the required journal entry has been made;
- (2) commit:
  - (a) the notary's electronic signature;
  - (b) the notary's electronic seal; and
  - (c) the content of the journal entry; and
- (3) apply the notary's digital certificate to the electronic record to which the notary has applied his or her electronic notary seal and signature.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.5(b); 10B-134.21;  
Eff. July 1, 2024;  
Amended Eff. July 1, 2025.

**18 NCAC 07F .0815 PLACEMENT OF ELECTRONIC SEAL**

Before committal, the electronic notary shall ensure that the electronic notary's electronic seal does not obscure any text or signatures on the electronic record.

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

**18 NCAC 07F .0816 APPLICATION OF ELECTRONIC NOTARY'S DIGITAL CERTIFICATE**

An electronic notary public shall apply, or allow the platform or IPEN provider to apply, the electronic notary's digital certificate to an electronic record after the electronic notary's electronic signature and seal have been:

- (1) affixed; and
- (2) reviewed.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.5(b); 10B-134.21;  
Eff. July 1, 2025.

**SECTION .0900 – REREGISTRATION AS ELECTRONIC NOTARY**

**18 NCAC 07F .0901 REREGISTRATION**

An electronic notary public applying to reregister as an electronic notary shall comply with application procedures:

- (1) in Chapter 10B of the General Statutes; and
- (2) in this Subchapter.

*History Note:* Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.21;  
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;  
Amended Eff. July 1, 2024.

**18 NCAC 07F .0902 TIMING OF REREGISTRATION**

An electronic notary public desiring to reregister and who does not apply for reregistration at the same time the notary applies for recommissioning shall comply with Rule .0905 of this Section.

*History Note:* Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.21;  
Eff. July 1, 2024.

#### **18 NCAC 07F .0903 FORM**

An electronic notary public shall use the form described in 18 NCAC 07B .0404 to apply for reregistration as an electronic notary.

*History Note:* Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.21;  
Eff. March 1, 2025.

#### **18 NCAC 07F .0904 EDUCATION**

An applicant for reregistration as an electronic notary public shall successfully complete the electronic notary course again before applying.

*History Note:* Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.21;  
Eff. July 1, 2024.

#### **18 NCAC 07F .0905 ELECTRONIC NOTARY REREGISTRATION OTHER THAN AT RECOMMISSIONING**

An electronic notary public who does not apply for reregistration as an electronic notary at the same time that the notary applies for recommissioning as a traditional notary and who later desires to reregister as an electronic notary shall:

- (1) successfully complete the electronic notary course again;
- (2) apply for reregistration; and
- (3) pay the applicable fee.

*History Note:* Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.21;  
Eff. July 1, 2024.

#### **18 NCAC 07F .0906 REGISTRATION**

Section .0500 of this Subchapter shall apply to an electronic notary applicant who is reregistered as an electronic notary public.

*History Note:* Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;  
Eff. March 1, 2025.

### **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 electronic notary signature by anyone other than the electronic notary public to whom it is registered.
- (b) Upon the cessation of employment of an electronic notary public, the employer of the electronic notary shall:
  - (1) have no control of the electronic notary's electronic notary seal; or
  - (2) eliminate the ability of any other person to use the former electronic notary employee's electronic notary seal and electronic notary's electronic signature.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.15; 10B-134.17; 10B-134.21;  
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;  
Amended Eff. July 1, 2024.

#### **18 NCAC 07F .1002 PROTECTING ACCESS**

An electronic notary public shall limit access to the electronic notary signatures, electronic seals, and journals by complying with the provider's requirements for the use of means of authentication approved by the Department.

*History Note:* Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;  
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;  
Amended Eff. July 1, 2024.

## **SECTION .1000 – CONFIDENTIALITY, SECURITY, AND RECORDS RETENTION**

### **18 NCAC 07F .1003 RETENTION OF ELECTRONIC JOURNAL**

An electronic notary public shall maintain a copy of the electronic notary's electronic journal and the backup copy of the journal for at least 10 years after the last notarial act.

*History Note:* Authority G.S. 10B-4; 10B-126(d); 10B-134.15; 10B-134.17; 10B-134.21;  
Eff. July 1, 2024;  
Amended Eff. July 1, 2025.

### **18 NCAC 07F .1004 NOTARY CREDENTIAL SHARING FORBIDDEN**

An electronic notary public shall not share the means of authentication that the electronic notary uses to access an electronic notary solution with anyone.

*History Note:* Authority G.S. 10B-4; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;  
Eff. July 1, 2024;  
Amended Eff. July 1, 2025.

## **SECTION .1100 – CONTINUING OBLIGATIONS OF ELECTRONIC NOTARIES**

### **18 NCAC 07F .1101 PRESENCE REQUIREMENT FOR ELECTRONIC NOTARIZATION**

When an electronic notary public performs an electronic notarization, the principal shall be in the presence of the electronic notary at the time of notarization so that:

- (1) the principal and the electronic notary can see, hear, and communicate with each other; and
- (2) the principal can physically provide to the electronic notary identification documents as required under G.S. 10B-3(22).

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d);  
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;  
Amended Eff. July 1, 2024.

### **18 NCAC 07F .1102 PRESENCE REQUIREMENT FOR REMOTE ELECTRONIC NOTARIZATION**

When an electronic notary public performs a remote electronic notarization, the remotely located principal shall appear before the electronic notary at the time of notarization using communication technology.

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

### **18 NCAC 07F .1103 INDIVIDUAL PRINCIPAL SIGNATURES FOR ELECTRONIC NOTARIAL ACT**

An electronic notary public who performs an electronic or remote electronic notarial act shall require the principal to affix each signature individually.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d);  
Eff. July 1, 2024.

#### **18 NCAC 07F .1104 ADDITIONAL OBLIGATIONS**

In addition to complying with the continuing obligations imposed by the rules in 18 NCAC 07D, an electronic notary public shall comply with the requirements of 18 NCAC 07I.

*History Note:* Authority G.S. 10B-4; 10B-106(f); 10B-125(b); 10B-126(d); 10B-134.15; 10B-134.17; 10B-134.21;  
Eff. July 1, 2024.

#### **18 NCAC 07F .1105 NO ELECTRONIC NOTARIZATION OF INK SIGNATURE**

An electronic notary public shall not use the electronic notary's electronic signature and electronic seal to notarize an ink signature signed by hand.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d);  
Eff. July 1, 2024.

#### **18 NCAC 07F .1106 NOTICE OF CHANGES**

Within 10 business days of an electronic notary public choosing to use a different technology provider, an electronic notary shall notify the Department using the form described in 18 NCAC 07B .0406.

*History Note:* Authority G.S. 10B-4; 10B-106(f); 10B-125(b); 10B-126(d); 10B-134.15; 10B-134.17; 10B-134.21;  
Eff. March 1, 2025.

#### **18 NCAC 07F .1107 TECHNOLOGICAL ISSUE AS REASON TO HALT ELECTRONIC OR REMOTE ELECTRONIC NOTARIAL ACT**

An electronic notary public shall not perform an electronic notarial act or a remote notarial act if there is:

- (1) a complete technological failure that impedes the performance of the notarial act; or
- (2) a partial technological failure that the electronic notary decides warrants termination of the transaction.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;  
Eff. July 1, 2024.

#### **18 NCAC 07F .1108 RESOLUTION OF TECHNOLOGICAL ISSUES**

An electronic notary public may continue and complete an electronic or remote electronic notarial transaction if the electronic notary concludes that any technological failure:

- (1) has been resolved;
- (2) will not impair performance of the notarial act; and
- (3) will not discredit the integrity of the notary certificate, seal, or journal.

*History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;  
Eff. July 1, 2024.

#### **18 NCAC 07F .1109 CEASING TO USE A TECHNOLOGY PROVIDER**

An electronic notary public shall notify the Department within 10 business days of the date on which:

- (1) the electronic notary cancels a contract or subscription with a technology provider; or
- (2) the electronic notary is prevented by the provider from accessing the technology provider's services.

*History Note:* Authority G.S. 10B-4; 10B-106(f); 10B-125(b); 10B-126(d); 10B-127(b); 10B-134.21;

*Eff. March 1, 2025.*

**18 NCAC 07F .1110 NOTICE OF CANCELLATION BY PROVIDER**

An electronic notary public shall notify the Department within 10 business days if the technology provider takes actions that:

- (1) suspend or halt the provider's operations or the availability of its technology; or
- (2) impair the ability of the electronic notary to perform notarial functions.

*History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127(b); 10B-134.21; Eff. March 1, 2025.*

**18 NCAC 07F .1111 CONTENT OF NOTICE**

A notice pursuant to Rules .1109 or .1110 of this Section shall include:

- (1) the reason for the notice; and
- (2) any other information the electronic notary public thinks may help the Department to assess the action of the provider.

*History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127(b); 10B-134.21; Eff. March 1, 2025.*