

SUBCHAPTER 07I – JOURNAL REQUIREMENTS

SECTION .0100 – GENERAL

18 NCAC 07I .0101 NOTARIES SUBJECT TO JOURNALING REQUIREMENTS

(a) An electronic notary public who performs electronic notarial acts shall maintain an electronic journal in conformity with the rules in this Subchapter.

(b) A notary public performing a traditional notarial act who maintains a journal in conformity with the rules in this Subchapter shall be deemed to have complied with G.S. 10B-38.

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

18 NCAC 07I .0102 DEFINITIONS

The definitions in this Rule apply to this Subchapter:

- (1) "Canceled act" means an instance where a notary public or a principal begins the notarial transaction process and halts it for any reason. Note: An example of a canceled act would be one where the notary is not able to establish the identity of the signer as required by G.S. 10B-20.
- (2) "Journal" means a record of notarial acts that is created and maintained by a notary public in compliance with Chapter 10B of the General Statutes and the rules in this Subchapter.
- (3) "Mode of notarial act" means a traditional notarization, an electronic notarization, or a remote electronic notarization.
- (4) "Supplemental information" means information that a notary public enters into a journal:
 - (a) as a separate entry that is not for a notarial act;
 - (b) that relates to a prior notarial act recorded in the journal; and
 - (c) that may be appended to the prior notarial act entry in the electronic journal.

Note: An entry six months after the initial committed entry stating that the notary public received a subpoena for that initial committed journal entry is an example of supplemental information.

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

18 NCAC 07I .0103 JOURNAL REQUIREMENT

For any journal created pursuant to this Subchapter:

- (1) an electronic notary public shall maintain an accurate backup copy of the notary's journal; and
- (2) a traditional notary public who maintains a journal shall retain a copy of a journal or any portion of a journal delivered to a third party.

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

18 NCAC 07I .0104 JOURNAL OWNERSHIP

The information in the notary journal is the private property of the notary public.

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

18 NCAC 07I .0105 ENTRY OF DATA INTO JOURNAL

A notary public shall be the only person to make entries into the notary's journal, unless otherwise permitted for traditional notaries by Chapter 10B of the General Statutes or Rule .0106 of this Section.

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

18 NCAC 07I .0106 EXCEPTIONS TO RULE .0105

Exceptions to Rule .0105 of this Section shall be limited to:

- (1) the signatures of the principals;
- (2) the signatures of credible witnesses; and
- (3) the signatures of the designees of the principals pursuant to G.S. 10B-20(e).

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

18 NCAC 07I .0107 ACCESS TO THE JOURNAL

A notary public shall not permit access to the journal by any person except to the extent permitted pursuant to Chapter 10B of the General Statutes and the rules in this Chapter.

History Note: Authority G.S. 10B-4; 10B-20(p); 10B-38; 10B-126; 10B-134.15; 10B-134.21;
Eff. July 1, 2024.

SECTION .0200 – JOURNAL BASICS

18 NCAC 07I .0201 FORM OF TRADITIONAL NOTARY JOURNAL

A traditional notary public keeping a journal may meet the journal requirements by maintaining either a tangible or an electronic journal pursuant to Chapter 10B of the General Statutes and the rules in this Subchapter.

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

18 NCAC 07I .0202 FORM OF ELECTRONIC NOTARY JOURNAL

Electronic notarizations and remote electronic notarizations shall be documented in an electronic journal that is maintained as an electronic document.

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

18 NCAC 07I .0203 COMBINED JOURNAL

A notary public may maintain an electronic journal that includes entries for any of these acts that the notary is qualified to perform:

- (1) traditional notarial acts;
- (2) electronic notarial acts; and
- (3) remote electronic notarial acts.

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

18 NCAC 07I .0204 ENTRIES IN A TANGIBLE JOURNAL

Entries in a tangible journal shall be:

- (1) entered in permanent ink; and
- (2) in chronological order.

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

18 NCAC 07I .0205 REQUIREMENTS FOR A TANGIBLE JOURNAL

A tangible journal shall:

- (1) be made in a bound journal into which pages cannot be inserted; and
- (2) have on the first page:
 - (a) the name of the notary public as commissioned;
 - (b) the commission date of the notary; and
 - (c) the county of the commission; and
- (3) have sequentially numbered pages.

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

18 NCAC 07I .0206 PROVISION OF JOURNAL TO DEPARTMENT

When a person responds to a request from the Department for all or part of a notary public's journal, the person shall submit the journal together with a transmittal document containing:

- (1) the name on the notary's commission;
- (2) the most recent commission date of the notary; and
- (3) the dates of the first and last entries in the journal.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07I .0207 ACTS INCLUDED IN JOURNAL

The journal shall contain entries by the notary public that document all notarial acts completed by the notary or canceled.

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

18 NCAC 07I .0208 DESIGNATION OF NOTARIAL ACT

Except as set out in Rule .0209 of this Section, a notary public who maintains a journal shall state in the journal whether each notarial act entered into the journal is:

- (1) traditional;
- (2) electronic; or
- (3) remote electronic.

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

18 NCAC 07I .0209 EXCEPTION TO RULE .0208

A notary public who enters only a single mode of notarial act in a journal may:

- (1) make a single notation of the mode of notarial acts at the beginning of the journal; and
- (2) omit the notations required by Rule .0208 of this Section.

Note: An example would be a journal first-page statement that the journal documents only traditional notarial acts.

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

18 NCAC 07I .0210 DESIGNATION OF TYPE OF NOTARIAL ACT

A notary public shall designate in the journal whether the type of a notarial act is:

- (1) an acknowledgement;
- (2) the taking of a verification or proof;
- (3) an administration of an oath or affirmation;
- (4) a notarization of an absentee voter application; or
- (5) an inventorying of a safe deposit box pursuant to G.S. 53C-6-18(a).

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

18 NCAC 07I .0211 JOURNAL MAY COMBINE EMPLOYER-RELATED AND NON-EMPLOYER ACTS

If a notary public performs both employer-related and non-employer related notarial acts, the notary may maintain:

- (1) a separate journal for each of the employer-related and non-employer related notarial acts; or
- (2) a single journal reflecting all notarial acts.

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

18 NCAC 07I .0212 JOURNAL RETENTION PERIOD

For at least 10 years after the last notarial act entered into a journal by a notary public, the journal or the backup copy of the journal shall be retained by:

- (1) the notary; or
- (2) a designated custodian.

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

SECTION .0300 – GENERAL JOURNAL CONTENTS

18 NCAC 07I .0301 CONTENTS OF JOURNAL FOR CANCELED ACT

For each canceled act to be recorded in the journal, a notary public shall include:

- (1) the date and time of the canceled act;
- (2) the names of the principals; and
- (3) the reason the act was canceled.

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

18 NCAC 07I .0302 CONTENTS OF JOURNAL

Notaries public shall enter the following information in the journal for each notarial act:

- (1) the date and time at the notary's location that the notarial act occurs;
- (2) the name of each principal;
- (3) the type and mode of notarial act performed;
- (4) the title of the document notarized, if any;
- (5) how the identity of each principal was determined;
- (6) if satisfactory evidence of the principal's identity was presented:
 - (a) the type of satisfactory evidence;
 - (b) the addresses of each principal as shown on any documents used as satisfactory evidence;
 - (c) where the satisfactory evidence was based on the sworn statement of a credible witness:
 - (i) the name of the credible witness;
 - (ii) the contact information of the credible witness;
 - (iii) the signature of the credible witness in a traditional notary's journal; or
 - (iv) the signature of the credible witness has been added to the electronic journal by the notary;
- (7) the signature of each principal in a tangible journal or the notary's addition of each principal's acknowledged signature to an electronic journal;
- (8) information required by 18 NCAC 07K .0203 for any fees charged; and
- (9) designation of each notarial act as employer-related or non-employer related if the journal includes both categories of notarial acts.

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

18 NCAC 07I .0304 EMPLOYER REQUEST FOR INCLUSION OF ADDITIONAL INFORMATION IN JOURNAL

A notary public may include additional information in the journal regarding an employer-related electronic notarial act if:

- (1) the employer so requests;
- (2) the request is made before the notary commits the journal entry; and

- (3) in the judgment of the electronic notary, the information is directly related to the notarial act.
Note: A loan origination number or a client number is an example of information directly related to the notarial act.

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

18 NCAC 07I .0306 NOTATION OF REQUESTS FOR INCLUSION OF ADDITIONAL INFORMATION IN JOURNAL

If a notary public receives a request for inclusion of additional information in the journal, the notary shall note in the journal:

- (1) who requested inclusion of the information; and
- (2) if the notary refused to include requested information, the reason the notary refused to do so.

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

18 NCAC 07I .0307 NOTARY SHALL NOT PROVIDE UNRELATED NOTARIAL ACT INFORMATION TO EMPLOYER

A notary public who performs both employer-related and unrelated notarial acts shall not provide the notary's employer with:

- (1) information regarding the notarial acts unrelated to the employer; or
- (2) copies of, or access to, unrelated notarial act entries in the journal.

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

18 NCAC 07I .0308 JOURNAL SUPPLEMENTS

A notary public may add supplemental information to a journal if:

- (1) the notary does not in any way change the original committed journal entry; and
- (2) specifies the journal entry to which the supplemental information relates.

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

SECTION .0400 – ELECTRONIC JOURNAL REQUIREMENTS

18 NCAC 07I .0401 MAINTAIN BACKUP COPY

A notary public shall maintain an exact backup copy of the notary's electronic journal.

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

18 NCAC 07I .0402 FORMAT OF BACKUP COPY

A notary public may maintain the backup copy of the electronic journal:

- (1) on paper; or
- (2) as an electronic document on a separate physical device.

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

18 NCAC 07I .0403 PRINTING OUT OF ELECTRONIC JOURNAL ENTRIES

A notary public shall only use an electronic journal that permits printing the contents.

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

18 NCAC 07I .0404 INCLUDING SIGNATURES IN JOURNAL

A notary public who maintains an electronic journal shall ensure that:

- (1) the principals acknowledge that their electronic signatures have been included in the journal as signed on the documents in the transaction;
- (2) the designee signs the principal's name pursuant to G.S. 10B-20(e) as signed on the documents in the transaction and the notary then includes the signature in the journal; or
- (3) the credible witness signs his or her name and the notary then includes the signature in the journal.

*History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;
Eff. July 1, 2024.*

18 NCAC 07I .0405 TECHNOLOGICAL ISSUES

A notary public who maintains an electronic journal shall note in the journal complete or partial technological failures that lead the notary to terminate the transaction pursuant to 18 NCAC 07F .1107.

*History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;
Eff. July 1, 2024.*

18 NCAC 07I .0407 STEPS BEFORE COMMITTING AN ELECTRONIC JOURNAL ENTRY

Before committing an electronic journal entry, a notary public shall:

- (1) review the information entered for accuracy; and
- (2) correct any errors in the entry.

*History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;
Eff. July 1, 2024.*