CHAPTER 07 - 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Repealed Eff.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Repealed Eff.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Repealed Eff.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Repealed Eff.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Repealed Eff.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Repealed Eff.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Repealed Eff.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Repealed Eff.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 rules govern:

(1) the qualification, commissioning, notarial acts, conduct, and discipline of notaries public as public officers of the State;
(2) the qualification, certification, and discipline of certified notary instructors;
(3) the qualification, approval or licensing, conduct, and discipline of technology providers; and
(4) the conduct and discipline of manufacturers and vendors of notary public seals.

History Note: *Authority G.S. 10B-4; 10B-14(f); 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. July 1, 2025; July 1, 2024.

18 NCAC 07B .0102 DEFINITIONS

For purposes of this Chapter:

(1) "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 07C of this Chapter. For the purposes of the rules in this Chapter, 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 the commission.
(2) "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.
(3) "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.
(4) "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.
(5) "Authorization" means a notary commission, an electronic notary registration, an instructor certification, an approval, a manufacturer or vendor registration, or a license issued by the Department pursuant to Chapter 10B of the General Statutes.
(6) "Authorize" means the Department's action to issue an authorization.
(7) "Bank or financial institution" means a "depository institution" as defined in G.S. 53-208.42(7).

(8) "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.

(9) "Commission certificate" means the document confirming that an individual:
  (a) has complied with all applicable requirements of Chapter 10B of the General Statutes and the rules in this Chapter; and
  (b) is authorized to act as a notary public.

(10) "Commission date" means the beginning date of commissioning or recommissioning as entered on a commission certificate.

(11) "Commit" means the act of the electronic notary public to make complete and permanent:
  (a) the affixing of the electronic notary's electronic signature and seal as required by 18 NCAC 07J .0702;
  (b) the entry required by 18 NCAC 07D .0507;
  (c) the electronic journal entry; and
  (d) the communication technology recording.

(12) "Court" means a tribunal of a locality, state, the Armed Forces of the United States, a federally recognized tribe, or any nation.

(13) "Crime" means:
  (a) an offense designated by law as a felony or misdemeanor;
  (b) an attempt to commit an offense;
  (c) an accessory to commission of an offense;
  (d) aiding and abetting of an offense;
  (e) conspiracy to commit an offense;
  (f) solicitation to commit an offense; or
  (g) threat to commit an offense.

An infraction as defined in G.S. 14-3.1 is not a crime.

(14) "Crime involving dishonesty" means a crime that involves untruthfulness, deceit, fraud, false dealing, cheating or stealing.

(15) "Criminal convictions" means the following dispositions of criminal charges:
  (a) adjudications of guilt;
  (b) pleas of nolo contendere;
  (c) pleas of guilty;
  (d) Alford pleas;
  (e) conditional discharges;
  (f) prayers for judgment continued; and
  (g) dispositions denominated differently but equivalent to Sub-Items (a)-(f) in this Item.

(16) "Denial" with regard to public office means an individualized action:
  (a) to disqualify an individual from:
    (i) being a candidate for an elected public office; or
    (ii) holding or filling a public office; and
  (b) that is taken by:
    (i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
    (ii) a court.

(17) "Disciplinary action" means an official action by a court, legislative body, governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation resulting in:
  (a) a disciplinary order;
  (b) a censure;
  (c) a reprimand;
  (d) an admonition;
  (e) a resignation in lieu of termination or revocation;

(f) a denial;
(g) a written warning; or
(h) a civil penalty or fine; or
(i) actions denominated differently but equivalent to Sub-Items (a)-(h) in this Item.

(18) "Disciplinary order" means a directive or its equivalent that:
(a) is directed to a holder of a professional license or a commissioned notary public;
(b) prohibits or conditions an individual from engaging in the practice of the profession or acting as a notary public for any amount of time;
(c) is issued by a court or government agency, board, or commission of any locality, state, federally recognized tribe, or nation with authority to discipline or sanction the individual or notary public; and
(d) is not stayed, rescinded, reversed, or expunged.

Note: Suspensions, restrictions, and revocations of commissions or licenses are examples of disciplinary orders.

(19) "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.

(20) "Enter information" means to:
(a) handwrite, type, or input data;
(b) select or confirm 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
(c) include in the electronic journal acknowledged signatures of:
(i) principals;
(ii) a designee of a principal; or
(iii) a credible witness.

(21) "Family member" means an individual related by blood, marriage, or adoption.

(22) "Federal business mileage rate" means the business mileage rate set by the U.S. Internal Revenue Service (IRS).

(23) "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.

(24) "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.

(25) "Filer" means a person that submits a filing to the Department.

(26) "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.

(27) "Finding" means a decision, conclusion, or opinion by a court, legislative body, or governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation that is based upon a review of evidence in an investigation, a quasi-judicial proceeding, or a judicial proceeding resulting in a determination that:
(a) a fact has been proved according to the applicable legal standard; or
(b) a law applies to the specific facts in a matter.

(28) "Form" means a departmental data collection instrument that requires or requests information, without regard to the format.

(29) "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.

(30) "Harm" means:
(a) loss or damage to a person affecting:
(i) liberty;
(ii) child custody, parental rights, child support, or visitation;
(iii) reputation;
(iv) money;
(v) property;
(vi) time; or
(vii) a contract or transaction; or

(b) an act that undermines public confidence in the reliability of notarial acts or notarial instructor certification.

(31) "Information technology" or "IT" means that term as defined in G.S. 143B-1320(a)(11).

(32) "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.

(33) "Initial appointment" means the first issuance by the Department of a commission certificate to a notary public.

(34) "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.

(35) "IPEN" means an in-person electronic notary solution, comprised of an electronic notary public seal, an electronic notary signature, and an electronic notary journal.

(36) "Issuance" with regard to public office means an action:

(a) to certify the results of an election signifying that an individual has been elected to the public office; or

(b) to appoint an individual to fill a public office; and

(c) that is taken by:

(i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or

(ii) a court.

(37) "Journal" means a collection of entries describing notarial acts that is created and maintained by a notary public.

(38) "Licensed member of the North Carolina State Bar" means an active member as defined in 27 NCAC 01A .0201(b).

(39) "Location" means a description establishing that a principal is present in a jurisdiction where the notarial act may take place. Note: A self-attestation pursuant to the rules in Subchapter 07H of this Chapter stating the principal is then located inside the U.S. embassy in Paris, France, would suffice to establish the principal's location.

(40) "Long-term" means a period of at least one year.

(41) "Name for use on a notary public commission" or "commission name" means the name chosen by a commission applicant as the applicant's commission name and consisting of:

(a) the full legal name of the commission applicant; or

(b) a combination of the applicant's surname and:

(i) full first or middle name; or

(ii) full first or middle name and one or more initials derived from the applicant's full legal name.

Note: Full legal names, full first names, and full middle names shall not include nicknames.

(42) "Notarial act" means, in addition to those acts listed in G.S. 10B-3(11), acts authorized to be performed by a notary public pursuant to:

(a) G.S. 163-231(a); and

(b) G.S. 53C-6-13(a).

(43) "Notarial transaction process" consists of:

(a) steps before the notarial act takes place;

(b) the notarial act; and

(c) steps following the notarial act.

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.

(44) "Notary course" means a course taught by a certified notary instructor for purposes of:

(a) commissioning or recommissioning a notary public;

(b) registering or reregistering an electronic notary public; or

(c) educating a compliance contact of a platform or IPEN regarding Chapter 10B of the General Statutes and the rules in this Chapter.

(45) "Person" means the term as defined in G.S. 12-3(6).

(46) "Probation" with regard to criminal convictions means active supervision by a governmental agency or its legally authorized designee in lieu of jail or prison.

(47) "Professional license" means an issuance that involves a grant of authority by a governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation, to an individual to act in a fiduciary capacity, or in a capacity that affects the public interest or public trust, and that regards an occupation requiring training and formal qualification. Professional licenses are:

(a) attorney;
(b) appraiser;
(c) architect;
(d) boiler inspector;
(e) building, electrical, fire, mechanical, or plumbing inspector;
(f) certified nursing assistant;
(g) certified public accountant;
(h) code enforcement official;
(i) electrical contractor;
(j) engineer;
(k) general contractor;
(l) geologist;
(m) insurance agent;
(n) insurance company adjuster;
(o) interpreter or transliterator;
(p) investment advisor;
(q) locksmith;
(r) motor vehicle damage appraiser;
(s) on-site wastewater contractor inspector;
(t) pharmacist;
(u) physician;
(v) physician assistant;
(w) plumbing, heating, and fire sprinkler contractor;
(x) private investigator;
(y) professional bondsman;
(z) real estate broker;
(aa) registered nurse, licensed practical nurse, nurse practitioner;
(bb) securities broker, dealer, salesman;
(cc) self-employed insurance adjuster;
(dd) surety bondsman;
(ee) sworn law enforcement officer; and
(ff) teacher.

(48) "Public office" means a position:

(a) created by law to which an individual has been elected or appointed;
(b) involving a delegation to the individual of some of the functions of government to be exercised by the individual for the benefit of the public; and
(c) with authority that is not solely advisory.

(49) "Release from prison, probation or parole" means:

(a) completion of all terms of a sentence or judgment entered as part of a disposition of a criminal charge;
(b) a certificate or order related to a criminal charge evidencing the individual's unconditional discharge;
(c) a certificate of relief pursuant to G.S. 15A-173.4;
(d) an endorsement from the Governor after satisfaction of conditions of a conditional pardon pursuant to G.S. 13-4;
(e) an unconditional pardon pursuant to G.S. 13-3;

(f) an order that a conviction is vacated; and
(g) the individual's citizenship has been restored pursuant to G.S. 13-1;
(h) an action that is equivalent to Sub-Items (a)-(f) of this Item entered by a court, or an official or body of a state, federally recognized tribe, or nation with the authority to grant pardons.

(50) "Residence address" means a physical location with a street name, and a number designating the building in which an individual resides (no P.O. boxes), including an apartment or unit number if applicable, the city, state, zip code, and nation if not the United States.

(51) "Restriction" with regard to public office means an individualized action:
(a) to restrain an individual from serving in public office; and
(b) that is taken by:
(i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
(ii) a court.

(52) "Revocation" with regard to an individual's capacity to serve in a public office means an individualized action:
(a) to void or cancel a certification of election to office; or
(b) to remove an individual from a public office; and
(c) that is taken by:
(i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
(ii) a court.

(53) "State recognized tribe" means a group listed in G.S. 143B-407(a).

(54) "Successfully complete" and "successful completion" mean that an 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 is 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).

(55) "Suspension" with regard to a public office means an individualized action:
(a) to prohibit, for a finite period of time, an individual's authority to serve in a public office; and
(b) that is taken by:
(i) a governmental agency, board, or commission, legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
(ii) a court.

(56) "Technological failure" means a deficiency in:
(a) any component of the electronic notary solution;
(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 notary solution" means any combination of hardware, software, a notary public's electronic journal, and communications technology recordings.

(57) "Technology provider" means the person providing a solution for:
(a) IPEN;
(b) a platform;
(c) credential analysis;
(d) identity proofing; or
(e) custodial services.

(58) "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.

(59) "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 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) a certificate for a safe deposit box inventory is prepared as described in G.S. 53C-6-13(a).

(60) "Traditional notary public" means an individual commissioned to perform traditional notarizations and who has not been registered as an electronic notary public.

(61) "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.

(62) "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 notary solution.

(63) "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(f); 10B-36; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. July 1, 2025; July 1, 2024.

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

(a) Hours. Departmental hours for the public are 8:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of State holidays.

(b) The Department's website is: www.sosnc.gov.

(c) Email address: The Department may be contacted by email for notary-related issues at notary@sosnc.gov. Unless specifically permitted by a rule in this Chapter, email shall not be used for submitting applications.

(d) Telephone number: The telephone number for the Department's customer service unit is (919) 814-5400.

(e) Physical address. The Department is located at 2 South Salisbury Street, Raleigh, NC 27601.

(f) Mailing address. The Department's mailing address is P.O. Box 29626, Raleigh, NC 27626-0626.

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;
Amended Eff. July 1, 2024; February 1, 2021; October 1, 2019.

18 NCAC 07B .0104 ADA ACCOMMODATION

An applicant to become a notary public, electronic notary public, or certified notary instructor who needs accommodation pursuant to the Americans with Disabilities Act shall:

(1) with regard to a notary course and exam accommodation request, direct the request to the institution offering the course and exam, in which instance the institution may consult with the Department about the accommodation requested; or

(2) with regard to the online recommissioning exam, certified notary instructor initial or recertification oral presentation or written exam, contact the Department and request an accommodation.

History Note: *Authority G.S. 10B-4; 10B-14(f); 10B-107; 10B-134.21;*
Eff. July 1, 2024.

18 NCAC 07B .0105 OBTAINING REQUESTED INFORMATION

A person responding to a departmental information request shall:

(1) use reasonable efforts to obtain information requested by the Department;

(2) deliver to the Department all requested information that is available to the person; and

(3) if unable to obtain requested information, describe to the Department the efforts taken to obtain the information.

History Note: *Authority G.S. 10B-4; 10B-14(f); 10B-107; 10B-134.21;*
Eff. July 1, 2024;
Amended Eff. July 1, 2025.

18 NCAC 07B .0106 WAIVER

The Department may waive any rule in this Chapter that is not statutorily required on request of a filer or on its own initiative based on the factors set forth in Rule .0108 of this Section.

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;
Amended Eff. July 1, 2024.

18 NCAC 07B .0107 CONTENTS OF WAIVER REQUEST

A request for waiver of a rule in this Chapter shall be in writing and shall include:

(1) the requestor's:
  (a) name;
  (b) mailing address;
  (c) email address; and
  (d) preferred telephone number for contact;
(2) for a request filed on behalf of an entity:
  (a) the name of the entity;
  (b) the requestor's position with the entity and authority to file the request on behalf of the entity;
  (c) the mailing and business addresses of the entity;
  (d) the telephone number for the entity; and
  (e) the email address for the entity;
(3) the specific rule and paragraph number for which waiver is requested;
(4) an explanation of the reason for the request, including facts supporting the request;
(5) any additional information related to the factors in Rule .0108 of this Section that the requestor wishes the Department to consider;
(6) supporting documentation, if any;
(7) a description of any previous waiver requests filed with the Department; and
(8) the signature of the requestor and the date signed.

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

18 NCAC 07B .0108 FACTORS USED IN CONSIDERING WAIVER REQUESTS

Factors to be considered when the Department considers a waiver request are:

(1) information about the requestor and the request, including the requestor's:
  (a) explanation of the reasons for the request;
  (b) control over the circumstances leading to the request;
  (c) experience with the Notary Act and the rules in this Chapter;
  (d) record of timeliness, completeness, and accuracy of filings with the Department;
  (e) history of waiver requests, if any; and
  (f) impact of granting or denying the request on the requestor; and
(2) impact on the public by granting or denying the request, including:
  (a) harm or benefit to the public;
  (b) consistency of implementation and enforcement of Chapter 10B of the General Statutes and the rules in this Chapter; and
  (c) any harm to the Department if a waiver is granted or denied.

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

18 NCAC 07B .0109 COMPUTATION OF TIME PERIODS
The Department shall calculate time periods based on G.S. 1A-1, Rule 6, unless otherwise noted in the rules in this Chapter.

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

18 NCAC 07B .0110 REQUEST TO DEPARTMENT FOR CONFIDENTIAL INFORMATION
A request to the Department for information about a notary public or a technology provider that is confidential pursuant to law, rule, or regulation or that is personally identifiable information shall:

(1) be in writing;
(2) include the name of the requestor and contact information for the requestor; and
(3) document the right and authority of the requestor to receive the confidential information.

Note: Confidentiality laws include: G.S. 10B-7, G.S. 10B-60, G.S. Chapter 66, Article 24, G.S. 132-1.2.

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

18 NCAC 07B .0111 PROPERTY OF NOTARY PUBLIC
A notary public's physical notary seal, electronic notary seal and signature, journals, communication technology recordings, session records, notarial records and any information in them are the personal property of the notary.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .0200 – FEES PAID TO THE DEPARTMENT

18 NCAC 07B .0201 U.S. CURRENCY
Filers shall tender fees in U.S. dollars and cents.

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 .0105(a) Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07B .0202 ONLINE FEE PAYMENT
Filers who tender fees online shall pay by:

(1) an automated clearinghouse debit account (ACH);
(2) a credit card; or
(3) a debit card.

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 .0105(b) Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07B .0203 FEES PAID IN PERSON

Filers who tender fees in person shall pay with:

(1) one of the following types of checks, made payable to the N.C. Department of the Secretary of State:
  (a) a personal or business check; or
  (b) a cashier's check;
(2) cash;
(3) money order; or
(4) a credit or debit card.

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

18 NCAC 07B .0204 FEES PAID BY USPS OR BY DELIVERY SERVICE

Filers who tender fees through delivery by United States Postal Service (USPS) or by a designated delivery service authorized pursuant to 26 U.S.C. 7502(f)(2) shall pay using one of the following methods, made payable to the N.C. Department of the Secretary of State:

(1) a personal or business check;
(2) a money order; or
(3) a cashier's check.

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

18 NCAC 07B .0205 FEE FOR DISHONORED PAYMENT

Pursuant to G.S. 25-3-506, the Department may charge a thirty-five dollar ($35.00) processing fee to a filer if a tendered payment is dishonored by a bank or financial institution.

History Note: *Authority G.S. 10B-4; 25-3-506;*
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;
Amended Eff. July 1, 2024.

18 NCAC 07B .0206 FILING NOT PROCESSED IF PAYMENT DISHONORED

The Department shall not continue to process a filing for which processing has not been completed if the Department receives notice that a payment has been dishonored.

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

18 NCAC 07B .0207 DEPARTMENT ACTIONS UPON DISHONORED PAYMENT

If the Department has received notice that a tendered payment has been dishonored, regardless of whether the Department has completed processing the filing:

(1) the filing shall be deemed incomplete;
(2) the filing shall be voided if payment is not made in full within 15 calendar days of the dishonor pursuant to Rule .0208 of this Section; and
(3) if any information has been posted on the Department's website indicating that commissioning, registration, licensure, or approval has occurred, the Department shall:
  (a) remove the information from the website; or

(b) annotate the entry as incomplete or void.

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

18 NCAC 07B .0208 NOTICE TO FILER OF DISHONORED PAYMENT

Upon receipt of notice of dishonor of a tendered payment, the Department shall notify a filer orally or in writing that:

(1) the payment the filer tendered has been dishonored; and
(2) the filing shall:
    (a) not be processed or deemed completed until the filer has tendered in full the payment and the fee in Rule .0205 of this Section; and
    (b) be voided if payment and fees are not tendered in full within 15 calendar days of the date the Department orally or in writing notifies the filer of the dishonor.

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

SECTION .0300 – FILING, SIGNATURES ON FILINGS, AND RESPONSES TO REQUESTS FOR INFORMATION

18 NCAC 07B .0301 FORM USE REQUIRED

In submitting a filing, a filer shall:

(1) use a form in Section .0400 of this Subchapter; or
(2) if there is not a form for the filer's purpose in Section .0400 of this Subchapter, provide in writing the information required by G.S. Chapter 10B or the rules in this Chapter.

History Note: *Authority G.S. 10B-4; 10B-14(a),(f); 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2024.

18 NCAC 07B .0302 MODE OF FILING

Filers shall submit filings electronically by means established by the Department unless paper filing is permitted pursuant to:

(1) Chapter 10B of the General Statutes; or
(2) Rule .0303 of this Section.

History Note: *Authority G.S. 10B-4; 10B-6; 10B-106; 10B-125; 10B-134.19; 10B-134.21;*
Eff. July 1, 2024.

18 NCAC 07B .0303 PAPER FILINGS PERMITTED

Paper filings shall be permitted:

(1) where the Department has not established electronic means for submittal of a filing; or
(2) in the case of a traditional notary public:
    (a) initial applications;
    (b) recommissioning applications; and
    (c) affidavits, criminal records, and other documents required to be submitted with applications by notary, electronic notary, or notary instructor applicants pursuant to Chapter 10B of the General Statutes or the rules in this Chapter.

History Note: *Authority G.S. 10B-4; 10B-5(e);*
Eff. July 1, 2024.

18 NCAC 07B .0304 INAPPLICABLE QUESTIONS

If a question or item is not applicable to a filer, the filer shall not leave the question or item blank but shall respond "not applicable" or "N/A."

History Note: *Authority G.S. 10B-4; 10B-5(e); 10B-6; 10B-106; 10B-125; 10B-134.19; 10B-134.21; Eff. July 1, 2024.*

18 NCAC 07B .0305 RESPONSE TO QUESTIONS AND REQUESTS FOR INFORMATION

A person responding to a departmental information request shall respond to departmental requests for information within the time and in the manner specified based upon the Department's consideration of:

(1) the nature of the information requested;
(2) the urgency of the Department's need for the information; and
(3) the ease of production by the recipient of the request.

History Note: *Authority G.S. 10B-4; 10B-126; 10B-134.17; 10B-134.19; 10B-134.21; Eff. July 1, 2024; Amended Eff. July 1, 2025.*

18 NCAC 07B .0306 ATTACHMENTS

If a form does not include enough space to provide a complete and accurate response to a question or request for information from the Department, a filer shall include an attachment with the form.

History Note: *Authority G.S. 10B-4; 10B-6; 10B-106; 10B-125; 10B-134.19; 10B-134.21; Eff. July 1, 2024.*

18 NCAC 07B .0307 NOTICE OF ATTACHMENT

A filer shall:

(1) make a note at the location of a question or request for information that an attachment has been added in order to fully respond. Note: An example is "See Attachment 1"; and
(2) identify on the attachment to which question or request for information the additional information relates.

History Note: *Authority G.S. 10B-4; 10B-6; 10B-106; 10B-125; 10B-134.19; 10B-134.21; Eff. July 1, 2024.*

18 NCAC 07B .0308 SIGNATURE FOR ENTITY

(a) If an individual is signing a form or other filing for a technology provider or other business entity:

(1) the signer shall be duly authorized by law or the entity to sign; and
(2) the signer shall state the signer's title, position, and authorization to sign.

(b) For purposes of this Rule, "duly authorized by law" means as required by G.S. 55D-10(b)(5) for an entity, by the owner for a sole proprietorship, or by a general partner for a general partnership.

History Note: *Authority G.S. 10B-4; 10B-6; 10B-106; 10B-125; 10B-134.19; 10B-134.21; Eff. July 1, 2024; Amended Eff. July 1, 2025.*

18 NCAC 07B .0309 FORM PREPARER SIGNATURE REQUIRED

A form preparer signing for a technology provider or other business entity shall:

(1) sign in the space provided for a preparer's signature on a form; or
(2) document and note "form preparer" next to the signature in the space provided for a preparer's signature on a form.

History Note: *Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.17; 10B-134.19; 10B-134.21; Eff. July 1, 2024.*

18 NCAC 07B .0310 INCOMPLETE FILINGS

The Department shall consider a filing incomplete for:

(1) failure to provide information required pursuant to Chapter 10B of the General Statutes or the rules in this Chapter;
(2) failure to tender any fee required by Chapter 10B of the General Statutes or the rules in this Chapter;
(3) lack of a signature required by Chapter 10B of the General Statutes or the rules in this Chapter; or
(4) lack of a notarial act where required by Chapter 10B or the rules in this Chapter.

History Note: *Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.17; 10B-134.19; 10B-134.21;*
Eff. July 1, 2024;
Amended Eff. July 1, 2025.

18 NCAC 07B .0311 REJECTION OF INCOMPLETE FILINGS
The Department shall reject a filing if it is incomplete and not remedied by the filer within the time specified by the Department.

History Note: *Authority G.S. 10B-4; 10B-134.19;*
Eff. July 1, 2024.

18 NCAC 07B .0312 FILING DATE OF DOCUMENT
A form or document is deemed filed on the day that it is deemed complete and shall not relate back to the date the filing was received.

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

18 NCAC 07B .0313 EXTENSION REQUEST TO DEPARTMENT
(a) A person responding to a departmental information request may submit a request for an extension of time to respond to a Department request pursuant to Rule .0305 of this Section.
(b) A request pursuant to Paragraph (a) of this Rule shall:
(1) be for an extension lasting no more than 30 days; and
(2) include the reason an extension is necessary.
(c) This rule does not apply to Department investigations made pursuant to G.S. 10B-60.

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

18 NCAC 07B .0314 DEPARTMENT RESPONSE TO EXTENSION REQUEST
When deciding whether to grant an extension request, the Department shall consider the factors listed in Rule .0108 of this Subchapter.

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

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, where not available through the website, may be obtained by contacting the Department using one of the means set out in Section .0100 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-5(e); 10B-6; 10B-106; 10B-125; 10B-134.17; 10B-134.21;*
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;
Amended Eff. July 1, 2024.

18 NCAC 07B .0402 CONTACT INFORMATION

For purposes of the rules in this Section, unless otherwise indicated, "contact information" means:

(1) for a key individual who is identified pursuant to G.S. 10B-134.19(c)(2) by a platform, by an IPEN, or for key individuals operating a sole proprietorship or general partnership:
  (a) the full name of the individual;
  (b) the following addresses:
    (i) residential address;
    (ii) business address;
    (iii) mailing address;
  (c) business telephone numbers;
  (d) business email addresses; and
  (e) any other names by which the individual is known, including nicknames;

(2) for a business entity:
  (a) the name of the entity on record with the Secretary of State, formation or filing office in its state, federally recognized tribe, or country of formation;
  (b) the name of the state, federally recognized tribe, or country of formation;
  (c) the year of formation;
  (d) the street address, and the mailing address if different, of the entity's principal office;
  (e) the street address, and the mailing address if different, of the entity's registered office;
  (f) the principal office telephone number of the entity;
  (g) the email address of the entity;
  (h) the URL for the entity's website, if any;
  (i) the name of an individual who is designated by the entity as the primary contact between the Department and the entity, and for that individual:
    (i) title and position;
    (ii) telephone number;
    (iii) mailing address if different from the addresses provided in Sub-Items (2)(c) and (d) of this Item;
    (iv) primary email address; and
    (v) secondary email address, if applicable;
  (j) the name of an individual designated as the secondary contact between the Department and the entity if the individual named in Sub-Item (2)(i) of this Item is not available; and
  (k) the information in Sub-Item (2)(i) of this Item for the secondary contact individual named in Sub-Item (2)(j) of this Item; or

(3) for a technology provider's, or physical seal manufacturer's or vendor's registered agent listed on an application:
  (a) the name of the registered agent;
  (b) the registered office address for the registered agent and mailing address if different; and
  (c) a business email address for the registered agent.

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

18 NCAC 07B .0403 CERTIFICATE OF APPOINTMENT FORM

The certificate of appointment form includes:

(1) space for the entry by the Register of Deeds in the county of the commission to enter:
  (a) the name of the individual administering the oath;
  (b) the title of the individual administering the oath;
  (c) the name of the appointee who appeared before the individual and took the oath; and
  (d) the signature of the individual who administers the oath; and

(2) space for the signature of the notary public after the oath has been administered.

History Note: *Authority G.S. 10B-4;*

Eff. July 1, 2024.

18 NCAC 07B .0404 ELECTRONIC NOTARY PUBLIC REGISTRATION FORM

An electronic notary public applicant registration form includes:

(1) the name on the applicant's commission;
(2) the applicant's commission number;
(3) whether the applicant has any changes to report under G.S. 10B-50, G.S. 10B-51, G.S. 10B-52, G.S. 10B-53, G.S. 10B-54, 18 NCAC 07F .0403, 18 NCAC 07F .1106, 18 NCAC 07F .1109, or 18 NCAC 07F .1110;
(4) for reapplications, a statement with regard to technology providers that:
    (a) the notary will continue to use:
        (i) the electronic notarization system of the technology provider for which the notary has previously provided notice; and
        (ii) the custodian for the electronic journal for which the notary has previously provided notice;
    (b) the names of the technology provider that the notary will now use; or
    (c) at this time, the notary does not have a technology provider;
(5) the signature of the electronic notary applicant; and
(6) the date on which the applicant signs the form.

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

18 NCAC 07B .0405 FORM NOTIFYING DEPARTMENT OF SELECTION OF TECHNOLOGY PROVIDERS BY NOTARY PUBLIC

The form notifying the Department of the selection of technology providers by a notary public includes:

(1) the name on the notary's commission;
(2) the notary's commission number;
(3) the name of the technology providers selected by the notary to provide:
    (a) electronic signatures and electronic seals; and
    (b) electronic journals;
(4) the name of the custodian selected by the notary to provide custodial services for:
    (a) electronic journals and their backups, if applicable;
    (b) communication technology recordings and their backups, if applicable;
(5) if the notary named himself or herself in Sub-Item (4)(a) of this Rule as custodian of the notary's electronic journals and journal backups, the notary's certification that the notary shall:
    (a) serve as a custodial notary; and
    (b) comply with all custodial notary rules in 18 NCAC 07J .2200;
(6) for an electronic notary who plans to perform remote electronic notarial acts, the names of the technology providers selected by the notary to provide platform services;
(7) the anticipated dates on which the notary will begin using the technology providers;
(8) the signature of the notary; and
(9) the date on which the notary signs the form.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.21; 10B-134.23;*
Eff. March 1, 2025;
Amended Eff. July 1, 2025.

18 NCAC 07B .0406 NOTICE TO DEPARTMENT OF CHANGE BY ELECTRONIC NOTARY IN TECHNOLOGY PROVIDER

The notice to the Department of change by an electronic notary in technology provider form includes:

(1) the name of the technology provider that the electronic notary previously notified the Department the notary would use;
(2) the type of service the technology provider previously provided to the notary;

(3) the date on which the notary stopped or will stop using the technology provider to perform electronic notarizations;
(4) the name of the technology provider that the notary will now use;
(5) the date on which the notary anticipates beginning to use the new technology provider;
(6) the signature of the notary; and
(7) the date on which the notary signs the form.

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

18 NCAC 07B .0407 INITIAL APPLICATION FOR NOTARY COMMISSION FORM

The initial application for notary commission form requires:

(1) the information required by G.S. 10B-5, 10B-6, and 10B-7;
(2) from the commission applicant:
  (a) whether the applicant is a licensed member of the North Carolina State Bar;
  (b) a residential phone number, which may be a cell phone number;
  (c) the North Carolina notary commission number, if one was issued, and more than 12 months have elapsed since expiration;
  (d) occupation;
  (e) applicant's employer or status as:
    (i) self-employed;
    (ii) unemployed;
    (iii) retired; or
    (iv) a student;
  (f) North Carolina county where employed;
  (g) with regard to the notary course attended:
    (i) the name of the eligible institution that offered the course;
    (ii) the number of course hours;
    (iii) the printed or typed name of the course instructor; and
    (iv) the date the course was successfully completed;
  (h) a description of included attachments, if any; and
  (i) the declaration required by G.S. 10B-12; and
(3) from the notary course instructor:
  (a) certification that:
    (i) the date, eligible institution, and printed name of the instructor are correct; and
    (ii) the applicant successfully completed the course and therefore qualifies for consideration for a notary commission; and
  (b) the course instructor's signature as required by G.S. 10B-6 and the date of the signature.

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

18 NCAC 07B .0408 AFFIDAVIT OF MORAL CHARACTER

The affidavit of moral character form requires:

(1) the applicant's name for use on a notary public commission, the full legal name of the key individual, or the full legal name of the individual about whom the affidavit is prepared, as applicable;
(2) information about the character witness:
  (a) the affiant's name, contact information, and occupation;
  (b) how the affiant knows the individual;
  (c) how long the affiant has known the individual;
  (d) how the affiant has had the opportunity to form an opinion of the individual's character; and
  (e) whether the affiant is aware of criminal charges against, or criminal convictions of, the individual;
(3) the affiant's opinion whether the charges against, or convictions of, the individual will affect the ability of the individual to comply with Chapter 10B of the General Statutes;

(4) a declaration whether the affiant personally recommends the individual for an authorization requiring honesty, integrity, trustworthiness, and high standards of moral character;
(5) a declaration under penalty of perjury that the information provided is true and complete to the best of the affiant's knowledge and belief; and
(6) the signature of the affiant and the date signed.

History Note: *Authority G.S. 10B-4; 10B-134.19;*
Eff. July 1, 2024;
Amended Eff. July 1, 2025.

18 NCAC 07B .0409 APPLICATION FOR RECOMMISSIONING AS NOTARY PUBLIC

The form for application for recommissioning as a notary public before expiration of a commission or within 12 months of commission expiration requires:

(1) information regarding the applicant's current or, if expired, the most recent commission, including the commission number;
(2) an imprint or stamp from the applicant's current seal, or most recently expired seal, if the applicant currently possesses a seal;
(3) information required pursuant to G.S. 10B-11;
(4) the instructor's signature, if the applicant takes the notary course as part of the recommissioning process;
(5) information required pursuant to Rule .0407 of this Section that is not otherwise included in Items (1)-(3) of this Rule;
(6) for recommissioning for a traditional notary who is not also an electronic notary, a statement with regard to technology providers (Note: An example would be a traditional notary who administers oaths or affirmations in G.S. 10B-134.9(d) judicial actions or proceedings):
    (a) the notary will continue to use:
        (i) the name of the technology provider for which the notary has previously provided notice; and
        (ii) the custodian for the electronic journal for which the notary has previously provided notice;
    (b) the name of the technology provider that the notary will now use; or
    (c) at this time, the notary does not have a technology provider; and
(7) the declaration under penalty of perjury that is required by G.S. 10B-12.

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

18 NCAC 07B .0410 NOTICE OF CHANGES REQUIRED BY 18 NCAC 07D .0301

The form for notice of change in the information required by 18 NCAC 07D .0301 shall include:

(1) the notary public's commission name and county of commission;
(2) the notary's commission number;
(3) contact information for the notary;
(4) last four digits of the notary's SSN;
(5) for each change:
    (a) which item of information regarding the notary has changed;
    (b) the information as it existed before the change; and
    (c) the information after the change; and
(6) the printed name and signature of the notary and the date signed.

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

18 NCAC 07B .0411 NOTICE OF CHANGES REGARDING CRIMINAL HISTORY RECORD

The form for notice of changes in criminal history record requires:

(1) the name of the individual;
(2) if a commissioned notary public, the notary's commission number;
(3) the last four digits of the individual's SSN;
(4) contact information for the individual;
(5) for a previously unreported criminal charge:
    (a) the date of the charge;
    (b) the court in which the charge is filed;
    (c) whether the charge is for a felony or misdemeanor;
    (d) the name of the charge;
    (e) whether the charge has been set for a hearing or trial and, if yes, the scheduled date; and
    (f) the case number;
(6) for notice of a disposition of a criminal charge:
    (a) the date of the disposition;
    (b) the name of the court and the case number;
    (c) if the disposition resulted in a conviction:
        (i) whether the conviction was for a felony or misdemeanor; and
        (ii) the sentence imposed;
    (d) a copy of the disposition document or judgment;
    (e) a copy of any document restoring citizenship rights;
(7) a declaration under penalty of perjury that the information provided is true and complete to the best of the affiant's knowledge and belief; and
(8) the signature of the individual and the date signed.

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

18 NCAC 07B .0412 NOTICE OF CHANGES REGARDING PROFESSIONAL LICENSES, NOTARY COMMISSIONS, OR PUBLIC OFFICES

The form for notice of changes regarding professional licenses, notary commissions, or public offices requires:
(1) the name of the individual;
(2) if a commissioned notary public, the notary's commission number;
(3) the last four digits of the individual's SSN;
(4) contact information for the individual;
(5) for a change in any information required by G.S. 10B-7(10), the information required by Section .0700 of this Subchapter; and
(6) the printed name and signature of the individual and the date signed.

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

18 NCAC 07B .0413 NOTICE OF CHANGES REGARDING FINDINGS OR ADMISSIONS OF DECEIT, OFFICIAL MISCONDUCT, FALSE OR MISLEADING ADVERTISING, OR UNAUTHORIZED PRACTICE OF LAW

The form for notice of changes regarding findings or admissions of deceit, official misconduct, false or misleading advertising, or unauthorized practice of law requires:
(1) the notary public's commission name and county of commission;
(2) the notary's commission number;
(3) last four digits of the notary's SSN;
(4) contact information for the notary;
(5) the information required pursuant to:
    (a) 18 NCAC 07C .0207 for a finding or admission of liability against the notary pursuant to G.S. 10B-5(d)(3);
    (b) 18 NCAC 07C .0208 for a finding of official misconduct by the notary;
    (c) 18 NCAC 07C .0209 for a finding of unauthorized practice of law by the notary; and

(d) 18 NCAC 07C .0210 for a finding or charge of false or misleading advertising by the notary; and

(6) the printed name and signature of the commission applicant or notary and the date signed.

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

18 NCAC 07B .0414 APPLICATION FOR CERTIFICATION AS NOTARY INSTRUCTOR

The application for certification as a notary instructor form requires:

(1) the information required by Rule .0407(1)–(2)(f) of this Section;
(2) whether the applicant is currently employed as:
  (a) a register of deeds or clerk of court; or
  (b) an employee of the Department and is authorized by the Secretary to serve as an instructor;
(3) the eligible institution for which the applicant will teach if certified as an instructor;
(4) the name, telephone number, and email address of a contact person at the eligible institution who is knowledgeable about the conditional hiring of the applicant to teach notary courses;
(5) whether the applicant has a personal copy of the most recent notary public manual approved by the Department and, if yes, the year and edition number;
(6) whether the applicant has active experience as a notary public;
(7) whether the applicant has notified the Department of changes as required by Chapter 10B of the General Statutes and the rules in this Chapter or is submitting a change form with the application;
(8) a declaration under penalty of perjury that:
  (a) the information provided is true and complete to the best of the applicant's knowledge and belief;
  (b) the applicant remains qualified to be commissioned as a notary public; and
  (c) the applicant will perform the duties and responsibilities of a certified notary instructor; and
(9) the printed name and signature of the applicant and the date signed.

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

18 NCAC 07B .0415 RECOMMENDATION OF NOTARY INSTRUCTOR APPLICANT

The recommendation of notary instructor applicant form requires:

(1) the instructor applicant's commission name;
(2) the name and contact information for the individual completing the form;
(3) the individual's basis for recommending the applicant, including:
  (a) a declaration that the individual is not a family member of the applicant;
  (b) how the individual knows the applicant; and
  (c) whether and how the individual has knowledge of the applicant's teaching skills;
(4) whether, in the opinion of the individual, the applicant has the skills to be an effective teacher of notary applicants;
(5) a declaration that the individual personally recommends the applicant to be a notary instructor;
(6) the printed name and signature of the individual and the date signed; and
(7) a declaration under penalty of perjury that the information provided is true and complete to the best of the individual's knowledge and belief.

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

18 NCAC 07B .0416 EMPLOYER AFFIDAVIT REGARDING INSTRUCTOR APPLICANT ACTIVE EXPERIENCE FORM

The form for the employer affidavit regarding active experience requires:

(1) the name of the person employing the applicant;
(2) information about the affiant, consisting of the following:

(a) the full printed name of the affiant;
(b) the affiant's title and position with the employer;
(c) the address and telephone number of the employer; and
(d) the email address of the affiant;

(3) an explanation of the reasons the instructor applicant has performed notarial acts while employed by the employer;

(4) a statement specifying which of the preceding twelve months the instructor applicant performed notarial acts for the employer;

(5) a declaration that:
(a) the affiant has the authority to sign; and
(b) the affiant has knowledge of the matters described in the affidavit;

(6) the signature of the affiant and date on which the affiant signed; and

(7) a jurat certificate.

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

18 NCAC 07B .0417 STUDENT EVALUATION OF NOTARY INSTRUCTOR FORM

The student evaluation of notary instructor form requests the following information from a student:

(1) the name of the instructor;

(2) the date of the course;

(3) the name of the institution;

(4) rating of the instructor's:
(a) professionalism;
(b) subject matter knowledge;
(c) use of audio-visuals, handouts, and other materials; and
(d) responsiveness to questions from students;

(5) rating of the course materials;

(6) other information or comments that the student wishes to add; and

(7) the student's name and contact information if the student is willing to be contacted by the Department with follow-up questions.

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

18 NCAC 07B .0418 APPLICATION FOR RECERTIFICATION AS NOTARY INSTRUCTOR

The notary instructor application for recertification form requires:

(1) the information specified in Rule .0414 of this Section;

(2) verification that the applicant has taught the notary instructor course at least twice a year during the current two-year certification period;

(3) the date of initial certification as an instructor;

(4) whether certification has been continuous;

(5) a declaration under penalty of perjury that:
(a) the information provided is true and complete;
(b) the applicant remains qualified to be commissioned as a notary public; and
(c) the applicant:
(i) understands the official duties and responsibilities of a notary public and notary public instructor in North Carolina; and
(ii) will perform to the best of the applicant's ability all responsibilities of teaching the notary courses in accordance with the law.

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

18 NCAC 07B .0419 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07B .0420 NOTARY FORM TO REPORT TECHNOLOGY DYSFUNCTIONS

The form notaries public and electronic notaries public use to report technology dysfunctions pursuant to 18 NCAC 07D .0309 requires:

(1) the notary's commission name;
(2) the name of the technology provider with which the notary is experiencing dysfunctions;
(3) a description of the dysfunction;
(4) the basis for concern if a dysfunction is suspected to involve credential verification or identity proofing:
    (a) security;
    (b) privacy; or
    (c) accuracy;
(5) the dates, times, and duration of the dysfunctions; and
(6) the efforts undertaken to resolve the dysfunctions by the notary or the technology provider.

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

18 NCAC 07B .0421 STAND-ALONE NOTARIAL CERTIFICATE

If the notarial certificate selected by the principal is on a page separate from the document being notarized, then the notary public shall include on or near the notarial certificate the following descriptive language:

(1) the title or type of document;
(2) the number of pages of the document being notarized, exclusive of the certificate;
(3) the names of the principal signers; and
(4) the date the principals signed.

History Note: *Authority G.S. 10B-2; 10B-4; 10B-134.19;*
Eff. July 1, 2025.

18 NCAC 07B .0422 APPLICATION FOR TECHNOLOGY PROVIDER AUTHORIZATION – GENERAL

Technology provider application forms shall require:

(1) the type or types of authorization to which the application applies:
    (a) IPEN;
    (b) platform;
    (c) credential analysis;
    (d) identity proofing; or
    (e) custodian;
(2) contact information:
    (a) the information specified in Rule .0402(2) of this Section for the applicant;
    (b) the information specified in Rule .0402(3) of this Section for the registered agent of a business entity that is an applicant;
    (c) the information specified in Rule .0402(1) of this Section for:
        (i) the applicant's key individuals; and
        (ii) the applicant's compliance contact employee designated pursuant to Item (4)(b) of this Rule, except that the residential address shall not be required; and
(3) the following general information about the technology provider applicant and its business:
    (a) the type of business entity;
    (b) all states and nations in which the technology provider applicant has obtained a certificate of authority to do business, or its equivalent;
    (c) all assumed business names, trade names, or "doing business as" names used by the applicant in North Carolina, other states, or nations;
    (d) all fictitious or equivalent names registered with the Department or other states or nations because the business' legal name is not available. Note: An example would be a fictitious name registered with the Department pursuant to G.S. 55D-22(a)(6);
    (e) for legal actions, the information required by 18 NCAC 07J .0416;

(f) for debarment involving the applicant or the applicant's key individuals, the information specified in 18 NCAC 07J .0414;
(g) for disciplinary actions, the information specified in 18 NCAC 07J .0418;
(h) for voluntary exclusion in lieu of debarment involving the applicant or the applicant's key individuals, the information specified in 18 NCAC 07J .0415;
(i) for bankruptcy, the information required by 18 NCAC 07J .0420;
(j) a summary of its most recent IT security audit as required by 18 NCAC 07J .0621;

(4) the following information related to the authorization that the applicant seeks:
(a) the name of the product and the version number for which authorization is sought;
(b) the full name of the compliance contact who meets the requirements of, and has the duties set forth in, 18 NCAC 07J .0406;
(c) minimum hardware and software specifications as required by 18 NCAC 07J .0608;

(5) the following information regarding the applicant's provision of the same or similar notarial services in jurisdictions other than North Carolina:
(a) the name of each state, tribe or nation; and
(b) for each named jurisdiction, the information required by 18 NCAC 07J .0405;

(6) a URL link to the information that the applicant is required to provide pursuant to 18 NCAC 07J .0607;

(7) information regarding whether the applicant's services as a technology provider have within the preceding five years been the subject of:
(a) a security breach; or
(b) a ransomware attack, as defined at G.S. 143B-1320(a)(14a);

(8) identification and information for third-party vendors, supporting vendors, and businesses pursuant to 18 NCAC 07J .0408-.0411;

(9) the applicant's certifications, compliance reports, or equivalents by independent third-party entities with:
(a) the information required by 18 NCAC 07J .0413; and
(b) if the certifications, compliance reports, or equivalents have levels, grades, or annotations, those applicable to the applicant;

Note: Examples of acceptable certifications are ISO 270001 and SOC2;

(10) the applicant's certification that it complies with the requirements to have and implement the plans required by 18 NCAC 07J Section .0600; and

(11) signature by a key individual employed by the technology provider applicant who has the authority to:
(a) bind the applicant;
(b) make certifications required by this Rule and the rules in 18 NCAC Subchapter 07J; and
(c) declare under penalty of perjury that:
(i) the information provided is true and complete to the best of the signer's knowledge and belief;
(ii) the application was prepared under the signer's authority and supervision;
(iii) the applicant agrees that representations, promises, and assurances of performance in the application are binding on it; and
(d) the date on which the application was signed.

History Note: *Authority G.S. 10B-4; 10B-126(d); 10B-134.19; 10B-134.21; 10B-134.23(b); Eff. July 1, 2025.*

18 NCAC 07B .0423 APPLICATION FOR IPEN AUTHORIZATION

The form used to apply for authorization as an IPEN technology provider requires:

(1) the information required by Rule .0422 of this Section;

(2) for each of the technology provider's key individuals:
(a) the information required by 18 NCAC 07J .1304;
(b) a brief description of the individuals' duties; and
(c) the information required by Section .0700 of this Subchapter; and

(3) the information required by 18 NCAC 07J .1301.

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

18 NCAC 07B .0424 APPLICATION FOR PLATFORM LICENSE

The form used to apply for authorization as a licensed platform requires:

(1) the information required by Rule .0422 of this Section;
(2) for each of the technology provider's key individuals:
    (a) the information required by 18 NCAC 07J .1505;
    (b) a brief description of the individuals' duties; and
    (c) the information required by 18 NCAC 07B Section .0700; and
(3) the information required by 18 NCAC 07J .1501.

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

18 NCAC 07B .0425 APPLICATION FOR CREDENTIAL ANALYSIS AUTHORIZATION

The form used to apply for authorization as an approved credential analysis provider requires:

(1) the information required by Rule .0422 of this Section; and
(2) the information required by 18 NCAC 07J .1701.

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

18 NCAC 07B .0426 APPLICATION FOR IDENTITY PROOFING AUTHORIZATION

The form used to apply for authorization as an approved identity proofing provider requires:

(1) the information required by Rule .0422 of this Section; and
(2) the information required by 18 NCAC 07J .1901.

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

18 NCAC 07B .0427 APPLICATION FOR CUSTODIAN AUTHORIZATION

The form used to apply for authorization as an approved custodian requires:

(1) the information required by Rule .0422 of this Section; and
(2) the information required by 18 NCAC 07J .2101.

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

18 NCAC 07B .0428 CUSTODIAL NOTARY ANNUAL REPORT FORM

The form for annual reports by custodial notaries public requires:

(1) the commission name and number of the custodial notary;
(2) the calendar year covered by the annual report;
(3) the information required by 18 NCAC 07D .0300;
(4) certification that the custodial notary:
    (a) intends to continue serving as a custodial notary and will continue to comply with the custodial notary rules in 18 NCAC 07H and 18 NCAC 07J;
    (b) will cease serving within the next 12 months as a custodial notary, and, unless the retention period pursuant to 18 NCAC 07I .0212 will expire during that period, the name of the approved custodian to which the custodial notary will transfer the notary's records and the projected date of transfer;
    (c) if the notary has already ceased serving as a custodial notary, the date on which the notary's records were transferred to an approved custodian and the name of the approved custodian, unless the retention period pursuant to 18 NCAC 07I .0212 has expired; or

(d) has ceased serving as a custodial notary because the period of retention for all records has expired;

(5) certification that the information provided in the form is true and complete; and

(6) the signature of the custodial notary and the date signed.

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

18 NCAC 07B .0429 TECHNOLOGY PROVIDERS OTHER THAN PLATFORMS VERIFYING CONTINUING COMPLIANCE

The form for technology providers other than platforms verifying their continuing compliance requires:

(1) the name of the technology provider;

(2) the electronic notary solution for which the provider has been approved;

(3) the information required by 18 NCAC 07J .0211;

(4) either a statement that the Department has been notified of changes as required in 18 NCAC 07J .0203 or inclusion of required notice of changes;

(5) the signature of the compliance officer and the date signed;

(6) certification that the information provided in the form is true and complete; and

(7) the signature of a key individual employed by the technology provider who has the authority to bind the technology provider and the date signed.

History Note: *Authority G.S. 10B-4; 10B-126(d); 10B-134.21; 10B-134.23(b);*
Eff. July 1, 2025.

18 NCAC 07B .0430 PHYSICAL SEAL MANUFACTURER OR VENDOR REGISTRATION WITH DEPARTMENT FORM

The form used by a manufacturer or vendor of physical notary seals to register with the Department requires:

(1) the information required by Rule .0402 of this Section, except that the residential address shall not be required for a key individual operating a sole proprietorship or a general partnership;

(2) certification that the manufacturer or vendor:

(a) manufactures or sells physical notary seals to North Carolina notaries public; and

(b) complies with, and will continue to comply with, the requirements of:

(i) G.S. 10B-36 and 10B-37; and

(ii) the applicable rules in 18 NCAC 07G; and

(c) the manufacturer or vendor agrees that it will comply with the rules in 18 NCAC 07G;

(d) the information provided on the form is true and complete;

(3) signature by an individual with the authority to bind the manufacturer or vendor with:

(a) printed name and title of the individual; and

(b) the date signed.

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

18 NCAC 07B .0431 FORM FOR NOTARY REPORTABLE INCIDENTS

The form for a notary public notifying the Department of reportable incidents pursuant to 18 NCAC 07D .0310 requires:

(1) the notary's commission name and commission number;

(2) how the notary discovered the reportable incident;

(3) the date of the last notarization performed by the notary before the reportable incident occurred or was discovered;

(4) the date on which the notary discovered the reportable incident regarding the notary's physical seal, electronic seal, signature, journal, notarial records, or communication technology recording;

(5) the date on which the reportable incident occurred, if different from the date of discovery;

(6) the date on which the notary reported to:

(a) the Register of Deeds, and the county of that Register of Deeds; and

(b) law enforcement, if applicable, including the name of the law enforcement agency and a copy of the law enforcement report if available;

(7) any other information that the notary believes may be useful to the Department in assessing the reportable incident; and

(8) the notary's signature and the date of the report to the Department.

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

SECTION .0500 – CRIMINAL RECORDS

18 NCAC 07B .0501 CRIMES

For purposes of applications and discipline under Chapter 10B of the General Statutes and the rules in this Chapter, each of the following offenses shall be classified as a crime involving "moral turpitude" as defined in G.S. 10B-3(9) or a "crime involving dishonesty" as defined in Rule .0102(14) of this Subchapter:

(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 while impaired;
(11) embezzlement;
(12) failure to comply with a court order;
(13) failure to pay child support;
(14) failure to return to confinement;
(15) false financial statement;
(16) forgery;
(17) fraud;
(18) hit and run;
(19) identity theft;
(20) impersonation of a law enforcement officer;
(21) kidnapping;
(22) practicing law without a license;
(23) prostitution;
(24) rape;
(25) receipt of stolen goods or property;
(26) resist, delay or obstruct a public officer in discharging or attempting to discharge an official duty;
(27) robbery;
(28) tax evasion;
(29) terrorist threat or act;
(30) unlawful possession or sale of drug; and
(31) worthless check.

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

18 NCAC 07B .0502 ADDITIONAL REQUIREMENTS FOR AN INDIVIDUAL LISTING CONVICTIONS

An individual required to provide a criminal history record pursuant to Chapter 10B of the General Statutes and the rules in this Chapter shall include:

(1) a complete listing of felony convictions of the individual and the name under which each conviction was entered;
(2) a complete listing of misdemeanor convictions of the individual and the name under which each conviction was entered;
(3) if the individual's criminal history record includes a conviction in North Carolina, a copy of the individual's criminal history record prepared by the North Carolina State Bureau of Investigation;
(4) if the individual has a criminal conviction in a jurisdiction other than North Carolina, a copy of the individual's criminal history record from a criminal history record registry or repository of record reflecting the conviction; and
(5) the signed explanation required by Rule .0503 of this Section.

Note: A "registry or repository of record" is the official governmental state, federal, national, or tribal archive or center for collection of criminal history information.

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

18 NCAC 07B .0503 EXPLANATION OF CONVICTIONS

An individual who submits a criminal history record shall include an explanation for each criminal conviction with:
(1) the individual's signature and the date on which the individual signed the explanation;
(2) for each felony conviction:
(a) the date of the conviction and the court where the conviction was entered;
(b) the name of the court and the case number;
(c) the charge upon which the conviction was entered;
(d) a description of the circumstances surrounding the commission of the crime;
(e) the sentence imposed;
(f) a copy of the document showing the date of release from probation, parole, incarceration, or completion of the terms of the individual's sentence for each conviction; and
(g) a copy of any document restoring the individual's citizenship rights; and
(3) for each misdemeanor conviction the information required in Items (2)(a)-(f) of this Rule.

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

18 NCAC 07B .0504 ADDITIONAL DOCUMENTATION FOR CONVICTIONS

For an individual listing a criminal conviction, an affidavit of moral character shall be:
(1) completed by three individuals, none of whom is a family member, using the form specified in Rule .0408 of this Subchapter; and
(2) submitted to the Department by the individual listing a criminal conviction or the individuals completing the affidavits.

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

18 NCAC 07B .0505 REQUIREMENTS FOR INDIVIDUAL WITH PENDING CRIMINAL CHARGES

An individual required to provide a criminal history record who has a pending criminal charge in a court shall, for each pending criminal charge:
(1) notify the Department:
(a) at the time of application to the Department; or
(b) within 45 days if a charge is brought after the application has been filed; and
(2) provide the information specified in the form in Rule .0411 of this Subchapter.

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

18 NCAC 07B .0506 NOTICE TO DEPARTMENT OF DISPOSITION OF PENDING CHARGE

An individual required to provide the Department with information regarding a pending charge pursuant to Rule .0505 of this Section shall:

(1) notify the Department within 45 calendar days of the final disposition of the charge;
(2) provide the information specified in the form in Rule .0411 of this Subchapter;
(3) provide a copy of the document reflecting the final disposition of the charge; and
(4) if convicted, comply with Rules .0503 and .0504 of this Section.

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

SECTION .0600 – DENIALS, DISCIPLINE, AND ENFORCEMENT

18 NCAC 07B .0601 FACTORS FOR DISCIPLINARY ACTIONS

When determining whether and what disciplinary action to take, the Department shall consider:

(1) the qualifications of the person;
(2) the nature, number, timing, and severity of any acts, offenses, official misconduct, or crimes under consideration;
(3) evidence pertaining to the honesty, credibility, truthfulness, and integrity of the person;
(4) actual or potential harm;
(5) the history of complaints against the person received by the Department;
(6) the record of prior disciplinary actions against the person;
(7) evidence in mitigation;
(8) evidence in aggravation;
(9) occupational, vocational, or professional license disciplinary record;
(10) evidence of rehabilitation;
(11) criminal history record;
(12) information and reports received from other law enforcement agencies;
(13) willfulness;
(14) negligence;
(15) the response of the person to any alleged violations;
(16) whether the person self-reported a matter affecting qualification or the performance of an activity pursuant to authorization; and
(17) the purposes of the Notary Act as set forth in G.S. 10B-2.

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

18 NCAC 07B .0602 DENIALS

(a) The Department shall deny an application in which an applicant willfully and knowingly provided false information about:

(1) a criminal history record; or
(2) a record of official findings of liability related to the applicant's deceit, dishonesty, or intentional disclosure of confidential information to a person not legally entitled to the information.

(b) The Department may deny an application that contains misleading information.

(c) The Department shall deny an application if:

(1) the Department determines that the applicant is not qualified for the authorization issued pursuant to the Constitution of the State of North Carolina, Chapter 10B of the General Statutes, or the rules in this Chapter; or
(2) an applicant notarizes the applicant's own signature.

History Note: *Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;*

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;
Amended Eff. July 1, 2024.

18 NCAC 07B .0603 LEVELS OF ENFORCEMENT

Upon consideration of the evidence before it, the purposes and requirements of Chapter 10B of the General Statutes, and the rules in this Chapter, the Department may:

(1) upon a finding of a violation of Chapter 10B of the General Statutes or the rules in this Chapter:
  (a) issue a letter of caution to a person along with:
    (i) a request for compliance; and
    (ii) a statement that future noncompliance may lead to disciplinary action by the Department;
  (b) issue a letter of warning to a person, with or without a corrective action plan. Note: A requirement for additional education is an example of a corrective action plan;
  (c) suspend a person's authorization and bar the grant of an authorization for a specific period of time not to exceed 24 months, with or without a corrective action plan;
  (d) issue a revocation of a person's authorization;
  (e) issue a permanent revocation of a person's authorization;
  (f) issue an administrative action restricting, for a specific period of time, an unauthorized person from submitting an application or from being becoming authorized; or
  (g) issue an administrative action permanently restricting an unauthorized person from submitting an application or from becoming authorized; and
  (h) issue a civil penalty pursuant to G.S. 10B-60(m) or 10B-134.23(c)(4); and
(2) use the factors in Rule .0601 of this Section to take action to withdraw, stay, rescind, or expunge a disciplinary action.

Note: An application submitted in violation of an administrative action pursuant to Paragraphs (f) and (g) of this Rule shall be denied by the Department immediately upon identification of the applicant as being subject to the administrative action during the period of time applicable to the action. The application fee shall not be refunded.

History Note: *Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;*
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;
Amended Eff. July 1, 2025; July 1, 2024.

18 NCAC 07B .0604 LETTER OF CAUTION

The Department may issue a letter of caution to a person for a violation of the requirements of Chapter 10B of the General Statutes or the rules in this Chapter in circumstances that do not merit disciplinary action.

History Note: *Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;*
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;
Amended Eff. July 1, 2024.

18 NCAC 07B .0605 WARNING

The Department may issue a warning to a person for a violation of Chapter 10B of the General Statutes or the rules in this Chapter.

History Note: *Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;*
Eff. April 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. May 1, 2008;
Transferred from 18 NCAC 07B .0905 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07B .0606 SUSPENSION

After consideration of the factors in Rule .0601 of this Section, the Department may issue a suspension to a person who:

(1) violates a requirement of Chapter 10B of the General Statutes or the rules in this Chapter; or
(2) has a criminal conviction.

History Note: *Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;*
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;
Amended Eff. July 1, 2024.

18 NCAC 07B .0607 RESTRICTION

Upon a finding that the person has acted without being authorized by the Department, the Department may issue an administrative action to restrict that person from applying for authorization or from becoming authorized to:

(1) perform a notarial act;
(2) teach a notarial course;
(3) offer an electronic notary solution to an electronic notary public; or
(4) act as a depository or custodian.

History Note: *Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;*
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;
Transferred from 18 NCAC 07B .0907 Eff. June 1, 2023;
Amended Eff. July 1, 2025; July 1, 2024.

18 NCAC 07B .0608 MANDATORY REVOCATION

The Department shall revoke an authorization of:

(1) a person who is convicted of a crime related to performance of an act pursuant to, or in relation to, an authorization issued by the Department;
(2) a notary public who notarizes the notary's own signature;
(3) a notary who performs a notarial act and either:
    (a) fails to require the personal appearance of the principal; or
    (b) performs a remote electronic notarial act without requiring the appearance of a principal by an authorized communication technology; or
(4) a person who performs an act permitted by an authorization issued by the Department knowing that:
    (a) the act, a document associated with the act, or information contained in a document associated with the act is false or fraudulent; or
    (b) the intent of the act or document is to perpetrate a crime.

History Note: *Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;*
Eff. July 1, 2024.

18 NCAC 07B .0609 FAILURE TO REMIT FEES

(a) Failure of a platform provider to remit fees in accordance with G.S. 10B-134.19 and the rules in this Chapter shall be a basis for the Department to revoke a platform license.
(b) Revocation shall not preclude other disciplinary action or remedies available to the Department.

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

18 NCAC 07B .0610 FAILURE TO VERIFY

A technology provider, or physical seal manufacturer or vendor shall be deemed to have knowingly created, manufactured or distributed a notary seal in violation of G.S. 10B-60(n) if the provider, manufacturer, or vendor fails to comply with, as applicable:

(1) 18 NCAC 07J .1202 for IPEN account creation;
(2) 18 NCAC 07J .1410 for platform account creation for an electronic notary;
(3) 18 NCAC 07J .1411 for platform account creation for a traditional notary;
(4) 18 NCAC 07J .1202 for changes to notary commission or registration certificate presented to the IPEN solution;
(5) 18 NCAC 07J .1412 for changes to commission or registration certificate presented to the platform; and
(6) 18 NCAC 07G.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .0700 – REPORTING PROFESSIONAL LICENSES, PUBLIC OFFICES, AND NOTARY COMMISSIONS

18 NCAC 07B .0701 GENERAL

An applicant for a notary commission shall include with the application a list of all professional licenses, public offices, and notary commissions as required by G.S. 10B-7(10), together with the information required by the rules in this Section.

History Note: *Authority G.S. 10B-4; 10B-14(f); 10B-106; 10B-134.19; 10B-134.21;*
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;
Amended Eff. March 1, 2025.

18 NCAC 07B .0702 REQUIREMENTS REGARDING PROFESSIONAL LICENSES AND NOTARIAL COMMISSIONS

An individual required to provide information to the Department about professional licenses and notarial commissions that the individual presently holds, has held, or has applied for shall include the following, to the extent the information is available to the individual after reasonable efforts, for each license and notarial commission listed:

(1) the name under which each license or notarial commission was issued;
(2) the state, federally recognized tribe, or nation that issues or grants each listed license or commission;
(3) the name of the governmental agency, board, or commission that issued each license or granted each commission;
(4) the name of the professional license or notary commission;
(5) the license or commission number, if one is assigned by the issuing agency, board, or commission;
(6) the expiration dates for all licenses or commissions listed; and
(7) whether, to the knowledge of the individual, there is an open investigation by the issuing agency, board, or commission into use or misuse by the individual of a license or commission listed.

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

18 NCAC 07B .0703 DISCIPLINARY ACTION INVOLVING A PROFESSIONAL LICENSE OR NOTARY COMMISSION

For each professional license or notary commission listed by the applicant pursuant to Rule .0701 of this Section, and for which the individual has been the subject of a disciplinary action by a court, legislative body, governmental agency, board, or commission, the individual shall include:

(1) the date of each disciplinary action;
(2) the disciplinary action taken;
(3) a copy of each disciplinary action;
(4) if not included in the copy of the disciplinary action provided:
    (a) the reason given for the disciplinary action;
    (b) an explanation of the circumstances that led to the disciplinary action; and
    (c) the name of the issuing entity;
(5) whether the disciplinary action included any corrective action or conditions on the license or commission;
(6) whether the individual has complied with the corrective actions or conditions;
(7) the date on which compliance with the corrective actions or conditions was satisfied;
(8) whether the individual would be eligible for relicensure or recommissioning; and
(9) other information that the individual wishes to include in order to aid the Department in assessing the individual's professional license and notary commission history.

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

18 NCAC 07B .0704 PUBLIC OFFICES

An individual shall include on the application for authorization:

(1) a list of each public office that the individual presently holds or has held;
(2) the name under which each public office is or was held;
(3) the locality, state, federally recognized tribe, or nation in which the public office is or was held;
(4) the title of the public office;
(5) the beginning and ending dates of the term of each public office; and
(6) whether, to the knowledge of the individual, there is an open investigation by a government or law enforcement agency into the use or misuse by the individual of the public office.

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

18 NCAC 07B .0705 DENIALS OF PUBLIC OFFICES

If an individual was denied a public office, the individual shall include with the application:

(1) the name of the public office that was denied;
(2) the locality, state, federally recognized tribe, or nation where the public office is or was located;
(3) the date of the denial;
(4) the name used when the denial occurred;
(5) the reason for the denial; and
(6) other information that the individual wishes to include in order to aid the Department in assessing the individual's qualification for authorization.

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

18 NCAC 07B .0706 RESIGNATIONS FROM PUBLIC OFFICES

If an individual resigned from a public office, the individual shall include:

(1) the name of the public office from which the individual resigned;
(2) the locality, state, federally recognized tribe, or nation where the public office is or was located;
(3) the date of the resignation;
(4) the name used when the resignation occurred;

(5) the reason for the resignation; and
(6) other information that the individual wishes to include in order to aid the Department in assessing the individual's qualification for authorization.

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

18 NCAC 07B .0707 DISCIPLINARY ACTION INVOLVING A PUBLIC OFFICE

For each public office listed pursuant to Rule .0701 of this Section and for which the individual has been the subject of a disciplinary action, the individual shall include:

(1) the date of each disciplinary action;
(2) the disciplinary action taken;
(3) a copy of each disciplinary action;
(4) if not otherwise set out in the copy of the disciplinary action provided:
  (a) the reason given for the disciplinary action; and
  (b) an explanation of the circumstances that led to the disciplinary action;
(5) whether the disciplinary action included any corrective actions or conditions;
(6) whether the individual complied with the corrective actions or conditions;
(7) the date on which compliance with the corrective actions or conditions was satisfied;
(8) whether the individual would be eligible to hold public office again; and
(9) other information that the individual wishes to include in order to aid the Department in assessing the individual's qualification for authorization.

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

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 – ACCOMMODATIONS FOR PRINCIPALS

18 NCAC 07B .0801 DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply:

(1) "Accessibility", "accommodation", and "reasonable accommodation" mean actions facilitating participation in a remote electronic notarial act by a remotely located principal with a vision, hearing, or speech impairment.

(2) "Auxiliary aid" means a device or tool to enable an individual with vision, hearing, or speech impairments to communicate with a notary public and participate in the notarial transaction process but does not mean interpretation, transliteration, or CART captioning. Note: Examples are screen reader software, magnification software, optical readers for an individual with low vision or a portable device that either writes or produces speech for an individual with speech impairment.

(3) "CART" or "Communication Access Realtime Translation" means live translation of the spoken English language into English text by an individual certified as a captioner by the National Court Reporters Association and made available on screen with video to a remotely located principal with hearing loss.

(4) "Interpreter" means an individual:
   (a) with a full North Carolina interpreter license as defined at 21 NCAC 25 .0101(b)(7);
   (b) interpreting, as defined at G.S. 90D-3(5), to a remotely located principal with vision, hearing, or speech impairments; and
   (c) who does not have a provisional interpreting license.

(5) "Transliterator" means an individual:
   (a) with a full North Carolina transliterator license as defined at 21 NCAC 25 .0101(b)(7);
   (b) transliterating, as defined at G.S. 90D-3(9), to a remotely located principal with vision, hearing, or speech impairments; and
   (c) who does not have a provisional transliterating license.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07B .0802 PRINCIPAL SEEKING ACCOMMODATION

(a) Before performing a notarial act, a notary public shall require a principal needing reasonable accommodation for vision, hearing, or speech impairments to disclose:

(1) any auxiliary aid that the principal has chosen for use in connection with the notarial act; and

(2) any interpreter, transliterator, or CART captioner that the principal has chosen for use in connection with the notarial act.

(b) If the notarial act is a remote notarial act, the notary shall comply with Paragraph (a) of this Rule before starting the communication technology recording.

(c) A notary public may rely on representations made by an interpreter, transliterator, or certified CART captioner pursuant to this Section.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07B .0803 PRINCIPAL USE OF CERTAIN ACCOMMODATIONS PERMITTED

A notary public may perform a notarization for a principal with a vision, hearing, or speech impairment whose communications are accurately conveyed by:

(1) an auxiliary aid; or

(2) an interpreter, transliterator, or certified CART captioner.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07B .0804 PROHIBITION ON USE OF ACCOMMODATION AS INTERMEDIARY LANGUAGE

An interpreter, transliterator, or CART captioner shall not act as a bridge or relay interpreter to facilitate communication between a notary public and a principal who do not share a common language. This rule does not prohibit interpretation by an interpreter between a principal who uses American Sign Language and a notary who speaks English.

Note: An example of a bridge or relay interpretation between a notary and principal who do not share a common language would be an interpreter who translates a principal's Chinese into English for a notary and the notary's English into Chinese sign language for the principal with hearing impairment.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23 Eff. July 1, 2025.*

18 NCAC 07B .0805 PROHIBITION ON USE OF AUXILIARY AID FOR INTERMEDIARY LANGUAGE

A notary public shall not allow a principal to use an auxiliary aid to act as a bridge or to provide relay interpretation to facilitate communication between a notary and a principal who do not share a common language.

Note: An example of an auxiliary aid acting as a bridge or relay between a principal with speech impairment whose language of communication is German and a notary who speaks English, and the aid translates the German into spoken English for the notary and the English into German for the principal.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23 Eff. July 1, 2025.*

18 NCAC 07B .0806 INTERPRETER OR TRANSLITERATOR INFORMATION

(a) Before performing a notarial act, a notary public shall require any interpreter or transliterator used by a principal to state:

(1) the name of the interpreter or transliterator as it appears on the North Carolina license;

(2) the license number; and

(3) that the interpreter or transliterator has no financial interest in the notarial acts to be performed for the principal.

(b) If the notarial act is a remote notarial act, then the notary shall comply with Paragraph (a) of this Rule before starting the communication technology recording, if applicable.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07B .0807 CART CAPTIONER INFORMATION

(a) Before performing a notarial act, a notary public shall require any CART captioner used by a remotely located principal to state:

(1) the CART captioner's name as it appears on the National Court Reporters Association certification;

(2) the National Court Reporters Association identification number;

(3) the CART captioner's status as a National Court Reporters Association-certified realtime captioner; and

(4) that the CART captioner has no financial interest in the notarial acts to be performed for the principal.

(b) If the notarial act is a remote notarial act, then the notary shall comply with Paragraph (a) of this Rule before starting the communication technology recording, if applicable.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07B .0808 LIMITS ON ACCOMMODATIONS

A notary public shall not perform a notarial act if an individual identified pursuant to Rules .0806 and .0807 of this Section:

(1) is not certified as a CART captioner;
(2) is not licensed as an interpreter or a transliterator; or
(3) indicates or is known to the notary to have a financial interest in the transactions that are subject to the notarial acts.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07B .0809 JOURNAL ENTRY REQUIRED REGARDING ACCOMMODATIONS

A notary public shall document within each journal entry any accommodations used by a principal during the notarial transaction.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07B .0810 CONTENTS OF JOURNAL ENTRY REGARDING ACCOMMODATIONS

A notary public's journal entry pursuant to Rule .0809 of this Section shall include:

(1) the type of auxiliary aid specified by the principal;
(2) the information regarding a transliterator or interpreter required by Rule .0806 of this Section; and
(3) the information regarding a CART captioner required by Rule .0807 of this Section.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

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 – PROCESS TO BECOME A NOTARY AND RENEW A NOTARY COMMISSION

SECTION .0100 – GENERAL PROVISIONS

18 NCAC 07C .0101 SCOPE

This Subchapter sets requirements for the application, commissioning, and recommissioning process for traditional notaries public.

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

18 NCAC 07C .0102 DEFINITIONS RELATED TO APPLICATION AND RECOMMISSIONING PROCESS

For purposes of this Subchapter:

(1) "Commission applicant" is an applicant for an initial commission or for recommissioning as a traditional notary public.

(2) "Exam" means a test prepared by the Department and administered by:
   (a) a certified notary instructor; or
   (b) the Department or its designee.

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

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

18 NCAC 07C .0201 INITIAL APPLICATION

An applicant for initial appointment as a traditional notary public who is not a licensed member of the North Carolina State Bar shall:

(1) possess a current personal copy of the North Carolina notary public manual applicable to traditional notaries;

(2) successfully complete the notary course and exam; and

(3) submit the application form specified in 18 NCAC 07B .0407.

Note: The official North Carolina notary public manual is written by the Department. The Department's website includes information regarding where to purchase the manual.

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 .0301 Eff. June 1, 2023;
Amended Eff. March 1, 2025.

18 NCAC 07C .0202 TIMING

An applicant for initial appointment as a traditional notary public shall:

(1) submit an application within three months after successfully completing the notary course and exam; or

(2) if a licensed member of the North Carolina State Bar, comply with the rules in Section .0700 of this Subchapter.

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 .0302(a) Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07C .0203 REQUIREMENTS FOR APPLICANTS RESIDING OUTSIDE NORTH CAROLINA

A commission applicant who resides outside the State of North Carolina and has a regular place of work or business in North Carolina shall submit an affidavit from the applicant's employer that shall be on the employer's business letterhead, and include:

(1) the name, address, and telephone number of the employer's business;
(2) the name of the applicant;
(3) affirmation that:
  (a) the applicant works for the employer;
  (b) the applicant regularly spends all or part of the applicant's work time working for the employer in a physical location within the State of North Carolina; and
  (c) the street address of the physical location within North Carolina at which the applicant works; and
(4) the printed name and the signature of the individual signing the statement;
(5) the title of the individual signing the statement;
(6) a statement that the signer has the authority to sign on behalf of the employer;
(7) a telephone number and email address at which the signer can be contacted; and
(8) a jurat certificate.

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 .0502(b) Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07C .0204 ADDITIONAL REQUIREMENTS FOR APPLICANTS LISTING CONVICTIONS

A commission applicant who submits a criminal history record shall include with the application the information required by 18 NCAC 07B .0500.

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

18 NCAC 07C .0205 REQUIREMENTS FOR APPLICANT WITH PENDING CRIMINAL CHARGES

A commission applicant who has pending criminal charges in a court shall comply with 18 NCAC 07B .0505.

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

18 NCAC 07C .0206 REQUIREMENTS FOR APPLICANTS REGARDING PROFESSIONAL LICENSES, NOTARIAL COMMISSIONS, AND PUBLIC OFFICES

A commission applicant who has applied for, holds, or has held a professional license, a notarial commission, or a public office, shall comply with 18 NCAC 07B .0700.

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

18 NCAC 07C .0207 FINDINGS OR ADMISSIONS OF LIABILITY BASED ON APPLICANT'S DECEIT

A commission applicant for whom, in a civil lawsuit, there has been a finding or admission of fault or liability based on the applicant's deceit shall include with the application:

(1) a list of each finding or admission;
(2) a copy of the document containing the finding or admission;
(3) a brief description of the circumstances surrounding the finding or admission;
(4) if not included in the document in Item (2) of this Rule:
    (a) the date on which the finding or admission was made;
    (b) the court in which the civil lawsuit was filed; and
    (c) the case name and docket number; and
(5) any additional information that the applicant wishes the Department to consider.

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

18 NCAC 07C .0208 FINDINGS THAT THE APPLICANT ENGAGED IN OFFICIAL MISCONDUCT

A commission applicant who is, has previously been, or has acted in the capacity as a notary public of any locality, state, federally recognized tribe, or nation, and who has listed on the application findings of official misconduct, civil findings, or admissions of fault or liability regarding the applicant's activities as a notary, shall include with the application:

(1) the name of the court or governmental agency, board, or commission that made the finding;
(2) a copy of the document in which the official misconduct finding was made;
(3) if not included in the document in Item (2) of this Rule:
    (a) the date on which the finding or admission was made;
    (b) the court or governmental agency, board or commission that made the finding; and
    (c) the case name and docket number, or similar unique designation;
(4) a description of the circumstances surrounding the finding; and
(5) any additional information that the applicant wishes the Department to consider.

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

18 NCAC 07C .0209 FINDING OF UNAUTHORIZED PRACTICE OF LAW

A commission applicant against whom a finding has been made that the applicant engaged in the unauthorized practice of law shall include with the application:

(1) the name of the court or governmental agency, board, or commission that made the finding;
(2) a copy of the finding;
(3) the date of the finding, if not included in the copy provided pursuant to Item (2) of this Rule;
(4) a description of the circumstances surrounding the finding; and
(5) any additional information that the applicant wishes the Department to consider.

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

18 NCAC 07C .0210 FINDING OF FALSE OR MISLEADING ADVERTISING

A commission applicant against whom a charge or finding has been made that as a notary public, the notary knowingly used false or misleading advertising that represents that the notary has powers, duties, rights, or privileges not conveyed by law, shall include with the application:

(1) the name of the court or governmental agency, board, or commission in which the charge or finding is made;
(2) a copy of the charge or finding;
(3) the date of the charge or finding, if not included in the copy provided pursuant to Item (2) of this Rule;
(4) a description of the circumstances surrounding the charge or finding; and
(5) any additional information that the applicant wishes the Department to consider.

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

SECTION .0300 – COURSE OF INSTRUCTION

18 NCAC 07C .0301 COURSES TAUGHT BY CERTIFIED NOTARY INSTRUCTORS

An applicant for an initial notary commission shall successfully complete a notary course taught by a certified notary instructor before submitting an initial commission application to the Department.

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

18 NCAC 07C .0303 PRESENTATION OF SATISFACTORY EVIDENCE OF IDENTITY IN CONNECTION WITH NOTARY COURSE

A commission applicant who is not personally known to the certified notary instructor shall present satisfactory evidence of identity to the notary instructor:

(1) before the course begins;
(2) before the instructor signs the application; and
(3) upon request of the instructor at any other time during the course.

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

18 NCAC 07C .0304 SATISFACTORY EVIDENCE PRESENTED TO INSTRUCTOR

The satisfactory evidence of identity presented to a certified notary instructor pursuant to Rule .0303 of this Section shall match the applicant's name for use on a notary public commission.

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

18 NCAC 07C .0305 RETESTING

A notary applicant who fails to achieve a passing grade on the notary course exam and who wishes to be commissioned as a notary public may retake the exam if:

(1) the institution at which the course is taught permits retesting; and
(2) the retest is taken within 30 days of the date of the exam failure.

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

SECTION .0400 - APPOINTMENT AND COMMISSIONING OF NOTARIES

18 NCAC 07C .0401 APPOINTMENT

The Department shall appoint or reappoint an applicant to the office of notary public after reviewing the application submitted by the applicant and determining that:

(1) the application is accepted; and
(2) the applicant is qualified to be appointed pursuant to N.C. Const. Art. VI, Sec. 8, Chapter 10B of the General Statutes, and the rules in this Chapter.

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 .0501 Eff. June 1, 2023;
Amended Eff. March 1, 2025.

18 NCAC 07C .0402 ISSUANCE OF CERTIFICATES

The Department shall provide:

(1) to the Register of Deeds in the county of the notary public's commissioning:
   (a) a certificate of appointment that includes the appointee's full legal name and the commission name of the appointee; and
   (b) a commission certificate in the commission name of the appointee to be used by the Register of Deeds to document that the notary oath has been administered to the appointee; and
(2) a duplicate commission certificate to a notary public, upon request to the Department.

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

18 NCAC 07C .0403 NOTICE TO APPOINTEE

The Department shall send the appointee notice that:

(1) the certificate of appointment has been issued; and
(2) the appointee shall appear before the Register of Deeds in the county of commissioning and take the oath of office within 45 days of the certificate of appointment issuance date.

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

18 NCAC 07C .0404 COMMISSION CERTIFICATE

A commission certificate:

(1) shall not be valid until the oath of office has been taken; and
(2) shall include:
   (a) the appointee's name for use on a notary public commission;
   (b) the county of commissioning;
   (c) the beginning date of the commission; and
   (d) the expiration date of the commission.

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 .0502(a) Eff. June 1, 2023;
Amended Eff. March 1, 2025.

18 NCAC 07C .0405 SATISFACTORY EVIDENCE OF IDENTITY

Before taking the oath of office, an appointee shall:

(1) present satisfactory evidence matching the appointee's name on the certificate of appointment to the Register of Deeds, assistant Register of Deeds, or deputy Register of Deeds who will administer the oath of office; or
(2) be personally known to the Register of Deeds, assistant Register of Deeds, or deputy Register of Deeds who will administer the oath of office.

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 .0503 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07C .0406 REGISTER OF DEEDS

After administering the oath of office, the Register of Deeds, assistant Register of Deeds, or deputy Register of Deeds shall:

(1) require that the notary public sign the certificate of appointment;
(2) sign and date the certificate of appointment;
(3) record the certificate of appointment as required by G.S. 10B-10(c);
(4) deliver the commission certificate to the notary; and
(5) deliver notice to the Department as required by G.S. 10B-10(d).

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

18 NCAC 07C .0407 PERFORMING TRADITIONAL NOTARIAL ACTS
No individual may perform a notarial act unless the individual has a valid commission certificate.

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

18 NCAC 07C .0408 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07C .0409 TERM OF COMMISSION
The term of a notary public's commission shall be calculated from the date that the commission application is filed pursuant to 18 NCAC 07B .0312 unless Rule .0410 of this Subchapter applies.

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 .0505 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07C .0410 TERM OF REAPPOINTMENT COMMISSION
A recommissioning notary public's five year term shall begin on the day following the expiration of the existing commission if:
(1) the application for reappointment has been filed before the expiration of the existing commission; and
(2) the notary takes the oath of office for recommissioning within 45 days of the issuance date on the certificate of appointment.

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

18 NCAC 07C .0411 NOTARIAL ACTS PROHIBITED DURING GAPS BETWEEN COMMISSION TERMS
A notary public shall not perform a notarial act after the expiration of the notary's commission until the notary has been reappointed and has taken the oath for a subsequent commission.

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

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
A commission applicant for an initial appointment who submits an application more than three months after successfully completing the notary course shall comply again with the requirements for initial appointment in G.S. 10B-6 and the rules in this Subchapter.

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 .0302(b) Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07C .0503 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07C .0504 APPLICATION AFTER RECOMMISSIONING DENIAL BASED ON FAILING EXAM

An applicant for recommissioning whose application is denied due to failure to pass the recommissioning exam within the time frame established in Rule .0605 of this Subchapter may reapply by complying again with the requirements for recommissioning in G.S. 10B-11 and the rules in this Subchapter.

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 .0403 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07C .0505 APPLICATION FOR RECOMMISSIONING WITHIN 12 MONTHS OF COMMISSION EXPIRATION OR PURSUANT TO G.S. 10B-53

A notary public may seek recommissioning by complying with G.S. 10B-11 and the rules in this Subchapter if:

(1) the notary's commission has expired and less than 12 months have elapsed since the expiration of the prior commission; or
(2) the notary seeks recommissioning pursuant to G.S. 10B-53.

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 .0504 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07C .0506 RECOMMISSIONING EDUCATIONAL REQUIREMENT

A notary public seeking recommissioning pursuant to Rule .0505 of this Section need not attend a notary course but shall pass the online recommissioning exam, unless the exception in G.S. 10B-11(b)(3) applies to the notary.

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

18 NCAC 07C .0508 CANCELLATION OF COMMISSION

If the Department has not received notice from the Register of Deeds that an appointee took the oath within 45 days of the certificate of appointment issuance date, the Department shall:

(1) cancel the commission; and
(2) notify the appointee of the cancellation.

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

18 NCAC 07C .0509 RESCIND CANCELLATION OF CERTIFICATE OF APPOINTMENT

If a notary public presents the Department with the notary's valid commission certificate, the Department shall rescind the cancellation of the notary's commission previously made pursuant to Rule .0508 of this Section.

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

18 NCAC 07C .0510 CONFIRMATION OF NOTARY STATUS
The Department shall confirm a notary public's commission status upon written request.

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

SECTION .0600 – STEPS FOR RECOMMISSIONING

18 NCAC 07C .0601 APPLICATION STEPS FOR RECOMMISSIONING
A notary public seeking recommissioning within the time permitted by G.S. 10B-11 and the rules in this Subchapter shall submit the recommissioning application specified in 18 NCAC 07B .0409.

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 .0401(a) Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07C .0602 METHOD OF TAKING RECOMMISSIONING EXAM
The recommissioning exam shall be taken on the Department's website.

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 .0401(b) Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07C .0603 COURSE AS ALTERNATIVE TO RECOMMISSIONING EXAM
An applicant for recommissioning may comply with the rules in Section .0300 of this Subchapter as though the applicant were applying for an initial notary commission in lieu of taking or retaking the recommissioning exam.

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 .0402 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07C .0604 EXAM LENGTH AND PASSING SCORE
A notary public seeking recommissioning and taking the recommissioning exam shall:
(1) have 30 minutes to complete the recommissioning exam; and
(2) achieve a passing score of at least 80 percent on the exam.

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

18 NCAC 07C .0605 RETAKING RECOMMISSIONING EXAM AFTER FAILURE

If an applicant for recommissioning fails the recommissioning exam, the applicant may take the exam up to 2 additional times within 30 days of the date on which the exam is first taken.

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

18 NCAC 07C .0606 FAILURE TO PASS EXAM WITHIN 30 DAYS

If a notary public seeking recommissioning fails to pass the recommissioning or notary course exam within 30 days of the date on which the exam was first taken, the application shall be denied.

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

18 NCAC 07C .0607 INDIVIDUAL WHO FAILS TO SEEK RECOMMISSIONING WITHIN ONE YEAR

An individual who fails to seek recommissioning within one year of commission expiration may be commissioned as a notary public only upon completion of all requirements for an initial notary commission.

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

SECTION .0700 - ATTORNEY NOTARIES

18 NCAC 07C .0701 ATTORNEY APPLICATION FOR INITIAL APPOINTMENT

Notary applicants for initial appointment who are licensed members of the North Carolina State Bar shall:

(1) maintain a personal copy of the most recent notary public manual approved by the Department; and
(2) either:
    (a) submit a completed notarial commission application form described in 18 NCAC 07B .0407 without any of the following being required:
        (i) attending the notary course;
        (ii) passing the notary course exam; and
        (iii) obtaining a signature from a notary instructor; or
    (b) comply with the rules in this Subchapter for an individual who is not a licensed member of the State Bar.

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

18 NCAC 07C .0702 RECOMMISSIONING OF ATTORNEY NOTARIES

Licensed members of the North Carolina State Bar who are commissioned notaries public may apply for recommissioning by complying with the rules in this Subchapter, except that licensed members of the State Bar shall not be required to take any course or exam prior to recommissioning.

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

18 NCAC 07C .0703 ATTORNEYS WHO FAIL TO TAKE NOTARIAL OATH TIMELY

A licensed member of the North Carolina State Bar who fails to take the oath of office within 45 days of the issuance date on a certificate of appointment or reappointment shall submit a new application and fee in compliance with the rules in this Subchapter.

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

18 NCAC 07C .0704 ATTORNEYS SEEKING REGISTRATION OR REREGISTRATION AS ELECTRONIC NOTARIES

A licensed member of the North Carolina State Bar who applies to be registered or reregistered as an electronic notary public shall:

(1) comply with the rules in Subchapter 07F of this Chapter;
(2) successfully complete the electronic notary course and exam;
(3) possess a current and personal copy of the North Carolina notary manual applicable to electronic notaries; and
(4) submit an electronic notary application and fee.

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

SECTION .0800 – PHYSICAL NOTARY SEAL

18 NCAC 07C .0801 INITIAL SEAL

An applicant or appointee for an initial commission as a notary public shall not order or purchase a seal until the applicant or appointee has complied with the requirements of Section .0400 of this Subchapter.

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

18 NCAC 07C .0802 SEAL IMAGE

A notary public's seal shall be deemed by the Department to comply with G.S. 10B-37 if it contains the words "State of North Carolina" in lieu of the designations in G.S. 10B-37(b)(4).

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

18 NCAC 07C .0803 SEAL LIMITATION

A notary public's seal manufactured after the effective date of this Rule shall include no information or images other than those required or permitted by G.S. 10B-37 and Rule .0802 of this Section.

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

18 NCAC 07C .0804 OBTAINING SEAL

A notary public who seeks to order or purchase a seal shall:

(1) select a seal manufacturer or vendor from among the registered seal manufacturers and vendors listed on the Department's website; and
(2) present the notary's commission certificate to the manufacturer or vendor.

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

18 NCAC 07C .0805 IN-PERSON SEAL PURCHASE

If a notary public seeks to order or purchase a seal in person, the notary shall comply with Rule .0804 of this Section and:

(1) be personally known to the manufacturer or vendor; or
(2) present satisfactory evidence of identity to the manufacturer or vendor.

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

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.*

SUBCHAPTER 07E – NOTARY INSTRUCTOR REQUIREMENTS

SECTION .0100 – NOTARY INSTRUCTOR APPLICATION REQUIREMENTS

18 NCAC 07E .0101 INSTRUCTOR CERTIFICATION – SCOPE AND DEFINITIONS

(a) This Subchapter sets the requirements for certification and recertification as a notary instructor and for requesting that the Department offer certified notary instructor courses.

(b) For purposes of this Subchapter:

(1) "Active experience as a notary" means either:
  (A) performance in North Carolina of at least 1 notarial act in each of the immediately preceding 12 months; or
  (B) active experience as a certified notary instructor.
(2) "Active experience as a certified notary instructor" means teaching at least two notary courses for each of the two 12-month periods during which an instructor holds an instructor certification.
(3) "Affidavit of moral character form" means the form specified in 18 NCAC 07B .0408.
(4) "Eligible institution" or "institution" means:
  (A) a community college established pursuant to G.S. 115D-4;
  (B) a constituent institution of the University of North Carolina established pursuant to G.S. 116-4;
  (C) an eligible private postsecondary institution as defined by G.S. 116-280(3); or
  (D) a public school system authorized to conduct adult education programs pursuant to G.S. 115C-231.
(5) "Instructor applicant" means an applicant for initial certification or for recertification as a notary instructor.
(6) "Instructor application form" means the form specified in 18 NCAC 07B .0414.
(7) "Instructor course" means the initial notary public instructor certification course and the recertification course.
(8) "Instructor recertification application form" means the form specified in 18 NCAC 07B .0418.
(9) "Recommendation form" means the form specified in 18 NCAC 07B .0415.
(10) "Successfully complete" means, when used to describe an instructor applicant, that an instructor applicant has complied with Chapter 10B and the rules in this Subchapter and has:
  (A) presented satisfactory evidence of identity;
  (B) attended a notary instructor certification or recertification course; and
  (C) achieved passing grades on the written and oral instructor certification or recertification course exams.

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

18 NCAC 07E .0102 CONDITIONS FOR BECOMING NOTARY INSTRUCTOR

A commissioned notary public may become a certified notary instructor upon meeting the following conditions:

(1) an eligible institution nominates the notary to the Department by written request pursuant to Rule .0103 of this Section; and
(2) the Department determines that the nominee meets the criteria in G.S. 10B-14 and the rules in this Subchapter.

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

18 NCAC 07E .0103 NOMINATION BY ELIGIBLE INSTITUTION

An eligible institution may nominate a notary public to be certified as a notary instructor by:

(1) submitting a written request to the Department addressed to the Director; and
(2) including in its request:
  (a) the full name of the institution;
  (b) a request that the nominated notary be enrolled in an instructor course;
  (c) the name of the proposed notary instructor as it appears on the notary's commission;
  (d) a statement that the nominated instructor has consented to be nominated and has been directed to contact the Department to request an application form;

(e) the name, title, signature, and contact information for the individual submitting the request;
(f) the name and contact information for the notary course administrator of the institution, if different from the individual submitting the request;
(g) the date of the request; and
(h) a statement that upon certification as a notary instructor, the nominee will be employed by the institution as a certified notary instructor.

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

18 NCAC 07E .0104 FEE - EXEMPTION AND FAILURE TO PAY

(a) An instructor applicant who asserts exemption from the fee pursuant to G.S. 10B-14(c) shall certify on the instructor certification or recertification application form that as of the date of application, the applicant is currently employed as:
(1) a register of deeds;
(2) a clerk of court; or
(3) an employee of the Department and is authorized by the Secretary to teach notary courses as set forth in G.S. 10B-14(c).

(b) The Department shall refuse to administer the notary public instructor certification exam to an applicant who has failed to pay the fee required for certification or recertification as a notary instructor before the exam date.

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

18 NCAC 07E .0105 GENERAL REQUIREMENTS

An applicant for initial notary instructor certification shall:
(1) be nominated by an eligible institution;
(2) complete and submit the Department's notary instructor application form specified in 18 NCAC 07B .0414;
(3) provide proof of active experience as a notary public using any combination of the methods set out in Section .0200 of this Subchapter;
(4) submit three recommendations supporting the applicant from nonfamily members in compliance with Rule .0112 of this Section;
(5) have read:
(a) Chapter 10B of the General Statutes;
(b) the rules in this Chapter; and
(c) the current edition of the approved notary manual for traditional notaries; and
(6) successfully complete the notary instructor course.

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

18 NCAC 07E .0106 MANDATORY DEPARTMENT DENIAL OF INSTRUCTOR APPLICATION

The Department shall deny a notary instructor certification or recertification application if any of the following apply:
(1) the applicant has not held a notary commission for at least one calendar year;
(2) the applicant does not have active experience as a notary public;
(3) an investigation is pending into the applicant's performance of the duties as a notary, an electronic notary public, or a notary public instructor;

(4) the applicant has not completed the conditions of any disciplinary action issued by the Department; or
(5) any reason for which a notary commission may be denied pursuant to Chapter 10B of the General Statutes or the rules in this Chapter.

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

18 NCAC 07E .0107 DEPARTMENT REJECTION OF APPLICATIONS

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;
Repealed Eff. July 1, 2024.

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

An instructor applicant shall verify under penalty of perjury on the instructor application form specified in 18 NCAC 07B .0414 that:

(1) the information on the application is true and complete; and
(2) the applicant will perform the responsibilities of a certified notary instructor as set out in Chapter 10B of the General Statutes and the rules in this Chapter to the best of the applicant's ability.

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

18 NCAC 07E .0109 CHANGE IN INSTRUCTOR'S ELIGIBLE INSTITUTION

(a) Within 45 days of a change in the eligible institution listed on the notary instructor application, an instructor applicant or certified notary instructor shall notify the Department in writing of:

(1) the change in eligible institution;
(2) the date that the change is effective; and
(3) the name and contact information for the notary course administrator at the eligible institution.

(b) For purposes of this Rule, "change in the eligible institution" means:

(1) that the applicant or certified notary instructor will not teach at the institution named in the application; or
(2) that the applicant or certified notary instructor will teach at another institution.

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

18 NCAC 07E .0110 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0111 OTHER VERIFICATIONS

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;
Repealed Eff. July 1, 2024.

18 NCAC 07E .0112 RECOMMENDATIONS

An instructor applicant shall include three recommendations from individuals who are not family members of the applicant. The recommendations shall be submitted on the Department's recommendation form specified in 18 NCAC 07B .0415.

For purposes of this Rule, either the applicant or the individual making the recommendation may submit the recommendation form to the Department.

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

18 NCAC 07E .0113 INSTRUCTORS AS REGISTERED ELECTRONIC NOTARIES

An instructor applicant shall:

(1) be a registered electronic notary public at the time of application; or
(2) comply with all requirements for registration as an electronic notary within three months of successfully completing the instructor certification course.

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

SECTION .0200 – INSTRUCTOR APPLICANT VERIFICATION OF EXPERIENCE

18 NCAC 07E .0201 EVIDENCE OF ACTIVE EXPERIENCE AS A NOTARY

Active experience as a notary public shall be established by the applicant pursuant to the rules in this Section by presenting any combination of the following evidence:

(1) journal entries;
(2) employer affidavits; or
(3) an alternative method as set out in the rules in this Section.

History Note: *Authority G.S. 10B-4; 10B-14; 10B-134.21;*
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 .0708 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07E .0202 JOURNAL AS EVIDENCE OF ACTIVE EXPERIENCE

An instructor applicant may present evidence of active experience as a notary public by submitting:

(1) a complete copy of a journal for the year immediately preceding the date on which the application is submitted; and
(2) an affidavit under oath that the entries in the journal submitted are accurate.

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

18 NCAC 07E .0203 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0204 MINIMUM CONTENTS OF NOTARY JOURNAL SUBMITTED AS EVIDENCE OF EXPERIENCE

A journal of notarial acts submitted as evidence of active experience as a notary public shall comply with 18 NCAC 07I.

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

18 NCAC 07E .0205 EMPLOYER AFFIDAVIT AS EVIDENCE OF EXPERIENCE

An employer affidavit submitted as evidence of active experience as a notary public shall be submitted on the form specified in 18 NCAC 07B .0416.

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

18 NCAC 07E .0206 EMPLOYER AFFIDAVIT REGARDING NOTARIAL ACTS FOR EMPLOYER

An employer affidavit submitted pursuant to Rule .0205 of this Section:

(1) shall refer to notarial acts performed for the employer; and
(2) may refer to other notarial acts of the instructor applicant of which the employer affiant is personally aware.

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

18 NCAC 07E .0207 EMPLOYER AFFIDAVIT MAY INCLUDE RECOMMENDATION

An employer submitting an affidavit pursuant to Rule .0205 of this Section may include as an attachment a recommendation from the employer made pursuant to Rule .0112 of this Subchapter.

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

18 NCAC 07E .0208 RESERVED FOR FUTURE CODIFICATION

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

An instructor applicant who relies upon an employer affidavit pursuant to Rule .0205 of this Section shall either submit it to the Department or have the employer affiant directly submit it to the Department.

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

18 NCAC 07E .0210 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0211 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0212 ALTERNATIVE AFFIDAVITS AS EVIDENCE OF EXPERIENCE

An instructor applicant may submit evidence of active experience as a notary public that is not a journal or employer affidavit if:

(1) the evidence consists of one or more affidavits from nonfamily members that comply with Rule .0213 of this Section and that together establish that the instructor applicant has active experience as a notary; and
(2) an affidavit from the instructor applicant that complies with Rule .0214 of this Section.

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

18 NCAC 07E .0213 AFFIDAVIT OF EXPERIENCE FROM NONFAMILY MEMBER

An instructor applicant who submits alternative evidence of experience pursuant to Rule .0212 of this Section shall submit an affidavit from at least one individual who is not a family member that includes:

(1) the applicant's commission name;
(2) the affiant's printed name;
(3) the affiant's address, telephone number, and email address;
(4) a brief explanation describing how the affiant knows the applicant;
(5) each month and year in which the affiant knows that the applicant performed at least one notarial act;
(6) an explanation of how the affiant knows that at least one notarial act was performed during each of the months listed in response to Item (5) of this Rule;
(7) the signature of the affiant and the date on which the affiant signed; and
(8) a jurat certificate.

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

18 NCAC 07E .0214 ALTERNATIVE EVIDENCE AFFIDAVIT FROM INSTRUCTOR APPLICANT

An instructor applicant who presents alternative evidence of active experience as a notary public pursuant to Rule .0212 of this Section shall submit the applicant's own affidavit consisting of:

(1) the applicant's commission name;
(2) a declaration of the applicant's active experience as a notary public;
(3) an explanation for how the applicant knows that at least 1 notarial act was performed in each of the 12 months preceding the application;
(4) the signature of the applicant and the date on which the applicant signed; and
(5) a jurat certificate.

Note: To satisfy Item (3) of this Rule, the applicant might refer to a calendar with notes of notarial acts.

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

SECTION .0300 – NOTARY INSTRUCTOR EDUCATION

18 NCAC 07E .0301 INSTRUCTOR COURSE REQUIREMENT

An instructor applicant shall attend the entirety of, and successfully complete, a North Carolina notary instructor course approved by the Department.

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

18 NCAC 07E .0302 NOTARY INSTRUCTOR CERTIFICATION AND RECERTIFICATION EXAM PASSING SCORE

A passing score shall be 90 percent or higher on each of the notary instructor certification and recertification written exams.

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

18 NCAC 07E .0303 ORAL PRESENTATION REQUIREMENT FOR INSTRUCTOR APPLICANT

As part of the notary instructor course exam, a notary instructor applicant shall make an oral presentation that complies with the rules in this Section by presenting on a notary public curriculum topic selected by the applicant from a list provided by the Department.

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

18 NCAC 07E .0304 NOTARY INSTRUCTOR ORAL PRESENTATION PASSING SCORE

The Department or its designee shall evaluate the oral presentation portion of the instructor exam on a pass-fail basis using the factors in Rules .0306 through .0312 of this Section.

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

18 NCAC 07E .0306 FACTORS RELATING TO VOICE

An instructor applicant's oral presentation shall be evaluated on voice quality, consisting of projection, diction, pitch, and rate of speech.

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

18 NCAC 07E .0307 FACTORS RELATING TO VERBAL SKILL

An instructor applicant's oral presentation shall be evaluated on verbal skill, consisting of fluency, clarity, and vocabulary appropriate for the audience.

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

18 NCAC 07E .0308 FACTORS RELATING TO PHYSICAL APPEARANCE AND MANNERISMS

An instructor applicant's oral presentation shall be evaluated on professional appearance and mannerisms. For purposes of this Rule, "professional appearance and mannerisms" means:

(1) attire appropriate to the adult education setting. Note: Professional and office casual attire are examples of appropriate attire; and
(2) posture, body language, eye contact, and movement that projects a professional demeanor that will engage the students.

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

18 NCAC 07E .0309 FACTORS RELATING TO PROFESSIONAL QUALITIES OF THE INSTRUCTOR

An instructor applicant's oral presentation shall be evaluated on the applicant's professional qualities. For purposes of this Rule, "professional qualities" means the applicant's demonstration of:

(1) knowledge of the notary course curriculum, the notary manual, Chapter 10B of the General Statutes, and the rules in this Chapter;
(2) projection of confidence in presenting the materials, admitting areas of uncertainty and willingness to get and provide answers;
(3) tact and sensitivity that respects individuals while also respecting the time of the other students when responding to questions or issues that arise in the class; and
(4) enthusiasm for the subject matter and for teaching, so that students are engaged.

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

18 NCAC 07E .0310 FACTORS RELATING TO SELECTION AND USE OF TRAINING AIDS

An instructor applicant's oral presentation shall be evaluated on the applicant's selection and use of technology and training aids, such as the applicable notary manual and approved handouts and instructional videos.

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

18 NCAC 07E .0311 FACTORS RELATING TO SEQUENCE

An instructor applicant's oral presentation shall be evaluated on the applicant's presentation of information in a logical sequence. For purposes of this Rule, "presentation of information in logical sequence" means the applicant:

(1) follows in order the curriculum and lesson plan provided by the Department;
(2) transitions without effort between topics; and
(3) returns to the initial sequence after appropriately addressing the student's issue if a student raises an issue out of order.

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

18 NCAC 07E .0312 FACTORS RELATING TO EMPHASIS, EXAMPLES, AND SUMMARIZATION

An instructor applicant's oral presentation shall be evaluated on the applicant's:

(1) emphasis on key points;
(2) use of examples relevant to the topic of the presentation; and
(3) summarization of topics.

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

SECTION .0400 – CONSEQUENCES OF FAILING INSTRUCTOR'S EXAM

18 NCAC 07E .0401 RETAKING WRITTEN CERTIFICATION OR RECERTIFICATION EXAM

An instructor applicant who fails the written certification or recertification exam may schedule one additional written exam within one month of the date of the failed exam by:

(1) making a written request to the Department addressed to the Director; and
(2) submitting the request within one week of the date of the failed written exam.

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

18 NCAC 07E .0402 CONSEQUENCE OF FAILING TO PASS WRITTEN INSTRUCTOR EXAM

An instructor applicant who fails to pass the written instructor exam within one month of the date on which the written exam is first taken and wishes to become a certified instructor shall comply again with Rule .0105 of this Subchapter.

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

18 NCAC 07E .0403 SCHEDULING ADDITIONAL ORAL PRESENTATION UPON FAILURE

An instructor applicant who fails to pass the oral presentation may schedule one additional oral presentation by:

(1) making a written scheduling request to the Department addressed to the Director;
(2) submitting the request within one week of the date of the failed oral presentation; and
(3) making the second oral presentation within one month of the date on which the first oral presentation was made.

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

18 NCAC 07E .0404 REPEAT ORAL PRESENTATION

An instructor applicant who schedules an additional oral presentation pursuant to Rule .0403 of this Section shall make a presentation on a topic selected by the Department from the notary instructor curriculum.

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

18 NCAC 07E .0405 EVALUATION OF REPEAT ORAL PRESENTATION

An instructor applicant who makes an additional oral presentation pursuant to Rule .0404 of this Section shall be evaluated pursuant to the factors set out in Section .0300 of this Subchapter.

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

18 NCAC 07E .0406 CONSEQUENCE OF FAILING TO PASS SECOND ORAL PRESENTATION

An instructor applicant who fails to pass the second oral presentation within the time set in Rule .0403 of this Section and who wishes to become a certified instructor shall comply again with Rule .0105 of this Subchapter.

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

18 NCAC 07E .0407 CONSEQUENCES OF FAILING TO RECERTIFY

An instructor applicant who does not comply with the requirements for instructor recertification before expiration of the existing certification shall:

(1) notify the institutions at which the instructor taught prior to the expiration; and
(2) not teach a notary course before becoming certified as a notary instructor again.

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

SECTION .0600 – NOTARY INSTRUCTOR TEACHING OBLIGATIONS

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

(a) A certified notary instructor shall verify the identity of each student in a notary course during the first instructional period by:

(1) requiring satisfactory evidence of identity as defined in G.S. 10B-3(22)a; or
(2) having personal knowledge of the student as defined in G.S. 10B-3(17).

(b) A certified notary instructor shall verify the identity of each student in a traditional notary course again prior to signing the application of a traditional notary applicant.

(c) A certified instructor shall comply with the eligible institution's requirements regarding audits of courses, provided that the instructor shall not permit a student who is auditing to:

(1) see or take the notary course exam; or
(2) remain in the classroom during the notary course exam.

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

18 NCAC 07E .0602 ADHERENCE TO CURRICULUM

A certified notary instructor shall follow the Department curriculum for notary courses unless the Department grants a written variance to the instructor pursuant to the rules in Section .0800 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*
Eff. July 1, 2024.

18 NCAC 07E .0603 PROCTORING EXAM

When administering the notary course exam, a certified notary instructor shall:

(1) comply with the requirements of the institution regarding proctoring exams;
(2) if the institution does not have requirements regarding exam proctoring, take steps to prevent cheating on the exam; and
(3) take other measures to prevent cheating that the instructor deems appropriate.

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

18 NCAC 07E .0604 SUBMISSION OF GRADES TO DEPARTMENT

Certified notary instructors shall:

(1) grade notary course exams administered on paper;
(2) review grades for notary course exams administered electronically on the Department's website; and
(3) electronically submit accurate student exam grades to the Department within two business days after the exams have been administered.

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

18 NCAC 07E .0605 REPORTING SUSPECTED CHEATING

A certified notary instructor shall:

(1) comply with the institution's reporting requirements regarding suspected cheating; and
(2) report to the Department within two business days if the instructor has reason to believe that there has been cheating by any student on a notary course exam, and include:
    (a) the name and, if available, address and contact information, for any student suspected of cheating;
    (b) a narrative description of the instructor's reasons for believing cheating may have occurred;
    (c) whether, when, and to whom the instructor reported the possible cheating at the institution; and
    (d) any other information such as additional supporting evidence that the instructor believes may aid the Department in investigating the report.

Note: For purposes of this Rule, "additional supporting evidence" includes evidence such as videos, student admissions, and witness reports.

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

SECTION .0700 – NOTARY INSTRUCTOR CONTINUING OBLIGATIONS

18 NCAC 07E .0701 RESPONSE TO COMPLAINTS

If the Department receives information or a complaint regarding a certified notary instructor's qualifications as an instructor or notary public, or performance as an instructor, the instructor shall, as directed by the Department, perform any combination of the following:

(1) submit to an interview;
(2) submit requested information; or
(3) submit audio and visual documentation such as a video of actual instruction to the extent available.

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

18 NCAC 07E .0702 INSTRUCTOR CONDUCT

During instruction and administration of the duties of a certified notary instructor, an instructor shall demonstrate a professional demeanor.

For purposes of this Rule, "professional demeanor" means exhibiting behaviors consistent with the factors on which an instructor applicant's oral presentation is evaluated pursuant to Rules .0306 through .0312 of this Subchapter.

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

SECTION .0800 – NOTARY INSTRUCTOR REQUESTS FOR APPROVAL OF INSTRUCTIONAL AIDS

18 NCAC 07E .0801 REQUEST FOR VARIANCE FROM APPROVED INSTRUCTIONAL AIDS

Certified notary instructors may submit a written request addressed to the Director requesting that the Department approve a variance allowing use of instructional aids in addition to or differing from those established by the Department.

History Note: *Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*
Eff. July 1, 2024.

18 NCAC 07E .0802 VARIANCE REQUEST - EXEMPLAR REQUIRED

A certified notary instructor who submits a request for variance pursuant to this Section shall include a complete copy of the proposed instructional aid in its original size and colors.

History Note: *Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*
Eff. July 1, 2024.

18 NCAC 07E .0803 VARIANCE REQUEST - EXPLANATION OF VALUE

A certified notary instructor who submits a variance request shall explain to the Department how the revised or new aid:

(1) will be used by the instructor; and
(2) will assist notary course students in understanding the role and responsibilities of a notary public or an electronic notary public.

History Note: *Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*
Eff. July 1, 2024.

18 NCAC 07E .0804 VARIANCE REQUEST – APPROVAL CRITERIA

The Department shall approve or deny a variance request using the following criteria:

(1) conformity with Chapter 10B of the General Statutes and the rules in this Chapter;
(2) the value added to the curriculum;

(3) the impact of the change on the length of the course; and
(4) the quality of visual or audio elements.

History Note: *Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*
Eff. July 1, 2024.

SECTION .0900 – NOTARY INSTRUCTOR OBLIGATIONS TO STUDENTS

18 NCAC 07E .0901 PREREQUISITE FOR INSTRUCTOR APPLICATION SIGNATURE
A certified notary instructor shall sign a student's notary application only after the student has successfully completed the course.

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

18 NCAC 07E .0902 INSTRUCTOR VERIFICATION OF STUDENT NAME
A certified notary instructor shall not sign a student's notary application if the name on the satisfactory evidence presented does not match the student's name for use on a notary commission.

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

18 NCAC 07E .0903 RETESTING STUDENTS WHO FAIL NOTARY COURSE EXAM
The institution where a notary course is taught shall determine whether a certified notary instructor may administer a retest to a student who fails a notary course exam.

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

18 NCAC 07E .0904 NOTICE TO DEPARTMENT OF RETESTING
If a certified notary instructor retests a student who fails a notary course exam, the instructor shall:
(1) retest the student within 30 days of the date of the course and failed exam; and
(2) submit the results of the retest to the Department within two business days of the date on which the student retook the exam.

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

SECTION .1000 – NOTARY INSTRUCTOR EVALUATION

18 NCAC 07E .1001 STUDENT EVALUATIONS OF INSTRUCTORS
A certified notary instructor shall:
(1) in each year of certification require that students in at least one of the instructor's notary courses complete the Department's student evaluation of notary instructor form specified in 18 NCAC 07B .0417, unless the instructor's employer institution obtains student evaluations during the same period; and
(2) submit to the Department copies of all student evaluation forms completed pursuant to Item (1) of this Rule within 45 days of receipt of the completed forms. Note: Where the employer institution obtains student evaluations more frequently than once per certification year, evaluations for a single class in the certification year satisfy the requirements of this Item.

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

18 NCAC 07E .1002 DEPARTMENTAL USE OF STUDENT EVALUATIONS

In order to determine whether a certified notary instructor shall receive coaching, counseling, or be subject to action pursuant to G.S. 10B-60, the Department shall review student evaluations of the instructor for consistency with the factors on which an instructor applicant's oral presentation is evaluated pursuant to Rules .0306 through .0312 of this Subchapter.

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

SECTION .1100 – NOTARY INSTRUCTOR RECERTIFICATION

18 NCAC 07E .1101 INELIGIBILITY FOR RECERTIFICATION AS NOTARY INSTRUCTOR

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

(1) no longer qualifies for initial commissioning as a notary public;
(2) has not taught at least two notary courses in each of the two immediately preceding instructor certification years; or
(3) has failed to comply with other requirements imposed upon a notary or notary public instructor pursuant to G.S. 10B-14 or the rules in this Chapter.

History Note: *Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*
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;
Amended Eff. July 1, 2024.

18 NCAC 07E .1102 NOTARY PUBLIC INSTRUCTOR RECERTIFICATION REQUIREMENTS

An applicant for recertification as a notary instructor shall:

(1) complete the Department's notary instructor recertification form specified in 18 NCAC 07B .0418 and submit it to the Department prior to lapse of certification;
(2) successfully complete the notary instructor recertification course; and
(3) except as otherwise provided by G.S. 10B-14, pay the required fee.

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

18 NCAC 07E .1103 NOTARY INSTRUCTOR CERTIFICATION EQUIVALENCE

(a) Successful completion of the notary instructor course shall satisfy the requirements for successful completion of the notary recommissioning exam and electronic notary course and exam.
(b) Paragraph (a) of this Rule shall apply only to a notary who:

(1) is a certified notary instructor when applying for recommissioning as a notary or reregistration as an electronic notary; and
(2) is a certified notary instructor at the time of taking the recommissioning oath.

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

18 NCAC 07E .1104 NOTARY INSTRUCTOR RECERTIFICATION COURSE ORAL PRESENTATION

The notary instructor recertification course shall include an oral presentation in addition to the written exam for:

(1) a certified notary instructor's first recertification;
(2) an instructor who has taught no more than two notary courses in each of the two immediately preceding certification years;
(3) an instructor whose student grades have on average been less than 85 percent;
(4) an instructor whose student evaluations for a single course have had a majority of ratings of less than "Good" on:
    (a) any one category of the evaluation form; or
    (b) any combination of the evaluation form categories; or
(5) an instructor subject to Rule .1105 of this Section.

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

18 NCAC 07E .1105 NOTARY INSTRUCTOR WITH LAPSE IN CERTIFICATION

(a) A certified notary instructor who has a lapse between certification terms shall comply with the requirements for initial certification as a notary instructor.

(b) Notwithstanding Paragraph (a) of this Rule, if the lapse is for less than six months and the instructor otherwise qualifies, the instructor:

(1) may take the recertification course instead of the initial certification course; and
(2) shall make an oral presentation during the course.

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

SECTION .1200 – INSTRUCTOR APPLICATION DENIALS

18 NCAC 07E .1201 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .1202 APPLICATION DENIAL – FAILURE TO NOTIFY DEPARTMENT OF CHANGES

The Department shall deny an application for notary instructor certification or recertification if the notary public or instructor has failed to notify the Department of changes as required by Chapter 10B of the General Statutes or the rules in this Chapter.

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

18 NCAC 07E .1203 APPLICATION DENIAL – TERMINATION FOR CAUSE

The Department shall deny an application for notary instructor recertification if the certified notary instructor has been terminated by an eligible institution for cause.

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

18 NCAC 07E .1204 APPLICATION DENIAL – FAILURE TO SUBMIT EXAM GRADES

The Department shall deny the application for recertification of a certified notary instructor if the instructor applicant has failed to submit student exam grades in accordance with Rule .0604 of this Subchapter more than once in a certification year.

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

18 NCAC 07E .1205 APPLICATION DENIAL – DISCIPLINARY ACTION
The Department shall deny an application for instructor certification or recertification if the notary public has been the subject of a disciplinary action, other than a warning or denial, that is related to performance as a notary public, an electronic notary public, or a notary instructor.

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

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;
Transferred from 18 NCAC 07C .0101 Eff. June 1, 2023;
Amended Eff. July 1, 2024.

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;
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;
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.

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.

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 SUBMISSSION
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 .0510 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07F .0511 RESERVED FOR FUTURE CODIFICATION

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;
Transferred from 18 NCAC 07C .0401(a) Eff. June 1, 2023;
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;
Transferred from 18 NCAC 07C .0401(b) Eff. June 1, 2023;

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.

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;
Transferred from 18 NCAC 07C .0401(d) Eff. June 1, 2023;
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;
Transferred from 18 NCAC 07C .0402(b) Eff. June 1, 2023;
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;
Transferred from 18 NCAC 07C .0402(c) Eff. June 1, 2023;
Repealed Eff. July 1, 2024.

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;
Transferred from 18 NCAC 07C .0402(d) Eff. June 1, 2023;
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;
Transferred from 18 NCAC 07C .0402(e) Eff. June 1, 2023;
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.

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.*

SUBCHAPTER 07G - NOTARY SEAL MANUFACTURERS AND VENDORS

18 NCAC 07G .0101 SCOPE

The rules in this Subchapter govern notary public seals made, offered for sale, sold, or delivered for use by North Carolina notaries public by:

(1) manufacturers of physical notary public seals;

(2) vendors of physical notary public seals; and

(3) platforms and IPENs providing electronic notary public seals.

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

18 NCAC 07G .0102 PHYSICAL SEAL REQUIREMENTS

A manufacturer or vendor of physical notary public seals shall not offer, sell, or deliver a physical notary public seal to a North Carolina notary public unless the seal complies with G.S. 10B-36 and 10B-37.

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

18 NCAC 07G .0103 ELECTRONIC NOTARY SEAL REQUIREMENTS

A platform or IPEN provider shall not provide an electronic notary seal unless the seal complies with:

(1) G.S. 10B-117(1)-(4);

(2) 18 NCAC 07F .0800; and

(3) 18 NCAC 07J .0700.

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

18 NCAC 07G .0104 REQUIREMENTS FOR SALE OF PHYSICAL SEAL TO NORTH CAROLINA NOTARY

A manufacturer or vendor shall comply with the requirements in Rule .0105 of this Subchapter before offering for sale, selling, mailing, or delivering a physical notary public seal to an individual claiming to be a North Carolina notary.

History Note: *Authority G.S. 10B-4; 10B-36(e)(2);*
Eff. July 1, 2025.

18 NCAC 07G .0105 IDENTIFICATION OF NOTARY PUBLIC APPEARING IN PERSON

A manufacturer or vendor shall not provide a physical notary seal to an individual claiming to be a North Carolina notary public appearing in person for the purchase unless:

(1) the individual is personally known to the manufacturer or vendor and the individual's information matches the information on the notary commission certificate presented; or
(2) the individual:
    (a) presents documents qualifying as satisfactory evidence of identity as defined in G.S. 10B-3(22);
    (b) the manufacturer compares the face and name of the individual to information on the document; and
    (c) the manufacturer or vendor confirms the identity of the individual.

History Note: *Authority G.S. 10B-4; 10B-36(e)(2);*
Eff. July 1, 2025.

18 NCAC 07G .0106 NOTARY COMMISSION CERTIFICATE RECEIPT BY MANUFACTURER OR VENDOR

A manufacturer or vendor shall require any individual claiming to be a North Carolina notary public purchasing or ordering a physical notary public seal to present:

(1) for an in-person purchase, the original notary commission certificate defined at 18 NCAC 07B .0102(9) from the Department; and
(2) for an order by mail or delivery service, an exact, legible copy of the original commission certificate defined at 18 NCAC 07B .0102(9) from the Department.

History Note: *Authority G.S. 10B-4; 10B-36(e)(2);*
Eff. July 1, 2025.

18 NCAC 07G .0107 MAKING AND RETAINING COPY OF NOTARY COMMISSION CERTIFICATE

A manufacturer or vendor shall retain in its records for 10 years a copy of the notary commission certificate presented pursuant to Rule .0106 of this Section.

History Note: *Authority G.S. 10B-4; 10B-36(e)(2);*
Eff. July 1, 2025.

18 NCAC 07G .0108 CONFIRMATION OF NOTARY'S ACTIVE STATUS WITH THE DEPARTMENT

A manufacturer or vendor shall not deliver a physical seal to an individual claiming to be a North Carolina notary public until the manufacturer has:

(1) obtained the commission number from the notarial commission certificate;
(2) entered the commission number found on the notarial commission certificate into the search field in the Department's online notary confirmation tool;

(3) compared the information returned by the Department's online notary confirmation tool to the information on the commission certificate to determine if there is an exact match between the commission certificate, the individual's order form, and the information returned by the search for:
(a) the name of the notary;
(b) the commission expiration date; and
(c) the county of the notary's commission; and
(4) confirmed that the notary is in active status with the Department.

History Note: *Authority G.S. 10B-4; 10B-36(e)(2);*
Eff. July 1, 2025.

18 NCAC 07G .0109 REGISTRATION WITH THE DEPARTMENT
Prior to making or selling a physical seal to a North Carolina notary public, the manufacturer or vendor shall register with the Department by electronically submitting the form specified in 18 NCAC 07B .0430.

History Note: *Authority G.S. 10B-4; 10B-36(e)(2);*
Eff. July 1, 2025.

18 NCAC 07G .0110 ANNUAL REGISTRATION UPDATE
On or before the first day of July each year, a manufacturer or vendor shall electronically update its registration with the Department by electronically submitting the form specified in 18 NCAC 07B .0430 to inform the Department of any changes since its registration in the prior year.

History Note: *Authority G.S. 10B-4; 10B-36(e)(2);*
Eff. July 1, 2025.

SUBCHAPTER 07H – REMOTE ELECTRONIC NOTARIAL ACT AND IPEN REQUIREMENTS

SECTION .0100 - GENERAL PROVISIONS

18 NCAC 07H .0101 SCOPE
(a) The rules in this Subchapter implement Part 4A, Remote Electronic Notarization of Article 2, Electronic Notary Act, of Chapter 10B of the General Statutes.
(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-4; 10B-134.21;*
Eff. July 1, 2025.

18 NCAC 07H .0102 REQUIREMENTS FOR ELECTRONIC NOTARIES PERFORMING REMOTE ELECTRONIC NOTARIAL ACTS
Before performing a remote electronic notarial act, other than one subject to 18 NCAC 07D .0500, an electronic notary public shall comply with the applicable rules in:
(1) this Subchapter; and
(2) Subchapter 07F of this Chapter.

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

18 NCAC 07H .0103 DEFINITIONS
For purposes of this Subchapter:
(1) "Active duty" means that term as it is defined in 10 U.S.C. 101(d)(1).
(2) "Armed Forces" means that term as it is defined in 18 NCAC 07B .0102(4).

(3) "Credential" or "credentials" means a document presented as satisfactory evidence of identity pursuant to G.S. 10B-3(22)a and G.S. 10B-134.11(a)(2)a.
(4) "Dependent" means that term as it is defined in 37 U.S.C. 401.
(5) "Military orders" means that term as it is defined in 50 U.S.C. 3955(i)(1), except that it shall not include orders for separation or retirement.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0104 PROHIBITED ACTS
A notary public shall not perform a remote electronic notarial act if the act:
(1) is prohibited by G.S. 10B-20, 10B-22, 10B-23, 10B-134.3, or 163-231; or
(2) is an inventory of a safe deposit box as described in G.S. 53C-6-13(a).

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

SECTION .0200 – ESTABLISHING LOCATION OF PRINCIPALS

18 NCAC 07H .0201 TIMING OF VERIFICATION OF LOCATION
(a) A notary public shall verify the location of a principal seeking a remote electronic notarization as required by G.S. 10B-134.9(a)(6) before beginning a remote electronic notarial act.
(b) An electronic notary public shall state, during the recorded recitation required by Rule .0607 of this Subchapter, how the location was verified.

History Note: *Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0202 MEANS OF DETERMINING PRINCIPAL LOCATION
A notary public shall determine the location of a principal seeking a remote electronic notarization by:
(1) geolocation if the principal is using a GPS-enabled device; or
(2) self-attestation by the principal if the principal is not using a GPS-enabled device.

History Note: *Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0203 PROCEDURE WHEN PRINCIPAL USES GPS-ENABLED DEVICE
Unless an exception in Rule .0204 of this Section applies, a notary public shall terminate a notarial transaction if:
(1) the platform indicates that the principal has a GPS-enabled device capable of geolocation that:
(a) has the GPS location feature disabled; and
(b) the principal declines to enable the GPS-location feature of the device; or
(2) the principal is not in a permitted location pursuant to G.S. 10B-134.1(10).

History Note: *Authority G.S. 10B-4; 10B-134.9; 0B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0204 EXCEPTION TO RULE .0203
A notary public shall not terminate a notarial transaction pursuant to Rule .0203 of this Section if the principal seeking a remote electronic notarization makes a self-attestation pursuant to Rules .0206 or .0207 of this Section.

History Note: *Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0205 CONTENTS OF ATTESTATION OF LOCATION
A principal's self-attestation of current location shall consist of:

(1) the name of the principal who is identified to the notary public;
(2) a statement that the principal is currently located:
    (a) inside the United States including:
        (i) the name of the state, territory, or federally recognized tribal area in which the principal is located; and
        (ii) the name of the county, parish, or equivalent governmental subdivision;
    (b) outside the United States in a U.S. embassy, consulate or diplomatic mission including:
        (i) whether the principal is located in a U.S. embassy, a U.S. consulate, or a U.S. diplomatic mission;
        (ii) the name of the country and city in which the embassy, consulate, or diplomatic mission is located; and
        (iii) the name of the U.S. embassy, consulate, or diplomatic mission; or
(3) the information required by Rule .0206 of this Section for a principal on a United States military installation or vessel outside the United States.

History Note: *Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0206 CONTENTS OF ATTESTATION OF LOCATION ON U.S. MILITARY INSTALLATION OR VESSEL

Self-attestation by a principal of current location on a United States military installation or vessel outside the United States shall consist of:

(1) the name of the principal making the attestation to the notary public;
(2) whether the principal is:
    (a) a member of the Armed Forces of the United States; or
    (b) a dependent of a member of the Armed Forces, and the name of the member;
(3) the branch of the Armed Forces in which the member serves;
(4) that the principal is physically located outside the United States on:
    (a) a U.S. military installation; or
    (b) a U.S. military vessel; and
(5) unless Rule .0207 of this Section applies, the name of:
    (a) the installation and the country in which the installation is located; or
    (b) the name of the vessel; and
(6) that the principal is on the named installation or vessel pursuant to military orders assigning the member to active duty for more than 120 days.

History Note: *Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0207 EXCEPTION TO RULE .0206

If a principal cannot provide the information in Rule .0206 of this Section for reasons of United States national security, the principal may attest that:

(1) the principal is on a U.S. military installation or vessel pursuant to military orders assigning the member to active duty for more than 120 days; and
(2) the name and location cannot be divulged for reasons of national security.

History Note: *Authority G.S. 10B-4; 10B-134.9; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0208 ADDITIONAL REQUIREMENTS FOR WRITTEN ATTESTATION OF LOCATION

A remotely located principal may self-attest to the principal's location by using communication technology to deliver a writing to the notary public that conforms to Rules .0205 or .0206 of this Section and, in addition, contains:

(1) the printed name of the principal;
(2) the signature of the principal; and

(3) the date on which the principal signed the self-attestation, which shall be the same date as the remote electronic notarial act.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

SECTION .0300 – IDENTITY VERIFICATION

18 NCAC 07H .0301 VERIFICATION OF IDENTITY BY NOTARY PUBLIC

Prior to performing a remote electronic notarial act, a notary public shall identify the remotely located principal by:

(1) personal knowledge as defined in G.S. 10B-3(17); or

(2) reviewing to the satisfaction of the notary:

(a) all results, both separately and together, provided by the technology provider for:

(i) credential analysis; and

(ii) identity proofing;

(b) comparing the face of the remotely located principal to the image on the credential uploaded for credential analysis; and

(c) any additional information or identification credentials that the notary deems necessary to confirm the identity of the remotely located principal.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0302 CREDIBLE WITNESS PROHIBITED FOR IDENTITY VERIFICATION OF REMOTE PRINCIPALS

For purposes of identifying a remotely located principal, a notary public shall not rely upon a credible witness.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0303 NOTARY REQUEST FOR ADDITIONAL INFORMATION

If a notary public determines that additional information, identity proofing, or identification credentials are necessary to confirm the identity of the remotely located principal, then the notary shall:

(1) require the principal to:

(a) provide additional information; or

(b) undergo additional identity proofing, credential analysis, or both by the technology provider; or

(2) cancel the remote notarial transaction if:

(a) the principal refuses to provide additional information or undergo additional credential analysis; or

(b) the notary decides the principal's identity has not been verified.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

SECTION .0400 – CONTINUOUS COMMUNICATION BETWEEN NOTARY AND PRINCIPAL

18 NCAC 07H .0401 UNOBSTRUCTED VIEW

Except as noted in Rule .0406 of this Section, a notary public shall not perform a remote electronic notarization unless, in the judgment of the notary, there is a clear and unobstructed view of:

(1) all principals;

(2) any interpreter or transliterator who is interpreting for a principal; and

(3) the text that a CART captioner is providing to the principal.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*

Eff. July 1, 2025.

18 NCAC 07H .0402 MODIFIED IMAGE OF PRINCIPAL

A notary public shall not perform a remote electronic notarization if, in the judgment of the notary, the live on-screen image of the remotely located principal:

(1) appears to be:
  (a) altered;
  (b) unnatural; or
  (c) simulated; or
(2) does not accurately reflect a real-time two-way communication between the notary and the principal.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0403 AUDIO IMPAIRMENT

A notary public shall not perform a remote electronic notarization if, in the judgment of the notary, the quality and clarity of the audio communication prevents each participant from hearing and understanding all other participants.

History Note: *Authority G.S. 10B-4; 10B-134.5; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0404 MODIFIED VOICE OF PRINCIPAL

Except as permitted in Rule .0405 of this Section, a notary public shall not perform a remote electronic notarization if, in the judgment of the notary, the voice of the remotely located principal:

(1) appears to be:
  (a) altered;
  (b) unnatural; or
  (c) simulated; or
(2) does not accurately reflect a live two-way communication between the notary and the remotely located principal.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0405 EXCEPTION TO RULE .0404

A notary public may perform a remote electronic notarization for a principal who, in order to be accommodated pursuant to G.S. 134.1(1), must use a technology that:

(1) filters, alters, or simulates the principal's voice or produces speech that is asynchronous with the video communication;
(2) is under the control of the principal; and
(3) is otherwise compliant with 18 NCAC 07B .0800.

Note: An example of a principal using this exception would be an individual with ALS who uses eye movements to manipulate a computer to speak.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0406 PRINCIPAL DISAPPEARANCE OR EXIT

A notary public shall terminate the remote electronic notarial transaction process if the remotely located principal:

(1) disappears from the notary's view for an excessive amount of time, as determined by the notary; or
(2) exits the session.

Note: Examples of disappearing would be moving out of view or turning off the camera.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

SECTION .0500 – ELECTRONIC NOTARY PUBLIC STORAGE OF RECORDS

18 NCAC 07H .0501 DESIGNATION OF APPROVED CUSTODIAN

An electronic notary public shall designate an approved custodian to maintain the electronic notary's records, using the form described 18 NCAC 07B .0405.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0502 CUSTODIAN DESIGNATION LIMITATION

An electronic notary public shall designate as custodian only an approved custodian that has agreed to provide custodial services to the electronic notary.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0503 NOTICE TO DEPARTMENT OF CUSTODIAN

An electronic notary public shall use the form in 18 NCAC 07B .0405 to notify the Department of:

(1) designation of an approved custodian for the electronic notary's records;
(2) designation of the electronic notary as a custodial notary; or
(3) designation of a new approved custodian upon a change in custodians.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0504 SELF-DESIGNATION AS CUSTODIAL NOTARY

An electronic notary public may be designated as custodian of the electronic notary's own electronic journal consisting solely of IPEN acts only if the electronic notary:

(1) lists the electronic notary's name as custodial notary on the form described in 18 NCAC 07B .0405;
(2) agrees to comply with the rules of this Subchapter applicable to custodial notaries; and
(3) complies with the requirements of the custodial notary rules in 18 NCAC 07J .2200.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0505 CUSTODIAL NOTARY PROHIBITIONS

A custodial notary shall not serve as the custodian for:

(1) the records of another notary public; or
(2) the records of a remote electronic notarial act.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0506 ELECTRONIC NOTARY NOTICE TO PLATFORM OR IPEN PROVIDER OF CUSTODIAN

An electronic notary public shall notify the electronic notary's designated platform or IPEN provider of the name of the electronic notary's custodian:

(1) before the first use of the platform or IPEN solution; and
(2) before a change in custodian that will require transfer of records to a different custodian.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0507 STORING RECORDS WITH APPROVED DEPOSITORIES AND CUSTODIANS

An electronic notary public shall ensure that the electronic notary's session records are accessible to, and readable by, the electronic notary while stored with:

(1) an approved depository; and
(2) an approved custodian:
    (a) for 10 years from the date of the journal entry for a notarial act; or
    (b) for any period of more than 10 years during which:
        (i) there is a litigation hold or other order requiring retention for more than 10 years; or
        (ii) the electronic notary public arranges for the custodian to keep the records more than 10 years.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0508 TRANSFER OF RECORDS FOR WHICH RETENTION PERIOD HAS NOT ENDED

If the retention period for an electronic notary public's records has not expired, an electronic notary public shall:

(1) transfer the records only to another approved custodian; and
(2) notify the Department of the change in custodian as required by Rule .0503 of this Section.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0509 RECORDS FOR WHICH RETENTION PERIOD HAS ENDED

An electronic notary public shall, with regard to session records for which the retention period has expired:

(1) direct the custodian to securely delete the records;
(2) if a custodial notary, securely delete the records; or
(3) retain or arrange for further retention of the records.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0510 NO DELETION OF SESSION RECORDS PRIOR TO EXPIRATION OF RETENTION PERIOD

An electronic notary public shall not direct a custodian to delete a session record or its backup prior to the end of the retention period established by Rule .0507 of this Section.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0511 CUSTODIAL NOTARY LIMITATIONS ON DELETION OF SESSION RECORD

A custodial notary shall not delete a session record or its backup prior to the end of the retention period established by Rule .0507 of this Section.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0512 ELECTRONIC NOTARY DIRECTION OF DELETION OF RECORDS AFTER TRANSFER TO CUSTODIAN

After a session record has been transferred to a custodian, an electronic notary public may direct a depository to securely delete any of the notary's journal convenience copies.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

SECTION .0600 – COMMUNICATION TECHNOLOGY RECORDINGS

18 NCAC 07H .0601 SCOPE

The rules in this Section of this Subchapter shall apply to communication technology recordings and shall not apply to recordings of remote oaths or affirmations administered pursuant to G.S. 10B-134.9(d).

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0602 PRINCIPAL REFUSAL TO BE RECORDED

If a remotely located principal refuses to be recorded, the electronic notary public shall cancel the remote electronic notarization.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0603 REQUESTS FOR ATTORNEY

If a remotely located principal requests the presence of an attorney, the electronic notary public shall not proceed with the remote electronic notarial transaction process unless:

(1) the attorney is present:
  (a) physically in the same place with the principal; or
  (b) through the communication technology; or
(2) the principal withdraws the request.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0604 RECORDING SHALL START BEFORE NOTARIAL ACT IS PERFORMED

An electronic notary public shall begin the communication technology recording before performing a remote electronic notarial act.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0605 RECORDING SHALL BE CONTINUOUS

Once an electronic notary public starts a communication technology recording, the electronic notary shall not end the recording until:

(1) all remote electronic notarial acts comprising the remote electronic notarial transaction have been completed; or
(2) the remote electronic notarial transaction has been canceled.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0606 COMMUNICATION RECORDING PREFACE TO REMOTE ELECTRONIC NOTARIAL ACT

When an electronic notary public starts a communication technology recording of a remote electronic notarial act, the electronic notary shall:

(1) state the information required by Rule .0607 of this Section; and
(2) direct the remotely located principal to provide the information required by Rule .0608 of this Section.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0607 ELECTRONIC NOTARY RECITATION FOR COMMUNICATION TECHNOLOGY RECORDING

Immediately after initiating a communication technology recording, an electronic notary public shall state:

(1) the electronic notary's commission name;
(2) that the electronic notary is then located in the State of North Carolina and the county in which the electronic notary is located;
(3) the names of all participants;
(4) that all individuals present have been informed that the remote notarization will be recorded;
(5) the date on which the notarial act is being performed;
(6) whether the remote electronic notarial act will be performed on an electronic record;
(7) how the remotely located principal for whom the notarial act is being performed has been identified; and
(8) whether the principal's location was verified by geolocation or self-attestation.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0608 REMOTELY LOCATED PRINCIPAL'S DECLARATION FOR COMMUNICATION TECHNOLOGY RECORDING

Prior to performing any remote electronic notarial act, the electronic notary public shall direct each remotely located principal to state:

(1) the remotely located principal's name as it appears on the credential presented by the principal for credential analysis;
(2) that the principal agrees to be recorded;
(3) if an attorney is not present, that the principal was informed of the right to have an attorney present and declined;
(4) the documents being signed or a description of the general nature of the transaction;
(5) the principal's location; and
(6) if the principal's location is not established by geolocation, the principal's self-attestation establishing location pursuant to Section .0200 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0609 IDENTIFYING INDIVIDUALS IN SAME LOCATION AS PRINCIPAL

While recording the remote electronic notarial transaction process, an electronic notary public shall direct the remotely located principal to:

(1) state the names of any individuals who are then physically present at the same place as the principal, if known; and
(2) inform the electronic notary if any other individuals become physically present with the principal during the notarial session and their names, if known.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0610 STATEMENT FROM NON-PRINCIPALS APPEARING VIA COMMUNICATION TECHNOLOGY

After the communication technology recording begins, the electronic notary public shall direct all participants who are not principals to state:

(1) their names; and
(2) their role, if any, with respect to the notarial act.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.*

18 NCAC 07H .0611 ACKNOWLEDGMENT – ADDITIONAL REQUIREMENTS FOR COMMUNICATION TECHNOLOGY RECORDING

An electronic notary public performing a remote acknowledgment for a remotely located principal shall require the principal to acknowledge during the communication technology recording:

(1) that the signature on the record being notarized is that of the principal; and
(2) the date the principal signed the record being notarized.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23*
Eff. July 1, 2025.

18 NCAC 07H .0612 COMMUNICATION TECHNOLOGY RECORDING OWNERSHIP

A communication technology recording shall be the private property of the electronic notary public.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .0700 - SECURITY AND CONFIDENTIALITY REQUIREMENTS

18 NCAC 07H .0701 ACCESS TO COMMUNICATION TECHNOLOGY RECORDINGS

An electronic notary public shall not permit access to communication technology recordings by any person unless allowed pursuant to G.S. 10B-20(p) and the rules in this Chapter.

History Note: *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SUBCHAPTER 07I – JOURNALS

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, and Subchapters 07H and 07J of this Chapter:

(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) "Mode of notarial act" means a traditional notarization, an in-person electronic notarization, or a remote electronic notarization.
(3) "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 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;
Amended Eff. July 1, 2025.

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 entries in journals of in-person notarizations consisting of the following:

(1) signatures by principals;

(2) signatures by credible witnesses; or

(3) signatures by 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;
Amended Eff. July 1, 2025.

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

(a) A traditional notary public who chooses to maintain a journal in accordance with the rules in this Chapter shall make a separate entry in the notary's journal for each notarial act performed or canceled.
(b) An electronic notary public shall make a separate entry in the notary's journal for each notarial act performed or canceled.

History Note: *Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
Eff. July 1, 2024;
Amended Eff. July 1, 2025.

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 who maintain a journal in compliance with the rules in this Chapter 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 and designee, if any;
(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:
        (i) as shown on any documents used as satisfactory evidence; and
        (ii) the address as stated by the principal if the principal indicates the address on the documents used as satisfactory evidence is incorrect;
    (c) where the satisfactory evidence was based on the sworn statement of a credible witness in a traditional or in-person electronic notarial act:
        (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 as specified in Rule .0404 of this Subchapter;
(8) the address of the designee, if any;
(9) information required by 18 NCAC 07D .0203 for any fees charged; and
(10) designation of each notarial act as employer-related or non-employer related if the journal includes both categories of notarial acts and which employer the notarial act is related to, if any.

History Note: *Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
Eff. July 1, 2024;
Amended Eff. July 1, 2025.

18 NCAC 07I .0303 ADDITIONAL JOURNAL CONTENTS FOR REMOTE ELECTRONIC NOTARIZATIONS

In addition to the requirements of Rule .0302 of this Section, for each remote electronic notarial act completed, an electronic notary public shall enter in the journal:

(1) the locations of the principals and notary at the time of the act;
(2) the method of establishing the location of the remotely located principals;
(3) the names of any individuals identified pursuant to 18 NCAC 07H .0609 and .0610; and
(4) the total number of oaths or affirmations administered to individual principals that do not include a principal signature in connection with each oath or affirmation.

History Note: *Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
Eff. March 1, 2025;
Amended Eff. July 1, 2025.

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 .0305 PARTY REQUEST FOR INCLUSION OF ADDITIONAL INFORMATION IN JOURNAL FOR REMOTE ELECTRONIC NOTARIZATION

An electronic notary public shall include additional information in the journal if:

(1) the notarial act is a remote electronic notarial act;
(2) the requestor is a party involved in the transaction;
(3) the request is made before the notary commits the journal entry; and
(4) 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. March 1, 2025.

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 specifies the journal entry to which the supplemental information relates;
(2) for an electronic notarial act or a remote electronic notarial act, the notary includes the applicable journal entry or session record identifier; and
(3) the notary enters the names of the principals in the notarial session to whom the supplemental entry relates.

History Note: *Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
Eff. July 1, 2024;
Amended Eff. July 1, 2025.

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) with regard to designees signing on behalf of a principal:

(a) the designee signs the principal's name on the documents being notarized pursuant to G.S. 10B-20(e), and the notary then includes the signature in the journal; and

(b) the designee signs his or her own name on the electronic notary solution for capture and the notary then includes the signature of the designee in the journal; and

(3) any credible witness signs his or her own name on an electronic journal for capture and the notary then includes the signature of the credible witness in the journal where the notarial act is in person.

History Note: *Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
Eff. July 1, 2024;
Amended Eff. July 1, 2025.

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 .0406 PRE-FILLED DATA TO BE CONFIRMED BY NOTARY PUBLIC

A notary public may enter the information listed in Rules .0302 and .0303 of this Subchapter in an electronic journal by:

(1) reviewing each individual item of information offered as an option or by pre-filling; and

(2) confirming that offered information is accurate by selecting:

(a) the offered information; or

(b) the accurate item from among other options offered; or

(3) correcting an incorrect item.

History Note: *Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
Eff. March 1, 2025;
Amended Eff. July 1, 2025.

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.

SUBCHAPTER 07J – TECHNOLOGY PROVIDER REQUIREMENTS

SECTION .0100 – GENERAL RULES

18 NCAC 07J .0101 DEFINITIONS

For purposes of this Subchapter:

(1) "Break in service" means:
  (a) the technology provider is subject to a disciplinary action by the Department that:
    (i) restricts its services;
    (ii) suspends its services; or
    (iii) revokes its authorization;
  (b) the technology provider has been denied a subsequent license or approval by the Department;
  (c) the technology provider has not submitted an application to the Department for a renewed license or approval; or
  (d) the technology provider has discontinued providing its authorized solution in North Carolina or support for the solution for any reason.

(2) "Communication technology recording" means a data file that contains the audio, video, and written communication that occurred during a remote notarial transaction process via the communication technology in a platform.

(3) "Custodial notary" means an electronic notary public who designates himself or herself as a custodian of the electronic notary's own session records pursuant to 18 NCAC 07H .0504.

(4) "Cybersecurity incident" means an occurrence defined in G.S. 143B-1320(a)(4a).

(5) "Depository" means a storage services solution for electronic journal entries and communication technology recordings, if applicable, that is offered by an IPEN solution provider or a platform provider.

(6) "Electronic notary solution" means any of the following products or services:
  (a) an IPEN solution that is:
    (i) available from an existing technology provider subject to Section .1100 of this Subchapter; or
    (ii) subject to approval pursuant to Rule .1301 of this Subchapter;
  (b) a platform as defined in G.S. 10B-134.1(6) and subject to approval pursuant to Rule .1501 of this Subchapter;
  (c) an identity proofing solution as defined in G.S. 10B-134.1(5) and subject to approval pursuant to Rule .1901 of this Subchapter;
  (d) a credential analysis solution as defined in G.S. 10B-134.1(3) and subject to approval pursuant to Rule .1701 of this Subchapter; and
  (e) custodial services as defined in G.S. 10B-134.1(3a) and subject to approval pursuant to Rule .2101 of this Subchapter.

(7) "Encryption" shall have the meaning in G.S. 75-61(8).

(8) "Existing technology providers" means IPEN solution providers approved before the effective date of these rules.

(9) "Geolocation" means technology that identifies the location of remotely located principals connecting to a platform.

(10) "Journal convenience copy" means a collection of a notary's electronic journal entries hosted by a depository in an electronic format for use by the notary as a convenience and that may be retained or deleted by the depository at the notary's discretion. The journal convenience copy is not a session record.

(11) "Key individuals" are those individuals who are identified by a platform provider or an IPEN solution provider as meeting the criteria identified in G.S. 10B-134.19(c)(2).

(12) "Protocols" or "Department's Scientific, Architectural, and Engineering Protocols for Technology Providers" means a document prepared by the Department and made available to the public that contains scientific, architectural, and engineering standards, forms, or procedures related to information technology for technology providers.

(13) "Session record" means the electronic journal entries for a notarial session preserved in PDF/A format in accordance with the Department's protocols, including any embedded communication technology recording and associated metadata.

(14) "Supporting vendor" means a person that provides an electronic service to a technology provider:

(a) upon which the provider relies to provide the notarial service for which the provider seeks or has approval or licensure; and

(b) that must be reported to the Department pursuant to Rule .0410 of this Subchapter.

(15) "Transferee" means a custodian that receives a session record from a depository or a custodian.

(16) "Transferor" means a depository or a custodian that transfers a session record to a custodian.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0102 TECHNOLOGY PROVIDERS LICENSED OR APPROVED

Only authorized technology providers may offer electronic notary solutions to any North Carolina notary public.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0103 MULTIPLE SERVICES

A technology provider that seeks or has authorization for a product or service that offers one or more types of electronic notary solution shall comply with the rules in this Subchapter applicable to each solution.

Note: An IPEN solution that includes credential analysis and identity proofing services is an example of a solution to which this rule applies.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0104 NO TRANSFER OF LICENSE OR APPROVAL

A technology provider shall not assign, transfer, or sell its authorization to offer an electronic notary solution in North Carolina.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0105 PERMISSIBLE PROVIDER DESIGNATIONS

An authorized technology provider may use the applicable following designations for its authorized electronic notary solutions only during the period that each approval or license is effective:

(1) "approved North Carolina in-person electronic notary solution" or "approved North Carolina IPEN solution";

(2) "licensed North Carolina electronic notary platform";

(3) "approved North Carolina identity proofing solution";

(4) "approved North Carolina credential analysis solution"; and

(5) "approved North Carolina custodial services solution."

Note: An authorized technology provider may use "NC" or "N.C." as well as "North Carolina."

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0106 AUTHORIZATION DOES NOT MEAN ENDORSEMENT

A technology provider shall not state or imply that the Department endorses the services of the technology provider.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0107 TIMELY RESPONSE REQUIRED

A technology provider or applicant shall respond to any inquiry from the Department in the manner and within the time set by the Department. Extensions may be requested and granted pursuant to 18 NCAC 07B .0313 and .0314, respectively.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0108 SUBPOENA OR WARRANT

Within three business days after receiving a subpoena, warrant, or court order that is related to a notary public's records, a technology provider shall notify the notary in writing of the subpoena, warrant, or court order, unless:

(1) the subpoena, warrant, or court order is issued in relation to an investigation by the Department pursuant to G.S. 10B-60; or
(2) notice is otherwise prohibited by law.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0109 SERVICE LEVEL AGREEMENT

A technology provider's service level agreement shall include:

(1) guaranteed uptime for the electronic notary solution; and
(2) terms and conditions for crediting or reimbursing a notary public for unscheduled service outages.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0110 ADVERTISING RESTRICTION

A technology provider shall not display any of the following on screen during an electronic notarial transaction:

(1) its own logos or those of another;
(2) its own symbols or those of another;
(3) advertising for itself or others; or
(4) pre-recorded audio or video.

Note: Display of text from chats between transaction participants or text from a CART captioner shall not constitute a violation of this Rule.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0111 COMPLIANCE WITH TECHNOLOGY PROVIDER PROTOCOLS REQUIRED

Technology providers shall comply with applicable provisions of the Department's Scientific, Architectural, and Engineering Protocols for Technology Providers. The protocols may be accessed on the Department's website at no cost.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0112 IMPLEMENTATION OF POLICIES AND PLANS

A technology provider shall implement all plans and policies required by the rules in this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0113 CONTINUITY OF SERVICE

In the event of a break in service, a technology provider shall, pursuant to Rule .0207 of this Subchapter, ensure that notaries public using its authorized services:

(1) have continuous access to the notaries' records; and
(2) have assistance, if requested by a notary public, to transfer the notary's records to an approved custodian.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0114 WHEN PROVIDER MAY USE INFORMATION

Facilitating a notarial transaction and mitigating fraud are the only reasons that a technology provider or its supporting vendor may use, disclose, or permit disclosure of information that has not been anonymized and that is specific to:

(1) the contents of a notarial transaction;
(2) a transaction participant;
(3) credentials of a notarial transaction participant; or
(4) a notarial transaction record or electronic record.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0115 WHEN PROVIDER MAY RETAIN BACKUP COPIES OF DATA

A technology provider may retain backup copies of data associated with the notarial transaction process longer than the retention period otherwise specified in this Subchapter only if:

(1) the backup copies of the data are retained offline;
(2) the provider has a backup retention policy; and
(3) the offline backup copies are securely deleted in accordance with the provider's backup policy.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0116 DATA DELETION REQUIREMENT

A technology provider shall securely delete data upon the finalization of the notarial session record if there is no retention requirement in the rules in this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .0200 – NOTICES REQUIRED FROM TECHNOLOGY PROVIDERS

18 NCAC 07J .0201 NOTICE OF MATERIAL CHANGE TO ELECTRONIC NOTARY SOLUTION

(a) After authorization by the Department and before implementation, a technology provider shall notify the Department of any material change to its authorized electronic notary solution.

(b) For purposes of this Section, a material change is one affecting the electronic notary solution's core:

(1) functionality;
(2) security; or
(3) reliability.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
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;
Amended Eff. July 1, 2025.

18 NCAC 07J .0202 IMPLEMENTATION OF MATERIAL CHANGES PROHIBITED PENDING DEPARTMENTAL APPROVAL

No material change to an electronic notary solution shall be implemented and offered to a notary public until the technology provider:

(1) files written notice pursuant to the rules in this Section;
(2) complies with Section .0500 of this Subchapter; and
(3) receives approval from the Department upon its determination that the material change does not adversely affect the provider's continued compliance with the standards established in the rules in this Subchapter and the Protocols.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0203 NOTICE TO DEPARTMENT OF BUSINESS INFORMATION CHANGES

After authorization by the Department, a technology provider shall provide written notice to the Department:

(1) within five business days of changes to:
  (a) the information required by 18 NCAC 07B .0402(2);
  (b) the information required by 18 NCAC 07B .0402(3);
  (c) conversion to an alternate type of business entity;
  (d) conversion to a foreign entity;
  (e) failure to remain active and current with the Department's Business Registration Division;
  (f) merger with another business entity;
  (g) filing of a bankruptcy petition; or
  (h) a change in the technology provider's controlling ownership; and
(2) within 45 calendar days of changes to any other information on the provider's application for authorization.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0204 CONTENTS OF NOTICE OF CHANGES

A technology provider's written notice pursuant to Rule .0203 of this Section shall state:

(1) what has changed; and
(2) the correct information after the change.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0205 NOTICE TO NOTARIES OF PLANNED SERVICE OUTAGES

(a) A technology provider shall provide at least five calendar days' notice to its subscribers and electronic notaries public that its systems will be unavailable due to planned maintenance.

(b) The notice required under Paragraph (a) of this Rule shall include:

(1) the date that the service will begin to be unavailable; and

(2) the approximate amount of time during which the service is expected to be unavailable.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0206 SERVICE OUTAGE NOTIFICATION TO THE DEPARTMENT

As specified in the Department's authorization letter, a technology provider shall notify the Department immediately of any service outage or lack of accessibility to notaries public:

(1) when the outage exceeds four consecutive hours; and

(2) when service to notaries is restored.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0207 NOTICE TO NOTARIES OF BREAK IN SERVICE

A technology provider subject to Rule .0114 of this Subchapter shall notify notaries public using its authorized services within three days of the occurrence of a break in service and include:

(1) the reason for the break in service;

(2) whether the break in service is for a specific time period or is permanent;

(3) whether the notaries:

(a) can continue using the provider's authorized services:

(i) with limits and what the limits are; or

(ii) without limits; or

(b) cannot continue to use the provider's authorized services and, where the provider is a depository or custodian:

(i) will have 60 days to transfer any records maintained by the provider to a custodian; and

(ii) that the notaries may continue to access the records maintained by the provider until they are transferred; and

(4) any actions the provider requires the notaries to take.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0208 NOTICE OF REPORTABLE INCIDENT

(a) Within 72 hours of discovery of a reportable incident, a technology provider shall notify the Department.

(b) For purposes of the rules in this Section of this Subchapter, a reportable incident is one that involves:

(1) a technology provider's electronic notary solution, a notary public's records, an electronic notary's electronic seal or signature, or a principal's records or information;

(2) any of the following affecting data or access:

(A) unauthorized access, use, alteration, or disclosure;

(B) theft;

(C) loss; or
(D) compromise; or
(3) a cybersecurity incident.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0209 CONTENT OF NOTIFICATION TO DEPARTMENT

Notification to the Department pursuant to Rule .0208 of this Section shall include the following information when available:

(1) the names of the affected notaries public including their notary commission numbers;
(2) a description of the affected records, data, or solution;
(3) a copy of any law enforcement report made in connection with the incident;
(4) a description of how the reportable incident occurred;
(5) the duration of the reportable incident;
(6) a description of actions taken to prevent or mitigate a similar reportable incident;
(7) when the reportable incident occurred; and
(8) a point of contact for the technology provider who has knowledge of:
(a) the reportable incident;
(b) actions taken to address the reportable incident; and
(c) actions to be taken to address the reportable incident.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0210 NOTIFICATION TO OTHER PARTIES

Technology providers shall notify affected persons of a reportable incident as required by applicable law, rule, or regulation. Note: The Identity Theft Protection Act, Chapter 75, Article 2A of the General Statutes is an example of an applicable law.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0211 VERIFICATION OF CONTINUING COMPLIANCE

A technology provider shall:

(1) annually verify its compliance with the rules in this Subchapter for each approved electronic notary solution, by submitting the form in 18 NCAC 07B .0429; or
(2) submit notice that it will not apply again pursuant to Rule .0215 of this Subchapter.

Item (1) of this Rule shall not apply to licensed platforms.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0212 TIMING OF VERIFICATION OF CONTINUING COMPLIANCE

A technology provider's verification of compliance pursuant to Rule .0211 of this Section shall be submitted to the Department:

(1) no more than 60 days before the expiration of its approval; or
(2) as part of its application for a subsequent approval.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*

Eff. July 1, 2025.

18 NCAC 07J .0213 DUE DILIGENCE

A technology provider's verification pursuant to Rule .0211 of this Section shall be made only after the exercise of due diligence to enable the signer to comply with Rule .0214 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0214 SIGNER OF VERIFICATION

A technology provider's verification pursuant to Rule .0211 of this Section shall be signed by a person with the authority to bind the provider and who certifies under penalty of perjury that the information on the form is true and complete to the best of the signer's knowledge and belief.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0215 NOTICE TO DEPARTMENT THAT PROVIDER WILL NOT REVIEW

At least 90 days before its existing authorization expires, a technology provider shall notify the Department in writing:

(1) if it declines to apply for a subsequent authorization of its electronic notary solution;
(2) the date on which it will cease offering its electronic notary solution to North Carolina notaries public; and
(3) that it has complied with Rule .0216 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0216 NOTICE TO SUBSCRIBERS AND NOTARIES OF NONRENEWAL

No later than the date that a technology provider gives notice to the Department pursuant to Rule .0215 of this Section, the provider shall:

(1) notify each subscriber and notary public account holder in writing that it will cease offering its electronic notary solution to North Carolina notaries public;
(2) specify the date on which it will cease offering its electronic notary solution; and
(3) comply with the rules in this Subchapter regarding notary access to records and transfer of records to a custodian.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .0300 – GENERAL APPLICATION PROCEDURES

18 NCAC 07J .0301 APPLICATION PROCESS

A technology provider applicant for authorization of an electronic notary solution shall:

(1) submit a complete electronic application to the Department;
(2) demonstrate the electronic notary solution to the Department to enable it to evaluate compliance with applicable laws, rules, and protocols; and
(3) submit the filing fee, if applicable, with the application.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0302 SEPARATE APPLICATIONS FOR EACH SOLUTION TYPE

A technology provider shall complete an application designating each type of electronic notary solution for which it seeks authorization.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0303 APPLICATION FEES

(a) Each application for a platform license shall be accompanied by a non-refundable five thousand dollar ($5,000) fee pursuant to G.S. 10B-134.19(b).

(b) No fee is required to accompany an application for any other electronic notary solution.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0304 BINDING REPRESENTATIONS IN APPLICATION

All representations, promises and assurances of performance made to the Department by a technology provider during the application process shall be binding and made under penalty of perjury.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0305 LIMIT ON DESIGNATION OF TRADE SECRET OR CONFIDENTIAL INFORMATION

A technology provider applicant shall not designate its entire application as:

(1) a trade secret; or
(2) confidential information.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0306 DESIGNATION OF CONFIDENTIAL OR TRADE SECRET INFORMATION

A technology provider applicant shall designate each specific item on its application, attachments, and other filings for which confidentiality or trade secret protection is claimed. Each designation shall comply with:

(1) the North Carolina Trade Secrets Protection Act, Chapter 66, Article 24 of the General Statutes; or
(2) the confidentiality provisions of G.S. 132-1.2.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0307 REDACTED COPY

A technology provider applicant that designates information as confidential or trade secret shall submit:

(1) the unredacted filing with the confidential and trade secret designations; and
(2) an exact duplicate of the filing with redactions of the confidential and trade secret information.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0308 DESIGNATION OF REDACTED COPY

For any redacted document submitted pursuant to Rule .0307 of this Section, a technology provider applicant shall include the word "redacted" in:

(1) the document title;
(2) the document digital file name; and
(3) a header on each page.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0309 GOOD FAITH BASIS FOR CONFIDENTIAL OR TRADE SECRET DESIGNATION

If a technology provider designates items on its application as confidential or trade secret, the applicant shall certify on the application that it has formed a good faith opinion that the information claimed as confidential or trade secret meets the requirements for designation under the laws specified in Rule .0306 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0310 SOURCES OF CONFIDENTIAL INFORMATION

If designated as confidential or trade secret, the Department shall presume that the following plans and documents are confidential information or trade secrets:

(1) configuration management plan required by Rule .0616 of this Subchapter;
(2) information technology security audit and summary required by Rules .0620 and .0621 of this Subchapter;
(3) security plan required by Rule .0624 of this Subchapter;
(4) security incident response plan required by Rule .0626 of this Subchapter; and
(5) contingency plan required by Rule .0628 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0311 APPLICATION CHANGES PRIOR TO LICENSURE OR APPROVAL

If information in a technology provider's application changes before the Department's decision on the application, the provider shall inform the Department in writing, and:

(1) state what has changed; and
(2) state the correct information after the change.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0312 APPLICATION WITHDRAWAL

A technology provider applicant may withdraw its application:

(1) before receiving notice of the Department's decision on its application; and
(2) by providing written notice:
    (a) with the effective date of the withdrawal; and
    (b) signed by a person with the authority to bind the applicant.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0313 APPLICATION RESUBMISSION

A technology applicant may resubmit its application without a new application fee if the resubmission is delivered within 45 days of:

(1) the application initially being rejected as incomplete; or

(2) the application being withdrawn.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0314 NOTICE OF DEPARTMENT DECISION

The Department shall notify a technology provider applicant whether its application is:

(1) rejected as incomplete, with:

(a) information regarding the areas in which the application is incomplete; and

(b) a time within which the application must be amended to include the information;

(2) denied, in which case the Department shall provide reasons for the denial; or

(3) approved.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0315 TIMING OF SUBMISSION OF APPLICATION FOR SUBSEQUENT AUTHORIZATION

A technology provider's application for a subsequent authorization shall be submitted:

(1) no earlier than 120 days before its existing authorization expires; and

(2) no later than 90 days before its existing authorization expires.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .0400 – GENERAL APPLICATION CONTENTS

18 NCAC 07J .0401 CONTENTS OF ALL TECHNOLOGY PROVIDER APPLICATIONS

All technology provider applicants shall submit applications that include the information required by:

(1) this Section; and

(2) 18 NCAC 07B .0422.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0402 PROVIDER NAME

All technology provider applications shall include:

(1) the provider's name in its state or jurisdiction of formation as required by 18 NCAC 07B .0402(2)(a); and

(2) the names required by 18 NCAC 07B .0422(3)(c) and (d).

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
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;
Amended Eff. July 1, 2025.

18 NCAC 07J .0403 CONTACT INFORMATION

A technology provider's application shall include the contact information required by 18 NCAC 07B .0402.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0404 CERTIFICATION OF STANDING

A technology provider applicant shall certify in its application that it:

(1) is currently registered to do business in North Carolina or has a certificate of authority to do business in North Carolina; and

(2) is in current-active status with the Department and the business registrar in the jurisdiction where formed, if not North Carolina.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0405 NOTARY SERVICES IN OTHER JURISDICTIONS

A technology provider applicant's application shall provide the following information for each state, federally recognized tribe, or nation in which it has offered the same or similar services within the previous 10 years:

(1) the types of service provided;

(2) the month and year in which the technology provider received its most recent license or approval or a statement that a license or approval is not required;

(3) the expiration date of the most recent required license, approval, or equivalent, if any;

(4) whether any application for a required license, approval, or equivalent has been denied;

(5) whether the applicant has discontinued a service and if applicable:

  (a) an explanation of the discontinuance of the service; and

  (b) the month and year in which the applicant discontinued services; and

(6) for any open, pending, or active governmental or authorizing entity's investigations in relation to the applicant's provision of services in another jurisdiction and of which the applicant is aware at the time of application:

  (a) the name of the governmental or authorizing entity; and

  (b) a brief description of what the applicant believes is being investigated.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0406 COMPLIANCE CONTACT

A technology provider applicant shall name a compliance contact on its application who shall:

(1) be an employee;

(2) be a key individual;

(3) successfully complete the Department's electronic notary public course; and

(4) successfully complete the Department's technology provider course.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0407 COMPLIANCE CONTACT DUTIES

A technology provider's compliance contact shall, for the duration of the provider's authorization:

(1) have the duty to monitor the provider's compliance with:
  (a) Chapter 10B of the General Statutes; and
  (b) the rules in this Chapter;
(2) ensure that notices are provided to the Department as required by the rules in this Subchapter; and
(3) receive notices from the Department made pursuant to the rules in this Chapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0408 THIRD-PARTY VENDORS INCLUDED IN ELECTRONIC NOTARY SOLUTION

A technology provider applicant shall list on its application any third-party vendors providing services to the technology provider in connection with the electronic notary solution for which it seeks authorization.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0409 THIRD-PARTY VENDOR INFORMATION

A technology provider applicant shall provide the following information for each third-party vendor listed on its application:

(1) the type of service that the vendor provides to the applicant; and
(2) which, if any, of the third-party vendors used by the solution are:
  (a) currently approved by the Department;
  (b) currently under consideration for approval by the Department; or
  (c) being submitted by the applicant with its application for approval by the Department.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0410 SUPPORTING VENDORS

A technology provider applicant shall list on its application any supporting vendors providing the following services to the technology provider in connection with the electronic notary solution for which it seeks authorization:

(1) cloud services;
(2) geolocation services;
(3) communication technology;
(4) communication recording technology;
(5) electronic journal;
(6) digital certificate authorities; and
(7) electronic signature and electronic seal.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0411 SUPPORTING VENDOR INFORMATION

A technology provider applicant shall specify the type of service provided by each supporting vendor listed on its application.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*

Eff. July 1, 2025.

18 NCAC 07J .0412 VENDORS WITH ACCESS TO NOTARIAL TRANSACTION DATA

A technology provider applicant shall disclose on its application the names of all vendors, business entities, and any of their affiliates that will have access to notarial transaction data when at rest.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0413 DISCLOSURE OF CERTIFICATIONS AND COMPLIANCE REPORTS

A technology provider applicant shall disclose on its application each independent third-party certification, SOC 2 Type 2 compliance report, or equivalent pertaining to the electronic notary solution for which authorization is sought, with:

(1) the name of the issuer of the certification, compliance report, or equivalent;
(2) the name or title of the certification, compliance report, or equivalent;
(3) the date of its issuance; and
(4) its expiration date, if applicable.

Note: FIPS validation, NSA approval, FedRAMP, ISO 27001, or HITRUST are examples of an independent third-party certification or equivalent.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0414 DISCLOSURE OF DEBARMENTS

A technology provider applicant shall disclose on its application if it or any of its key individuals is now or has ever been the subject of a debarment by a state, federally recognized tribe, or nation, and for each:

(1) whether the debarment was for the applicant or a key individual, and the name of the key individual;
(2) the name of each government that debarred the applicant or the key individual;
(3) an explanation of the reason for each debarment; and
(4) the start and end dates of each debarment.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0415 DISCLOSURE OF VOLUNTARY EXCLUSIONS IN LIEU OF DEBARMENT

A technology provider applicant shall disclose on its application:

(1) whether, within 10 years of its application, the applicant or any of its key individuals have agreed to voluntary exclusion in lieu of debarment being taken against it or any of its key individuals by a state, federally recognized tribe, or nation; and
(2) for each disclosed voluntary exclusion of the applicant or its key individuals:
    (a) the name of the person for whom any voluntary exclusion was agreed to;
    (b) the name of each governmental entity for which the applicant or the key individual agreed to voluntary exclusion in lieu of debarment;
    (c) an explanation of the reason for each voluntary exclusion; and
    (d) the start and end dates of each voluntary exclusion.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0416 DISCLOSURE OF CIVIL LEGAL ACTIONS

A technology provider applicant shall disclose on its application all findings in civil legal actions, including arbitration:

(1) made within 10 years of its application date;

(2) that are against the applicant or any of its key individuals for:
    (a) activity involving dishonesty, untruthfulness, deceit, fraud, false dealing, cheating, stealing, or insider trading;
    (b) mishandling or misuse of customer data; or
    (c) failure of the platform to perform as warranted.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0417 CONTENT OF CIVIL LEGAL ACTION DISCLOSURES

A technology provider's application disclosure pursuant to Rule .0416 of this Section shall include:
(1) a description of each finding or admission;
(2) a copy of the document containing the finding or admission;
(3) a brief description of the circumstances surrounding the finding or admission;
(4) if not included in the document in Item (2) of this Rule:
    (a) the date on which the finding or admission was made;
    (b) the court in which the civil lawsuit was filed; and
    (c) the case name and docket number; and
(5) any additional information that the applicant wishes the Department to consider.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0418 DISCLOSURE OF DISCIPLINARY ACTIONS

A technology provider shall disclose on its application any disciplinary actions:
(1) taken against it or any of its key individuals by any state, federally recognized tribe, or nation's government; and
(2) concluded within 10 years of the application date.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0419 CONTENT OF DISCIPLINARY ACTION DISCLOSURES

For each disciplinary action listed pursuant to Rule .0418 of this Section, a technology provider shall disclose:
(1) the date of each disciplinary action;
(2) the disciplinary action taken;
(3) a copy of each disciplinary action;
(4) if not included in the copy of the disciplinary action provided:
    (a) the reason given for the disciplinary action;
    (b) an explanation of the circumstances that led to the disciplinary action; and
    (c) the name of the issuing entity;
(5) where the disciplinary action included any corrective action or conditions:
    (a) whether the applicant or key individual has complied with the corrective actions or conditions; and
    (b) the date on which compliance with the corrective actions or conditions was satisfied;
(6) whether the applicant or key individual would be eligible for relicensure or recommissioning; and
(7) other information that the applicant wishes to include in order to aid the Department in assessing the application.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0420 DISCLOSURE OF BANKRUPTCY

A technology provider applicant shall disclose on its application whether the applicant is in, or has previously exited within the past 10 years, bankruptcy proceedings pursuant to the laws of the United States or other nation.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0421 CONTENTS OF BANKRUPTCY DISCLOSURE

A technology provider applicant that discloses a bankruptcy pursuant to Rule .0420 of this Section shall state:

(1) the status of the matter;
(2) the style of the case, including the case number; and
(3) the court in which the bankruptcy was filed.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0422 WEBSITE INFORMATION

The application of a technology provider applicant shall include:

(1) the single URL link required by Rule .0607 of this Subchapter; and
(2) the form required by 18 NCAC 07B .0422(6).

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0423 IT SECURITY AUDIT SUMMARY

The application of a technology provider applicant shall include:

(1) how often the applicant conducts IT security audits; and
(2) the IT security audit summary required by Rule .0621 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .0500 – TECHNOLOGY DEMONSTRATION

18 NCAC 07J .0501 SOLUTION AVAILABILITY REQUIRED

After submitting its application, a technology provider applicant shall make its electronic notary solution available to the Department for evaluation as specified in the rules in this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0502 DEMONSTRATION CONTENT

A technology provider's demonstration of its electronic notary solution shall establish that the features, functionality, and instructional materials for users comply with the rules in this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0503 DEMONSTRATION TO INCLUDE USE OF SOLUTION IN NOTARIAL TRANSACTION

A technology provider's demonstration of its electronic notary solution shall include a step-by-step exhibition of how the electronic notary solution will be used for notarial transactions.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0504 ADDITIONAL DEMONSTRATIONS

Upon request by the Department, a technology provider applicant shall provide additional demonstrations of its electronic notary solution to establish:

(1) resolution of issues identified in a prior demonstration; and
(2) compliance with the rules in this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0505 WAIVER OF DEMONSTRATION REQUIREMENT

The Department may waive the requirement that a technology provider applicant provide the demonstration required by Rule .0501 of this Section based upon the factors in 18 NCAC 07B .0108.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .0600 – TECHNOLOGY PROVIDER STANDARDS

18 NCAC 07J .0601 SCOPE

The rules in this Section apply to electronic notary solutions.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
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;
Amended Eff. July 1, 2025.

18 NCAC 07J .0602 NOTARY ACCOUNT ACCESS

A technology provider shall ensure that only the notary public, the technology provider, or a person authorized by law can access the notary's:

(1) account information;
(2) journals;
(3) communication technology recordings;
(4) session records; or
(5) metadata associated with the notarial transaction.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0603 REQUIRE NOTARY MULTI-FACTOR AUTHENTICATION

A technology provider shall require multi-factor authentication before a notary public may access the notary's account.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0604 INACTIVITY WARNING TIMING

A technology provider's electronic notary solution shall issue a warning on screen to a notary public:

(1) who is logged into the notary's account; and
(2) has been inactive longer than 15 minutes.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0605 PROVIDER ACTION AFTER WARNING

No more than five minutes after the on screen warning in Rule .0604 of this Section, a technology provider's electronic notary solution shall:

(1) determine whether there has been activity by the notary public in that five minutes; and
(2) log the notary out if there has been no activity.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0606 TECHNOLOGY PROVIDER WEB PAGE

A technology provider shall create a publicly accessible web page or pages containing the information required by Rule .0607 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0607 SINGLE LINK AND SUBMISSION TO DEPARTMENT

A technology provider shall ensure that the website page or pages required by Rule .0606 of this Section and website content required by Rule .0608 of this Section are accessible through a single link provided to the Department:

(1) for inclusion on the Department's authorized technology provider web page; and
(2) with any sub-pages directly accessible through the single linked page.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0608 WEBSITE CONTENT

A technology provider's website shall include the following content in the order set out in this Rule:

(1) the provider's name;
(2) the provider's contact information, including:
    (a) a general telephone number;
    (b) a sales number, if different; and
    (c) a support or help desk number;
(3) the types of authorized electronic notary solution offered and each product name;
(4) if applicable, a notice that North Carolina notaries may use only electronic notary solutions authorized by the Department;
(5) a product description, including the functions offered;
(6) service sectors served by the products described;
(7) the minimum technical specifications for use of the electronic notary solution by:

(a) a notary public;
(b) a principal; and
(c) other participants in an electronic notarial transaction;

(8) a direct link to the service level agreement required by Rule .0109 of this Subchapter;

(9) either the disclosures required by the following rules in this Subchapter or a link to those disclosures:
(a) Rule .1208;
(b) Rule .1427;
(c) Rule .1613;
(d) Rule .1812; and
(e) Rule .2021;

(10) either the instructions for use and demonstrations or tutorials or links to them; and

(11) other information that the provider wishes to provide, such as pricing.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0609 UPDATING SINGLE LINK URL

A technology provider shall notify the Department within five business days of a change in the URL of the information required by Rule .0606 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0610 ENCRYPTION OF DATA

A technology provider shall securely encrypt data while it is at rest and in transit.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0611 DATA STORED DOMESTICALLY

A technology provider shall:

(1) store all data associated with the notarial transaction process in the United States while the data is at rest; and

(2) certify compliance with Item (1) of this Rule:
(a) on its initial and subsequent applications; and
(b) on its verification of compliance pursuant to Rule .0211 of this Subchapter, if applicable.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0612 DATA STORAGE FACILITY REQUIREMENTS

A technology provider shall store all data associated with a notarial session in facilities that are:

(1) climate-controlled; and

(2) secure from unauthorized physical access.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0613 DATA CENTER SECURITY

A technology provider shall ensure that each data center it uses has physical security measures in place that include:

(1) restricting physical system access to personnel authorized by the provider to access the data center's system;
(2) monitoring and logging physical access to the data center's information systems;
(3) maintaining the physical access logs for five years; and
(4) monitoring and responding to:
    (a) physical intrusion alarms; and
    (b) surveillance system observations and alerts.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0614 CERTIFICATION RE DATA CENTER SECURITY

A technology provider shall certify its compliance with Rules .0612 and .0613 of this Section on its:
(1) initial and subsequent applications; and
(2) verification of compliance pursuant to Rule .0211 of this Subchapter, if applicable.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0615 MAINTENANCE OF SOFTWARE AND HARDWARE

A technology provider's hardware, software, and firmware for systems supporting the electronic notary solution shall:
(1) not be classified as end-of-life by their manufacturers;
(2) still be eligible for vendor security patches; and
(3) comply with the "N-1" principle that states that all systems should be running either the newest stable release or one version prior to that release.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0616 CONFIGURATION MANAGEMENT PLAN

A technology provider shall maintain a configuration management plan for systems supporting the electronic notary solution that addresses:
(1) maintenance of an accurate inventory of items including:
    (a) software;
    (b) hardware; and
    (c) network components;
(2) implementation of configuration settings which represent the most restrictive security settings compatible with the systems' operational requirements;
(3) use of automated mechanisms to detect inventory and configuration changes;
(4) prevention of unauthorized changes to the systems; and
(5) evaluation of the potential security impact of proposed changes.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0617 IDENTIFICATION AND ACCESS CONTROL

A technology provider shall implement personnel identification and access control measures for systems supporting the electronic notary solution that:
(1) designate and authorize users;
(2) assign access to its data and systems based on users' roles;
(3) restrict non-privileged users from performing privileged functions;

(4) review, manage, and monitor users' role-based access;
(5) restrict notarial transaction process-related data access to authorized persons; and
(6) delete, revise, or remove access for users:
(a) whose role changes; or
(b) who are no longer employed with the provider.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0618 IDENTIFICATION AND ACCESS CONTROL BY THIRD PARTY VENDORS AND SUPPORTING VENDORS

A technology provider shall confirm that each of its third-party and supporting vendors maintain and implement identification and access control measures equivalent to or more stringent than those required by Rule .0617 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0619 VULNERABILITY DETECTION AND REMEDIATION

A technology provider shall:
(1) at least weekly execute or cause to be executed a third party security program which shall evaluate each system endpoint for indications of malware, known security risks, and other vulnerabilities; and
(2) detect and remediate IT security vulnerabilities.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0620 IT SECURITY AUDIT

A technology provider shall have a third-party audit of its IT security conducted at least once every three years:
(1) sufficient to comply with Rule .0622 of this Section; and
(2) by Certified Information Systems Auditors or the equivalent.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0621 SUMMARY OF IT SECURITY AUDIT

A technology provider shall provide a summary to the Department of its most recent IT security audit, which shall not be more than three years old:
(1) on its initial and subsequent applications; and
(2) on its verification of compliance pursuant to Rule .0211 of this Section, if applicable.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0622 CONTENTS OF IT SECURITY AUDIT SUMMARY

(a) The IT audit summary provided to the Department pursuant to Rule .0620 of this Section shall include:
(1) the date of the audit;
(2) the third-party audit standards by which the audit was conducted;
(3) the name, contact information, and title or role of a representative of the organization conducting the audit;

(4) the IT security audit findings; and
(5) any plan of action including a timeline to address all findings.

(b) For purposes of this Rule, "finding" means:
(1) a deficiency in internal control;
(2) noncompliance with applicable laws and rules; or
(3) instances of fraud.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0623 CYBERSECURITY INCIDENT PREVENTION

A technology provider shall take steps to prevent cybersecurity incidents by:
(1) logging and monitoring access to the system; and
(2) detecting, tracking, and addressing security flaws.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0624 SECURITY PLAN

A technology provider shall maintain a security plan specifying how it will comply with laws, rules, and the Department's protocols related to:
(1) physical security; and
(2) IT security.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0626 SECURITY INCIDENT RESPONSE PLAN

A technology provider shall maintain a security incident response plan that:
(1) addresses the capabilities required by the rules in this Section;
(2) includes annual testing; and
(3) is revised annually, as needed.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0627 CYBERSECURITY INCIDENT RESPONSE

A technology provider shall:
(1) detect and respond to any cybersecurity incident;
(2) store evidence related to a cybersecurity incident in a manner that:
(a) establishes chain of custody; and
(b) preserves chain of custody; and
(3) retain security logs and other data related to cybersecurity incidents and response for at least three years.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0628 CONTINGENCY PLAN REQUIREMENT

A technology provider shall maintain a contingency plan for recovery to a functional state in the event of a cybersecurity incident or other service disruption of:

(1) its authorized electronic notary solutions;
(2) the following businesses upon which its electronic notary solutions are reliant:
    (a) critical infrastructure companies, as defined in G.S. 166A-19.70A; and
    (b) supporting vendors listed pursuant to Rule .0410 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0629 CONTENTS OF CONTINGENCY PLAN

A technology provider's contingency plan shall include:

(1) the manner in which it will recover its authorized services to a functional state;
(2) a projected timeline for recovery to a functional state; and
(3) required notices to the Department and notaries public pursuant to Section .0200 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .0700 – ELECTRONIC SIGNATURE AND SEAL STANDARDS

18 NCAC 07J .0701 APPLICATION OF ELECTRONIC SEAL

An electronic notary seal shall be applied only by an electronic notary using an IPEN or platform provider's electronic notary solution.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0702 COMPLIANCE WITH ELECTRONIC SIGNATURE AND SEAL RULES

An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to comply with the following rules:

(1) 18 NCAC 07F Section .0700, Electronic Notary Signature;
(2) 18 NCAC 07F Section .0800, Electronic Notary Seal; and
(3) 18 NCAC 07F Section .1000, Confidentiality, Security, and Records Retention.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0703 APPLICATION OF ELECTRONIC SIGNATURE

An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to affix the electronic notary's electronic signature on an electronic notarial certificate.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0704 ELECTRONIC SIGNATURE APPEARANCE

An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to apply the electronic notary's electronic signature to an electronic record being notarized only if:

(1) the electronic signature is an exact copy of the electronic notary's handwritten signature delivered pursuant to Rules .1201 and .1410 of this Subchapter; or

(2) the signature is handwritten by the electronic notary using electronic means during the notarial transaction.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0705 ELECTRONIC SIGNATURE AND SEAL REVIEW

An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to comply with 18 NCAC 07F .0710 and .0815 by permitting the electronic notary to:

(1) view the electronic signature and seal after application; and
(2) delete and reapply the electronic signature and seal before committal.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0706 ELECTRONIC SIGNATURE AND SEAL CHANGES

If an IPEN or platform provider's electronic notary solution receives a registration certificate reflecting a change in an electronic notary public's name, county, or expiration date, the provider shall:

(1) use the Department's notary public database to:
  (a) verify that the electronic notary's information has changed as shown on the certificate; and
  (b) verify that the electronic notary continues to be in active status with the Department;
(2) generate a new electronic seal reflecting the changed information;
(3) obtain an updated handwritten signature from the electronic notary in compliance with Rule .1201(5) or .1410(5) of this Subchapter, as applicable, if the notary's name has changed;
(4) provide exemplars of the updated signature and seal to the Department; and
(5) reconfirm the Department's receipt of the exemplars.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .0800 – ELECTRONIC JOURNAL STANDARDS

18 NCAC 07J .0801 ELECTRONIC JOURNAL REQUIRED

An IPEN or platform provider's electronic notary solution shall provide an electronic journal in which an electronic notary can record all completed and canceled electronic notarial transactions.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0802 COMPLIANCE WITH JOURNAL RULES

An IPEN or platform provider shall design its electronic journals in a way that enables an electronic notary public to comply with the journal rules in this Chapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0803 JOURNAL ENTRY FOR EACH NOTARIAL TRANSACTION

An IPEN or platform provider shall design its electronic journals to require a single journal entry for each:

(1) notarial act;
(2) canceled notarial act; and

(3) supplemental journal entry.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0804 CLASSIFICATION OF JOURNAL ENTRIES

An IPEN solution or platform provider shall design its electronic journals to enable a notary public to classify each journal entry as:

(1) a completed notarial act;
(2) a canceled notarial transaction; or
(3) a supplemental journal entry.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0805 MINIMUM LENGTH OF NOTES FIELD

An IPEN solution or platform provider shall design its electronic journals to provide a notes field:

(1) that allows a notary to enter observations about a notarial transaction; and
(2) that accommodates at least 3,000 characters.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0806 JOURNAL DATA VALIDATION

An IPEN or platform provider shall design its electronic journal to allow a notary public to review, amend, or confirm information in all fields contained within a journal entry before committing it.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0807 COMMITTED JOURNAL ENTRY AMENDMENTS PROHIBITED

An IPEN or platform provider shall design its electronic journal to prohibit amendment of an electronic journal entry after it is committed by the notary public.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0808 PRINTING OF ELECTRONIC JOURNAL INFORMATION

An IPEN or platform provider shall design its electronic journal to permit the notary public to print a tangible and legible copy of each journal entry selected by the notary.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0809 JOURNAL SEARCH

An IPEN or platform provider shall ensure that its electronic journal can be searched based on the information entered by a notary public in any field in the journal.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0810 SEGREGATION OF ENTRIES

An IPEN or platform provider shall ensure that entries in its electronic journals can be annotated and distinguished from other entries. Note: An example of separate and distinguishing annotation would be flagging entries subject to a litigation hold.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0811 NOTARY ACCESS TO JOURNAL

During the contract period in which a notary public has use of an IPEN or platform provider's electronic journal, the provider shall make the entries and journal:

(1) viewable by the notary;
(2) printable by the notary;
(3) available for download; and
(4) available for transfer to a custodian.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0812 TERMINATION OF RELATIONSHIP WITH NOTARY

An IPEN or platform provider shall do the following upon the termination of its relationship with a notary public:

(1) within 45 days, transfer the notary's electronic journal to a custodian; and
(2) delete the electronic journal entries and journal after transfer to a custodian unless retention is permitted pursuant to law or the rules in this Subchapter.

Note: For purposes of this rule, termination of relationship means:

(1) termination of a contract between the provider and a notary or the notary's employer; or
(2) restriction, suspension, or termination of the provider's authorization by the Department or a court of general jurisdiction.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0813 SUPPLEMENTAL JOURNAL ENTRIES

An IPEN or platform provider's electronic journal shall allow a notary public to record one or more supplemental journal entries pursuant to 18 NCAC 07I .0308.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .0900 – COMMUNICATION TECHNOLOGY STANDARDS

18 NCAC 07J .0901 ACCESS LIMITED

A platform provider shall limit participation in a notarial session to individuals authorized to have access by:

(1) the notary public who will perform the notarial acts;
(2) the principals in the notarial transaction; and
(3) other parties authorized by the notary or principals.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0902 VIEW OF DOCUMENT

The communication technology shall allow an electronic notary public to view the application of the principal's signature to any document being notarized.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0903 VIDEO STANDARDS

A platform provider's communication technology shall enable:

(1) comparison by the notary of a remotely located principal's facial features with the credential that was used for credential analysis;
(2) visual communication between the notary, principals, and any additional participants, including interpreters and transliterators, for the duration of the notarial transaction; and
(3) the remotely located principal for whom CART captioning is being provided and the speaker to see the CART captions.

Note: Visual communication includes American Sign Language and cued speech.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0904 VIDEO CUSTOMIZATION STANDARD

A platform provider's communication technology shall include a feature that allows each participant to lock the size and position of a priority video window and can be located easily by a participant in a notarial transaction.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0905 AUDIO STANDARDS

A platform provider's communication technology shall support audio interactions between all participants in a notarial transaction that:

(1) provide live audio transmission for the duration of the notarial transaction;
(2) provide clarity and volume so that all participants can hear the audio; and
(3) synchronize the audio with the video transmission, except as permitted pursuant to 18 NCAC 07H .0405.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0906 WRITTEN COMMUNICATION STANDARD

A platform provider's communication technology shall support:

(1) live transmission of on-screen text communication between all participants in a notarial transaction;
(2) CART captioning pursuant to Rule .0903 of this Section; and
(3) customization by each participant of all text outputs generated by the participants of:
    (a) the contrast between the text and background;
    (b) the size of the text; and
    (c) the text font.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0907 RECORDING CAPABILITY

A platform provider's communication technology shall:

(1) permit recording of a remote electronic notarial session; and

(2) provide the electronic notary public with the controls to:

(a) initiate a communication technology recording;

(b) conclude a communication technology recording; and

(c) allow creation of a session record in accordance with the rules in this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0908 RECORDING CONTENT

A platform provider's communication technology shall preserve all audio, visual, and written content as it occurred or was presented during the notarial session.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0909 RECORDING METADATA

A platform provider's communication technology shall associate metadata to a communication technology recording documenting:

(1) the format of the recording; and

(2) the length of the recording.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .0910 RECORDING OF REMOTE JUDICIAL ACTIONS OR PROCEEDINGS

Any recording of a remote judicial action or proceeding authorized by G.S. 10B-134.9(d) shall be exempted from the rules of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .1000 – DEPOSITORY SERVICES STANDARDS

18 NCAC 07J .1001 DEPOSITORY REQUIREMENTS

Except as noted, the rules in this Section apply to the depositories of IPEN solution providers and platform providers.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1002 SESSION RECORD CREATION

(a) A session record shall be created at the end of a notarial session and include:

(1) all journal entries made in the session;

(2) any communication technology recording made of the session; and

(3) metadata as required by Rule .1017 of this Section.

(b) A session record shall be created for a traditional notary public using a platform depository's services only if the traditional notary:

(1) administers an oath or affirmation pursuant to G.S. 10B-134.9(d);
(2) chooses to make an entry in the provider's electronic journal; and
(3) designates a custodian.

(c) A session record shall be created for each supplemental journal entry.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1003 SESSION RECORD DIGITAL SIGNATURE

A depository shall digitally sign each session record.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1005 SESSION IDENTIFIER

A depository shall establish a session identifier for each notarial session or supplemental journal entry by concatenating the following numbers, with no separation or punctuation:

(1) the four-digit identifying number assigned to the authorized depository by the Department;
(2) the 12 digit commission number of the notary public who performs notarial acts during the session, padded with leading zeros as necessary;
(3) the eight-digit date on which the session occurred, comprised of the following numbers in the order listed:
    (a) the four-digit calendar year;
    (b) the two-digit month; and
    (c) the two-digit day; and
(4) a seven-digit sequential session number that is assigned by the depository and that:
    (a) begins with number 0000001 on the first day of the calendar year; and
    (b) ends with the last sequential number for sessions in that same calendar year.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1006 SEARCHABLE SESSION RECORD FIELDS

A depository shall make session records searchable and identifiable by the following fields:

(1) the session identifier required pursuant to Rule .1005 of this Section;
(2) the commission name of the notary public;
(3) the county of the notary's commission;
(4) the names of the remotely located principals as they appear on the credentials presented for credential analysis;
(5) the time when the session ended;
(6) whether the session was performed in the conduct of the business of a notary's employer;
(7) the name of the employer, if applicable;
(8) the types of notarial acts, or cancellation of the session; and
(9) whether the electronic notarial act was:
    (a) an electronic notarial act; or
    (b) a remote electronic notarial act:
        (i) pursuant to G.S. 10B-134.9(d) for which no electronic journal entry is made; or
        (ii) other remote electronic notarial act pursuant to Article 4A of Chapter 10B of the General Statutes; or

(10) whether the session record is for a supplemental journal entry.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1007 SESSION RECORD UNCHANGED

A depository shall ensure that there are no changes to a session record held in its depository from the time the record is created until transfer to a custodian.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1008 STORAGE LOCATIONS

A depository shall maintain copies of each session record and session record log in two or more geographically separated data facilities.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1009 TIME LIMIT FOR TRANSFER FROM DEPOSITORY

A depository shall transfer a session record to a custodian selected by a notary public on the earliest of:

(1) a time agreed to by the notary;
(2) no later than 10 days from receipt of a written transfer request from the notary;
(3) one year from the date the session concluded; or
(4) the expiration of the provider's contract with the notary.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1010 EXCEEDANCE OF STORAGE TIME LIMIT

A depository that is unable to comply with Rule .1009 of this Section shall:

(1) notify the Department upon discovering the inability; and
(2) comply with the rules for custodians in Section .2000 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1011 DELETION OF SESSION RECORD

A depository shall securely delete a session record from its depository within 45 days of receiving a confirmation receipt from the electronic notary public's designated transferee custodian.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1012 VALIDATION BEFORE DELETION

A depository shall not delete a session record until it receives the transferee custodian's receipt confirming that the record has been:

(1) received; and
(2) validated.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1013 NOTARY ACCESS TO SESSION RECORD FROM DEPOSITORY

A depository shall allow a notary public to view, copy, print, and download any of the notary's session records in the possession of the depository at any time and at no cost.

Note: This rule shall not apply to planned service outages for which notice is provided pursuant to Rule .0205 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1014 DEPOSITORY CONTINUITY OF SERVICES

A depository shall not discontinue operation of its depository until all session records and session record logs are transferred to the custodians designated by the notaries public.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1015 JOURNAL ENTRY IDENTIFIER

A depository shall establish a journal entry identifier for each journal entry by concatenating the following numbers in order:

(1) the session identifier; and
(2) a four-digit number representing the sequential number of the journal entry within the session record.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1016 SESSION RECORD LOG FOR WHICH THERE IS NO ELECTRONIC JOURNAL ENTRY

If a traditional notary public administers an oath or affirmation pursuant to G.S. 10B-134.9(d) and chooses not to make an electronic journal entry, the platform depository shall create a session record log entry of the oaths or affirmations administered during the session.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1017 REQUIRED METADATA

After the notary public has committed the session record and before the depository digitally signs the PDF/A of the session record, the depository shall add the following metadata:

(1) the session identifier;
(2) the notary public's name as shown on the notary's commission certificate;
(3) the sum of:
    (a) the platform's count of the number of notarial acts for which the notary's electronic seal was applied with the notary's signature; and
    (b) the notary's count of the number of oaths or affirmations administered without a principal signature;
(4) the date and time the session record was created and sealed by the depository;
(5) a list of the types of notarial acts performed; and

(6) whether the notarial acts performed were:
  (a) electronic notarial acts;
  (b) remote electronic notarial acts pursuant to G.S. 10B-134.9(d) for which no electronic journal entry is made; or
  (c) other remote electronic notarial acts.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1018 SESSION RECORD LOG

A depository shall establish a session record log for each session as required by Rule .1019 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1019 CONTENTS OF SESSION RECORD LOG

A session record log shall include:

(1) the session record identifier;
(2) the time and date that the session:
  (a) started; and
  (b) ended;
(3) whether a session record was created;
(4) the name of the notary public exactly as it appears on the notary's commission certificate;
(5) whether the notarial act was performed for the notary's employer, and the name of the employer, if applicable;
(6) the types of notarial acts performed during the notarial session as defined in G.S. 10B-3(11);
(7) whether the notarial act was:
  (a) an electronic notarial act; or
  (b) a remote electronic notarial act:
    (i) pursuant to G.S. 10B-134.9(d) for which no electronic journal entry is made; or
    (ii) other remote electronic notarial act pursuant to Article 4A of Chapter 10B of the General Statutes;
(8) the IP address of the device used by the notary in the notarial transaction;
(9) for each principal in the notarial transaction:
  (a) the principal's name as it appears on the credentials presented for credential analysis;
  (b) the IP address of the primary device used by the principal to enter the communication technology of a platform used in the notarial transaction; and
  (c) the principal's location:
    (i) as determined by geolocation, if available; or
    (ii) as entered by the notary if self-attestation is used as the means of verifying the principal's location;
(10) the notary's count of the oaths or affirmations administered by the notary without principal signatures;
(11) the platform's count of the number of notarial acts for which the notary's electronic signature or seal were applied;
(12) whether the platform facilitated payment to the notary, and if applicable:
  (a) the name of the person making the payment;
  (b) the method of payment:
    (i) ACH;
    (ii) credit card; or
    (iii) other electronic method;
  (c) the name of the financial institution; and
  (d) the last four digits of the account number used; and
(13) the date on which the session record was deleted.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1020 ENTRY TO DEPARTMENT DATABASE

A depository shall update the Department's database at the conclusion of each notarial session with the following information:

(1) the session identifier;
(2) the date and time that:
    (a) the session began; and
    (b) the session ended;
(3) whether a session record was created;
(4) the IP address of the device used by the notary in the notarial transaction;
(5) whether the electronic notarial act was:
    (a) an electronic notarial act; or
    (b) a remote electronic notarial act:
        (i) pursuant to G.S. 10B-134.9(d) for which no electronic journal entry is made; or
        (ii) other remote electronic notarial act pursuant to Article 4A of Chapter 10B of the General Statutes;
(6) the principal names as they appear on the credentials presented for credential analysis; and
(7) the count of notarial acts performed during the session as described in Rule .1017(3) of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1021 RETENTION OF SESSION RECORD LOG BY DEPOSITORY

Each session record log shall be retained by the depository for no less than 15 years from the date of the session record log creation.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1022 TRANSFER OF SESSION REOCRD LOG

A depository shall transfer to a custodian a copy of a session record log together with any associated session record. A depository shall not be required to transfer a copy of a session record log to a custodial notary public.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1023 ENTRY IN DEPARTMENT'S DATABASE BY TRANSFEROR

Upon validation pursuant to Rule .1012 of this Section, a transferor shall update the Department's database with the following information:

(1) the session identifier;
(2) the four-digit identifying number assigned to the technology provider making the entry into the Department's database;
(3) the four-digit identifying number assigned to the transferor;
(4) for the transferee:
    (a) the four-digit identifying number assigned to the transferee; or
    (b) the custodial notary public's commission number, if applicable; and
(5) the date and time of the transfer.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .1100 – BRIDGE PROVISIONS

18 NCAC 07J .1101 SAFE HARBOR

An existing technology provider may continue to provide its IPEN solution under its previous approval until:

(1) its first complete application submitted pursuant to Rule .1303 of this Subchapter has been approved or denied;
(2) it discontinues offering its IPEN solution in North Carolina and provides notice pursuant to Rules .0215 and .0216 of this Subchapter; or
(3) July 1, 2026, whichever is earlier.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1102 DEADLINE FOR EXISTING TECH PROVIDER APPLICATIONS

An existing technology provider shall:

(1) submit an application for authorization of its IPEN solution:
    (a) no earlier than the effective date of the rules in this Subchapter; and
    (b) no later than April 1, 2026; or
(2) provide notice no later than April 1, 2026, pursuant to Rules .0215 and .0216 of this Subchapter that it will discontinue offering its IPEN solution in North Carolina.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1103 COMPLIANCE WITH RULES DURING BRIDGE PERIOD

An existing technology provider shall comply with the following rules between the effective date of the rules in this Subchapter and the applicable date in Rule .1102 of this Section:

(1) Rules .0101-.0102, .0104-.0108, and .0110 of this Subchapter;
(2) Rules .0201-.0202 of this Subchapter;
(3) Rule .0602 of this Subchapter;
(4) Rules .0701-.0706 of this Subchapter;
(5) Rules .1101-.1104 of this Section; and
(6) Rule .1201(2)-(4) and (6)-(8) of this Subchapter and Rules .1203-.1205 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025;
Amended Eff. April 1, 2026.

18 NCAC 07J .1104 APPLICATION REQUIRED UPON CHANGES

If an existing technology provider operating pursuant to Rule .1101 of this Section undergoes a change reportable pursuant to Rule .0201 of this Subchapter, it shall file an application pursuant to Section .1300 of this Subchapter and not implement the change without Departmental approval of the application.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .1200 – IPEN SOLUTION STANDARDS

18 NCAC 07J .1201 IPEN SOLUTION ACCOUNT CREATION

An IPEN solution provider shall create an account for an electronic notary public only after it:

(1) confirms the electronic notary's identity by using approved credential analysis and identity proofing solutions;
(2) receives the electronic notary registration certificate from the electronic notary;
(3) uses the Department's online database of notaries to:
    (a) search for the electronic notary by commission name and number;
    (b) verify whether the electronic notary:
        (i) is in active status as an electronic notary;
        (ii) the expiration date of the individual's commission certificate; and
        (iii) the county of commissioning of the electronic notary;
(4) documents the electronic notary's designated custodian;
(5) acquires an image of the electronic notary's handwritten signature or arranges for the electronic notary to use its device to, by hand, electronically sign notarial certificates;
(6) creates an image of the electronic notary's electronic notary seal that complies with 18 NCAC 07F .0807;
(7) provides to the Department an exemplar of:
    (a) the electronic notary's electronic signature; and
    (b) the electronic notary's electronic seal; and
(8) receives confirmation of receipt of the electronic notary's signature and seal exemplars from the Department.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1202 CHANGES TO ELECTRONIC REGISTRATION CERTIFICATE PRESENTED TO IPEN SOLUTION PROVIDER

Upon receiving an electronic notary registration certificate that differs from that previously presented by an electronic notary public, the IPEN solution provider shall comply again with Rule .1201 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1203 VERIFICATION OF NOTARY STATUS

When an electronic notary public initiates a notarial session, an IPEN solution provider shall use the Department's notary public database to verify whether the electronic notary is in active status as an electronic notary.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1204 INABILITY TO VERIFY ACTIVE STATUS

If an IPEN solution provider cannot verify the active status of an electronic notary public, the provider shall:

(1) not allow the electronic notary to proceed with the notarial session; and
(2) enable the electronic notary's access to the IPEN solution only to search, view, print, and download existing records.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1205 WHEN PROVIDER MAY RE-ENABLE FULL ACCESS

An IPEN solution provider may re-enable an electronic notary public's full access to the solution if it can verify active status pursuant to Rule .1203 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1206 IPEN VERIFICATION OF CUSTODIAN

If an IPEN solution provider does not offer custodial services, it shall not allow an electronic notary public to begin a notarial session until:

(1) the electronic notary discloses the name of the custodian with whom the notary has contracted for custodial services; or

(2) the electronic notary discloses that he or she will be a custodial notary.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1207 FORMAT OF SESSION RECORD

An IPEN solution shall render a session record tamper evident by:

(1) preserving it in PDF/A format; and

(2) signing the PDF/A with a verifiable digital certificate to indicate the IPEN solution from which the notarized electronic record originated and prevent further alteration.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1208 IPEN SOLUTION DISCLOSURE

Following the information required by Rule .0608 of this Subchapter, an IPEN solution provider shall:

(1) publish the information required by Rule .1209 of this Section; and

(2) display the information as required by Rule .1210 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1209 CONTENT OF ADDITIONAL IPEN SOLUTION DISCLOSURES

An IPEN solution provider's additional disclosures pursuant to Rule .1208 of this Section shall include information regarding:

(1) records retention:
  (a) whether the IPEN solution retains a copy of the notarized document upon conclusion of the notarial session and, if so, for how long; and
  (b) whether the IPEN solution retains the principal's personal information upon conclusion of the notarial session and, if so, for how long;

(2) availability:
  (a) projected IPEN solution unavailability due to monthly scheduled maintenance;
  (b) the business hours during which a customer support representative is available for consultation; and
  (c) average wait time during business hours for a response from a customer support representative; and

(3) the IPEN solution provider's technical issue resolution targets, which shall include:
  (a) categorization of issue severity based on a numeric scale or denoted by single words such as "critical," "high," "medium," and "low;"

(b) a plain language description of each category; and
(c) the maximum projected resolution time for issues encountered in each category.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1210 IPEN SOLUTION DISCLOSURE FORMAT

An IPEN solution provider shall present the additional disclosures required by Rule .1208 of this Section in tabular form in the order shown in the table in this Rule:

(1) add horizontal rows in the service disruption response time section as needed to describe each category;
(2) engineer as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-134.1(1); and
(3) replace the rule references with the provider's responses.

[Insert Technology Provider Name] IPEN Solution Disclosures	
Does IPEN solution retain a copy of the notarized document?	[Rule .1209(1)(a) of this Section]
Does IPEN solution retain principals' personal information?	[Rule .1209(1)(b) of this Section]
Projected monthly unavailability due to maintenance?	[Rule .1209(2)(a) of this Section]
Customer support hours?	[Rule .1209(2)(b) of this Section]
Average customer support response time?	[Rule .1209(2)(c) of this Section]

Unscheduled Service Disruption Response Times		
Service Disruption Categorization?	**Category Description?**	**Projected Response Time?**
[Rule .1209(3)(a) of this Section]	[Rule .1209(3)(b) of this Section]	[Rule .1209(3)(c) of this Section]

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .1300 – APPLICATION FOR IN-PERSON ELECTRONIC NOTARIZATION SERVICES AUTHORIZATION

18 NCAC 07J .1301 REQUIREMENTS FOR AUTHORIZATION TO PROVIDE IPEN SERVICES

An IPEN provider applicant shall meet requirements established in:

(1) Article 2 of Chapter 10B of the General Statutes; and
(2) the rules in this Subchapter, except:
  (a) Section .0900; and
  (b) Sections .1400-.2200.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1302 DURATION OF IPEN SOLUTION APPROVAL

The Department's approval of an IPEN solution authorizes the IPEN solution provider to offer its solution to North Carolina notaries public for three years from the date of the approval.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1303 APPLICATION FORM FOR IPEN SERVICES

An IPEN provider applicant shall complete and submit the form described in 18 NCAC 07B .0423.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1304 IDENTIFICATION OF KEY INDIVIDUALS

An IPEN provider applicant shall list key individuals in its application by reference to:

(1) the applicant's organizational structure; and
(2) the duties of its officers, directors, and employees.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1305 APPLICATION REQUIREMENTS FOR IPEN PROVIDER KEY INDIVIDUALS

An IPEN provider applicant shall provide to the Department the following information for each key individual identified pursuant to Rule .1304 of this Subchapter:

(1) the information required by 18 NCAC 07B .0402(1);
(2) the key individual's position title;
(3) a nationwide criminal history record for a key individual residing in the United States that:
    (a) includes applicable records from all United States jurisdictions;
    (b) is prepared at the applicant's expense; and
    (c) is issued no more than 90 days before the application date;
(4) a criminal history record for a key individual residing outside the United States with:
    (a) a nationwide criminal history record from their country of residence; and
    (b) the nationwide criminal history record required by Item (3) of this Rule; and
(5) a written statement by each key individual certifying under penalty of perjury:
    (a) whether the criminal history record submitted is complete or incomplete; and
    (b) that the key individual has provided the applicant with the information required by 18 NCAC 07B Section .0500, including submission of affidavits of moral character if applicable.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1306 FREQUENCY OF CRIMINAL HISTORY RECORD CHECKS FOR KEY INDIVIDUALS

Criminal history record checks for key individuals that are submitted by an IPEN provider applicant shall:

(1) be valid for three years; or
(2) be updated as required pursuant to 18 NCAC 07B .0505 and .0506.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1307 WHEN MORE FREQUENT CRIMINAL HISTORY RECORD CHECKS REQUIRED

An IPEN provider's notice of changes pursuant to Item (2) of Rule .0203 of this Subchapter shall be made:

(1) within the time set forth in Rule .0203 of this Subchapter; and
(2) using the form specified in 18 NCAC 07B .0411.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .1400 – PLATFORM STANDARDS

18 NCAC 07J .1401 REQUIRED GENERAL PLATFORM FUNCTIONS

A platform provider shall integrate into its platform each of the following functions:

(1) use of communication technology as defined in G.S. 10B-134.1(1) that complies with Section .0900 of this Subchapter;
(2) use of geolocation as defined in G.S. 10B-134.1(4a) and Rule .0101(9) of this Subchapter that complies with the requirements of this Subchapter;
(3) use of credential analysis as defined in G.S. 10B-134.1(3) that complies with Section .1600 of this Subchapter;
(4) use of identity proofing as defined in G.S. 10B-134.1(5) that complies with Section .1800 of this Subchapter;
(5) an electronic journal as defined in G.S. 10B-134.1(4) that complies with Section .0800 of this Subchapter;
(6) the capability to attach or logically associate the electronic notary public's electronic signature and seal that complies with Section .0700 of this Subchapter; and
(7) a depository as defined in Rule .0101(5) of this Subchapter that complies with Section .1000 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1402 PLATFORM FUNCTIONS FOR TRADITIONAL NOTARY

(a) A platform provider shall allow a traditional notary public with whom it has a contract to:

(1) use its platform to administer an oath or affirmation pursuant to G.S. 10B-134.9(d);
(2) search, review, download, and print the notary's electronic journal entries, if any.

(b) A traditional notary may make an entry into an electronic journal offered by the platform only if the notary designates a custodian.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1403 PLATFORM SESSION RECORD FOR TRADITIONAL NOTARY

A platform provider shall create a session record for a notarial session in which a traditional notary makes an electronic journal entry pursuant to Rule .1402(b) of this Section.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1404 PLATFORM FUNCTIONS UNAVAILABLE TO TRADITIONAL NOTARY

A platform shall not allow a traditional notary public to:

(1) create an electronic signature or seal for use in performing electronic or remote electronic notarial acts;
(2) apply an electronic notary seal; or
(3) perform a remote notarial act other than as provided in Rule .1402 of this Section.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1405 REASONABLE ACCOMMODATION

A platform provider shall accommodate a principal with vision, hearing, or speech impairment using:

(1) auxiliary aids;
(2) interpreters or transliteraters; or
(3) CART captioning.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1406 GEOLOCATION DETECTION

A platform provider shall detect whether any device used by a principal to connect with the platform during the notarial transaction process is:

(1) GPS-enabled; and
(2) capable of geolocation at the time of the remote electronic notarial act.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1407 GEOLOCATION COMMUNICATION TO NOTARY

A platform provider shall take the following steps after making the determination required by Rule .1406 of this Section:

(1) communicate the location of the principal to the notary public by displaying it on a map; or
(2) inform the notary that the principal:
    (a) is not using a GPS-enabled device; or
    (b) has disabled location services on a GPS-enabled device.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1408 NOTICE OF IMAGE OR VOICE ALTERATION

A platform shall notify the notary if it detects that the image or voice of a remotely located principal appears to be altered, unnatural, or simulated.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1409 PERSONAL KNOWLEDGE

A platform shall provide a means to bypass credential analysis and identity proofing functions if the traditional notary public or electronic notary public confirms that the principal is personally known to the notary.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1410 PLATFORM ACCOUNT CREATION FOR ELECTRONIC NOTARY

A platform provider shall create an account for an electronic notary public only after it:

(1) confirms the electronic notary's identity by using approved credential analysis and identity proofing solutions;
(2) receives the electronic notary registration certificate from the electronic notary;
(3) uses the Department's online database of notaries to:
    (a) search for the electronic notary by commission name and number;

(b) verify:
(i) whether the electronic notary is in active status as an electronic notary;
(ii) the expiration date of the electronic notary's commission certificate; and
(iii) the county of the commissioning of the electronic notary;
(4) documents the electronic notary's designated custodian;
(5) acquires an image of the electronic notary's handwritten signature or arranges for the electronic notary to use its device to, by hand, electronically sign notarial certificates;
(6) creates an image of the electronic notary's seal that complies with 18 NCAC 07F .0807;
(7) provides to the Department an exemplar that is:
(a) the image of the electronic notary's signature created pursuant to Item (5) of this Rule; and
(b) the image of the electronic notary's seal created pursuant to Item (6) of this Rule; and
(8) receives confirmation of receipt of the electronic notary's signature and seal exemplars from the Department.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1411 PLATFORM ACCOUNT CREATION FOR TRADITIONAL NOTARY

A platform provider shall create an account for a traditional notary public only after it:
(1) confirms the notary's identity by using approved credential analysis and identity proofing solutions;
(2) receives the notary's commission certificate from the notary;
(3) uses the Department's online database of notaries to verify:
(a) whether the notary is in active status as a notary;
(b) the expiration date of the notary's commission certificate; and
(c) the county of the commissioning of the notary; and
(4) documents the notary's designated custodian, if the notary will use the platform's electronic journal.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1412 CHANGES TO COMMISSION OR REGISTRATION CERTIFICATE PRESENTED TO PLATFORM

Upon receiving a commission certificate or electronic notary registration certificate that differs from that previously presented by a traditional notary public or an electronic notary public, the platform provider shall comply again with Rules .1410-.1411 of this Section, as applicable.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1413 VERIFICATION OF NOTARY STATUS

When a traditional notary public or an electronic notary public initiates a notarial session, a platform shall use the Department's notary public database to verify whether:
(1) the notary public is in active status; and
(2) if the notary is an electronic notary, whether the notary is in active status as an electronic notary.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1414 INABILITY TO VERIFY ELECTRONIC NOTARY STATUS

If a platform cannot verify that an electronic notary public is in active status as an electronic notary, the platform shall not allow the electronic notary to perform any remote electronic notarial acts other than oaths and affirmations pursuant to G.S. 10B-134.9(d).

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1415 PLATFORM ACCESS FOR NOTARY NOT IN ACTIVE STATUS

If, pursuant to Rule .1413 of this Section, a platform provider is unable to determine that a notary public is in active status, the platform:

(1) shall not allow the notary to administer oaths or affirmations pursuant to G.S. 10B-134.9(d); and
(2) shall allow the notary access to any of the notary's existing journal entries on the platform depository to search, review, print, or download until the entries are transferred to a custodian.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1416 VERIFICATION PRIOR TO REMOTELY ADMINISTERING JUDICIAL OATHS AND AFFIRMATIONS

After verifying the status of a notary public, a platform shall allow a traditional notary in active status or an electronic notary whose registration is not active but whose notary commission is active only to:

(1) proceed with the session and administer oaths or affirmations pursuant to G.S. 10B-134.9(d);
(2) create an electronic journal entry for an oath or affirmation pursuant to Item (1) of this Rule, if applicable; and
(3) search, review, print, or download existing journal entries, if applicable.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1417 WHEN PROVIDER MAY RE-ENABLE FUNCTIONS

A platform provider may restore a notary's or electronic notary's privileges at any time after verifying through the Department's notary database that the notary or electronic notary is in active status.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1418 FORMAT OF SESSION RECORD

A platform shall render a session record tamper evident by:

(1) preserving it in PDF/A format; and
(2) signing the PDF/A with a verifiable digital certificate to indicate the platform from which the notarized electronic record originated and prevent further alteration.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1419 NOTARY COUNT OF NOTARIAL ACTS

A platform shall require the notary public to enter the number of oaths or affirmations administered without a principal's signature.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1420 FIELD FOR COUNT OF OATHS OR AFFIRMATIONS WITHOUT PRINCIPAL SIGNATURES

A platform shall design its system to provide a field for a notary public to enter the count of oaths or affirmations administered to principals without principal signatures.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1421 PLATFORM PROVIDER CALCULATION OF MONTHLY FEE REMISSION OWED TO THE DEPARTMENT

When a platform calculates the total amount of monthly fees owed to the Department, the platform shall multiply the five dollar ($5.00) fee per notarial act by the count of notarial acts entered pursuant to Rule .1017(3) of this Subchapter by all notaries using the platform in the preceding calendar month.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1422 PLATFORM FEES INDEPENDENT OF NOTARY FEES PAID BY PRINCIPALS

A platform shall not deduct the five dollar ($5.00) fee owed to the Department from the fee paid by principals to notaries public for any notarial act pursuant to G.S. 10B-31.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1423 TIMING OF MONTHLY FEE REMISSION

A platform provider shall make the remittance pursuant to G.S. 10B-134.19(g) no later than 30 days after the calendar month for which fees shall be remitted.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1424 FEE REMISSION LOG

A platform provider shall submit a fee remission log to the Department summarizing its monthly fee remission.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1425 FEE REMISSION LOG CONTENTS

A platform's fee remission log shall include:

(1) for each session record:
  (a) the session record identifier;
  (b) each journal entry identifier;
  (c) whether the notarial acts were completed;
  (d) whether the session record identifier applies to a supplemental journal entry;
  (e) whether the session record identifier applies to administration of oaths or affirmations pursuant to G.S. 10B-134.9(d) for which no electronic journal entry was made;

(2) the number of completed notarial acts for the month calculated pursuant to Rule .1017(3) of this Subchapter; and
(3) the total fee remitted to the Department pursuant to Rule .1421 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1426 FEE REMISSION LOG RETENTION

A platform provider shall maintain a copy of each fee remission log submitted to the Department for no less than five years.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1427 ADDITIONAL PLATFORM DISCLOSURES

Following the information required for the provider's webpage by Rule .0608 of this Subchapter, a platform shall:
(1) publish the information required by Rule .1428 of this Section or a link to it; and
(2) display the information as required by Rule .1429 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1428 CONTENT OF ADDITIONAL PLATFORM DISCLOSURES

A platform's additional disclosures pursuant to Rule .1427 of this Section shall include information regarding:
(1) records retention:
  (a) whether the platform retains a copy of the notarized document upon conclusion of the notarial session and, if so, for how long; and
  (b) whether the platform retains the principal's personal information upon conclusion of the notarial session and, if so, for how long;
(2) devices for use with the platform:
  (a) the electronic device types required for the principal to complete a notarial transaction. Note: Examples of such designations include "computer only," "mobile device only," "computer or mobile device," or "computer and mobile device"; and
  (b) the types of auxiliary aids that have been successfully tested with the platform. Note: Examples of auxiliary aids include screen reader software and magnification software;
(3) availability:
  (a) projected platform unavailability due to monthly scheduled maintenance;
  (b) the business hours during which a customer support representative is available for consultation; and
  (c) the average wait time during business hours for a response from a customer support representative;
(4) the maximum number of remote connections that the platform can simultaneously support for a single notarial transaction; and
(5) the platform provider's technical issue resolution targets, which shall include:
  (a) categorization of service disruptions based on a numeric scale or denoted by single words such as "critical," "high," "medium," and "low;"
  (b) a plain language description of each category; and
  (c) the maximum projected response time for issues encountered in each category.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1429 PLATFORM DISCLOSURE FORMAT

A platform provider shall present the additional disclosures required by Rule .1427 of this Section in tabular form in the order shown in the table in this Rule:

(1) add horizontal rows to the table of service disruption response times as needed to describe each category;

(2) engineer the table as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-134.1(1); and

(3) replace the rule references with the provider's responses.

[**Insert Technology Provider Name**] **Platform Disclosures**	
Does platform retain a copy of the notarized document?	[Rule .1428(1)(a) of this Section]
Does platform retain principal's personal information?	[Rule .1428(1)(b) of this Section]
What devices may a principal use to complete a notarial transaction?	[Rule .1428(2)(a) of this Section]
Which auxiliary aids have been successfully tested for use with the platform?	[Rule .1428(2)(b) of this Section]
Projected monthly unavailability due to maintenance?	[Rule .1428(3)(a) of this Section]
Customer support hours?	[Rule .1428(3)(b) of this Section]
Average customer support response time?	[Rule .1428(3)(c) of this Section]
Number of connections supported for a single notarial session?	[Rule .1428(4) of this Section]

Unscheduled Service Disruption Response Times		
Service Disruption Categorization?	**Category Description?**	**Projected Response Time?**
[Rule .1428(5)(a) of this Section]	[Rule .1428(5)(b) of this Section]	[Rule .1428(5)(c) of this Section]

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .1500 – APPLICATION FOR PLATFORM LICENSURE

18 NCAC 07J .1501 PLATFORM LICENSURE REQUIREMENTS

A platform provider applicant shall establish through its application and demonstration that its platform meets all requirements established in:

(1) Article 2 of Chapter 10B of the General Statutes;

(2) the applicable provisions of the Department's Protocols; and

(3) the rules in this Subchapter except:

(a) Section .1100;

(b) Section .1200;

(c) Section .1300;

(d) Section .2000;

(e) Section .2100; and

(f) Section .2200.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1502 DURATION OF PLATFORM LICENSE

A platform license from the Department authorizes the platform provider to offer its platform solution, directly or indirectly, to North Carolina notaries public for one year from the date of its approval.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1503 APPLICATION FORM FOR PLATFORM LICENSE

An applicant for a platform license shall complete and submit the form described in 18 NCAC 07B .0424.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1504 IDENTIFICATION OF KEY INDIVIDUALS

A platform provider applicant shall list key individuals in its application by reference to:

(1) the applicant's organizational structure; and
(2) the duties of its officers, directors, and employees.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1505 APPLICATION REQUIREMENTS FOR PLATFORM KEY INDIVIDUALS

A platform provider applicant shall provide to the Department the following information for each key individual identified pursuant to Rule .1504 of this Subchapter:

(1) the information required by 18 NCAC 07B .0402(1);
(2) the key individual's position title;
(3) the key individual's country of residence;
(4) a nationwide criminal history record for a key individual residing in the United States that:
    (a) includes applicable records from all United States jurisdictions;
    (b) is prepared at the applicant's expense; and
    (c) is issued no more than 90 days before the application date;
(5) a criminal history record for a key individual residing outside the United States with:
    (a) a nationwide criminal history record from their country of residence; and
    (b) the nationwide criminal history record required by Item (4) of this Rule; and
(6) a written statement by each key individual certifying under penalty of perjury:
    (a) whether the criminal history record submitted is complete or incomplete; and
    (b) that the key individual has provided the applicant with the information required by 18 NCAC 07B Section .0500 including submission of affidavits of moral character if applicable.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1506 FREQUENCY OF CRIMINAL HISTORY RECORD CHECKS FOR KEY INDIVIDUALS

Criminal history record checks for key individuals that are submitted by a platform provider applicant shall:

(1) be valid for three years; or
(2) be updated as required pursuant to 18 NCAC 07B .0505 and .0506.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1507 WHEN MORE FREQUENT CRIMINAL HISTORY RECORD CHECKS REQUIRED

A platform's notice of changes pursuant to Item (2) of Rule .0203 of this Subchapter shall be made:

(1) within the time set forth in Rule .0203 of this Subchapter; and
(2) using the form specified in 18 NCAC 07B .0411.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .1600 – CREDENTIAL ANALYSIS STANDARDS

18 NCAC 07J .1601 SECTION DEFINITIONS

For the purposes of the rules in this Section:

(1) "Credential verification false negative rate" means the number of authentic credentials that fail the credential analysis trial process divided by the number of authentic credentials tested.
(2) "Credential verification false positive rate" means the total number of inauthentic or modified credentials that pass the credential analysis trial process divided by the number of inauthentic or modified credentials tested.
(3) "Facial match false negative rate" means the number of times a credential is presented by the individual to whom the credential belongs, and fails the facial match test, divided by the number of tests in which the credential depicts the individual offering the credential.
(4) "Facial match false positive rate" means the number of times a credential is presented by an individual to whom the credential does not belong and passes the facial match test, divided by the number of tests in which the credential does not depict the individual presenting the credential.
(5) "Overall success rate" means:
    (a) The sum of the number of tests in which the results are as set out in Sub-item (b) of this Item divided by the total number of tests presented to the solution.
    (b) The tests to be summed for Sub-item (a) of this Item are the number of times the credential analysis solution accurately:
        (i) verifies a credential and matches the credential to the individual to whom it belongs;
        (ii) identifies an inauthentic or modified credential; and
        (iii) identifies a credential that does not belong to the individual who presented the credential.
(6) "System error rate" means the number of times the solution fails to complete the credential analysis process divided by the number of tests presented to the solution.
(7) "Test" means a credential analysis solution evaluation of a credential pursuant to Rule .1606 of this Section.
(8) "Trial" means an analysis of the performance of the credential analysis solution pursuant to Rule .1602 of this Section.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1602 CREDENTIAL ANALYSIS SOLUTION – GENERAL

A credential analysis solution provider shall conduct a trial of its credential analysis solution pursuant to Rule .1603 of this Section before submitting its application for authorization.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1603 CREDENTIAL ANALYSIS SOLUTION TRIAL PROCESS

A credential analysis solution provider shall conduct, or have a third-party conduct, a trial of its solution by presenting the solution with no less than 100 subjects to be evaluated:

(1) who are real individuals:

(a) whose ages, races, and sexes are within five percent of the proportion of ages, races, and sexes of the population of the United States that is 18 years or older, as established by the most recent United States decennial census; and
(b) at least 18 years old; and

(2) with no less than:
(a) 10 percent of the credentials presented being inauthentic or modified; and
(b) 10 percent of the credentials presented being authentic but not belonging to the individual depicted in the authentic credential with the individual presenting the credential being:
(i) of the same race and sex as the genuine owner of the credential; and
(ii) within five years of age of the individual depicted.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1604 EVALUATION OF CREDENTIAL ANALYSIS TRIAL

The results of a credential analysis trial shall describe:

(1) the overall success rate of the trial;
(2) the credential analysis verification false positive rate;
(3) the credential analysis verification false negative rate;
(4) the facial match false positive rate;
(5) the facial match false negative rate; and
(6) the system error rate.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1605 FREQUENCY OF CREDENTIAL ANALYSIS SOLUTION TRIALS

At least once every three years, a credential analysis solution provider shall:

(1) conduct a trial of its approved solution to assess the reliability of the approved version of the credential analysis solution;
(2) conduct a trial of the credential analysis solution in connection with a material change that is reported to the Department pursuant to Rules .0201 and .0202 of this Subchapter; and
(3) update its disclosures pursuant to Rule .1611 of this Section.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1606 CREDENTIAL ANALYSIS TEST

A credential analysis solution shall test a credential presented by an individual pursuant to Rule .1607 of this Section.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1607 CREDENTIAL ANALYSIS

A credential analysis solution shall:

(1) require the individual to:
(a) describe the type of credential being presented; and
(b) be in real-time, physical control of his or her credential at the time the credential is presented;
(2) ensure that the credential complies with G.S. 10B-3(22)a;
(3) evaluate, in order to authenticate:
(a) the integrity of the visual, physical, and security features of the credential;

(b) whether the credential is fraudulent or modified;
(c) the validity of the credential in comparison to any available information published by the issuing source;

(4) compare the photograph from the individual's authenticated credential to the individual's facial features;
(5) use liveness detection technology if the individual is remotely located;
(6) present the image of the individual's credential to the notary public; and
(7) comply with Rule .1608 of this Section.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1608 CREDENTIAL ANALYSIS OUTCOME

After the process described in Rule .1607 of this Section is concluded, the credential analysis solution shall provide the outcome of credential analysis testing:

(1) of a principal, to a notary public prior to a notarial transaction; and
(2) of a notary public to:
(a) an IPEN solution provider pursuant to Rule .1201 of this Subchapter; or
(b) a platform provider pursuant to Rules .1410 and .1411 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1609 NOTIFICATION OF IMAGE ALTERATION

A credential analysis solution shall:

(1) detect whether the image of a remotely located principal, whether on screen or as presented on the credential, appears to be:
(a) altered;
(b) unnatural; or
(c) simulated; and
(2) pursuant to Rule .1608 of this Section, report if credential analysis finds the appearance of alteration, unnaturalness, or simulation of the image of the principal.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1610 VERIFICATION DATA CONFIDENTIAL

The credential analysis solution shall keep confidential all information specific to the notary public or the principal that is acquired or used during the credential analysis process.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1611 DATA STORAGE PROHIBITED FOR CREDENTIAL ANALYSIS SOLUTION

A credential analysis solution shall not store any data specific to the notary public or the principal that is acquired from the credential analysis process after the conclusion of the process.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1612 ADDITIONAL CREDENTIAL ANALYSIS DISCLOSURES

Following the information required by Rule .0608 of this Subchapter, a credential analysis solution provider shall:

(1) publish the information required by Rule .1613 of this Section or a link to it; and

(2) display the information as required by Rule .1614 of this Section.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1613 CONTENT OF ADDITIONAL CREDENTIAL ANALYSIS DISCLOSURES

A credential analysis solution provider's additional disclosures pursuant to Rule .1612 of this Section shall include:

(1) the results of the credential analysis solution trial required by Rule .1602 of this Section;

(2) whether the trial of the credential analysis solution was performed by the solution provider or by a third party, and the name and contact information for the third party, if applicable;

(3) the year in which the trial was conducted; and

(4) for each type of electronic device that the individual presenting the credential may use to capture credential and facial images, the results of the credential analysis trial evaluation as required by Rules .1603 and .1604 of this Section.

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1614 CREDENTIAL ANALYSIS DISCLOSURE FORMAT

A credential analysis solution provider shall:

(1) present the additional disclosures required by Rule .1611 of this Section in tabular form in the order shown in the table in this Rule;

(2) place the results described in Rule .1604 of this Section in the table in this Rule in the appropriate location; and

(3) engineer the table in this Rule as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-134.1(1).

[Insert Technology Provider Name] Credential Analysis Performance Disclosures		
Overall Success Rate: [result from Rule .1604(1) of this Section] %		
	Score	Number of Tests
Credential verification false positive rate:	[result from Rule .1604(2) of this Section] %	[divisor in Rule .1604(2) of this Section as defined at Rule .1601(2) of this Section]
Credential verification false negative rate:	[result from Rule .1604(3) of this Section] %	[divisor in Rule .1604(3) of this Section as defined at Rule .1601(1) of this Section]
Facial match false positive rate:	[result from Rule .1604(4) of this Section]%	[divisor in Rule .1604(4) of this Section as defined at Rule .1601(4) of this Section]
Facial match false negative rate:	[result from Rule .1604(5) of this Section] %	[divisor in Rule .1604(5) of this Section as defined at Rule .1601(3) of this Section]
System error rate:	[result from Rule .1604(6) of this Section as defined at Rule .1601(6) of this Section]	
Total number of credential analysis tests:	[divisor from Rule .1603 of this Section]	
Entity conducting the credential analysis trial:	[See Rule .1613(2) of this Section]	
Year of credential analysis trial:	[See Rule .1613(3) of this Section]	

History Note: *Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .1700 — APPLICATION FOR CREDENTIAL ANALYSIS AUTHORIZATION

18 NCAC 07J .1701 REQUIREMENTS FOR AUTHORIZATION TO PROVIDE CREDENTIAL ANALYSIS SERVICES

A credential analysis provider applicant shall meet requirements established in:

(1) Article 2 of Chapter 10B of the General Statutes;
(2) the applicable standards set forth in the Department's Protocols; and
(3) the rules in this Subchapter except:
  (a) Sections .0700-.1500; and
  (b) Sections .1800-.2200.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1702 DURATION OF CREDENTIAL ANALYSIS APPROVAL

An approval from the Department of a credential analysis solution authorizes the credential analysis provider to directly or indirectly offer its credential analysis solution to North Carolina notaries public for three years from the date of its approval.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1703 APPLICATION FORM FOR CREDENTIAL ANALYSIS SERVICES

A person applying for authorization of its credential analysis solution shall complete and submit the form described in 18 NCAC 07B .0425.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .1800 – IDENTITY PROOFING STANDARDS

18 NCAC 07J .1801 SECTION DEFINITIONS

For the purposes of the rules in this Section:

(1) "Identity proofing false negative rate" means the total number of times authentic individuals fail the identity proofing process based on their own information, divided by the number of authentic individuals tested.
(2) "Identity proofing false positive rate" means the total number of imposters that pass the identity proofing process divided by the number of imposters tested.
(3) "Overall success rate" means:
  (a) the sum of the number of tests in which the identity proofing solution:
    (i) accurately verifies the identity of an individual; and
    (ii) accurately screens out an imposter; and
  (b) divided by the total number of tests presented to the solution.
(4) "System error rate" means the number of times the identity proofing solution fails to process data needed to complete the identity proofing process, divided by the number of tests presented to the solution.

(5) "Test" means an identity proofing solution evaluation of identity pursuant to Rule .1806 of this Section.
(6) "Trial" means an analysis of the performance of the identity proofing solution pursuant to Rule .1802 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1802 IDENTITY PROOFING SOLUTION TRIAL – GENERAL
An identity proofing solution provider shall conduct a trial of its identity proofing solution pursuant to Rules .1803 and .1804 of this Section before submitting its application for authorization.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1803 IDENTITY PROOFING SOLUTION TRIAL PROCESS
An identity proofing solution provider shall conduct, or have a third-party conduct, a trial of its solution by presenting the solution with no less than 100 subjects to be evaluated:
(1) who are real individuals:
(a) whose ages, races, and sexes are within five percent of the proportion of ages, races, and sexes to that of the population of the United States that is 18 years or older, as established by the most recent United States decennial census; and
(b) at least 18 years old; and
(2) with no less than 10 percent of the tests assessing imposters who attempt to complete the identity proofing process using the personal information of other individuals.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1804 EVALUATION OF IDENTITY PROOFING TRIAL
The results of an identity proofing solution trial shall describe:
(1) the overall success rate of the trial;
(2) the identity proofing false positive rate;
(3) the identity proofing false negative rate; and
(4) the system error rate.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1805 FREQUENCY OF IDENTITY PROOFING SOLUTION TRIALS
At least once every three years, an identity proofing solution provider shall:
(1) conduct a trial of its approved solution to assess the reliability of the approved version of the identity proofing solution;
(2) conduct a trial of the identity proofing solution in connection with a material change that is reported to the Department pursuant to Rules .0201 and .0202 of this Subchapter; and
(3) update its disclosures pursuant to Rule .1812 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1806 IDENTITY PROOFING TEST

An identity proofing solution shall test the identity of individuals who present themselves to the solution pursuant to Rules .1807-.1809 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1807 IDENTITY PROOFING PROCESS USING KNOWLEDGE-BASED AUTHENTICATION

An identity proofing solution using knowledge-based authentication to comply with G.S. 10B-134.11(a)(2)b shall:

(1) require the remotely located individual to attempt an online quiz meeting the requirements of Item (2) of this Rule;
(2) present a quiz to the remotely located individual that shall:
    (a) consist of a minimum of five questions:
        (i) related to the individual's personal history or identity; and
        (ii) formulated from public or private data sources;
    (b) have a minimum of five possible answer choices for each question;
    (c) require the individual to submit all answers within two minutes;
    (d) require at least 80 percent of the questions to be answered correctly in order to receive a passing score; and
(3) inform the individual whether the quiz has been passed or failed, and if failed, of the option to retake the quiz pursuant to Rule .1808 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1808 RE-TAKING OF QUIZ BY INDIVIDUAL

An identity proofing solution using knowledge-based authentication to comply with G.S. 10B-134.11(a)(2)b shall:

(1) allow an individual who failed a first attempt to make a single subsequent attempt to pass the quiz if the attempt is initiated within one minute of the first failed quiz; and
(2) ensure that at least 40 percent of the questions from the first quiz are replaced for the second quiz.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1809 NOTICE OF IDENTITY PROOFING METHODS AND OUTCOMES

After one or more identity proofing tests are concluded, an identity proofing solution shall provide the methods and outcomes of all identity proofing tests:

(1) for a principal, to the notary public performing the notarial act prior to a notarial transaction; and
(2) for a notary public, to the technology solution provider pursuant to:
    (a) Rule .1201 of this Subchapter; or
    (b) Rules .1410 and .1411 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1810 VERIFICATION DATA CONFIDENTIAL

The identity proofing solution shall keep confidential all information specific to the notary public or the principal that is acquired or used during the identity proofing process.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1811 DATA STORAGE PROHIBITED FOR IDENTITY PROOFING SOLUTION

An identity proofing solution shall not store any data specific to the notary public or the principal that is acquired from the identity proofing process after the conclusion of the process.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1812 ADDITIONAL IDENTITY PROOFING DISCLOSURES

Immediately after the information required by Rule .0608 of this Subchapter, an identity proofing solution provider shall:

(1) publish the information required by Rule .1813 of this Section; and
(2) display the information as required by Rule .1814 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1813 CONTENT OF ADDITIONAL IDENTITY PROOFING DISCLOSURES

An identity proofing solution provider's additional disclosures pursuant to Rule .1812 of this Section shall include:

(1) the method of identity proofing used. Note: Examples of identity proofing methods may be described as biometric or knowledge-based authentication;
(2) the results of the identity proofing solution trial required by Rule .1805 of this Section;
(3) whether the trial of the identity proofing solution was performed by the solution provider or by a third party, and the name and contact information for the third party, if applicable; and
(4) the year in which the trial was conducted.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1814 IDENTITY PROOFING DISCLOSURE FORMAT

An identity proofing solution provider shall:

(1) present the additional disclosures required by Rule .1813 of this Section in tabular form in the order shown in the table in this Rule;
(2) place the results described in Rule .1804 of this Section in the table in this Rule in the appropriate location; and
(3) engineer the table in this Rule as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-134.1(1).

[Insert Technology Provider Name] Identity Proofing Performance Disclosures		
Overall Success Rate: [result from Rule .1804(1) of this Section] %		
Method of Identity Proofing [Insert method from Rule 18 NCAC .1813(1) of this Section]		
	Score	Number of Tests
Identity proofing false positive rate:	[result from Rule .1804(2) of this Section] %	[divisor in Rule .1804(3) of this Section as defined in Rule .1801(2) of this Section]
Identity proofing false negative rate:	[result from Rule .1804(3) of this Section]%	[divisor in Rule .1804(2) of this Section as defined in Rule .1801(1) of this Section]

System error rate:	[result from Rule .1804(4) of this Section]
Total number of identity proofing tests:	[divisor from Rule .1803 of this Section]
Entity conducting the identity proofing trial:	[See Rule .1813(3) of this Section]
Year of identity proofing trial:	[See Rule .1813(4) of this Section]

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .1900 – APPLICATION FOR IDENTITY PROOFING SOLUTION AUTHORIZATION

18 NCAC 07J .1901 REQUIREMENTS FOR AUTHORIZATION TO PROVIDE IDENTITY PROOFING SERVICES

An identity proofing provider applicant shall meet requirements established in:

(1) Article 2 of Chapter 10B of the General Statutes;
(2) applicable standards set forth in the Department's Protocols; and
(3) the rules in this Subchapter except:
  (a) Sections .0700-.1700; and
  (b) Sections .2000-.2200.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1902 DURATION OF IDENTITY PROOFING APPROVAL

An approval from the Department of an identity proofing solution authorizes the identity proofing provider to directly or indirectly offer its identity proofing solution to North Carolina notaries public for three years from the date of its approval.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .1903 APPLICATION FORM FOR IDENTITY PROOFING SERVICES

An applicant for identity proofing services shall complete and submit the form described in 18 NCAC 07B .0426.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .2000 – CUSTODIAL SERVICES STANDARDS

18 NCAC 07J .2001 CUSTODIAN REQUIREMENTS

The rules in this Section apply to third-party custodians and IPEN solutions and platforms that are or become custodians.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2002 RECEIPT FROM CUSTODIAN TRANSFEREE

A custodian transferee shall create a receipt and provide it to the transferor confirming that:

(1) the custodian has received from the depository or custodian transferor:

(a) one or more session records; and
(b) a copy of the session record logs associated with the session records; and
(2) the session records and associated session record logs have been:
(a) received; and
(b) verified as unmodified and uncorrupted.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2003 AUTHENTICITY OF CUSTODIAN RECORDS
A custodian shall ensure each session record obtained from a transferring depository or custodian is stored unchanged upon receipt.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2004 NOTARY ACCESS TO SESSION RECORD FROM CUSTODIAN
A custodian shall allow a notary public to view, copy, print, and download any of the notary's session records in its possession within 48 hours of a request by the notary at no cost.
Note: This rule shall not apply to planned service outages for which notice is provided pursuant to Rule .0205 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2005 SEARCHABLE SESSION RECORDS
The custodian shall ensure that a notary public's session records may be searched by any field described in Rule .1006 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2006 SESSION RECORD STORAGE LOCATIONS
A custodian shall maintain copies of each session record and session record log in two or more geographically separated data facilities.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2007 DURATION OF STORAGE FOR CUSTODIAN
Unless it transfers the session record to another custodian, a custodian shall not delete the record until a minimum of 10 years have elapsed since the last committed journal entry associated with that record, whether original or supplemental.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2008 TIME LIMIT FOR TRANSFER FROM CUSTODIAN
A custodian shall transfer a session record and associated session record log to another custodian designated by a notary public no later than 10 days from the earlier of:

(1) receipt of a written request from the notary public to transfer the record; or
(2) the expiration of the custodian's contract with the notary.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2009 SESSION RECORD DELETION BY CUSTODIAN UPON TRANSFER

A custodian that transfers a session record to another custodian shall delete the record only after receiving confirmation from the transferee that the record has been:

(1) accepted; and
(2) verified as unmodified and uncorrupted.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2010 OPTIONAL EXTENDED RETENTION OF SESSION RECORDS

A custodian may preserve a session record longer than the retention time established by the rules in this Subchapter if the electronic notary public:

(1) authorizes the extended retention period in writing; and
(2) specifies the duration of the extended retention period.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2011 SESSION RECORD MARKED FOR EXTENDED RETENTION

A custodian shall provide a means to designate session records that are subject to mandatory retention pursuant to Rule .2012 of this Section.

History Note: *Authority G.S. 10B-4; 10B-1. 06; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2012 MANDATORY EXTENDED RETENTION OF SESSION RECORD UPON NOTIFICATION

A custodian shall retain a session record longer than the time period identified by Rule .2007 of this Section:

(1) if directed by the Department to retain the records pursuant to an investigation authorized by G.S. 10B-60; or
(2) upon receipt of a legal notification requiring the custodian, notary public, or principal to preserve the record.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2013 DELETION UPON EXPIRATION OF MANDATORY EXTENDED RETENTION

If a custodian is required to preserve a session record pursuant to Rule .2012 of this Section, the custodian shall not delete the record until:

(1) the Department notifies the custodian that the investigation is concluded; or
(2) the custodian has no further legal obligation to preserve the record.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*

Eff. July 1, 2025.

18 NCAC 07J .2014 DELETION OF SESSION RECORD ENTRY IN LOG

A custodian shall enter in the associated session record log the date that a session record is deleted.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2015 SESSION RECORD LOG RETENTION BY CUSTODIAN

Each session record log shall be retained by the custodian for no less than 15 years from the date of the notarial session that the entry describes.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2016 TRANSFER OF DEPOSITORY SESSION RECORD LOG BY CUSTODIAN

The depository session record log shall accompany each session record transferred by a transferor custodian to custodian transferee.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2017 CUSTODIAN ENTRY IN DEPARTMENT'S DATABASE

Upon validation pursuant to Rules .1012 and .2002 of this Subchapter, a custodian that is a transferee or a transferor shall update the Department's database with the following information:

(1) the session identifier;
(2) the four-digit identifying number assigned to the technology provider making the entry into the Department's database;
(3) the four-digit identifying number assigned to the transferor;
(4) for the transferee the four-digit identifying number assigned to the transferee custodian; and
(5) the date and time of the transfer.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2018 NOTICE OF CESSATION OF CUSTODIAL SERVICES

A custodian shall provide 60 days of notice to its subscribers and notary public account holders before it ceases to provide custodial services due to:

(1) bankruptcy;
(2) discontinuation of custodial services to North Carolina notaries; or
(3) going out of business.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2019 CUSTODIAN CONTINUITY OF SERVICES

A custodian shall not discontinue its custodial services to North Carolina notaries public until all session records and associated session record log entries in its possession are transferred to the custodians designated by the notaries.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2020 ADDITIONAL CUSTODIAN DISCLOSURES

Immediately following the information required by Rule .0608 of this Subchapter, a custodial services provider shall:

(1) publish on its website the information required by Rule .2021 of this Section; and
(2) format the information as required by Rule .2022 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2021 CONTENT OF ADDITIONAL CUSTODIAN DISCLOSURES

A custodian's additional disclosure pursuant to Rule .2020 of this Section shall include information regarding:

(1) projected time that the custodial services solution will be unavailable for use to the notary due to scheduled maintenance each month;
(2) the business hours during which a customer support representative is available for consultation;
(3) the average wait time during business hours for a response from a customer support representative; and
(4) the custodian's technical issues resolution targets, which shall include:
    (a) categorization of service disruptions based on a numeric scale or denoted by single words such as "critical," "high," "medium," and "low;"
    (b) a plain language description of each category; and
    (c) the maximum projected resolution time for issues encountered in each category.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2022 CUSTODIAN DISCLOSURE FORMAT

A custodian shall:

(1) present the additional disclosures required by Rule .2020 of this Section in tabular form in the order shown in the table in this Rule;
(2) place the provider's responses described in Rule .2021 of this Section in the table in this Rule in the appropriate location; and
(3) engineer the table in this Rule as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-134.1(1).

[Insert Technology Provider Name] **Custodian Disclosures**	
Projected monthly maintenance downtime: Customer support hours: Average customer support wait time:	[Rule .2021(1)(a) of this Section] [See Rule .2021(1)(b) of this Section] [See Rule .2021(1)(c) of this Section]

Service Disruption Response Times		
Category	Category Description	Projected Resolution Time
[See Rule .2021(2)(a) of this Section]	[See Rule .2021(2)(b) of this Section]	[See Rule .2021(2)(c) of this Section]

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .2100 – APPLICATION FOR CUSTODIAL SERVICES AUTHORIZATION

18 NCAC 07J .2101 REQUIREMENTS FOR AUTHORIZATION TO PROVIDE CUSTODIAL SERVICES

A custodial services applicant shall meet the requirements established in:

(1) Article 2 of Chapter 10B of the General Statutes;
(2) the applicable standards set forth in the Department's Protocols; and
(3) the rules in this Subchapter, except:
  (a) Sections .0700-.1900; and
  (b) Section .2200.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2102 DURATION OF CUSTODIAN APPROVAL

A custodial services solution approval authorizes the custodian to directly or indirectly offer its custodial services solution to North Carolina notaries public for three years from the date of its approval.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2103 APPLICATION FORM FOR CUSTODIAL SERVICES

A person applying to provide custodial services shall complete and submit the form described in 18 NCAC 07B .0427.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SECTION .2200 – CUSTODIAL NOTARIES

18 NCAC 07J .2201 SCOPE

The rules in this Section shall apply only to an electronic notary public who is approved as a custodial notary.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2202 CUSTODIAL NOTARY DEEMED APPROVED

A notary public shall be deemed to have applied and been approved as that notary's own custodian if the notary:

(1) complies with 18 NCAC 07H .0506; and
(2) agrees in writing to comply with the rules of this Subchapter applicable to custodial notaries.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2203 CUSTODIAL NOTARY AS CUSTODIAN AND TECHNOLOGY PROVIDER

A custodial notary shall be deemed a custodian and technology provider and comply with Rule .2204 of this Section.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2204 RULES APPLICABLE TO CUSTODIAL NOTARIES

A custodial notary shall comply with the following rules:

(1) 18 NCAC 07H Section .0500;
(2) Rules .0101, .0104, .0106-.0108, .0112, and .0115 of this Subchapter;
(3) Rule .0208 of this Subchapter;
(4) Rules .0611(1) and .0612 of this Subchapter; and
(5) Rule .2007 of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2205 CUSTODIAL NOTARY SESSION RECORD STORAGE LOCATIONS

(a) A custodial notary shall maintain two copies of each session record that shall not be stored on the same device.
(b) A custodial notary shall ensure that at least one of the two session record copies is maintained in electronic form.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2206 PROVIDING CUSTODIAL SERVICES AFTER ELECTRONIC NOTARY REGISTRATION TERMINATION

An electronic notary public may continue serving as a custodial notary for session records in the notary's possession after the termination of the notary's electronic notary registration so long as the individual continues to comply with the rules applicable to custodial notaries.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2207 EFFECT OF DISCIPLINARY ACTION ON SERVICE AS CUSTODIAL NOTARY

An electronic notary public shall not continue serving as a custodial notary if specifically prohibited by departmental disciplinary action.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2208 LIMITATION ON CUSTODIAL NOTARY AFTER REGISTRATION EXPIRATION

A former electronic notary public who is a custodial notary shall not take custody of additional session records after the electronic notary's registration ends.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2209 CUSTODIAL NOTARY ANNUAL VERIFICATION FORM

A custodial notary shall, using the form described in 18 NCAC 07B .0428, annually:

(1) verify that the electronic notary has complied with all rules applicable to custodial notaries in this Section; and
(2) provide information regarding the electronic notary's continuation of service as a custodial notary.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2210 SUBMISSION OF ANNUAL VERIFICATION

A custodial notary shall submit the form described in 18 NCAC 07B .0428 on or before December 31st of each year.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

18 NCAC 07J .2211 FINAL CUSTODIAL NOTARY VERIFICATION FORM

An electronic notary public's obligations as a custodial notary cease when the electronic notary submits the form described in 18 NCAC 07B .0428 confirming that:

(1) the required retention period for all session records in the custodial notary's possession has expired; or
(2) the custodial notary has transferred all session records to an approved custodian.

History Note: *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
Eff. July 1, 2025.

SUBCHAPTER 07K – MISCELLANEOUS RULES

SECTION .0100 – GENERAL

18 NCAC 07K .0101 DEFINITIONS

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;
Transferred to 18 NCAC 07B .0102 Eff. July 1, 2025.

CODIFIER'S NOTE: RULES 18 NCAC 07K .0201-.0206 WERE TRANSFERRED TO 18 NCAC 07D .0201-.0206 EFFECTIVE MARCH 1, 2025.