

CHAPTER 7 - 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Repealed Eff.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Repealed Eff.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Repealed Eff.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Repealed Eff.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Repealed Eff.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Repealed Eff.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Repealed Eff.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 Repealed Eff.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; and
- (3) the qualification, approval or licensing, conduct, and discipline of technology providers.

*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, 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) "Authorization" means a notary commission, an electronic notary registration, an instructor certification, an approval, or a license issued by the Department pursuant to Chapter 10B of the General Statutes.
- (4) "Authorize" means the Department's action to issue an authorization.
- (5) "Commission date" means the beginning date of commissioning or recommissioning as entered on a commission certificate.
- (6) "Court" means a tribunal of a locality, state, the Armed Forces of the United States, a federally recognized tribe, or any nation.
- (7) "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.

- (8) "Crime involving dishonesty" means a crime that involves untruthfulness, deceit, fraud, false dealing, cheating or stealing.
- (9) "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.
- (10) "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, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.
- (11) "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) actions denominated differently but equivalent to Sub-Items (a)-(g) in this Item.
- (12) "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.
- (13) "Family member" means an individual related by blood, marriage, or adoption.
- (14) "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.
- (15) "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.
- (16) "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.
- (17) "Licensed member of the North Carolina State Bar" means an active member as defined in 27 NCAC 01A .0201(b).
- (18) "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.
- (19) "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).
- (20) "Notary course" means a course taught by a certified notary instructor for purposes of:
- (a) commissioning or recommissioning a notary public; or
 - (b) registering or reregistering an electronic notary public.
- (21) "Probation" with regard to criminal convictions means active supervision by a governmental agency or its legally authorized designee in lieu of jail or prison.
- (22) "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.
- (23) "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.
- (24) "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.
- (25) "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.
- (26) "Residence address" means a physical location with a street name, and a number designating the building in which an individual resides, including an apartment or unit number if applicable, the city, state, zip code, and nation if not the United States.
- (27) "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.
- (28) "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.

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, 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 filer 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 filer; 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.

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 that is confidential pursuant to G.S. 10B-7, G.S. 10B-60, G.S. 10B-106, 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 of the requestor to receive the confidential information.

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, 2024.

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 filer 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.

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 a person is signing a form or other document 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.

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) lack of a signature required by Chapter 10B of the General Statutes or the rules in this Chapter; or
- (3) 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.

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.

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 an individual who is identified pursuant to G.S. 10B-134.19(c)(2):
 - (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;
 - (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 street address, and the mailing address if different, of the entity's principal office;
 - (d) the street address, and the mailing address if different, of the entity's registered office;
 - (e) the principal office telephone number of the entity;
 - (f) the email address of the entity;
 - (g) the URL for the entity's website, if any;
 - (h) 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;
 - (v) secondary email address, if applicable;
 - (i) the name of an individual designated as the secondary contact between the Department and the entity if the individual named in Sub-Item (2)(h) of this Item is not available; and
 - (j) the information in Sub-Item (2)(h) of this Item for the secondary contact individual named in Sub-Item (i) of this Item; or
- (3) for a registered agent listed on an application filed pursuant to G.S. 10B-134.19:
 - (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.

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 .0408 AFFIDAVIT OF MORAL CHARACTER

The affidavit of moral character form requires:

- (1) the applicant's name for use on a notary public commission, if available, or the full legal name of the individual about whom the affidavit is prepared;
- (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) the signature of the affiant and the date signed; and
- (6) a declaration under penalty of perjury that the information provided is true and complete to the best of the affiant's knowledge and belief.

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

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; and
- (6) 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.

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; and
- (7) the signature of the individual and the date signed.

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

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 .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.

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(8) 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.

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; and
- (16) whether the person self-reported a matter affecting qualification or the performance of an activity pursuant to authorization.

*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, 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
- (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, 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 notarization system to an electronic notary public; or
- (4) act as a depository.

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, 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.

SECTION .0700 – PROFESSIONAL LICENSES, CIVIL AND CRIMINAL HISTORY

18 NCAC 07B .0701 GENERAL

(a) Other Professional Licenses. An applicant shall list on his or her application all suspensions, revocations and other disciplinary actions taken against the applicant regarding the applicant's current or former professional licenses.

(b) Criminal Record. An applicant shall list on his or her application all misdemeanor and felony convictions related to crimes of dishonesty and moral turpitude. For purposes of this Chapter, those crimes include:

- (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 under the influence;
- (11) Unlawful possession or sale of drugs;
- (12) Embezzlement;
- (13) Failure to comply with a court order;
- (14) Failure to pay child support;
- (15) Failure to return to confinement;
- (16) False financial statements;
- (17) Forgery;
- (18) Fraud;
- (19) Identity theft;
- (20) Impersonation of a law enforcement officer;
- (21) Hit and run;
- (22) Kidnapping;
- (23) Prostitutions;
- (24) Multiple worthless checks showing a pattern of behavior indicating moral turpitude and dishonesty;
- (25) A worthless check in excess of five hundred dollars (\$500.00);
- (26) Possession of an unregistered firearm;
- (27) Practicing law without a license;
- (28) Rape;
- (29) Receipt of stolen goods or property;
- (30) Resisting arrest;
- (31) Robbery;
- (32) Statutory rape;
- (33) Tax evasion;
- (34) Terrorist threats or acts;
- (35) Theft;
- (36) Threats to commit a crime or cause bodily injury;
- (37) Spousal abuse.

(c) In considering whether to appoint or reappoint an applicant to the office of notary public, the Director may consider the factors set forth in Rule .0901 of this Subchapter.

History Note: Authority G.S. 10B-5(d); 10B-7; 10B-11; 10B-14(f);
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6,
2016;
Transferred from 18 NCAC 07B .0201 Eff. June 1, 2023.

18 NCAC 07B .0702 INSTRUCTOR CERTIFICATION – GENERAL (TRANSFERRED TO 18 NCAC 07E .0105 EFF. JUNE 1, 2023)

18 NCAC 07B .0703 TIMING OF INSTRUCTOR CERTIFICATION APPLICATION (TRANSFERRED TO 18 NCAC 07E .0106 EFF. JUNE 1, 2023)

18 NCAC 07B .0704 DEPARTMENT REJECTION OF APPLICATIONS (TRANSFERRED TO 18 NCAC 07E .0107 EFF. JUNE 1, 2023)

18 NCAC 07B .0705 FEES (TRANSFERRED TO 18 NCAC 07E .0104 EFF. JUNE 1, 2023)

18 NCAC 07B .0706 VERIFICATION THAT APPLICANT CONTINUES TO MEET REQUIREMENTS FOR A NOTARY COMMISSION (TRANSFERRED TO 18 NCAC 07E .0108 EFF. JUNE 1, 2023)

18 NCAC 07B .0707 OTHER VERIFICATIONS (TRANSFERRED TO 18 NCAC 07E .0111 EFF. JUNE 1, 2023)

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 – INVESTIGATIONS – RESERVED

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

(a) Application Form.

- (1) Applicants for initial appointment shall use the application form designated by the Division for that purpose and may download the application form from the Department's website.
- (2) Applicants for initial appointment who are members of the North Carolina State Bar may download the application form from the Department's website and may file the completed application without first obtaining a signature from a notary instructor.
- (3) All other applicants for initial appointment who download the application form from the Department's website shall obtain a signature on the application from a notary instructor certifying that the applicant successfully completed the required course of instruction before the applicant may file the form with the Department.

(b) Submission of Application. An applicant for an initial appointment shall submit his or her application by:

- (1) U.S. mail;
- (2) In person delivery; or
- (3) Courier service.

*History Note: Authority G.S. 10B-14(f);
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0301 Eff. June 1, 2023.*

18 NCAC 07C .0202 TIMING

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.

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

- (a) Upon determination that an applicant has complied with all requirements of the Act and this Subchapter, the Director shall appoint or reappoint the applicant to the office of notary public and issue a commissioning certificate.
- (b) The Division shall send the commissioning certificate to the Register of Deeds in the county of commissioning.
- (c) The Division shall send the appointee notice that:
- (1) The commissioning certificate has been issued; and
 - (2) The appointee shall appear within 45 days of the commissioning date to take the oath of office before the Register of Deeds in the county of commissioning.

*History Note: Authority G.S. 10B-2; 10B-5; 10B-10; 10B-11; 10B-14(f);
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCA 07B .0501 Eff. June 1, 2023.*

18 NCAC 07C .0402 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07C .0403 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07C .0404 NO BACK-DATING

A commissioning certificate shall not be back-dated.

*History Note: Authority G.S. 10B-14(f);
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07B .0502(a) Eff. June 1, 2023.*

18 NCAC 07C .0405 SATISFACTORY EVIDENCE OF IDENTITY

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 – RECORDS OF ELECTRONIC NOTARIAL ACTS - RESERVED

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 – ELECTRONIC NOTARY ACT INVESTIGATION AND ENFORCEMENT- RESERVED

SUBCHAPTER 07D – CONTINUING OBLIGATIONS OF NOTARIES

SECTION .0100 - RESERVED FOR FUTURE CODIFICATION

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

(a) A notary public may submit a request for an extension of time to respond to a Department request pursuant to Rule .0102 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.

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

18 NCAC 07D .0104 DEPARTMENT RESPONSE TO EXTENSION REQUEST

When deciding whether to grant an extension request, the Department shall consider the factors listed in 18 NCAC 07B .0108.

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

SECTION .0200 - RESERVED FOR FUTURE CODIFICATION

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.*

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

An 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 INSTRUCTOR CERTIFICATION - GENERAL

Applicants for notary public instructor certification shall:

- (1) Complete the Department's notary public instructor application form and submit it to the Department;
- (2) Comply with the requirements of Rule .0708 through Rule .0711 of this Chapter regarding verification of 12 months of experience;
- (3) Comply with the requirements of Rule .0712 of this Chapter regarding recommendations;
- (4) Comply with the requirements of Rule .0713 of this Chapter regarding an oral presentation of a notary public course curriculum lesson;
- (5) Make a passing grade on the final examination in the notary public instructor certification course as set forth in Rule .0714 of this Chapter; and
- (6) Except as otherwise provided in G.S. 10B-14(c) and Rule .0705 of this Chapter, pay the required fee.

*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 .0702 Eff. June 1, 2023.*

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 APPLICANT CONTINUES TO MEET REQUIREMENTS FOR A NOTARY COMMISSION

An applicant for notary public instructor certification or recertification shall verify that:

- (1) The applicant continues to meet each of the qualifications for a notary commission found in G.S. 10B-5 and 10B-7; and
- (2) With regard to changes requiring notification to the Division pursuant to Rule .0107 of this Chapter, verify:
 - (a) That there have been no changes requiring notification to the Department;
 - (b) That there have been changes requiring notification to the Department and that the applicant has made all required notifications; or
 - (c) That there have been changes requiring notification to the Department and the applicant has not previously made the required notification to the Department but is including the notification with the application.

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 .0706 Eff. June 1, 2023.

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 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0206 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0207 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07E .0208 RESERVED FOR FUTURE CODIFICATION

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

(a) An applicant for notary public instructor certification may submit an affidavit from his or her employer verifying that the applicant has had experience performing notarial acts.

(b) The submitted affidavit shall, at a minimum, include the following:

- (1) The name of the corporation, business, individual or entity employing the applicant;
- (2) The full name of the person verifying the applicant's experience;
- (3) The authority of the person to verify the applicant's experience, including his or her title;
- (4) The address, telephone number and, if applicable, email address of the person verifying the applicant's experience;
- (5) A narrative description of the reasons the applicant has performed notarial acts while employed by the person or entity submitting the affidavit; and
- (6) Verification that the applicant has performed at least one notarial act during each of the 12 immediately preceding months.

(c) The submitted affidavit may also contain a recommendation pursuant to Rule .0712 of this Chapter.

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 .0710 Eff. June 1, 2023.

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 – RESERVED FOR FUTURE CODIFICATION

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 .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 .0500 – RESERVED FOR FUTURE CODIFICATION

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 – RESERVED FOR FUTURE CODIFICATION

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 – RESERVED FOR FUTURE CODIFICATION

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 RE-CERTIFICATION REQUIREMENTS

An applicant for recertification as a notary public instructor shall:

- (1) Complete the Department's notary public instructor application form and submit it to the Department;
- (2) Comply with the requirements of Rule .0708 through Rule .0711 of this Chapter regarding verification of 12 months of experience performing notarial acts;
- (3) Comply with the requirements of Rule .0713 of this Chapter regarding an oral presentation of a notary public course lesson;
- (5) Make a passing grade on the final examination in the notary public instructor certification recertification course as set forth in Rule .0714 of this Chapter;
- (6) Except as otherwise provided in Rule .0705 of this Chapter, pay the required fee; and
- (7) Submit an affidavit verifying that the applicant has taught the notary public instructor course at least twice a year during the two-year certification period.

*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 .0719 Eff. June 1, 2023.*

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 and this Subchapter:

- (1) "Approved vendor for electronic notarizations," "approved electronic notary solution provider," or "AVEN" means a person approved by the Department to provide an electronic notarization system pursuant to Article 2 of Chapter 10B of the General Statutes.
- (2) "Biometric authentication" means proving the identity of a user by requiring verification of the user's identity 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, retinal scanning devices, and handwriting analysis devices.
- (3) "Electronic notarization system" means a set of applications, programs, hardware, software, or technology approved by the Department that is designed to enable a notary to perform electronic or remote electronic notarizations.
- (4) "Electronic notary applicant" means a commissioned North Carolina notary public who applies to be registered or reregistered as an electronic notary public.
- (5) "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 AVEN's or other technology provider's security features attached to the signature in Sub-Item (5)(a) of this Rule.
- (6) "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.
- (7) "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.
- (8) "Password authentication" means requiring the user to enter a secret word, phrase, or symbol set in order to access and use an electronic notarization system.
- (9) "Token authentication" means requiring use of a physical device in addition to a password or personal identification number ("PIN" number) in order to access and use an electronic notarization system. Note: Physical devices used in token authentication technologies include magnetic cards or "smart cards" and Universal Serial Bus (USB) memory sticks or "USB keys."

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, 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 this Chapter.

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.

SECTION .0200 – QUALIFICATIONS TO BE ELECTRONIC NOTARY

18 NCAC 07F .0201 VALID COMMISSION

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

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; Eff. January 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Transferred from 18 NCAC 07C .0201(a) Eff. June 1, 2023;
Amended Eff. July 1, 2024.

SECTION .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 .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

18 NCAC 07F .0401 SUBMISSION

Submission. The applicant shall:

- (1) Complete the registration form on line;
- (2) Print the form;
- (3) Have the form notarized; and
- (4) Submit the form by:
 - (A) U.S. mail;
 - (B) In person delivery; or
 - (D) Courier service.

*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 .0201(b) Eff. June 1, 2023.*

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 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07F .0504 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07F .0505 OATHS TIMING

The applicant shall take the oath in the Register of Deeds office within 45 days of the issue date on the electronic notary oath notification letter.

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) Eff. June 1, 2023.

18 NCAC 07F .0506 EVIDENCE OF IDENTITY

Before taking the oath of office, an applicant shall present to the Register of Deeds evidence of the applicant's identity as defined in G.S. 10B-3(22).

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(b) Eff. June 1, 2023.

18 NCAC 07F .0507 CERTIFICATE DELIVERY

After administering the oath of office, the Register of Deeds shall deliver the electronic notary registration certificate to the electronic notary.

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(c) Eff. June 1, 2023.

18 NCAC 07F .0508 REGISTRATION EFFECTIVE DATE

The applicant's electronic notary registration shall not be effective until the applicant takes the oath.

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(d) Eff. June 1, 2023.

SECTION .0600 – RESERVED FOR FUTURE CODIFICATION

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's signature shall:

- (1) be applied to and logically associated electronically with the notarized document; and
- (2) link the data in such a manner that any subsequent alterations are observable through visual examination of:
 - (a) the underlying document; or
 - (b) the electronic notary certificate.

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, 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.*

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

The electronic notary seal shall:

- (1) be attached to, or logically associated with, a notarized document; and
- (2) link the data in such a manner that any subsequent alterations are observable through visual examination of:
 - (a) the underlying document; or
 - (b) the electronic notary certificate.

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, 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

The perimeter of the electronic notary seal shall contain a border such that the physical appearance of the seal replicates the appearance of an inked seal on paper.

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.

18 NCAC 07F .0807 CONTENTS

The electronic notary seal must have, within its border, the electronic notary's name exactly as commissioned, the words "Electronic Notary Public", the words "North Carolina" or "N.C.", and the county of commission including the word "County" or "Co.".

*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(g) Eff. June 1, 2023.*

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 COMMITMENT

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

- (1) ensure that the required journal entry has been made; and
- (2) then commit:
 - (a) the electronic notarial signature;
 - (b) the electronic notarial seal; and
 - (c) the content of the journal entry.

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

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 .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.

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 for 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.

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 notarization system with anyone.

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

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 SEPARATE ATTESTATIONS

Each electronic signature requiring notarization and attestation in the form of an acknowledgment shall be individually affixed to the electronic document by the principal signer and shall be acknowledged separately by the principal signer, except in the following situation:

- (1) The notarized document is executed on behalf of an entity as defined in G.S. 55-1-40(9)(a) or (c); and
- (2) The notarized document does not adversely affect the claim, right or obligation of another.

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 .0601 Eff. June 1, 2023.

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 .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.

SUBCHAPTER 07G – RESERVED FOR FUTURE CODIFICATION

SUBCHAPTER 07H – RESERVED FOR FUTURE CODIFICATION

SUBCHAPTER 07I – JOURNAL REQUIREMENTS

SECTION .0100 – GENERAL

18 NCAC 07I .0101 NOTARIES SUBJECT TO JOURNALING REQUIREMENTS

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

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

18 NCAC 07I .0102 DEFINITIONS

The definitions in this Rule apply to this Subchapter:

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

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

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

18 NCAC 07I .0103 JOURNAL REQUIREMENT

For any journal created pursuant to this Subchapter:

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

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

18 NCAC 07I .0104 JOURNAL OWNERSHIP

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

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

18 NCAC 07I .0105 ENTRY OF DATA INTO JOURNAL

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

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

18 NCAC 07I .0106 EXCEPTIONS TO RULE .0105

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

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

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

18 NCAC 07I .0107 ACCESS TO THE JOURNAL

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

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

SECTION .0200 – JOURNAL BASICS

18 NCAC 07I .0201 FORM OF TRADITIONAL NOTARY JOURNAL

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

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

18 NCAC 07I .0202 FORM OF ELECTRONIC NOTARY JOURNAL

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

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

18 NCAC 07I .0203 COMBINED JOURNAL

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

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

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

18 NCAC 07I .0204 ENTRIES IN A TANGIBLE JOURNAL

Entries in a tangible journal shall be:

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

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

18 NCAC 07I .0205 REQUIREMENTS FOR A TANGIBLE JOURNAL

A tangible journal shall:

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

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

18 NCAC 07I .0206 PROVISION OF JOURNAL TO DEPARTMENT

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

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

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

18 NCAC 07I .0207 ACTS INCLUDED IN JOURNAL

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

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

18 NCAC 07I .0208 DESIGNATION OF NOTARIAL ACT

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

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

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

18 NCAC 07I .0209 EXCEPTION TO RULE .0208

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

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

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

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

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

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

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

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

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

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

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

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

18 NCAC 07I .0212 JOURNAL RETENTION PERIOD

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

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

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

SECTION .0300 – GENERAL JOURNAL CONTENTS

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

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

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

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

18 NCAC 07I .0302 CONTENTS OF JOURNAL

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

- (1) the date and time at the notary's location that the notarial act occurs;
- (2) the name of each principal;
- (3) the type and mode of notarial act performed;
- (4) the title of the document notarized, if any;

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

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

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

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

- (1) the employer so requests;
- (2) the request is made before the notary commits the journal entry; and
- (3) in the judgment of the electronic notary, the information is directly related to the notarial act. Note: A loan origination number or a client number is an example of information directly related to the notarial act.

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

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

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

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

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

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

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

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

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

18 NCAC 07I .0308 JOURNAL SUPPLEMENTS

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

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

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

SECTION .0400 – ELECTRONIC JOURNAL REQUIREMENTS

18 NCAC 07I .0401 MAINTAIN BACKUP COPY

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

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

18 NCAC 07I .0402 FORMAT OF BACKUP COPY

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

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

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

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

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

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

18 NCAC 07I .0404 INCLUDING SIGNATURES IN JOURNAL

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

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

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

18 NCAC 07I .0405 TECHNOLOGICAL ISSUES

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

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

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

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

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

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

**SUBCHAPTER 07J – REQUIREMENTS FOR TECHNOLOGY TO CONDUCT ELECTRONIC
NOTARIZATION**

SECTION .0100 – RESERVED FOR FUTURE CODIFICATION

**SECTION .0200 – PROCESS FOR APPROVAL FOR AVEN TECHNOLOGY TO CONDUCT
ELECTRONIC NOTARIZATION**

18 NCAC 07J .0201 ELECTRONIC NOTARY SOLUTION PROVIDER APPLICATION

(a) Any person or entity applying to the Department for designation as an approved electronic notary solution provider must complete and submit an application to the Department for review and approval before authorizing any electronic notary seals or electronic signatures to North Carolina electronic notaries. The application shall include the following information:

- (1) Hardware and software specifications and requirements for the provider's electronic notarization system,
- (2) A description of the type(s) of technology used in the provider's electronic notarization system, and
- (3) A demonstration of how the technology is used to perform an electronic notarization.

(b) An electronic notary solution provider may appeal the Department's rejection of the provider's application for designation as an approved electronic notary solution provider as provided under Article 3 of Chapter 150B of the General Statutes.

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 .0501 Eff. June 1, 2023.

SECTION .0300 – RESERVED FOR FUTURE CODIFICATION

SECTION .0400 – IN-PERSON ELECTRONIC NOTARIZATION (AVEN) PROVIDER REQUIREMENTS

18 NCAC 07J .0401 RESERVED FOR FUTURE CODIFICATION

18 NCAC 07J .0402 CRITERIA FOR APPROVAL OF ELECTRONIC NOTARY SOLUTION PROVIDERS

Each applicant and each approved electronic notary solution provider shall:

- (1) Provide a free and readily available viewer/reader so as to enable all parties relying on the electronically notarized record or document to view the electronic notary signature and the electronic notary seal without incurring any cost;
- (2) Comply with the laws, policies, and rules that govern North Carolina notaries;
- (3) Provide an electronic notarization system or solution that complies with the technical specifications of the rules and standards that govern electronic notarization processes and procedures in North Carolina;
- (4) Require such of the provider's principals or employees to take the mandatory electronic notary education course online and pass the required examination as is necessary to ensure the provider possesses sufficient familiarity with North Carolina's electronic notary laws and requirements;
- (5) Require notaries to present the NC Secretary of State's Electronic Notary Certificate to Perform Electronic Notary Acts prior to authorizing an electronic notary seal and signature;
- (6) Verify the authorization of a North Carolina notary to perform electronic notary acts by logging on to the Department's website and comparing the name, notary commission number and commission expiration date with the information on the Electronic Notary Certificate to Perform Electronic Notary Acts prior to authorizing an electronic notary seal and signature;
- (7) Provide prorated fees to align the usage and cost of the electronic notary system or solution with the commission term limit of the electronic notary purchasing the electronic notary seal and signature;
- (8) Suspend the use of any electronic notarization system or solution for any notary whose commission has been revoked or suspended by the North Carolina Secretary of State; and

- (9) Submit an exemplar of the electronic notary signature and the electronic notary seal to the Department for each electronic notary who subscribes to the provider's electronic notary solution.

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 .0502 Eff. June 1, 2023.

SECTION .0500 – RESERVED FOR FUTURE CODIFICATION

SECTION .0600 – CONTINUING OBLIGATIONS OF ELECTRONIC NOTARIZATION TECHNOLOGY PROVIDERS

18 NCAC 07J .0601 ELECTRONIC NOTARY SOLUTION PROVIDER CHANGES

- (a) An electronic notary solution provider shall notify the Department within 45 days of changes, modifications or updates to information previously submitted to the Department.
- (b) An approved electronic notary solution provider shall obtain approval of the Department pursuant to the Act and this Subchapter before making available to North Carolina electronic notaries any updates or subsequent versions of the provider's electronic notarization system.

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 .0503 Eff. June 1, 2023.

SUBCHAPTER 07K – MISCELLANEOUS RULES

SECTION .0100 – GENERAL

18 NCAC 07K .0101 DEFINITIONS

For purposes of Chapter 10B of the General Statutes and the Rules in this Chapter:

- (1) "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.
- (2) "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.
- (3) "Bank or financial institution" means a "depository institution" as defined in G.S. 53-208.42(7).
- (4) "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.
- (5) "Commission certificate" means the document confirming that an individual:
 - (a) has complied with all requirements of Chapter 10B of the General Statutes and the rules in this Chapter; and
 - (b) is authorized to act as a notary public.
- (6) "Commit" means the final step in the notarial act after which:
 - (a) the notarial act is complete;
 - (b) all entries are permanent; and

- (c) no changes can be made to the entries made permanent pursuant to Sub-Item (b) of this Item.
- (7) "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.
- (8) "Enter information" means to:
- (a) handwrite, type, or input data;
 - (b) confirm that pre-populated words or numbers are correct. Note: An example would be clicking a checkbox to select the correct date;
 - (c) select 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
 - (d) include in the electronic journal acknowledged signatures of:
 - (i) principals;
 - (ii) a designee of a principal; or
 - (iii) a credible witness.
- (9) "Federal business mileage rate" means the business mileage rate set by the U.S. Internal Revenue Service (IRS).
- (10) "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.
- (11) "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.
- (12) "Filer" means a person that submits a filing to the Department.
- (13) "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.
- (14) "Form" means a departmental data collection instrument that requires or requests information, without regard to the format.
- (15) "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.
- (16) "Information technology" or "IT" means that term as defined in G.S. 143B-1320(a)(11).
- (17) "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.
- (18) "Initial appointment" means the first issuance by the Department of a commission certificate to a notary public.
- (19) "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.
- (20) "Location" means a description establishing that a principal is present in a jurisdiction where the notarial act may take place. Note: A statement that the principal is then located inside the U.S. embassy in Paris, France, would suffice to establish that the principal is present in a jurisdiction where the notarial act may take place.
- (21) "Long-term" means a period of at least one year.
- (22) "Notarial transaction process" includes:
- (a) steps before the notarial act takes place. 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;
 - (b) the notarial act; and
 - (c) steps following the notarial act. Note: Affixing the notary's seal and signature are examples of steps following the notarial act.
- (23) "Person" means the term as defined in G.S. 12-3(6).
- (24) "State recognized tribe" means a group listed in G.S. 143B-407(a).

- (25) "Successfully complete" and "successful completion" mean that a notarial 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 be 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).
- (26) "Technological failure" means a deficiency in:
- (a) any component of the electronic notarization system;
 - (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 notarization system" means any combination of hardware, software, a notary public's electronic journal, and communications technology recordings.
- (27) "Technology provider" means:
- (a) a platform;
 - (b) a depository;
 - (c) a custodial service; or
 - (d) an AVEN as defined in 18 NCAC 07F .0102(1).
- (28) "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.
- (29) "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 or facsimile stamp 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) creating an inventory as described in G.S. 53C-6-13(a).
- (30) "Traditional notary public" means an individual commissioned to perform traditional notarizations.
- (31) "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.
- (32) "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 notarization system.
- (33) "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; 10B-36; 10B-38; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.19; 10B-134.21;
Eff. July 1, 2024.

SECTION .0200 – CHARGING FEES FOR NOTARIAL ACTS

18 NCAC 07K .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.

18 NCAC 07K .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.

18 NCAC 07K .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.

18 NCAC 07K .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.

18 NCAC 07K .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.

18 NCAC 07K .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.