18 NCAC 07B .0101 is amended with changes as published in 38:09 NCR 550 as follows:

18 NCAC 07B .0101 SCOPE

The rules in this Subchapter implement Chapter 10B of the General ~~Statutes, the Notary Public and Electronic Notary Acts.~~ Statutes. The rules ~~govern~~ govern:

(1) the qualification, commissioning, notarial acts, ~~conduct~~ conduct, and discipline of notaries public as Constitutional officers of the ~~State.~~ 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-2;~~ 10B-4; 10B-14(f); ~~10B-102;~~ 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.~~ 2016;

Amended Eff. July 1, 2024.

18 NCAC 07B .0102 is amended with changes as published in 38:09 NCR 550-553 as follows:

18 NCAC 07B .0102 DEFINITIONS

~~(a) The~~ In addition to the definitions in G.S. ~~10B-3~~ 10B-3, 10B-101, and 10B-134.1, and ~~apply to this Subchapter.~~

~~(b) For~~ for purposes of Chapter 10B of the General Statutes and ~~Subchapters 07B and 07C of~~ this Chapter:

(1) ~~"Applicant" means an individual who seeks appointment or reappointment to the office of notary public;~~

~~(2)~~ "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 ~~07B~~ 07C of this Chapter. For the purposes of ~~these Rules,~~ the [~~Rules~~] rules in this Chapter, the terms ~~"appoint", "reappoint", "appointment", "reappointment", "commission", "recommission", "commissioning",~~ "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 ~~such~~ the ~~commission;~~ commission.

~~(3)~~(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;~~ 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.

~~(4)~~(5) ~~"Commissioning~~ “Commission date" means the beginning date of commissioning or recommissioning as entered on a commission ~~certificate;~~ certificate.

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

~~(5)~~(7) "Crime" ~~means a crime or:~~ means:

(a) an offense designated by law as a felony or misdemeanor;

~~(A)~~(b) ~~Attempt~~ an attempt to commit ~~a crime;~~ an offense;

~~(B)~~(c) ~~Accessory~~ an accessory to commission of ~~a crime;~~ an offense;

~~(C)~~(d) ~~Aiding~~ aiding and abetting of ~~a crime;~~ an offense;

~~(D)~~(e) ~~Conspiracy~~ conspiracy to commit ~~a crime;~~ an offense; ~~or~~

~~(E)~~(f) ~~Solicitation~~ solicitation to commit ~~a crime.~~ an offense; or

(g) threat to commit an offense.

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

~~(6) "Division" means the Notary Public Section of the North Carolina Department of the Secretary of State.~~

(8) “Crime involving dishonesty” means a [~~criminal offense~~] crime that [~~implicates untruthfulness or~~] involves untruthfulness, deceit, fraud, false dealing, cheating or stealing.

(9) “Criminal convictions” means the following dispositions of criminal [~~charges:~~] charges entered or accepted by a court:

(a) adjudications of [~~guilt by a court;~~] guilt;

(b) pleas of nolo contendere;

(c) pleas of admission;

(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 entered by a court.~~] 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~~] agency, board, or commission of any locality, state, federally recognized tribe, or [~~nation, or court~~] 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 [~~licensee~~] license or a commissioned notary public;

(b) prohibits or conditions an individual [~~professional licensee or commissioned notary public~~] from engaging in the practice of the [~~licensee’s~~] profession or acting as a notary public for any amount of time;

(c) is issued by a court or government [~~agency~~] agency, board, or commission of any locality, state, federally recognized tribe, or nation with authority to discipline or sanction the [professional licensee] individual or [~~commissioned~~] 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~~] agency, board, or commission of any locality, state, federally recognized tribe, or nation that is based upon review of evidence in an investigation, quasi-judicial, or 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” [~~means:~~] 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.~~] 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), an act authorized by:

(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~~] 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~~] position:

(a) created by law to which an individual has been elected or [~~appointed, and that involves~~] 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~~] public; and

(c) [~~that are~~] 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 [~~judgement~~] 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 and specifying the restoration of the individual’s rights of citizenship pursuant to G.S. 13-2;~~] 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; [~~or~~] 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” [~~or “residential 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~~. 2016;

Amended Eff. July 1, 2024.

18 NCAC 07B .0103 is amended with changes as published in 38:09 NCR 553 as follows:

18 NCAC 07B .0103 Operating Hours and General Contact Information

(a) ~~Mailing Address. The mailing address for the Division of Certification and Filing, Notary Public Section is P.O. Box 29626, Raleigh, NC 27626-0626.~~

~~(b)~~  Hours. ~~Office~~ Departmental hours for the public are 8:00 a.m. to ~~4:00~~ 5:00 ~~p.m.~~ p.m., Monday through ~~Friday~~ Friday, with the exception of ~~state~~ State holidays.

~~(c)~~(b) ~~Contacting the Division. In addition to contacting the Division by mail as provided in Paragraph (a) of this Rule, contact with the Division may be by:~~

~~(1) On-line information service: The Department provides on-line information services at its website:~~The Department’s website is: www.sosnc.gov.

~~(2)Electronic Mail:~~

(c) Email address: ~~For basic information the~~ The Department ~~Notary Public Section~~ may be contacted by email for notary-related issues at notary@sosnc.gov. ~~Electronic mail~~ Unless specifically permitted by a rule in this Chapter, email shall not be used for ~~filing~~ submitting applications.

~~(3)~~(d) Telephone ~~Number:~~ number: The telephone number for ~~Notary Customer Service~~ [~~departmental~~] the Department’s customer service unit is (919) 814-5400.

~~(4) Fax Number: To send information to the Notary Public Section via fax, the number is 919-814-5597.~~

(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-14(f); 147-34;~~ 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 is adopted with changes as published in 38:09 NCR 553 as follows:

18 NCAC 07B .0104 ada accommodatIon

An applicant to become a notary public, electronic ~~notary,~~ 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 is adopted with changes as published in 38:09 NCR 553 as follows:

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 ~~reasonable~~ 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 is amended as published in 38:09 NCR 553 as follows:

18 NCAC 07B .0106 WAIVER

The ~~Director~~ Department may waive any rule in this ~~Subchapter~~ Chapter that is not statutorily required on request of a filer or on its own initiative based on the factors set forth in Rule ~~.0901~~ .0108 of this ~~Chapter.~~ Section.

History Note: Authority G.S. 10B-4; ~~10B-14(f);147-36;~~

Eff. April 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, ~~2016.~~ 2016;

Amended Eff. July 1, 2024.

18 NCAC 07B .0107 is adopted with changes as published in 38:09 NCR 554 as follows:

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) ~~whether the requestor has filed any other waiver requests with the Department and~~ a description of ~~those~~ any previous waiver ~~requests;~~ 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 is adopted with changes as published in 38:09 NCR 554 as follows:

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~~ 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~~ rules in this Chapter; and

(c) the harm to the Department if a waiver is ~~granted.~~ granted or denied.

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

Eff. July 1, 2024.

18 NCAC 07B .0109 is adopted with changes as published in 38:09 NCR 554 as follows:

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~~ rules in this Chapter.

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

Eff. July 1, 2024.

18 NCAC 07B .0110 is amended with changes as published in 38:09 NCR 554 as follows:

18 NCAC 07B .0110 REQUEST TO DEPARTMENT FOR CONFIDENTIAL ~~PUBLIC~~ INFORMATION

~~(a) The information that the Department shall make available on individual notaries public include:~~

~~(1) Full legal name;~~

~~(2) County of Commission;~~

~~(3) Employer's Name;~~

~~(4) Employer's street and mailing addresses;~~

~~(5) Employer's phone number;~~

~~(6) Status of Commission;~~

~~(7) Disciplinary action, if any.~~

~~(b)~~ A request to the Department for ~~confidential notary~~ 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~~ shall:

(1) be in ~~writing~~ writing;

(2) ~~and shall~~ include ~~documentation of~~ the name of the requestor and contact information for the requestor; and

(3) document the right of the requestor to receive the confidential ~~notary information, including:~~ information.

~~(1) Authorization of the notary that the person is an agent of the notary authorized to request and receive the information;~~

~~(2) Subpoena or court order;~~

~~(3) Statement of authority from a law enforcement or government agency; or~~

~~(4) N.C. State Bar applicant "Release of Information" form.~~

History Note: Authority G.S. ~~10B-2;~~ 10B-4; ~~10B-7(b); 10B-14(f);~~ 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.~~ 2023;

Amended Eff. July 1, 2024.

18 NCAC 07B .0407 is adopted with changes as published in 38:09 NCR 554-555 as follows:

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

The initial application for notary commission form requires:

(1) the information required by G.S. 10B-5, 10B-6, and 10B-7;

(2) from the commission applicant:

(a) whether the applicant is a licensed member of the North Carolina State Bar;

(b) a personal cell phone number, if the applicant uses that number as ~~the applicant’s residential~~ telephone ~~number;~~ number for the applicant’s residence;

(c) the ~~most recent~~ North Carolina notary commission number, if one was ~~issued;~~ issued, and more than 12 months have elapsed since expiration;

(d) occupation;

(e) applicant’s employer or status as:

(i) self-employed;

(ii) unemployed;

(iii) retired; or

(iv) a student;

(f) North Carolina county where employed;

(g) with regard to the notary course attended:

(i) the name of the eligible institution that offered the course;

(ii) the number of course hours;

(iii) the printed or typed name of the course instructor; and

(iv) the date the course was successfully completed;

(h) a description of included attachments, if any; and

(i) the declaration required by G.S. 10B-12; and

(3) from the notary course instructor:

(a) certification that:

(i) the date, eligible institution, and printed name of the instructor are correct; and

(ii) the applicant successfully completed the course and therefore qualifies for consideration for a notary commission; and

(b) the course instructor’s signature as required by G.S. 10B-6 and the date of the signature.

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

Eff. July 1, 2024.

18 NCAC 07B .0408 is adopted as published in 38:09 NCR 555 as follows:

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 is adopted with changes as published in 38:09 NCR 555 as follows:

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

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

(1) information regarding the applicant’s current or, if expired, the ~~immediately preceding~~ 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 is adopted with changes as published in 38:09 NCR 555-556 as follows:

18 NCAC 07B .0410 NOTICE OF ~~CHANGE~~ changes ~~IN GENERAL NOTARY INFORMATION~~ REQUIRED BY 18 ncac 07d .0301

The form for notice of change in ~~general notary~~ the information ~~requires:~~ required by 18 NCAC 07D .0301:

(1) the ~~notary’s~~ 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 ~~changes~~ each change: ~~required to be reported pursuant to G.S. 10B-50, 10B-51, 10B-52, or 18 NCAC 07D .0301:~~

(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 is adopted with changes as published in 38:09 NCR 556 as follows:

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,~~ 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) what the charge is;

(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;

(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 .0412 is adopted with changes as published in 38:09 NCR 556 as follows:

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

The form for notice of changes regarding professional licenses, notary commissions, or public offices requires:

(1) the name of the individual;

(2) if a commissioned ~~notary,~~ notary public, the notary’s commission number;

(3) the last four digits of the individual’s SSN;

(4) contact information for the individual;

(5) for a change in any information required by G.S. 10B-7(10), the information required by Section .0700 of this Subchapter; and

(6) the printed name and signature of the individual and the date signed.

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

Eff. July 1, 2024.

18 NCAC 07B .0413 is adopted with changes as published in 38:09 NCR 556 as follows:

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

The form for notice of changes regarding findings or admissions of deceit, official misconduct, false or misleading advertising, or unauthorized practice of law requires:

(1) the ~~notary’s~~ notary public’s commission name and county of commission;

(2) the notary’s commission number;

(3) last four digits of the notary’s SSN;

(4) contact information for the notary;

(5) the information required pursuant to:

(a) 18 NCAC 07C .0207 for a finding or admission of liability against the notary pursuant to G.S. 10B-5(d)(3);

(b) 18 NCAC 07C .0208 for a finding of official misconduct by the ~~notary public;~~ notary;

(c) 18 NCAC 07C .0209 for a finding of unauthorized practice of law by the notary; and

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

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

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

Eff. July 1, 2024.

18 NCAC 07B .0414 is adopted with changes as published in 38:09 NCR 556-557 as follows:

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

The application for certification as a notary instructor form requires:

(1) the information required by Rule .0407(1)–(2)(i) of this Section;

(2) whether the applicant is currently employed as:

(a) a register of deeds or clerk of court; or

(b) an employee of the Department and ~~who~~ is authorized by the Secretary to serve as an instructor;

(3) the eligible institution for which the applicant will teach if certified as an instructor;

(4) the name, telephone number, and email address of a contact person at the eligible institution who is knowledgeable about the conditional hiring of the applicant to teach notary courses;

(5) whether the applicant has a personal copy of the most recent notary public manual approved by the Department and, if yes, the year and edition number;

(6) whether the applicant has active experience as a ~~notary;~~ notary public;

(7) whether the applicant has notified the Department of changes as required by Chapter 10B of the General Statutes and the ~~Rules~~ rules in this Chapter or is submitting a change form with the application;

(8) the printed name and signature of the applicant and the date signed; and

(9) a declaration under penalty of perjury that:

(a) the information provided is true and complete to the best of the applicant’s knowledge and belief;

(b) the applicant remains qualified to be commissioned as a notary public; and

(c) the applicant will perform the duties and responsibilities of a certified notary instructor.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

Eff. July 1, 2024.

18 NCAC 07B .0415 is adopted with changes as published in 38:09 NCR 557 as follows:

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 ~~applicant~~ 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 ~~affiant’s~~ individual’s knowledge and belief.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

Eff. July 1, 2024.

18 NCAC 07B .0416 is adopted with changes as published in 38:09 NCR 557 as follows:

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

The form for the employer affidavit regarding active experience requires:

(1) the name of the person employing the applicant;

(2) information about the affiant, consisting of the following:

(a) the full printed name of the affiant;

(b) the affiant’s title and position with the employer; ~~and~~

(c) the ~~address,~~ address and telephone ~~number, and email address~~ number of the ~~affiant~~ employer; and

(d) the email address of the affiant;

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

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

(5) a declaration that:

(a) the affiant has the authority to sign; and

(b) the affiant has knowledge of the matters described in the affidavit;

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

(7) a jurat certificate.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

Eff. July 1, 2024.

18 NCAC 07B .0417 is adopted as published in 38:09 NCR 557 as follows:

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

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

(1) the name of the instructor;

(2) the date of the course;

(3) the name of the institution;

(4) rating of the instructor’s:

(a) professionalism;

(b) subject matter knowledge;

(c) use of audio-visuals, handouts, and other materials; and

(d) responsiveness to questions from students;

(5) rating of the course materials;

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

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

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

Eff. July 1, 2024.

18 NCAC 07B .0418 is adopted with changes as published in 38:09 NCR 557-558 as follows:

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

The notary instructor application for recertification form requires:

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

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

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

(4) whether certification has been continuous;

(5) a declaration under penalty of perjury that:

(a) the information provided is true, ~~complete, and correct;~~ true and complete;

(b) the applicant remains qualified to be commissioned as a notary public; and

(c) the applicant:

(i) understands the official duties and responsibilities of a notary public and notary public instructor in North Carolina; and

(ii) will perform to the best of the applicant’s ability all responsibilities of teaching the notary courses in accordance with the law.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

Eff. July 1, 2024.

18 NCAC 07B .0501 is adopted with changes as published in 38:09 NCR 558 as follows:

SECTION .0500 – ~~Commissions~~ CRIMINAL RECORDS

18 NCAC 07B .0501 CRIMES

For purposes of applications and discipline under Chapter 10B of the General Statutes and the ~~Rules~~ rules in this Chapter, each of the following offenses ~~are examples of, and~~ shall be classified ~~as, either~~ 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 under the influence;

(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) resisting arrest;

(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 is adopted with changes as published in 38:09 NCR 558 as follows:

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~~ 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.

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

Eff. July 1, 2024.

18 NCAC 07B .0503 is adopted with changes as published in 38:09 NCR 558 as follows:

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 ~~applicant’s~~ 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.