18 NCAC 07C .0101 is adopted with changes as published in 38:09 NCR 563 as follows:

SUBCHAPTER 07C – ~~ELECTRONIC NOTARY STANDARDS~~ 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.~~ notaries public.

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

Eff. July 1, 2024.

18 NCAC 07C .0102 is adopted as published in 38:09 NCR 563 as follows:

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.

18 NCAC 07C .0201 is amended with changes as published in 38:09 NCR 563 as follows:

18 NCAC 07C .0201 INITIAL APPLICATION

~~(a) Application Form.~~

~~(1) Applicants~~ An applicant for initial appointment as a traditional notary public who is not a licensed member of the North Carolina State Bar ~~shall use the application form designated by the Division for that purpose and may download the application form from the Department's website.~~ shall:

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

(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.~~ successfully complete the notary course and exam; and

(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 applican~~t ~~successfully completed the required course of instruction before the applicant may file the form with the Department.~~ submit the application form specified in 18 NCAC 07B .0407.

~~(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-4; ~~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.~~ 2023;

Amended Eff. July 1, 2024.

18 NCAC 07C .0202 is amended with changes as published in 38:09 NCR 563-564 as follows:

18 NCAC 07C .0202 TIMING

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

(1) submit an application within three months after ~~passing~~ successfully completing the notary course and ~~examination required by G.S. 10B-8.~~ 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; ~~10B-8; 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 .0302(a) Eff. June 1, ~~2023.~~ 2023;

Amended Eff. July 1, 2024.

18 NCAC 07C .0203 is amended with changes as published in 38:09 NCR 564 as follows:

18 NCAC 07C .0203 ~~APPLICATION RECEIPT DATE~~ REQUIREMENTS FOR APPLICANTS RESIDING OUTSIDE NORTH CAROLINA

~~Applications shall not be deemed received until complete.~~ 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:~~] shall be on the employer’s business letterhead, and include:

(1) [~~be on the employer’s business letterhead that includes:~~]

[~~(a)~~] the [~~name~~] name, address, and telephone number of the employer’s business;

[~~(b) the address of the employer’s business; and~~

~~(c) a telephone number and email address for the business; and~~]

(2) [~~include:~~

~~(a)~~] the name of the applicant;

[~~(b)~~] (3) affirmation that:

[~~(i)~~] (a) the applicant works for the employer;

[~~(ii)~~] (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

[~~(iii)~~] (c) the street address of the physical location within North Carolina at which the applicant works; and

[~~(c)~~] (4) the printed name and the signature of the individual signing the statement;

[~~(d)~~] (5) the title of the individual signing the statement;

[~~(e)~~] (6) a statement that the signer has the authority to sign on behalf of the employer;

[~~(f)~~] (7) a telephone number and email address at which the signer can be contacted; and

[~~(g)~~] (8) a jurat certificate.

History Note: Authority G.S. 10B-4; ~~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(b) Eff. June 1, ~~2023.~~ 2023;Amended Eff. July 1, 2024.

18 NCAC 07C .0204 is adopted with changes as published in 38:09 NCR 564 as follows:

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 is adopted as published in 38:09 NCR 564 as follows:

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

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

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

Eff. July 1, 2024.

18 NCAC 07C .0206 is adopted with changes as published in 38:09 NCR 564 as follows:

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

A commission applicant who has applied for, holds, or has held a professional license, a notarial commission, or a public office, shall comply with Section .0700 of Subchapter 07B ~~07B, Section .0700,~~ of this Chapter.

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

Eff. July 1, 2024.

18 NCAC 07C .0207 is adopted with changes as published in 38:09 NCR 564 as follows:

18 NCAC 07C .0207 FINDINGS OR ADMISSIONS OF LIABILITY ~~AGAINST THE APPLICANT~~ BASED ON ~~THE~~ APPLICANT’S DECEIT

A commission applicant ~~against whom~~ for whom, in a civil lawsuit, there has been a finding or admission of fault or liability based on the applicant’s deceit ~~in a civil lawsuit regarding the applicant’s activity as a notary public based on the applicant’s deceit~~ shall include with the application:

(1) a list of each finding or admission;

(2) a copy of the document containing the finding or admission;

(3) a brief description of the circumstances surrounding the finding or admission;

(4) if not included in the document in Item (2) of this Rule:

(a) the date on which the finding or admission was made;

(b) the ~~governmental agency or~~ court in which the civil lawsuit was filed; and

(c) the case name and docket number; and

(5) any additional information that the applicant wishes the Department to consider.

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

Eff. July 1, 2024.

18 NCAC 07C .0208 is adopted with changes as published in 38:09 NCR 564-565 as follows:

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

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

(1) the name of the court or governmental ~~agency~~ agency, board, or commission that made the finding;

(2) a copy of the document in which the official misconduct finding was made;

(3) if not included in the document in Item (2) of this Rule:

(a) the date on which the finding or admission was made;

(b) the court or governmental ~~agency or court~~ agency, board or commission that made the finding; and

(c) the case name and docket number, or similar unique designation;

(4) a description of the circumstances surrounding the finding; and

(5) any additional information that the applicant wishes the Department to consider.

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

Eff. July 1, 2024.

18 NCAC 07C .0209 is adopted with changes as published in 38:09 NCR 565 as follows:

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

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

(1) the name of the court or governmental ~~agency or court~~ agency, board, or commission that made the finding;

(2) a copy of the finding;

(3) the date of the finding, if not included in the copy provided pursuant to Item (2) of this Rule;

(4) a description of the circumstances surrounding the finding; and

(5) any additional information that the applicant wishes the Department to consider.

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

Eff. July 1, 2024.

18 NCAC 07C .0210 is adopted with changes as published in 38:09 NCR 565 as follows:

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

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

(1) the name of the court or governmental ~~agency or court~~ agency, board, or commission in which the charge or finding is made;

(2) a copy of the charge or finding;

(3) the date of the charge or finding, if not included in the copy provided pursuant to Item (2) of this Rule;

(4) a description of the circumstances surrounding the charge or finding; and

(5) any additional information that the applicant wishes the Department to consider.

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

Eff. July 1, 2024.

18 NCAC 07C .0301 is adopted with changes as published in 38:09 NCR 565 as follows:

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 .0302 is adopted with changes as published in 38:09 NCR 565 as follows:

18 NCAC 07C .0302 NOTARY COURSES TAKEN BY FORMERLY COMMISSIONED NOTARIES

A formerly commissioned notary public who fails to be recommissioned within 12 months of the expiration of the notary’s former commission and who seeks recommissioning shall successfully complete a notary course taught by a certified notary instructor.

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

Eff. July 1, 2024.

18 NCAC 07C .0303 is adopted as published in 38:09 NCR 565 as follows:

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 is adopted as published in 38:09 NCR 565 as follows:

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 is adopted with changes as published in 38:09 NCR 565 as follows:

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 10B-4;

Eff. July 1, 2024.

18 NCAC 07C .0401 is amended with changes as published in 38:09 NCR 565 as follows:

18 NCAC 07C .0401 APPOINTMENT

~~(a) Upon determination that an applicant has complied with all requirements of the Act and this Subchapter, the Director~~ The Department shall appoint or reappoint ~~the~~ an applicant to the office of notary public after reviewing the application submitted by the applicant and determining that: ~~and issue a commissioning certificate.~~

(1) the application is accepted; and

(2) the applicant is qualified to be appointed pursuant to N.C. Const. Art. VI, Sec. 8, Chapter 10B of the General Statutes, and the [~~Rules~~] rules in this Chapter.

~~(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-4; ~~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~~ 18 NCAC 07B .0501 Eff. June 1, ~~2023.~~ 2023;

Amended Eff. July 1, 2024.

18 NCAC 07C .0402 is adopted with changes as published in 38:09 NCR 566 as follows:

18 NCAC 07C .0402 Issuance of certificates

The Department shall provide:

(1) to the Register of Deeds in the county of the ~~notary’s~~ notary public’s commissioning:

(a) a certificate of appointment that includes the appointee’s full legal name and the commission name of the appointee; and

(b) a commission certificate in the commission name of the appointee to be used by the Register of Deeds to document that the notary oath has been administered to the appointee; and

(2) a duplicate commission certificate to a notary public, upon request to the Department.

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

Eff. July 1, 2024.

18 NCAC 07C .0403 is adopted as published in 38:09 NCR 566 as follows:

18 NCAC 07C .0403 NOTICE TO APPOINTEE

The Department shall send the appointee notice that:

(1) the certificate of appointment has been issued; and

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

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

Eff. July 1, 2024.

18 NCAC 07C .0404 is amended as published in 38:09 NCR 566 as follows:

18 NCAC 07C .0404 ~~NO BACK-DATING~~ COMMISSION CERTIFICATE

~~A commissioning certificate shall not be back-dated.~~

A commission certificate:

(1) shall not be valid until the oath of office has been taken; and

(2) shall include:

(a) the appointee’s name for use on a notary public commission;

(b) the county of commissioning;

(c) the beginning date of the commission; and

(d) the expiration date of the commission.

History Note: Authority G.S. 10B-4; ~~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.~~ 2023;

Amended Eff. July 1, 2024.

18 NCAC 07C .0405 is amended as published in 38:09 NCR 566 as follows:

18 NCAC 07C .0405 Satisfactory Evidence of Identity

~~(a)~~ Before taking the oath of office, an appointee ~~shall~~ shall:

(1) present satisfactory evidence matching the appointee’s name on the certificate of appointment to the Register of ~~Deeds~~ Deeds, assistant Register of Deeds, or deputy Register of Deeds who will administer the oath of office; or ~~satisfactory evidence of the appointee's identity as set out in G.S. 10B-3(22).~~

(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.

~~(b) The Register of Deeds shall document the type of evidence provided by the appointee on the form provided by the Department.~~

~~(c) After administering the oath of office the Register of Deeds shall deliver the commissioning certificate to the notary public.~~

History Note: Authority G.S. ~~10B-2; 10B-3(22);~~ 10B-4; ~~10B-9; 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 NCAC 07B .0503 Eff. June 1, ~~2023.~~ 2023;

Amended Eff. July 1, 2024.

18 NCAC 07C .0406 is adopted with changes as published in 38:09 NCR 566 as follows:

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 public;~~ 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 is adopted as published in 38:09 NCR 566 as follows:

18 NCAC 07C .0407 Performing TRADITIONAL notarial acts

No individual may perform a notarial act unless the individual is in possession of a valid commission certificate.

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

Eff. July 1, 2024.

18 NCAC 07C .0409 is amended with changes as published in 38:09 NCR 566 as follows:

18 NCAC 07C .0409 term of ~~office~~ COMMISSION

~~(a) A notary’s commission or recommission shall not be effective until the oath of office has been administered.~~

~~(b)~~ A ~~notary’s~~ notary public shall have a commission ~~five year~~ term ~~of office~~ ~~begins on~~ that shall be calculated from the date ~~on the commissioning certificate.~~ [~~an~~] that the commission application is [~~accepted~~] filed pursuant to 18 NCAC 07B .0312 [~~or the day immediately following the expiration date of a commission, whichever is later.~~] unless Rule .0410 of this Subchapter applies.

History Note: Authority G.S. 10B-4; ~~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 .0505 Eff. June 1, ~~2023.~~ 2023;

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