

1 18 NCAC 07C .0101 is adopted with changes as published in 38:09 NCR 563 as follows:

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3 **SUBCHAPTER 07C – ~~ELECTRONIC NOTARY STANDARDS~~ PROCESS TO BECOME A NOTARY AND**
4 **RENEW A NOTARY COMMISSION**

5

6

SECTION .0100 – GENERAL PROVISIONS

7

8 **18 NCAC 07C .0101 SCOPE**

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

11

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

13 *Eff. July 1, 2024.*

1 18 NCAC 07C .0102 is adopted as published in 38:09 NCR 563 as follows:

2

3 **18 NCAC 07C .0102 DEFINITIONS RELATED TO APPLICATION AND RECOMMISSIONING**
4 **PROCESS**

5 For purposes of this Subchapter:

6 (1) “Commission applicant” is an applicant for an initial commission or for recommissioning as a
7 traditional notary public.

8 (2) “Exam” means a test prepared by the Department and administered by:

9 (a) a certified notary instructor; or

10 (b) the Department or its designee.

11

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

13 Eff. July 1, 2024.

1 18 NCAC 07C .0201 is amended with changes as published in 38:09 NCR 563 as follows:

2
3 **18 NCAC 07C .0201 INITIAL APPLICATION**

4 ~~(a) Application Form.~~

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

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

10 (2) ~~Applicants for initial appointment who are members of the North Carolina State Bar may download~~
11 ~~the application form from the Department's website and may file the completed application without~~
12 ~~first obtaining a signature from a notary instructor. successfully complete the notary course and~~
13 ~~exam; and~~

14 (3) ~~All other applicants for initial appointment who download the application form from the~~
15 ~~Department's website shall obtain a signature on the application from a notary instructor certifying~~
16 ~~that the applicant successfully completed the required course of instruction before the applicant may~~
17 ~~file the form with the Department. submit the application form specified in 18 NCAC 07B .0407.~~

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

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

21 ~~(1) _____ U.S. mail;~~

22 ~~(2) _____ In person delivery; or~~

23 ~~(3) _____ Courier service.~~

24
25 *History Note: Authority G.S. 10B-4; 10B-14(f);*

26 *Eff. April 1, 2007;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
28 *6, 2016;*

29 *Transferred from 18 NCAC 07B .0301 Eff. June 1, ~~2023.~~ 2023;*

30 *Amended Eff. [July 1, 2024.] March 1, 2025.*

1 18 NCAC 07C .0202 is amended with changes as published in 38:09 NCR 563-564 as follows:

2

3 **18 NCAC 07C .0202 TIMING**

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

6 (1) submit an application within three months after ~~passing~~ successfully completing the notary course
7 and examination required by G.S. 10B-8, exam; or

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

10

11 *History Note: Authority G.S. ~~10B-4; 10B-8; 10B-14(f);~~*

12 *Eff. April 1, 2007;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
14 *6, 2016;*

15 *Transferred from 18 NCAC 07B .0302(a) Eff. June 1, ~~2023.~~ 2023:*

16 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0203 is amended with changes as published in 38:09 NCR 564 as follows:

2
3 **18 NCAC 07C .0203 APPLICATION—RECEIPT—DATE REQUIREMENTS FOR APPLICANTS**
4 **RESIDING OUTSIDE NORTH CAROLINA**

5 Applications shall not be deemed received until complete. A commission applicant who resides outside the State of
6 North Carolina and has a regular place of work or business in North Carolina shall submit an affidavit from the
7 applicant’s employer that ~~shall:~~ shall be on the employer’s business letterhead, and include:

- 8 (1) [be on the employer’s business letterhead that includes:]
9 [~~(a)~~ the ~~[name]~~ name, address, and telephone number of the employer’s business;
10 [~~(b)~~ — the address of the employer’s business; and
11 [~~(c)~~ — a telephone number and email address for the business; and]
12 (2) [include:
13 [~~(a)~~ the name of the applicant;
14 [~~(b)~~ (3) affirmation that:
15 [~~(i)~~ (a) the applicant works for the employer;
16 [~~(ii)~~ (b) the applicant regularly spends all or part of the applicant’s work time working for the
17 employer in a physical location within the State of North Carolina; and
18 [~~(iii)~~ (c) the street address of the physical location within North Carolina at which the applicant
19 works; and
20 [~~(e)~~ (4) the printed name and the signature of the individual signing the statement;
21 [~~(d)~~ (5) the title of the individual signing the statement;
22 [~~(e)~~ (6) a statement that the signer has the authority to sign on behalf of the employer;
23 [~~(f)~~ (7) a telephone number and email address at which the signer can be contacted; and
24 [~~(g)~~ (8) a jurat certificate.

25
26 *History Note: Authority G.S. 10B-4; 10B-14(f);*
27 *Eff. April 1, 2007;*
28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
29 *6, 2016;*
30 *Transferred from 18 NCAC 07B .0502(b) Eff. June 1, ~~2023~~, 2023;*
31 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0204 is adopted with changes as published in 38:09 NCR 564 as follows:

2

3 **18 NCAC 07C .0204 ADDITIONAL REQUIREMENTS FOR APPLICANTS LISTING CONVICTIONS**

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

6

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

8 *Eff. July 1, 2024.*

1 18 NCAC 07C .0205 is adopted as published in 38:09 NCR 564 as follows:

2

3 **18 NCAC 07C .0205 REQUIREMENTS FOR APPLICANT WITH PENDING CRIMINAL CHARGES**

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

5

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

7 Eff. July 1, 2024.

1 18 NCAC 07C .0206 is adopted with changes as published in 38:09 NCR 564 as follows:

2

3 **18 NCAC 07C .0206 REQUIREMENTS FOR APPLICANTS REGARDING PROFESSIONAL**
4 **LICENSES, NOTARIAL COMMISSIONS, AND PUBLIC OFFICES**

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

7

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

9 *Eff. ~~July 1, 2024~~. March 1, 2025.*

1 18 NCAC 07C .0207 is adopted with changes as published in 38:09 NCR 564 as follows:

2

3 **18 NCAC 07C .0207 FINDINGS OR ADMISSIONS OF LIABILITY AGAINST ~~THE APPLICANT~~**
4 **BASED ON ~~THE APPLICANT'S DECEIT~~**

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

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

16

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

18 *Eff. ~~July 1, 2024~~ March 1, 2025.*

1 18 NCAC 07C .0208 is adopted with changes as published in 38:09 NCR 564-565 as follows:

2

3 **18 NCAC 07C .0208 FINDINGS THAT THE APPLICANT ENGAGED IN OFFICIAL MISCONDUCT**

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

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

17

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

1 18 NCAC 07C .0209 is adopted with changes as published in 38:09 NCR 565 as follows:

2

3 **18 NCAC 07C .0209 FINDING OF UNAUTHORIZED PRACTICE OF LAW**

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

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

8 (2) a copy of the finding;

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

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

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

12

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

14 *Eff. ~~July 1, 2024~~ March 1, 2025.*

1 18 NCAC 07C .0210 is adopted with changes as published in 38:09 NCR 565 as follows:

2

3 **18 NCAC 07C .0210 FINDING OF FALSE OR MISLEADING ADVERTISING**

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

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

9 (2) a copy of the charge or finding;

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

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

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

14

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

16 *Eff. ~~July 1, 2024~~ March 1, 2025.*

1 18 NCAC 07C .0301 is adopted with changes as published in 38:09 NCR 565 as follows:

2

3 **18 NCAC 07C .0301 COURSES TAUGHT BY CERTIFIED NOTARY INSTRUCTORS**

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

6

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

8 *Eff. July 1, 2024.*

1 18 NCAC 07C .0303 is adopted as published in 38:09 NCR 565 as follows:

2

3 **18 NCAC 07C .0303 PRESENTATION OF SATISFACTORY EVIDENCE OF IDENTITY IN**
4 **CONNECTION WITH NOTARY COURSE**

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

7 (1) before the course begins;

8 (2) before the instructor signs the application; and

9 (3) upon request of the instructor at any other time during the course.

10

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

12 *Eff. July 1, 2024.*

1 18 NCAC 07C .0304 is adopted as published in 38:09 NCR 565 as follows:

2

3 **18 NCAC 07C .0304 SATISFACTORY EVIDENCE PRESENTED TO INSTRUCTOR**

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

6

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

8 *Eff. July 1, 2024.*

1 18 NCAC 07C .0305 is adopted with changes as published in 38:09 NCR 565 as follows:

2

3 **18 NCAC 07C .0305 RETESTING**

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

6 (1) the institution at which the course is taught permits retesting; and

7 (2) the retest is taken within 30 days of the date of the exam failure.

8

9 *History Note: Authority 10B-4;*

10 *Eff. July 1, 2024.*

1 18 NCAC 07C .0401 is amended with changes as published in 38:09 NCR 565 as follows:

2

3 **18 NCAC 07C .0401 APPOINTMENT**

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

7 (1) the application is accepted; and

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

10 ~~(b) The Division shall send the commissioning certificate to the Register of Deeds in the county of commissioning.~~

11 ~~(c) The Division shall send the appointee notice that:~~

12 ~~(1) The commissioning certificate has been issued; and~~

13 ~~(2) The appointee shall appear within 45 days of the commissioning date to take the oath of office before~~
14 ~~the Register of Deeds in the county of commissioning.~~

15

16 *History Note: Authority G.S. ~~10B-2; 10B-4; 10B-5; 10B-10; 10B-11; 10B-14(f);~~*

17 *Eff. April 1, 2007;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
19 *6, 2016;*

20 *Transferred from ~~48 NCA 07B .0501~~ 18 NCAC 07B .0501 Eff. June 1, ~~2023;~~ 2023;*

21 *Amended Eff. [July 1, 2024.] March 1, 2025.*

1 18 NCAC 07C .0402 is adopted with changes as published in 38:09 NCR 566 as follows:

2

3 **18 NCAC 07C .0402 ISSUANCE OF CERTIFICATES**

4 The Department shall provide:

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

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

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

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

12

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

14 *Eff. ~~July 1, 2024.~~ March 1, 2025.*

1 18 NCAC 07C .0403 is adopted with changes as published in 38:09 NCR 566 as follows:

2

3 **18 NCAC 07C .0403 NOTICE TO APPOINTEE**

4 The Department shall send the appointee notice that:

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

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

8

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

10 *Eff. ~~July 1, 2024.~~ March 1, 2025.*

1 18 NCAC 07C .0404 is amended with changes as published in 38:09 NCR 566 as follows:

2

3 **18 NCAC 07C .0404 ~~NO BACK-DATING~~ COMMISSION CERTIFICATE**

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

5 A commission certificate:

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

7 (2) shall include:

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

9 (b) the county of commissioning;

10 (c) the beginning date of the commission; and

11 (d) the expiration date of the commission.

12

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

14 *Eff. April 1, 2007;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
16 *6, 2016;*

17 *Transferred from 18 NCAC 07B .0502(a) Eff. June 1, ~~2023.~~ 2023;*

18 *Amended Eff. [July 1, 2024.] March 1, 2025.*

1 18 NCAC 07C .0405 is amended as published in 38:09 NCR 566 as follows:

2

3 **18 NCAC 07C .0405 SATISFACTORY EVIDENCE OF IDENTITY**

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

5 (1) present satisfactory evidence matching the appointee's name on the certificate of appointment to the
6 Register of Deeds Deeds, assistant Register of Deeds, or deputy Register of Deeds who will
7 administer the oath of office; or satisfactory evidence of the appointee's identity as set out in G.S.
8 10B-3(22).

9 (2) be personally known to the Register of Deeds, assistant Register of Deeds, or deputy Register of
10 Deeds who will administer the oath of office.

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

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

15

16 *History Note: Authority G.S. ~~10B-2; 10B-3(22); 10B-4; 10B-9; 10B-10; 10B-11; 10B-14(f);~~*

17 *Eff. April 1, 2007;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
19 *6, 2016;*

20 *Transferred from 18 NCAC 07B .0503 Eff. June 1, ~~2023; 2023;~~*

21 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0406 is adopted with changes as published in 38:09 NCR 566 as follows:

2

3 **18 NCAC 07C .0406 REGISTER OF DEEDS**

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

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

11

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

13 *Eff. July 1, 2024.*

1 18 NCAC 07C .0407 is adopted with changes as published in 38:09 NCR 566 as follows:

2

3 **18 NCAC 07C .0407 PERFORMING TRADITIONAL NOTARIAL ACTS**

4 No individual may perform a notarial act unless the individual has ~~[is in possession of]~~ a valid commission certificate.

5

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

7 *Eff. July 1, 2024.*

1 18 NCAC 07C .0409 is amended with changes as published in 38:09 NCR 566 as follows:

2

3 **18 NCAC 07C .0409 TERM OF ~~OFFICE~~ COMMISSION**

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

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

9

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

11 *Eff. April 1, 2007;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
13 *6, 2016;*

14 *Transferred from 18 NCAC 07B .0505 Eff. June 1, ~~2023~~; 2023;*

15 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0410 is adopted with changes as published in 38:09 NCR 566 as follows:

2

3 **18 NCAC 07C .0410 TERM OF REAPPOINTMENT COMMISSION**

4 A recommissioning ~~notary's~~ notary public's five year term shall begin on the day following the expiration of the
5 existing commission if:

6 (1) the application for reappointment has been ~~accepted~~ filed before the expiration of the existing
7 commission; and

8 (2) the notary takes the oath of office for recommissioning within 45 days of the issuance date on the
9 certificate of appointment.

10

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

12 *Eff. July 1, 2024.*

1 18 NCAC 07C .0411 is adopted with changes as published in 38:09 NCR 567 as follows:

2

3 **18 NCAC 07C .0411 NOTARIAL ACTS PROHIBITED DURING GAPS BETWEEN COMMISSION**
4 **TERMS**

5 A notary public shall not perform a notarial act after the expiration of the notary's commission until the notary has
6 been reappointed and has taken the oath for a subsequent commission.

7

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

9 *Eff. July 1, 2024.*

1 18 NCAC 07C .0502 is amended with changes as published in 38:09 NCR 567 as follows:

2

3 **18 NCAC 07C .0502 LATE APPLICATION**

4 ~~An~~ A commission applicant for an initial appointment who ~~applies~~ submits an application more than three months
5 after ~~compliance with G.S. 10B-8(a)~~ successfully completing the notary course shall

6 (1) ~~Comply~~ comply again with ~~G.S. 10B-8(a); the requirements for initial appointment in G.S. 10B-6~~
7 and the [Rules] rules in this Subchapter.

8 (2) ~~Submit an application for initial appointment; and~~

9 (3) ~~Pay the application fee.~~

10

11 *History Note: Authority G.S. ~~10B-4; 10B-8; 10B-14(f);~~*

12 *Eff. April 1, 2007;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
14 *6, 2016;*

15 *Transferred from 18 NCAC 07B .0302(b) Eff. June 1, ~~2023;~~ 2023;*

16 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0504 is amended with changes as published in 38:09 NCR 567 as follows:

2

3 **18 NCAC 07C .0504 APPLICATION AFTER ~~REAPPOINTMENT~~ RECOMMISSIONING DENIAL**
4 **BASED ON FAILING ~~TEST~~ EXAM**

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

- 9 ~~(1) Complying with G.S. 10B-8(a);~~
10 ~~(2) Submitting an application for reappointment; and~~
11 ~~(3) Paying the application fee.~~

12

13 *History Note: Authority G.S. ~~10B-2; 10B-4; 10B-5; 10B-6; 10B-8; 10B-13; 10B-14(f);~~*
14 *Eff. April 1, 2007;*
15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
16 *6, 2016;*
17 *Transferred from 18 NCAC 07B .0403 Eff. June 1, ~~2023~~ 2023;*
18 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0505 is amended with changes as published in 38:09 NCR 567 as follows:

2
3 **18 NCAC 07C .0505 FAILURE TO TAKE TIMELY OATH APPLICATION FOR**
4 **RECOMMISSIONING WITHIN ~~TWELVE~~ 12 MONTHS OF COMMISSION**
5 **EXPIRATION OR PURSUANT TO G.S. 10B-53**

6 ~~(a) An appointee who fails to take the oath of office within 45 days of the commissioning certificate date may~~
7 ~~reapply for reappointment.~~

8 ~~(b) Reapplication within one year of commission date. If an appointee seeks reappointment more than 45 days and~~
9 ~~less than one year after the commissioning certificate date, the appointee shall:~~

10 ~~(1) Apply for reappointment;~~

11 ~~(2) Submit another application fee; and~~

12 ~~(3) Pass the reappointment test.~~

13 ~~(c) Reapplication one year or more after commissioning certificate date. If an appointee seeks reappointment one year~~
14 ~~or more after the commissioning certificate date, the appointee shall:~~

15 ~~(1) Comply with the requirements of G.S. 10B-8(a);~~

16 ~~(2) Apply for reappointment; and~~

17 ~~(3) Submit another application fee.~~

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

20 (1) the notary's commission has ~~expired;~~ expired and

21 ~~(2)~~ less than ~~twelve~~ 12 months have elapsed since the expiration of the prior ~~commission;~~
22 commission; or

23 (2) the notary seeks recommissioning pursuant to G.S. 10B-53.

24
25 *History Note: Authority G.S. ~~10B-4; 10B-11; 10B-14(f);~~*

26 *Eff. April 1, 2007;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
28 *6, 2016;*

29 *Transferred from 18 NCAC 07B .0504 Eff. June 1, ~~2023.~~ 2023;*

30 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0506 is adopted with changes as published in 38:09 NCR 567 as follows:

2

3 **18 NCAC 07C .0506 RECOMMISSIONING EDUCATIONAL REQUIREMENT**

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

7

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

9 *Eff. July 1, 2024.*

1 18 NCAC 07C .0508 is adopted as published in 38:09 NCR 567 as follows:

2

3 **18 NCAC 07C .0508 CANCELLATION OF COMMISSION**

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

6 (1) cancel the commission; and

7 (2) notify the appointee of the cancellation.

8

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

10 *Eff. July 1, 2024.*

1 18 NCAC 07C .0509 is adopted with changes as published in 38:09 NCR 567 as follows:

2

3 **18 NCAC 07C .0509 RESCIND CANCELLATION OF CERTIFICATE OF APPOINTMENT**

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

6

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

8 *Eff. July 1, 2024.*

1 18 NCAC 07C .0510 is adopted as published in 38:09 NCR 567 as follows:

2

3 **18 NCAC 07C .0510 CONFIRMATION OF NOTARY STATUS**

4 The Department shall confirm a notary public's commission status upon written request.

5

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

7 Eff. July 1, 2024.

1 18 NCAC 07C .0601 is amended with changes as published in 38:09 NCR 568 as follows:

2
3 **SECTION .0600 – STEPS FOR REAPPOINTMENT RECOMMISSIONING**

4
5 **18 NCAC 07C .0601 APPLICATION STEPS FOR REAPPOINTMENT RECOMMISSIONING**

6 Application for Reappointment:

7 (1) ~~An applicant for A notary public seeking reappointment~~ recommissioning within the time permitted by G.S. 10B-
8 11 and the [Rules] rules in this Subchapter shall submit an the reappointment recommissioning application for
9 reappointment. specified in 18 NCAC 07B .0409.

10 (2) ~~Applicants for reappointment may apply on line on the Department's website.~~

11
12 *History Note: Authority G.S. 10B-4; 10B-11; 10B-14(f);*

13 *Eff. April 1, 2007;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
15 *6, 2016;*

16 *Transferred from 18 NCAC 07B .0401(a) Eff. June 1, ~~2023.~~ 2023;*

17 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0602 is amended as published in 38:09 NCR 568 as follows:

2

3 **18 NCAC 07C .0602 ~~TIMING OF APPLICATION FOR~~ METHOD OF TAKING REAPPOINTMENT**
4 **RECOMMISSIONING EXAM**

5 ~~Timing of Application for Reappointment. An applicant for~~ The reappointment recommissioning exam shall apply for
6 ~~reappointment no earlier than 10 weeks before the expiration date of the applicant's commission.~~ be taken on the
7 Department's website.

8

9 *History Note: Authority G.S. 10B-4; 10B-11; 10B-14(f);*

10 *Eff. April 1, 2007;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
12 *6, 2016;*

13 *Transferred from 18 NCAC 07B .0401(b) Eff. June 1, ~~2023;~~ 2023;*

14 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0603 is amended with changes as published in 38:09 NCR 568 as follows:

2
3 **18 NCAC 07C .0603 COURSE AS ALTERNATIVE TO REAPPOINTMENT RECOMMISSIONING**
4 **TEST EXAM**

5 ~~(a) Attorneys who are licensed members of the North Carolina State Bar do not have to take a reappointment test.~~

6 ~~(b) The~~ An applicant for reappointment recommissioning test may be taken either: comply with the Rules in Section
7 .0300 of this Subchapter as though the applicant were applying for an initial notary commission in lieu of taking or
8 retaking the recommissioning exam.

9 (1) ~~By completing the on-line test on the Department's website;~~

10 (2) ~~By completing a paper test at the Department's offices at a time based upon:~~

11 (A) ~~The availability of the Division's staff; and~~

12 (B) ~~The availability of the applicant; or~~

13 (3) ~~By completing a paper test at a time and place mutually agreed upon by the applicant and a certified~~
14 ~~notary public instructor.~~

15 ~~(c) An applicant for reappointment shall have 30 minutes to complete the test. An applicant needing accommodation~~
16 ~~pursuant to the Americans with Disabilities Act shall contact the Division and request the accommodation.~~

17 ~~(d) If an applicant fails the reappointment test, the applicant may re-take the test no more than two times within 30~~
18 ~~days of the date on which the test is first taken.~~

19 ~~(e) If the applicant fails to pass the reappointment test within 30 days, the applicant shall not be reappointed and the~~
20 ~~application shall be denied.~~

21
22 *History Note: Authority G.S. ~~10B-2; 10B-4; 10B-8; 10B-14(f); 168A-7; 42 USC 12132;~~*

23 *Eff. April 1, 2007;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
25 *6, 2016;*

26 *Transferred from 18 NCAC 07B .0402 Eff. June 1, ~~2023- 2023;~~*

27 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0604 is adopted with changes as published in 38:09 NCR 568 as follows:

2

3 **18 NCAC 07C .0604 EXAM LENGTH AND PASSING SCORE**

4 A notary public seeking recommissioning and taking the recommissioning exam shall:

5 (1) have 30 minutes to complete the recommissioning exam; and

6 (2) achieve a passing score of at least 80 percent on the exam.

7

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

9 *Eff. July 1, 2024.*

1 18 NCAC 07C .0605 is adopted as published in 38:09 NCR 568 as follows:

2

3 **18 NCAC 07C .0605 RETAKING RECOMMISSIONING EXAM AFTER FAILURE**

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

6

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

8 Eff. July 1, 2024.

1 18 NCAC 07C .0606 is adopted with changes as published in 38:09 NCR 568 as follows:

2

3 **18 NCAC 07C .0606 FAILURE TO PASS EXAM WITHIN 30 DAYS**

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

6

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

8 *Eff. July 1, 2024.*

1 18 NCAC 07C .0607 is adopted with changes as published in 38:09 NCR 568 as follows:

2

3 **18 NCAC 07C .0607 INDIVIDUAL WHO FAILS TO SEEK RECOMMISSIONING WITHIN ONE**
4 **YEAR**

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

7

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

9 *Eff. July 1, 2024.*

1 18 NCAC 07C .0701 is adopted with changes as published in 38:09 NCR 568-569 as follows:

2
3 **SECTION .0700 —~~RECORDS OF ELECTRONIC NOTARIAL ACTS RESERVED~~ ATTORNEY**
4 **NOTARIES**

5
6 **18 NCAC 07C .0701 ATTORNEY APPLICATION FOR INITIAL APPOINTMENT**

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

- 8 (1) maintain a personal copy of the most recent notary public manual approved by the Department; and
9 (2) either:
10 (a) submit a completed notarial commission application form described in 18 NCAC 07B
11 .0407 ~~without:~~ any of the following being required:
12 (i) attending the notary course;
13 (ii) passing the notary course exam; and
14 (iii) obtaining a signature from a notary instructor; or
15 (b) comply with the ~~Rules~~ rules in this Subchapter for an individual who is not a licensed
16 member of the State Bar.

17
18 *History Note: Authority G.S. 10B-4;*
19 *Eff. July 1, 2024.*

1 18 NCAC 07C .0702 is adopted with changes as published in 38:09 NCR 569 as follows:

2

3 **18 NCAC 07C .0702 RECOMMISSIONING OF ATTORNEY NOTARIES**

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

7

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

9 *Eff. July 1, 2024.*

1 18 NCAC 07C .0703 is adopted with changes as published in 38:09 NCR 569 as follows:

2

3 **18 NCAC 07C .0703 ATTORNEYS WHO FAIL TO TAKE NOTARIAL OATH TIMELY**

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

7

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

9 *Eff. July 1, 2024.*

1 18 NCAC 07C .0704 is adopted with changes as published in 38:09 NCR 569 as follows:

2

3 **18 NCAC 07C .0704 ATTORNEYS SEEKING REGISTRATION OR REREGISTRATION AS**
4 **ELECTRONIC NOTARIES**

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

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

12

13 *History Note: Authority G.S. 10B-4; 10B-126; 10B-134.21;*

14 *Eff. July 1, 2024.*