

1 18 NCAC 07I .0101 is adopted with changes as published in 38:04 NCR 205 as follows:

2
3 **SUBCHAPTER 07I – JOURNAL REQUIREMENTS**

4
5 **SECTION .0100 – GENERAL**

6
7 **18 NCAC 07I .0101 ~~SCOPE~~ NOTARIES SUBJECT TO JOURNALING REQUIREMENTS**

8 ~~The rules in this Subchapter set forth the requirements applicable to a notary maintaining a journal.~~

9 (a) An electronic notary public who performs electronic notarial acts shall maintain an electronic journal in conformity
10 with the Rules in this Subchapter.

11 (b) A notary public performing a traditional notarial act who maintains a journal in conformity with the Rules in this
12 Subchapter shall be deemed to have complied with G.S. 10B-38.

13
14 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
15 *Eff. July 1, 2024.*

1 18 NCAC 07I .0102 is adopted with changes as published in 38:04 NCR 205-206 as follows:

2
3 **18 NCAC 07I .0102 DEFINITIONS**

4 The definitions in this Rule apply to this Subchapter:

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

16 Note: ~~an~~ An entry six months after the initial committed entry stating that the notary public received
17 a subpoena for that initial committed journal entry is an example of supplemental information.
18

19 *History Note:* *Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
20 *Eff. July 1, 2024.*

1 18 NCAC 07I .0103 is adopted with changes as published in 38:04 NCR 206 as follows:

2

3 **18 NCAC 07I .0103 JOURNAL REQUIREMENT**

4 ~~In addition to the journal required by G.S. 10B-38:~~ For any journal created pursuant to this Subchapter:

5 (1) an electronic notary public shall maintain an accurate backup copy of the notary's journal; and

6 (2) a traditional notary public shall who maintains a journal shall retain a copy of a journal or any

7 portion of a journal delivered to a third party. create and maintain an accurate backup copy of an

8 original journal that the notary provides to the notary's employer upon termination of employment.

9

10 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*

11 *Eff. July 1, 2024.*

1 18 NCAC 07I .0104 is adopted with changes as published in 38:04 NCR 206 as follows:

2

3 **18 NCAC 07I .0104 JOURNAL OWNERSHIP**

4 The notary journal is the private property of the ~~notary~~. notary public.

5

6 *History Note:* Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;

7 *Eff. July 1, 2024.*

1 18 NCAC 07I .0105 is adopted with changes as published in 38:04 NCR 206 as follows:

2

3 **18 NCAC 07I .0105 ENTRY OF DATA INTO JOURNAL**

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

6

7 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07I .0106 is adopted with changes as published in 38:04 NCR 206 as follows:

2

3 **18 NCAC 07I .0106 EXCEPTIONS TO RULE .0105**

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

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

8

9 *History Note:* Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;

10 *Eff. July 1, 2024.*

1 18 NCAC 07I .0107 is adopted with changes as published in 38:04 NCR 206 as follows:

2

3 **18 NCAC 07I .0107 ACCESS TO THE JOURNAL**

4 A notary public shall not permit access to the journal by any person except to the extent permitted pursuant to Chapter
5 10B of the General Statutes and the ~~rules~~ Rules in this Chapter.

6

7 *History Note: Authority G.S. 10B-4; 10B-20(p); ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07I .0201 is adopted with changes as published in 38:04 NCR 206 as follows:

2

3

SECTION .0200 – JOURNAL BASICS

4

18 NCAC 07I .0201 FORM OF TRADITIONAL NOTARY JOURNAL

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

8

9 *History Note:* Authority G.S. 10B-4; 10B-38;

10 *Eff. July 1, 2024.*

1 18 NCAC 07I .0202 is adopted with changes as published in 38:04 NCR 206 as follows:

2

3 **18 NCAC 07I .0202 FORM OF ELECTRONIC NOTARY JOURNAL**

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

6

7 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07I .0203 is adopted with changes as published in 38:04 NCR 206 as follows:

2

3 **18 NCAC 07I .0203 COMBINED JOURNAL**

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

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

9

10 *History Note:* Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;

11 *Eff. July 1, 2024.*

1 18 NCAC 07I .0204 is adopted with changes as published in 38:04 NCR 206 as follows:

2

3 **18 NCAC 07I .0204 ENTRIES IN A TANGIBLE JOURNAL**

4 Entries in a tangible journal shall be:

5 (1) entered in permanent ink;

6 ~~(2) in a bound journal;~~

7 ~~(a) into which pages cannot be inserted;~~

8 ~~(b) from which pages cannot be removed without the removal being visible; and~~

9 ~~(3)~~(2) in chronological order.

10

11 *History Note: Authority G.S. 10B-4; 10B-38;*

12 *Eff. July 1, 2024.*

1 18 NCAC 07I .0205 is adopted with changes as published in 38:04 NCR 206 as follows:

2

3 **18 NCAC 07I .0205 REQUIREMENTS FOR A TANGIBLE JOURNAL**

4 A tangible journal ~~shall have:~~ shall:

5 (1) be made in a bound journal into which pages cannot be inserted; and

6 ~~(+)(2)~~ have on the first page:

7 (a) the name of the notary public as commissioned;

8 (b) the commission date of the notary; and

9 (c) the county of the commission; and

10 ~~(2)(3)~~ have a sequential page sequentially number numbered on each page. pages.

11

12 *History Note: Authority G.S. 10B-4; 10B-38;*

13 *Eff. July 1, 2024.*

1 18 NCAC 07I .0206 is adopted with changes as published in 38:04 NCR 206 as follows:

2

3 **18 NCAC 07I .0206 PROVISION OF JOURNAL TO DEPARTMENT**

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

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

9

10 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;*

11 *Eff. July 1, 2024.*

1 18 NCAC 07I .0207 is adopted with changes as published in 38:04 NCR 206-207 as follows:

2

3 **18 NCAC 07I .0207 ACTS INCLUDED IN JOURNAL**

4 ~~A notary public shall make an entry into the~~ The journal shall contain entries by the notary public that document for
5 all notarial acts completed by the notary or canceled at the request of the principal. ~~canceled.~~

6

7 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07I .0208 is adopted with changes as published in 38:04 NCR 207 as follows:

2

3 **18 NCAC 07I .0208 DESIGNATION OF NOTARIAL ACT**

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

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

9

10 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
11 *Eff. July 1, 2024.*

1 18 NCAC 07I .0209 is adopted with changes as published in 38:04 NCR 207 as follows:

2

3 **18 NCAC 07I .0209 EXCEPTION TO RULE .0208**

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

5 (1) make a single notation of the mode of notarial acts at the beginning of the journal; and

6 (2) omit the notations required by Rule .0208 of this Section.

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

9

10 *History Note:* Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;

11 *Eff. July 1, 2024.*

1 18 NCAC 07I .0210 is adopted with changes as published in 38:04 NCR 207 as follows:

2

3 **18 NCAC 07I .0210 DESIGNATION OF TYPE OF NOTARIAL ACT**

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

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

10

11 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*

12 *Eff. July 1, 2024.*

1 18 NCAC 07I .0211 is adopted with changes as published in 38:04 NCR 207 as follows:

2

3 **18 NCAC 07I .0211 JOURNAL MAY COMBINE EMPLOYER-RELATED AND NON-EMPLOYER**
4 **ACTS**

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

6 (1) a separate journal for each of the employer-related and non-employer related notarial acts; or

7 (2) a single journal reflecting all notarial acts.

8

9 *History Note:* Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;

10 *Eff. July 1, 2024.*

1 18 NCAC 07I .0212 is adopted with changes as published in 38:04 NCR 207 as follows:

2

3 **18 NCAC 07I .0212 JOURNAL RETENTION PERIOD**

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

6 (1) the notary; or

7 (2) a designated custodian.

8

9 *History Note:* Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;

10 *Eff. July 1, 2024.*

1 18 NCAC 07I .0301 is adopted with changes as published in 38:04 NCR 207 as follows:

2

3

SECTION .0300 – GENERAL JOURNAL CONTENTS

4

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

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

7

(1) the date and time of the canceled act;

8

(2) the names of the principals; and

9

(3) the reason the act was canceled.

10

11 *History Note:* Authority *G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*

12 *Eff. July 1, 2024.*

1 18 NCAC 07I .0302 is adopted with changes as published in 38:04 NCR 207 as follows:

2

3 **18 NCAC 07I .0302 CONTENTS OF JOURNAL**

4 Notaries public shall enter the following information in the journal for each notarial ~~act~~ act; ~~completed~~:

5 (1) the date and time at the notary's location ~~of the notarial act~~; that the notarial act occurs;

6 (2) the ~~names~~ name of the ~~each principals~~; principal;

7 (3) the ~~types~~ type and ~~modes~~ mode of notarial ~~acts~~ act performed;

8 (4) the type of ~~documents~~ document notarized, if any;

9 (5) how the ~~identities~~ identity of the ~~each principals~~ principal ~~were~~ was determined;

10 (6) if satisfactory evidence of the principal's identity was presented:

11 (a) the type of satisfactory evidence;

12 (b) ~~if the satisfactory evidence was a document~~, the addresses of each principal as shown on
13 any documents used as satisfactory evidence; ~~the documents~~;

14 (c) if where the satisfactory evidence was based on the sworn statement of a credible witness:

15 (i) the name of the credible witness;

16 (ii) the contact information of the credible witness;

17 (iii) the signature of the credible witness in a traditional notary's journal; or

18 (iv) the signature of the credible witness has been added to the electronic journal by
19 the notary;

20 (7) the ~~signatures~~ signature of the ~~each principals~~ principal in a tangible journal or the notary's addition
21 of the ~~each principals'~~ principal's acknowledged ~~signatures~~ signature to the an electronic journal;

22 (8) information required by 18 NCAC 07K .0203 for any fees charged; and

23 (9) designation of each notarial act as employer-related or non-employer related if the journal includes
24 both categories of notarial acts.

25

26 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*

27 *Eff. July 1, 2024.*

1 18 NCAC 07I .0304 is adopted with changes as published in 38:04 NCR 208 as follows:

2

3 **18 NCAC 07I .0304 EMPLOYER REQUEST FOR INCLUSION OF ADDITIONAL INFORMATION**
4 **IN JOURNAL**

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

- 7 (1) the employer so requests;
- 8 (2) the request is made before the notary commits the journal entry; and
- 9 (3) the information is directly related to the notarial act.

10

11 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
12 *Eff. July 1, 2024.*

1 18 NCAC 07I .0305 is adopted with changes as published in 38:04 NCR 208 as follows:

2

3 **18 NCAC 07I .0305 PARTY REQUEST FOR INCLUSION OF ADDITIONAL INFORMATION IN**
4 **JOURNAL FOR REMOTE ELECTRONIC NOTARIZATION**

5 ~~A~~ An electronic notary public shall include additional information in the journal if:

- 6 (1) the notarial act is a remote electronic notarial act;
- 7 (2) the requestor is a party involved in the transaction;
- 8 (3) the request is made before the notary commits the journal entry; and
- 9 (4) the information is directly related to the notarial act.

10

11 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
12 *Eff. July 1, 2024.*

1 18 NCAC 07I .0306 is adopted with changes as published in 38:04 NCR 208 as follows:

2

3 **18 NCAC 07I .0306 NOTATION OF REQUESTS FOR INCLUSION OF ADDITIONAL**
4 **INFORMATION IN JOURNAL**

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

7 (1) who requested inclusion of the information; and

8 (2) ~~the reason for a refusal to include information, if the notary refused to include requested information,~~
9 the reason the notary refused to do so.

10

11 *History Note:* Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;

12 *Eff. July 1, 2024.*

1 18 NCAC 07I .0307 is adopted with changes as published in 38:04 NCR 208 as follows:

2

3 **18 NCAC 07I .0307 NOTARY SHALL NOT PROVIDE UNRELATED NOTARIAL ACT**
4 **INFORMATION TO EMPLOYER**

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

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

9

10 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
11 *Eff. July 1, 2024.*

1 18 NCAC 07I .0308 is adopted with changes as published in 38:04 NCR 209 as follows:

2

3 ~~18 NCAC 07I .0408~~ **18 NCAC 07I .0308 JOURNAL SUPPLEMENTS**

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

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

7

8 *History Note:* Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;

9 *Eff. July 1, 2024.*

1 18 NCAC 07I .0401 is adopted with changes as published in 38:04 NCR 208 as follows:

2

3

SECTION .0400 – ELECTRONIC JOURNAL REQUIREMENTS

4

18 NCAC 07I .0401 MAINTAIN BACKUP COPY

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

7

8 *History Note:* *Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*

9

Eff. July 1, 2024.

1 18 NCAC 07I .0402 is adopted with changes as published in 38:04 NCR 208 as follows:

2

3 **18 NCAC 07I .0402 FORMAT OF BACKUP COPY**

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

5 (1) on paper; or

6 (2) as an electronic document on a separate physical device.

7

8 *History Note:* *Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*

9 *Eff. July 1, 2024.*

1 18 NCAC 07I .0403 is adopted with changes as published in 38:04 NCR 208 as follows:

2

3 **18 NCAC 07I .0403 PRINTING OUT OF ELECTRONIC JOURNAL ENTRIES**

4 A notary public shall only use an electronic journal that ~~can be printed out.~~ permits printing the contents.

5

6 *History Note:* Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;

7 *Eff. July 1, 2024.*

1 18 NCAC 07I .0404 is adopted with changes as published in 38:04 NCR 208 as follows:

2

3 **18 NCAC 07I .0404 INCLUDING SIGNATURES IN JOURNAL**

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

5 (1) the principals acknowledge that their electronic signatures have been included in the journal
6 ~~captured~~ as signed on the documents in the ~~transaction~~ transaction; ~~and included in the journal~~;

7 (2) the designee signs the ~~designee's~~ principal's name pursuant to G.S. 10B-20(e) as signed on the
8 documents in the transaction and the notary then includes the signature in the journal; or

9 (3) the credible witness signs ~~the credible witness's~~ his or her name and the notary then includes the
10 signature in the journal.

11

12 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*

13 *Eff. July 1, 2024.*

1 18 NCAC 07I .0405 is adopted with changes as published in 38:04 NCR 208 as follows:

2

3 **18 NCAC 07I .0405 TECHNOLOGICAL ISSUES**

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

6

7 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07I .0406 is adopted with changes as published in 38:04 NCR 208-209 as follows:

2

3 **18 NCAC 07I .0406 PRE-POPULATED DATA TO BE CONFIRMED BY NOTARY PUBLIC**

4 A notary public may enter the information listed in Rules .0302 and .0303 of this Subchapter in an electronic journal
5 by:

6 (1) ~~individually~~ reviewing each individual item of information offered as an option or by pre-
7 population; and

8 (2) confirming that offered information is accurate by selecting:

9 (a) the offered information; or

10 (b) the accurate item from among other options offered.

11

12 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*

13 *Eff. July 1, 2024.*

1 18 NCAC 07I .0407 is adopted with changes as published in 38:04 NCR 209 as follows:

2

3 **18 NCAC 07I .0407 STEPS BEFORE COMMITTING AN ELECTRONIC JOURNAL ENTRY**

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

5 (1) review the information entered for accuracy; and

6 (2) correct any errors in the entry.

7

8 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*

9 *Eff. July 1, 2024.*

1 18 NCAC 07K .0101 is adopted with changes as published in 38:04 NCR 209-211 as follows:

2
3 **SUBCHAPTER 07K – MISCELLANEOUS RULES**

4
5 **SECTION .0100 – GENERAL**

6
7 **18 NCAC 07K .0101 DEFINITIONS**

8 ~~(a) The definitions in this Rule apply to this Chapter.~~

9 ~~(b)~~ For purposes of Chapter 10B of the General Statutes and the rules Rules in this Chapter:

10 ~~(1) "Accepted" means the Department has reviewed a filing and determined that:~~

11 ~~(A) the filing satisfies the applicable information requirements in Chapter 10B of the General~~
12 ~~Statutes and this Chapter; and~~

13 ~~(B) all required fees associated with the filing have been tendered without dishonor.~~

14 ~~"Accepted" shall not mean that the Department has determined that the filer is qualified and will be~~
15 ~~appointed, approved, or licensed.~~

16 ~~(2)~~(1) "Approved" means that an applicant has been authorized by the Department to provide services as
17 a technology provider in compliance with Chapter 10B of the General Statutes and the rules Rules
18 in this Chapter. Technology providers licensed by the Department are deemed approved.

19 ~~(3)~~(2) "Armed Forces of the United States" means the persons described in 10 U.S.C. ~~401(4)~~ 101(a)(4)
20 and G.S. 143B-1224(2), including their reserve components.

21 ~~(4)~~(3) "Bank or financial institution" means a "depository institution" as defined in ~~G.S. 53-208.42.~~ G.S.
22 53-208.42(7).

23 ~~(5)~~(4) "Certificate of appointment" means a document issued by the Department notifying a Register of
24 Deeds that:

25 ~~(A)~~(a) the named appointee is authorized to take the oath of office; ~~or the office specified in the~~
26 ~~document;~~ and

27 ~~(B)~~(b) the Register of Deeds or designee shall provide the commission certificate to the notary
28 public after:

29 (i) administering the oath of office to the appointee; and

30 (ii) signing of the certificate by both the Register of Deeds or designee, and the notary.

31 ~~(6)~~(5) "Commission certificate" means the document confirming that an individual:

32 ~~(A)~~(a) has complied with all requirements of Chapter 10B of the General Statutes and the rules
33 Rules in this Chapter; and

34 ~~(B)~~(b) is authorized to act as ~~the type of a~~ notary public. ~~named in the document.~~

35 ~~(7)~~(6) "Commit" means the final step in the notarial act after which:

36 ~~(A)~~(a) the notarial act is complete;

37 ~~(B)~~(b) all entries are permanent; and

1 ~~(19)~~(18) "Initial appointment" means the first issuance by the Department of a commission certificate to a
2 notary public.

3 ~~(20)~~(19) "Instructor," "certified notary public instructor," "certified instructor," "notary instructor," and
4 "certified notary instructor" mean a notary public who has complied with:

5 ~~(A)~~(a) the requirements of G.S. 10B-14; and

6 ~~(B)~~(b) the ~~rules~~ **Rules** in Subchapter 07E of this Chapter.

7 ~~(21)~~(20) "Location" means a description establishing that a principal is present in a jurisdiction where the
8 notarial act may take place. ~~NOTE:~~ Note: a A statement that the principal is then located inside the
9 U.S. embassy in Paris, France, would suffice to establish that the principal is present in a jurisdiction
10 where the notarial act may take place.

11 ~~(22)~~(21) "Long-term" means a period of at least one year.

12 ~~(23)~~(22) "Notarial transaction process" includes:

13 ~~(A)~~(a) steps before the notarial act takes place. ~~NOTE:~~ Note: ~~the~~ The interactions establishing the
14 date and location of a notarial act, obtaining advance consent to travel fees, and the steps
15 required by G.S. 10B-134.9(a) are examples of steps before the notarial act;

16 ~~(B)~~(b) the notarial act; and

17 ~~(C)~~(c) steps following the notarial act. Note: Affixing the notary's seal and signature are examples
18 of steps following the notarial act.

19 ~~(24)~~(23) "Person" means the term as defined in G.S. 12-3(6).

20 ~~(25)~~(24) "State recognized tribe" means a group listed in G.S. 143B-407(a).

21 ~~(26)~~(25) "Successfully complete" and "successful completion" mean that a notarial applicant has complied
22 with Chapter 10B and the ~~rules~~ **Rules** in this Chapter and has:

23 ~~(A)~~(a) presented satisfactory evidence of identity;

24 ~~(B)~~(b) attended a notarial course taught by a certified notary instructor; and

25 ~~(C)~~(c) achieved a passing grade on the course examination.

26 ~~(27)~~(26) "Technological failure" means a deficiency in:

27 ~~(A)~~(a) any component of the electronic notarization system;

28 ~~(B)~~(b) any component of the computer systems of the notary or principals; or

29 ~~(C)~~(c) the connections linking the components described in Parts (b)(27)(A) and (b)(27)(B) Sub-
30 Items (a) and (b) of this Rule Item.

31 For purposes of this Rule, "component of the electronic notarization system" means any
32 combination of hardware, software, a ~~notary's~~ notary public's electronic journal, and
33 communications technology recordings.

34 ~~(28)~~(27) "Technology provider" means an AVEN, platform, depository, or custodial service.

35 ~~(29)~~(28) "Termination of employment" means the cessation of permanent or temporary ~~work,~~ work for
36 another, whether compensated or not, ~~for an employer or contractor~~ for any reason, including
37 voluntary and involuntary cessation of work.

1 ~~(30)~~(29) "Traditional notarization" means a notarial act in which:

2 ~~(A)~~(a) there is personal appearance as defined in G.S. 10B-3(16); and

3 ~~(B)~~(b) ~~either;~~ one of the following occurs:

4 (i) a document is executed and notarized with ink signatures signed by hand or
5 facsimile stamp and affixed with the physical notary seal as defined in G.S. 10B-
6 3(23); ~~or~~

7 (ii) an oath or affirmation is administered without the execution of a ~~document.~~
8 document; or

9 (iii) creating an inventory as described in G.S. 53C-6-13(a).

10 ~~(31)~~(30) "Traditional notary public" means an individual commissioned to perform traditional notarizations.

11 ~~(32)~~(31) "Type of notarial act" means an acknowledgement, an oath or affirmation, verification or proof,
12 inventory of an abandoned safe deposit box, or notarization of an absentee ballot.

13 ~~(33)~~(32) "Under the exclusive control of the notary" means accessible by and attributable solely to the notary
14 public to the exclusion of all other persons through being:

15 ~~(A)~~(a) in the case of a physical seal:

16 (i) in the direct physical custody of the notary; or

17 (ii) physically secured; or

18 ~~(B)~~(b) in the case of an electronic ~~seal,~~ seal or electronic signature, secured with one or more
19 methods of authentication in an approved electronic notarization system.

20 ~~(34)~~(33) "United States" or "U.S." means the term as defined in G.S. 12-3(11).

21
22 *History Note:* Authority G.S. 10B-4; 10B-14; 10B-36; 10B-38; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-
23 134.19; 10B-134.21;
24 *Eff. July 1, 2024.*

1 18 NCAC 07K .0201 is adopted with changes as published in 38:04 NCR 212 as follows:

2

3

SUBCHAPTER 07K – MISCELLANEOUS RULES

4

5

SECTION .0200 – CHARGING FEES FOR NOTARIAL ACTS

6

7

18 NCAC 07K .0201 TRAVEL FEE RATE

8

A notary public who charges travel fees shall refer to the IRS website for the current federal business mileage rate
9 prior to charging the travel fee.

10

11

History Note: Authority G.S. 10B-4; ~~10B-126;~~

12

Eff. January 1, 2024.

1 18 NCAC 07K .0202 is adopted with changes as published in 38:04 NCR 212 as follows:

2

3 **18 NCAC 07K .0202 ESTIMATE OF CHARGES**

4 In addition to the publication or provision of a ~~notary's~~ notary public's schedule of fees pursuant to G.S. 10B-32, if a
5 principal requests a fee estimate from a ~~notary public,~~ notary, the notary shall provide an estimate ~~that:~~ that includes:

6 (1) ~~includes~~ the estimated total ~~fee,~~ fee; and

7 (2) the basis for the estimated charges.

8

9 *History Note: Authority G.S. 10B-4; ~~10B-126;~~*

10 *Eff. January 1, 2024.*

1 18 NCAC 07K .0203 is adopted with changes as published in 38:04 NCR 212 as follows:

2

3 **18 NCAC 07K .0203 INCLUSION OF FEES IN JOURNAL**

4 A notarial journal maintained pursuant to the rules Rules in Subchapter I of this Chapter shall include, with regard to
5 a specific notarial act for which fees were charged:

6 (1) how much the notary public charged for each notarial act performed; and

7 (2) if travel reimbursement was charged:

8 (a) the actual reimbursement charged; and

9 (b) the fee charged per ~~mile~~; mile. ~~and~~

10 ~~(c) — a copy of the principal's advance written consent to travel fees or reference to the location~~
11 ~~of the notary's copy of the principal's advance written consent to the travel fees.~~

12

13 *History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15;*

14 *Eff. January 1, 2024.*

1 18 NCAC 07K .0204 is adopted with changes as published in 38:04 NCR 212 as follows:

2

3 **18 NCAC 07K .0204 CONSENT TO TRAVEL FEES MAY BE ELECTRONIC**

4 A notary public who charges travel fees pursuant to G.S. 10B-31(5) may obtain the advance written consent of the
5 principal electronically.

6

7 *History Note: Authority G.S. 10B-4; ~~10B-126; 10B-134.15;~~*

8 *Eff. January 1, 2024.*

1 18 NCAC 07K .0205 is adopted with changes as published in 38:04 NCR 212 as follows:

2

3 **18 NCAC 07K .0205 CONTENTS OF ADVANCE CONSENT TO TRAVEL FEES**

4 A notary public who charges travel fees shall obtain advance written consent of the principal that includes the
5 following information:

- 6 (1) date of the consent;
- 7 (2) name of the principal;
- 8 (3) name of the notary;
- 9 (4) estimated mileage that the notary will charge;
- 10 (5) fee per mile that the notary will charge; and
- 11 (6) planned date of the notary's travel.

12

13 *History Note: Authority G.S. 10B-4; ~~10B-126; 10B-134.15;~~*
14 *Eff. January 1, 2024.*

1 18 NCAC 07K .0206 is adopted with changes as published in 38:04 NCR 212 as follows:

2

3 **18 NCAC 07K .0206 NOTARIAL RECORD OF WRITTEN CONSENT TO TRAVEL FEES**

4 A notary public who charges travel fees shall preserve the advance written consent as a notarial record:

5 (1) in the notary's journal; ~~or~~

6 (2) separately, if the written consent ~~cannot be~~ is not included in ~~the journal,~~ a journal;

7 ~~(3) for a notary who maintains a journal that does not include the advance written consent to travel fees,~~

8 ~~along with~~ a supplemental ~~journal~~ information entry shall be made including:

9 (a) ~~describing the fact~~ date of written ~~consent,~~ consent;

10 (b) the name of the principal associated with the consent; and

11 (c) the location where the written consent is preserved.

12

13 *History Note: Authority G.S. 10B-4; 10B-126; 10B-134.15;*

14 *Eff. January 1, 2024.*