

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Secretary of State

RULE CITATION: 18 NCAC 07D .0102

**DEADLINE FOR RECEIPT: February 23, 2022**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 6, how is the manner and time period determined?*

*What are the limitations on the manner and time period that the Department can set?  
For example, it appears that 10B-126(f) and 10B-134.17(c) contemplate circumstances where the notary would have at least 10 days or at least 30 days to respond.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 18 NCAC 07D .0102 is adopted with changes as published in 38:09 NCR 569 as follows:

2  
3 **18 NCAC 07D .0102      RESPONSE TO DEPARTMENT REQUESTS**

4 A notary public shall respond to a request by the Department for information, records, or an interview relating to  
5 qualifications to be a notary or performance of notarial acts:

- 6           (1)      in the manner and within the time period set by the Department; or  
7           (2)      as provided in an extension granted pursuant to Rule .0104 of this Section.

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Secretary of State

RULE CITATION: 18 NCAC 07D .0304

**DEADLINE FOR RECEIPT: February 23, 2022**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 6, are there further definitions or standards for “based on the applicant’s or notary’s deceit”? I think I understand what you mean, but it seems like this could be a point of confusion.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 18 NCAC 07D .0304 is adopted with changes as published in 38:09 NCR 570 as follows:

2  
3 **18 NCAC 07D .0304 NOTICE TO DEPARTMENT OF FINDINGS OR ADMISSIONS OF DECEIT**

4 A notary ~~applicant or a notary~~ public shall use the form specified in 18 NCAC 07B .0413 to notify the Department  
5 within 45 calendar days of a finding or admission of fault or liability in a civil lawsuit ~~regarding the notary's activity~~  
6 ~~as a notary public~~ based on the applicant's or notary's deceit.

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

9 *Eff. July 1, 2024.*