

NORTH CAROLINA REGISTER

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July 1, 2025

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For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

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NORTH CAROLINA REGISTER
Publication Schedule for January 2025 – December 2025

| FILING DEADLINES | | | NOTICE OF TEXT | | PERMANENT RULE | | | TEMPORARY RULES |
|-----------------------|------------|---------------------|----------------------------------|--------------------------------|--|------------------|--------------------------------------|--|
| Volume & issue number | Issue date | Last day for filing | Earliest date for public hearing | End of required comment Period | Deadline to submit to RRC for review at next meeting | RRC Meeting Date | Earliest Eff. Date of Permanent Rule | 270 th day from publication in the Register |
| 39:13 | 01/02/25 | 12/06/24 | 01/17/25 | 03/03/25 | 03/20/25 | 04/24/2025 | 05/01/25 | 09/29/25 |
| 39:14 | 01/15/25 | 12/19/24 | 01/30/25 | 03/17/25 | 03/20/25 | 04/24/2025 | 05/01/25 | 10/12/25 |
| 39:15 | 02/03/25 | 01/10/25 | 02/18/25 | 04/04/25 | 04/20/25 | 05/29/2025 | 06/01/25 | 10/31/25 |
| 39:16 | 02/17/25 | 01/27/25 | 03/04/25 | 04/21/25 | 05/20/25 | 06/26/2025 | 07/01/25 | 11/14/25 |
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| 39:18 | 03/17/25 | 02/24/25 | 04/01/25 | 05/16/25 | 05/20/25 | 06/26/2025 | 07/01/25 | 12/12/25 |
| 39:19 | 04/01/25 | 03/11/25 | 04/16/25 | 06/02/25 | 06/20/25 | 07/30/2025 | 08/01/25 | 12/27/25 |
| 39:20 | 04/15/25 | 03/25/25 | 04/30/25 | 06/16/25 | 06/20/25 | 07/30/2025 | 08/01/25 | 01/10/26 |
| 39:21 | 05/01/25 | 04/09/25 | 05/16/25 | 06/30/25 | 07/20/25 | 08/28/2025 | 09/01/25 | 01/26/26 |
| 39:22 | 05/15/25 | 04/24/25 | 05/30/25 | 07/14/25 | 07/20/25 | 08/28/2025 | 09/01/25 | 02/09/26 |
| 39:23 | 06/02/25 | 05/09/25 | 06/17/25 | 08/01/25 | 08/20/25 | 09/25/2025 | 10/01/25 | 02/27/26 |
| 39:24 | 06/16/25 | 05/23/25 | 07/01/25 | 08/15/25 | 08/20/25 | 09/25/2025 | 10/01/25 | 03/13/26 |
| 40:01 | 07/01/25 | 06/10/25 | 07/16/25 | 09/02/25 | 09/20/25 | 10/30/2025 | 11/01/25 | 03/28/26 |
| 40:02 | 07/15/25 | 06/23/25 | 07/30/25 | 09/15/25 | 09/20/25 | 10/30/2025 | 11/01/25 | 04/11/26 |
| 40:03 | 08/01/25 | 07/11/25 | 08/16/25 | 09/30/25 | 10/20/25 | 11/20/2025 | 12/01/25 | 04/28/26 |
| 40:04 | 08/15/25 | 07/25/25 | 08/30/25 | 10/14/25 | 10/20/25 | 11/20/2025 | 12/01/25 | 05/12/26 |
| 40:05 | 09/02/25 | 08/11/25 | 09/17/25 | 11/03/25 | 11/20/25 | 12/18/2025 | 01/01/26 | 05/30/26 |
| 40:06 | 09/15/25 | 08/22/25 | 09/30/25 | 11/14/25 | 11/20/25 | 12/18/2025 | 01/01/26 | 06/12/26 |
| 40:07 | 10/01/25 | 09/10/25 | 10/16/25 | 12/01/25 | 12/20/25 | *01/29/2026 | 02/01/26 | 06/28/26 |
| 40:08 | 10/15/25 | 09/24/25 | 10/30/25 | 12/15/25 | 12/20/25 | *01/29/2026 | 02/01/26 | 07/12/26 |
| 40:09 | 11/03/25 | 10/13/25 | 11/18/25 | 01/02/26 | 01/20/26 | *02/26/2026 | 03/01/26 | 07/31/26 |
| 40:10 | 11/17/25 | 10/24/25 | 12/02/25 | 01/16/26 | 01/20/26 | *02/26/2026 | 03/01/26 | 08/14/26 |
| 40:11 | 12/01/25 | 11/05/25 | 12/16/25 | 01/30/26 | 02/20/26 | *03/26/2026 | 04/01/26 | 08/28/26 |
| 40:12 | 12/15/25 | 11/20/25 | 12/30/25 | 02/13/26 | 02/20/26 | *03/26/2026 | 04/01/26 | 09/11/26 |

*Dates not approved by RRC

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Human Resources Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days but not later than 60 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.



State of North Carolina

JOSH STEIN
GOVERNOR

June 3, 2025

EXECUTIVE ORDER NO. 16

**ESTABLISHING THE NORTH CAROLINA
ADVISORY COUNCIL ON CANNABIS**

WHEREAS, the safety and well-being of North Carolinians, particularly our youth, is paramount; and

WHEREAS, cannabis with intoxicating levels of tetrahydrocannabinol (THC) is widely available and unregulated in the state of North Carolina; and

WHEREAS, the current lack of regulation, including age, potency, and purity limitations, poses a threat to all North Carolinians, particularly our youth; and

WHEREAS, in recent years, the rate of emergency department visits in North Carolina for intoxicating cannabis ingestion among children and youth ages 17 and under increased more than 600 percent, and among older teens, the rate increased more than 1000 percent; and

WHEREAS, despite various legislative efforts to address cannabis, the cannabis market remains unregulated and unsafe in North Carolina; and

WHEREAS, according to recent polling in North Carolina, there is widespread support for legalizing medical marijuana, with 71 percent in favor and only 19 percent opposed, and 63 percent supporting adult recreational use of intoxicating THC; and

WHEREAS, more than 325,000 people have a misdemeanor marijuana conviction in the North Carolina court system, and for 80 percent of those people, the misdemeanor marijuana offense was the most serious charge in the case; and

WHEREAS, rather than allowing this unsafe and unregulated market to continue, smart and balanced regulation presents an opportunity not only to protect the health and well-being of our people, but also to generate revenue that can benefit our state; and

WHEREAS, the creation of an advisory council provides the structure and opportunity for North Carolina to develop a thoughtful and thorough approach to cannabis that is grounded in public safety and public health and that incorporates the expertise of relevant leaders and advocates; and

WHEREAS, pursuant to Article III of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and the duty to supervise the official conduct of all executive and ministerial officers.

NOW, THEREFORE, pursuant to the authority vested in the undersigned as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Establishment and Purpose.

The North Carolina Advisory Council on Cannabis (“Council”) is hereby established as an advisory council. The Council shall study and recommend options for a comprehensive statewide approach to cannabis that is grounded in public health and public safety considerations, informed by lessons from other states and experts, and focused on the protection and safety of North Carolinians, especially our youth.

Section 2. Membership.

The Council shall be composed of no more than thirty (30) members, including chair(s). All members shall be appointed by the Governor and serve at his pleasure. Members are appointed for a term of one (1) year and may be reappointed for successive terms. The Governor shall select the chair or co-chairs to lead the Council. Members shall include, but not be limited to, representatives from the following groups, as well as a representative with expertise in tax policy:

- a. North Carolina Department of Health and Human Services
- b. North Carolina Department of Public Safety
- c. North Carolina Department of Environmental Quality
- d. North Carolina Department of Transportation
- e. North Carolina Office of State Budget and Management
- f. North Carolina Department of Justice
- g. North Carolina State Highway Patrol
- h. North Carolina Administrative Office of the Courts
- i. North Carolina Alcoholic Beverage Control Commission
- j. North Carolina General Assembly
- k. North Carolina farmers
- l. Eastern Band of Cherokee Indians
- m. District Attorneys
- n. Public Defenders
- o. Chiefs of Police
- p. Sheriffs
- q. Business community
- r. Medical professional community

Section 3. Duties.

In studying and recommending options for a comprehensive cannabis policy in North Carolina, the Council shall address, at a minimum, the following:

- a. Protecting our youth, including laws regarding age limits, advertising directed at youth, packaging that appeals to children, and child-resistant packaging.
- b. Ensuring adequate cannabis use prevention models for youth and cannabis treatment models for youth and adults are available in community.
- c. Supporting public safety, including enforcement of laws against impaired driving and additional tools for law enforcement.
- d. Promoting public health considerations, including public education campaigns, surveillance to monitor public health harms, and potential marijuana prescriptions for treatment.
- e. Elevating regulatory considerations such as potency and flavor limits, purity standards, and retail restrictions.
- f. Advancing justice, including expunging past convictions that do not align with the recommendations of the Council, including for simple possession of marijuana.
- g. Recommending appropriate government regulatory structure, including sales restrictions and taxation, and staffing to effectively implement the Council’s recommendations to the benefit of the state.

The Council shall consider examples from states that have addressed cannabis and incorporate any lessons learned from those states in its recommendations. The Council shall further consult with other local, state, and national experts and industry actors, as appropriate. Both during the study and upon the release of its recommendations, the Council will advance public engagement, including and especially with members of the General Assembly.

The Council shall provide advice and guidance on any other matter as referred by the Governor.

Section 4. Meetings and Deliverables.

Beginning in July 2025, the Council shall meet as a body of the whole at least every other month through December 2026 and at other times at the call of the chair or the Governor. The Council may conduct meetings using electronic conferencing or other electronic means. The Council's meetings shall be governed by the North Carolina Open Meetings Act, N.C. Gen. Stat. § 143-318.9, et seq.

The Council shall submit its preliminary recommendations for a comprehensive cannabis policy, including any proposed legislation, to the Governor by March 15, 2026, and its final recommendations by December 31, 2026.

Section 5. Administration.

The Council shall serve without compensation but may receive per diem allowance and reimbursement for travel and subsistence expenses in accordance with state law and Office of State Budget and Management policies and regulations.

The Council shall be staffed by the North Carolina Department of Health and Human Services.

Section 6. Effective Date.

This Executive Order is effective immediately and shall remain in effect until May 31, 2027, pursuant to N.C. Gen. Stat. § 147-16.2, or until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capital in the City of Raleigh, this 3rd day of June in the year of our Lord two thousand and twenty-five.



Josh Stein
Governor

ATTEST:



Elaine F. Marshall
Secretary of State



North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Triumph Motorcycles America LTD

Applicant's Address: 1070 White Street SW Ste. B, Atlanta GA 30310

Application Date: 05/15/2025

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Donald Carleo-CFO/Secretary

Rod Lopusnak-President

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Battle Motors Inc

Applicant's Address: 1951 Reiser Ave SE, New Philadelphia OH 44663

Application Date: 04/03/2025

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Michael W Patterson- CEO

Oliver Weilandt- CFO

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: TeKo Inc

Applicant's Address: 2221 Luna Rd. Carrollton TX 75006

Application Date: 05/27/2025

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Jiansong Huang-President

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Jose Antonio Mejia
Applicant's Address: 6375 S Main Street

Salisbury, NC 28147

Application Date: June 2, 2025

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Jose Antonio Mejia, President/Owner

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend the rules cited as 15A NCAC 02D .1904; and 02Q .0810.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission/emc-proposed-rules>

Proposed Effective Date:
15A NCAC 02D .1904: following legislative review pursuant to Session Law 2024-51, Section 10.5(d).
15A NCAC 02Q .0810: January 1, 2026

Public Hearing:
Date: August 19, 2025
Time: 6:00 p.m.
Location: 1st Floor Training Room (#1210), DEQ Green Square Office Building, 217 West Jones Street, Raleigh, NC 27603, or virtually using Cisco WebEx, Digital Hearing Link: <https://tinyurl.com/aircurtainincinerators> Meeting Password: NCDAQ Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code. US TOLL +1-415-655-0003, Access code: 2435 732 1274 If you wish to speak at the digital public hearing, you must register, provide the required information, and follow instructions on ways to join the public hearing. Registration must be completed by 4:00 PM on August 19, 2025. To register, please click the following link: <https://forms.office.com/g/MENme2TgRB> *For instructions on ways to join the public hearing, please refer to the following link: <https://www.deq.nc.gov/about/boards-and-commissions/how-attend-webex-meeting-0> *If you have technical difficulties, the following automated voicemail has been set up to receive your verbal comments: 919-707-8430

Reason for Proposed Action: To receive comments on the proposed amendments to 15A NCAC 02D .1904, Air Curtain Incinerators, and 15A NCAC 02Q .0810, Air Curtain Burners, as well as the accompanying fiscal note for the proposed rule amendments. Rule 02D .1904 is proposed for amendment to remove the requirement for other solid waste incineration (OSWI) air curtain incinerators (ACIs) to obtain and hold a Title V permit, to align with the EPA’s action to remove this requirement from the federal rules for OSWI ACIs in 40 CFR Part 60, Subparts EEEE and FFFF, finalized in April 2024. Other clarifying changes to monitoring, recordkeeping, and reporting requirements are also proposed in Rule 02D .1904. Rule 02Q .0810 is proposed for amendment to clarify applicability and

revise the exclusionary threshold based on updated emission factors.

On May 8, 2025, the Environmental Management Commission approved proceeding to public comment on the proposed amendments. The text of the rules and fiscal note are available on the DAQ website: <http://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules-hearing-process>

Comments may be submitted to: Katherine Quinlan, 217 West Jones St., 1641 Mail Service Center, Raleigh, NC 27699-1641; phone (919) 707-8702; email daq.publiccomments@deq.nc.gov (Please type “Air Curtain Incinerator Rules” in subject line)

Comment period ends: September 2, 2025

Rule(s) is automatically subject to legislative review: SL 2024-51 (applies to 15A NCAC 02D .1904 only)

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 02 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 02D - AIR POLLUTION CONTROL REQUIREMENTS

SECTION .1900 – OPEN BURNING

15A NCAC 02D .1904 AIR CURTAIN INCINERATORS

(a) Applicability. This Rule applies to ~~the following air curtain incinerators:~~ new and existing air curtain incinerators that combust only the following materials:

- (1) 100 percent wood waste;
- (2) 100 percent clean lumber;
- (3) 100 percent yard waste; or
- (4) 100 percent mixture of only wood waste, clean lumber, and yard waste.
- (1) ~~new and existing air curtain incinerators subject to 40 CFR 60.2245 through 60.2260 or 60.2970 through 60.2974 that combust the following materials:~~
 - (A) 100 percent wood waste;
 - (B) 100 percent clean lumber;
 - (C) 100 percent yard waste; or
 - (D) 100 percent mixture of only wood waste, clean lumber, and yard waste.

~~(2) new and existing temporary air curtain incinerators used at industrial, commercial, institutional, or municipal sites.~~

(b) Definitions. For the purpose of this Rule, the following definitions apply:

- (1) "Clean lumber" means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood or wood products that have been painted, pigment-stained, or pressure treated, or manufactured wood products that contain adhesives or resins.
- (2) "Malfunction" means an unavoidable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures caused entirely or in part by poor maintenance, careless operations, or another upset condition within the control of the emission source are not considered a malfunction.
- (3) "New air curtain incinerator" means an air curtain incinerator that began operating on the effective date of this Rule or later.
- (4) "Operator" means the person in operational control over the open burning.
- (5) "Permanent air curtain incinerator" means an air curtain incinerator whose owner or operator operates the air curtain incinerator at one facility or site during the term of the permit.
- (6) "Temporary air curtain incinerator" means an air curtain incinerator ~~whose owner or operator moves the air curtain incinerator to another site and operates it for land clearing or right of way maintenance at that site on one or more occasions during the term of the permit. that is located at temporary land clearing or right-of-way maintenance sites for less than nine months.~~
- (7) "Temporary-use air curtain incinerator used in disaster recovery" means an air curtain incinerator that meets the following requirements:
 - (A) combusts less than 35 tons per day of debris consisting of the materials listed in ~~Parts (a)(1)(A) Subparagraphs (a)(1) through (C)(4)~~ of this Rule;
 - (B) combusts debris within the boundaries of an area officially declared a disaster or emergency by federal, state, or local government; and
 - (C) combusts debris for less than 16 weeks unless the owner or operator submits a request for additional time no less than 1 week prior to the end of the 16-week period and provides the reasons that the additional time is needed. The Director shall provide written approval for the additional time if he

or she finds that the additional time is warranted based on the information provided in the request.

Examples of disasters or emergencies include tornadoes, hurricanes, floods, ice storms, high winds, or acts of bioterrorism.

- (8) "Wood waste" means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:
 - (A) grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial, institutional, or industrial sources as part of maintaining yards or other private or public lands;
 - (B) construction, renovation, or demolition wastes;
 - (C) clean lumber; and
 - (D) treated wood and treated wood products, including wood products that have been painted, pigment-stained, or pressure treated, or manufactured wood products that contain adhesives or resins.
- (9) "Yard waste" means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs. Yard waste comes from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include:
 - (A) construction, renovation, or demolition wastes;
 - (B) clean lumber; and
 - (C) wood waste.

(c) Air curtain incinerators shall comply with the following conditions and requirements:

- (1) the operation of air curtain incinerators in particulate and ozone nonattainment areas shall cease in a county that the Department or the Forsyth County Office of Environmental Assistance and Protection has forecasted to be an Air Quality Action Day Code "Orange" or above during the 24-hour time period covered by that Air Quality Action Day;
- (2) the wind direction at the time that the burning is initiated and the wind direction as forecasted by the National Weather Service during the time of the burning shall be away from areas, including public roads within 250 feet of the burning as measured from the edge of the pavement or other roadway surface, that may be affected by smoke, ash, or other air pollutants from the burning;

- (3) no fires shall be started or material added to existing fires when the North Carolina Forest Service, Fire Marshall, or other governmental agency has banned burning for that area;
 - (4) burning shall be conducted only between the hours of 8:00 a.m. and 6:00 p.m. No combustible materials shall be added to the air curtain incinerator prior to or after this time period;
 - (5) The air curtain incinerator shall not be operated more than the maximum source operating hours-per-day and days-per-week. The maximum source operating hours-per-day and days-per-week shall be set to protect the ambient air quality standard and prevention of significant deterioration (PSD) increment for ~~particulate~~ total suspended particulate, PM10, and PM2.5. The maximum source operating hours-per-day and days-per-week shall be determined using the modeling procedures in 15A NCAC 02D .1106(b), (c), and (f). This Subparagraph shall not apply to temporary air curtain incinerators;
 - (6) air curtain incinerators shall meet manufacturer's specifications for operation and upkeep to ensure complete burning of material charged into the pit. Manufacturer's specifications shall be kept on site and be available for inspection by Division ~~staff~~; staff. Ash shall not build up to a depth higher than one-third the depth of the pit or to where it begins to impede combustion. The ash shall be spread out and watered after removal from the pit to prevent fugitive emissions. Material shall not be loaded into the pit to a depth where it protrudes above the air curtain;
 - (7) the owner or operator of an air curtain incinerator shall allow the ashes to cool and water the ash prior to its removal to prevent the ash from becoming airborne;
 - (8) only distillate oil, kerosene, diesel fuel, natural gas, or liquefied petroleum gas may be used to start the fire; and
 - (9) the location of the burning shall be at least 300 feet from any dwelling, group of dwellings, or commercial or institutional establishment, or other occupied structure not located on the property on which the burning is conducted. The regional office supervisor may grant exceptions to the setback requirements if a signed, written statement waiving objections to the air curtain burning is obtained from a resident or an owner of each dwelling, commercial or institutional establishment, or other occupied structure within 300 feet of the burning site. In case of a lease or rental agreement, the lessee or renter, and the property owner shall sign the statement waiving objections to the burning. The statement shall be submitted to and approved by the regional office supervisor before initiation of the burn. Factors that the regional supervisor shall consider in deciding to grant the exception include: all the persons who need to sign the statement waiving the objection have signed it; the location of the burn; and the type, amount, and nature of the combustible substances.
- (d) Exemptions. Temporary-use air curtain incinerators used in disaster recovery are excluded from the requirements of this Rule if the following conditions are met:
- (1) the air curtain incinerator meets the definition of a temporary-use air curtain incinerators used in disaster recovery as specified in Subparagraph (b)(7) of this Rule;
 - (2) the air curtain incinerator meets requirements pursuant to 40 CFR 60.2969 or 60.3061 to which the air curtain incinerator is subject; and
 - (3) the air curtain incinerator is operated in a manner consistent with the operations manual for the air curtain incinerator and the charge rate during operation remains less than or equal to the lesser of 35 tons per day or the maximum charge rate specified by the manufacturer of the air curtain incinerator.
- (e) Permitting. Air curtain incinerators shall be subject to 15A NCAC 02Q ~~.0500~~ .0500 as specified in this Paragraph.
- (1) ~~The owner or operator of a new or existing existing, permanent or temporary air curtain incinerator with a combustion capacity greater than or equal to 35 tons per day that burns only the materials listed in Subparagraphs (a)(1), (2) and (4) of this Rule shall obtain a General Title V Operating Permit pursuant to 15A NCAC 02Q .0509, .0509 or .0510. The owner or operator of a new, permanent or temporary air curtain incinerator shall complete and submit a permit application 60 days prior to the date the unit commences operation.~~
 - (2) ~~The owner or operator of a new or existing temporary air curtain incinerator shall obtain a General Title V Operating Permit pursuant to 15A NCAC 02Q .0510.~~
 - (2) The following air curtain incinerators shall not be required to obtain a Title V Operating Permit unless the air curtain incinerator is located at a major facility, as defined in 15A NCAC 02Q .0103:
 - (A) air curtain incinerators that burn less than 35 tons per day of only the materials listed in Subparagraphs (a)(1) through (4) of this Rule collected from the general public and from residential, commercial, institutional, and industrial sources;
 - (B) air curtain incinerators located at institutional facilities that burn only the materials listed in Subparagraphs

- (a)(1) through (4) of this Rule generated at that facility; and
- (C) air curtain incinerators with a capacity greater than or equal to 35 tons per day that burn only 100% yard waste.
- (3) ~~The owner or operator of an existing permanent or temporary air curtain incinerator shall complete and submit a permit application within 12 months after the effective date of this Rule.~~
- (4) ~~The owner or operator of a new permanent or temporary air curtain incinerator shall complete and submit a permit application 60 days prior to the date the unit commences operation.~~
- (5) ~~The owner or operator of an existing permanent or temporary air curtain incinerator that is planning to close rather than obtaining a permit pursuant to 15A NCAC 02Q .0509 or 15A NCAC 02Q .0510 shall submit a closure notification to the Director within 12 months after the effective date of this Rule.~~
- (f) Opacity limits. Air curtain incinerators shall comply with the opacity requirements specified in this Paragraph.
- (1) ~~The owner or operator of an existing air curtain incinerators~~ incinerator specified in Subparagraph (e)(1) of this Rule shall meet the following opacity limits:
- (A) ~~Maintain opacity to less than or equal to 35 percent opacity, as opacity (as determined by the average of 3 three 1-hour blocks consisting of 10 ten 6-minute average opacity values, values) during startup of the air curtain incinerator, where startup is defined as the first 30 minutes of operation.~~ operation;
- (B) ~~Maintain opacity to less than or equal to 10 percent opacity, as opacity (as determined by the average of 3 three 1-hour blocks consisting of 10 ten 6-minute values, average opacity values) at times of operation other than during startup or during malfunctions.~~
- (2) ~~The owner or operator of a new air curtain incinerator specified in Subparagraph (e)(1) of this Rule shall meet the opacity limits specified in Subparagraph (f)(1) of this Rule within 60 days after the air curtain incinerator reaches the charge rate at which it will operate, operate but within no later than 180 days after its initial startup.~~
- (3) The owner or operator of an existing air curtain incinerator specified in Subparagraph (e)(2) of this Rule shall meet the following opacity limits:
- (A) Maintain opacity to less than or equal to 35 percent opacity (6-minute average) during startup of the air curtain incinerator, where startup is defined as the first 30 minutes of operation; and
- (B) Maintain opacity to less than or equal to 10 percent opacity (6-minute average) at times of operation other than during startup or during malfunctions.
- (4) The owner or operator of a new air curtain incinerator specified in Subparagraph (e)(2) of this Rule shall meet the opacity limits specified in Subparagraph (f)(3) of this Rule within 60 days after the air curtain incinerator reaches the charge rate at which it will operate but no later than 180 days after the initial startup.
- (g) Performance tests. Air curtain incinerators shall comply with the performance testing requirements specified in this Paragraph.
- (1) ~~Initial and annual opacity tests shall be conducted using 40 CFR 60 Appendix A-4 Test Method 9 to determine compliance with the opacity limitations specified in Subparagraph (f)(1) of this Rule.~~
- (2) ~~The owner or operator of an existing air curtain incinerator shall conduct an initial performance test for opacity as specified in 40 CFR 60.8 within 90 days after the effective date of this rule.~~
- (3) ~~The owner or operator of a new air curtain incinerator shall conduct an initial performance test for opacity as specified in 40 CFR 60.8 within 60 days after achieving the maximum charge rate at which the affected air curtain incinerator will be operated, but not later than 180 days after initial startup of the air curtain incinerator.~~
- (4) ~~After the initial test for opacity, the owner or operator of a new or existing air curtain incinerator subject to this Rule shall conduct annual opacity tests on the air curtain incinerator no more than 12 calendar months following the date of the previous test.~~
- (5) ~~The owner or operator of an existing air curtain incinerator that has ceased operations and is restarting after more than 12 months since the previous test shall conduct an opacity test upon startup of the unit.~~
- (h) Recordkeeping and Reporting Requirements. Air curtain incinerators shall comply with the recordkeeping and reporting requirements specified in this Paragraph.
- (1) ~~Prior to commencing construction of an air curtain incinerator, the owner or operator of a new air curtain incinerator shall submit the following information to the Director:~~
- (A) ~~a notification of intent to construct an air curtain incinerator;~~
- (B) ~~the planned initial startup date of the air curtain incinerator; and~~
- (C) ~~the materials planned to be combusted in the air curtain incinerator.~~

- (2) The owner or operator of a new or existing air curtain incinerator shall do the following:
 - (A) notify Division of startup within 15 days of commencing operation of the unit;
 - ~~(A)~~(B) keep records of results of initial and annual opacity tests onsite in either paper copy or electronic format for five years;
 - ~~(B)~~(C) make records available for submission to the Director or for an inspector's onsite review;
 - ~~(C)~~(D) report the results of the initial and annual opacity tests as the average of ~~3~~ three 1-hour blocks consisting of ~~4~~ ten 6-minute average opacity values;
 - ~~(D)~~(E) submit initial opacity test results to the Division within 60 days following the initial test and submit annual opacity test results within 12 months following the previous report;
 - ~~(E)~~(F) submit initial and annual opacity test reports to the Division as specified in 15A NCAC 02D .0605(i); ~~and~~
 - ~~(F)~~(G) keep a copy of the initial and annual reports onsite for a period of five ~~years.~~ years;
 - (H) if at a permanent site, keep a daily log of specific materials burned, amounts of material burned in pounds per day, and the number of hours the air curtain incinerator is operated per day. The logs at a permanent air curtain burner site shall be maintained on site for a minimum of two years; and
 - (I) if at a temporary site, keep a log of total number of tons of material burned daily per temporary site.

(i) In addition to complying with the requirements of this Rule, an air curtain incinerator subject to:

- (3) 40 CFR Part 60, Subpart CCCC, shall also comply with 40 CFR 60.2245 through 60.2260; or
- (4) 40 CFR Part 60, Subpart EEEE, shall also comply with 40 CFR 60.2970 through ~~60.2974~~ 60.2973.

Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5); 143-215.107(a)(10); 143-215.108; S.L. 2011-394, s.2; 40 CFR ~~60.2865;~~ 60.2865; S.L. 2024-51.

SUBCHAPTER 02Q - AIR QUALITY PERMITS PROCEDURES

SECTION .0800 - EXCLUSIONARY RULES

15A NCAC 02Q .0810 AIR CURTAIN ~~BURNERS~~ INCINERATORS

(a) This Rule shall apply to facilities whose only sources ~~requiring a permit~~ are one or more air curtain ~~burners.~~ incinerators.

(b) A facility whose air curtain ~~burners~~ incinerators combust less than ~~8,400~~ 76,000 tons per rolling 12 calendar months of only land clearing debris wood waste, clean lumber, yard waste, or a mixture of these materials per year shall be exempt from the requirements of 15A NCAC 02Q ~~.0500.~~ .0500 unless otherwise required by 15A NCAC 02D .1904.

(c) The owner or operator of ~~a~~ air curtain ~~burner~~ incinerators exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall submit to the regional supervisor of the appropriate Division regional office, by March 1 of each year, a report containing the following information:

- (1) the name and location of the facility;
- (2) the quantity and types of material combusted per calendar month during from January 1 through December 31 of the previous calendar year; and
- (3) the signature of a responsible official, as defined in 15A NCAC 02Q .0303, certifying as to the truth and accuracy of the report.

The owner or operator of a facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall provide documentation of the quantity and types of material combusted to the Director upon request and shall retain the previous three years of records on the amount and types of material combusted per year.

~~(d) The owner or operator of a facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall provide documentation of the quantity of material combusted to the Director upon request. The owner or operator of a facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall retain records to document the amount of material combusted per year for the previous three years.~~

~~(e)~~(d) For facilities governed by this Rule, the owner or operator shall report to the Director any exceedance of a requirement of this Rule within one week of its occurrence.

Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10H .1401-.1406.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncwildlife.gov/hunting/regulations/proposed-regulations>

Proposed Effective Date: January 1, 2026

Public Hearing:
Date: August 7, 2025
Time: 2:00 p.m.

Location: Zoom Meeting. Registration Required: https://ncwildlife.org.zoomgov.com/webinar/register/WN_4ltF7noIQ5mg4l8HEE QIPw or Join by Phone: Toll Free (833) 568-8864, Webinar ID: 160 633 3973

Reason for Proposed Action: The proposed amendments to Rules within 15A NCAC 10H .1400 provide updates to the framework of the Wildlife Captivity and Rehabilitation Program in North Carolina. Proposed amendments include updates to language throughout the rules for improved clarity, additional requirements and conditions for rehabilitation Apprentices and Mentors, and the removal of language regarding the rehabilitation and holding of elk calves and non-farmed cervids. Safety and biosecurity standards for the rehabilitation and holding of rabies species are also proposed.

Comments may be submitted to: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.gov

Comment period ends: September 2, 2025

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- [X] State funds affected
[] Local funds affected
[] Substantial economic impact (>= \$1,000,000)
[X] Approved by OSBM
[] No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY
SUBCHAPTER 10H - REGULATED ACTIVITIES
SECTION .1400 - WILDLIFE CAPTIVITY AND REHABILITATION

15A NCAC 10H .1401 DEFINITIONS AND GENERAL REQUIREMENTS FOR CAPTIVITY LICENSES

(a) The rules in this Section apply to all captivity licenses issued by the Wildlife Resources Commission, Commission, including those applicable to non-farmed cervids in accordance with G.S. 106-549.97.

(b) The possession of any species of native wild animal animals or wild birds bird and any member of the family Cervidae is unlawful, unless the individual in possession obtains a captivity license from the Commission as provided by this Rule. This Rule shall not apply to any endangered, threatened, or special concern species as defined by 15A NCAC 10I .0100 or farmed cervids as defined by G.S. 106-549.97.

(c) Captivity licenses may be issued by the Commission to qualified individuals meeting the requirements for rehabilitation and captivity licenses detailed in this Section for holding of wild animals or wild birds alive in captivity for scientific, educational, exhibition, or other purposes, as purposes specified in G.S. 113-272.5.

(d) The following definitions shall apply to all rules the Rules in this Section:

- (1) "Apprentice" means an individual applying for a captivity license for rehabilitation that has not held this license in North Carolina or a similar license in another state.
(4)(2) "Animal" means a wild animal and wild bird, as defined in this Rule.
(2)(3) "Category" means a designation on a captivity license for rehabilitation that defines a species or subset of species.
(3)(4) "Educational institution" or "scientific research institution" means any public or private school, facility, organization, or institution of vocational, professional, or higher education that uses live animals as part of a course of training, or for research, or other experiments, and is at least 50 percent funded by grants, awards, loans, or contracts from a department, agency, or instrumentality of federal, State, or local government. These terms do not include elementary or secondary schools.
(4)(5) "Education" or "educational purposes" means providing instruction or information to the public about wild animals or wild birds.
(5)(6) "Enclosure" means a structure housing captive wild animals or wild birds that prevents escape, protects the animal from injury, and is equipped with structural barriers to prevent any physical contact between the animal and the public.
(6)(7) "Exhibition" means any display of wild animals or wild birds for the public, whether for-profit or not-for-profit.
(7)(8) "Facility" means a designated location in North Carolina where wild animals or wild birds are held for rehabilitation or holding purposes. This includes enclosures, rooms, and buildings.
(8)(9) "Farmed cervid" means the term as defined in G.S. 106-549.97.

- ~~(9)~~(10) "Foster" or "surrogate" means a wild animal, or a wild bird held under a U.S. Fish and Wildlife Service federal migratory bird rehabilitation permit permit, used to rear wild animals or wild birds being held under a captivity license for rehabilitation.
- ~~(10)~~(11) "Habituation" means causing a wild animal or wild bird to temporarily lose fear of humans, pets, or objects that impacts its ability to survive in the wild unassisted.
- ~~(11)~~(12) "Imprinting" means causing a wild animal or wild bird to permanently lose fear of humans, pets, or objects that impacts its ability to survive in the wild unassisted, and is a non-reversible condition.
- ~~(12)~~(13) "Migratory birds" means the term as defined in G.S. 113-129.
- ~~(13)~~(14) "Native" means a wild animal or wild bird that occurs or historically occurred in the wild in North Carolina.
- ~~(14)~~(15) "Nest box" or "den" means a structure that provides a retreat area that is within, attached to, or adjacent to an enclosure.
- ~~(15)~~(16) "Non-farmed cervid" means the term as defined in G.S. 106-549.97.
- ~~(16)~~(17) "Non-native" means a wild animal or wild bird that does not occur and has not historically occurred in the wild in North Carolina.
- ~~(17)~~(18) "Pet" means ~~any~~ an animal kept or used for amusement or companionship.
- ~~(18)~~(19) "Publicly operated zoo" means a park or facility where living animals are kept and exhibited to the public, and that is operated by a federal, State, or local government agency.
- ~~(19)~~(20) "Rabies species" are raccoon, skunk, fox, bat, bobcat, ~~or~~ and coyote.
- ~~(20)~~(21) "Residence" means a private home, dwelling unit in a multiple family structure, hotel, motel, camp, manufactured home, or any other place where people reside.
- ~~(21)~~(22) "Shelter" means a structure or feature that protects captive wild animals or wild birds from direct sunlight and precipitation.
- ~~(22)~~(23) "Scientific use" and "scientific purpose" means the use of wild animals or wild birds for application of the scientific method to investigate any relationships amongst natural phenomena or to solve a biological or medical problem. This definition applies only to educational or scientific research institutions unless otherwise approved by the Commission.
- ~~(23)~~(24) "Unfit" means wild animals or wild birds that are:
- (A) incapacitated by injury or other means to the extent that they cannot feed or care for themselves without human assistance;
 - (B) rendered imprinted by proximity to humans, pets, or objects; or

- (C) a non-native species.
- ~~(24)~~(25) "Wild animal" means game animals, fur-bearing animals, and all other wild mammals except feral swine or marine mammals found in coastal fishing waters.
- ~~(25)~~(26) "Wild bird" means the term as defined in 15A NCAC 10B .0121.
- (e) Individuals interested in obtaining a captivity license for rehabilitation or a captivity license for holding shall apply for the license by completing and submitting the appropriate forms set forth in Rule .1406 of this Section.
- (f) Applicants for either license shall meet the following requirements:
- (1) ~~Be~~ be 18 years of age ~~or older~~ at the time of application;
 - (2) have no convictions for violations of the Rules of this Section in the previous three years;
 - ~~(2)~~(3) Have have no criminal convictions under G.S. 113-294 or G.S. 14, Article 47 ~~of the North Carolina General Statutes~~ within 10 years of the date of application; and
 - ~~(3)~~(4) Have have no criminal convictions under the federal Animal Welfare Act within 10 years of the date of application.
- (g) ~~No~~ A captivity license shall not be transferable either by license holder or by site of a holding facility.
- (h) Captivity licenses are annual licenses and shall terminate no later than December 31 of the year the license is issued.
- (i) Except as otherwise provided in this Section, ~~no~~ a transportation permit ~~shall be~~ is not required to move wild animals or wild birds held under a captivity license within the State. ~~Any~~ A person transporting an animal ~~that is~~ held under a captivity license shall have the captivity license or a copy of the license in ~~his or her~~ their possession. ~~An exportation or importation permit as defined in G.S. 113-274(c)(3) is required to transport wild animals or wild birds into or out of the State.~~
- (j) An exportation or importation permit as defined in G.S. 113-274(c)(3) is required to transport wild animals or wild birds into or out of the State.
- ~~(j)~~(k) Individuals holding a captivity license shall comply with North Carolina Department of Agriculture and Consumer Services requirements for disclosing reportable diseases. A list of current reportable diseases as determined by the North Carolina Department of Agriculture and Consumer Services is available at no cost at www.ncagr.gov, and is incorporated by reference, including subsequent amendments and editions.

Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274.

15A NCAC 10H .1402 CAPTIVITY LICENSE FOR REHABILITATION

- (a) A captivity license for rehabilitation ~~shall be required for~~ authorizes the lawful possession of injured, crippled, or orphaned native wild animals or wild birds for the purpose of providing short term care and eventual release into the animal's natural habitat. ~~A captivity license for rehabilitation shall not be issued for:~~
- ~~(1)~~ Possession of endangered, threatened, or special concern species ~~as defined by 15A~~

~~NCAC 101 .0100. specified in Rules 101 .0103 through .0105 of this Chapter Rehabilitation of these species also requires an endangered species permit from the Commission; Commission.~~

(b) A captivity license for rehabilitation shall not be issued for:

- ~~(2)(1)~~ domestic animals;
- ~~(3)(2)~~ feral swine;
- ~~(4)(3)~~ nutria;
- ~~(5)(4)~~ coyote;
- ~~(6)(5)~~ adult black bear;
- ~~(7)(6)~~ adult white-tailed ~~deer or elk;~~ deer;
- ~~(8)(7)~~ elk; ~~nine-banded armadillo;~~ or
- ~~(9)(8)~~ eggs of upland game birds.

~~(b)(c)~~ A captivity license for rehabilitation shall not be issued for the purpose of holding wild animals or wild birds:

- (1) as pets;
- (2) for education, exhibition, or scientific ~~purposes,~~ purposes; ~~except as provided in Rule .1403 of this Section;~~
- (3) for dog training;
- (4) for hunting; or
- (5) acquired unlawfully.

~~(e)(d)~~ Individuals who do not possess a captivity license for rehabilitation may take temporary possession of injured, crippled, or orphaned wild animals or wild birds, except rabies species and black bear cubs, provided they are surrendered to a North Carolina licensed veterinarian or an individual licensed under this Rule within 24 hours of taking possession of such animals.

~~(d)(c)~~ North Carolina licensed veterinarians providing medical care to sick, injured, or crippled wild animals or wild birds are not required to have a license for rehabilitation from the Commission. North Carolina licensed veterinarians without a captivity license for rehabilitation may ~~hold~~ treat wild animals or wild birds until the animal is medically stable. Once medically stable, the wild animal or wild bird shall be transferred to an individual ~~possessing~~ with a valid captivity license for rehabilitation with the appropriate category for the given species. ~~Licensed veterinarians rehabilitating wild animals or wild birds shall have a valid captivity license for rehabilitation.~~

~~(e)(f)~~ Apprenticeship. Individuals shall designate a rehabilitation mentor with a valid captivity license for rehabilitation in North Carolina on their application for a captivity license for rehabilitation and submit the Wildlife Rehabilitation Mentor Apprentice Agreement Form described in Rule .1406 of this Section. ~~applying for a captivity license for rehabilitation that have never held this license in North Carolina or a similar license in another state shall be designated as an apprentice.~~ The following requirements ~~conditions~~ shall apply to ~~an apprentice license;~~ apprentices:

- ~~(1)~~ On the application, the apprentice shall designate a mentor with a valid captivity license for rehabilitation in NC, who has held that license for two or more years;
- (2) An apprentice shall complete at least 12 months of supervised rehabilitation activities under a licensed rehabilitator; and
- ~~(3)(1)~~ An apprentice license shall may only possess at their own facility ~~authorize the possession of~~

squirrels, rabbits, ~~and opossums.~~ opossums, and chipmunks approved by their mentor if the mentor is authorized to rehabilitate small mammals.

(2) An apprentice shall keep records of small mammals at their facility. Records shall contain the following information:

- (A) species;
- (B) quantity;
- (C) date acquired; and
- (D) final disposition and date.

To remove the apprentice conditions from a captivity license for rehabilitation, an apprentice shall complete 12 months of supervised rehabilitation activities under a licensed rehabilitator and submit a completed Wildlife Rehabilitation Apprentice Upgrade Form described in Rule .1406 of this Section.

(g) Mentorship. Individuals who have held a valid captivity license for rehabilitation in North Carolina for two years may serve as a rehabilitation mentor to apprentices. Mentors shall:

- (1) have no convictions for violations of the Rules of this Section in the previous three years; and
- (2) keep records of the small mammals assigned to their apprentices for rehabilitation, if applicable. Records shall contain the following information:
 - (A) species;
 - (B) quantity;
 - (C) date acquired; and
 - (D) final disposition and date.

~~(f)(h)~~ Individuals applying for a captivity license for rehabilitation shall meet statutory and regulatory requirements, including those in G.S. 113-272.5 and all applicable rules of this Section. Individuals seeking to rehabilitate migratory birds shall provide proof of a valid and concurrent U.S. Fish and Wildlife Service Federal Migratory Bird Rehabilitation permit for each category of migratory birds to be rehabilitated. ~~The Commission shall state on the captivity license for rehabilitation the categories of wild animals and wild birds that the individual is licensed to possess.~~

~~(g)(i)~~ Required facilities.

- (1) Individuals ~~holding~~ with a captivity license for rehabilitation shall conduct their rehabilitation activities at the facility designated on their license that meets the minimum standards set forth in the "Miller, E.A., edition, E.A. 2000. Minimum Standards for Wildlife Rehabilitation, 3rd edition. National Wildlife Rehabilitators Association, St. Cloud, MN. 116 pages. ISBN 1-931439-00-1." This publication is hereby incorporated by reference, excluding subsequent amendments and editions, and is available ~~at no cost at~~ at http://www.nwrwildlife.org/page/Minimum_Standards. free of charge at www.ncwildlife.gov.
- (2) All wild Wild animals and wild birds undergoing rehabilitation shall be separated from pets, domestic animals, livestock, and non-native animals.

PROPOSED RULES

- (3) ~~All wild Wild animals shall be kept in separate enclosures by species.~~
 - (4) Rehabilitation in a residence shall have designated, separate rooms used only for housing, treatment, and rehabilitation.
 - (5) Handling of wild animals and wild birds shall be for treatment only.
- ~~(h) Wild animals or wild birds showing symptoms of or believed to be infected with a zoonotic disease shall be euthanized or treated prior to release, based upon advice from a North Carolina licensed veterinarian.~~
- ~~(i)(j) Release of rehabilitated wild animals and wild birds.~~
- (1) Wild animals and wild birds showing symptoms of or believed to be infected with a zoonotic disease shall be euthanized or treated prior to release.
 - ~~(1)(2) All rehabilitated Rehabilitated wild animals and wild birds shall be released as soon as when the animal can be expected to survive in the wild or has attained full recovery from illness or ~~injury~~, ~~as determined by the rehabilitator or a North Carolina licensed veterinarian.~~ injury.~~
 - ~~(2)(3) Wild animals and wild birds may remain in a rehabilitation facility for no longer than 180 days. If a longer rehabilitation period is needed, the license holder shall notify the Commission in writing. The Commission shall consider extended rehabilitation on a case-by-case basis by evaluation, which may include the nature of the animal's condition and recommended treatment plan.~~
 - ~~(3)(4) Wild animals and wild birds shall not be released on the property owned by of another unless the rehabilitator has written permission dated within the last 12 months from the landowner.~~
 - (4) ~~Wild animals or wild birds that are unfit shall be non-releasable and humanely euthanized. However, the Commission shall consider transfer of wild animals and wild birds on a case-by-case basis when written authorization is requested from the Commission. The wild animal or wild bird shall only be transferred to an individual or facility with a captivity license for holding as set forth in Rule .1403 of this Section when written authorization is obtained from the Commission.~~
- ~~(j)(k) Transfer of Animals.~~
- (1) Wild animals originating outside the State shall not be accepted for the purpose of rehabilitation unless written authorization is obtained from the Commission.
 - (2) Wild animals received for rehabilitation may shall not be exported outside the State for the purpose of rehabilitation or release ~~after rehabilitation~~ unless written authorization is obtained from both the Commission and the state where the wild animal will be exported to or released from.
- (3) ~~It shall be unlawful for a license holder to sell any wild animal or wild bird Wild animals and wild birds being held under a captivity license for ~~rehabilitation.~~ rehabilitation shall not be sold.~~
 - (4) ~~It shall be lawful for a license holder to transfer a wild animal or wild bird Wild animals and wild birds may be transferred to another individual who possesses a valid captivity license for rehabilitation with the appropriate category for the given species or a wild bird to another individual with a valid permit for the given species.~~
 - (5) Wild animals and wild birds that are unfit for release shall be humanely euthanized, except that the Commission may consider transfer of wild animals and wild birds upon written request from the rehabilitator. The wild animal or wild bird unfit for release may be transferred to an individual or facility with a valid captivity license for holding as set forth in Rule .1403 of this Section after written authorization is obtained from the Commission.
- ~~(k)(l) White-tailed Deer Fawn. Fawns.~~
- (1) Only individuals holding a captivity license for rehabilitation with the white-tailed deer fawn category may ~~possess, rehabilitate, and release~~ possess and rehabilitate white-tailed deer fawns. ~~To become licensed to rehabilitate white tailed deer fawns, an individual shall meet all the requirements of the captivity license for rehabilitation.~~
 - (2) ~~No white tailed White-tailed deer fawn fawns shall not be possessed until the applicant has constructed or acquired an enclosure for keeping fawn fawns that complies with the standards set forth in Paragraph ~~(g)(i)~~ of this Rule, and the facility has been verified by a representative of the Commission.~~
 - (3) ~~Any white tailed White-tailed deer fawn fawns held for more than 48 hours shall be permanently tagged using only Commission-provided tags.~~
 - (4) ~~Orphaned white-tailed deer fawns shall be held for no longer than 90 days. Injured white-tailed deer fawns shall be held for no longer than 180 days days. No white-tailed deer fawns shall be possessed after or until December 31, whichever occurs first. 31. ~~If a longer rehabilitation period is needed, the license holder shall notify the Commission in writing. The Commission shall consider extended rehabilitation on a case-by-case basis. A fawn shall be considered an adult on December 31 of the birth year. Upon written request from the rehabilitator, the Commission may consider extended rehabilitation depending on the likelihood of rehabilitation success as determined by the Commission.~~~~

(5) Records of ~~all white-tail~~ white-tailed deer fawn rehabilitation shall be ~~maintained on a form, as set forth in Rule .1406 of this Section, and submitted to the Commission on the Annual White-tailed Deer Fawn Rehabilitation Activity Form specified in Rule .1406 of this Section~~ within 15 days of ~~license expiration.~~ expiration of the license or prior to the request for reissuance of the license.

(6) ~~Any individual or facility with the white-tailed deer category may not rehabilitate white-tailed fawn~~ White-tailed deer fawns shall not be rehabilitated on properties licensed for farmed cervids.

(4) ~~Elk Calves.~~

(1) ~~Only individuals under a signed cooperative agreement with the Commission to meet conservation objectives shall be authorized to rehabilitate elk calves.~~

(2) ~~Individuals in a cooperative agreement with the Commission shall obtain a captivity license for rehabilitation with the elk calf category. To become licensed to rehabilitate elk calves, an individual shall meet all the requirements of the captivity license for rehabilitation.~~

(3) ~~Any elk calves held for more than 48 hours shall be permanently tagged using only Commission provided tags.~~

(4) ~~Any individual or facility with the elk calf category may not rehabilitate elk calves on properties licensed for farmed cervids.~~

(5) ~~No elk calf shall be possessed until the applicant has constructed or acquired an enclosure for keeping elk calves that complies with the standards set forth in Paragraph (g) of this Rule, and the facility has been verified by a representative of the Commission.~~

(6) ~~Records of all elk calf rehabilitation shall be maintained on a form, as set forth in Rule .1406 of this Section, and submitted to the Commission within 15 days of expiration of the license or prior to the request for reissuance of the license~~

(m) ~~Black Bear Cubs.~~

(1) ~~Only individuals under a signed cooperative agreement with the Commission to meet conservation objectives shall be authorized to rehabilitate black bear cubs.~~

(2) ~~Individuals in a cooperative agreement with the Commission shall obtain a captivity license for rehabilitation with the black bear cub category. To become licensed to rehabilitate black bear cubs, an individual shall meet all the requirements of the captivity license for rehabilitation.~~

(2) ~~No black bear cub shall be possessed until the applicant has constructed or acquired an enclosure for keeping black bear cubs that complies with the standards set forth in~~

Paragraph ~~(g)~~(i) of this Rule, and the facility has been verified by a representative of the Commission.

(n) Rabies Species.

(1) Only individuals holding a captivity license for rehabilitation with the rabies species category may ~~possess, rehabilitate, or release~~ possess and rehabilitate rabies species. ~~To become licensed to rehabilitate rabies species, an individual shall meet all requirements of and~~ In addition to the general captivity license for rehabilitation requirements, individuals requesting to rehabilitate rabies species shall:

(A) ~~have held an active rehabilitation license within or outside of the State for at least the previous three years and have rehabilitated wild animals during that time;~~

(B) ~~certify 12 hours of rabies or rabies species-specific training~~ training, or a combination thereof; thereof, for their initial application;

(C) ~~certify up-to-date rabies immunization pre-exposure prophylaxis in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at www.CDC.gov for any rehabilitator, themselves, staff member members, or volunteer, and volunteers who may come in contact with rabies species. Proof species; of immunization to demonstrate that the vaccine was administered shall be provided and upon the request of the Commission or authorized representative and shall be kept at the license holder's facility;~~

(D) ~~provide the name and contact information of a North Carolina licensed veterinarian with whom the rehabilitator has consulted and who agrees to provide necessary medical treatment to the rabies species. Contact information for the veterinarian shall be posted at the facility where the rabies species are being rehabilitated;~~

(E) ~~certify notification to the appropriate animal control authority and local health department prior to making application to the Commission, to inform them of their anticipated activities and location. location, and to coordinate future rabies testing activities; Contact information for these agencies shall be posted at the facility where the rabies species are being rehabilitated.~~

- (F) have separate ~~facilities~~ enclosures from non-rabies species adequate for the species ~~to be rehabilitated, being rehabilitated, Enclosures within the facility shall~~ that are locked to prevent escape of the animal and egress of the animal, and ingress of other wild mammals; ~~exposure to people, pets, livestock, and other captive or free-ranging wildlife. Exterior caging shall be locked and surrounded by double fencing or a solid wall barrier; and~~
- (G) have a secondary barrier surrounding the rabies species enclosure that restricts contact with people other than those identified in Part (n)(2)(A) of this Rule, pets, and livestock.
- (G) ~~coordinate with appropriate local health department regarding euthanasia and testing of rabies species. A written protocol for testing shall be posted at the facility and made available for inspection by the Commission upon request.~~
- (2) The following information shall be posted at the license holder's facility and be provided, upon request, by an authorized representative of the Commission:
 - (A) proof of immunization or titer checks for individuals who have contact with rabies species;
 - (B) contact information for the veterinarian who agrees to provide medical treatment to the rabies species;
 - (C) contact information for the local animal control authority and local health department; and
 - (D) a written protocol for euthanasia and rabies testing.
- (2)(3) Except for bats, rehabilitation and release of rabies species is not authorized in counties where the United States Department of Agriculture-Animal and Plant Health Inspection Service Oral Rabies Vaccination (ORV) program is conducted, as specified by the United States Department of Agriculture-Animal and Plant Health Inspection Service at www.aphis.usda.gov.
- (3)(4) Except as otherwise specified in this Section, rabies species shall not be removed from their containment except for treatment, release, maintenance of the enclosure, or euthanasia.
- (4)(5) Rehabilitated rabies species ~~must~~ shall be released in ~~either~~ the county where they were rehabilitated or the county where they were found.
- (5)(6) All rabies species shall be considered potentially infected with the rabies virus. If ~~any~~

a human or domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain and spinal cord, or brain ~~and~~ or spinal cord material from ~~any~~ a rabies species, the license holder shall contact the local ~~Health Department~~ health department immediately to report the incident. ~~The local Health Department may require euthanasia of the animal and submission of the brain for rabies testing.~~ Rehabilitators shall abide by ~~all requests made by~~ requests from authorized public health department personnel, animal control, ~~or~~ and Commission personnel regarding disposition of the animal. ~~No rabies Rabies species that has~~ have scratched or bitten a human or domestic animal or ~~does die~~ in captivity ~~can be~~ shall not be released or disposed of until the local ~~Health Department~~ health department investigates the situation to determine if testing is necessary. Positive rabies test results shall be reported to the Commission within five business days of receipt from the health department.

(6)(7) Records of ~~all~~ rabies species rehabilitation shall be ~~maintained on a form, as described submitted to the Commission on the Annual Rabies Vector Species Rehabilitation Activity Report specified in Rule .1406 of this Section, and submitted to the Commission Section~~ within 15 days of license expiration, expiration of the license or prior to the request for reissuance of the license.

Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274.

15A NCAC 10H .1403 CAPTIVITY LICENSE FOR HOLDING

(a) The purpose of a captivity license for holding is to authorize the possession of lawfully taken or acquired native wild animals or wild birds for education, exhibition, or scientific purposes. ~~A captivity license for holding shall not be issued for endangered, threatened, or special concern species as defined in 15A NCAC 10I .0100. Possession of these endangered, threatened, or special concern species specified in Rules 10I .0103 through .0105 of this Chapter also~~ requires an endangered species permit from the Commission.

(b) A captivity license for holding shall not be issued for holding wild animals or wild birds:

- (1) ~~As~~ as pets;
- (2) ~~For~~ for breeding unless approved by the Commission;
- (3) ~~For~~ for dog training;
- (4) ~~For~~ for hunting; or
- (5) ~~Acquired~~ acquired unlawfully.

(c) Individuals seeking to obtain a captivity license for holding migratory birds shall possess and provide proof of a valid, concurrent, and applicable federal permit from U.S. Fish and Wildlife Service, if required.

(d) Individuals seeking to hold wild animals for education, exhibition, or scientific purposes that require a license from the U.S. Department of Agriculture shall obtain a captivity permit as defined by G.S. 113-274 prior to obtaining the animal.

~~(e) No captivity license for holding shall be issued and no wild Wild animals or and wild birds shall not be possessed until the applicant an individual has constructed or acquired an enclosure for keeping a wild animal or wild bird in captivity that complies with the standards set forth in Rule .1404 of this Section, and the facility has been verified by a representative of the Commission or and the individual has shown proof of a valid, concurrent, and applicable U.S. Department of Agriculture license or exemption from USDA licensing requirements. requirements, both verified by a representative of the Commission.~~

~~(f) Changes to an animal's enclosure after verification shall be reported to the Commission in writing within 10 business days.~~

~~(g) The following conditions shall apply to captivity licenses for holding wild animals or and wild birds:~~

- (1) Wild animals and wild birds shall not come in contact with pets, non-native animals, livestock, or wild animals or wild birds held under a captivity license for rehabilitation. ~~This provision shall not apply to rehabilitation, except for surrogate animals or wild animals or wild birds used to foster other wild animals and wild birds;~~
- (2) Rabies species outside of their enclosure shall be kept restrained at all times so that the license holder or their designee is in control of the animal and it does not have physical contact with the public, domestic animals, non-native animals, livestock, or other wild animals or wild birds; and
- (3) Wild animals outside their enclosure shall be kept restrained at all times so that the license holder or their designee is in control of the animal and it presents no danger to the public; and public.
- (4) ~~Wild animals shall not roam free unrestrained outside of an enclosure.~~

~~(h) License holders with wild animals or wild birds used for education or exhibition outside of their facility, facility shall maintain records of all education and exhibition activities on a form, as described activities. Records shall be submitted to the Commission on the Captivity License for Holding Education and Exhibition Activity Form specified in Rule .1406 of this Section, Section within 15 days of license expiration, and shall retain records be retained for a period of 12 months following expiration of the license.~~

~~(i) It is unlawful for a license holder to sell, Sale, transfer, or and release the of a wild animal or wild bird held under the license, a captivity license for holding is prohibited, except that such the wild animal or wild bird may be surrendered to an agent of the Commission, Commission or transferred to another individual who has obtained a license to hold the wild animal or wild bird in captivity. Upon transfer, the transferor shall create a record for the wild animal or wild bird showing the transferor's transferor's name, address, tag number if available, license number, date of transfer, and transferor's signature, verifying that the information contained in the record is true and correct. A copy~~

of the record shall be retained by the transferee for three years from the date of transfer.

~~(j) Non-releasable animals lawfully held under a captivity license for rehabilitation pursuant to Rule .1402 of this Section, except for white-tailed deer fawns and elk calves, fawns, may be transferred to a captivity license for holding under the following conditions:~~

- (1) ~~A~~ a North Carolina licensed veterinarian submits a written recommendation stating the reason ~~or reasons~~ why the wild animal or wild bird cannot be released into the wild. The explanation shall include a description of the incapacitation of the animal and a detailed explanation of why the animal will not experience chronic pain from its condition or injuries;
- (2) ~~The~~ the Commission authorizes the transfer ~~and~~ or continued possession of the wild animal or wild bird; and
- (3) ~~For~~ for an imprinted animals, animal, the individual with the captivity license for holding shall not be the same individual that rehabilitated that specific the animal.

~~(k) Rabies Species Species.~~

- (1) License holders with rabies species shall:
 - (A) certify up-to-date rabies immunization ~~pre-exposure prophylaxis~~ in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at www.CDC.gov for ~~any themselves, staff member members and or volunteer volunteers~~ who may come in contact with rabies species; ~~species. Proof of immunization to demonstrate that the vaccine was administered shall be provided upon request of the Commission and shall be kept at the license holder's facility;~~
 - (B) provide the name and contact information of a North Carolina licensed veterinarian with whom the license holder has consulted and who agrees to provide necessary medical treatment to the rabies species; ~~species. Contact information for the veterinarian shall be posted at the facility where the rabies species are being held;~~
 - (C) certify notification to the appropriate animal control authority and their local health department prior to making application to the Commission, to inform them of their anticipated activities and location, and to coordinate future rabies testing activities; location. ~~Contact information for these agencies shall be~~

- ~~(D)~~ posted at the facility where the rabies species are being held;
- ~~(D)~~ have separate enclosures from non-rabies species. Enclosures shall that are locked to prevent egress of the animal and ingress of other wild mammals; and exposure to people, pets, livestock and other captive or free ranging wildlife. Enclosures shall be locked and surrounded by a
- ~~(E)~~ have a secondary barrier to prevent unauthorized contact with the public; and barrier surrounding the rabies species enclosure that restricts contact with people other than those identified in Part (k)(2)(A) of this Rule, pets, and livestock.
- ~~(E)~~ coordinate with appropriate local health department regarding euthanasia and testing of rabies species. Written protocols for testing shall be posted at the facility and made available for inspection by the Commission upon request.
- ~~(2)~~ The following information shall be posted at the license holder's facility and be provided, upon request, by an authorized representative of the Commission:
 - ~~(A)~~ proof of immunization or titer checks for individuals who have contact with rabies species;
 - ~~(B)~~ contact information for the veterinarian who agrees to provide medical treatment to the rabies species;
 - ~~(C)~~ contact information for the local animal control authority and local health department; and
 - ~~(D)~~ a written protocol for euthanasia and rabies testing.
- ~~(2)(3)~~ All rabies Rabies species shall be considered potentially infected with the rabies virus. If any a human or domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain and spinal cord, or brain and or spinal cord material from any a rabies species, he or she the license holder shall immediately contact the local health department immediately to report the incident. The local health department may require euthanasia of the animal and submission of the brain for rabies testing. License holders shall abide by all requests made by from authorized public health department personnel, animal control, or and Commission personnel regarding disposition of the animal. No rabies Rabies species that has have scratched or bitten a human or domestic animal or dies die in

captivity ~~can~~ shall not be disposed of until the local Health Department health department investigates the situation to determine if testing is necessary. Positive rabies test results shall be reported to the Commission within 5 business days of receipt from the health department.

~~(k)(l)~~ Black Bear: Bear.

- (1) In accordance with G.S. 19A-10 and G.S. 19A-11, no captivity license licenses for black bear may be issued for a black bear, except to:
 - (A) a publicly operated zoo;
 - (B) an educational institution; or
 - (C) a facility holding a black bear under conditions simulating natural habitat pursuant to Rule .1404(e) .1404(d) of this Section.
- (2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall transport black bear for any purpose without first obtaining a transportation permit from the Commission.

~~(l)(m)~~ Cougar: Cougar.

- (1) In accordance with G.S. 113-272.5, no captivity license licenses for cougars may be issued for a cougar, except to:
 - (A) a publicly operated zoo;
 - (B) an educational or scientific institution; or
 - (C) a facility holding a cougar under conditions simulating a natural habitat pursuant to Rule .1404(f) .1404(e) of this Section.
- (2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall transport cougar for any purpose without first obtaining a transportation permit from the Commission.

~~(m)(n)~~ Non-Farmed Cervids: Cervids.

- (1) It is unlawful to hold any non farmed cervids under a No captivity licenses for holding shall be issued for cervids, holding, except for animals being held under a valid captive cervid license issued prior to September 30, 2015 that are not farmed cervids, as specified by G.S. 106-549.97.
- (2) The following conditions shall apply to non-farmed cervid licenses issued prior to September 30, 2015:
 - (A) no reproduction within the existing herd;
 - (B) no new non farmed cervids shall be added to the existing herd from the wild or from farmed cervids held under the North Carolina Department of Agriculture and Consumer Services farmed cervid program;
 - (C) the escape of any non farmed cervid from the facility shall be reported to the Commission within one hour of

discovery. The license holder shall request a permit to take the escaped non farmed cervid pursuant to the terms of the permit. The dead cervid shall be submitted by the license holder to a North Carolina Department of Agriculture (NCDA) approved laboratory for Chronic Wasting Disease (CWD) testing, unless the Commission determines that the risk of CWD transmission as a result of this escape is negligible;

(D) the Commission shall be notified within 24 hours if any non farmed cervid within the facility exhibits clinical symptoms of CWD, as described on the CWD Alliance website at www.cwd-info.org, or if a quarantine is placed on the facility by the State Veterinarian. All non farmed cervids that exhibit symptoms of CWD shall be tested for CWD;

(E) the carcass of any non farmed cervid that was six months or older at time of death shall be submitted by the license holder to a NCDA approved laboratory and tested for CWD within 48 hours of knowledge of the cervid's death, or by the end of the next business day, whichever is later. The Commission issued ear tag shall not be removed from the cervid's head prior to submitting the head for CWD testing;

(F) the license holder shall make all records pertaining to tags, licenses, or permits issued by the Commission available for inspection by the Commission upon request, during the facility's business hours, or at any time an outbreak of CWD is suspected or confirmed within five miles of the facility or within the facility itself;

(G) the license holder shall make all licensed facilities, enclosures, and the record book(s) documenting required monitoring of the outer fence of the enclosure(s) at each licensed facility available for inspection by the Commission upon request, during the facility's business hours, or at any time an outbreak of CWD is suspected or confirmed within five miles of the facility or within the facility itself;

(H) the fence surrounding the enclosure shall be inspected by the license holder once a week to verify its stability and to detect the existence of any conditions or activities that threaten its

stability. In the event of severe weather or any other condition that presents potential for damage to the fence, inspection shall occur every three hours until cessation of the threatening condition, except that no inspection is required under circumstances that threaten the safety of the person conducting the inspection and inspections shall resume as soon as possible.

(i) a record book shall be maintained to record the time and date of each inspection of the fence, the name of the person who performed the inspection of the fence, and the condition of the fence at time of inspection. The person who performs the inspection shall enter the date and time of detection and the location of any damage threatening the stability of the fence. If the fence is damaged, the license holder shall record a description of measures taken to prevent ingress or egress by non farmed cervids. Each record book entry shall bear the signature or initials of the license holder attesting to the veracity of the entry. The record book shall be made available for inspection by a representative of the Commission upon request, or during the facility's business hours; and

(ii) any opening or passage through the enclosure fence shall, within one hour of detection, be sealed or otherwise secured to prevent a non farmed cervid from entry or escape. Any damage to the enclosure fence that threatens its stability shall be repaired within one week of detection;

(I) each non farmed cervid held under this license shall be tagged as follows:

(i) a single button ear tag provided by the Commission shall be permanently affixed by the license holder onto either the right or left ear of each non farmed cervid;

- ~~provided that the ear chosen to bear the button tag shall not also bear a bangle tag, so that each ear of the cervid bears only one tag;~~
- (ii) ~~a single bangle ear tag provided by the Commission shall be permanently affixed by the license holder onto the right or left ear of each non-farmed cervid, provided that the ear bearing the bangle tag does not also bear the button tag; and~~
 - (iii) ~~once a tag is affixed in the manner required by this Rule, it shall not be removed;~~
- (J) ~~a permit to transport non-farmed cervids may be issued by the Commission to an applicant for the purpose of transporting the animal(s) for export out of State, to a slaughterhouse for slaughter, between non-farmed cervid facilities covered by this Rule, or to a veterinary medical facility for treatment provided that the animal for which the permit is issued does not exhibit clinical symptoms of CWD. Application for a transportation permit shall be made to the Commission by completing and submitting the non-farmed cervid transportation form detailed in Rule .1406 of this Section. Any person transporting a non-farmed cervid shall present the transportation permit to any law enforcement officer or representative of the Commission upon request, except that a person transporting a non-farmed cervid by verbal authorization for veterinary treatment shall provide the name of the person who issued the approval to any law enforcement officer or representative of the Commission upon request.~~
- (A) ~~water: clean~~ Clean drinking water shall be provided. All pools, tanks, water areas, and water containers provided for swimming, wading, or drinking shall be clean. Enclosures shall provide drainage for surface water and ~~runoff~~; runoff.
 - (B) ~~sanitation: water~~ Water disposal and waste disposal shall be in accordance with all applicable local, State, and federal ~~laws~~; laws.
 - (C) ~~food: food~~ Food shall be of a type and quantity that is appropriate for the ~~particular~~ species and shall be provided in an unspoiled and uncontaminated ~~condition~~; and condition.
 - (D) ~~waste: fecal~~ Fecal and food waste shall be removed from inside, under, and around enclosures and disposed of in a manner that prevents noxious odors or pests.
- (2) ~~General Enclosure Requirements. Each license holder shall comply with the following general requirements in addition to any requirements specified by species:~~
- (A) ~~all enclosures~~ Enclosures constructed of chain link or other approved materials shall be braced and securely ~~anchored~~; anchored.
 - (B) ~~enclosures~~ Enclosures shall be ~~ventilated~~; ventilated.
 - (C) ~~enclosures~~ Enclosures with a natural substrate shall have a dig barrier that prevents ~~escape~~; escape.
 - (D) ~~the~~ The young of ~~any an~~ animal may be kept with the parent or foster animal of the same species in a single-animal enclosure until ~~weaning~~, weaned. After weaning, if the animals are kept together, the requirements for multiple-animal enclosures shall ~~apply~~; apply.
 - (E) ~~chains~~ Chains or tethers shall not be used as a method of confinement for wild animals inside ~~the enclosure~~; an enclosure.
 - (F) ~~each enclosure~~ Enclosures shall be equipped with ~~at least~~ one shelter, nest box, or den large enough to accommodate all animals in the enclosure at the same ~~time~~; and time.
 - (G) ~~each enclosure~~ Enclosures shall have ~~at least~~ one elevated area large enough to accommodate all animals in the enclosure at the same time.
- (3) Single animal enclosures shall have the following minimum dimensions and horizontal areas, or dimensional equivalents:

Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274.

**15A NCAC 10H .1404 MINIMUM STANDARDS
CAPTIVITY LICENSE FOR HOLDING**

(a) The following minimum standards shall apply to wild animals and wild birds held under a captivity license for ~~holding~~; holding. Each license holder shall comply with the following general requirements in addition to requirements specified by species.

- (1) General Sanitation and Food Requirements. ~~Each license holder shall comply with the following general requirements in addition to any requirements specified by species:~~

| Animal | Length (ft.) | Width (ft.) | Height (ft.) | Total Square Footage |
|--------------------|--------------|-------------|--------------|----------------------|
| Wild Turkey | 6 | 4 | 8 | 24 |
| Coyote | 8 | 8 | 6 | 64 |
| Fox (Red and Gray) | 8 | 4 | 4 | 32 |
| Raccoon | 8 | 4 | 4 | 32 |
| Bobcat | 10 | 5 | 5 | 50 |
| Otter | 10 | 5 | 5 | 50 |
| Squirrel | 4 | 2 | 2 | 8 |
| Groundhog | 8 | 4 | 4 | 32 |
| Rabbit | 6 | 3 | 3 | 18 |
| Opossum | 6 | 3 | 3 | 18 |
| Skunk | 6 | 3 | 3 | 18 |
| Armadillo | 8 | 6 | 4 | 48 |

For animals not mentioned elsewhere in this Rule, a single animal enclosure shall be a cage with one horizontal dimension being at least four times the nose-rump length of the animal and the other horizontal dimension being at least two times the nose-rump length of the animal. The vertical dimensions shall be at least two times the nose-rump length of the animal. No cages shall be less than four feet by two feet by two feet, or less than eight square feet.

- (4) The minimum square footage for a multiple animal enclosure shall be determined by multiplying the required square footage for a single animal enclosure by a factor of 1.5 for one additional animal and that result by the same factor, successively, for each additional animal. Vertical dimensions may remain the same as for single animal enclosures.

(b) Non farmed Cervids.

- (1) the minimum size of the enclosure shall not be less than one half acre for the first three animals and an additional one fourth acre for each additional animal. No more than 25 percent of the enclosure shall be covered with water;
- (2) the enclosure shall be surrounded by a fence at least eight feet high, of sufficient strength and design to contain cervids and prevent contact with wild cervids;
- (3) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all the animals in the enclosure at the same time; and

- (4) ~~cervids shall not be contained within or allowed to enter a place of residence or any enclosure that has not been approved to hold cervids by the Commission, except as specifically authorized by law or rule of the Wildlife Resources Commission.~~

(e)(b) Alligators.

- (1) ~~the~~ The minimum land area size of the enclosure shall be based upon the length of the longest animal. Land area with both horizontal dimensions ~~at least~~ as long as the longest animal shall be provided. In case of more than one animal, the combined area covered by all their bodies while aligned parallel without overlap shall not exceed 50 percent of the land ~~area;~~ area.
- (2) The enclosure shall contain a pool of water large enough for all the animals in the enclosure to completely submerge themselves at the same time. Steps shall be taken to prevent the surface of the water from freezing solid.
- (3) ~~the~~ The enclosure shall have a structural barrier of sufficient strength to contain the animals, and shall prevent contact between ~~an~~ the observer and ~~alligator(s); the alligators.~~
- (3) ~~in addition to the land area, the enclosure shall contain a pool of water large enough for all the animals in the enclosure to completely submerge themselves at the same time. Steps shall be taken to prevent the surface of the water from freezing solid;~~
- (4) ~~steps shall be taken to provide opportunities for the alligator to regulate its body temperature;~~
- (5)(4) ~~each enclosure~~ Enclosures shall be equipped with a shelter or shelters large enough to accommodate all alligators ~~animals~~ in the enclosure at the same ~~time; and time.~~
- (6)(5) ~~the~~ The facility shall have a perimeter boundary 8 eight feet in height, to prevent unauthorized entry and confine the animals. This boundary should be located at least 3 three feet from the primary enclosure, be no less than 8 feet in height, and be and constructed of ~~not less than~~ 11.5 gauge chain link or equivalent.

(d)(c) Wild Birds. Enclosures for wild birds may house more than one animal, provided that the enclosure is ~~built to the standards specified below and~~ permitted by the U.S. Fish and Wildlife Service.

- (1) Enclosures for wild birds shall be designed using the standards established by the National Wildlife Rehabilitators Association's "Wildlife in Education: A Guide for the Care and Use of Program Animals," which is hereby incorporated by reference, excluding subsequent amendments and editions, and is available for a fee at <https://national-wildlife-rehabilitators-association.myshopify.com/>.

enclosures for raptors shall be built to standards detailed in the University of Minnesota's "Raptors in Captivity: Guidelines for

~~Care and Management," which is hereby incorporated by reference, excluding subsequent amendments and editions, and is available for order at https://bookstores.umn.edu/product/gift/raptors_captivity-0.~~

- (2) ~~Enclosures for raptors shall be built to standards detailed in the University of Minnesota's "Raptors in Captivity: Guidelines for Care and Management," which is hereby incorporated by reference, excluding subsequent amendments and editions, and is available for a fee at <https://www.hancockhouse.com/>. enclosure for all other wild birds shall be designed using the standards established by the National Wildlife Rehabilitators Association's "Wildlife in Education: A Guide for the Care and Use of Program Animals," which is hereby incorporated by reference, excluding subsequent amendments and editions, and is available for order at <https://www.nwrawildlife.org/store/default.asp>.~~

~~(e)(d)~~ Black Bear. Black bears held in captivity at facilities other than publicly operated zoos or educational institutions shall be held in enclosures simulating a natural habitat, developed in accordance with the requirements of G.S. 19A-11.

~~(f)(c)~~ Cougar. Cougars held in captivity by at facilities other than publicly operated zoos, educational, or scientific research institutions shall be held in enclosures simulating a natural habitat, developed in accordance with the requirements of G.S. 113-272.5(e)(4).

Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274.

15A NCAC 10H .1405 CAPTIVITY LICENSE REVOCATION AND ENFORCEMENT

(a) Representatives of the Commission ~~shall be permitted to may~~ enter the premises of ~~any~~ a license holder's facility upon request or during the facility's business hours for inspection or scientific purposes.

(b) The Executive Director of the Commission or his or her designee may warn, cite, or revoke a license holder's captivity ~~license, license~~ if the license holder violates ~~any~~ a provision of G.S. 14, Article 47, or G.S. 113, Subchapter IV, ~~or any~~ rules promulgated by the Commission in this ~~Chapter~~ Chapter, or any conditions of the license. The determination whether to warn, cite, ~~suspend~~, or revoke a captivity license for rehabilitation or holding shall be based upon the seriousness of the violation, and may include:

- (1) ~~Failing failure~~ to provide required facilities for the housing of wild animals and wild birds as specified in Rule ~~.1402(g)~~ .1402(i) and Rule .1404 of this Section;
- (2) ~~Providing providing~~ false or inaccurate information on license applications or reports submitted to the Commission;
- (3) ~~Possessing possessing~~ wild animals or wild birds not permitted by the captivity license for rehabilitation, or the captivity license for holding;

(4) ~~Using using~~ animals undergoing rehabilitation for education, exhibition, profit, or ~~science science~~;

(5) ~~allowing wild animals undergoing rehabilitation to have involving~~ contact with or proximity to the public;

~~(5)(6)~~ ~~Failing failure~~ to comply with monitoring or record-keeping ~~requirements as provided by the rules of this Section; requirements;~~

~~(6)(7)~~ ~~Taming, taming,~~ imprinting, or otherwise improperly handling animals held for rehabilitation;

~~(7)(8)~~ ~~Failing failure~~ to treat conditions that warrant medical attention;

~~(8)(9)~~ ~~Failing failure~~ to notify the appropriate agencies after a rabies exposure as described in Rules .1402 and .1403 this Section; or

~~(9)(10)~~ ~~Allowing allowing~~ a wild animal held under a captivity license for holding to roam free unrestrained outside of its ~~enclosure; or enclosure.~~

(10) ~~The license holder of a facility holding captive cervid(s) failing to:~~

(A) ~~comply with tagging requirements as provided by rules of this Section; or~~

(B) ~~comply with requirements for maintaining the enclosure fence as provided by rules of this Section.~~

(c) An individual holding a captivity license for rehabilitation with ~~the apprentice designation~~ apprenticeship conditions shall notify the Commission within 10 business days if he or she no longer has a ~~mentor mentor~~, and provide a list of animals in their possession by species and quantity. The apprentice shall obtain another mentor within 30 days and notify the Commission with that individual's information. If the apprentice fails to obtain another mentor ~~within 60 days~~, the Commission shall revoke ~~his or her their~~ license and he or she shall be required to reapply for a license with apprenticeship conditions, an apprentice license.

(d) If a wild animal or wild bird is unlawfully possessed or the Commission revokes a captivity license for rehabilitation or holding, ~~then~~ the Commission may seize and determine future treatment of the wild animal or wild bird, to include release, relocation, or euthanasia.

~~(e) The Commission shall revoke a non farmed cervid license, and the holder of that license shall forfeit the right to keep non-farmed cervids and be required to turn the animals over to a representative of the Commission upon request of the Commission, under any of the following circumstances or conditions:~~

(1) ~~The license holder fails to submit a cervid carcass to a NCDA approved laboratory for testing for Chronic Wasting Disease within 48 hours of knowledge of that cervid's death or close of the next business day, whichever is later, as provided by Rule .1403(m) in this Section;~~

(2) ~~A cervid has been transported without a permit; or~~

- (3) ~~Chronic Wasting Disease has been confirmed in a cervid at that facility.~~

Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274.

15A NCAC 10H .1406 FORMS FOR CAPTIVITY LICENSES

(a) ~~Individuals interested in obtaining a captivity license for rehabilitation shall apply to the Commission using the Captivity License for Rehabilitation Form available at www.newwildlife.org; www.gooutdoorsnorthcarolina.com.~~

(b) Information required by from the applicant for a captivity license for rehabilitation shall include:

- ~~(1) The applicant's name, mailing address, residence address, telephone number, and date of birth;~~
- ~~(2) The facility site address;~~
- ~~(3) Any organizational affiliation, if applicable;~~
- ~~(4) The categories of wild animals and wild birds to be rehabilitated;~~
- ~~(5) A a copy of a valid Federal Migratory Bird Permit, if applicable;~~
- ~~(6) The name and signature of mentor, if applicable; and~~
- ~~(7) a completed Wildlife Rehabilitation Mentor-Apprentice Agreement Form or Wildlife Rehabilitation Apprentice Upgrade Form, if applicable;~~
- ~~(7)(8) Certification certification of 12 hours of rehabilitation related training, training for rabies species application, if applicable, applicable; and~~
- ~~(9) certification of up-to-date rabies pre-exposure prophylaxis, if applicable.~~

(b)(c) Individuals interested in obtaining a captivity license for holding shall apply to the Commission using the Captivity License for Holding Form available at www.newwildlife.org. Information supplied by required from the applicant for a captivity license for holding shall include:

- ~~(1) The Applicant's name, mailing address, residence address, telephone number, and date of birth;~~
- ~~(2) The facility site address;~~
- ~~(3) Any organizational affiliation, if applicable;~~
- ~~(4) The species information including quantity and source for all animals to be held; and~~
- ~~(5) The purpose for holding animals in captivity, captivity; and~~
- ~~(6) a copy of a valid Federal Migratory Bird Permit and USDA License, if applicable.~~

(e) Individuals requesting a transportation permit for non farmed cervids shall apply to the Commission using the Non farmed Cervid Transportation Form available at www.newwildlife.org. Information supplied by the applicant shall include:

- ~~(1) The applicant's name, mailing address, residence address, and telephone number;~~
- ~~(2) The facility site address;~~
- ~~(3) The captivity license number;~~

- ~~(4) The species and sex of each non farmed cervid transported;~~
- ~~(5) The tag number(s) for each non farmed cervid transported;~~
- ~~(6) The date of transportation;~~
- ~~(7) The vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the non farmed cervid;~~
- ~~(8) The name, address, county and phone number of the destination facility to which the non farmed cervid will be transported;~~
- ~~(9) The symptoms for which the non farmed cervid requires veterinary treatment, if applicable;~~
- ~~(10) The date of slaughter, if applicable;~~
- ~~(11) The name and location of the North Carolina Department of Agriculture Diagnostic lab where the head of the non farmed cervid is to be submitted for CWD testing, if applicable.~~

(d) Individuals rehabilitating white-tailed deer fawns or elk calves shall record their name, license number, and the following information for each cervid on the Annual White-tailed Deer Fawn / Elk Calf Fawn Rehabilitation Activity Form available at www.newwildlife.org; www.ncwildlife.gov:

- ~~(1) The captivity license number;~~
- ~~(2)(1) The date of acceptance; received;~~
- ~~(3)(2) The species and sex;~~
- ~~(4)(3) The tag number;~~
- ~~(5)(4) The disposition; and disposition and date; name and license number of transferee, if applicable; and~~
- ~~(6) The date and location county of release, if applicable.~~

(e) Individuals rehabilitating rabies species shall record their name, license number, and the following information for each animal on the Annual Rabies Vector Species Rehabilitation Activity Form Report available at www.newwildlife.org; www.ncwildlife.gov:

- ~~(1) The captivity license number;~~
- ~~(2)(1) The date of acceptance; received;~~
- ~~(3)(2) The species and sex; species;~~
- ~~(4)(3) The location county of origin, if known;~~
- ~~(4) sex;~~
- ~~(5) estimated age;~~
- ~~(5)(6) The disposition; disposition and date; and~~
- ~~(6)(7) The date name and license number of transferee, transfer to other appropriately licensed captivity license holder, if applicable; or and~~
- ~~(7)(8) The date and location county of release, if applicable.~~

(f) Individuals holding species under a Captivity captivity License license for Holding, holding for educational and exhibition purposes shall record the following information on the Captivity License for Holding Education and Exhibition Form available at www.newwildlife.org; www.ncwildlife.gov:

- ~~(1) The captivity license number;~~
- ~~(2) The date of educational or exhibition activity;~~

- (3) ~~The~~ species and numbers of wild animals or wild birds used in the educational or exhibition activity;
- (4) ~~The~~ organization or group involved in the educational or exhibition activity; and
- (5) ~~The~~ description of educational or exhibition activity, if ~~applicable~~; applicable.

(g) Information required from an apprentice on the Wildlife Rehabilitation Mentor-Apprentice Agreement Form, available at www.newwildlife.gov shall include:

- (1) apprentice's name, facility address, phone number, and signature;
- (2) mentor's name, address, WRC number, rehabilitation license number, and signature.

(h) Wildlife rehabilitation mentors shall provide the following information on the Wildlife Rehabilitation Apprentice Upgrade Form, available at www.ncwildlife.gov, to certify compliance with requirements of Rule .1402(f) of this Section:

- (1) name, address, phone number, captivity license number, and signature;
- (2) apprentice name, address, phone number, and captivity license number; and
- (3) dates of mentorship.

~~(g)(i) All forms Reports and forms shall be signed, dated, and submitted to the Wildlife Resources Commission with applicable fees mandated by G.S. 113-272.5 and G.S. 113-270.1B. raps@ncwildlife.gov, 1707 Mail Service Center, Raleigh NC 27699-1700, or through www.gooutdoorsnorthcarolina.com upon application or within 15 days of license expiration, as required by the Rules of this Section.~~

Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 58 - REAL ESTATE COMMISSION

Notice is hereby given in accordance with G.S. 150B-21.2 that the Real Estate Commission intends to amend the rule cited as 21 NCAC 58A .0112.

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncrec.gov

Proposed Effective Date: *November 1, 2025*

Public Hearing:

Date: *August 14, 2025*

Time: *9:00 A.M.*

Location: *North Carolina Real Estate Commission, 1313 Navaho Drive, Raleigh, NC 27609*

Reason for Proposed Action: *Amend this Rule to remove the provision in (b)(1) that prohibits the payment of a commission or compensation in a preprinted offer or sales contract form.*

Comments may be submitted to: *Melissa Vuotto, NC Real Estate Commission, PO Box 17100, Raleigh, NC 27619-7100; email Public.Comment@ncrec.gov*

Comment period ends: *September 7, 2025*

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected**
- Local funds affected**
- Substantial economic impact (\geq \$1,000,000)**
- Approved by OSBM**
- No fiscal note required**

SUBCHAPTER 58A – REAL ESTATE BROKERS

SECTION .0100 - GENERAL BROKERAGE

21 NCAC 58A .0112 OFFERS AND SALES CONTRACTS

(a) A broker acting as an agent in a real estate transaction shall not use a preprinted offer or sales contract form unless the form describes or specifically requires the entry of the following information:

- (1) the names of the buyer and seller;
- (2) a legal description of the real property sufficient to identify and distinguish it from all other property;
- (3) an itemization of any personal property to be included in the transaction;
- (4) the purchase price and manner of payment;
- (5) any portion of the purchase price that will be paid by a promissory note, including the amount, interest rate, payment terms, whether or not the note is to be secured, and any other terms contained in the promissory note deemed material by the parties;
- (6) any portion of the purchase price that is to be paid by the assumption of an existing loan, including the amount of such loan, costs to be paid by the buyer or seller, the interest rate and

number of discount points and a condition that the buyer must be able to qualify for the assumption of the loan and must make every reasonable effort to qualify for the assumption of the loan;

- (7) the amount of earnest money, if any, the method of payment, the name of the broker or firm that will serve as escrow agent, an acknowledgment of earnest money receipt by the escrow agent, and the criteria for determining disposition of the earnest money, including disputed earnest money, consistent with Commission Rule .0116 of this Subchapter;
- (8) any loan that must be obtained by the buyer as a condition of the contract, including the amount and type of loan, interest rate and number of discount points, loan term, and who shall pay loan closing costs, and a condition that the buyer shall make every reasonable effort to obtain the loan;
- (9) a general statement of the buyer's intended use of the property and a condition that such use must not be prohibited by private restriction or governmental regulation;
- (10) the amount and purpose of any special assessment to which the property is subject and the responsibility of the parties for any unpaid charges;
- (11) the date for closing and transfer of possession;
- (12) the signatures of the buyer and seller;
- (13) the date of offer and acceptance;
- (14) a provision that title to the property must be delivered at closing by general warranty deed and must be fee simple marketable title, free of all encumbrances except ad valorem taxes for the current year, utility easements, and any other encumbrances specifically approved by the buyer or a provision otherwise describing the estate to be conveyed with encumbrances, and the form of conveyance;
- (15) the items to be prorated or adjusted at closing;
- (16) who shall pay closing expenses;
- (17) the buyer's right to inspect the property prior to closing and who shall pay for repairs and improvements, if any;
- (18) a provision that the property shall at closing be in substantially the same condition as on the date of the offer (reasonable wear and tear excepted), or a description of the required property condition at closing;
- (19) a provision setting forth the identity of each real estate agent and firm involved in the transaction and disclosing the party each agent and firm represents; and
- (20) any other provisions or disclosures required by statute or rule.

(b) A broker acting as an agent in a real estate transaction shall not use a preprinted offer or sales contract form containing:

- (1) any provision concerning ~~the payment of a commission or compensation, including~~ the forfeiture of earnest ~~money~~; money to any broker or firm; or
- (2) any provision that attempts to disclaim the liability of a broker for his or her representations in connection with the transaction.

A broker or anyone acting for or at the direction of the broker shall not insert or cause such provisions or terms to be inserted into any such preprinted form, even at the direction of the parties or their attorneys.

(c) The provisions of this Rule shall apply only to preprinted offer and sales contract forms which a broker acting as an agent in a real estate transaction proposes for use by the buyer and seller. Nothing contained in this Rule shall be construed to prohibit the buyer and seller in a real estate transaction from altering, amending or deleting any provision in a form offer to purchase or contract nor shall this Rule be construed to limit the rights of the buyer and seller to draft their own offers or contracts or to have the same drafted by an attorney at law.

Authority G.S. 93A-3(c).

TITLE 25 – OFFICE OF STATE HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Human Resources Commission intends to amend the rule cited as 25 NCAC 01E .1006.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://oshr.nc.gov/about-oshr/state-hr-commission/proposed-rulemaking>

Proposed Effective Date: December 1, 2025

Public Hearing:

Date: July 16, 2025

Time: 9:00 a.m.

Location:

<https://ncgov.webex.com/ncgov/j.php?MTID=m4a893014b59e43437ae8f8be60045bfab>

Reason for Proposed Action: *As it exists, 25 NCAC 01E .1006 prevents compensatory time balances from being carried from one agency to another when employees transfer. This can be a disincentive to employees advancing in their careers by moving between agencies; employees may not want to lose the compensatory time balance. Because compensatory time cannot be cashed out or transferred to any other type of leave, there seems to be little reason to not allow transferring employees and the agencies receiving them to keep the employees' compensatory leave balances. The revisions here give agency heads the flexibility to accept compensatory time from another agency when an employee transfers. In proposed new item 01E .1006(3), the first sentence would allow compensatory time, up to 160 hours, to be transferred to another state agency, subject to approval by the*

receiving agency head. The second sentence would require agencies to administer this flexibility consistently and equitably. In proposed 25 NCAC 01E .1006(4), the phrase that currently prohibits transferring compensatory time between agencies would be removed.

Comments may be submitted to: Denise H. Mazza, 333 Fayetteville Street, Raleigh, NC 27601; phone (984) 236-0823; email denise.mazza@nc.gov

Comment period ends: September 2, 2025

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES

SUBCHAPTER 01E - EMPLOYEE BENEFITS

SECTION .1000 - MISCELLANEOUS LEAVE

25 NCAC 01E .1006 COMPENSATORY TIME

Under the state's overtime compensation policy certain employees are designated as administrative, executive or professional. Employees in these categories are exempt from the provision for overtime pay. To grant these employees compensating compensatory time is a decision that must be made by the agency head. When compensatory time is granted to administrative, executive or professional employees, the following shall apply:

- (1) Amount. Compensatory time is awarded at a rate not to exceed the individual's straight time equivalent rate.
(2) Non-cumulative. Compensatory time is not cumulative beyond a 12-month period. For this reason, an employee must be required to take

compensatory time as soon as possible after it is credited.

- (3) Transferable. Compensatory time, up to 160 hours, may be transferred to another state agency, subject to approval by the receiving agency head. Agencies who agree to receive compensatory time from another state agency must ensure receipt of compensatory leave is administered consistently and equitably.
(3)(4) Non-transferable. Compensatory time is not transferable to any other type of leave.
(4)(5) Separation. Compensatory time is lost when an employee is separated from state service. The employee's separation date shall not be changed in order to pay for compensatory time.

Authority G.S. 126-4(5); 126.

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Human Resources Commission intends to amend the rule cited as 25 NCAC 01E .1801.

Link to agency website pursuant to G.S. 150B-19.1(c): https://oshr.nc.gov/about-oshr/state-hr-commission/proposed-rulemaking

Proposed Effective Date: December 1, 2025

Public Hearing:

Date: July 16, 2025

Time: 10:00 a.m.

Location:

https://ncgov.webex.com/ncgov/j.php?MTID=mdd4637f07b8c0aab4c2a9e345cc7741f

Reason for Proposed Action: Today, Rules 01E .1801 through .1809 allow agencies to provide incentive leave to new employees, so long as those employees are:

"Middle or late career applicants," with at least 10 years of experience that is directly related to the position, and the new employee is employed with an organization that is not part of the State government, or for an organization for which the State currently accepts transferred accrued vacation leave upon hire. Up to 20 days of incentive leave can be provided.

Under Rule 01E .1807, the leave cannot be cashed out or transferred to other types of leave. The first two restrictions listed above do not exist (and have not historically existed) in the Sign-On and Retention Bonus Policy. Unlike a sign-on bonus, incentive leave cannot be cashed out or transferred. There seems to be little reason to place more restrictions on an incentive bonus than on a sign-on bonus. Therefore, OSHR recommends eliminating from the incentive leave rules the restrictions that are not also found in the Sign-On and Retention Bonus Policy.

In proposed amended Rule 01E .1801, the language would be removed that restricts incentive leave to "middle or late career applicants."

Comments may be submitted to: Denise H. Mazza, 333 Fayetteville Street, Raleigh, NC 27601; phone (984) 236-0823; email denise.mazza@nc.gov

Comment period ends: September 2, 2025

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES

SUBCHAPTER 01E - EMPLOYEE BENEFITS

SECTION .1800 - INCENTIVE LEAVE

25 NCAC 01E .1801 POLICY

(a) Incentive leave may be used as a recruitment tool to assist in the employment of candidates individuals who are middle or late career applicants employed outside of State government and who are interested in accepting employment within North Carolina State government. with the State of North Carolina.

(b) An agency may award incentive leave to a middle or late career applicant applicants who is are newly appointed to a position that the agency has identified as critical to the agency mission and for which the agency has documented recruitment difficulty attracting qualified applicants, or who is newly appointed to an executive management position.

Authority G.S. 126-4; 126-4(5);

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Human Resources Commission intends to amend the rule cited as 25 NCAC 01E .1802.

Link to agency website pursuant to G.S. 150B-19.1(c): https://oshr.nc.gov/about-oshr/state-hr-commission/proposed-rulemaking

Proposed Effective Date: December 1, 2025

Public Hearing:

Date: July 16, 2025

Time: 10:00 a.m.

Location:

https://ncgov.webex.com/ncgov/j.php?MTID=mdd4637f07b8c0aab4c2a9e345cc7741f

Reason for Proposed Action: Today, Rules 01E .1801 through .1809 allow agencies to provide incentive leave to new employees, so long as those employees are:

"Middle or late career applicants," with at least 10 years of experience that is directly related to the position, and the new employee is employed with an organization that is not part of the State government, or for an organization for which the State currently accepts transferred accrued vacation leave upon hire. Up to 20 days of incentive leave can be provided.

Under Rule 01E .1807, the leave cannot be cashed out or transferred to other types of leave. The first two restrictions listed above do not exist (and have not historically existed) in the Sign-On and Retention Bonus Policy. Unlike a sign-on bonus, incentive leave cannot be cashed out or transferred. There seems to be little reason to place more restrictions on an incentive bonus than on a sign-on bonus. Therefore, OSHR recommends eliminating from the incentive leave rules the restrictions that are not also found in the Sign-On and Retention Bonus Policy.

In proposed Rule 01E .1802, the definition of "Middle or Late Career Applicant" would be removed, along with two definitions ("Executive Management Position" and "Middle Management Position") that are not currently used in the rules. 01E .1802(1) would be amended by clarifying the third bullet point on the last page -- the requirement that someone be joining from outside state government -- so that it reads, "Employed Outside of State Government means not employed with an organization for which the State currently accepts transferred accrued vacation leave upon hire."

Comments may be submitted to: Denise H. Mazza, 333 Fayetteville Street, Raleigh, NC 27601; phone (984) 236-0823; email denise.mazza@nc.gov

Comment period ends: September 2, 2025

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the

Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES

SUBCHAPTER 01E - EMPLOYEE BENEFITS

SECTION .1800 - INCENTIVE LEAVE

25 NCAC 01E .1802 DEFINITIONS

As used in this Section:

- (1) Employed Outside of State Government means employed with an organization that is not part of the State of North Carolina government or not employed with an organization for which the State currently accepts transferred accrued vacation leave upon hire.
- (2) ~~Executive Management Position means a senior management position that reports directly to an appointed or elected agency head and is delegated authority to make decisions that impact the overall direction of the agency and whose duties typically involve planning, strategy, policy making and line management. Typical job titles include chief executive officer, chief operating officer, chief financial officer, and deputy secretary.~~
- (3) ~~Middle Management Position means a position that reports directly to an executive management position and supervises lower-level management positions and is delegated authority to make decisions that impact the overall direction of a department or division of an agency and whose duties typically involve program planning and coordination, organization structure, determining goals and standards, determination and interpretation of policy, and fiscal control.~~
- (4) ~~Middle or Late Career Applicant means an applicant with 10 or more years of directly related experience in their profession.~~
- (2)(5) Newly Appointed means the initial appointment as an employee of the State of North Carolina, or an appointment following a break in service of at least 12 months from a

previous appointment as an employee of the State of North Carolina.

- (3)(6) Recruitment Difficulty ~~Difficulties~~ means positions that are highly competitive in the labor market due to specialized competencies, licenses, or certifications, or geographic location or those positions in which there is a high turnover which impacts the agency's efforts to recruit and provide services. Recruitment typically involves active recruitment efforts utilizing multiple recruitment resources that require an extended period of recruitment and results in a limited qualified applicant pool.

Authority ~~G.S. 126-4;~~ 126-4(5).

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Human Resources Commission intends to amend the rule cited as 25 NCAC 01E .1804.

Link to agency website pursuant to G.S. 150B-19.1(c):

<https://ncgov.webex.com/ncgov/j.php?MTID=mdd4637f07b8c0aab4c2a9e345cc7741f>

Proposed Effective Date: *December 1, 2025*

Public Hearing:

Date: *July 16, 2025*

Time: *10a*

Location: *https://oshr.nc.gov/about-oshr/state-hr-commission/proposed-rulemaking*

Reason for Proposed Action: *Today, Rules 01E .1801 through .1809 allow agencies to provide incentive leave to new employees, so long as those employees are:*

“Middle or late career applicants,” with at least 10 years of experience that is directly related to the position, and the new employee is employed with an organization that is not part of the State government, or for an organization for which the State currently accepts transferred accrued vacation leave upon hire. Up to 20 days of incentive leave can be provided.

Under Rule 01E .1807, the leave cannot be cashed out or transferred to other types of leave. The first two restrictions listed above do not exist (and have not historically existed) in the Sign-On and Retention Bonus Policy. Unlike a sign-on bonus, incentive leave cannot be cashed out or transferred. There seems to be little reason to place more restrictions on an incentive bonus than on a sign-on bonus. Therefore, OSHR recommends eliminating from the incentive leave rules the restrictions that are not also found in the Sign-On and Retention Bonus Policy.

In proposed Rule 01E .1804, the item would be removed that restricts incentive leave to employees with “[a]t least 10 years of experience that is directly related to the position.”

Comments may be submitted to: Denise H. Mazza, 333 Fayetteville Street, Raleigh, NC 27601; phone (984) 236-0823; email denise.mazza@nc.gov

Comment period ends: September 2, 2025

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES

SUBCHAPTER 01E - EMPLOYEE BENEFITS

SECTION .1800 - INCENTIVE LEAVE

25 NCAC 01E .1804 ELIGIBILITY REQUIREMENTS

To be eligible for incentive leave, the employee must be newly appointed and have the following:

- (1) All qualification and competency requirements of the position; and
(2) At least 10 years of experience that is directly related to the position; and
(2)(3) A full-time or part-time (half-time or more) permanent, probationary or time-limited appointment.

Authority G.S. 126-4; 126-4(5).

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Human Resources Commission intends to amend the rule cited as 25 NCAC 01E .1808.

Link to agency website pursuant to G.S. 150B-19.1(c): https://oshr.nc.gov/about-oshr/state-hr-commission/proposed-rulemaking

Proposed Effective Date: December 1, 2025

Public Hearing:

Date: July 16, 2025

Time: 10:00 a.m.

Location:

https://ncgov.webex.com/ncgov/j.php?MTID=mdd4637f07b8c0aab4c2a9e345cc7741f

Reason for Proposed Action: Today, Rules 01E .1801 through .1809 allow agencies to provide incentive leave to new employees, so long as those employees are:

"Middle or late career applicants," with at least 10 years of experience that is directly related to the position, and the new employee is employed with an organization that is not part of the State government, or for an organization for which the State currently accepts transferred accrued vacation leave upon hire. Up to 20 days of incentive leave can be provided.

Under Rule 01E .1807, the leave cannot be cashed out or transferred to other types of leave. The first two restrictions listed above do not exist (and have not historically existed) in the Sign-On and Retention Bonus Policy. Unlike a sign-on bonus, incentive leave cannot be cashed out or transferred. There seems to be little reason to place more restrictions on an incentive bonus than on a sign-on bonus. Therefore, OSHR recommends eliminating from the incentive leave rules the restrictions that are not also found in the Sign-On and Retention Bonus Policy.

In proposed Rule 01E .1808, the language about "employee transfers to a State SPA or EPA position" would be removed, since all state positions are either SPA (subject to the State Personnel Act, now the State Human Resources Act) or EPA (exempt from the Act).

Comments may be submitted to: Denise H. Mazza, 333 Fayetteville Street, Raleigh, NC 27601; phone (984) 236-0823; email Denise.Mazza@nc.gov

Comment period ends: September 2, 2025

Procedure for Subjecting a Proposed Rule to Legislative Review:

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concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES

SUBCHAPTER 01E - EMPLOYEE BENEFITS

SECTION .1800 - INCENTIVE LEAVE

25 NCAC 01E .1808 TRANSFER

~~If the employee transfers to a State SPA or EPA position, unused~~ **Unused** incentive leave may be transferred subject to the receiving agency's approval. If incentive leave is not transferred, it shall not be paid out in a lump sum.

Authority G.S. ~~126-4;~~ 126-4(5).

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Human Resources Commission intends to amend the rule cited as 25 NCAC 01E .1809.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://oshr.nc.gov/about-oshr/state-hr-commission/proposed-rulemaking>

Proposed Effective Date: December 1, 2025

Public Hearing:

Date: July 16, 2025

Time: 10:00 a.m.

Location:

<https://ncgov.webex.com/ncgov/j.php?MTID=mdd4637f07b8c0aab4c2a9e345cc7741f>

Reason for Proposed Action: Today, Rules 01E .1801 through .1809 allow agencies to provide incentive leave to new employees, so long as those employees are:

“Middle or late career applicants,” with at least 10 years of experience that is directly related to the position, and the new employee is employed with an organization that is not part of the State government, or for an organization for which the State currently accepts transferred accrued vacation leave upon hire. Up to 20 days of incentive leave can be provided.

Under Rule 01E .1807, the leave cannot be cashed out or transferred to other types of leave. The first two restrictions listed

above do not exist (and have not historically existed) in the Sign-On and Retention Bonus Policy. Unlike a sign-on bonus, incentive leave cannot be cashed out or transferred. There seems to be little reason to place more restrictions on an incentive bonus than on a sign-on bonus. Therefore, OSHR recommends eliminating from the incentive leave rules the restrictions that are not also found in the Sign-On and Retention Bonus Policy.

In 25 NCAC 01E .1809 the type of leave is corrected from vacation to incentive.

Comments may be submitted to: Denise H. Mazza, 333 Fayetteville Street, Raleigh, NC 27601; phone (984) 236-0823; email Blake.Thomas@nc.gov

Comment period ends: September 2, 2025

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES

SUBCHAPTER 01E - EMPLOYEE BENEFITS SECTION .1800 - INCENTIVE LEAVE

25 NCAC 01E .1809 USE OF LEAVE

~~Vacation~~ **Incentive** leave shall be taken only upon authorization of the agency head or designee.

Authority G.S. ~~126-4;~~ 126-4(5).

APPROVED RULES

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on April 24, 2025 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

RADIATION PROTECTION COMMISSION

| | | | | |
|---|----------|----|--------|-----------|
| <u>Scope</u> | 10A NCAC | 15 | .0101 | 39:05 NCR |
| <u>Compliance with Laws</u> | 10A NCAC | 15 | .0102 | 39:05 NCR |
| <u>Definitions</u> | 10A NCAC | 15 | .0103 | 39:05 NCR |
| <u>Incorporation By Reference</u> | 10A NCAC | 15 | .0104 | 39:05 NCR |
| <u>Designation of Authorized Representative of the Agency</u> | 10A NCAC | 15 | .0105 | 39:05 NCR |
| <u>Inspections and Tests</u> | 10A NCAC | 15 | .0106 | 39:05 NCR |
| <u>Impounding</u> | 10A NCAC | 15 | .0107 | 39:05 NCR |
| <u>Enforcement</u> | 10A NCAC | 15 | .0108 | 39:05 NCR |
| <u>Records</u> | 10A NCAC | 15 | .0109 | 39:05 NCR |
| <u>Prohibited Uses</u> | 10A NCAC | 15 | .0110 | 39:05 NCR |
| <u>Petitioning for Rulemaking</u> | 10A NCAC | 15 | .0112 | 39:05 NCR |
| <u>Tests for Special Form</u> | 10A NCAC | 15 | .0114 | 39:05 NCR |
| <u>Records</u> | 10A NCAC | 15 | .0115 | 39:05 NCR |
| <u>Tests</u> | 10A NCAC | 15 | .0116 | 39:05 NCR |
| <u>Incorporation By Reference</u> | 10A NCAC | 15 | .0117 | 39:05 NCR |
| <u>Optional Early Compliance with Section .1600</u> | 10A NCAC | 15 | .0118 | 39:05 NCR |
| <u>Specific Licenses: Sealed Sources in Industrial...</u> | 10A NCAC | 15 | .0306 | 39:05 NCR |
| <u>Packing and Transportation of Radioactive Material</u> | 10A NCAC | 15 | .0311* | 39:05 NCR |
| <u>Exemptions and Continued Regulatory Authority in...</u> | 10A NCAC | 15 | .0313* | 39:05 NCR |
| <u>General Licenses: Transportation</u> | 10A NCAC | 15 | .0316 | 39:05 NCR |
| <u>Specific Licenses: Sealed Sources in Industrial...</u> | 10A NCAC | 15 | .0323 | 39:05 NCR |
| <u>Reciprocal Recognition of Licenses</u> | 10A NCAC | 15 | .0345 | 39:05 NCR |
| <u>Preparation of Radioactive Material for Transport</u> | 10A NCAC | 15 | .0346 | 39:05 NCR |
| <u>Notices, Instructions, and Reports to Employees</u> | 10A NCAC | 15 | .1001* | 39:05 NCR |
| <u>Standards for Protection Against Radiation</u> | 10A NCAC | 15 | .1601* | 39:05 NCR |

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

| | | | | |
|---|---------|-----|-------|-----------|
| <u>Definitions</u> | 12 NCAC | 09A | .0103 | 39:06 NCR |
| <u>Basic Training - Juvenile Court Counselors and Chief Cour...</u> | 12 NCAC | 09B | .0235 | 39:12 NCR |
| <u>Basic Training - Juvenile Justice Officers</u> | 12 NCAC | 09B | .0236 | 39:12 NCR |
| <u>Personal History Statement</u> | 12 NCAC | 09C | .0201 | 39:12 NCR |
| <u>Medical History Statement</u> | 12 NCAC | 09C | .0202 | 39:12 NCR |
| <u>Medical Examination Report</u> | 12 NCAC | 09C | .0203 | 39:12 NCR |
| <u>Qualifications Appraisal Interview</u> | 12 NCAC | 09C | .0204 | 39:12 NCR |
| <u>Application for Certification Law Enforcement</u> | 12 NCAC | 09C | .0205 | 39:12 NCR |
| <u>Application for Award of Professional Certificate</u> | 12 NCAC | 09C | .0207 | 39:12 NCR |
| <u>Affidavit of Separation</u> | 12 NCAC | 09C | .0208 | 39:12 NCR |
| <u>Request for School Accreditation</u> | 12 NCAC | 09C | .0209 | 39:12 NCR |

APPROVED RULES

| | | | | |
|--|---------|-----|-------|-----------|
| <u>Pre-Delivery Report of Training Course Presentation</u> | 12 NCAC | 09C | .0211 | 39:12 NCR |
| <u>Student Course Completion Record</u> | 12 NCAC | 09C | .0213 | 39:06 NCR |
| <u>Request for Instructional Certificate</u> | 12 NCAC | 09C | .0214 | 39:02 NCR |
| <u>Professional Lecturer Certification</u> | 12 NCAC | 09C | .0215 | 39:06 NCR |
| <u>Recommendation for General Instructor Certification</u> | 12 NCAC | 09C | .0216 | 39:06 NCR |
| <u>FD-258-Fingerprint Card</u> | 12 NCAC | 09C | .0219 | 39:06 NCR |
| <u>Lateral Transfer of Law Enforcement Officers</u> | 12 NCAC | 09C | .0306 | 39:12 NCR |
| <u>Agency Retention of Records of Certification</u> | 12 NCAC | 09C | .0307 | 39:12 NCR |
| <u>Accreditation of Criminal Justice Schools</u> | 12 NCAC | 09C | .0401 | 39:06 NCR |
| <u>Reports of Training Course Presentation and Completion</u> | 12 NCAC | 09C | .0403 | 39:06 NCR |
| <u>Instructors: Annual In-Service Training</u> | 12 NCAC | 09E | .0104 | 39:12 NCR |
| <u>Failure to Complete Annual In-Service Training</u> | 12 NCAC | 09E | .0108 | 39:12 NCR |
| <u>Definitions</u> | 12 NCAC | 09G | .0102 | 39:12 NCR |
| <u>Employment Process: Documentation and Records Retention</u> | 12 NCAC | 09G | .0201 | 39:12 NCR |
| <u>Probationary Certification</u> | 12 NCAC | 09G | .0303 | 39:12 NCR |
| <u>Instructor Certification Renewal</u> | 12 NCAC | 09G | .0312 | 39:06 NCR |
| <u>Corrections Instructor Training Course</u> | 12 NCAC | 09G | .0313 | 39:12 NCR |

ENVIRONMENTAL MANAGEMENT COMMISSION

| | | | | |
|--|----------|-----|--------|-----------|
| <u>Definitions</u> | 15A NCAC | 02Q | .0303* | 39:13 NCR |
| <u>Applications</u> | 15A NCAC | 02Q | .0304* | 39:13 NCR |
| <u>Application Submittal Content</u> | 15A NCAC | 02Q | .0305* | 39:13 NCR |
| <u>Application Processing Schedule</u> | 15A NCAC | 02Q | .0312* | 39:13 NCR |
| <u>Definitions</u> | 15A NCAC | 02Q | .0503* | 39:13 NCR |
| <u>Application Submittal Content</u> | 15A NCAC | 02Q | .0505* | 39:13 NCR |
| <u>Application</u> | 15A NCAC | 02Q | .0507* | 39:13 NCR |
| <u>Minor Permit Modifications</u> | 15A NCAC | 02Q | .0515* | 39:13 NCR |
| <u>Application Processing Schedule</u> | 15A NCAC | 02Q | .0525* | 39:13 NCR |

SECRETARY OF STATE, DEPARTMENT OF THE

| | | | | |
|---|---------|-----|--------|-----------|
| <u>Definitions</u> | 18 NCAC | 07J | .0101* | 39:13 NCR |
| <u>Technology Providers Licensed Or Approved</u> | 18 NCAC | 07J | .0102 | 39:13 NCR |
| <u>Multiple Services</u> | 18 NCAC | 07J | .0103 | 39:13 NCR |
| <u>No Transfer of License or Approval</u> | 18 NCAC | 07J | .0104 | 39:13 NCR |
| <u>Permissible Provider Designations</u> | 18 NCAC | 07J | .0105 | 39:13 NCR |
| <u>Authorization Does Not Mean Endorsement</u> | 18 NCAC | 07J | .0106 | 39:13 NCR |
| <u>Timely Response Required</u> | 18 NCAC | 07J | .0107 | 39:13 NCR |
| <u>Subpoena or Warrant</u> | 18 NCAC | 07J | .0108* | 39:13 NCR |
| <u>Service Level Agreement</u> | 18 NCAC | 07J | .0109 | 39:13 NCR |
| <u>Advertising Restriction</u> | 18 NCAC | 07J | .0110* | 39:13 NCR |
| <u>Compliance with Technology Provider Protocols Required</u> | 18 NCAC | 07J | .0111 | 39:13 NCR |
| <u>Implementation Of Policies and Plans</u> | 18 NCAC | 07J | .0112 | 39:13 NCR |
| <u>Continuity of Service</u> | 18 NCAC | 07J | .0113 | 39:13 NCR |
| <u>When Provider May Use Information</u> | 18 NCAC | 07J | .0114 | 39:13 NCR |
| <u>When Provider May Retain Backup Copies of Data</u> | 18 NCAC | 07J | .0115* | 39:13 NCR |
| <u>Data Deletion Requirement</u> | 18 NCAC | 07J | .0116* | 39:13 NCR |
| <u>Notice of Material Change to Electronic Notary Solution</u> | 18 NCAC | 07J | .0201* | 39:13 NCR |
| <u>Implementation of Material Changes Prohibited Pending Dep...</u> | 18 NCAC | 07J | .0202* | 39:13 NCR |

APPROVED RULES

| | | | | |
|---|---------|-----|--------|-----------|
| <u>Notice to Department of Business Information Changes</u> | 18 NCAC | 07J | .0203 | 39:13 NCR |
| <u>Contents of Notice of Changes</u> | 18 NCAC | 07J | .0204 | 39:13 NCR |
| <u>Notice to Notaries of Planned Service Outages</u> | 18 NCAC | 07J | .0205* | 39:13 NCR |
| <u>Service Outage Notification to the Department</u> | 18 NCAC | 07J | .0206 | 39:13 NCR |
| <u>Notice to Notaries of Break In Service</u> | 18 NCAC | 07J | .0207 | 39:13 NCR |
| <u>Notice of Reportable Incident</u> | 18 NCAC | 07J | .0208* | 39:13 NCR |
| <u>Content of Notification to Department</u> | 18 NCAC | 07J | .0209 | 39:13 NCR |
| <u>Notification to Other Parties</u> | 18 NCAC | 07J | .0210 | 39:13 NCR |
| <u>Verification of Continuing Compliance</u> | 18 NCAC | 07J | .0211 | 39:13 NCR |
| <u>Timing of Verification of Continuing Compliance</u> | 18 NCAC | 07J | .0212 | 39:13 NCR |
| <u>Due Diligence</u> | 18 NCAC | 07J | .0213 | 39:13 NCR |
| <u>Signer of Verification</u> | 18 NCAC | 07J | .0214* | 39:13 NCR |
| <u>Notice To Department That Provider Will Not Review</u> | 18 NCAC | 07J | .0215 | 39:13 NCR |
| <u>Notice To Subscribers and Notaries of Nonrenewal</u> | 18 NCAC | 07J | .0216 | 39:13 NCR |
| <u>Application Process</u> | 18 NCAC | 07J | .0301* | 39:13 NCR |
| <u>Separate Applications for Each Solution Type</u> | 18 NCAC | 07J | .0302* | 39:13 NCR |
| <u>Application Fees</u> | 18 NCAC | 07J | .0303 | 39:13 NCR |
| <u>Binding Representations In Application</u> | 18 NCAC | 07J | .0304 | 39:13 NCR |
| <u>Limit on Designation of Trade Secret or Confidential Info...</u> | 18 NCAC | 07J | .0305 | 39:13 NCR |
| <u>Designation of Confidential or Trade Secret Information</u> | 18 NCAC | 07J | .0306 | 39:13 NCR |
| <u>Redacted Copy</u> | 18 NCAC | 07J | .0307 | 39:13 NCR |
| <u>Designation of Redacted Copy</u> | 18 NCAC | 07J | .0308 | 39:13 NCR |
| <u>Good Faith Basis for Confidential or Trade Secret Designa...</u> | 18 NCAC | 07J | .0309 | 39:13 NCR |
| <u>Sources of Confidential Information</u> | 18 NCAC | 07J | .0310 | 39:13 NCR |
| <u>Application Changes Prior To Licensure or Approval</u> | 18 NCAC | 07J | .0311 | 39:13 NCR |
| <u>Application Withdrawal</u> | 18 NCAC | 07J | .0312 | 39:13 NCR |
| <u>Application Resubmission</u> | 18 NCAC | 07J | .0313 | 39:13 NCR |
| <u>Notice of Department Decision</u> | 18 NCAC | 07J | .0314 | 39:13 NCR |
| <u>Timing of Submission of Application for Subsequent Author...</u> | 18 NCAC | 07J | .0315 | 39:13 NCR |
| <u>Contents of All Technology Provider Applications</u> | 18 NCAC | 07J | .0401 | 39:13 NCR |
| <u>Provider Name</u> | 18 NCAC | 07J | .0402* | 39:13 NCR |
| <u>Contact Information</u> | 18 NCAC | 07J | .0403* | 39:13 NCR |
| <u>Certification of Standing</u> | 18 NCAC | 07J | .0404 | 39:13 NCR |
| <u>Notary Services In other Jurisdictions</u> | 18 NCAC | 07J | .0405 | 39:13 NCR |
| <u>Compliance Contact</u> | 18 NCAC | 07J | .0406 | 39:13 NCR |
| <u>Compliance Contact Duties</u> | 18 NCAC | 07J | .0407 | 39:13 NCR |
| <u>Third-Party Vendors Included In Electronic Notary Solution</u> | 18 NCAC | 07J | .0408 | 39:13 NCR |
| <u>Third-Party Vendor Information</u> | 18 NCAC | 07J | .0409 | 39:13 NCR |
| <u>Supporting Vendors</u> | 18 NCAC | 07J | .0410 | 39:13 NCR |
| <u>Supporting Vendor Information</u> | 18 NCAC | 07J | .0411 | 39:13 NCR |
| <u>Vendors with Access to Notarial Transaction Data</u> | 18 NCAC | 07J | .0412 | 39:13 NCR |
| <u>Disclosure of Certifications and Compliance Reports</u> | 18 NCAC | 07J | .0413 | 39:13 NCR |
| <u>Disclosure of Debarment</u> | 18 NCAC | 07J | .0414 | 39:13 NCR |
| <u>Disclosure of Voluntary Exclusions in Lieu of Debarment</u> | 18 NCAC | 07J | .0415 | 39:13 NCR |
| <u>Disclosure of Civil Legal Actions</u> | 18 NCAC | 07J | .0416 | 39:13 NCR |
| <u>Content of Civil Legal Action Disclosures</u> | 18 NCAC | 07J | .0417 | 39:13 NCR |
| <u>Disclosure of Disciplinary Actions</u> | 18 NCAC | 07J | .0418 | 39:13 NCR |

APPROVED RULES

| | | | | |
|---|---------|-----|--------|-----------|
| <u>Content of Disciplinary Action Disclosures</u> | 18 NCAC | 07J | .0419 | 39:13 NCR |
| <u>Disclosure of Bankruptcy</u> | 18 NCAC | 07J | .0420 | 39:13 NCR |
| <u>Contents of Bankruptcy Disclosure</u> | 18 NCAC | 07J | .0421 | 39:13 NCR |
| <u>Website Information</u> | 18 NCAC | 07J | .0422 | 39:13 NCR |
| <u>IT Security Audit Summary</u> | 18 NCAC | 07J | .0423* | 39:13 NCR |
| <u>Solution Availability Required</u> | 18 NCAC | 07J | .0501 | 39:13 NCR |
| <u>Demonstration Content</u> | 18 NCAC | 07J | .0502 | 39:13 NCR |
| <u>Demonstration To Include Use of Solution in Notarial Tran...</u> | 18 NCAC | 07J | .0503 | 39:13 NCR |
| <u>Additional Demonstrations</u> | 18 NCAC | 07J | .0504 | 39:13 NCR |
| <u>Waiver of Demonstration Requirement</u> | 18 NCAC | 07J | .0505 | 39:13 NCR |
| <u>Scope</u> | 18 NCAC | 07J | .0601 | 39:13 NCR |
| <u>Notary Account Access</u> | 18 NCAC | 07J | .0602 | 39:13 NCR |
| <u>Require Notary Multi-Factor</u> | 18 NCAC | 07J | .0603 | 39:13 NCR |
| <u>Inactivity Warning Timing</u> | 18 NCAC | 07J | .0604 | 39:13 NCR |
| <u>Provider Action After Warning</u> | 18 NCAC | 07J | .0605 | 39:13 NCR |
| <u>Technology Provider Web Page</u> | 18 NCAC | 07J | .0606 | 39:13 NCR |
| <u>Single Link and Submission to Department</u> | 18 NCAC | 07J | .0607* | 39:13 NCR |
| <u>Website Content</u> | 18 NCAC | 07J | .0608* | 39:13 NCR |
| <u>Updating Single Link URL</u> | 18 NCAC | 07J | .0609 | 39:13 NCR |
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| <u>Contingency Plan Requirement</u> | 18 NCAC | 07J | .0628 | 39:13 NCR |
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| <u>Notary Access To Journal</u> | 18 NCAC | 07J | .0811 | 39:13 NCR |
| <u>Termination of Relationship with Notary</u> | 18 NCAC | 07J | .0812 | 39:13 NCR |
| <u>Supplemental Journal Entries</u> | 18 NCAC | 07J | .0813 | 39:13 NCR |
| <u>Access Limited</u> | 18 NCAC | 07J | .0901 | 39:13 NCR |
| <u>View of Document</u> | 18 NCAC | 07J | .0902 | 39:13 NCR |
| <u>Video Standards</u> | 18 NCAC | 07J | .0903 | 39:13 NCR |
| <u>Video Customization Standard</u> | 18 NCAC | 07J | .0904* | 39:13 NCR |
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| <u>Depository Requirements</u> | 18 NCAC | 07J | .1001 | 39:13 NCR |
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| <u>Session Record Presumption</u> | 18 NCAC | 07J | .1004 | 39:13 NCR |
| <u>Session Identifier</u> | 18 NCAC | 07J | .1005* | 39:13 NCR |
| <u>Searchable Session Record Fields</u> | 18 NCAC | 07J | .1006* | 39:13 NCR |
| <u>Session Record Unchanged</u> | 18 NCAC | 07J | .1007 | 39:13 NCR |
| <u>Storage Locations</u> | 18 NCAC | 07J | .1008 | 39:13 NCR |
| <u>Time Limit for Transfer From Depository</u> | 18 NCAC | 07J | .1009 | 39:13 NCR |
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| <u>Requirements For Authorization to Provide IPEN Services</u> | 18 NCAC | 07J | .1301 | 39:13 NCR |
| <u>Duration of IPEN Solution Approval</u> | 18 NCAC | 07J | .1302 | 39:13 NCR |
| <u>Application Form for IPEN Services</u> | 18 NCAC | 07J | .1303 | 39:13 NCR |
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| <u>Application Requirements for IPEN Provider Key Individuals</u> | 18 NCAC | 07J | .1305 | 39:13 NCR |
| <u>Frequency of Criminal History Record Checks for Key Individ...</u> | 18 NCAC | 07J | .1306* | 39:13 NCR |
| <u>When More Frequent Criminal History Record Checks Required</u> | 18 NCAC | 07J | .1307 | 39:13 NCR |
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| <u>Platform Functions for Traditional Notary</u> | 18 NCAC | 07J | .1402 | 39:13 NCR |
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| <u>Verification of Notary Status</u> | 18 NCAC | 07J | .1413 | 39:13 NCR |
| <u>Inability to Verify Electronic Notary Status</u> | 18 NCAC | 07J | .1414 | 39:13 NCR |
| <u>Platform Access for Notary Not in Active Status</u> | 18 NCAC | 07J | .1415 | 39:13 NCR |
| <u>Verification Prior To Remotely Administering Judicial Oat...</u> | 18 NCAC | 07J | .1416* | 39:13 NCR |
| <u>When Provider May Re-Enable</u> | 18 NCAC | 07J | .1417 | 39:13 NCR |
| <u>Format Session Record</u> | 18 NCAC | 07J | .1418 | 39:13 NCR |
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| <u>Platform Provider Calculations of Monthly Fee Remission O...</u> | 18 NCAC | 07J | .1421* | 39:13 NCR |
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| <u>Fee Remission Log Contents</u> | 18 NCAC | 07J | .1425* | 39:13 NCR |
| <u>Fee Remission Log Retention</u> | 18 NCAC | 07J | .1426 | 39:13 NCR |
| <u>Additional Platform Disclosures</u> | 18 NCAC | 07J | .1427 | 39:13 NCR |
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| <u>Application Form for Platform License</u> | 18 NCAC | 07J | .1503 | 39:13 NCR |
| <u>Identification of Key Individuals</u> | 18 NCAC | 07J | .1504 | 39:13 NCR |
| <u>Application Requirements for Platform Key Individuals</u> | 18 NCAC | 07J | .1505 | 39:13 NCR |
| <u>Frequency of Criminal History Record Checks for Key Individ...</u> | 18 NCAC | 07J | .1506* | 39:13 NCR |
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| <u>Section Definitions</u> | 18 NCAC | 07J | .1601 | 39:13 NCR |
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| <u>Identity Proofing Solution Trial-General</u> | 18 NCAC | 07J | .1802 | 39:13 NCR |
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| <u>Frequency of Identity Proofing Solution Trials</u> | 18 NCAC | 07J | .1805 | 39:13 NCR |
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| <u>Re-Taking of Quiz by Individual</u> | 18 NCAC | 07J | .1808* | 39:13 NCR |
| <u>Notice of Identity Proofing Methods and Outcomes</u> | 18 NCAC | 07J | .1809* | 39:13 NCR |
| <u>Verification Data Confidential</u> | 18 NCAC | 07J | .1810* | 39:13 NCR |
| <u>Data Storage Prohibited for Identity Proofing Solution</u> | 18 NCAC | 07J | .1811 | 39:13 NCR |
| <u>Additional Identity Proofing Disclosures</u> | 18 NCAC | 07J | .1812 | 39:13 NCR |
| <u>Content of Additional Identity Proofing Disclosures</u> | 18 NCAC | 07J | .1813 | 39:13 NCR |
| <u>Identity Proofing Disclosures Format</u> | 18 NCAC | 07J | .1814* | 39:13 NCR |
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| <u>Duration of Storage for Custodian</u> | 18 NCAC | 07J | .2007 | 39:13 NCR |
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| <u>Session Record Deletion by Custodian Upon Transfer</u> | 18 NCAC | 07J | .2009* | 39:13 NCR |
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| <u>Mandatory Extended Retention of Session Record Upon Not...</u> | 18 NCAC | 07J | .2012* | 39:13 NCR |
| <u>Deletion Upon Expiration of Mandatory Extended Retention</u> | 18 NCAC | 07J | .2013 | 39:13 NCR |
| <u>Deletion of Session Entry in Log</u> | 18 NCAC | 07J | .2014 | 39:13 NCR |
| <u>Session Record Log Retention by Custodian</u> | 18 NCAC | 07J | .2015 | 39:13 NCR |
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| <u>Notice of Cessation of Custodial Services</u> | 18 NCAC | 07J | .2018* | 39:13 NCR |
| <u>Custodian Continuity of Services</u> | 18 NCAC | 07J | .2019 | 39:13 NCR |
| <u>Additional Custodian Disclosures</u> | 18 NCAC | 07J | .2020* | 39:13 NCR |
| <u>Content of Additional Custodian</u> | 18 NCAC | 07J | .2021* | 39:13 NCR |
| <u>Custodian Disclosure Format</u> | 18 NCAC | 07J | .2022* | 39:13 NCR |
| <u>Requirements for Authorization to Provide Custodial Services</u> | 18 NCAC | 07J | .2101 | 39:13 NCR |
| <u>Duration of Custodian Approval</u> | 18 NCAC | 07J | .2102 | 39:13 NCR |
| <u>Application Form for Custodial Services</u> | 18 NCAC | 07J | .2103* | 39:13 NCR |
| <u>Scope</u> | 18 NCAC | 07J | .2201* | 39:13 NCR |
| <u>Custodial Notary Deemed Approved</u> | 18 NCAC | 07J | .2202* | 39:13 NCR |
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| <u>Custodial Notary Annual Verification Form</u> | 18 NCAC | 07J | .2209* | 39:13 NCR |
| <u>Submission of Annual Verification</u> | 18 NCAC | 07J | .2210 | 39:13 NCR |
| <u>Final Custodial Notary Verification</u> | 18 NCAC | 07J | .2211 | 39:13 NCR |
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| <u>Change of Funeral Establishment Manager</u> | 21 NCAC | 34B | .0619* | 39:12 NCR |
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| <u>Delivery of Instruments</u> | 21 NCAC | 58A | .0106* | 39:14 NCR |
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| <u>Policies and Procedures Disclosure</u> | 21 NCAC | 58H | .0204* | 39:14 NCR |
| <u>Advertising and Recruitment Activities</u> | 21 NCAC | 58H | .0206* | 39:14 NCR |
| <u>Expiration and Renewal of Provider Certification</u> | 21 NCAC | 58H | .0209* | 39:14 NCR |
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The following rules are subject to Legislative Review.

MARINE FISHERIES COMMISSION

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| <u>Pots</u> | 15A NCAC | 03J | .0301* | 39:07 NCR |
| <u>False Albacore</u> | 15A NCAC | 03M | .0523* | 39:07 NCR |

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 15 .0101 SCOPE

(a) Except as otherwise specifically provided, these Rules apply to all persons who receive, possess, use, transfer, own, or acquire any source of radiation within the State of North Carolina.

(b) Nothing in these Rules shall apply to any person to the extent any person is subject to regulation by the United States Nuclear Regulatory Commission.

(c) Regulation by the State of North Carolina of source material, byproduct material, and special nuclear material, in quantities not sufficient to form a critical mass, is subject to the provisions of the "Agreement Between the United States Atomic Energy Commission and the State of North Carolina for Discontinuance of Certain Commission Regulatory and Responsibility within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended" under provisions of Public Law 86-373, as amended, and 10 CFR Part 150.

History Note: Authority G.S. 104E-2; 104E-7; 104E-10; 104E-12(a); Eff. February 1, 1980; Transferred and Recodified from 10 NCAC 03G .2201 Eff. January 4, 1990; Amended Eff. June 1, 1993; Transferred and Recodified from 15A NCAC 11 .0101 Eff. February 1, 2015; Readopted Eff. May 1, 2025.

10A NCAC 15 .0102 COMPLIANCE WITH LAWS

Nothing in these Rules shall relieve any person of responsibility for complying with other pertinent North Carolina laws and rules.

History Note: Authority G.S. 104E-7; Eff. February 1, 1980; Transferred and Recodified from 10 NCAC 3G .2202 Eff. January 4, 1990; Amended Eff. May 1, 1993; Transferred and Recodified from 15A NCAC 11 .0102 Eff. February 1, 2015; Readopted Eff. May 1, 2025.

10A NCAC 15 .0103 DEFINITIONS

(a) As used in the rules of this Chapter, persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, and persons licensed under the rules in Sections .0300, .0900, .1200, and .1300 of this Chapter, the following definitions apply:

- (1) "Act" means North Carolina Radiation Protection Act as defined in G.S. 104E-1.

- (2) "Agency" means the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Radiation Protection Section.
- (3) "Authorized representative of the agency" means an employee of the agency.
- (4) "Annually" means either:
 - (A) at intervals not to exceed 12 consecutive months; or
 - (B) once per year at the same time each year (completed during the same month each year over a period of multiple years).
- (5) "Calendar month" means January, February, March, April, May, June, July, August, September, October, November, or December.
- (6) "Calendar year" means the period of time between 12:00:00 am January 1 to 11:59:59 pm December 31.
- (7) "Calibration" means the determination of the reading or response of an instrument to known radiation values over the range of the instrument, or the strength of a source of radiation relative to a standard.
- (8) "CFR" means Code of Federal Regulations.
- (9) "Commission" has the meaning as defined in G.S. 104E-5(5), except as stated in Paragraph (c) of this Rule.
- (10) "Department" has the meaning as defined in G.S. 104E-5(6) except as stated in Paragraph (c) of this Rule.
- (11) "Exposure rate" means the exposure per unit of time, such as R/min and mR/h.
- (12) "Human use" means the internal or external administration of radiation or radioactive materials to human beings.
- (13) "Inspection" means an examination or observation by an authorized representative of the agency to determine compliance with rules, orders, requirements, and conditions of the agency or the Commission.
- (14) "Monthly" means once every calendar month.
- (15) "Natural radioactivity" means radioactivity of naturally occurring nuclides.
- (16) "Person" has the same meaning as defined in G.S. 104E-5(11).
- (17) "Quarterly" means four times per calendar year, and:
 - (A) at intervals not to exceed 13 weeks; or
 - (B) once per month during the months of January, April, July, and October; or

- (C) once per month during the months of February, May, August, and November; or
 - (D) once per month during the months of March, June, September, and December.
- (18) "Radiation" except as otherwise defined in Section .1400 of this Chapter, has the meaning as defined in G.S. 104E-5(12).
- (19) "Semiannually" means twice per calendar year at six month intervals.
- (20) "SI unit" means a unit of measure from the International System of Units as established by the General Conference of Weights and Measures.
- (21) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing radiation.
- (22) "State" means the State of North Carolina.
- (23) "These Rules" means Chapter 10 of this Title.
- (b) As used in the rules of this Chapter, persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, the following definitions shall apply:
- (1) "Clinical study" means human use of a radiation machine for research and development. The terms "clinical investigation", "clinical research", "research", and "study" also mean "clinical study".
 - (2) "Consulting" means providing professional technical advice on radiological matters by an expert registered with the agency in accordance with Rule .0205 of this Chapter.
 - (3) "Facility" means the location at which one or more radiation machines or sources of radiation are installed or located within one building, at one address or vehicle, and are under the same administrative control.
 - (4) "Healing arts" means the art or science of diagnostic examination using a source of radiation in the diagnosis or treatment of human or animal diseases.
 - (5) "Individual responsible for radiation protection" means a person who has the knowledge and responsibility to apply appropriate radiation protection rules, for persons registered with the agency in accordance with Section .0200 of this Chapter, commensurate with the scope of the activities authorized by the registrant.
 - (6) "Install or installation" means the assembly, placement, initial calibration, operational testing, or other actions that allow a radiation machine to be used in a new location or after being moved from one location to another.
 - (7) "Licensed practitioner" means a person authorized to order diagnostic exams that use radiation machines for diagnosing or treatment of human or animal diseases. The person shall be:
 - (A) a physician in accordance with Subparagraph (8) of this Paragraph; or
 - (B) licensed by the appropriate licensing board in North Carolina pursuant to G.S. Chapter 90 to provide professional services in chiropractic, dentistry, podiatry, and veterinary medicine.
- (8) "Physician" means a person licensed to practice medicine in North Carolina pursuant to G.S. Chapter 90, Article 1.
- (9) "Radiation machine" has the same meaning as defined in G.S. 104E-5(13).
- (10) "Registrant" means any person who is registered with the agency, after completing the registration process, in accordance with Rule .0203 of this Chapter.
- (11) "Registration" means the process of registration, with the agency, by completing and submitting agency forms in accordance with Rules .0203 and .0205 of this Chapter.
- (12) "Registered" means a facility or service provider that has completed the registration process in accordance with Rules .0203 and .0205 of this Chapter and has been issued a Notice of Registration in accordance with Rule .0207 of this Chapter.
- (13) "Research and development" means:
 - (A) theoretical analysis, exploration, or experimentation; or
 - (B) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.
- (14) "Service" means calibration, conversion, repair, routine maintenance, or other testing performed on a radiation machine, x-ray system or subsystem, or source of radiation, other than those actions taken during installation.
- (15) "Service Provider" means any person engaged in equipment services included in Rule .0205(d) of this Chapter.
- (c) Definitions of certain other words and phrases as used in these Rules are set forth in Sections .0300, .0500, .0600, .0800, .1000, .1200, .1300, .1400, .1600, and .1700 of this Chapter.
- (d) To reconcile differences between the rules of this Chapter and the incorporated sections of Federal regulations and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of the Federal regulations:
- (1) With the exception of 10 CFR 30.4 and in the definition of Special Nuclear Material, a reference to "NRC" or "Commission" means the "Agency".
 - (2) A reference to "NRC or agreement state" means the "Agency or agreement state".

- (3) In 10 CFR 40.4 and 70.4, in the definition of "Special Nuclear Material", the sentence "and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material", remains preserved as implemented by G.S. 104E-5.(16).
- (4) In 10 CFR 30.18(d), 30.32(g), 31.5(b)(1)(ii), 31.5(c)(3)(ii), 31.5(c)(8)(i), 31.6, 31.7(a), 31.10(a), 1.10(b)(1), 31.12(c)(4), 32.13, 32.51(a), 32.51(c), 32.56, 32.59, 32.72(b)(5)(ii), 40.13(c)(10), 40.22(e), 40.25(b), 40.25(d)(3), 40.54, 40.55(c), (c)(1), (d)(1)(ii), (d)(2) and (d)(3), where a reference is made to "an Agreement State", it means "an Agreement State or the NRC".
- (5) In 10 CFR 31.6, where the words "any non-agreement state" or "offshore waters" are used, substitute the words "State of North Carolina,".
- (6) In 10 CFR 70.19(a)(1) and 70.19(c)(3), the term "Commission or the Atomic Energy Commission" remains and does not mean the Agency or have the same definition shown in G.S. 104E-5(5). In 10 CFR 70.42(b)(1), the word "Department" means the "U.S. Department of Energy".
- (7) "Written directive," except as defined in Rule .0307 of this Chapter, means an order in writing for a specific patient or human research subject dated and signed by an authorized user prior to the administration of radiation therapy through the use of a licensed accelerator that contains the patient or human research subject's name and the following information:
 - (A) total dose;
 - (B) dose per fraction;
 - (C) treatment site, and
 - (D) number of fractions.
- (D) Subpart A 1000.15, "Examples of electronic products subject to the Radiation Control for Health and Safety Act of 1968;"
- (E) Part 1002, "Records and Reports;"
- (F) Subpart A 1002.1(a) and (c)(4), "Applicability;"
- (G) Subpart D 1002.31, "Preservation and inspection of records;"
- (H) Part 1003, "Notification of Defects of Failures to Comply;"
- (I) Subpart A 1003.1, "Applicability;"
- (J) Subpart A 1003.2, "Defect in an electronic product;"
- (K) Subpart C 1003.21, "Notification by the manufacturer to affected persons;"
- (L) Part 1010, "Performance Standards for Electronic Products - General;"
- (M) Subpart A 1010.1, "Scope;"
- (N) Subpart A 1010.2(a),(b), and (d), "Certification;"
- (O) Subpart A 1010.3, "Identification;"
- (P) Subpart A 1010.4(a) and (d), "Variances;"
- (Q) Part 1020, "Performance Standards for Ionizing Radiation Emitting Products;"
- (R) Section 1020.20, "Cold-cathode gas discharge tubes;"
- (S) Section 1020.30, "Diagnostic x-ray systems and their main components;"
- (T) Section 1020.31, "Radiographic equipment;"
- (U) Section 1020.32, "Fluoroscopic equipment;" and
- (V) Section 1020.33, "Computed tomography (CT) equipment."
- (2) "Agreement Between the United States Atomic Energy Commission and the State of North Carolina for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended," signed July 21, 1964.

(b) The rules, standards and other requirements incorporated by reference in Paragraph (a) of this Rule are available free of charge at:

- (1) <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-J> for Part (a)(1)(A) through (a)(1)(V) of this Rule, and
- (2) https://www.nrc.gov/cdn/nmss/pdf/nc_agreements.pdf for the agreement between the NRC and the State of North Carolina.

History Note: Authority G.S. 104E-7(a)(2); 104E-15(a) and (b)(1); 104E-25(b); 150B-19(5)(b); 150B-21.6; Eff. February 1, 1980; Amended Eff. November 1, 1989; June 1, 1989; October 1, 1984;

History Note: Authority G.S. 104E-7(a); 10 CFR 20.1003; Eff. February 1, 1980; Transferred and Recodified from 10 NCAC 3G .2203 Eff. January 4, 1990; Transferred and Recodified from 15A NCAC 11 .0103 Eff. February 1, 2015; Readopted Eff. May 1, 2025.

10A NCAC 15 .0104 INCORPORATION BY REFERENCE

(a) For purposes of the rules in this Chapter, the following rules, standards, and other requirements are hereby incorporated by reference including any subsequent amendments and editions:

- (1) The following parts of 21 CFR Subchapter J:
 - (A) Part 1000, "General;"
 - (B) Subpart A 1000.1, "General Provisions - General;"
 - (C) Subpart A 1000.3(a) through (j),(k),(1), and (n) through (t), "Definitions;"

Transferred and Recodified from 10 NCAC 03G .2204 Eff. January 4, 1990;
Amended Eff. January 1, 1994; May 1, 1992;
Temporary Amendment Eff. August 20, 1994, for a Period of 180 Days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. October 1, 2013; November 1, 2007; May 1, 2006; January 1, 2005; August 1, 2002; April 1, 1999; August 1, 1998; May 1, 1995;
Transferred and Recodified from 15A NCAC 11 .0104 Eff. February 1, 2015;
Readopted Eff. May 1, 2025.

10A NCAC 15 .0105 DESIGNATION OF AUTHORIZED REPRESENTATIVE OF THE AGENCY

- (a) When an employee of the agency is qualified and is specifically designated by the agency, the employee shall be an authorized representative of the agency to conduct inspections, tests, or surveys.
- (b) The agency may designate an individual registered in accordance with Section .0200 of this Chapter to provide Class I through Class IX services, to conduct tests or surveys while being supervised by an authorized representative of the agency.

History Note: Authority G.S. 104E-7;
Eff. February 1, 1980;
Amended Eff. June 1, 1989;
Transferred and Recodified from 10 NCAC 03G .2205 Eff. January 4, 1990;
Amended Eff. October 1, 2013; May 1, 1993;
Transferred and Recodified from 15A NCAC 11 .0105 Eff. February 1, 2015;
Readopted Eff. May 1, 2025.

10A NCAC 15 .0106 INSPECTIONS AND TESTS

- (a) Inspections. At all times during hours of operation, each licensee and registrant shall:
 - (1) allow authorized representatives of the agency the opportunity to inspect any radiation machine or source of radiation and the facility or premises where any radiation machine or source of radiation is used or stored; and
 - (2) make available to the agency for inspection, upon notice, records maintained pursuant to the rules in this Chapter.
- (b) Tests. Each licensee and registrant shall perform, or shall permit the agency to perform, upon instructions from the agency such tests as the agency deems appropriate or necessary of any:
 - (1) radiation machine or source of radiation;
 - (2) facility wherein any radiation machine or source of radiation is used or stored;
 - (3) radiation detection and monitoring instruments; and
 - (4) other equipment and devices used in connection with the utilization or storage of any radiation machine or source of radiation.

History Note: Authority G.S. 104E-7; 104E-7(a)(2); 104E-11(a);

Eff. February 1, 1980;
Transferred and Recodified from 10 NCAC 3G .2206 Eff. January 4, 1990;
Amended Eff. June 1, 1993;
Transferred and Recodified from 15A NCAC 11 .0106 Eff. February 1, 2015;
Readopted Eff. May 1, 2025.

10A NCAC 15 .0107 IMPOUNDING

Radiation machines and sources of radiation are subject to impounding in the event of an emergency or by order of impounding of radiation machines and sources of radiation, in the possession of any person who fails to follow the rules of this Chapter, by an authorized representative of the agency.

History Note: Authority G.S. 104E-14;
Eff. February 1, 1980;
Amended Eff. November 1, 1989;
Transferred and Recodified from 10 NCAC 3G .2207 Eff. January 4, 1990;
Amended Eff. May 1, 1993;
Transferred and Recodified from 15A NCAC 11 .0107 Eff. February 1, 2015;
Readopted Eff. May 1, 2025.

10A NCAC 15 .0108 ENFORCEMENT

- (a) Any person or entity is subject to administrative penalties each day of a continuing violation for the following:
 - (1) failing to comply with any rules of this Chapter; or
 - (2) refusing to allow an inspection, in accordance with Rule .0106(a) of this Section, or impounding, in accordance with Rule .0107 of this Section.
- (b) Each day of a continuing violation constitutes a separate violation and the penalty shall not exceed ten thousand dollars (\$10,000) per day, pursuant to the provisions of the Act.

History Note: Authority G.S. 104E-2; 104E-7; 104E-11; 104E-14; 104E-(24);
Eff. February 1, 1980;
Transferred and Recodified from 10 NCAC 3G .2208 Eff. January 4, 1990;
Amended Eff. June 1, 1993;
Transferred and Recodified from 15A NCAC 11 .0108 Eff. February 1, 2015;
Readopted Eff. May 1, 2025.

10A NCAC 15 .0109 RECORDS

- (a) Each registrant shall maintain records documenting:
 - (1) the receipt, transfer, and disposal of all radiation machines and sources of radiation;
 - (2) operator training; and
 - (3) additional record requirements specified elsewhere in the rules of this Chapter.
- (b) These records shall be made available for agency review during inspection or upon agency request.

History Note: Authority G.S. 104E-7; 104E-12(a);

Eff. February 1, 1980;
Transferred and Recodified from 10 NCAC 3G .2210 Eff. January 4, 1990;
Transferred and Recodified from 15A NCAC 11 .0109 Eff. February 1, 2015;
Readopted Eff. May 1, 2025.

10A NCAC 15 .0110 PROHIBITED USES

The agency prohibits the use of the following:

- (1) demonstration or training of radiation machines or sources of radiation without providing engineered protective barriers or implementing administrative protective controls to change work policies, practices, and procedures that will ensure exposure to radiation does not exceed dose limits in Rule .1601(a) of this Chapter;
- (2) hand-held radiation machines used for diagnostic exams, ordered by a licensed practitioner as defined in Rule .0103(b)(7) of this Section, in the diagnosing or treatment of human or animal diseases, except for dental hand-held equipment authorized for use by the agency;
- (3) hand-held fluoroscopic screens;
- (4) shoe-fitting fluoroscopic devices;
- (5) dental fluoroscopy without image intensification; and
- (6) non-intensified photofluorographic equipment.

History Note: Authority G.S. 104E-7;
Eff. February 1, 1980;
Amended Eff. June 1, 1989;
Transferred and Recodified from 10 NCAC 3G .2211 Eff. January 4, 1990;
Transferred and Recodified from 15A NCAC 11 .0110 Eff. February 1, 2015;
Readopted Eff. May 1, 2025.

10A NCAC 15 .0112 PETITIONING FOR RULEMAKING

(a) Except for petitions regarding the rules in Section .1100 of this Chapter, any person wishing to submit a petition for rulemaking requesting the adoption, amendment, or repeal of a rule in this Chapter shall address the petition to the Radiation Protection Commission, care of the Radiation Protection Section, and submit the petition to one of the addresses shown in Rule .0111(a) of this Section. A petition for adoption, amendment, or repeal of a rule in Section .1100 of this Chapter shall be addressed to the Department of Health and Human Services, care of the Radiation Protection Section, and submitted to one of the addresses shown in Rule .0111(a) of this Section.

(b) Petitions to adopt a new rule, or to amend or repeal an existing rule shall contain the following information:

- (1) the proposed text of the new rule or the proposed text amending a rule. If the petition is for the repeal of a rule, the petitioner shall not be required to submit proposed rule text;

- (2) statutory authority supporting the new rule, or amending or repealing a rule;
- (3) reason for the proposed rulemaking action;
- (4) effect of the proposed rule change on existing rules;
- (5) effect of the proposed rule change on existing practices;
- (6) information supporting the proposed rulemaking;
- (7) effect of the proposed rule change on the regulated community and the public; and
- (8) name and contact information of the petitioner.

(c) The agency shall determine if the petitioned rule change is authorized under Chapter 104E of the Act. The agency shall maintain a record of this review.

(d) Petitions failing to contain the information required by Subparagraphs (b)(1) through (b)(7) of this Rule and petitions for rulemaking activities that are not authorized by Chapter 104E of the Act as determined by the agency under Paragraph (c) of this Rule shall be denied and the petitioner shall be notified by the agency of this decision and the reason for this decision if the information required by Subparagraph (b)(8) of this Rule is provided in the petition. Denial of a petition for failing to contain the information required by Paragraph (b) of this Rule shall not preclude resubmitting a corrected petition.

(e) Except for petitions denied in accordance with Paragraph (d) of this Rule, the agency shall send the petition to the Department of Health and Human Services (Department). The Department shall provide copies of the documents required by G.S 150B-20(a) to the Office of Administrative Hearings.

(f) Except for petitions denied in accordance with Paragraph (d) of this Rule, and petitions for changes to the rules in Section .1100 of this Chapter, the agency shall submit the rulemaking petition to the Radiation Protection Commission (Commission). The agency may include written recommendations to the Commission endorsing or not endorsing the petition for rulemaking when it submits the petition to the Commission.

(g) The Commission shall grant or deny a rulemaking petition within the time requirements of G.S. 150B-20(b). The Commission shall grant or deny a rulemaking petition based on the requirements of G.S. 104E-7(a). The petitioner shall be notified in writing of this decision and the reason for this decision if the information required by Subparagraph (b)(8) of this Rule is provided in the petition. If the Commission grants the rulemaking petition the Commission shall initiate rulemaking proceedings.

(h) Except for petitions denied in accordance with Paragraph (d) of this Rule, the agency shall submit petitions for changes to the Rules in Section .1100 of this Chapter to the Department. The agency may include written recommendations to the Department endorsing or not endorsing the petition for rulemaking when it submits the petition to the Department.

(i) The Department shall grant or deny a rulemaking petition regarding the Rules in Section .1100 of this Chapter within the time requirements of G.S. 150B-20(b). The Department shall grant or deny a rulemaking petition regarding the Rules in Section .1100 of this Chapter based on the requirements of G.S. 104E-19. The petitioner shall be notified in writing of this decision and the reason for this decision if the information required by Subparagraph (b)(8) of this Rule is provided in the petition. If the

Department grants the rulemaking petition the Department shall initiate rulemaking proceedings.

(j) Failure of the Commission or the Department to grant or deny a rulemaking petition within the time limit set in this Rule is a denial of the petition for rulemaking.

(k) Denial of a rulemaking petition is a final agency decision and is subject to judicial review as specified by G.S. 150B-20(d).

History Note: Authority G.S. 104E-7; 104E-15; Eff. February 1, 1980; Amended Eff. November 1, 1989; Transferred and Recodified from 10 NCAC 3G .2213 Eff. January 4, 1990; Transferred and Recodified from 15A NCAC 11 .0112 Eff. February 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Amended Eff. May 1, 2025.

**10A NCAC 15 .0114 TESTS FOR SPECIAL FORM
10A NCAC 15 .0115 RECORDS
10A NCAC 15 .0116 TESTS**

History Note: Authority G.S. 104E-7; 104E-7(2); 104E-11(a); 104E-12(a); 104E-15; Eff. February 1, 1980; Amended Eff. November 1, 1989; Transferred and Recodified from 10 NCAC 3G .2215 - 2217 Eff. January 4, 1990; Amended Eff. May 1, 1993; Transferred and Recodified from 15A NCAC 11 .0114 - .0116 Eff. February 1, 2015; Repealed Eff. May 1, 2025.

10A NCAC 15 .0117 INCORPORATION BY REFERENCE

History Note: Authority G.S. 104E-7; 104E-15(a); 104E-25(b); 150B-19(5)(b); 150B-21.6; Eff. June 1, 1993; Temporary Amendment Eff. August 20, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Amended Eff. October 1, 2013; November 1, 2007; August 1, 2002; April 1, 1999; August 1, 1998; May 1, 1995; Transferred and Recodified from 15A NCAC 11 .0117 Eff. February 1, 2015; Repealed Eff. May 1, 2025.

10A NCAC 15 .0118 OPTIONAL EARLY COMPLIANCE WITH SECTION .1600

History Note: Authority G.S. 104E-7(a)(2); 104E-12(a); Eff. May 1, 1993; Transferred and Recodified from 15A NCAC 11 .0118 Eff. February 1, 2015; Repealed Eff. May 1, 2025.

10A NCAC 15 .0306 SPECIFIC LICENSES: SEALED SOURCES IN INDUSTRIAL RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

(a) Persons conducting industrial radiography using radioactive materials shall comply with the requirements of 10 CFR 34, which are hereby incorporated by reference including subsequent amendments and editions, except for: 10 CFR 34.5, 34.8, 34.121, and 34.123. Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part034/>.

(b) Applications required by 10 CFR 34 shall be made on forms provided by the agency. Applications and supporting material shall be submitted to the agency by e-mail to Licensing.RAM@dhhs.nc.gov, or mailed to the address shown in Rule .0111 of this Chapter in lieu of the NRC:

- (1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The following information shall appear on the application:
 - (A) legal business name and mailing address;
 - (B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;
 - (C) the name, telephone number, and e-mail address of the Radiation Safety Officer;
 - (D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is the same as the Radiation Safety Officer, the application shall so state;
 - (E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;
 - (F) if the application is for the renewal of an existing license, the license number shall be provided on the application;
 - (G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and
 - (H) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.
- (2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and

Accelerator Licenses. The following information shall appear on the application:

- (A) the license number;
- (B) amendment number of the current license;
- (C) expiration date of the license;
- (D) licensee name as it currently appears on the license;
- (E) the name, telephone number, and e-mail address of the Radiation Safety Officer;
- (F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application may be left blank;
- (G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;
- (H) explanation of the action requested; and
- (I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

- (3) Applications specified in this Rule are available at:
[www.ncradiation.net/rms/rmsforms2.htm\(Rev 01\).htm](http://www.ncradiation.net/rms/rmsforms2.htm(Rev 01).htm)

(c) Reports of leaking sealed sources required by 10 CFR 34.27 shall be made to the agency at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC.

(d) Notifications required by 10 CFR 34.101, including notifications of source disconnects, shall be made to the agency at the address shown in Rule .0111(a) of this Chapter in lieu of the NRC. In addition to the information required by 10 CFR 34.101(b), notifications of devices with failed or worn through S-tubes shall contain the serial number and storage location of the device, whether the device has been disposed of or returned to the manufacturer, and whether personnel contamination occurred.

(e) Requests for exemption under 10 CFR 34.111 shall be made to the agency as specified in Paragraph (b) of this Rule.

History Note: Authority G.S. 104E-7; 104E-10(b); Eff. February 1, 1980; Amended Eff. January 1, 2005; Transferred and Recodified from 15A NCAC 11 .0306 Eff. February 1, 2015; Readopted Eff. May 1, 2025.

10A NCAC 15 .0311 PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

(a) All persons packaging, preparing for transport, or transporting radioactive materials shall comply with the provisions of 10 CFR 71, which are hereby incorporated by reference including subsequent amendments and editions, as follows;

- (1) 10 CFR 71.0, "Purpose and scope;"
- (2) 10 CFR 71.1, "Communications and records;" except that communications, notices, and reports required by this Rule shall be sent to the addresses shown in Rule .0111 of this Chapter unless directed otherwise by the agency, in lieu of the NRC;
- (3) 10 CFR 71.3, "Requirement for license;"
- (4) 10 CFR 71.4, "Definitions;"
- (5) 10 CFR 71.5, "Transportation of licensed material;"
- (6) 10 CFR 71.7(a), "Completeness and accuracy of information;"
- (7) 10 CFR 71.8, "Deliberate misconduct;"
- (8) 10 CFR 71.12, "Specific exemptions;"
- (9) 10 CFR 71.13, "Exemption of Physicians;"
- (10) 10 CFR 71.14(a), "Exemption for low-level materials;"
- (11) 10 CFR 71.15, "Exemption from classification as fissile material;"
- (12) 10 CFR 71.17, "General license: NRC-approved package," except that quality assurance program approval required by 10 CFR 71.17(b) shall be issued by the agency in lieu of the NRC. Notifications required by 10 CFR 71.17(c) shall be made to the agency as required by Subparagraph (2) of this Paragraph and to the NRC in accordance with 71.17(c)(3);
- (13) 10 CFR 71.21, "General license: Use of foreign approved package;"
- (14) 10 CFR 71.22, "General license: Fissile material;"
- (15) 10 CFR 71.23, "General license: Plutonium-beryllium special form material;"
- (16) 10 CFR 71.47, "External radiation standards for all packages;"
- (17) 10 CFR 71.81, "Applicability of operating controls and procedures;"
- (18) 10 CFR 71.83, "Assumptions as to unknown properties;"
- (19) 10 CFR 71.85(d), "Preliminary determinations;"
- (20) 10 CFR 71.87, "Routine determinations;"
- (21) 10 CFR 71.88, "Air transport of plutonium;"
- (22) 10 CFR 71.89, "Opening instructions;"
- (23) 10 CFR 71.91(a), (c) through (d), "Records;"
- (24) 10 CFR 71.93, "Inspection and tests;"
- (25) 10 CFR 71.95, "Reports;"
- (26) 10 CFR 71.97, "Advance notification of shipment of irradiated reactor fuel and nuclear waste." Advanced notifications required by this Subparagraph shall be made to the NRC as

required by 10 CFR 71(c)(iii) and to the Governor's designee as follows:

- (A) designee: N.C. Highway Patrol Headquarters, Operations Officer;
- (B) mailing address: P.O. Box 27687, Raleigh, North Carolina 27611-7687;
- (C) telephone: (919) 733-4030 from 8 a.m. to 5 p.m. Monday through Friday except State holidays, and (919) 733-3861 at all other times.

- (27) 10 CFR 71.101(a) through (c)(1), (f), (g), "Quality assurance requirements." The quality assurance plan required by 10 CFR 71.101(c)(1) shall be submitted to the agency for review and approval in lieu of the NRC;
- (28) 10 CFR 71.103, "Quality assurance organization," except that certificates of compliance shall be issued by the NRC in lieu of the agency;
- (29) 10 CFR 71.105, "Quality assurance program;"
- (30) 10 CFR 71.106, "Changes to quality assurance program;"
- (31) 10 CFR 71.127, "Handling, storage, and shipping control;"
- (32) 10 CFR 71.129, "Inspection, test, and operating status;"
- (33) 10 CFR 71.131, "Nonconforming materials, parts, or components;"
- (34) 10 CFR 71.133, "Corrective action;"
- (35) 10 CFR 71.135, "Quality assurance records;"
- (36) 10 CFR 71.137, "Audits;"
- (37) Appendix A to 10 CFR 71, "Determination of A₁ and A₂;"
- (38) Table A-1 of Appendix A to 10 CFR 71, "A₁ and A₂ Values for Radionuclides;"
- (39) Table A-2 of Appendix A to 10 CFR 71, "Exempt Material Activity Concentrations and Exempt Consignment Activity Limits for Radionuclides," and
- (40) Table A-3 of Appendix A to 10 CFR 71, "General Values for A₁ and A₂."

(b) Requests for a specific exemption from this Rule as permitted by 10 CFR 71.12 shall be made on the licensee's business letterhead. Requests for exemptions from the requirements of this Rule shall be made to the agency at the addresses shown in Rule .0111(a) of this Chapter, in lieu of the NRC, or as otherwise instructed by the agency. To request an exemption, the following information shall be submitted to the agency:

- (1) licensee name;
- (2) license number;
- (3) name of the individual requesting the exemption;
- (4) contact information for the individual requesting the exemption;
- (5) a description of the exemption being requested; and
- (6) an explanation describing why the exemption is necessary.

(c) Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part071/>.

History Note: Authority G.S. 104E-7; 104E-10(b); Eff. February 1, 1980; Amended Eff. January 1, 1994; Transferred and Recodified from 15A NCAC 11 .0311 Eff. February 1, 2015; Readopted Eff. May 1, 2025.

10A NCAC 15 .0313 EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

(a) All persons using byproduct material, source material, or special nuclear material shall comply with the provisions of 10 CFR 150, which are hereby incorporated by reference including subsequent amendments and editions, as follows:

- (1) 10 CFR 150.1, "Purpose;"
- (2) 10 CFR 150.2, "Scope;"
- (3) 10 CFR 150.3, "Definitions," except that the terms "foreign obligations" and "reconciliation" shall not apply;
- (4) 10 CFR 150.4, "Communications," except that questions about this Rule and communications and reports required by this Rule shall be sent to the address shown in Rule .0111(a) of this Chapter unless directed otherwise by the agency, in lieu of the NRC;
- (5) 10 CFR 150.11, "Critical Mass;"
- (6) 10 CFR 150.20, "Recognition of Agreement State licenses;"
- (7) 10 CFR 150.31, "Requirements for Agreement State regulation of byproduct material," and
- (8) 10 CFR 150.32, "Funds for reclamation or maintenance of byproduct material;"

(b) Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part150/>.

History Note: Authority G.S. 104E-7; 104E-10(b); Eff. February 1, 1980; Transferred and Recodified from 15A NCAC 11 .0313 Eff. February 1, 2015; Readopted Eff. May 1, 2025.

10A NCAC 15 .0316 GENERAL LICENSES: TRANSPORTATION

History Note: Authority G.S. 20-167.1; 104E-7; 104E-10(b); 104E-15(a); Eff. February 1, 1980; Amended Eff. January 1, 1994; May 1, 1992; October 1, 1982; Transferred and Recodified from 15A NCAC 11 .0316 Eff. February 1, 2015; Amended Eff. March 1, 2017; Repealed Eff. May 1, 2025.

10A NCAC 15 .0323 SPECIFIC LICENSES: SEALED SOURCES IN INDUSTRIAL RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

History Note: Authority G.S. 104E-7; 104E-10(b); Eff. February 1, 1980; Amended Eff. April 1, 1999; June 1, 1989; Transferred and Recodified from 15A NCAC 11 .0323 Eff. February 1, 2015; Readopted Eff. May 1, 2023; Repealed Eff. May 1, 2025.

10A NCAC 15 .0345 RECIPROCAL RECOGNITION OF LICENSES

10A NCAC 15 .0346 PREPARATION OF RADIOACTIVE MATERIAL FOR TRANSPORT

History Note: Authority G.S. 104E-7; 104E-10(b); 104E-15(a); Eff. February 1, 1980; Amended Eff. June 1, 1993; May 1, 1993; November 1, 1989; October 1, 1982; Transferred and Recodified from 15A NCAC 11 .0345, .0346 Eff. February 1, 2015; Repealed Eff. May 1, 2025.

Codifier's Note: 10A NCAC 03G .3100 was transferred to 15A NCAC 11 .1000 effective January 4, 1990. Recodification pursuant to G.S. 143B-279.3.

10A NCAC 15 .1001 NOTICES, INSTRUCTIONS, AND REPORTS TO EMPLOYEES

(a) Persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, and persons licensed under the rules in Sections .0300, .0900, .1200, and .1300 of this Chapter, shall comply with the provisions of 10 CFR 19 as follows, which are hereby incorporated by reference including subsequent amendments and editions, except that references to and requirements for 10 CFR 2, 50, 52, 54, 60, 63, 72, and 76 shall not apply:

- (1) 10 CFR 19.1, "Purpose;"
- (2) 10 CFR 19.2, "Scope;"
- (3) 10 CFR 19.3, "Definitions," except that the definition of "regulated activities" and "regulated entities" shall not apply. For persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, the following terms used in 10 CFR 19 shall have the following substitutions:
 - (A) "license" shall have the same meaning as "registration" as defined in Rule .0103(b) of this Chapter;
 - (B) "licensed" means "registered" as defined in Rule .0103(b) of this Chapter;
 - (C) "licensee" shall have the same meaning as "registrant" as defined in Rule .0103(b) of this Chapter;

- (D) "materials" shall have the same meaning as "radiation machine" as defined in Rule .0103(b) of this Chapter;
- (E) "NRC-licensed" means "registered"; and
- (F) "radioactive material" shall have the same meaning as "radiation machine" as defined in Rule .0103(b) of this Chapter.
- (4) 10 CFR 19.5, "Communications," except that licensees and registrants shall address communications and reports to the agency as instructed by Rule .0111 of this Chapter in lieu of the NRC;
- (5) 10 CFR 19.11, "Posting of notices to workers," except that 19.11(b) and (e) shall not apply;
 - (A) NRC Form 3 shall not be used in lieu of the Notice to Employees issued by the agency, except as authorized by the agency in writing;
 - (B) licensees and registrants shall not post other notices, postings, notes, or other materials over the Notice to Employees, nor shall equipment be placed in such a manner that the Notice to Employees is obscured or hidden by that equipment; and
 - (C) additional copies of the Notice to Employees may be obtained free of charge from the agency by contacting the agency at the addresses shown in Rule .0111(a) of this Chapter in lieu of the NRC, or online at <https://radiation.ncdhhs.gov/>;
- (6) 10 CFR 19.12, "Instructions to workers;"
- (7) 10 CFR 19.13, "Notifications and reports to individuals;"
- (8) 10 CFR 19.14, "Presence of representatives of licensees and regulated entities, and workers during inspections," except that 19.14(a) shall not apply;
- (9) 10 CFR 19.15, "Consultation with workers during inspections;"
- (10) 10 CFR 19.16, "Requests by workers for inspections." Requests for inspections shall be mailed or delivered to the agency as instructed by Rule .0111(a) of this Chapter in lieu of the NRC;
- (11) 10 CFR 19.17, "Inspections not warranted; informal review." Communications regarding the agency's decisions with respect to a request for inspection submitted to the agency under Subparagraph (a)(10) shall be mailed or delivered to the agency as instructed by Rule .0111(a) of this Chapter in lieu of the NRC;
- (12) 10 CFR 19.18, "Sequestration of witnesses and exclusion of counsel in interviews conducted under subpoena;"

- (13) 10 CFR 19.20, "Employee protection;"
- (14) 10 CFR 19.31, "Application for exemptions," except that the request for exemption shall be made on the licensee's or registrant's business letterhead. Requests for exemptions from the requirements of this Rule shall be made to the agency at the addresses shown in Rule .0111(a) of this Chapter, in lieu of the NRC, or as otherwise instructed by the agency. To request an exemption, the following information shall be submitted to the agency:
 - (A) licensee or registrant name;
 - (B) license or registration number;
 - (C) name of the individual requesting the exemption;
 - (D) contact information for the individual requesting the exemption;
 - (E) a description of the exemption being requested; and
 - (F) an explanation describing why the exemption is necessary.

(b) Notwithstanding Subparagraph (a)(5) of this Rule, registrants temporarily working in North Carolina and licensees working in North Carolina under reciprocity may post the Notice to Employees, NRC Form 3, or an equivalent form issued under the authority of the regulatory agency issuing the registration or license.

(c) Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part019/>.

History Note: Authority G.S. 104E-7; 104E-12; Eff. February 1, 1980; Amended Eff. May 1, 1993; June 1, 1989; Transferred and Recodified from 15A NCAC 11 .1001 Eff. February 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Amended Eff. October 1, 2023; Amended Eff. May 1, 2025.

10A NCAC 15 .1601 STANDARDS FOR PROTECTION AGAINST RADIATION

(a) Persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, and persons licensed pursuant to the rules in Section .0300, .0900, .1200, or .1300 of this Chapter, shall comply with the provisions of 10 CFR 20 as follows, which are hereby incorporated by reference including subsequent amendments and editions, except references to and requirements for 10 CFR 50, 52, 60, 63, 72, 73, and 76 shall not apply:

- (1) 20.1001, "Purpose," except that non-ionizing radiation from radiation machines registered in accordance with the rules in Section .0200 of this Chapter shall also be regulated by this Rule;
- (2) 20.1002, "Scope;"
- (3) 20.1003, "Definitions," except that for persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, the following terms used in 10 CFR 20 shall have the following substitutions:

- (A) "license" shall have the same meaning as "registration" as defined in Rule .0103(b) of this Chapter;
- (B) "licensed" shall have the same meaning as "registered" as defined in Rule .0103(b) of this Chapter;
- (C) "licensed material" shall have the same meaning as "radiation machine" as defined in Rule .0103(b) of this Chapter, and
- (D) "licensee" shall have the same meaning as "registrant" as defined in Rule .0103(b) of this Chapter;
- (4) 20.1004, "Units of radiation dose;"
- (5) 20.1005, "Units of radioactivity;"
- (6) 20.1007, "Communications," except that licensees and registrants shall address communications regarding these rules, notifications, and reports to the agency as instructed by Rule .0111 of this Chapter in lieu of the NRC;
- (7) 20.1101, "Radiation protection programs;"
- (8) 20.1201, "Occupational dose limits for adults;"
- (9) 20.1202, "Compliance with requirements for summation of external and internal doses;"
- (10) 20.1203, "Determination of external dose from airborne radioactive material;"
- (11) 20.1204, "Determination of internal exposure;"
- (12) 20.1206, "Planned special exposures;"
- (13) 20.1207, "Occupational dose limits for minors;"
- (14) 20.1208, "Dose equivalent to an embryo/fetus;"
- (15) 20.1301, "Dose limits for individual members of the public;"
- (16) 20.1302, "Compliance with dose limits for individual members of the public;"
- (17) 20.1401, "General provisions and scope;"
- (18) 20.1402, "Radiological criteria for unrestricted use;"
- (19) 20.1403, "Criteria for license termination under restricted conditions;"
- (20) 20.1404, "Alternate criteria for license termination;"
- (21) 20.1405, "Public notification and public participation," except the agency shall not publish a notice in the Federal Register;
- (22) 20.1406, "Minimization of contamination," except that 20.1406(b) shall not apply;
- (23) 20.1501, "General;"
- (24) 20.1502, "Conditions requiring individual monitoring of external and internal occupational dose;"
- (25) 20.1601, "Control of access to high radiation areas;"
- (26) 20.1602, "Control of access to very high radiation areas;"
- (27) 20.1701, "Use of process or other engineering controls;"
- (28) 20.1702, "Use of other controls;"

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| <p>(29) 20.1703, "Use of individual respiratory protection equipment;"</p> <p>(30) 20.1704, "Further restrictions on the use of respiratory equipment;"</p> <p>(31) 20.1705, "Application for use of higher assigned protection factors;"</p> <p>(32) 20.1801, "Security of stored material;"</p> <p>(33) 20.1802, "Control of material not in storage;"</p> <p>(34) 20.1901, "Caution signs;"</p> <p>(35) 20.1902, "Posting requirements;"</p> <p>(36) 20.1903, "Exceptions to posting requirements;"</p> <p>(37) 20.1904, "Labeling containers;"</p> <p>(38) 20.1905, "Exemptions to labeling requirements," except that 20.1905(g) shall not apply;</p> <p>(39) 20.1906, "Procedures for receiving and opening packages;"</p> <p>(40) 20.2001, "General requirements;"</p> <p>(41) 20.2002, "Method for obtaining approval of proposed disposal procedures;"</p> <p>(42) 20.2003, "Disposal by release to sanitary sewerage;"</p> <p>(43) 20.2004, "Treatment or disposal by incineration;"</p> <p>(44) 20.2005, "Disposal of specific wastes;"</p> <p>(45) 20.2006, "Transfer for disposal and manifests;"</p> <p>(46) 20.2007, "Compliance with environmental and health protection regulations;"</p> <p>(47) 20.2008, "Disposal of certain byproduct material;"</p> <p>(48) 20.2101, "General provisions;"</p> <p>(49) 20.2102, "Records of radiation protection programs;"</p> <p>(50) 20.2103, "Records of surveys;"</p> <p>(51) 20.2104, "Determination of prior occupational dose;"</p> <p>(52) 20.2105, "Records of planned special exposures;"</p> <p>(53) 20.2106, "Records of individual monitoring results;"</p> <p>(54) 20.2107, "Records of dose to individual members of the public;"</p> <p>(55) 20.2108, "Records of waste disposal;"</p> <p>(56) 20.2110, "Form of records;"</p> <p>(57) 20.2201, "Reports of theft or loss of material." Persons registered with the agency pursuant to the rules in Section .0200 of this Chapter shall make telephone reports of the theft or loss of radiation machines in accordance with 20.2201(a)(1)(i);</p> <p>(58) 20.2202, "Notifications of incidents;"</p> <p>(59) 20.2203, "Reports of exposures, radiation levels, and concentrations of radioactive material exceeding the constraints or limits," except that 20.2203(c) shall not apply;</p> <p>(60) 20.2204, "Reports of planned special exposures;"</p> <p>(61) 20.2205, "Reports to individuals exceeding dose limits;"</p> | <p>(62) 20.2206, "Reports of individual monitoring," except that 20.2206(a)(1), and 20.2206(a)(3) through (a)(5) shall not apply. The report required by 20.2206(b) shall be submitted upon request by the agency in lieu of the requirements of 20.2206(c);</p> <p>(63) 20.2207, "Reports of transactions involving nationally tracked sources." Notwithstanding Subparagraph (a)(6) of this Rule, reports required by this Subparagraph shall be made in accordance with 20.2207(f) and (g);</p> <p>(64) 20.2301, "Application for exemptions," except that the request for exemption shall be made on the licensee's or registrant's business letterhead. Requests for exemptions from the requirements of this Rule shall be made to the agency at the addresses shown in Rule .0111(a) of this Chapter, in lieu of the NRC, or as otherwise instructed by the agency. To request an exemption, the following information shall be submitted to the agency:</p> <ul style="list-style-type: none"> (A) licensee or registrant name; (B) license or registration number; (C) name and contact information for the individual requesting the exemption; (D) a description of the exemption being requested, and (E) an explanation describing why the exemption is necessary; <p>(65) 20.2302, "Additional requirements;"</p> <p>(66) Appendix A to Part 20, "Assigned Protection Factors for Respirators;"</p> <p>(67) Appendix B to Part 20, "Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage;"</p> <p>(68) Appendix C to Part 20, "Quantities of Radioactive Material Requiring Labeling;"</p> <p>(69) Appendix E to Part 20, "Nationally Tracked Source Thresholds," and</p> <p>(70) Appendix G to Part 20, "Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests."</p> <p>(b) Exposure of a personnel monitoring device to deceptively indicate a dose delivered to an individual is prohibited.</p> <p>(c) Licensees and registrants shall continue to perform all activities required by the rules of this Chapter, license or registration condition, and shall pay annual fees as instructed on an invoice issued by the agency until the license or registration is terminated. Registrants shall maintain registration of all radiation machines under their control until those units are disposed.</p> <p>(d) Nothing in the rules of this Chapter shall relieve any person of responsibility for complying with other applicable North Carolina laws and rules.</p> <p>(e) Copies of these regulations are available free of charge at https://www.nrc.gov/reading-rm/doc-collections/cfr/part020/.</p> |
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*History Note: Authority G.S. 104E-7(a)(2);
 Eff. January 1, 1994;
 Amended Eff. August 1, 1998;
 Transferred and Recodified from 15A NCAC 11 .1601 Eff.
 February 1, 2015;
 Readopted Eff. October 1, 2023;
 Amended Eff. May 1, 2025.*

TITLE 12 - DEPARTMENT OF JUSTICE

12 NCAC 09A .0103 DEFINITIONS

The following definitions apply throughout Subchapters 12 NCAC 09A through 12 NCAC 09F:

- (1) "Active Duty Military" means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance while in the active military service at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.
- (2) "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S. 17C-2(2).
- (3) "Alcohol Law Enforcement Agent" means a law enforcement officer appointed by the Secretary of the Department of Public Safety as authorized by G.S. 18B-500.
- (4) "Chief Court Counselor" means the person responsible for administration and supervision of juvenile intake, probation, and post-release supervision in each judicial district, operating under the supervision of the Department of Public Safety, Division of Juvenile Justice.
- (5) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission.
- (6) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission, pursuant to 12 NCAC 09A .0201, or equivalent regulating body from another state that a person performed the acts necessary to satisfy the elements of a specified criminal offense.
- (7) "Convicted" or "Conviction" means the entry of:
 - (a) a plea of guilty;
 - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or
 - (c) a plea of no contest, nolo contendere, or the equivalent.
- (8) "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(3).

- (9) "Criminal Justice System" means the whole of the State and local criminal justice agencies described in Item (2) of this Rule.
- (10) "Agency Head" means the chief administrator of any criminal justice agency, and specifically includes any chief of police or agency director. "Agency Head" also includes a designee appointed in writing by the Agency Head.
- (11) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (12) "Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (13) "Educational Points" means points earned toward the Professional Certificate Programs for studies completed, with passing scores achieved, for semester hour or quarter hour credit hours awarded from colleges or universities accredited by the Department of Education of the state in which the institution is located, from an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation, or from the state university of the state in which the institution is located.
- (14) "Enrolled" means that an individual is currently actively participating in an on-going presentation of a Commission-certified basic training course that has not concluded on the day probationary certification expires. The term "currently actively participating" as used in this definition means:
 - (a) for law enforcement officers, that the officer is attending an approved course presentation averaging a minimum of 12 hours of instruction each week; and
 - (b) for Department of Public Safety, Division of Juvenile Justice personnel, that the officer is attending the last or final phase of the approved training course necessary for satisfying the total course completion requirements.
- (15) "High School" means an educational program that meets the compulsory attendance requirements in the jurisdiction in which the school is located.
- (16) "In-Service Training" means all training that must be completed, pursuant to this Chapter, with passing scores achieved, by all certified law enforcement officers during each full calendar year of certification.
- (17) "In-Service Training Coordinator" means the person designated by a Criminal Justice Agency head to administer the agency's In-Service Training program.
- (18) "Lateral Transfer" means the employment of a criminal justice officer by a Criminal Justice Agency based upon the officer's special

qualifications or experience, without following the usual selection process established by the agency for basic officer positions.

- (19) "Law Enforcement Code of Ethics" means the code adopted by the Commission on September 19, 1973, that reads as follows:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts or corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God or by affirmation to my chosen profession law enforcement.

- (20) "Juvenile Court Counselor" means a person responsible for intake services and court supervision services to juveniles under the supervision of the Chief Court Counselor.
- (21) "Juvenile Justice Officer" means a person designated by the Secretary of the Department of Public Safety, Division of Juvenile Justice to provide for the care and supervision of juveniles placed in the physical custody of the Department.
- (22) "Law Enforcement Officer" means an appointee of a Criminal Justice Agency, an agency of the State, or of any political subdivision of the State who, by virtue of his or her office, is empowered to make arrests for violations of the laws of this State. Specifically excluded from the title "Law Enforcement

Officer" are sheriffs and their sworn appointees with arrest authority who are governed by the provisions of G.S. 17E.

- (23) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers' Professional Certificate Program by successful completion of Commission-approved law enforcement training courses. Twenty classroom hours of Commission-approved law enforcement training equals one law enforcement training point.
- (24) "LIDAR" is an acronym for "Light Detection and Ranging" and means a speed-measuring instrument that electronically computes, from transmitted infrared light pulses, the speed of a vehicle under observation.
- (25) "Local Confinement Personnel" means any officer, supervisor, or administrator of a local confinement facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor, or administrator of a county confinement facility in North Carolina as defined in G.S. 153A-218; or any officer, supervisor, or administrator of a district confinement facility in North Carolina as defined in G.S. 153A-219.
- (26) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:
 - (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any common law, duly-enacted ordinance, or criminal statute of this State that is not classified as a Class B Misdemeanor pursuant to Sub-item (24)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Excluded from "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions or duly enacted ordinances of an authorized governmental entity, with the

exception of the offense of impaired driving that is included herein as a Class A Misdemeanor if the offender could have been sentenced for a term of not more than six months. Also included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three G.S. 20-179(i), level four G.S. 20-179(j), or level five G.S. 20-179(k). Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, or criminal statute of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.

(b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this State that is classified as a Class B Misdemeanor as set forth in the Class B Misdemeanor Manual as published by the North Carolina Department of Justice, incorporated herein by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. The publication is available from the Commission's website:

<http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx>.

Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being

misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor includes the following:

- (i) either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years;
- (ii) driving while license permanently revoked or permanently suspended;
- (iii) those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual; and
- (iv) an act committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

(27) "Qualified Assistant" means an additional staff person designated by the School Director, pursuant to Rule 09B .0201 of this Chapter, to assist in the administration of a course when an institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.

(28) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to 10,550 MHZ frequency (X) band, the 24,050 to 24,250 MHZ frequency (K) band, or the 33,400 to 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.

(29) "School" means an institution, college, university, academy, or agency that offers criminal justice, law enforcement, or traffic control and enforcement training for criminal justice officers or law enforcement officers. "School" includes the criminal justice training course curriculum, instructors, and facilities.

(30) "School Director" means the person designated by the sponsoring institution or agency to administer the school, pursuant to Rule 09B .0201 of this Chapter.

- (31) "Speed-Measuring Instruments" (SMI) means those devices or systems, including RADAR, Time-Distance, and LIDAR, approved under authority of G.S. 17C-6(a)(13) for use in North Carolina in determining the speed of a vehicle under observation and particularly includes all devices or systems described or referenced in 12 NCAC 09C .0601.
- (32) "Time-Distance" means a speed-measuring instrument that electronically computes, from measurements of time and distance, the average speed of a vehicle under observation.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;
Eff. January 1, 1981;
Amended Eff. November 1, 1981; August 15, 1981;
Readopted Eff. July 1, 1982;
Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;
Amended Eff. November 1, 1993; March 1, 1990; July 1, 1989;
Temporary Amendment Eff. October 1, 1994 for a period of 180 days to expire on April 1, 1995;
Amended Eff. August 1, 2000; April 1, 1999; August 1, 1998;
January 1, 1995;
Temporary Amendment Eff. January 1, 2001;
Amended Eff. August 1, 2002; April 1, 2001;
Temporary Amendment Eff. April 15, 2003;
Amended Eff. January 1, 2017; February 1, 2016; January 1, 2015; January 1, 2006; June 1, 2005; April 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. May 1, 2025; October 1, 2022.

12 NCAC 09B .0235 BASIC TRAINING – JUVENILE COURT COUNSELORS AND CHIEF COURT COUNSELORS

- (a) The Juvenile Court Counselors and Chief Court Counselors training course shall consist of a minimum of 119 hours of classroom and practical skills instruction.
- (b) Each basic training course for Juvenile Court Counselors shall include training in the following topic areas:
 - (1) Juvenile Justice Common Core:
 - (A) Basic Individual Counseling Skills 5 hours
 - (B) Interpersonal Communication Skills 5 hours
 - (C) Working with Families 3 hours
 - (D) Characteristics of Delinquents 4 hours
 - (E) Staff and Juvenile Relationships: Maintaining Professional Boundaries 4 hours
 - (F) Gang Awareness 2 hours
 - (G) Situational Awareness and Risk Assessment 4 hours
 - (H) Restraints, Controls, and Defensive Techniques 28 hours
 - (I) Mechanical Restraints 4 hours

- (J) Youth Mental Health First-Aid 8 hours
- (K) Think Trauma 8 hours
- (L) Driver and Secure Transport Safety 4 hours
- (M) Racial and Ethnic Disparities (RED) – Addressing RED within the Juvenile Justice System 2 hours
- (N) Verbal De-escalation for Juvenile Justice 2 hours
- Total Hours 83 hours
- (2) Juvenile Court Counselor Specific:
 - (A) Statutory Responsibilities and Requirements of Juvenile Court Counselors 6 hours
 - (B) Juvenile Law 8 hours
 - (C) Intake, Supervision and Services 8 hours
 - (D) Risk and Needs Assessment 6 hours
 - (E) Report Writing and Documentation 8 hours
 - Total Hours 36 hours
 - Total Course Hours 119 hours

(c) Upon completion of a Commission-certified training course for Juvenile Court Counselors and Chief Court Counselors, the Director of the school conducting the course shall notify the Commission of training completion by submitting a Report of Training Course Completion for each trainee. The Report of Training Course Completion, F-11, identifies the student, student's social security number, date of birth, employing agency, position, date of appointment, and course information, to include title of course, location course was conducted at, the dates the course began and ended, the hours the course was conducted, number of instructional contact hours, and name of certifying official regarding the successful completion of the training course.

(d) Employees of the Division of Juvenile Justice and Delinquency Prevention who have completed the minimum 119 hour training program accredited by the Commission pursuant to Rule .0236 of this Section after January 1, 2013 who transfer from a Juvenile Justice Officer position to a Juvenile Court Counselor position shall be required to complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Court Counselor under Subparagraph (b)(2) of this Rule.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10;
Temporary Adoption Eff. April 15, 2003;
Eff. April 1, 2004;
Amended Eff. July 1, 2017; July 1, 2016; August 1, 2015; May 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. May 1, 2025; March 1, 2024; January 1, 2022.

12 NCAC 09B .0236 BASIC TRAINING - JUVENILE JUSTICE OFFICERS

- (a) The Juvenile Justice Officer training course shall consist of a minimum of 117 hours of classroom and practical skills instruction.

(b) Each basic training course for Juvenile Justice Officers shall include training in the following identified topic areas:

- (1) Juvenile Justice Common Core:
 - (A) Basic Individual Counseling Skills 5 hours
 - (B) Interpersonal Communication Skills 5 hours
 - (C) Working with Families 3 hours
 - (D) Characteristics of Delinquents 4 hours
 - (E) Staff and Juvenile Relationships: Maintaining Professional Boundaries 4 hours
 - (F) Gang Awareness 2 hours
 - (G) Situational Awareness and Risk Assessment 4 hours
 - (H) Restraints, Controls, and Defensive Techniques 28 hours
 - (I) Mechanical Restraints 4 hours
 - (J) Youth Mental Health First-Aid 8 hours
 - (K) Think Trauma 8 hours
 - (L) Driver and Secure Transport Safety 4 hours
 - (M) Racial and Ethnic Disparities (RED) – Addressing RED within the Juvenile Justice System 2 hours
 - (N) Verbal De-escalation for Juvenile Justice 2 hours
 - Total Hours 83 hours
- (2) Juvenile Justice Officer Specific:
 - (A) Treatment Program Operations 4 hours
 - (B) Maintaining Documentation of Activities and Behaviors 8 hours
 - (C) Basic Group Leadership Skills 4 hours
 - (D) Effective Behavior Management 10 hours
 - (E) Health Services Overview 2 hours
 - (F) Contraband and Search Techniques 2 hours
 - (G) Suicide Prevention and Response 4 hours
 - Total Hours 34 hours
 - Total Course Hours 117 hours

(c) Upon completion of a Commission-certified training course for Juvenile Justice Officers the Director of the school conducting the course shall notify the Commission of the training completion by submitting a Report of Training Course Completion for each trainee. The requirements for completion of the Report of Training Course Completion, F-11, is outlined in 12 NCAC 09B .0235.

(d) Employees of the Division of Juvenile Justice and Delinquency Prevention who have completed the minimum 117 hour training program accredited by the Commission under Rule .0235 of this Section after January 1, 2013 who transfer from a Juvenile Court Counselor position to a Juvenile Justice Officer

position shall be required to complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Justice Officer pursuant to Subparagraph (b)(2) of this Rule.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10; Temporary Adoption Eff. April 15, 2003; Eff. April 1, 2004; Amended Eff. July 1, 2017; July 1, 2016; August 1, 2015; May 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. May 1, 2025.

SECTION .0200 - FORMS

- 12 NCAC 09C .0201 PERSONAL HISTORY STATEMENT**
- 12 NCAC 09C .0202 MEDICAL HISTORY STATEMENT**
- 12 NCAC 09C .0203 MEDICAL EXAMINATION REPORT**
- 12 NCAC 09C .0204 QUALIFICATIONS APPRAISAL INTERVIEW**

History Note: Authority G.S. 17C-6; 150B-11; Eff. January 1, 1981; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. May 1, 2025.

- 12 NCAC 09C .0213 STUDENT COURSE COMPLETION RECORD**
- 12 NCAC 09C .0214 REQUEST FOR INSTRUCTIONAL CERTIFICATION**
- 12 NCAC 09C .0215 PROFESSIONAL LECTURER CERTIFICATION**
- 12 NCAC 09C .0216 RECOMMENDATION FOR GENERAL INSTRUCTOR CERTIFICATION**

History Note: Authority G.S. 17C-6; 150B-11; 150B-21.2; Eff. January 1, 1981; Amended Eff. August 1, 2000; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. May 1, 2025.

12 NCAC 09C .0205 APPLICATION FOR CERTIFICATION LAW ENFORCEMENT OFFICER

(a) The Application for Certification Law Enforcement Officer (Form F-5A) shall be used to request the certification of criminal justice officers. The Application for Certification Law Enforcement Officer (Form F-5A) shall contain the following information:

- (1) Employing agency identification;
- (2) Applicant's name, address, date of birth, driver's license number, and social security number;
- (3) Position for which application is being submitted;
- (4) Date of hire;

- (5) Verification of the applicant's criminal history, pursuant to 12 NCAC 09B .0111, and
- (6) Signature of the employing agency's executive officer or authorized representative.

(b) The following documents shall be submitted to the Division along with the Application for Certification Law Enforcement Officer (Form F-5A):

- (1) Fingerprint Response Sheet, pursuant to 12 NCAC 09B .0103;
- (2) Firearms Qualification Record (Form F-9A), pursuant to 12 NCAC 09E .0104;
- (3) Signed and notarized Release Authorization Form, pursuant to 12 NCAC 09B .0102; and
- (4) Law Enforcement Application for Verification of Expunction AOC-CR-280, pursuant to 12 NCAC 09B .0102.

History Note: Authority G.S. 17C-6 Eff. January 1, 1981; Temporary Amendment Eff. January 1, 2001; Amended Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. May 1, 2025.

12 NCAC 09C .0207 APPLICATION FOR AWARD OF PROFESSIONAL CERTIFICATE

History Note: Authority G.S. 17C-6; Eff. January 1, 1981; Amended Eff. August 15, 1981; Temporary Amendment Eff. January 1, 2001; Amended Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. May 1, 2025.

12 NCAC 09C .0208 AFFIDAVIT OF SEPARATION

(a) The Affidavit of Separation (Form F-5B) shall be used for reporting the date of and reason for the separation of a criminal justice officer from the employing agency. The date of separation shall be the date the criminal justice officer resigned or the date the employing agency terminated the employee. The Affidavit of Separation (Form F-5B) shall contain the following information:

- (1) separating agency;
- (2) separating officer, address, date of birth, position, date of final separation;
- (3) reason for separation;
- (4) name and signature of separating officer; and
- (5) name and signature of the employing agency's executive officer or authorized representative.

(b) An agency separating a person from employment or appointment as a criminal justice officer shall, not later than 10 days after separation, forward to the Commission a completed Affidavit of Separation.

History Note: Authority G.S. 17C-6; Eff. January 1, 1981; Temporary Amendment Eff. January 1, 2001;

Amended Eff. October 1, 2018; August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. May 1, 2025.

12 NCAC 09C .0209 REQUEST FOR SCHOOL ACCREDITATION

History Note: Authority G.S. 17C-6; 150B-11; Eff. January 1, 1981; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. May 1, 2025.

12 NCAC 09C .0211 PRE-DELIVERY REPORT OF TRAINING COURSE PRESENTATION

History Note: Authority G.S. 17C-6; 150B-11; Eff. January 1, 1981; Amended Eff. January 1, 2015; August 1, 2000; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. May 1, 2025.

12 NCAC 09C .0213 STUDENT COURSE COMPLETION RECORD

12 NCAC 09C .0214 REQUEST FOR INSTRUCTIONAL CERTIFICATION

12 NCAC 09C .0215 PROFESSIONAL LECTURER CERTIFICATION

12 NCAC 09C .0216 RECOMMENDATION FOR GENERAL INSTRUCTOR CERTIFICATION

History Note: Authority G.S. 17C-6; 150B-11; 150B-21.2; Eff. January 1, 1981; Amended Eff. August 1, 2000; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. May 1, 2025.

12 NCAC 09C .0219 FD-258 - FINGERPRINT CARD

History Note: Authority G.S. 17C-6; 150B-11; Eff. January 1, 1981; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Repealed Eff. May 1, 2025.

12 NCAC 09C .0306 LATERAL TRANSFER OF IN-STATE LAW ENFORCEMENT OFFICERS

(a) A North Carolina law enforcement officer is eligible to transfer from one state or local law enforcement agency to another and be certified by the Commission if the officer:

- (1) has completed basic law enforcement training and holds a general certification or probationary certification from the Commission or the Sheriffs' Education and Training Standards Commission; and

- (2) has not had more than a 12-month consecutive break in service immediately preceding the current application.
- (b) Prior to certification being transferred per this Rule, a state or local law enforcement agency considering the applicant for employment as a law enforcement officer shall submit an Application for Lateral Certification, Form F-5D, to the Division reporting that the employing agency has done the following:
- (1) obtained and forwarded the applicant's fingerprints to the North Carolina State Bureau of Investigation, in compliance with the requirements set forth in 12 NCAC 09B .0102(a) and (b), reviewed the results of the criminal history record check provided as a result, and provided a copy of the results to the Division;
 - (2) completed the AOC-CR280 expungement form and provided the results to the Division;
 - (3) obtained a signed and notarized Authorization for Release of Information Form from the applicant, and reviewed the following documents of the applicant maintained by or on behalf of any North Carolina law enforcement agency where the applicant was employed for any part of the five-year period preceding the current application:
 - (A) the personnel file including confidential information as defined by G.S. 153A-98, G.S. 160A-168 and G.S. 126-24;
 - (B) Form F-5B, Affidavit of Separation, if the applicant has separated;
 - (C) Form F-8, Background Investigation; and
 - (D) any internal investigations.
 - (4) Confirmed that the applicant:
 - (A) has not had more than a 12-month consecutive break in service immediately preceding the current application;
 - (B) has completed all mandatory in-service training for the preceding calendar year;
 - (C) has no criminal convictions, outstanding criminal charges or an offense that would disqualify them from certification, pursuant to 12 NCAC 09B .0111, as verified through a comprehensive criminal background check;
 - (D) has not been the subject of any internal investigation, disciplinary proceeding or pre-disciplinary proceeding, within the last 18 months that contains allegations that could prevent the law enforcement officer's certification; and
 - (E) has qualified pursuant to 09E .0106 of this Subchapter, with the assigned

duty weapon which has been recorded on the Firearms Qualification Record, Form F-9A pursuant to 09E .0104 of this Subchapter.

- (c) The Application for Lateral Certification, Form F-5D, shall contain the following:
- (1) officer's name, date of birth, Acadis ID number;
 - (2) former agency, current agency, and hire date with current agency;
 - (3) current certification held;
 - (4) dates the criminal history records check and psychological screening were conducted;
 - (5) date the officer's personnel record was reviewed; and
 - (6) the name and signature of the current employing agency's head or authorized representative
- (d) Officers previously certified who were not previously required to meet the educational or basic training requirements shall not be required to meet such requirements when laterally transferring to another agency with less than a 12-month break in law enforcement service.

History Note: Authority G.S. 17C-6; 17C-10; Eff. January 1, 1981; Amended Eff. April 1, 2018; October 1, 2017; May 1, 2009; July 1, 1990; March 1, 1990; July 1, 1989; July 1, 1982; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. May 1, 2025; March 1, 2024.

12 NCAC 09C .0307 AGENCY RETENTION OF RECORDS OF CERTIFICATION

(a) Each criminal justice agency shall place information with respect to employment, education, retention, and training of its criminal justice officers in the criminal justice officer's personnel file as listed in Subparagraphs (a)(1) and (a)(2) of this Rule. The files shall be available for examination in five days by representatives of the Commission for verifying compliance with these Rules.

- (1) Criminal Justice Officer with probationary certification:
 - (A) the officer's Personal History Statement (Form F-3), pursuant to 12 NCAC 09C .0201;
 - (B) the officer's Medical History Statement and Medical Examination Report (Form F-1 and F-2), pursuant to 12 NCAC 09B .0104;
 - (C) documentation of the officer's drug screening results, pursuant to 12 NCAC 09C .0310;
 - (D) the Commission's Mandated Background Investigation Form as completed by the agency's investigator, (Form F-8), pursuant to 12 NCAC 09B .0102;
 - (E) a summary of the officer's Qualifications Appraisal Interview,

- (Form F-4), prepared by the agency's interviewers, pursuant to 12 NCAC 09C .0204. The Form F-4 identifies the officer candidate interviewed, the position interviewed for, and the interviewer(s)' comments regarding the applicant's appearance, manner, and bearing, ability to present ideas, social adaptability, alertness and judgment, and interviewer(s) recommendation for employment;
 - (F) a copy of all certificates or diplomas obtained, pursuant to 12 NCAC 09B .0106;
 - (G) course listing(s) and completion date(s) of all criminal justice training completed by the officer;
 - (H) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;
 - (I) a written summary of the officer's psychological examination results, pursuant to 12 NCAC 09B .0101(7);
 - (J) for the law enforcement officer, records of all in-service training received by the officer, as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;
 - (K) certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;
 - (L) copy of Report of Appointment/Application for Certification (Form F-5A), pursuant to 12 NCAC 09C .0205;
 - (M) oath of office, pursuant to 12 NCAC 09C .0303;
 - (N) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC 09E .0106;
 - (O) once separated, a copy of the Affidavit of Separation, Form F-5B), pursuant to 12 NCAC 09C .0208; and
 - (P) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-151.
- (2) Criminal Justice Officer with general certification:
- (A) the officer's Medical History Statement and Medical Examination Report (Form F-1 and F-2), pursuant to 12 NCAC 09B .0104;
 - (B) documentation of the officer's drug screening results, pursuant to 12 NCAC 09C .0310;
 - (C) a copy of all certificates or diplomas obtained, pursuant to 12 NCAC 09B .0106;
 - (D) course listing(s) and completion date(s) of all criminal justice training completed by the officer;
 - (E) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;
 - (F) for the law enforcement officer, records of all in-service training received by the officer, as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;
 - (G) certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;
 - (H) copy of Report of Appointment/Application for Certification (Form F-5A), pursuant to 12 NCAC 09C .0205;
 - (I) oath of office, pursuant to 12 NCAC 09C .0303;
 - (J) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC 09E .0106;
 - (K) once separated, a copy of the Affidavit of Separation, Form F-5B), pursuant to 12 NCAC 09C .0208; and
 - (L) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-151.
- (3) Law Enforcement Officer hired as a lateral officer with probationary or general certification under the provisions of 12 NCAC 09C .0306;
- (A) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;
 - (B) records of all in-service training received by the officer, as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;
 - (C) copy of Change of Name (Form F-19) or Application for Lateral Certification (Form F-5D) pursuant to 12 NCAC 09C .0306;
 - (D) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-151;

- (E) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC 09E .0106;
- (F) once separated, a copy of the Affidavit of Separation (Form F-5B), pursuant to 12 NCAC 09C .0208;
- (G) basic law enforcement training certificate or record of completion;
- (H) copy of the signed authorization to release records form; and
- (I) the agency may have performed additional screening and selection tasks, and records for those optional tasks are required to be maintained in the employee's file for audit by the division.

(b) These records shall be maintained by the criminal justice agency in compliance with the North Carolina Department of Natural and Cultural Resources Retention and Disposition Schedule established pursuant to G.S. 121 and G.S. 132.

History Note: Authority G.S. 17C-2; 17C-6; Eff. January 1, 1981; Amended Eff. August 1, 1998; January 1, 1995; July 1, 1990; July 1, 1989; June 1, 1986; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. May 1, 2025; May 1, 2024; August 1, 2019.

12 NCAC 09C .0401 ACCREDITATION OF CRIMINAL JUSTICE SCHOOLS

(a) Any school applying for accreditation or re-accreditation, pursuant to G.S. 17C-6 shall submit a completed Request for School Accreditation, Form F-10(SA). The Form F-10(SA) is available on the agency's website: [http://www.ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10\(SA\)-6-11.aspx](http://www.ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10(SA)-6-11.aspx). The F-10(SA) Request for School Accreditation shall contain the following:

- (1) The name of the requesting institution/agency;
- (2) The mailing address, phone number, and name of the institution head or executive officer;
- (3) The name, title or rank, address and phone number of the School Director
- (4) The type of Commission approved training course in which accreditation is being sought;
- (5) The type and location of all facilities to be used in administering the Commission approved training course; and
- (6) The signature of the institution head or executive officer.

(b) Upon receipt of a completed Request for School Accreditation application:

- (1) The Standards Division staff reviews the application and conducts a site visit to tour facilities, confirm information on the application, and determine if and where deficiencies exist;
- (2) The Standards Division Staff contacts the applying institution or agency concerning

- deficiencies and provides assistance on correcting problem areas;
- (3) The Standards Division staff recommends to the Education and Training Committee when the accredited institution has satisfied the requirements outlined in 12 NCAC 09B .0200; and
- (4) The Education and Training Committee recommends to the full Commission at its next regularly scheduled meeting the approval or denial of accreditation for the applicant institution or agency.

(c) Accreditation or re-accreditation of a school shall remain effective for five years from issuance unless earlier suspended or revoked for failure to maintain compliance with the requirements set forth in 12 NCAC 09B .0200, Minimum Standards for Criminal Justice Schools and Criminal Justice Training Programs or Courses of Instruction.

(d) In instances where the Education and Training Committee determines the school seeking re-accreditation is not in compliance with 12 NCAC 09B .0200, the school application and staff reports shall be reviewed by the Probable Cause Committee, as specified in 12 NCAC 09A .0201.

(e) The Commission, by and through the Probable Cause Committee, shall summarily suspend the accreditation of a criminal justice school if the public health, safety, or welfare requires action pursuant to G.S. 150B-3.

- (1) For the purpose of considering a summary suspension of accreditation, the Probable Cause Committee shall meet only during its regularly scheduled quarterly meeting or upon notice given by mail, telephone, or other means not less than 48 hours in advance of the meeting;
- (2) This summary suspension shall be effective on the date specified in the order of the summary suspension. A summary suspension becomes effective upon oral notification to the executive officer or officers of the institution or agency sponsoring any criminal justice training program or course of instruction by the Director that the accreditation of the school is being summarily suspended. The school shall not perform any duties or conduct any courses requiring accreditation by the Commission;
- (3) The summary suspension shall remain effective during the proceedings for suspension and revocation, pursuant to 12 NCAC 09A .0201 and .0207;
- (4) The summary suspension shall be returned for a full hearing before the Probable Cause Committee at the next scheduled Commission meeting.

(f) The Commission shall suspend or revoke a school's accreditation when it finds that the school has failed to meet or continuously maintain any requirement, standard, or procedure for school or course accreditation.

History Note: Authority G.S. 17C-6; 17C-11; Eff. January 1, 1981;

*Amended Eff. August 1, 2004, January 1, 1996;
Temporary Amendment Eff. January 1, 2007;
Temporary Amendment Expired October 13, 2007;
Amended Eff. February 1, 2016; April 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. May 25, 2019;
Emergency Amendment Eff. May 21, 2024;
Temporary Amendment Eff. August 1, 2024;
Amended Eff. May 1, 2025.*

**12 NCAC 09C .0403 REPORTS OF TRAINING
COURSE PRESENTATION AND COMPLETION**

(a) Each presentation of a Commission-accredited training course shall be reported to the Commission as follows:

- (1) After acquiring accreditation for the course and before commencing each delivery of the course, the school director shall notify the Commission of the school's intent to offer the training course by submitting a Form F-10A Pre-delivery Report of Training Course Presentation. The Pre-Delivery Report of Training Course Presentation Form F-10A shall contain the number of training hours, training delivery period, location of training, and estimated number of attendees; and
- (2) Not more than 10 days after completing delivery of the accredited course, the school director shall notify the Commission regarding the progress and achievement of each enrolled trainee by submitting a Form F-10B Post-delivery Report of Training Course Presentation, pursuant to 12 NCAC 09C .0212, and entering all student scores and class documents in the Acadis platform.

(b) Upon completion of a Commission-accredited training course by Juvenile Justice Officer and Chief/Juvenile Court Counselor trainees, the director of the school conducting such course shall notify the Commission of the achievement of trainees by submitting a Report of Training Course Completion Form F-11, pursuant to 12 NCAC 09B .0235.

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. January 1, 2015; August 1, 2002; August 1, 2000;
December 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. May 25, 2019;
Amended Eff. May 1, 2025; January 1, 2025.*

12 NCAC 09E .0104 INSTRUCTORS: ANNUAL IN-SERVICE TRAINING

The following requirements and responsibilities are hereby established for instructors who conduct the law enforcement officers' annual in-service training program:

- (1) The instructor shall hold Instructor Certification issued by the Commission as outlined in 12 NCAC 09B .0302, 09B .0304, and 09B .0306, except for instructors who exclusively deliver:

- (a) CPR certifications that include cognitive and skills testing;
 - (b) use of equipment training conducted by a manufacturer, manufacturer's representative or a service provider and documented through a certificate of completion; or
 - (c) Incident Command System training for NIMS (National Incident Management System) compliance who are certified through FEMA (Federal Emergency Management Agency) as Incident Command Instructors.
- (2) Each instructor certified by the Commission to teach in a Commission-accredited basic training, Speed Measuring Instrument Operator or Instructor training, Instructor or Specialized Instructor training, or Commission-approved in-service training course shall complete all instructor training required by this Chapter.
 - (3) Instructors who teach a required in-service training topic, other than a topic taught pursuant to Paragraph (1) of this Rule shall achieve a passing grade on a topic specific test developed by the North Carolina Justice Academy or by the agency delivering the training before delivering the topic of instruction.
 - (4) Instructors who teach a required in-service training topic online shall also complete the in-service training for the topic he or she will be teaching before delivering the topic of instruction.
 - (5) Instructors who teach an in-service training topic in a traditional classroom format will receive credit toward their own in-service training requirements, provided that they pass all required tests, as outlined in this section, and have their instruction documented by the Agency Head or In-Service Training Coordinator once completed.
 - (6) The instructor shall deliver the training consistent with the specifications established in Rule .0106 of this Section.
 - (7) The instructor shall report the successful or unsuccessful completion of training for each officer to the Agency Head.
 - (8) When the officer fails to qualify with a weapon, the instructor shall inform the officer of the failure to qualify. The instructor shall then provide the officer with Firearms Qualification Record Form F-9A which the officer is required to sign. This form shall instruct the officer not to use the weapon and shall require the officer to notify the Agency Head or designated representative within 24 hours of the qualification failure. Additionally, the instructor shall provide this form to the Agency Head or designated representative within 72

hours of the qualification failure. The Form F-9A Firearms Qualification Record shall contain the following:

- (a) officer's name and appointing agency;
- (b) instructor's name and signature;
- (c) date the classroom section was completed;
- (d) officer's acknowledgment of qualification scores; and
- (e) firearms score sheet.

All Commission forms are available for download on the Criminal Justice Standards Division website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.

History Note: Authority G.S. 17C-6; 17C-10; Eff. July 1, 1989;

Amended Eff. July 1, 2016; May 1, 2014; February 1, 2013; April 1, 2008; January 1, 2006; January 1, 2005;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;

Amended Eff. May 1, 2025, July 1, 2020.

12 NCAC 09E .0108 FAILURE TO COMPLETE ANNUAL IN-SERVICE TRAINING

(a) Law enforcement officers certified by the North Carolina Criminal Justice Education and Training Standards Commission shall complete a minimum of 24 in-service training credits each year as published by the Commission.

(b) When the Commission specifies topics that total less than 24 credits for a specific year, the remaining training credits shall be in topics identified by their respective agency heads. In selecting the remaining training credits, the agency head may choose any topic, provided the lesson plan is written in Instructional Systems Design format and is taught by an instructor who is certified by the Commission, pursuant to 12 NCAC 09B .0301. Alternatively, in selecting the remaining training credits, the agency head may choose any topic: (1) delivered pursuant to Rule .0104(1) of this Section; or (2) National Certification Programs (NCP) administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during that specific year. These topics shall not be required to be written in Instructional Systems Design format or delivered by an instructor certified by the Commission. With the exception of those law enforcement officers who were hired on or after July 1st, pursuant to 12 NCAC 09E .0103(2), failure to successfully complete the annual in-service training within the calendar year shall result in suspension of the law enforcement officer's certification.

(c) Completion of training shall be demonstrated by passing a written test for each in-service training topic, as follows:

- (1) A written test comprised of at least five questions per credit shall be developed by the North Carolina Justice Academy or the approved curriculum developer having received NJP approval for each in-service topic requiring testing. The Firearms and Qualifications in-service course and topics delivered pursuant to Rule .0104 of this Section

shall be exempt from this written test requirement;

(2) A student shall pass each test by achieving at least 70 percent correct answers; and

(3) A student who completes a topic of in-service training in a traditional classroom setting or online and fails the end-of-topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student shall complete the in-service training topic in a traditional classroom setting before taking the exam a third time.

(d) Upon notification that a law enforcement officer who has been continuously employed with an agency during the 12 month calendar year has failed to meet the requirements for in-service training, as specified in 12 NCAC 09E .0103(2), the officer's certification shall be suspended by the Standards Division Director.

(e) No officer suspended under Paragraph (b) of this Rule shall work as a certified law enforcement officer until:

(1) the department head or designated representative forwards to the Commission documentary evidence verifying that the officer has complied with the requirements for reinstatement of certification as specified in this subsection; and

(2) the agency head or designated representative and the officer receive from the Commission documentation that the Commission has terminated the suspension and reissued law enforcement certification to the suspended officer.

(f) If an officer has separated from an agency with less than a 12-month break in law enforcement service and is later reemployed as a law enforcement officer during the same calendar year, the officer shall complete the annual in-service training, as outlined in Paragraphs (a) and (b) of this Rule, by the end of that same calendar year. Upon notification by the agency head that such officer has failed to meet all the requirements for in-service training, the law enforcement officer's certification shall be suspended, pursuant to 12 NCAC 09A .0206(a)(2).

(g) If an officer has separated from an agency with less than a 12 month break in law enforcement service and is later reemployed as a law enforcement officer during the subsequent calendar year, the officer shall complete the annual in-service training, as outlined in Paragraphs (a) and (b) of this Rule by the end of the subsequent calendar year. Upon notification by the agency head that such officer has failed to meet all the requirements for in-service training, the law enforcement officer's certification shall be suspended, pursuant to 12 NCAC 09A .0206(a)(2).

History Note: Authority G.S. 17C-6; 17C-10; Eff. January 1, 2005;

Amended Eff. April 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;

Amended Eff. May 1, 2025.

12 NCAC 09G .0102 DEFINITIONS

The following definitions apply throughout this Subchapter only:

- (1) "Agency" means those state and local agencies identified in G.S. 17C-2(2).
- (2) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission identified in G.S. 17C.
- (3) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission or equivalent regulating body from another state that a person performed the acts necessary to satisfy the elements of a specified offense.
- (4) "Convicted" or "Conviction" means, the entry of:
 - (a) a plea of guilty;
 - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted, established adjudicating body, tribunal, or official, either civilian or military; or
 - (c) a plea of no contest, nolo contendere, or the equivalent.
- (5) "Correctional Officer" means an employee of the North Carolina Department of Adult Correction, responsible for the custody of inmates or offenders.
- (6) "Corrections Officer" means either or both of the two classes of officers employed by the North Carolina Department of Adult Correction: correctional officer or probation/parole officer.
- (7) "Criminal Justice System" means the whole of the State and local criminal justice agencies including the North Carolina Department of Adult Correction.
- (8) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (9) "Educational Points" means points earned toward the State Correction Officers' Professional Certificate Program for studies completed, with passing scores achieved, for semester hour or quarter hour credit awarded from colleges or universities accredited by the Department of Education of the state in which the institution is located, from an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation, or from the state university of the state in which the institution is located. Each semester hour of college credit equals one educational point and each quarter hour of college credit equals two-thirds of an educational point.
- (10) "High School" means a high school that meets the compulsory attendance requirements in the jurisdiction in which the school is located.
- (11) "In-Service Training Coordinator" means a person designated by a Criminal Justice Agency head to administer the agency's In-Service Training program.
- (12) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:
 - (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any common law, duly-enacted ordinance, or criminal statute of this State that is not classified as a Class B Misdemeanor pursuant to Sub-item (12)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Excluded from "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions or duly enacted ordinances of an authorized governmental entity, with the exception of the offense of impaired driving that is included herein as a Class A Misdemeanor if the offender could have been sentenced for a term of not more than six months. Also included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three G.S. 20-179(i), level four G.S. 20-179(j), or level five G.S. 20-179(k). Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, or criminal statute of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.
 - (b) "Class B Misdemeanor" means an act committed or omitted in violation of

any common law, criminal statute, or criminal traffic code of this State that is classified as a Class B Misdemeanor as set forth in the Department of Adult Correction section of the Class B Misdemeanor Manual as published by the North Carolina Department of Justice, incorporated herein by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. The publication is available from the Commission's website:

<http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx>.

Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor includes the following:

- (i) either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years;
- (ii) driving while license permanently revoked or permanently suspended;
- (iii) those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual; and
- (iv) an act committed or omitted in North Carolina prior to

October 1, 1994, in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

- (13) "Pilot Courses" means those courses approved by the Education and Training Committee, consistent with 12 NCAC 09G .0404, which are used to develop new training course curricula.
- (14) "Probation/Parole Officer" means an employee of the North Carolina Department of Adult Correction, whose duties include supervising, evaluating, or otherwise instructing offenders placed on probation, parole, post release supervision, or assigned to any other community-based program operated by the Department of Adult Correction.
- (15) "Qualified Assistant" means an additional staff person designated as such by the School Director to assist in the administration of a course when a certified institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.
- (16) "School" means an institution, college, university, academy, or agency that offers penal or corrections training for correctional officers or probation/parole officers. "School" includes the corrections training course curricula, instructors, and facilities.
- (17) "School Director" means the person designated by the Secretary of the North Carolina Department of Adult Correction to administer the School.
- (18) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. December 1, 2018; January 1, 2017; January 1, 2015; April 1, 2009; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. May 1, 2025; May 1, 2023.

12 NCAC 09G .0201 EMPLOYMENT PROCESS: DOCUMENTATION: AND RECORDS RETENTION

History Note: Authority G.S. 126-4; 126-24;

Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. May 25, 2019;
Repealed Eff. May 1, 2025.

**12 NCAC 09G .0303 PROBATIONARY
CERTIFICATION**

(a) A prospective employee may commence service as a
correctional officer or probation/parole officer at the time of
employment with the North Carolina Department of Adult
Correction.

(b) Within 90 days of appointment to a position for which the
Commission requires certification, the North Carolina
Department of Adult Correction shall submit a completed
Application for Certification Corrections Officer (F-5A) to the
Standards Division. The Application for Certification Corrections
Officer (F-5A) shall include the:

- (1) applicant's name, social security number, date
of birth, driver's license number, and email;
- (2) position being applied for;
- (3) criminal offense record;
- (4) past disciplinary actions;
- (5) military service record;
- (6) education information; and
- (7) signature of agency head or authorized
representative.

(c) The Commission shall certify as a probationary officer a
person meeting the standards for certification when the North
Carolina Department of Adult Correction submits a completed
Application for Certification Corrections Officer (Form F-5A) to
the Standards Division.

(d) The Standards Division shall issue the officer's Probationary
Certification to the North Carolina Department of Adult
Correction.

(e) The officer's Probationary Certification shall remain valid for
one year from the date the certification is issued by the Standards
Division unless sooner suspended or revoked pursuant to Rule
.0503 of this Subchapter or the officer has attained General
Certification.

(f) Pursuant to 12 NCAC 09G .0201, the North Carolina
Department of Adult Correction shall maintain documentation of
Probationary Certification in the officer's personnel records.

History Note: Authority G.S. 17C-6; 17C-10;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2015; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. May 25, 2019;
Amended Eff. May 1, 2025.

**12 NCAC 09G .0312 INSTRUCTOR CERTIFICATION
RENEWAL**

History Note: Authority G.S. 17C-6;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2017; August 1, 2006; January 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. May 25, 2019;
Repealed Eff. May 1, 2025.

**12 NCAC 09G .0313 CORRECTIONS INSTRUCTOR
TRAINING**

History Note: Authority G.S. 17C-6;
Temporary Adoption Eff. January 1, 2001;
Eff. January 1, 2018; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. May 25, 2019;
Amended Eff. January 1, 2021;
Repealed Eff. May 1, 2025.

**TITLE 15A - DEPARTMENT OF ENVIRONMENTAL
QUALITY**

15A NCAC 02Q .0303 DEFINITIONS

For the purposes of this Section, the following definitions apply:

- (1) "Complete application" means an application
that contains all information required by statute,
regulation, and application form, consistent
with G.S. 143-213, and provides all information
necessary to determine compliance with all
applicable federal and State requirements.
- (2) "Modified facility" means a modification of an
existing facility or source and:
 - (a) the permitted facility or source is
being modified in such a manner as to
require a new or reissued permit
pursuant to this Section; or
 - (b) a new source is being added in such a
manner as to require a new or reissued
permit pursuant to this Section.

A modified facility does not include a facility
or source that requests to change name or
ownership, construction or test dates, or
reporting procedures.

- (3) "New facility" means a facility that is receiving
a permit from the Division for construction and
operation of an emission source that it is not
currently permitted.
- (4) "Plans and Specifications" means the
completed application and any other documents
required to define the operating conditions of
the air pollution source.
- (5) "Responsible official" means one of the
following:
 - (a) for a corporation: a president,
secretary, treasurer, or vice-president
of the corporation who is in charge of
a principal business function; any
other person who performs similar
policy or decision-making functions
for the corporation; or a duly-
authorized representative of such a
person if the representative is

responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either;

- (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980 dollars); or
- (ii) the delegation of authority to such representatives is approved in advance by the permitting authority;
- (b) for a partnership or sole proprietorship: a general partner or the proprietor, respectively; or
- (c) for a municipality, State, federal, or other public agency: either a principal executive officer or ranking elected official. A principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA).
- (6) "Title IV source" means a source that is required to be permitted pursuant to the rules of Section .0400 of this Subchapter.
- (7) "Title V source" means a source that is required to be permitted pursuant to the rules of Section .0500 of this Subchapter.

History Note: Authority G.S. 143-213; 143-215.3(a)(1); Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. July 1, 1994; Readopted Eff. April 1, 2018; Amended Eff. (Pending the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental Protection Agency has approved the amended rule into the North Carolina State Implementation Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.)

15A NCAC 02Q .0304 APPLICATIONS

- (a) Obtaining and filing application. Permit, permit modification, or permit renewal applications may be obtained and shall be filed according to 15A NCAC 02Q .0104.
- (b) Information to accompany application. Along with the completed applicable application forms, the application shall contain the following:
 - (1) for a new facility or an expansion of existing facility, a zoning consistency determination according to G.S. 143-215.108(f) that:

- (A) bears the date of receipt entered by the clerk of the local government; or
- (B) consists of a letter from the local government indicating that zoning or subdivision ordinances are met by the facility;
- (2) for a new facility or an expansion of existing facility in an area without zoning, an affidavit and proof of publication of a legal notice as required pursuant to 15A NCAC 02Q .0113;
- (3) for permit renewal, an emissions inventory that contains the information specified pursuant to 15A NCAC 02D .0202 using emission inventory forms or electronic data systems provided by the Division; and
- (4) documentation showing the applicant complies with Parts (A) or (B) of this Subparagraph if this information is necessary to evaluate the source, its air pollution abatement equipment, or the facility:
 - (A) the applicant is financially qualified to carry out the permitted activities; or
 - (B) the applicant has substantially complied with the air quality and emissions standards applicable to any activity in which the applicant has previously been engaged, and has been in substantial compliance with federal and State environmental laws and rules.

- (c) When to file application. For sources subject to the requirements of 15A NCAC 02D .0530 or .0531, applicants shall file air permit applications no less than 180 days before the projected construction date. For other sources, applicants shall file air permit applications no less than 90 days before the projected date of construction of a new source or modification of an existing source.
- (d) Permit renewal, name, or ownership changes with no modifications. If no modification has been made to the originally permitted source, application for permit change shall be made by application to the Director as specified in 15A NCAC 02Q .0104. The permit renewal, name, or ownership change application shall state that there have been no changes in the permitted facility since the permit was last issued. To make a name or ownership change, the applicant shall send the Director the content specified in 15A NCAC 02Q .0305(3) or (4) signed by the responsible official as defined in 15A NCAC 02Q .0303.
- (e) Applications for date and reporting changes. Application for changes in construction or test dates or reporting procedures may be made by letter to the Director as specified in 15A NCAC 02Q .0104. To make changes in construction or test dates or reporting procedures, the applicant shall send the Director the letter specified in 15A NCAC 02Q .0305(5) signed by the responsible official as defined in 15A NCAC 02Q .0303.
- (f) When to file applications for permit renewal. Applicants shall file applications for renewals as specified in 15A NCAC 02Q .0104 no less than 90 days before expiration of the permit. If a hard copy of the application is mailed to the Director, the

application shall be postmarked no later than 90 days before expiration of the permit.

(g) Name or ownership change. The permittee shall file requests for permit name or ownership changes when the permittee is aware of the name or ownership change.

(h) Requesting additional information. Whenever the information provided on the permit application forms does not adequately describe the source or its air cleaning device, the Director may request that the applicant provide other information to evaluate the source or its air cleaning device. Before acting on a permit application, the Director may request information from an applicant and conduct an inquiry or investigation to determine compliance with standards.

(i) Application fee. With the exceptions specified in 15A NCAC 02Q .0203(l), a non-refundable permit application processing fee shall accompany the application. The permit application processing fees are listed in 15A NCAC 02Q .0203.

(j) Correcting submittals of incorrect information. An applicant shall have a continuing obligation to submit relevant facts pertaining to his or her permit application and to correct incorrect information in his or her permit application.

(k) Retaining copy of permit application package. The applicant shall retain during the permit term one complete copy of the application package and the information submitted in support of the application package.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner; Eff. July 1, 1994; Amended Eff. September 1, 2015; January 1, 2009; December 1, 2005; July 1, 1999; Readopted Eff. April 1, 2018; Amended Eff. September 1, 2023; Amended Eff. (Pending the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental Protection Agency has approved the amended rule into the North Carolina State Implementation Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.).

15A NCAC 02Q .0305 APPLICATION SUBMITTAL CONTENT

If an applicant does not submit the following information with the application package, the application package shall be considered incomplete and not accepted by the Division for processing:

- (1) for new facilities and modified facilities:
 - (a) an application fee required pursuant to 15A NCAC 02Q .0203;
 - (b) a zoning consistency determination required pursuant to 15A NCAC 02Q .0304(b)(1);
 - (c) the documentation required pursuant to 15A NCAC 02Q .0304(b)(2), if required;
 - (d) a financial qualification or substantial compliance statement pursuant to 15A NCAC 02Q .0507(d)(3), if required; and

- (e) application forms required pursuant to 15A NCAC 02Q .0304(a) and signed by the responsible official;
- (2) for renewals: the application required pursuant to 15A NCAC 02Q .0304(a) and (d), signed by the responsible official, and an emissions inventory that contains the information specified pursuant to 15A NCAC 02D .0202, Registration of Air Pollution Sources;
- (3) for a name change: a letter signed by the responsible official indicating the current facility name, the date on which the name change will occur, and the new facility name;
- (4) for an ownership change: an application fee required pursuant to 15A NCAC 02Q .0203 and:
 - (a) a letter signed by the seller and the buyer, indicating the change;
 - (b) a letter bearing the signature of both the seller and buyer, containing a written agreement with a specific date for the transfer of permit responsibility, coverage, and liability between the current and new permittee; or
 - (c) submit the form provided by the Division pursuant to 15A NCAC 02Q .0104; and
- (5) for corrections of typographical errors; changes in name, address, or telephone number of the individual identified in the permit; changes in test dates or construction dates; or similar minor changes: a letter signed by the responsible official describing the proposed change and explaining the need for the proposed change.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. July 1, 1994; Amended Eff. December 1, 2005; April 1, 2004; Readopted Eff. April 1, 2018; Amended Eff. (Pending the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental Protection Agency has approved the amended rule into the North Carolina State Implementation Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.); September 1, 2023.

15A NCAC 02Q .0312 APPLICATION PROCESSING SCHEDULE

(a) The Division shall adhere to the review timelines and procedures of this Paragraph for processing applications for permits and permit renewals submitted pursuant to this Section. The review timelines and procedures of this Paragraph shall apply to applications for permit modifications only as specified in Paragraph (b) of this Rule.

- (1) For permit applications that do not require review for prevention of significant deterioration pursuant to 15A NCAC 02D .0530 or case-by-case maximum achievable control technology pursuant to 15A NCAC 02D .1109 or .1112, the Division shall follow the procedures of Parts (a)(1)(A) through (E) of this Rule.
- (A) Within 10 days of receiving an application, the Division shall send the applicant written acknowledgment of receipt of the permit application. The acknowledgement letter shall also state whether the application is accepted for processing. Applications containing the minimum processing elements of 15A NCAC 02Q .0305 shall be accepted for processing. If the application does not contain the minimum processing elements of 15A NCAC 02Q .0305, the acknowledgement letter shall state that the application is not accepted for processing and shall list the application elements of 15A NCAC 02Q .0305 that are missing from the application package.
- (B) For applications accepted for processing by the Division pursuant to Part (a)(1)(A) of this Rule, the Division shall review the application to determine if it is a complete application. Within 45 days of receiving the application, the Division shall notify the applicant in writing that: the application as submitted is complete, specifying the completeness date; the application is incomplete, requesting additional information necessary to make the application complete, and specifying the date by which the requested information shall be received by the Division to deem the application complete; or the application is incomplete, requesting that the applicant rewrite and resubmit the application.
- (C) If the draft permit is not required to go to public notice or to public hearing, the Director shall issue or deny the permit within 90 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.
- (D) If the draft permit is required to go to public notice with an opportunity to request a public hearing pursuant to 15A NCAC 02Q .0306(a), the Director shall publish the draft permit for public notice within 90 days after receipt of a complete application and complete the review of the record and take final action on the permit within 30 days after the close of the public comment period.
- (E) If the draft permit is required to go to public hearing as a result of a request for public hearing pursuant to 15A NCAC 02Q .0306 or .0307, the Director shall send the draft permit to public hearing within 45 days after approving the request for the public hearing and complete the review of the record and take final action on the permit within 30 days after the close of the public hearing.
- (2) For permit applications for prevention of significant deterioration pursuant to 15A NCAC 02D .0530, the review timelines and procedures are set out in that Rule.
- (3) For permit applications for case-by-case maximum achievable control technology pursuant to 15A NCAC 02D .1109 or .1112 that are not permit modification applications, the review timelines and procedures of Parts (A) through (D) of this Subparagraph shall apply.
- (A) Within 10 days of receiving an application, the Division shall send the applicant written acknowledgment of receipt of the permit application. The acknowledgement letter shall also state whether the application is accepted for processing. Applications containing the minimum processing elements of 15A NCAC 02Q .0305 shall be accepted for processing. If the application does not contain the minimum processing elements of 15A NCAC 02Q .0305, the acknowledgement letter shall state that the application has not been accepted for processing and shall list the application elements of 15A NCAC

If the Division does not notify the applicant in writing within 45 days of receipt of an accepted application that the application is incomplete, the application shall be deemed complete. A completeness determination shall not prevent the Director from requesting additional information later in the review process if such information is necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the date specified in a written request for additional information pursuant to this Part, the Director shall cease processing the application until additional information is provided. The applicant may

02Q .0305 that are missing from the application package.

- (B) For applications accepted by the Division pursuant to Part (A) of this Subparagraph, the Division shall review the application to determine if it is a complete application. Within 45 days of receiving the application, the Division shall notify the applicant in writing that: the application as submitted is complete, specifying the completeness date; the application is incomplete, requesting additional information necessary to make the application complete, and specifying the date by which the requested information shall be received by the Division to determine the application as complete; or the application is incomplete, requesting that the applicant rewrite and resubmit the application.

If the Division does not notify the applicant in writing within 45 days of receipt of an accepted application that the application is incomplete, the application shall be deemed complete. A completeness determination shall not prevent the Director from requesting additional information later in the review process if such information is necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the date specified in the letter requesting additional information pursuant to this Part, the Director shall cease processing the application until additional information is provided. The applicant may request a time extension for submittal of the requested additional information.

- (C) The Director shall publish the draft permit for public notice within 120 days after receipt of a complete application or 10 days after receipt of requested additional information, whichever is later, and complete the review of the record and take final action on the permit within 30 days after the close of the public comment period.
- (D) If the draft permit is required to go to public hearing as a result of a request for public hearing pursuant to 15A NCAC 02Q .0306 or .0307, the Director shall:
 - (i) send the draft permit to public hearing within 45 days after approving the request for the public hearing; and
 - (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public hearing.

The days that fall between sending out a written notification requesting additional information and receiving that additional information shall not be counted in the review timelines and procedures pursuant to this Paragraph.

(b) For permit modification applications reviewed pursuant to this Section, the Division shall adhere to the processing review timelines and procedures of this Paragraph.

- (1) The Division shall send written acknowledgement of receipt and acceptance or non-acceptance of permit modification applications using the procedures and timelines Part (a)(1)(A) or (a)(3)(A) of this Rule, as applicable.
- (2) For permit modification applications that are accepted for processing by the Division pursuant to Subparagraph (1) of this Paragraph, the Division shall notify the applicant of the completeness determination of the application using the procedures and timelines of Part (a)(1)(B) or (a)(3)(B) of this Rule, as applicable.
- (3) Within 90 calendar days of the application completeness date pursuant to Subparagraph (2) of this Paragraph, the Director shall take one of the following actions:
 - (A) If the draft permit is not required to go to public notice or to public hearing, the Director shall issue or deny the permit.
 - (B) If the draft permit is required to go to public notice with an opportunity to request a public hearing pursuant to 15A NCAC 02Q .0306 or .0307, the Director shall publish the draft permit for public notice within 90 calendar days of receipt of a complete application, and shall complete the review of the record and take final action on the permit within the timeline specified in Part (a)(1)(D) or (a)(3)(C) of this Rule, as applicable.
- (4) If the draft permit is required to go to public hearing as a result of a request for public hearing pursuant to 15A NCAC 02Q .0306 or .0307, the Director shall follow the procedures and timelines of Part (a)(1)(E) or (a)(3)(D) of this Rule, as applicable.

(c) The Director shall cease processing an application that contains insufficient information to complete the review.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; Eff. February 1, 1995; Amended Eff. July 1, 1998; Readopted Eff. April 1, 2018; Amended Eff. (Pending On the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental Protection Agency has approved the amended rule into the North

Carolina State Implementation Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.)

15A NCAC 02Q .0503 DEFINITIONS

For the purposes of this Section, the definitions in G.S. 143-212, G.S. 143-213, 15A NCAC 02Q .0103, and the following definitions apply:

- (1) "Affected States" means all states or local air pollution control agencies whose areas of jurisdiction are:
 - (a) contiguous to North Carolina and located less than $D=Q/12.5$ from the facility, where:
 - (i) Q = emissions of the pollutant emitted at the highest permitted rate in tons per year, and
 - (ii) D = distance from the facility to the contiguous state or local air pollution control agency in miles, unless the applicant can demonstrate that the ambient impact in the contiguous states or local air pollution control agencies is less than the incremental ambient levels in 15A NCAC 02D .0532(c)(4); or
 - (b) within 50 miles of the permitted facility.
- (2) "Complete application" means an application that contains all information required by statute, regulation, and application form, consistent with G.S. 143-213, and provides all information described in 40 CFR 70.5(c) and such other information that is necessary to determine compliance with all applicable federal and State requirements.
- (3) "Draft permit" means the version of a permit that the Division offers for public participation pursuant to 15A NCAC 02Q .0521 or affected state review pursuant to 15A NCAC 02Q .0522.
- (4) "Emissions allowable under the permit" means an emissions limit, including a work practice standard, established by a federally enforceable permit term or condition, or a federally enforceable emissions cap that the facility has assumed to avoid an applicable requirement to which the facility would otherwise be subject.
- (5) "Final permit" means the version of a permit that the Director issues that has completed all review procedures required pursuant to this Section if the permittee does not file a petition pursuant to Article 3 of G.S. 150B that is related to the permit.
- (6) "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

- (7) "Insignificant activities because of category" means:
 - (a) mobile sources;
 - (b) air-conditioning units used for human comfort that are not subject to applicable requirements pursuant to Title VI of the federal Clean Air Act and do not exhaust air pollutants into the ambient air from any manufacturing or other industrial process;
 - (c) ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing or other industrial process;
 - (d) heating units used for human comfort that have a heat input of less than 10,000,000 Btu per hour and that do not provide heat for any manufacturing or other industrial process;
 - (e) noncommercial food preparation;
 - (f) consumer use of office equipment and products;
 - (g) janitorial services and consumer use of janitorial products;
 - (h) internal combustion engines used for landscaping purposes;
 - (i) new residential wood heaters subject to 40 CFR Part 60, Subpart AAA; and
 - (j) demolition and renovation activities covered solely pursuant to 40 CFR Part 61, Subpart M.
- (8) "Insignificant activities because of size or production rate" means any activity whose emissions would not violate any applicable emissions standard and whose potential emission of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide, before air pollution control devices are each no more than five tons per year, and whose potential emissions of hazardous air pollutants before air pollution control devices are each below 1000 pounds per year.
- (9) "Minor facility" means any facility that is not a major facility.
- (10) "Operation" means the use of equipment that emits regulated pollutants.
- (11) "Permit renewal" means the process by which a permit is reissued at the end of its term.
- (12) "Permit revision" means any permit modification pursuant to 15A NCAC 02Q .0515, .0516, or .0517 or any administrative permit amendment pursuant to 15A NCAC 02Q .0514.
- (13) "Proposed permit" means the version of a permit that the Director proposes to issue and

- forwards to EPA for review pursuant to 15A NCAC 02Q .0522.
- (14) "Responsible official" means a responsible official as defined in 40 CFR 70.2.
- (15) "Section 502(b)(10) changes" means changes that contravene an express permit term or condition. Such changes shall not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring, including test methods, recordkeeping, reporting, or compliance certification requirements.
- (16) "Synthetic minor facility" means a facility that would otherwise be required to follow the procedures of this Section except that the potential to emit is restricted by one or more federally enforceable physical or operational limitations, including air pollution control equipment and restrictions on hours or operation, the type or amount of material combusted, stored, or processed, or similar parameters.
- (17) "Timely" means:
- (a) for a new facility or newly subject facility, 12 months from the date that the facility or source becomes subject to the Title V operating permit program pursuant to the rules of Section .0500 of this Subchapter;
 - (b) for renewal of a permit previously issued pursuant to this Section, six months before the expiration of that permit;
 - (c) for a minor modification pursuant to 15A NCAC 02Q .0515, before commencing the modification;
 - (d) for a significant modification pursuant to 15A NCAC 02Q .0516 where the change would not contravene or conflict with a condition in the existing permit, 12 months after commencing operation;
 - (e) for reopening for cause pursuant to 15A NCAC 02Q .0517, as specified by the Director in a request for additional information by the Director;
 - (f) for requests for additional information, as specified by the Director in a request for additional information by the Director; or
 - (g) for modifications made pursuant to Section 112(j) of the federal Clean Air Act, 18 months after EPA fails to promulgate a standard for that category of source pursuant to Section 112 of the federal Clean Air Act by the date established pursuant to Section

112(e)(1) or (3) of the federal Clean Air Act.

History Note: Authority G.S. 143-212; 143-213; 143-215.3(a)(1); Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. July 1, 1994; Amended Eff. July 1, 1996; Temporary Amendment Eff. December 1, 1999; Amended Eff. January 1, 2007; July 1, 2000; Readopted Eff. April 1, 2018; Amended Eff. (Pending the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental Protection Agency has approved the amended rule into the North Carolina State Implementation Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.); September 1, 2022.

15A NCAC 02Q .0505 APPLICATION SUBMITTAL CONTENT

If an applicant does not submit the following information with its application package, the application package shall not be accepted by the Division for processing:

- (1) for new facilities and modified facilities:
 - (a) an application fee as required pursuant to 15A NCAC 02Q .0203;
 - (b) a consistency determination as required pursuant to 15A NCAC 02Q .0507(d)(1) or the documentation required pursuant to 15A NCAC 02Q .0507(d)(2);
 - (c) a financial qualification or substantial compliance statement pursuant to 15A NCAC 02Q .0507(d)(3) if required; and
 - (d) applications submitted as required pursuant to 15A NCAC 02Q .0507(a), signed and certified as required by 15A NCAC 02Q .0520;
- (2) for renewals: applications signed and certified as required by 15A NCAC 02Q .0520;
- (3) for a name change: a letter signed and certified by a responsible official in accordance with 15A NCAC 02Q .0520 indicating the current facility name, the date on which the name change will occur, and the new facility name;
- (4) for an ownership change: an application fee as required pursuant to 15A NCAC 02Q .0203; and a letter, bearing the signature of both the seller and buyer, containing a written agreement with a specific date for the transfer of permit responsibility, coverage, and liability between the current and new permittee; and
- (5) for corrections of typographical errors; changes of the name, address, or telephone number of an individual identified in the permit; changes in

test dates or construction dates; or similar administrative changes pursuant to 15A NCAC 02Q .0514; a letter signed and certified by a responsible official in accordance with 15A NCAC 02Q .0520 describing the proposed changes and explaining the need for the proposed changes.

History Note: Authority G.S. 143-215.3(a)(1),(1a); 143-215.107(a)(10); 143-215.108; Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. July 1, 1994; Amended Eff. April 1, 2004; Readopted Eff. April 1, 2018; Amended Eff. September 1, 2023; September 1, 2022. Amended Eff. (Pending the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental Protection Agency has approved the amended rule into the North Carolina State Implementation Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.).

15A NCAC 02Q .0507 APPLICATION

(a) Except for:

- (1) minor permit modifications covered pursuant to 15A NCAC 02Q .0515;
- (2) significant modifications covered pursuant to 15A NCAC 02Q .0516(c); or
- (3) renewals submitted pursuant to 15A NCAC 02Q .0513;

the owner or operator of a new or existing source shall have 12 months after the facility or source becomes subject to the Title V operating permit program pursuant to the rules of Section .0500 of this Subchapter to file a complete application for a permit or permit revision. However, the owner or operator of a source shall not begin construction or operation of a source until he or she has obtained a construction and operation permit pursuant to 15A NCAC 02Q .0501(b) or (c) and 15A NCAC 02Q .0504.

(b) An application shall include the information described in 40 CFR 70.3(d) and 70.5(c), including a list of insignificant activities because of size or production rate but not including insignificant activities because of category. An application shall be certified by a responsible official for truth, accuracy, and completeness. In an application submitted pursuant to this Rule, the applicant may attach copies of applications submitted pursuant to the rules of Section .0400 of this Subchapter or 15A NCAC 02D .0530 or .0531 if the information in those applications contains information required in this Section and is current, accurate, and complete.

(c) Application for a permit, permit revision, or permit renewal shall be made in accordance with 15A NCAC 02Q .0104 on forms of the Division and shall include plans and specifications with complete data and information as required by this Rule. If the information provided on these forms does not describe the source or its air pollution abatement equipment to the extent necessary to evaluate the application, the Director shall request that the applicant provide other information necessary to evaluate the source and its air pollution abatement equipment.

(d) The application shall contain a zoning consistency determination, financial qualification demonstration, and substantial compliance statement as specified in Subparagraphs (1) through (3) of this Paragraph.

- (1) for a new facility or an expansion of existing facility, a consistency determination in accordance with G.S. 143-215.108(f) that:
 - (A) bears the date of receipt entered by the clerk of the local government; or
 - (B) consists of a letter from the local government indicating that zoning or subdivision ordinances are met by the facility;
- (2) for a new facility or an expansion of an existing facility in an area without zoning, an affidavit and proof of publication of a legal notice as required pursuant to 15A NCAC 02Q .0113; and
- (3) if required by the Director, information showing that:
 - (A) the applicant is financially qualified to carry out the permitted activities; or
 - (B) the applicant has substantially complied with the air quality and emissions standards applicable to any activity in which the applicant has previously been engaged and has been in substantial compliance with federal and State environmental laws and rules.

(e) An applicant who fails to submit relevant facts or submits incorrect information in a permit application shall, upon becoming aware of the failure or incorrect submittal, submit supplementary facts or corrected information to resolve the deficiency. In addition, an applicant shall provide additional information to address requirements to which the source becomes subject after the date the applicant filed a complete application but prior to release of a draft permit.

(f) The submittal of a complete permit application shall not affect the requirement that a facility have a permit pursuant to 15A NCAC 02D .0530, .0531, or .0532 or pursuant to the rules of Section .0400 of this Subchapter.

(g) The Director shall give priority to permit applications containing early reduction demonstrations pursuant to Section 112(i)(5) of the federal Clean Air Act. The Director shall take final action on these permit applications after receipt of the complete permit application.

(h) Except as specified in 15A NCAC 02Q .0203(l), a non-refundable permit application processing fee as required by the rules of Section .0200 of this Subchapter shall accompany the application.

(i) The applicant shall retain during the permit term one complete copy of the application package and the information submitted in support of the application package.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;

Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Eff. July 1, 1994;

Amended Eff. July 1, 1997; July 1, 1996; February 1, 1995;

Temporary Amendment Eff. December 1, 1999;

Amended Eff. September 1, 2015; April 1, 2004; July 1, 2000;

Readopted Eff. April 1, 2018;

Amended Eff. September 1, 2023; September 1, 2022;

Amended Eff. (Pending the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental Protection Agency has approved the amended rule into the North Carolina State Implementation Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.).

15A NCAC 02Q .0515 MINOR PERMIT MODIFICATIONS

(a) The procedures set out in this Rule shall apply to permit modifications if the modifications:

- (1) do not violate any applicable requirement;
- (2) do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
- (3) do not require or change a case-by-case determination of an emission limitation or other standard, a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
- (4) do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the facility has assumed to avoid an applicable requirement to which the facility would otherwise be subject. Such terms and conditions include:
 - (A) a federally enforceable emissions cap assumed to avoid an applicable requirement pursuant to any provision of Title I of the federal Clean Air Act; or
 - (B) an alternative emissions limit approved as part of an early reduction plan submitted pursuant to Section 112(i)(5) of the federal Clean Air Act;
- (5) are not modifications pursuant to any provision of Title I of the federal Clean Air Act; and
- (6) are not required to be processed as a significant modification pursuant to 15A NCAC 02Q .0516.

(b) In addition to the items required pursuant to 15A NCAC 02Q .0505, an application requesting the use of the procedures set out in this Rule shall include:

- (1) an application form including:
 - (A) a description of the change;
 - (B) the emissions resulting from the change; and

- (C) identification of any new applicable requirements that will apply if the change occurs;
- (2) a list of the facility's other pending applications awaiting group processing and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the thresholds set out in Subparagraphs (c)(1) through (3) of this Rule; the applicant's suggested draft permit;
- (3) certification by a responsible official that the proposed modification meets the criteria for using the procedures set out in this Rule and a request that these procedures be used; and
- (4) complete information for the Director to use to notify the EPA and affected states.

(c) The Director may use group processing for minor permit modifications processed pursuant to this Rule. The Director shall notify the EPA and affected states of the requested permit revisions pursuant to this Rule and shall provide the information specified in 15A NCAC 02Q .0522 on a quarterly basis. If the aggregated emissions from all pending minor permit modifications equal or exceed:

- (1) 10 percent of the emissions allowed for the source for which the change is requested;
- (2) 20 percent of the applicable definition of major facility; or
- (3) five tons per year,

then the Director shall notify the EPA and affected states within five business days of the requested permit revision pursuant to this Rule and provide the information specified in 15A NCAC 02Q .0522.

(d) Within 90 calendar days of receiving an application for a minor permit modification that is accepted by the Division for processing, the Director shall take one of the following actions:

- (1) issue the permit modification and transmit the proposed permit to the EPA for a review period of 45 days. The effective date of the modified permit shall be 60 days after the issuance date unless the EPA objects in writing to the modified permit as proposed, in which case the procedures of Paragraph (e) of this Rule shall apply;
- (2) deny the permit modification application; or
- (3) determine that the requested modification does not qualify for the procedures set out in this Rule and should be processed pursuant to 15A NCAC 02Q .0516.

(e) If the EPA objects in writing to the issuance of a permit modification within its 45-day review period pursuant to Subparagraph (d)(1) of this Rule, the Director shall notify the permittee of the EPA's objection. Within 15 days of the objection, the Division shall revise the draft permit modification and transmit to the EPA a revised proposed permit in response to the EPA's objections. The revised permit modification shall be issued and effective upon approval by the EPA.

(f) The permit applicant may make the change proposed in a minor permit modification application immediately after filing an application that is accepted by the Division. After the applicant

makes the change, the facility shall comply with both the applicable requirements governing the change and the proposed permit terms and conditions until the Director takes one of the final actions specified in Paragraphs (d) or (e) of this Rule. Between the filing of the permit modification application and the Director's final action, the facility need not comply with the existing permit terms and conditions it seeks to modify. However, if the facility fails to comply with its proposed permit terms and conditions during this time period, the Director may enforce the terms and conditions of the existing permit that the applicant seeks to modify, as necessary to ensure protection of air quality.

(g) The permit shield allowed pursuant to 15A NCAC 02Q .0512 shall not extend to minor permit modifications.

(h) If the only revised provisions are in the State-enforceable only portion of the permit, the procedures in the rules of Section .0300 of this Subchapter shall be followed.

(i) The proceedings shall affect only those parts of the permit related to the modification.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108; Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. July 1, 1994; Amended Eff. July 1, 1997; Readopted Eff. April 1, 2018; Amended Eff. (Pending the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental Protection Agency has approved the amended rule into the North Carolina State Implementation Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.).

15A NCAC 02Q .0525 APPLICATION PROCESSING SCHEDULE

(a) The Division shall adhere to the following schedule in processing permit applications:

(1) Within 10 calendar days of receiving an application, the Division shall send the applicant written acknowledgment that the application was received. The acknowledgement letter shall also state whether the application was accepted for processing pursuant to Part (A) of this Subparagraph, or the application is not accepted for processing pursuant to Part (B) of this Subparagraph.

(A) For an application that contains the minimum processing elements of 15A NCAC 02Q .0505 and .0507, the acknowledgement letter shall state that the application is accepted by the Division for processing; and

(B) For an application that does not contain the minimum processing elements of 15A NCAC 02Q .0505 and .0507, the acknowledgement letter shall state that the application is not accepted for processing, indicate the

application elements of 15A NCAC 02Q .0505 or .0507 that are missing from the application package, and request that the applicant resubmit the application package.

(2) For applications accepted by the Division pursuant to Part (a)(1)(A) of this Rule, the Division shall review the permit application within 60 calendar days of receipt of the application to determine whether the application is complete or incomplete. The Division shall notify the applicant in writing that:

(A) the application as submitted is complete, specifying the completeness date;

(B) the application is incomplete, requesting additional information necessary to make the application complete, and specifying the date by which the requested information shall be received by the Division; or

(C) the application is incomplete, requesting that the applicant rewrite and resubmit the application.

If the Division does not notify the applicant by letter dated within 60 calendar days of receipt of the application that the application is incomplete, the application shall be deemed complete.

(3) A completeness determination specified in Subparagraph (a)(2) of this Rule shall not apply to minor modifications submitted pursuant to 15A NCAC 02Q .0515.

(4) For all permit application types, a completeness determination shall not prevent the Director from requesting additional information later in the review process if such information is necessary to evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the date specified in a written request for additional information, the Director shall cease processing the application until additional information is provided. The applicant may request a time extension for submittal of the requested additional information.

(b) In addition to the schedule in Paragraph (a) of this Rule, the Division shall adhere to the following timelines when processing applications for permit revisions:

(1) For minor modification applications received pursuant to 15A NCAC 02Q .0515, the Division shall complete the review and take action on the permit application pursuant to 15A NCAC 02Q .0515(d) and (e).

(2) The Division shall complete the technical review of significant modifications received pursuant to 15A NCAC 02Q .0516 in

accordance with 40 CFR 70.7(e)(4)(ii). Within 270 calendar days of receipt of a complete application for a significant permit modification pursuant to 15A NCAC 02Q .0516, the Division shall complete the review of the application and either issue the modified permit, deny the modified permit, or publish the modified permit for public notice and comment.

- (3) For applications for permit revisions that are not minor modifications pursuant to 15A NCAC 02Q .0515 or significant modifications pursuant to 15A NCAC 02Q .0516, the application shall be reviewed pursuant to 15A NCAC 02Q .0514 or .0517, as applicable.

(c) The Division shall provide for public participation in accordance with 15A NCAC 02Q .0521. If a public hearing is requested and approved by the Director for a draft permit, it shall be held within 45 calendar days of the Director's decision to hold a public hearing.

(d) The Director shall complete the review of the record and send the proposed permit to EPA and affected states in accordance with 15A NCAC 02Q .0522.

(e) Final permit action shall be taken in accordance with 15A NCAC 02Q .0518.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108; Eff. February 1, 1995; Amended Eff. July 1, 1998; Readopted Eff. April 1, 2018; Amended Eff. September 1, 2022; Amended Eff. (Pending the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental Protection Agency has approved the amended rule into the North Carolina State Implementation Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.).

15A NCAC 03J .0301 POTS

(a) It shall be unlawful to use pots except during time periods and in areas specified herein:

- (1) in Internal Waters from December 1 through May 31, except that:
(A) in the Northern Region designated in 15A NCAC 03R .0118(1) all pots shall be removed from Internal Waters from January 1 through January 31. Fish pots upstream of the U.S. 17 Bridge across Chowan River and upstream of a line across the mouth of Roanoke, Cashie, Middle, and Eastmost Rivers to the Highway 258 Bridge are exempt from this removal requirement.
(B) in the Southern Region designated in 15A NCAC 03R .0118(2) all pots shall be removed from Internal Waters from March 1 through March 15.

(2) in Internal Waters from June 1 through November 30 in the Northern Region designated in 15A NCAC 03R .0118(1):

- (A) in areas described in 15A NCAC 03R .0107(a).
(B) to allow for the variable spatial distribution of crustacea and finfish, the Fisheries Director may, by proclamation, specify time periods for and designate the areas described in 15A NCAC 03R .0107(b) or any part thereof, for the use of pots.

(3) in Internal Waters from May 1 through November 30 in the Southern Region designated in 15A NCAC 03R .0118(2), the Fisheries Director may, by proclamation, specify time periods and areas for the use of pots.

(4) in the Atlantic Ocean from May 1 through November 30 the Fisheries Director may, by proclamation, specify time periods and areas for the use of pots.

(b) It shall be unlawful to use pots:

- (1) in any navigation channel marked by State or Federal agencies; or
(2) in any turning basin maintained and marked by the North Carolina Ferry Division.

(c) It shall be unlawful to use pots in a commercial fishing operation unless each pot is marked by attaching a floating buoy of any color except any shade of yellow or any shade of hot pink, or any combination of colors that include any shade of yellow or any shade of hot pink. Buoys shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. One of the following shall be engraved on the attached buoy or identified by attaching engraved metal or plastic tags to the buoy:

- (1) gear owner's current motor boat registration number;
(2) gear owner's U.S. vessel documentation name; or
(3) gear owner's last name and initials.

(d) Pots attached to shore or a pier shall be exempt from Subparagraphs (a)(2) and (a)(3) of this Rule.

(e) It shall be unlawful to use shrimp pots with mesh lengths smaller than one and one-fourth inches stretch or five-eighths-inch bar.

(f) It shall be unlawful to use pots with mesh lengths smaller than one-half inch by one-half inch to take eels.

(g) Except for unbaited pots or pots baited with a male crab, it shall be unlawful to use crab pots in Coastal Fishing Waters unless each pot contains no less than three unobstructed escape rings that are at least two and five-sixteenth inches inside diameter and:

- (1) for pots with a divider:
(A) two escape rings shall be located on opposite panels of the upper chamber of the pot; and
(B) at least one escape ring shall be located within one full mesh of the corner and one full mesh of the bottom

of the divider in the upper chamber of the pot.

- (2) for pots without a divider:
 - (A) two escape rings shall be located on opposite panels of the pot; and
 - (B) at least one escape ring shall be located within one full mesh of the corner and one full mesh of the bottom of the pot.

For the purpose of this Rule, a "divider" shall mean a panel that separates the crab pot into upper and lower sections.

(h) The Fisheries Director may, by proclamation, impose on a commercial fishing operation and for recreational purposes any of the following restrictions for pots:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify record keeping and reporting requirements;
- (5) specify season, including a closed season for removal of all pots from Internal Waters;
- (6) specify species; and
- (7) specify quantity of species taken.

(i) It shall be unlawful to use more than 150 crab pots per vessel in Newport River.

(j) It shall be unlawful to remove crab pots from the water or remove crabs from crab pots between one hour after sunset and one hour before sunrise.

(k) It shall be unlawful to use pots to take crabs unless the line connecting the pot to the buoy is non-floating.

(l) It shall be unlawful to use pots with leads or leaders to take shrimp. For the purpose of this Rule, "leads" or "leaders" shall mean any fixed or stationary net or device used to direct fish into any gear used to capture fish. Any device with leads or leaders used to capture fish shall not be a pot.

History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221.1; 143B-289.52;

Eff. January 1, 1991;

Amended Eff. August 1, 1998; May 1, 1997; March 1, 1996; March 1, 1994; October 1, 1992; September 1, 1991;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. August 1, 2000;

Temporary Amendment Eff. September 1, 2000;

Amended Eff. May 1, 2015; April 1, 2014; September 1, 2005; August 1, 2004; August 1, 2002;

Readopted Eff. March 15, 2023;

Amended Eff. (Pending legislative review pursuant to S.L. 2019-198).

15A NCAC 03M .0523 FALSE ALBACORE

(a) If the level of landings of false albacore in a calendar year exceeds 200 percent of the five-year average of North Carolina recreational and commercial landings combined from 2018-2022 as determined by the Division of Marine Fisheries, the Fisheries Director shall issue a proclamation as set forth in Paragraph (b) of this Rule.

(b) In accordance with Paragraph (a) of this Rule and after prior consent of the Marine Fisheries Commission, the Fisheries

Director shall, by proclamation, impose the following requirements on the taking of false albacore:

- (1) for recreational purposes, specify a bag limit not to exceed 10 fish per person per day, not to exceed 30 fish per vessel per day; and
- (2) for a commercial fishing operation, specify a trip limit not to exceed 3,500 pounds in any one day or trip, whichever is more restrictive.

(c) A proclamation issued in accordance with Paragraphs (a) and (b) of this Rule shall become effective January 1 of the year following the year when the determination is made that a proclamation shall be issued. The proclamation shall expire when the level of landings falls below the landings level in Paragraph (a) of this Rule in a subsequent calendar year and after prior consent of the Marine Fisheries Commission.

History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;

Eff. Pending Legislative Review.

TITLE 18 - DEPARTMENT OF THE SECRETARY OF STATE

SUBCHAPTER 07J – TECHNOLOGY PROVIDER REQUIREMENTS

SECTION .0100 – GENERAL RULES

18 NCAC 07J .0101 DEFINITIONS

For purposes of this Subchapter:

- (1) "Break in service" means:
 - (a) the technology provider is subject to a disciplinary action by the Department that:
 - (i) restricts its services;
 - (ii) suspends its services; or
 - (iii) revokes its authorization;
 - (b) the technology provider has been denied a subsequent license or approval by the Department;
 - (c) the technology provider has not submitted an application to the Department for a renewed license or approval; or
 - (d) the technology provider has discontinued providing its authorized solution in North Carolina or support for the solution for any reason.
- (2) "Communication technology recording" means a data file that contains the audio, video, and written communication that occurred during a remote notarial transaction process via the communication technology in a platform.
- (3) "Custodial notary" means an electronic notary public who designates himself or herself as a custodian of the electronic notary's own session records pursuant to 18 NCAC 07H .0504.

- (4) "Cybersecurity incident" means an occurrence defined in G.S. 143B-1320(a)(4a).
- (5) "Depository" means a storage services solution for electronic journal entries and communication technology recordings, if applicable, that is offered by an IPEN solution provider or a platform provider.
- (6) "Electronic notary solution" means any of the following products or services:
 - (a) an IPEN solution that is:
 - (i) available from an existing technology provider subject to Section .1100 of this Subchapter; or
 - (ii) subject to approval pursuant to Rule .1301 of this Subchapter;
 - (b) a platform as defined in G.S. 10B-134.1(6) and subject to approval pursuant to Rule .1501 of this Subchapter;
 - (c) an identity proofing solution as defined in G.S. 10B-134.1(5) and subject to approval pursuant to Rule .1901 of this Subchapter;
 - (d) a credential analysis solution as defined in G.S. 10B-134.1(3) and subject to approval pursuant to Rule .1701 of this Subchapter; and
 - (e) custodial services as defined in G.S. 10B-134.1(3a) and subject to approval pursuant to Rule .2101 of this Subchapter.
- (7) "Encryption" shall have the meaning in G.S. 75-61(8).
- (8) "Existing technology providers" means IPEN solution providers approved before the effective date of these rules.
- (9) "Geolocation" means technology that identifies the location of remotely located principals connecting to a platform.
- (10) "Journal convenience copy" means a collection of a notary's electronic journal entries hosted by a depository in an electronic format for use by the notary as a convenience and that may be retained or deleted by the depository at the notary's discretion. The journal convenience copy is not a session record.
- (11) "Key individuals" are those individuals who are identified by a platform provider or an IPEN solution provider as meeting the criteria identified in G.S. 10B-134.19(c)(2).
- (12) "Protocols" or "Department's Scientific, Architectural, and Engineering Protocols for Technology Providers" means a document prepared by the Department and made available to the public that contains scientific, architectural, and engineering standards, forms, or procedures related to information technology for technology providers.
- (13) "Session record" means the electronic journal entries for a notarial session preserved in PDF/A format in accordance with the Department's protocols, including any embedded communication technology recording and associated metadata.
- (14) "Supporting vendor" means a person that provides an electronic service to a technology provider:
 - (a) upon which the provider relies to provide the notarial service for which the provider seeks or has approval or licensure; and
 - (b) that must be reported to the Department pursuant to Rule .0410 of this Subchapter.
- (15) "Transferee" means a custodian that receives a session record from a depository or a custodian.
- (16) "Transferor" means a depository or a custodian that transfers a session record to a custodian.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0102 TECHNOLOGY PROVIDERS LICENSED OR APPROVED

Only authorized technology providers may offer electronic notary solutions to any North Carolina notary public.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0103 MULTIPLE SERVICES

A technology provider that seeks or has authorization for a product or service that offers one or more types of electronic notary solution shall comply with the rules in this Subchapter applicable to each solution.

Note: An IPEN solution that includes credential analysis and identity proofing services is an example of a solution to which this rule applies.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0104 NO TRANSFER OF LICENSE OR APPROVAL

A technology provider shall not assign, transfer, or sell its authorization to offer an electronic notary solution in North Carolina.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0105 PERMISSIBLE PROVIDER DESIGNATIONS

An authorized technology provider may use the applicable following designations for its authorized electronic notary solutions only during the period that each approval or license is effective:

- (1) "approved North Carolina in-person electronic notary solution" or "approved North Carolina IPEN solution";
- (2) "licensed North Carolina electronic notary platform";
- (3) "approved North Carolina identity proofing solution";
- (4) "approved North Carolina credential analysis solution"; and
- (5) "approved North Carolina custodial services solution."

Note: An authorized technology provider may use "NC" or "N.C." as well as "North Carolina."

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0106 AUTHORIZATION DOES NOT MEAN ENDORSEMENT

A technology provider shall not state or imply that the Department endorses the services of the technology provider.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0107 TIMELY RESPONSE REQUIRED

A technology provider or applicant shall respond to any inquiry from the Department in the manner and within the time set by the Department. Extensions may be requested and granted pursuant to 18 NCAC 07B .0313 and .0314, respectively.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0108 SUBPOENA OR WARRANT

Within three business days after receiving a subpoena, warrant, or court order that is related to a notary public's records, a technology provider shall notify the notary in writing of the subpoena, warrant, or court order, unless:

- (1) the subpoena, warrant, or court order is issued in relation to an investigation by the Department pursuant to G.S. 10B-60; or

- (2) notice is otherwise prohibited by law.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0109 SERVICE LEVEL AGREEMENT

A technology provider's service level agreement shall include:

- (1) guaranteed uptime for the electronic notary solution; and
- (2) terms and conditions for crediting or reimbursing a notary public for unscheduled service outages.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0110 ADVERTISING RESTRICTION

A technology provider shall not display any of the following on screen during an electronic notarial transaction:

- (1) its own logos or those of another;
- (2) its own symbols or those of another;
- (3) advertising for itself or others; or
- (4) pre-recorded audio or video.

Note: Display of text from chats between transaction participants or text from a CART captioner shall not constitute a violation of this Rule.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0111 COMPLIANCE WITH TECHNOLOGY PROVIDER PROTOCOLS REQUIRED

Technology providers shall comply with applicable provisions of the Department's Scientific, Architectural, and Engineering Protocols for Technology Providers. The protocols may be accessed on the Department's website at no cost.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0112 IMPLEMENTATION OF POLICIES AND PLANS

A technology provider shall implement all plans and policies required by the rules in this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0113 CONTINUITY OF SERVICE

In the event of a break in service, a technology provider shall, pursuant to Rule .0207 of this Subchapter, ensure that notaries public using its authorized services:

- (1) have continuous access to the notaries' records; and
- (2) have assistance, if requested by a notary public, to transfer the notary's records to an approved custodian.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0114 WHEN PROVIDER MAY USE INFORMATION

Facilitating a notarial transaction and mitigating fraud are the only reasons that a technology provider or its supporting vendor may use, disclose, or permit disclosure of information that has not been anonymized and that is specific to:

- (1) the contents of a notarial transaction;
- (2) a transaction participant;
- (3) credentials of a notarial transaction participant; or
- (4) a notarial transaction record or electronic record.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0115 WHEN PROVIDER MAY RETAIN BACKUP COPIES OF DATA

A technology provider may retain backup copies of data associated with the notarial transaction process longer than the retention period otherwise specified in this Subchapter only if:

- (1) the backup copies of the data are retained offline;
- (2) the provider has a backup retention policy; and
- (3) the offline backup copies are securely deleted in accordance with the provider's backup policy.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0116 DATA DELETION REQUIREMENT

A technology provider shall securely delete data upon the finalization of the notarial session record if there is no retention requirement in the rules in this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0201 NOTICE OF MATERIAL CHANGE TO ELECTRONIC NOTARY SOLUTION

(a) After authorization by the Department and before implementation, a technology provider shall notify the Department of any material change to its authorized electronic notary solution.

(b) For purposes of this Section, a material change is one affecting the electronic notary solution's core:

- (1) functionality;
- (2) security; or
- (3) reliability.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;

Eff. January 1, 2007;

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

Transferred from 18 NCAC 07C .0501 Eff. June 1, 2023;

Amended Eff. July 1, 2025.

18 NCAC 07J .0202 IMPLEMENTATION OF MATERIAL CHANGES PROHIBITED PENDING DEPARTMENTAL APPROVAL

No material change to an electronic notary solution shall be implemented and offered to a notary public until the technology provider:

- (1) files written notice pursuant to the rules in this Section;
- (2) complies with Section .0500 of this Subchapter; and
- (3) receives approval from the Department upon its determination that the material change does not adversely affect the provider's continued compliance with the standards established in the rules in this Subchapter and the Protocols.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;

Eff. July 1, 2025.

18 NCAC 07J .0203 NOTICE TO DEPARTMENT OF BUSINESS INFORMATION CHANGES

After authorization by the Department, a technology provider shall provide written notice to the Department:

- (1) within five business days of changes to:
 - (a) the information required by 18 NCAC 07B .0402(2);
 - (b) the information required by 18 NCAC 07B .0402(3);
 - (c) conversion to an alternate type of business entity;
 - (d) conversion to a foreign entity;
 - (e) failure to remain active and current with the Department's Business Registration Division;

- (f) merger with another business entity;
 - (g) filing of a bankruptcy petition; or
 - (h) a change in the technology provider's controlling ownership; and
- (2) within 45 calendar days of changes to any other information on the provider's application for authorization.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0204 CONTENTS OF NOTICE OF CHANGES

A technology provider's written notice pursuant to Rule .0203 of this Section shall state:

- (1) what has changed; and
- (2) the correct information after the change.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0205 NOTICE TO NOTARIES OF PLANNED SERVICE OUTAGES

- (a) A technology provider shall provide at least five calendar days' notice to its subscribers and electronic notaries public that its systems will be unavailable due to planned maintenance.
- (b) The notice required under Paragraph (a) of this Rule shall include:

- (1) the date that the service will begin to be unavailable; and
- (2) the approximate amount of time during which the service is expected to be unavailable.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0206 SERVICE OUTAGE NOTIFICATION TO THE DEPARTMENT

As specified in the Department's authorization letter, a technology provider shall notify the Department immediately of any service outage or lack of accessibility to notaries public:

- (1) when the outage exceeds four consecutive hours; and
- (2) when service to notaries is restored.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0207 NOTICE TO NOTARIES OF BREAK IN SERVICE

A technology provider subject to Rule .0114 of this Subchapter shall notify notaries public using its authorized services within three days of the occurrence of a break in service and include:

- (1) the reason for the break in service;
- (2) whether the break in service is for a specific time period or is permanent;
- (3) whether the notaries:
 - (a) can continue using the provider's authorized services:
 - (i) with limits and what the limits are; or
 - (ii) without limits; or
 - (b) cannot continue to use the provider's authorized services and, where the provider is a depository or custodian:
 - (i) will have 60 days to transfer any records maintained by the provider to a custodian; and
 - (ii) that the notaries may continue to access the records maintained by the provider until they are transferred; and
- (4) any actions the provider requires the notaries to take.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0208 NOTICE OF REPORTABLE INCIDENT

- (a) Within 72 hours of discovery of a reportable incident, a technology provider shall notify the Department.
- (b) For purposes of the rules in this Section of this Subchapter, a reportable incident is one that involves:

- (1) a technology provider's electronic notary solution, a notary public's records, an electronic notary's electronic seal or signature, or a principal's records or information;
- (2) any of the following affecting data or access:
 - (A) unauthorized access, use, alteration, or disclosure;
 - (B) theft;
 - (C) loss; or
 - (D) compromise; or
- (3) a cybersecurity incident.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0209 CONTENT OF NOTIFICATION TO DEPARTMENT

Notification to the Department pursuant to Rule .0208 of this Section shall include the following information when available:

- (1) the names of the affected notaries public including their notary commission numbers;
- (2) a description of the affected records, data, or solution;
- (3) a copy of any law enforcement report made in connection with the incident;
- (4) a description of how the reportable incident occurred;
- (5) the duration of the reportable incident;
- (6) a description of actions taken to prevent or mitigate a similar reportable incident;
- (7) when the reportable incident occurred; and
- (8) a point of contact for the technology provider who has knowledge of:
 - (a) the reportable incident;
 - (b) actions taken to address the reportable incident; and
 - (c) actions to be taken to address the reportable incident.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0210 NOTIFICATION TO OTHER PARTIES

Technology providers shall notify affected persons of a reportable incident as required by applicable law, rule, or regulation. Note: The Identity Theft Protection Act, Chapter 75, Article 2A of the General Statutes is an example of an applicable law.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0211 VERIFICATION OF CONTINUING COMPLIANCE

A technology provider shall:

- (1) annually verify its compliance with the rules in this Subchapter for each approved electronic notary solution, by submitting the form in 18 NCAC 07B .0429; or
- (2) submit notice that it will not apply again pursuant to Rule .0215 of this Subchapter.

Item (1) of this Rule shall not apply to licensed platforms.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0212 TIMING OF VERIFICATION OF CONTINUING COMPLIANCE

A technology provider's verification of compliance pursuant to Rule .0211 of this Section shall be submitted to the Department:

- (1) no more than 60 days before the expiration of its approval; or
- (2) as part of its application for a subsequent approval.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0213 DUE DILIGENCE

A technology provider's verification pursuant to Rule .0211 of this Section shall be made only after the exercise of due diligence to enable the signer to comply with Rule .0214 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0214 SIGNER OF VERIFICATION

A technology provider's verification pursuant to Rule .0211 of this Section shall be signed by a person with the authority to bind the provider and who certifies under penalty of perjury that the information on the form is true and complete to the best of the signer's knowledge and belief.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0215 NOTICE TO DEPARTMENT THAT PROVIDER WILL NOT RENEW

At least 90 days before its existing authorization expires, a technology provider shall notify the Department in writing:

- (1) if it declines to apply for a subsequent authorization of its electronic notary solution;
- (2) the date on which it will cease offering its electronic notary solution to North Carolina notaries public; and
- (3) that it has complied with Rule .0216 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0216 NOTICE TO SUBSCRIBERS AND NOTARIES OF NONRENEWAL

No later than the date that a technology provider gives notice to the Department pursuant to Rule .0215 of this Section, the provider shall:

- (1) notify each subscriber and notary public account holder in writing that it will cease offering its electronic notary solution to North Carolina notaries public;
- (2) specify the date on which it will cease offering its electronic notary solution; and
- (3) comply with the rules in this Subchapter regarding notary access to records and transfer of records to a custodian.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .0300 – GENERAL APPLICATION PROCEDURES

18 NCAC 07J .0301 APPLICATION PROCESS

A technology provider applicant for authorization of an electronic notary solution shall:

- (1) submit a complete electronic application to the Department;
- (2) demonstrate the electronic notary solution to the Department to enable it to evaluate compliance with applicable laws, rules, and protocols; and
- (3) submit the filing fee, if applicable, with the application.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0302 SEPARATE APPLICATIONS FOR EACH SOLUTION TYPE

A technology provider shall complete an application designating each type of electronic notary solution for which it seeks authorization.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0303 APPLICATION FEES

- (a) Each application for a platform license shall be accompanied by a non-refundable five thousand dollar (\$5,000) fee pursuant to G.S. 10B-134.19(b).
- (b) No fee is required to accompany an application for any other electronic notary solution.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0304 BINDING REPRESENTATIONS IN APPLICATION

All representations, promises and assurances of performance made to the Department by a technology provider during the application process shall be binding and made under penalty of perjury.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0305 LIMIT ON DESIGNATION OF TRADE SECRET OR CONFIDENTIAL INFORMATION

A technology provider applicant shall not designate its entire application as:

- (1) a trade secret; or
- (2) confidential information.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0306 DESIGNATION OF CONFIDENTIAL OR TRADE SECRET INFORMATION

A technology provider applicant shall designate each specific item on its application, attachments, and other filings for which confidentiality or trade secret protection is claimed. Each designation shall comply with:

- (1) the North Carolina Trade Secrets Protection Act, Chapter 66, Article 24 of the General Statutes; or
- (2) the confidentiality provisions of G.S. 132-1.2.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0307 REDACTED COPY

A technology provider applicant that designates information as confidential or trade secret shall submit:

- (1) the unredacted filing with the confidential and trade secret designations; and
- (2) an exact duplicate of the filing with redactions of the confidential and trade secret information.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0308 DESIGNATION OF REDACTED COPY

For any redacted document submitted pursuant to Rule .0307 of this Section, a technology provider applicant shall include the word "redacted" in:

- (1) the document title;

- (2) the document digital file name; and
- (3) a header on each page.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0309 GOOD FAITH BASIS FOR CONFIDENTIAL OR TRADE SECRET DESIGNATION

If a technology provider designates items on its application as confidential or trade secret, the applicant shall certify on the application that it has formed a good faith opinion that the information claimed as confidential or trade secret meets the requirements for designation under the laws specified in Rule .0306 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0310 SOURCES OF CONFIDENTIAL INFORMATION

If designated as confidential or trade secret, the Department shall presume that the following plans and documents are confidential information or trade secrets:

- (1) configuration management plan required by Rule .0616 of this Subchapter;
- (2) information technology security audit and summary required by Rules .0620 and .0621 of this Subchapter;
- (3) security plan required by Rule .0624 of this Subchapter;
- (4) security incident response plan required by Rule .0626 of this Subchapter; and
- (5) contingency plan required by Rule .0628 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0311 APPLICATION CHANGES PRIOR TO LICENSURE OR APPROVAL

If information in a technology provider's application changes before the Department's decision on the application, the provider shall inform the Department in writing, and:

- (1) state what has changed; and
- (2) state the correct information after the change.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0312 APPLICATION WITHDRAWAL

A technology provider applicant may withdraw its application:

- (1) before receiving notice of the Department's decision on its application; and
- (2) by providing written notice:
 - (a) with the effective date of the withdrawal; and
 - (b) signed by a person with the authority to bind the applicant.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0313 APPLICATION RESUBMISSION

A technology applicant may resubmit its application without a new application fee if the resubmission is delivered within 45 days of:

- (1) the application initially being rejected as incomplete; or
- (2) the application being withdrawn.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0314 NOTICE OF DEPARTMENT DECISION

The Department shall notify a technology provider applicant whether its application is:

- (1) rejected as incomplete, with:
 - (a) information regarding the areas in which the application is incomplete; and
 - (b) a time within which the application must be amended to include the information;
- (2) denied, in which case the Department shall provide reasons for the denial; or
- (3) approved.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0315 TIMING OF SUBMISSION OF APPLICATION FOR SUBSEQUENT AUTHORIZATION

A technology provider's application for a subsequent authorization shall be submitted:

- (1) no earlier than 120 days before its existing authorization expires; and
- (2) no later than 90 days before its existing authorization expires.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0401 CONTENTS OF ALL TECHNOLOGY PROVIDER APPLICATIONS

All technology provider applicants shall submit applications that include the information required by:

- (1) this Section; and
- (2) 18 NCAC 07B .0422.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0402 PROVIDER NAME

All technology provider applications shall include:

- (1) the provider's name in its state or jurisdiction of formation as required by 18 NCAC 07B .0402(2)(a); and
- (2) the names required by 18 NCAC 07B .0422(3)(c) and (d).

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. January 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07C .0502 Eff. June 1, 2023; Amended Eff. July 1, 2025.

18 NCAC 07J .0403 CONTACT INFORMATION

A technology provider's application shall include the contact information required by 18 NCAC 07B .0402.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0404 CERTIFICATION OF STANDING

A technology provider applicant shall certify in its application that it:

- (1) is currently registered to do business in North Carolina or has a certificate of authority to do business in North Carolina; and
- (2) is in current-active status with the Department and the business registrar in the jurisdiction where formed, if not North Carolina.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0405 NOTARY SERVICES IN OTHER JURISDICTIONS

A technology provider applicant's application shall provide the following information for each state, federally recognized tribe,

or nation in which it has offered the same or similar services within the previous 10 years:

- (1) the types of service provided;
- (2) the month and year in which the technology provider received its most recent license or approval or a statement that a license or approval is not required;
- (3) the expiration date of the most recent required license, approval, or equivalent, if any;
- (4) whether any application for a required license, approval, or equivalent has been denied;
- (5) whether the applicant has discontinued a service and if applicable:
 - (a) an explanation of the discontinuance of the service; and
 - (b) the month and year in which the applicant discontinued services; and
- (6) for any open, pending, or active governmental or authorizing entity's investigations in relation to the applicant's provision of services in another jurisdiction and of which the applicant is aware at the time of application:
 - (a) the name of the governmental or authorizing entity; and
 - (b) a brief description of what the applicant believes is being investigated.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0406 COMPLIANCE CONTACT

A technology provider applicant shall name a compliance contact on its application who shall:

- (1) be an employee;
- (2) be a key individual;
- (3) successfully complete the Department's electronic notary public course; and
- (4) successfully complete the Department's technology provider course.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0407 COMPLIANCE CONTACT DUTIES

A technology provider's compliance contact shall, for the duration of the provider's authorization:

- (1) have the duty to monitor the provider's compliance with:
 - (a) Chapter 10B of the General Statutes; and
 - (b) the rules in this Chapter;

- (2) ensure that notices are provided to the Department as required by the rules in this Subchapter; and
- (3) receive notices from the Department made pursuant to the rules in this Chapter.

Eff. July 1, 2025.

18 NCAC 07J .0411 SUPPORTING VENDOR INFORMATION

A technology provider applicant shall specify the type of service provided by each supporting vendor listed on its application.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0412 VENDORS WITH ACCESS TO NOTARIAL TRANSACTION DATA

A technology provider applicant shall disclose on its application the names of all vendors, business entities, and any of their affiliates that will have access to notarial transaction data when at rest.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0413 DISCLOSURE OF CERTIFICATIONS AND COMPLIANCE REPORTS

A technology provider applicant shall disclose on its application each independent third-party certification, SOC 2 Type 2 compliance report, or equivalent pertaining to the electronic notary solution for which authorization is sought, with:

- (1) the name of the issuer of the certification, compliance report, or equivalent;
- (2) the name or title of the certification, compliance report, or equivalent;
- (3) the date of its issuance; and
- (4) its expiration date, if applicable.

Note: FIPS validation, NSA approval, FedRAMP, ISO 27001, or HITRUST are examples of an independent third-party certification or equivalent.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0414 DISCLOSURE OF DEBARMENTS

A technology provider applicant shall disclose on its application if it or any of its key individuals is now or has ever been the subject of a debarment by a state, federally recognized tribe, or nation, and for each:

- (1) whether the debarment was for the applicant or a key individual, and the name of the key individual;
- (2) the name of each government that debarred the applicant or the key individual;
- (3) an explanation of the reason for each debarment; and
- (4) the start and end dates of each debarment.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0408 THIRD-PARTY VENDORS INCLUDED IN ELECTRONIC NOTARY SOLUTION

A technology provider applicant shall list on its application any third-party vendors providing services to the technology provider in connection with the electronic notary solution for which it seeks authorization.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0409 THIRD-PARTY VENDOR INFORMATION

A technology provider applicant shall provide the following information for each third-party vendor listed on its application:

- (1) the type of service that the vendor provides to the applicant; and
- (2) which, if any, of the third-party vendors used by the solution are:
 - (a) currently approved by the Department;
 - (b) currently under consideration for approval by the Department; or
 - (c) being submitted by the applicant with its application for approval by the Department.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0410 SUPPORTING VENDORS

A technology provider applicant shall list on its application any supporting vendors providing the following services to the technology provider in connection with the electronic notary solution for which it seeks authorization:

- (1) cloud services;
- (2) geolocation services;
- (3) communication technology;
- (4) communication recording technology;
- (5) electronic journal;
- (6) digital certificate authorities; and
- (7) electronic signature and electronic seal.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0415 DISCLOSURE OF VOLUNTARY EXCLUSIONS IN LIEU OF DEBARMENT

A technology provider applicant shall disclose on its application:

- (1) whether, within 10 years of its application, the applicant or any of its key individuals have agreed to voluntary exclusion in lieu of debarment being taken against it or any of its key individuals by a state, federally recognized tribe, or nation; and
- (2) for each disclosed voluntary exclusion of the applicant or its key individuals:
 - (a) the name of the person for whom any voluntary exclusion was agreed to;
 - (b) the name of each governmental entity for which the applicant or the key individual agreed to voluntary exclusion in lieu of debarment;
 - (c) an explanation of the reason for each voluntary exclusion; and
 - (d) the start and end dates of each voluntary exclusion.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0416 DISCLOSURE OF CIVIL LEGAL ACTIONS

A technology provider applicant shall disclose on its application all findings in civil legal actions, including arbitration:

- (1) made within 10 years of its application date;
- (2) that are against the applicant or any of its key individuals for:
 - (a) activity involving dishonesty, untruthfulness, deceit, fraud, false dealing, cheating, stealing, or insider trading;
 - (b) mishandling or misuse of customer data; or
 - (c) failure of the platform to perform as warranted.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0417 CONTENT OF CIVIL LEGAL ACTION DISCLOSURES

A technology provider's application disclosure pursuant to Rule .0416 of this Section shall include:

- (1) a description 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 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; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0418 DISCLOSURE OF DISCIPLINARY ACTIONS

A technology provider shall disclose on its application any disciplinary actions:

- (1) taken against it or any of its key individuals by any state, federally recognized tribe, or nation's government; and
- (2) concluded within 10 years of the application date.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0419 CONTENT OF DISCIPLINARY ACTION DISCLOSURES

For each disciplinary action listed pursuant to Rule .0418 of this Section, a technology provider shall disclose:

- (1) the date of each disciplinary action;
- (2) the disciplinary action taken;
- (3) a copy of each disciplinary action;
- (4) if not included in the copy of the disciplinary action provided:
 - (a) the reason given for the disciplinary action;
 - (b) an explanation of the circumstances that led to the disciplinary action; and
 - (c) the name of the issuing entity;
- (5) where the disciplinary action included any corrective action or conditions:
 - (a) whether the applicant or key individual has complied with the corrective actions or conditions; and
 - (b) the date on which compliance with the corrective actions or conditions was satisfied;
- (6) whether the applicant or key individual would be eligible for relicensure or recommissioning; and

- (7) other information that the applicant wishes to include in order to aid the Department in assessing the application.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0420 DISCLOSURE OF BANKRUPTCY

A technology provider applicant shall disclose on its application whether the applicant is in, or has previously exited within the past 10 years, bankruptcy proceedings pursuant to the laws of the United States or other nation.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0421 CONTENTS OF BANKRUPTCY DISCLOSURE

A technology provider applicant that discloses a bankruptcy pursuant to Rule .0420 of this Section shall state:

- (1) the status of the matter;
- (2) the style of the case, including the case number; and
- (3) the court in which the bankruptcy was filed.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0422 WEBSITE INFORMATION

The application of a technology provider applicant shall include:

- (1) the single URL link required by Rule .0607 of this Subchapter; and
- (2) the form required by 18 NCAC 07B .0422(6).

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0423 IT SECURITY AUDIT SUMMARY

The application of a technology provider applicant shall include:

- (1) how often the applicant conducts IT security audits; and
- (2) the IT security audit summary required by Rule .0621 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .0500 – TECHNOLOGY DEMONSTRATION

18 NCAC 07J .0501 SOLUTION AVAILABILITY REQUIRED

After submitting its application, a technology provider applicant shall make its electronic notary solution available to the Department for evaluation as specified in the rules in this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0502 DEMONSTRATION CONTENT

A technology provider's demonstration of its electronic notary solution shall establish that the features, functionality, and instructional materials for users comply with the rules in this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0503 DEMONSTRATION TO INCLUDE USE OF SOLUTION IN NOTARIAL TRANSACTION

A technology provider's demonstration of its electronic notary solution shall include a step-by-step exhibition of how the electronic notary solution will be used for notarial transactions.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .0600 – TECHNOLOGY PROVIDER STANDARDS

18 NCAC 07J .0601 SCOPE

The rules in this Section apply to electronic notary solutions.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. January 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07C .0503 Eff. June 1, 2023; Amended Eff. July 1, 2025.

18 NCAC 07J .0602 NOTARY ACCOUNT ACCESS

A technology provider shall ensure that only the notary public, the technology provider, or a person authorized by law can access the notary's:

- (1) account information;
- (2) journals;
- (3) communication technology recordings;
- (4) session records; or

- (5) metadata associated with the notarial transaction.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0603 REQUIRE NOTARY MULTI-FACTOR AUTHENTICATION

A technology provider shall require multi-factor authentication before a notary public may access the notary's account.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0604 INACTIVITY WARNING TIMING

A technology provider's electronic notary solution shall issue a warning on screen to a notary public:

- (1) who is logged into the notary's account; and
- (2) has been inactive longer than 15 minutes.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0605 PROVIDER ACTION AFTER WARNING

No more than five minutes after the on screen warning in Rule .0604 of this Section, a technology provider's electronic notary solution shall:

- (1) determine whether there has been activity by the notary public in that five minutes; and
- (2) log the notary out if there has been no activity.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0606 TECHNOLOGY PROVIDER WEB PAGE

A technology provider shall create a publicly accessible web page or pages containing the information required by Rule .0607 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0607 SINGLE LINK AND SUBMISSION TO DEPARTMENT

A technology provider shall ensure that the website page or pages required by Rule .0606 of this Section and website content

required by Rule .0608 of this Section are accessible through a single link provided to the Department:

- (1) for inclusion on the Department's authorized technology provider web page; and
- (2) with any sub-pages directly accessible through the single linked page.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0608 WEBSITE CONTENT

A technology provider's website shall include the following content in the order set out in this Rule:

- (1) the provider's name;
- (2) the provider's contact information, including:
 - (a) a general telephone number;
 - (b) a sales number, if different; and
 - (c) a support or help desk number;
- (3) the types of authorized electronic notary solution offered and each product name;
- (4) if applicable, a notice that North Carolina notaries may use only electronic notary solutions authorized by the Department;
- (5) a product description, including the functions offered;
- (6) service sectors served by the products described;
- (7) the minimum technical specifications for use of the electronic notary solution by:
 - (a) a notary public;
 - (b) a principal; and
 - (c) other participants in an electronic notarial transaction;
- (8) a direct link to the service level agreement required by Rule .0109 of this Subchapter;
- (9) either the disclosures required by the following rules in this Subchapter or a link to those disclosures:
 - (a) Rule .1208;
 - (b) Rule .1427;
 - (c) Rule .1613;
 - (d) Rule .1812; and
 - (e) Rule .2021;
- (10) either the instructions for use and demonstrations or tutorials or links to them; and
- (11) other information that the provider wishes to provide, such as pricing.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0609 UPDATING SINGLE LINK URL

A technology provider shall notify the Department within five business days of a change in the URL of the information required by Rule .0606 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0610 ENCRYPTION OF DATA

A technology provider shall securely encrypt data while it is at rest and in transit.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0611 DATA STORED DOMESTICALLY

A technology provider shall:

- (1) store all data associated with the notarial transaction process in the United States while the data is at rest; and
- (2) certify compliance with Item (1) of this Rule:
 - (a) on its initial and subsequent applications; and
 - (b) on its verification of compliance pursuant to Rule .0211 of this Subchapter, if applicable.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0612 DATA STORAGE FACILITY REQUIREMENTS

A technology provider shall store all data associated with a notarial session in facilities that are:

- (1) climate-controlled; and
- (2) secure from unauthorized physical access.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0613 DATA CENTER SECURITY

A technology provider shall ensure that each data center it uses has physical security measures in place that include:

- (1) restricting physical system access to personnel authorized by the provider to access the data center's system;
- (2) monitoring and logging physical access to the data center's information systems;
- (3) maintaining the physical access logs for five years; and
- (4) monitoring and responding to:
 - (a) physical intrusion alarms; and
 - (b) surveillance system observations and alerts.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0614 CERTIFICATION RE DATA CENTER SECURITY

A technology provider shall certify its compliance with Rules .0612 and .0613 of this Section on its:

- (1) initial and subsequent applications; and
- (2) verification of compliance pursuant to Rule .0211 of this Subchapter, if applicable.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0615 MAINTENANCE OF SOFTWARE AND HARDWARE

A technology provider's hardware, software, and firmware for systems supporting the electronic notary solution shall:

- (1) not be classified as end-of-life by their manufacturers;
- (2) still be eligible for vendor security patches; and
- (3) comply with the "N-1" principle that states that all systems should be running either the newest stable release or one version prior to that release.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0616 CONFIGURATION MANAGEMENT PLAN

A technology provider shall maintain a configuration management plan for systems supporting the electronic notary solution that addresses:

- (1) maintenance of an accurate inventory of items including:
 - (a) software;
 - (b) hardware; and
 - (c) network components;
- (2) implementation of configuration settings which represent the most restrictive security settings compatible with the systems' operational requirements;
- (3) use of automated mechanisms to detect inventory and configuration changes;
- (4) prevention of unauthorized changes to the systems; and
- (5) evaluation of the potential security impact of proposed changes.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;

Eff. July 1, 2025.

18 NCAC 07J .0617 IDENTIFICATION AND ACCESS CONTROL

A technology provider shall implement personnel identification and access control measures for systems supporting the electronic notary solution that:

- (1) designate and authorize users;
- (2) assign access to its data and systems based on users' roles;
- (3) restrict non-privileged users from performing privileged functions;
- (4) review, manage, and monitor users' role-based access;
- (5) restrict notarial transaction process-related data access to authorized persons; and
- (6) delete, revise, or remove access for users:
 - (a) whose role changes; or
 - (b) who are no longer employed with the provider.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0618 IDENTIFICATION AND ACCESS CONTROL BY THIRD-PARTY VENDORS AND SUPPORTING VENDORS

A technology provider shall confirm that each of its third-party and supporting vendors maintain and implement identification and access control measures equivalent to or more stringent than those required by Rule .0617 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0619 VULNERABILITY DETECTION AND REMEDIATION

A technology provider shall:

- (1) at least weekly execute or cause to be executed a third party security program which shall evaluate each system endpoint for indications of malware, known security risks, and other vulnerabilities; and
- (2) detect and remediate IT security vulnerabilities.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0620 IT SECURITY AUDIT

A technology provider shall have a third-party audit of its IT security conducted at least once every three years:

- (1) sufficient to comply with Rule .0622 of this Section; and

- (2) by Certified Information Systems Auditors or the equivalent.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0621 SUMMARY OF IT SECURITY AUDIT

A technology provider shall provide a summary to the Department of its most recent IT security audit, which shall not be more than three years old:

- (1) on its initial and subsequent applications; and
- (2) on its verification of compliance pursuant to Rule .0211 of this Section, if applicable.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0622 CONTENTS OF IT SECURITY AUDIT SUMMARY

(a) The IT audit summary provided to the Department pursuant to Rule .0620 of this Section shall include:

- (1) the date of the audit;
- (2) the third-party audit standards by which the audit was conducted;
- (3) the name, contact information, and title or role of a representative of the organization conducting the audit;
- (4) the IT security audit findings; and
- (5) any plan of action including a timeline to address all findings.

(b) For purposes of this Rule, "finding" means:

- (1) a deficiency in internal control;
- (2) noncompliance with applicable laws and rules; or
- (3) instances of fraud.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0623 CYBERSECURITY INCIDENT PREVENTION

A technology provider shall take steps to prevent cybersecurity incidents by:

- (1) logging and monitoring access to the system; and
- (2) detecting, tracking, and addressing security flaws.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0624 SECURITY PLAN

A technology provider shall maintain a security plan specifying how it will comply with laws, rules, and the Department's protocols related to:

- (1) physical security; and
- (2) IT security.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0626 SECURITY INCIDENT RESPONSE PLAN

A technology provider shall maintain a security incident response plan that:

- (1) addresses the capabilities required by the rules in this Section;
- (2) includes annual testing; and
- (3) is revised annually, as needed.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0627 CYBERSECURITY INCIDENT RESPONSE

A technology provider shall:

- (1) detect and respond to any cybersecurity incident;
- (2) store evidence related to a cybersecurity incident in a manner that:
 - (a) establishes chain of custody; and
 - (b) preserves chain of custody; and
- (3) retain security logs and other data related to cybersecurity incidents and response for at least three years.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0628 CONTINGENCY PLAN REQUIREMENT

A technology provider shall maintain a contingency plan for recovery to a functional state in the event of a cybersecurity incident or other service disruption of:

- (1) its authorized electronic notary solutions;
- (2) the following businesses upon which its electronic notary solutions are reliant:
 - (a) critical infrastructure companies, as defined in G.S. 166A-19.70A; and
 - (b) supporting vendors listed pursuant to Rule .0410 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0629 CONTENTS OF CONTINGENCY PLAN

A technology provider's contingency plan shall include:

- (1) the manner in which it will recover its authorized services to a functional state;
- (2) a projected timeline for recovery to a functional state; and
- (3) required notices to the Department and notaries public pursuant to Section .0200 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .0700 – ELECTRONIC SIGNATURE AND SEAL STANDARDS

18 NCAC 07J .0701 APPLICATION OF ELECTRONIC SEAL

An electronic notary seal shall be applied only by an electronic notary using an IPEN or platform provider's electronic notary solution.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0702 COMPLIANCE WITH ELECTRONIC SIGNATURE AND SEAL RULES

An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to comply with the following rules:

- (1) 18 NCAC 07F Section .0700, Electronic Notary Signature;
- (2) 18 NCAC 07F Section .0800, Electronic Notary Seal; and
- (3) 18 NCAC 07F Section .1000, Confidentiality, Security, and Records Retention.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0703 APPLICATION OF ELECTRONIC SIGNATURE

An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to affix the electronic notary's electronic signature on an electronic notarial certificate.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

- (4) provide exemplars of the updated signature and seal to the Department; and
- (5) reconfirm the Department's receipt of the exemplars.

18 NCAC 07J .0704 ELECTRONIC SIGNATURE APPEARANCE

An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to apply the electronic notary's electronic signature to an electronic record being notarized only if:

- (1) the electronic signature is an exact copy of the electronic notary's handwritten signature delivered pursuant to Rules .1201 and .1410 of this Subchapter; or
- (2) the signature is handwritten by the electronic notary using electronic means during the notarial transaction.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0705 ELECTRONIC SIGNATURE AND SEAL REVIEW

An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to comply with 18 NCAC 07F .0710 and .0815 by permitting the electronic notary to:

- (1) view the electronic signature and seal after application; and
- (2) delete and reapply the electronic signature and seal before committal.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0706 ELECTRONIC SIGNATURE AND SEAL CHANGES

If an IPEN or platform provider's electronic notary solution receives a registration certificate reflecting a change in an electronic notary public's name, county, or expiration date, the provider shall:

- (1) use the Department's notary public database to:
 - (a) verify that the electronic notary's information has changed as shown on the certificate; and
 - (b) verify that the electronic notary continues to be in active status with the Department;
- (2) generate a new electronic seal reflecting the changed information;
- (3) obtain an updated handwritten signature from the electronic notary in compliance with Rule .1201(5) or .1410(5) of this Subchapter, as applicable, if the notary's name has changed;

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .0800 – ELECTRONIC JOURNAL STANDARDS

18 NCAC 07J .0801 ELECTRONIC JOURNAL REQUIRED

An IPEN or platform provider's electronic notary solution shall provide an electronic journal in which an electronic notary can record all completed and canceled electronic notarial transactions.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0802 COMPLIANCE WITH JOURNAL RULES

An IPEN or platform provider shall design its electronic journals in a way that enables an electronic notary public to comply with the journal rules in this Chapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0803 JOURNAL ENTRY FOR EACH NOTARIAL TRANSACTION

An IPEN or platform provider shall design its electronic journals to require a single journal entry for each:

- (1) notarial act;
- (2) canceled notarial act; and
- (3) supplemental journal entry.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0804 CLASSIFICATION OF JOURNAL ENTRIES

An IPEN solution or platform provider shall design its electronic journals to enable a notary public to classify each journal entry as:

- (1) a completed notarial act;
- (2) a canceled notarial transaction; or
- (3) a supplemental journal entry.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;

Eff. July 1, 2025.

18 NCAC 07J .0805 MINIMUM LENGTH OF NOTES FIELD

An IPEN solution or platform provider shall design its electronic journals to provide a notes field:

- (1) that allows a notary to enter observations about a notarial transaction; and
- (2) that accommodates at least 3,000 characters.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0806 JOURNAL DATA VALIDATION

An IPEN or platform provider shall design its electronic journal to allow a notary public to review, amend, or confirm information in all fields contained within a journal entry before committing it.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0807 COMMITTED JOURNAL ENTRY AMENDMENTS PROHIBITED

An IPEN or platform provider shall design its electronic journal to prohibit amendment of an electronic journal entry after it is committed by the notary public.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0808 PRINTING OF ELECTRONIC JOURNAL INFORMATION

An IPEN or platform provider shall design its electronic journal to permit the notary public to print a tangible and legible copy of each journal entry selected by the notary.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0809 JOURNAL SEARCH

An IPEN or platform provider shall ensure that its electronic journal can be searched based on the information entered by a notary public in any field in the journal.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0810 SEGREGATION OF ENTRIES

An IPEN or platform provider shall ensure that entries in its electronic journals can be annotated and distinguished from other entries. Note: An example of separate and distinguishing annotation would be flagging entries subject to a litigation hold.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0811 NOTARY ACCESS TO JOURNAL

During the contract period in which a notary public has use of an IPEN or platform provider's electronic journal, the provider shall make the entries and journal:

- (1) viewable by the notary;
- (2) printable by the notary;
- (3) available for download; and
- (4) available for transfer to a custodian.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0812 TERMINATION OF RELATIONSHIP WITH NOTARY

An IPEN or platform provider shall do the following upon the termination of its relationship with a notary public:

- (1) within 45 days, transfer the notary's electronic journal to a custodian; and
- (2) delete the electronic journal entries and journal after transfer to a custodian unless retention is permitted pursuant to law or the rules in this Subchapter.

Note: For purposes of this rule, termination of relationship means:

- (1) termination of a contract between the provider and a notary or the notary's employer; or
- (2) restriction, suspension, or termination of the provider's authorization by the Department or a court of general jurisdiction.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0813 SUPPLEMENTAL JOURNAL ENTRIES

An IPEN or platform provider's electronic journal shall allow a notary public to record one or more supplemental journal entries pursuant to 18 NCAC 07I .0308.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

SECTION .0900 – COMMUNICATION TECHNOLOGY STANDARDS

18 NCAC 07J .0901 ACCESS LIMITED

A platform provider shall limit participation in a notarial session to individuals authorized to have access by:

- (1) the notary public who will perform the notarial acts;
- (2) the principals in the notarial transaction; and
- (3) other parties authorized by the notary or principals.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0902 VIEW OF DOCUMENT

The communication technology shall allow an electronic notary public to view the application of the principal's signature to any document being notarized.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0903 VIDEO STANDARDS

A platform provider's communication technology shall enable:

- (1) comparison by the notary of a remotely located principal's facial features with the credential that was used for credential analysis;
- (2) visual communication between the notary, principals, and any additional participants, including interpreters and transliterators, for the duration of the notarial transaction; and
- (3) the remotely located principal for whom CART captioning is being provided and the speaker to see the CART captions.

Note: Visual communication includes American Sign Language and cued speech.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0904 VIDEO CUSTOMIZATION STANDARD

A platform provider's communication technology shall include a feature that allows each participant to lock the size and position of a priority video window and can be located easily by a participant in a notarial transaction.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0905 AUDIO STANDARDS

A platform provider's communication technology shall support audio interactions between all participants in a notarial transaction that:

- (1) provide live audio transmission for the duration of the notarial transaction;
- (2) provide clarity and volume so that all participants can hear the audio; and
- (3) synchronize the audio with the video transmission, except as permitted pursuant to 18 NCAC 07H .0405.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0906 WRITTEN COMMUNICATION STANDARD

A platform provider's communication technology shall support:

- (1) live transmission of on-screen text communication between all participants in a notarial transaction;
- (2) CART captioning pursuant to Rule .0903 of this Section; and
- (3) customization by each participant of all text outputs generated by the participants of:
 - (a) the contrast between the text and background;
 - (b) the size of the text; and
 - (c) the text font.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0907 RECORDING CAPABILITY

A platform provider's communication technology shall:

- (1) permit recording of a remote electronic notarial session; and
- (2) provide the electronic notary public with the controls to:
 - (a) initiate a communication technology recording;
 - (b) conclude a communication technology recording; and
 - (c) allow creation of a session record in accordance with the rules in this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .0908 RECORDING CONTENT

A platform provider's communication technology shall preserve all audio, visual, and written content as it occurred or was presented during the notarial session.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0909 RECORDING METADATA

A platform provider's communication technology shall associate metadata to a communication technology recording documenting:

- (1) the format of the recording; and
- (2) the length of the recording.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .0910 RECORDING OF REMOTE JUDICIAL ACTIONS OR PROCEEDINGS

Any recording of a remote judicial action or proceeding authorized by G.S. 10B-134.9(d) shall be exempted from the rules of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .1000 – DEPOSITORY SERVICES STANDARDS

18 NCAC 07J .1001 DEPOSITORY REQUIREMENTS

Except as noted, the rules in this Section apply to the depositories of IPEN solution providers and platform providers.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1002 SESSION RECORD CREATION

(a) A session record shall be created at the end of a notarial session and include:

- (1) all journal entries made in the session;
- (2) any communication technology recording made of the session; and
- (3) metadata as required by Rule .1017 of this Section.

(b) A session record shall be created for a traditional notary public using a platform depository's services only if the traditional notary:

- (1) administers an oath or affirmation pursuant to G.S. 10B-134.9(d);
- (2) chooses to make an entry in the provider's electronic journal; and

(3) designates a custodian.

(c) A session record shall be created for each supplemental journal entry.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1003 SESSION RECORD DIGITAL SIGNATURE

A depository shall digitally sign each session record.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1005 SESSION IDENTIFIER

A depository shall establish a session identifier for each notarial session or supplemental journal entry by concatenating the following numbers, with no separation or punctuation:

- (1) the four-digit identifying number assigned to the authorized depository by the Department;
- (2) the 12 digit commission number of the notary public who performs notarial acts during the session, padded with leading zeros as necessary;
- (3) the eight-digit date on which the session occurred, comprised of the following numbers in the order listed:
 - (a) the four-digit calendar year;
 - (b) the two-digit month; and
 - (c) the two-digit day; and
- (4) a seven-digit sequential session number that is assigned by the depository and that:
 - (a) begins with number 0000001 on the first day of the calendar year; and
 - (b) ends with the last sequential number for sessions in that same calendar year.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1006 SEARCHABLE SESSION RECORD FIELDS

A depository shall make session records searchable and identifiable by the following fields:

- (1) the session identifier required pursuant to Rule .1005 of this Section;
- (2) the commission name of the notary public;
- (3) the county of the notary's commission;
- (4) the names of the remotely located principals as they appear on the credentials presented for credential analysis;
- (5) the time when the session ended;

- (6) whether the session was performed in the conduct of the business of a notary's employer;
- (7) the name of the employer, if applicable;
- (8) the types of notarial acts, or cancellation of the session; and
- (9) whether the electronic notarial act was:
 - (a) an electronic notarial act; or
 - (b) a remote electronic notarial act:
 - (i) pursuant to G.S. 10B-134.9(d) for which no electronic journal entry is made; or
 - (ii) other remote electronic notarial act pursuant to Article 4A of Chapter 10B of the General Statutes; or
- (10) whether the session record is for a supplemental journal entry.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1010 EXCEEDANCE OF STORAGE TIME LIMIT

A depository that is unable to comply with Rule .1009 of this Section shall:

- (1) notify the Department upon discovering the inability; and
- (2) comply with the rules for custodians in Section .2000 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1011 DELETION OF SESSION RECORD

A depository shall securely delete a session record from its depository within 45 days of receiving a confirmation receipt from the electronic notary public's designated transferee custodian.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1012 VALIDATION BEFORE DELETION

A depository shall not delete a session record until it receives the transferee custodian's receipt confirming that the record has been:

- (1) received; and
- (2) validated.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1013 NOTARY ACCESS TO SESSION RECORD FROM DEPOSITORY

A depository shall allow a notary public to view, copy, print, and download any of the notary's session records in the possession of the depository at any time and at no cost.

Note: This rule shall not apply to planned service outages for which notice is provided pursuant to Rule .0205 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1007 SESSION RECORD UNCHANGED

A depository shall ensure that there are no changes to a session record held in its depository from the time the record is created until transfer to a custodian.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1008 STORAGE LOCATIONS

A depository shall maintain copies of each session record and session record log in two or more geographically separated data facilities.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1009 TIME LIMIT FOR TRANSFER FROM DEPOSITORY

A depository shall transfer a session record to a custodian selected by a notary public on the earliest of:

- (1) a time agreed to by the notary;
- (2) no later than 10 days from receipt of a written transfer request from the notary;
- (3) one year from the date the session concluded; or
- (4) the expiration of the provider's contract with the notary.

18 NCAC 07J .1014 DEPOSITORY CONTINUITY OF SERVICES

A depository shall not discontinue operation of its depository until all session records and session record logs are transferred to the custodians designated by the notaries public.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1015 JOURNAL ENTRY IDENTIFIER

A depository shall establish a journal entry identifier for each journal entry by concatenating the following numbers in order:

- (1) the session identifier; and
- (2) a four-digit number representing the sequential number of the journal entry within the session record.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1016 SESSION RECORD LOG FOR WHICH THERE IS NO ELECTRONIC JOURNAL ENTRY

If a traditional notary public administers an oath or affirmation pursuant to G.S. 10B-134.9(d) and chooses not to make an electronic journal entry, the platform depository shall create a session record log entry of the oaths or affirmations administered during the session.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1017 REQUIRED METADATA

After the notary public has committed the session record and before the depository digitally signs the PDF/A of the session record, the depository shall add the following metadata:

- (1) the session identifier;
- (2) the notary public's name as shown on the notary's commission certificate;
- (3) the sum of:
 - (a) the platform's count of the number of notarial acts for which the notary's electronic seal was applied with the notary's signature; and
 - (b) the notary's count of the number of oaths or affirmations administered without a principal signature;
- (4) the date and time the session record was created and sealed by the depository;
- (5) a list of the types of notarial acts performed; and
- (6) whether the notarial acts performed were:
 - (a) electronic notarial acts;

- (b) remote electronic notarial acts pursuant to G.S. 10B-134.9(d) for which no electronic journal entry is made; or
- (c) other remote electronic notarial acts.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1018 SESSION RECORD LOG

A depository shall establish a session record log for each session as required by Rule .1019 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1019 CONTENTS OF SESSION RECORD LOG

A session record log shall include:

- (1) the session record identifier;
- (2) the time and date that the session:
 - (a) started; and
 - (b) ended;
- (3) whether a session record was created;
- (4) the name of the notary public exactly as it appears on the notary's commission certificate;
- (5) whether the notarial act was performed for the notary's employer, and the name of the employer, if applicable;
- (6) the types of notarial acts performed during the notarial session as defined in G.S. 10B-3(11);
- (7) whether the notarial act was:
 - (a) an electronic notarial act; or
 - (b) a remote electronic notarial act:
 - (i) pursuant to G.S. 10B-134.9(d) for which no electronic journal entry is made; or
 - (ii) other remote electronic notarial act pursuant to Article 4A of Chapter 10B of the General Statutes;
- (8) the IP address of the device used by the notary in the notarial transaction;
- (9) for each principal in the notarial transaction:
 - (a) the principal's name as it appears on the credentials presented for credential analysis;
 - (b) the IP address of the primary device used by the principal to enter the communication technology of a platform used in the notarial transaction; and
 - (c) the principal's location;

- (i) as determined by geolocation, if available; or
- (ii) as entered by the notary if self-attestation is used as the means of verifying the principal's location;
- (10) the notary's count of the oaths or affirmations administered by the notary without principal signatures;
- (11) the platform's count of the number of notarial acts for which the notary's electronic signature or seal were applied;
- (12) whether the platform facilitated payment to the notary, and if applicable:
 - (a) the name of the person making the payment;
 - (b) the method of payment:
 - (i) ACH;
 - (ii) credit card; or
 - (iii) other electronic method;
 - (c) the name of the financial institution; and
 - (d) the last four digits of the account number used; and
- (13) the date on which the session record was deleted.

- (7) the count of notarial acts performed during the session as described in Rule .1017(3) of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1021 RETENTION OF SESSION RECORD LOG BY DEPOSITORY

Each session record log shall be retained by the depository for no less than 15 years from the date of the session record log creation.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1022 TRANSFER OF SESSION RECORD LOG

A depository shall transfer to a custodian a copy of a session record log together with any associated session record. A depository shall not be required to transfer a copy of a session record log to a custodial notary public.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1023 ENTRY IN DEPARTMENT'S DATABASE BY TRANSFEROR

Upon validation pursuant to Rule .1012 of this Section, a transferor shall update the Department's database with the following information:

- information:
- (1) the session identifier;
 - (2) the date and time that:
 - (a) the session began; and
 - (b) the session ended;
 - (3) whether a session record was created;
 - (4) the IP address of the device used by the notary in the notarial transaction;
 - (5) whether the electronic notarial act was:
 - (a) an electronic notarial act; or
 - (b) a remote electronic notarial act:
 - (i) pursuant to G.S. 10B-134.9(d) for which no electronic journal entry is made; or
 - (ii) other remote electronic notarial act pursuant to Article 4A of Chapter 10B of the General Statutes;
 - (6) the principal names as they appear on the credentials presented for credential analysis; and

- (1) the session identifier;
- (2) the four-digit identifying number assigned to the technology provider making the entry into the Department's database;
- (3) the four-digit identifying number assigned to the transferor;
- (4) for the transferee:
 - (a) the four-digit identifying number assigned to the transferee; or
 - (b) the custodial notary public's commission number, if applicable; and
- (5) the date and time of the transfer.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .1100 – BRIDGE PROVISIONS

18 NCAC 07J .1101 SAFE HARBOR

An existing technology provider may continue to provide its IPEN solution under its previous approval until:

- (1) its first complete application submitted pursuant to Rule .1303 of this Subchapter has been approved or denied;
- (2) it discontinues offering its IPEN solution in North Carolina and provides notice pursuant to Rules .0215 and .0216 of this Subchapter; or
- (3) July 1, 2026, whichever is earlier.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1102 DEADLINE FOR EXISTING TECH PROVIDER APPLICATIONS

An existing technology provider shall:

- (1) submit an application for authorization of its IPEN solution:
 - (a) no earlier than the effective date of the rules in this Subchapter; and
 - (b) no later than April 1, 2026; or
- (2) provide notice no later than April 1, 2026, pursuant to Rules .0215 and .0216 of this Subchapter that it will discontinue offering its IPEN solution in North Carolina.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1103 COMPLIANCE WITH RULES DURING BRIDGE PERIOD

An existing technology provider shall comply with the following rules between the effective date of the rules in this Subchapter and the applicable date in Rule .1102 of this Section:

- (1) Rules .0101-.0102, .0104-.0108, and .0110 of this Subchapter;
- (2) Rules .0201-.0202 of this Subchapter;
- (3) Rule .0602 of this Subchapter;
- (4) Rules .0701-.0706 of this Subchapter;
- (5) Rules .1101-.1104 of this Section; and
- (6) Rule .1202(2)-(4) and (6)-(8) of this Subchapter and rules .1203-.1205 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1104 APPLICATION REQUIRED UPON CHANGES

If an existing technology provider operating pursuant to Rule .1101 of this Section undergoes a change reportable pursuant to Rule .0201 of this Subchapter, it shall file an application pursuant

to Section .1300 of this Subchapter and not implement the change without Departmental approval of the application.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .1200 – IPEN SOLUTION STANDARDS

18 NCAC 07J .1201 IPEN SOLUTION ACCOUNT CREATION

An IPEN solution provider shall create an account for an electronic notary public only after it:

- (1) confirms the electronic notary's identity by using approved credential analysis and identity proofing solutions;
- (2) receives the electronic notary registration certificate from the electronic notary;
- (3) uses the Department's online database of notaries to:
 - (a) search for the electronic notary by commission name and number;
 - (b) verify whether the electronic notary:
 - (i) is in active status as an electronic notary;
 - (ii) the expiration date of the individual's commission certificate; and
 - (iii) the county of commissioning of the electronic notary;
- (4) documents the electronic notary's designated custodian;
- (5) acquires an image of the electronic notary's handwritten signature or arranges for the electronic notary to use its device to, by hand, electronically sign notarial certificates;
- (6) creates an image of the electronic notary's electronic notary seal that complies with 18 NCAC 07F .0807;
- (7) provides to the Department an exemplar of:
 - (a) the electronic notary's electronic signature; and
 - (b) the electronic notary's electronic seal; and
- (8) receives confirmation of receipt of the electronic notary's signature and seal exemplars from the Department.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1202 CHANGES TO ELECTRONIC REGISTRATION CERTIFICATE PRESENTED TO IPEN SOLUTION PROVIDER

Upon receiving an electronic notary registration certificate that differs from that previously presented by an electronic notary public, the IPEN solution provider shall comply again with Rule .1201 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1203 VERIFICATION OF NOTARY STATUS

When an electronic notary public initiates a notarial session, an IPEN solution provider shall use the Department's notary public database to verify whether the electronic notary is in active status as an electronic notary.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1204 INABILITY TO VERIFY ACTIVE STATUS

If an IPEN solution provider cannot verify the active status of an electronic notary public, the provider shall:

- (1) not allow the electronic notary to proceed with the notarial session; and
- (2) enable the electronic notary's access to the IPEN solution only to search, view, print, and download existing records.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1205 WHEN PROVIDER MAY RE-ENABLE FULL ACCESS

An IPEN solution provider may re-enable an electronic notary public's full access to the solution if it can verify active status pursuant to Rule .1203 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1206 IPEN VERIFICATION OF CUSTODIAN

If an IPEN solution provider does not offer custodial services, it shall not allow an electronic notary public to begin a notarial session until:

- (1) the electronic notary discloses the name of the custodian with whom the notary has contracted for custodial services; or

- (2) the electronic notary discloses that he or she will be a custodial notary.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1207 FORMAT OF SESSION RECORD

An IPEN solution shall render a session record tamper evident by:

- (1) preserving it in PDF/A format; and
- (2) signing the PDF/A with a verifiable digital certificate to indicate the IPEN solution from which the notarized electronic record originated and prevent further alteration.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1208 IPEN SOLUTION DISCLOSURE

Following the information required by Rule .0608 of this Subchapter, an IPEN solution provider shall:

- (1) publish the information required by Rule .1209 of this Section; and
- (2) display the information as required by Rule .1210 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1209 CONTENT OF ADDITIONAL IPEN SOLUTION DISCLOSURES

An IPEN solution provider's additional disclosures pursuant to Rule .1208 of this Section shall include information regarding:

- (1) records retention:
 - (a) whether the IPEN solution retains a copy of the notarized document upon conclusion of the notarial session and, if so, for how long; and
 - (b) whether the IPEN solution retains the principal's personal information upon conclusion of the notarial session and, if so, for how long;
- (2) availability:
 - (a) projected IPEN solution unavailability due to monthly scheduled maintenance;
 - (b) the business hours during which a customer support representative is available for consultation; and
 - (c) average wait time during business hours for a response from a customer support representative; and
- (3) the IPEN solution provider's technical issue resolution targets, which shall include:

- (a) categorization of issue severity based on a numeric scale or denoted by single words such as "critical," "high," "medium," and "low;"
- (b) a plain language description of each category; and
- (c) the maximum projected resolution time for issues encountered in each category.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1210 IPEN SOLUTION DISCLOSURE FORMAT

An IPEN solution provider shall present the additional disclosures required by Rule .1208 of this Section in tabular form in the order shown in the table in this Rule:

- (1) add horizontal rows in the service disruption response time section as needed to describe each category;
- (2) engineer as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-134.1(1); and
- (3) replace the rule references with the provider's responses.

| [Insert Technology Provider Name] IPEN Solution Disclosures | | |
|--|------------------------------------|------------------------------------|
| Does IPEN solution retain a copy of the notarized document? | [Rule .1209(1)(a) of this Section] | |
| Does IPEN solution retain principals' personal information? | [Rule .1209(1)(b) of this Section] | |
| Projected monthly unavailability due to maintenance? | [Rule .1209(2)(a) of this Section] | |
| Customer support hours? | [Rule .1209(2)(b) of this Section] | |
| Average customer support response time? | [Rule .1209(2)(c) of this Section] | |
| Unscheduled Service Disruption Response Times | | |
| Service Disruption Categorization? | Category Description? | Projected Response Time? |
| [Rule .1209(3)(a) of this Section] | [Rule .1209(3)(b) of this Section] | [Rule .1209(3)(c) of this Section] |

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .1300 – APPLICATION FOR IN-PERSON ELECTRONIC NOTARIZATION SERVICES AUTHORIZATION

18 NCAC 07J .1301 REQUIREMENTS FOR AUTHORIZATION TO PROVIDE IPEN SERVICES

An IPEN provider applicant shall meet requirements established in:

- (1) Article 2 of Chapter 10B of the General Statutes; and
- (2) the rules in this Subchapter, except:
 - (a) Section .0900; and
 - (b) Sections .1400-.2200.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1302 DURATION OF IPEN SOLUTION APPROVAL

The Department's approval of an IPEN solution authorizes the IPEN solution provider to offer its solution to North Carolina notaries public for three years from the date of the approval.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1303 APPLICATION FORM FOR IPEN SERVICES

An IPEN provider applicant shall complete and submit the form described in 18 NCAC 07B .0423.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1304 IDENTIFICATION OF KEY INDIVIDUALS

An IPEN provider applicant shall list key individuals in its application by reference to:

- (1) the applicant's organizational structure; and
- (2) the duties of its officers, directors, and employees.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1305 APPLICATION REQUIREMENTS FOR IPEN PROVIDER KEY INDIVIDUALS

An IPEN provider applicant shall provide to the Department the following information for each key individual identified pursuant to Rule .1304 of this Subchapter:

- (1) the information required by 18 NCAC 07B .0402(1);
- (2) the key individual's position title;
- (3) a nationwide criminal history record for a key individual residing in the United States that:

- (a) includes applicable records from all United States jurisdictions;
- (b) is prepared at the applicant's expense; and
- (c) is issued no more than 90 days before the application date;
- (4) a criminal history record for a key individual residing outside the United States with:
 - (a) a nationwide criminal history record from their country of residence; and
 - (b) the nationwide criminal history record required by Item (3) of this Rule; and
- (5) a written statement by each key individual certifying under penalty of perjury:
 - (a) whether the criminal history record submitted is complete or incomplete; and
 - (b) that the key individual has provided the applicant with the information required by 18 NCAC 07B Section .0500, including submission of affidavits of moral character if applicable.

- (1) use of communication technology as defined in G.S. 10B-134.1(1) that complies with Section .0900 of this Subchapter;
- (2) use of geolocation as defined in G.S. 10B-134.1(4a) and Rule .0101(9) of this Subchapter that complies with the requirements of this Subchapter;
- (3) use of credential analysis as defined in G.S. 10B-134.1(3) that complies with Section .1600 of this Subchapter;
- (4) use of identity proofing as defined in G.S. 10B-134.1(5) that complies with Section .1800 of this Subchapter;
- (5) an electronic journal as defined in G.S. 10B-134.1(4) that complies with Section .0800 of this Subchapter;
- (6) the capability to attach or logically associate the electronic notary public's electronic signature and seal that complies with Section .0700 of this Subchapter; and
- (7) a depository as defined in Rule .0101(5) of this Subchapter that complies with Section .1000 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1306 FREQUENCY OF CRIMINAL HISTORY RECORD CHECKS FOR KEY INDIVIDUALS
 Criminal history record checks for key individuals that are submitted by an IPEN provider applicant shall:

- (1) be valid for three years; or
- (2) be updated as required pursuant to 18 NCAC 07B .0505 and .0506.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1402 PLATFORM FUNCTIONS FOR TRADITIONAL NOTARY
 (a) A platform provider shall allow a traditional notary public with whom it has a contract to:

- (1) use its platform to administer an oath or affirmation pursuant to G.S. 10B-134.9(d);
- (2) search, review, download, and print the notary's electronic journal entries, if any.

(b) A traditional notary may make an entry into an electronic journal offered by the platform only if the notary designates a custodian.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1307 WHEN MORE FREQUENT CRIMINAL HISTORY RECORD CHECKS REQUIRED
 An IPEN provider's notice of changes pursuant to Item (2) of Rule .0203 of this Subchapter shall be made:

- (1) within the time set forth in Rule .0203 of this Subchapter; and
- (2) using the form specified in 18 NCAC 07B .0411.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1403 PLATFORM SESSION RECORD FOR TRADITIONAL NOTARY
 A platform provider shall create a session record for a notarial session in which a traditional notary makes an electronic journal entry pursuant to Rule .1402(b) of this Section.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .1400 – PLATFORM STANDARDS

18 NCAC 07J .1401 REQUIRED GENERAL PLATFORM FUNCTIONS
 A platform provider shall integrate into its platform each of the following functions:

18 NCAC 07J .1404 PLATFORM FUNCTIONS UNAVAILABLE TO TRADITIONAL NOTARY
 A platform shall not allow a traditional notary public to:

- (1) create an electronic signature or seal for use in performing electronic or remote electronic notarial acts;
- (2) apply an electronic notary seal; or
- (3) perform a remote notarial act other than as provided in Rule .1402 of this Section.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1405 REASONABLE ACCOMMODATION

A platform provider shall accommodate a principal with vision, hearing, or speech impairment using:

- (1) auxiliary aids;
- (2) interpreters or transliteraters; or
- (3) CART captioning.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1406 GEOLOCATION DETECTION

A platform provider shall detect whether any device used by a principal to connect with the platform during the notarial transaction process is:

- (1) GPS-enabled; and
- (2) capable of geolocation at the time of the remote electronic notarial act.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1407 GEOLOCATION COMMUNICATION TO NOTARY

A platform provider shall take the following steps after making the determination required by Rule .1406 of this Section:

- (1) communicate the location of the principal to the notary public by displaying it on a map; or
- (2) inform the notary that the principal:
 - (a) is not using a GPS-enabled device; or
 - (b) has disabled location services on a GPS-enabled device.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1408 NOTICE OF IMAGE OR VOICE ALTERATION

A platform shall notify the notary if it detects that the image or voice of a remotely located principal appears to be altered, unnatural, or simulated.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1409 PERSONAL KNOWLEDGE

A platform shall provide a means to bypass credential analysis and identity proofing functions if the traditional notary public or electronic notary public confirms that the principal is personally known to the notary.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1410 PLATFORM ACCOUNT CREATION FOR ELECTRONIC NOTARY

A platform provider shall create an account for an electronic notary public only after it:

- (1) confirms the electronic notary's identity by using approved credential analysis and identity proofing solutions;
- (2) receives the electronic notary registration certificate from the electronic notary;
- (3) uses the Department's online database of notaries to:
 - (a) search for the electronic notary by commission name and number;
 - (b) verify:
 - (i) whether the electronic notary is in active status as an electronic notary;
 - (ii) the expiration date of the electronic notary's commission certificate; and
 - (iii) the county of the commissioning of the electronic notary;
- (4) documents the electronic notary's designated custodian;
- (5) acquires an image of the electronic notary's handwritten signature or arranges for the electronic notary to use its device to, by hand, electronically sign notarial certificates;
- (6) creates an image of the electronic notary's seal that complies with 18 NCAC 07F .0807;
- (7) provides to the Department an exemplar that is:
 - (a) the image of the electronic notary's signature created pursuant to Item (5) of this Rule; and
 - (b) the image of the electronic notary's seal created pursuant to Item (6) of this Rule; and
- (8) receives confirmation of receipt of the electronic notary's signature and seal exemplars from the Department.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1411 PLATFORM ACCOUNT CREATION FOR TRADITIONAL NOTARY

A platform provider shall create an account for a traditional notary public only after it:

- (1) confirms the notary's identity by using approved credential analysis and identity proofing solutions;
- (2) receives the notary's commission certificate from the notary;
- (3) uses the Department's online database of notaries to verify:
 - (a) whether the notary is in active status as a notary;
 - (b) the expiration date of the notary's commission certificate; and
 - (c) the county of the commissioning of the notary; and
- (4) documents the notary's designated custodian, if the notary will use the platform's electronic journal.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1412 CHANGES TO COMMISSION OR REGISTRATION CERTIFICATE PRESENTED TO PLATFORM

Upon receiving a commission certificate or electronic notary registration certificate that differs from that previously presented by a traditional notary public or an electronic notary public, the platform provider shall comply again with Rules .1410-.1411 of this Section, as applicable.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1413 VERIFICATION OF NOTARY STATUS

When a traditional notary public or an electronic notary public initiates a notarial session, a platform shall use the Department's notary public database to verify whether:

- (1) the notary public is in active status; and
- (2) if the notary is an electronic notary, whether the notary is in active status as an electronic notary.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1414 INABILITY TO VERIFY ELECTRONIC NOTARY STATUS

If a platform cannot verify that an electronic notary public is in active status as an electronic notary, the platform shall not allow the electronic notary to perform any remote electronic notarial

acts other than oaths and affirmations pursuant to G.S. 10B-134.9(d).

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1415 PLATFORM ACCESS FOR NOTARY NOT IN ACTIVE STATUS

If, pursuant to Rule .1413 of this Section, a platform provider is unable to determine that a notary public is in active status, the platform:

- (1) shall not allow the notary to administer oaths or affirmations pursuant to G.S. 10B-134.9(d); and
- (2) shall allow the notary access to any of the notary's existing journal entries on the platform depository to search, review, print, or download until the entries are transferred to a custodian.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1416 VERIFICATION PRIOR TO REMOTELY ADMINISTERING JUDICIAL OATHS AND AFFIRMATIONS

After verifying the status of a notary public, a platform shall allow a traditional notary in active status or an electronic notary whose registration is not active but whose notary commission is active only to:

- (1) proceed with the session and administer oaths or affirmations pursuant to G.S. 10B-134.9(d);
- (2) create an electronic journal entry for an oath or affirmation pursuant to Item (1) of this Rule, if applicable; and
- (3) search, review, print, or download existing journal entries, if applicable.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1417 WHEN PROVIDER MAY RE-ENABLE FUNCTIONS

A platform provider may restore a notary's or electronic notary's privileges at any time after verifying through the Department's notary database that the notary or electronic notary is in active status.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1418 FORMAT OF SESSION RECORD

A platform shall render a session record tamper evident by:

- (1) preserving it in PDF/A format; and
- (2) signing the PDF/A with a verifiable digital certificate to indicate the platform from which the notarized electronic record originated and prevent further alteration.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1419 NOTARY COUNT OF NOTARIAL ACTS

A platform shall require the notary public to enter the number of oaths or affirmations administered without a principal's signature.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1420 FIELD FOR COUNT OF OATHS OR AFFIRMATIONS WITHOUT PRINCIPAL SIGNATURES

A platform shall design its system to provide a field for a notary public to enter the count of oaths or affirmations administered to principals without principal signatures.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1421 PLATFORM PROVIDER CALCULATION OF MONTHLY FEE REMISSION OWED TO THE DEPARTMENT

When a platform calculates the total amount of monthly fees owed to the Department, the platform shall multiply the five dollar (\$5.00) fee per notarial act by the count of notarial acts entered pursuant to Rule .1017(3) of this Subchapter by all notaries using the platform in the preceding calendar month.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1422 PLATFORM FEES INDEPENDENT OF NOTARY FEES PAID BY PRINCIPALS

A platform shall not deduct the five dollar (\$5.00) fee owed to the Department from the fee paid by principals to notaries public for any notarial act pursuant to G.S. 10B-31.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;

Eff. July 1, 2025.

18 NCAC 07J .1423 TIMING OF MONTHLY FEE REMISSION

A platform provider shall make the remittance pursuant to G.S. 10B-134.19(g) no later than 30 days after the calendar month for which fees shall be remitted.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1424 FEE REMISSION LOG

A platform provider shall submit a fee remission log to the Department summarizing its monthly fee remission.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1425 FEE REMISSION LOG CONTENTS

A platform's fee remission log shall include:

- (1) for each session record:
 - (a) the session record identifier;
 - (b) each journal entry identifier;
 - (c) whether the notarial acts were completed;
 - (d) whether the session record identifier applies to a supplemental journal entry;
 - (e) whether the session record identifier applies to administration of oaths or affirmations pursuant to G.S. 10B-134.9(d) for which no electronic journal entry was made;
- (2) the number of completed notarial acts for the month calculated pursuant to Rule .1017(3) of this Subchapter; and
- (3) the total fee remitted to the Department pursuant to Rule .1421 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1426 FEE REMISSION LOG RETENTION

A platform provider shall maintain a copy of each fee remission log submitted to the Department for no less than five years.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .1427 ADDITIONAL PLATFORM DISCLOSURES

Following the information required for the provider's webpage by Rule .0608 of this Subchapter, a platform shall:

- (1) publish the information required by Rule .1428 of this Section or a link to it; and
- (2) display the information as required by Rule .1429 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1428 CONTENT OF ADDITIONAL PLATFORM DISCLOSURES

A platform's additional disclosures pursuant to Rule .1427 of this Section shall include information regarding:

- (1) records retention:
 - (a) whether the platform retains a copy of the notarized document upon conclusion of the notarial session and, if so, for how long; and
 - (b) whether the platform retains the principal's personal information upon conclusion of the notarial session and, if so, for how long;
- (2) devices for use with the platform:
 - (a) the electronic device types required for the principal to complete a notarial transaction. Note: Examples of such designations include "computer only," "mobile device only," "computer or mobile device," or "computer and mobile device"; and
 - (b) the types of auxiliary aids that have been successfully tested with the platform. Note: Examples of auxiliary aids include screen reader software and magnification software;
- (3) availability:
 - (a) projected platform unavailability due to monthly scheduled maintenance;
 - (b) the business hours during which a customer support representative is available for consultation; and
 - (c) the average wait time during business hours for a response from a customer support representative;
- (4) the maximum number of remote connections that the platform can simultaneously support for a single notarial transaction; and
- (5) the platform provider's technical issue resolution targets, which shall include:
 - (a) categorization of service disruptions based on a numeric scale or denoted by single words such as "critical," "high," "medium," and "low;"

- (b) a plain language description of each category; and
- (c) the maximum projected response time for issues encountered in each category.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1429 PLATFORM DISCLOSURE FORMAT

A platform provider shall present the additional disclosures required by Rule .1427 of this Section in tabular form in the order shown in the table in this Rule:

- (1) add horizontal rows to the table of service disruption response times as needed to describe each category;
- (2) engineer the table as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-134.1(1); and
- (3) replace the rule references with the provider's responses.

| [Insert Technology Provider Name] Platform Disclosures | | |
|---|------------------------------------|------------------------------------|
| Does platform retain a copy of the notarized document? | [Rule .1428(1)(a) of this Section] | |
| Does platform retain principal's personal information? | [Rule .1428(1)(b) of this Section] | |
| What devices may a principal use to complete a notarial transaction? | [Rule .1428(2)(a) of this Section] | |
| Which auxiliary aids have been successfully tested for use with the platform? | [Rule .1428(2)(b) of this Section] | |
| Projected monthly unavailability due to maintenance? | [Rule .1428(3)(a) of this Section] | |
| Customer support hours? | [Rule .1428(3)(b) of this Section] | |
| Average customer support response time? | [Rule .1428(3)(c) of this Section] | |
| Number of connections supported for a single notarial session? | [Rule .1428(4) of this Section] | |
| Unscheduled Service Disruption Response Times | | |
| Service Disruption Categorization? | Category Description? | Projected Response Time? |
| [Rule .1428(5)(a) of this Section] | [Rule .1428(5)(b) of this Section] | [Rule .1428(5)(c) of this Section] |

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .1500 – APPLICATION FOR PLATFORM LICENSURE

18 NCAC 07J .1501 PLATFORM LICENSURE REQUIREMENTS

A platform provider applicant shall establish through its application and demonstration that its platform meets all requirements established in:

- (1) Article 2 of Chapter 10B of the General Statutes;
- (2) the applicable provisions of the Department's Protocols; and
- (3) the rules in this Subchapter except:
 - (a) Section .1100;
 - (b) Section .1200;
 - (c) Section .1300;
 - (d) Section .2000;
 - (e) Section .2100; and
 - (f) Section .2200.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1502 DURATION OF PLATFORM LICENSE

A platform license from the Department authorizes the platform provider to offer its platform solution, directly or indirectly, to North Carolina notaries public for one year from the date of its approval.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1503 APPLICATION FORM FOR PLATFORM LICENSE

An applicant for a platform license shall complete and submit the form described in 18 NCAC 07B .0424.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1504 IDENTIFICATION OF KEY INDIVIDUALS

A platform provider applicant shall list key individuals in its application by reference to:

- (1) the applicant's organizational structure; and
- (2) the duties of its officers, directors, and employees.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1505 APPLICATION REQUIREMENTS FOR PLATFORM KEY INDIVIDUALS

A platform provider applicant shall provide to the Department the following information for each key individual identified pursuant to Rule .1504 of this Subchapter:

- (1) the information required by 18 NCAC 07B .0402(1);
- (2) the key individual's position title;
- (3) the key individual's country of residence;
- (4) a nationwide criminal history record for a key individual residing in the United States that:
 - (a) includes applicable records from all United States jurisdictions;
 - (b) is prepared at the applicant's expense; and
 - (c) is issued no more than 90 days before the application date;
- (5) a criminal history record for a key individual residing outside the United States with:
 - (a) a nationwide criminal history record from their country of residence; and
 - (b) the nationwide criminal history record required by Item (4) of this Rule; and
- (6) a written statement by each key individual certifying under penalty of perjury:
 - (a) whether the criminal history record submitted is complete or incomplete; and
 - (b) that the key individual has provided the applicant with the information required by 18 NCAC 07B Section .0500 including submission of affidavits of moral character if applicable.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1506 FREQUENCY OF CRIMINAL HISTORY RECORD CHECKS FOR KEY INDIVIDUALS

Criminal history record checks for key individuals that are submitted by a platform provider applicant shall:

- (1) be valid for three years; or
- (2) be updated as required pursuant to 18 NCAC 07B .0505 and .0506.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1507 WHEN MORE FREQUENT CRIMINAL HISTORY RECORD CHECKS REQUIRED

A platform's notice of changes pursuant to Item (2) of Rule .0203 of this Subchapter shall be made:

- (1) within the time set forth in Rule .0203 of this Subchapter; and
- (2) using the form specified in 18 NCAC 07B .0411.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .1600 – CREDENTIAL ANALYSIS STANDARDS

18 NCAC 07J .1601 SECTION DEFINITIONS

For the purposes of the rules in this Section:

- (1) "Credential verification false negative rate" means the number of authentic credentials that fail the credential analysis trial process divided by the number of authentic credentials tested.
(2) "Credential verification false positive rate" means the total number of inauthentic or modified credentials that pass the credential analysis trial process divided by the number of inauthentic or modified credentials tested.
(3) "Facial match false negative rate" means the number of times a credential is presented by the individual to whom the credential belongs, and fails the facial match test, divided by the number of tests in which the credential depicts the individual offering the credential.
(4) "Facial match false positive rate" means the number of times a credential is presented by an individual to whom the credential does not belong and passes the facial match test, divided by the number of tests in which the credential does not depict the individual presenting the credential.
(5) "Overall success rate" means:
(a) The sum of the number of tests in which the results are as set out in Sub-item (b) of this Item divided by the total number of tests presented to the solution.
(b) The tests to be summed for Sub-item (a) of this Item are the number of times the credential analysis solution accurately:
(i) verifies a credential and matches the credential to the individual to whom it belongs;
(ii) identifies an inauthentic or modified credential; and
(iii) identifies a credential that does not belong to the individual who presented the credential.
(6) "System error rate" means the number of times the solution fails to complete the credential analysis process divided by the number of tests presented to the solution.
(7) "Test" means a credential analysis solution evaluation of a credential pursuant to Rule .1606 of this Section.

- (8) "Trial" means an analysis of the performance of the credential analysis solution pursuant to Rule .1602 of this Section.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1602 CREDENTIAL ANALYSIS SOLUTION – GENERAL

A credential analysis solution provider shall conduct a trial of its credential analysis solution pursuant to Rule .1603 of this Section before submitting its application for authorization.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1603 CREDENTIAL ANALYSIS SOLUTION TRIAL PROCESS

A credential analysis solution provider shall conduct, or have a third-party conduct, a trial of its solution by presenting the solution with no less than 100 subjects to be evaluated:

- (1) who are real individuals:
(a) whose ages, races, and sexes are within five percent of the proportion of ages, races, and sexes of the population of the United States that is 18 years or older, as established by the most recent United States decennial census; and
(b) at least 18 years old; and
(2) with no less than:
(a) 10 percent of the credentials presented being inauthentic or modified; and
(b) 10 percent of the credentials presented being authentic but not belonging to the individual depicted in the authentic credential with the individual presenting the credential being:
(i) of the same race and sex as the genuine owner of the credential; and
(ii) within five years of age of the individual depicted.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1604 EVALUATION OF CREDENTIAL ANALYSIS TRIAL

The results of a credential analysis trial shall describe:

- (1) the overall success rate of the trial;
(2) the credential analysis verification false positive rate;
(3) the credential analysis verification false negative rate;
(4) the facial match false positive rate;
(5) the facial match false negative rate; and

- (6) the system error rate.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1605 FREQUENCY OF CREDENTIAL ANALYSIS SOLUTION TRIALS

At least once every three years, a credential analysis solution provider shall:

- (1) conduct a trial of its approved solution to assess the reliability of the approved version of the credential analysis solution;
- (2) conduct a trial of the credential analysis solution in connection with a material change that is reported to the Department pursuant to Rules .0201 and .0202 of this Subchapter; and
- (3) update its disclosures pursuant to Rule .1611 of this Section.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1606 CREDENTIAL ANALYSIS TEST

A credential analysis solution shall test a credential presented by an individual pursuant to Rule .1607 of this Section.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1607 CREDENTIAL ANALYSIS

A credential analysis solution shall:

- (1) require the individual to:
 - (a) describe the type of credential being presented; and
 - (b) be in real-time, physical control of his or her credential at the time the credential is presented;
- (2) ensure that the credential complies with G.S. 10B-3(22)a;
- (3) evaluate, in order to authenticate:
 - (a) the integrity of the visual, physical, and security features of the credential;
 - (b) whether the credential is fraudulent or modified;
 - (c) the validity of the credential in comparison to any available information published by the issuing source;
- (4) compare the photograph from the individual's authenticated credential to the individual's facial features;
- (5) use liveness detection technology if the individual is remotely located;
- (6) present the image of the individual's credential to the notary public; and
- (7) comply with Rule .1608 of this Section.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1608 CREDENTIAL ANALYSIS OUTCOME

After the process described in Rule .1607 of this Section is concluded, the credential analysis solution shall provide the outcome of credential analysis testing:

- (1) of a principal, to a notary public prior to a notarial transaction; and
- (2) of a notary public to:
 - (a) an IPEN solution provider pursuant to Rule .1201 of this Subchapter; or
 - (b) a platform provider pursuant to Rules .1410 and .1411 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1609 NOTIFICATION OF IMAGE ALTERATION

A credential analysis solution shall:

- (1) detect whether the image of a remotely located principal, whether on screen or as presented on the credential, appears to be:
 - (a) altered;
 - (b) unnatural; or
 - (c) simulated; and
- (2) pursuant to Rule .1608 of this Section, report if credential analysis finds the appearance of alteration, unnaturalness, or simulation of the image of the principal.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1610 VERIFICATION DATA CONFIDENTIAL

The credential analysis solution shall keep confidential all information specific to the notary public or the principal that is acquired or used during the credential analysis process.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1611 DATA STORAGE PROHIBITED FOR CREDENTIAL ANALYSIS SOLUTION

A credential analysis solution shall not store any data specific to the notary public or the principal that is acquired from the credential analysis process after the conclusion of the process.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1612 ADDITIONAL CREDENTIAL ANALYSIS DISCLOSURES

Following the information required by Rule .0608 of this Subchapter, a credential analysis solution provider shall:

- (1) publish the information required by Rule .1613 of this Section or a link to it; and
- (2) display the information as required by Rule .1614 of this Section.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1613 CONTENT OF ADDITIONAL CREDENTIAL ANALYSIS DISCLOSURES

A credential analysis solution provider's additional disclosures pursuant to Rule .1612 of this Section shall include:

- (1) the results of the credential analysis solution trial required by Rule .1602 of this Section;
- (2) whether the trial of the credential analysis solution was performed by the solution provider or by a third party, and the name and contact information for the third party, if applicable;
- (3) the year in which the trial was conducted; and
- (4) for each type of electronic device that the individual presenting the credential may use to capture credential and facial images, the results of the credential analysis trial evaluation as required by Rules .1603 and .1604 of this Section.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1614 CREDENTIAL ANALYSIS DISCLOSURE FORMAT

A credential analysis solution provider shall:

- (1) present the additional disclosures required by Rule .1611 of this Section in tabular form in the order shown in the table in this Rule;
- (2) place the results described in Rule .1604 of this Section in the table in this Rule in the appropriate location; and
- (3) engineer the table in this Rule as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-134.1(1).

| | | |
|---|---|--|
| [Insert Technology Provider Name] | | |
| Credential Analysis Performance Disclosures | | |
| Overall Success Rate: [result from Rule .1604(1) of this Section] % | | |
| | Score | Number of Tests |
| Credential verification positive rate: false | [result from Rule .1604(2) of this Section] % | [divisor in Rule .1604(2) of this Section as defined at Rule .1601(2) of this Section] |

| | | |
|--|---|--|
| Credential verification negative rate: false | [result from Rule .1604(3) of this Section] % | [divisor in Rule .1604(3) of this Section as defined at Rule .1601(1) of this Section] |
| Facial match positive rate: false | [result from Rule .1604(4) of this Section] % | [divisor in Rule .1604(4) of this Section as defined at Rule .1601(4) of this Section] |
| Facial match negative rate: false | [result from Rule .1604(5) of this Section] % | [divisor in Rule .1604(5) of this Section as defined at Rule .1601(3) of this Section] |
| System error rate: | [result from Rule .1604(6) of this Section as defined at Rule .1601(6) of this Section] | |
| Total number of credential analysis tests: | [divisor from Rule .1603 of this Section] | |
| Entity conducting the credential analysis trial: | [See Rule .1613(2) of this Section] | |
| Year of credential analysis trial: | [See Rule .1613(3) of this Section] | |

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .1700 — APPLICATION FOR CREDENTIAL ANALYSIS AUTHORIZATION

18 NCAC 07J .1701 REQUIREMENTS FOR AUTHORIZATION TO PROVIDE CREDENTIAL ANALYSIS SERVICES

A credential analysis provider applicant shall meet requirements established in:

- (1) Article 2 of Chapter 10B of the General Statutes;
- (2) the applicable standards set forth in the Department's Protocols; and
- (3) the rules in this Subchapter except:
 - (a) Sections .0700-.1500; and
 - (b) Sections .1800-.2200.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1702 DURATION OF CREDENTIAL ANALYSIS APPROVAL

An approval from the Department of a credential analysis solution authorizes the credential analysis provider to directly or indirectly offer its credential analysis solution to North Carolina notaries public for three years from the date of its approval.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1703 APPLICATION FORM FOR CREDENTIAL ANALYSIS SERVICES

A person applying for authorization of its credential analysis solution shall complete and submit the form described in 18 NCAC 07B .0425.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .1800 – IDENTITY PROOFING STANDARDS

18 NCAC 07J .1801 SECTION DEFINITIONS

For the purposes of the rules in this Section:

- (1) "Identity proofing false negative rate" means the total number of times authentic individuals fail the identity proofing process based on their own information, divided by the number of authentic individuals tested.
- (2) "Identity proofing false positive rate" means the total number of imposters that pass the identity proofing process divided by the number of imposters tested.
- (3) "Overall success rate" means:
 - (a) the sum of the number of tests in which the identity proofing solution:
 - (i) accurately verifies the identity of an individual; and
 - (ii) accurately screens out an imposter; and
 - (b) divided by the total number of tests presented to the solution.
- (4) "System error rate" means the number of times the identity proofing solution fails to process data needed to complete the identity proofing process, divided by the number of tests presented to the solution.
- (5) "Test" means an identity proofing solution evaluation of identity pursuant to Rule .1806 of this Section.
- (6) "Trial" means an analysis of the performance of the identity proofing solution pursuant to Rule .1802 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1802 IDENTITY PROOFING SOLUTION TRIAL – GENERAL

An identity proofing solution provider shall conduct a trial of its identity proofing solution pursuant to Rules .1803 and .1804 of this Section before submitting its application for authorization.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1803 IDENTITY PROOFING SOLUTION TRIAL PROCESS

An identity proofing solution provider shall conduct, or have a third-party conduct, a trial of its solution by presenting the solution with no less than 100 subjects to be evaluated:

- (1) who are real individuals:
 - (a) whose ages, races, and sexes are within five percent of the proportion of ages, races, and sexes to that of the population of the United States that is 18 years or older, as established by the most recent United States decennial census; and
 - (b) at least 18 years old; and
- (2) with no less than 10 percent of the tests assessing imposters who attempt to complete the identity proofing process using the personal information of other individuals.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1804 EVALUATION OF IDENTITY PROOFING TRIAL

The results of an identity proofing solution trial shall describe:

- (1) the overall success rate of the trial;
- (2) the identity proofing false positive rate;
- (3) the identity proofing false negative rate; and
- (4) the system error rate.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1805 FREQUENCY OF IDENTITY PROOFING SOLUTION TRIALS

At least once every three years, an identity proofing solution provider shall:

- (1) conduct a trial of its approved solution to assess the reliability of the approved version of the identity proofing solution;
- (2) conduct a trial of the identity proofing solution in connection with a material change that is reported to the Department pursuant to Rules .0201 and .0202 of this Subchapter; and
- (3) update its disclosures pursuant to Rule .1812 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1806 IDENTITY PROOFING TEST

An identity proofing solution shall test the identity of individuals who present themselves to the solution pursuant to Rules .1807-.1809 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1807 IDENTITY PROOFING PROCESS USING KNOWLEDGE-BASED AUTHENTICATION

An identity proofing solution using knowledge-based authentication to comply with G.S. 10B-134.11(a)(2)b shall:

- (1) require the remotely located individual to attempt an online quiz meeting the requirements of Item (2) of this Rule;
- (2) present a quiz to the remotely located individual that shall:
 - (a) consist of a minimum of five questions:
 - (i) related to the individual's personal history or identity; and
 - (ii) formulated from public or private data sources;
 - (b) have a minimum of five possible answer choices for each question;
 - (c) require the individual to submit all answers within two minutes;
 - (d) require at least 80 percent of the questions to be answered correctly in order to receive a passing score; and
- (3) inform the individual whether the quiz has been passed or failed, and if failed, of the option to retake the quiz pursuant to Rule .1808 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1808 RE-TAKING OF QUIZ BY INDIVIDUAL

An identity proofing solution using knowledge-based authentication to comply with G.S. 10B-134.11(a)(2)b shall:

- (1) allow an individual who failed a first attempt to make a single subsequent attempt to pass the quiz if the attempt is initiated within one minute of the first failed quiz; and
- (2) ensure that at least 40 percent of the questions from the first quiz are replaced for the second quiz.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1809 NOTICE OF IDENTITY PROOFING METHODS AND OUTCOMES

After one or more identity proofing tests are concluded, an identity proofing solution shall provide the methods and outcomes of all identity proofing tests:

- (1) for a principal, to the notary public performing the notarial act prior to a notarial transaction; and
- (2) for a notary public, to the technology solution provider pursuant to:
 - (a) Rule .1201 of this Subchapter; or
 - (b) Rules .1410 and .1411 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1810 VERIFICATION DATA CONFIDENTIAL

The identity proofing solution shall keep confidential all information specific to the notary public or the principal that is acquired or used during the identity proofing process.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1811 DATA STORAGE PROHIBITED FOR IDENTITY PROOFING SOLUTION

An identity proofing solution shall not store any data specific to the notary public or the principal that is acquired from the identity proofing process after the conclusion of the process.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1812 ADDITIONAL IDENTITY PROOFING DISCLOSURES

Immediately after the information required by Rule .0608 of this Subchapter, an identity proofing solution provider shall:

- (1) publish the information required by Rule .1813 of this Section; and
- (2) display the information as required by Rule .1814 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1813 CONTENT OF ADDITIONAL IDENTITY PROOFING DISCLOSURES

An identity proofing solution provider's additional disclosures pursuant to Rule .1812 of this Section shall include:

- (1) the method of identity proofing used. Note: Examples of identity proofing methods may be described as biometric or knowledge-based authentication;
- (2) the results of the identity proofing solution trial required by Rule .1805 of this Section;
- (3) whether the trial of the identity proofing solution was performed by the solution provider or by a third party, and the name and contact information for the third party, if applicable; and
- (4) the year in which the trial was conducted.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1814 IDENTITY PROOFING DISCLOSURE FORMAT

An identity proofing solution provider shall:

- (1) present the additional disclosures required by Rule .1813 of this Section in tabular form in the order shown in the table in this Rule;
- (2) place the results described in Rule .1804 of this Section in the table in this Rule in the appropriate location; and
- (3) engineer the table in this Rule as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-134.1(1).

| | | |
|--|-------|-----------------|
| [Insert Technology Provider Name] Identity Proofing Performance Disclosures | | |
| Overall Success Rate: [result from Rule .1804(1) of this Section] % | | |
| Method of Identity Proofing [Insert method from Rule 18 NCAC .1813(1) of this Section] | | |
| | Score | Number of Tests |

| | | |
|--|---|--|
| Identity proofing false positive rate: | [result from Rule .1804(2) of this Section] % | [divisor in Rule .1804(3) of this Section as defined in Rule .1801(2) of this Section] |
| Identity proofing false negative rate: | [result from Rule .1804(3) of this Section] % | [divisor in Rule .1804(2) of this Section as defined in Rule .1801(1) of this Section] |
| System error rate: | [result from Rule .1804(4) of this Section] | |
| Total number of identity proofing tests: | [divisor from Rule .1803 of this Section] | |
| Entity conducting the identity proofing trial: | [See Rule .1813(3) of this Section] | |
| Year of identity proofing trial: | [See Rule .1813(4) of this Section] | |

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .1900 – APPLICATION FOR IDENTITY PROOFING SOLUTION AUTHORIZATION

18 NCAC 07J .1901 REQUIREMENTS FOR AUTHORIZATION TO PROVIDE IDENTITY PROOFING SERVICES

An identity proofing provider applicant shall meet requirements established in:

- (1) Article 2 of Chapter 10B of the General Statutes;
- (2) applicable standards set forth in the Department's Protocols; and
- (3) the rules in this Subchapter except:
 - (a) Sections .0700-.1700; and
 - (b) Sections .2000-.2200.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1902 DURATION OF IDENTITY PROOFING APPROVAL

An approval from the Department of an identity proofing solution authorizes the identity proofing provider to directly or indirectly offer its identity proofing solution to North Carolina notaries public for three years from the date of its approval.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .1903 APPLICATION FORM FOR IDENTITY PROOFING SERVICES

An applicant for identity proofing services shall complete and submit the form described in 18 NCAC 07B .0426.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .2000 – CUSTODIAL SERVICES STANDARDS

18 NCAC 07J .2001 CUSTODIAN REQUIREMENTS

The rules in this Section apply to third-party custodians and IPEN solutions and platforms that are or become custodians.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2002 RECEIPT FROM CUSTODIAN TRANSFEREE

A custodian transferee shall create a receipt and provide it to the transferor confirming that:

- (1) the custodian has received from the depository or custodian transferor:
 - (a) one or more session records; and
 - (b) a copy of the session record logs associated with the session records; and
- (2) the session records and associated session record logs have been:
 - (a) received; and
 - (b) verified as unmodified and uncorrupted.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2003 AUTHENTICITY OF CUSTODIAN RECORDS

A custodian shall ensure each session record obtained from a transferring depository or custodian is stored unchanged upon receipt.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2004 NOTARY ACCESS TO SESSION RECORD FROM CUSTODIAN

A custodian shall allow a notary public to view, copy, print, and download any of the notary's session records in its possession within 48 hours of a request by the notary at no cost.

Note: This rule shall not apply to planned service outages for which notice is provided pursuant to Rule .0205 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2005 SEARCHABLE SESSION RECORDS

The custodian shall ensure that a notary public's session records may be searched by any field described in Rule .1006 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2006 SESSION RECORD STORAGE LOCATIONS

A custodian shall maintain copies of each session record and session record log in two or more geographically separated data facilities.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2007 DURATION OF STORAGE FOR CUSTODIAN

Unless it transfers the session record to another custodian, a custodian shall not delete the record until a minimum of 10 years have elapsed since the last committed journal entry associated with that record, whether original or supplemental.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2008 TIME LIMIT FOR TRANSFER FROM CUSTODIAN

A custodian shall transfer a session record and associated session record log to another custodian designated by a notary public no later than 10 days from the earlier of:

- (1) receipt of a written request from the notary public to transfer the record; or
- (2) the expiration of the custodian's contract with the notary.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2009 SESSION RECORD DELETION BY CUSTODIAN UPON TRANSFER

A custodian that transfers a session record to another custodian shall delete the record only after receiving confirmation from the transferee that the record has been:

- (1) accepted; and
- (2) verified as unmodified and uncorrupted.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2010 OPTIONAL EXTENDED RETENTION OF SESSION RECORDS

A custodian may preserve a session record longer than the retention time established by the rules in this Subchapter if the electronic notary public:

- (1) authorizes the extended retention period in writing; and
- (2) specifies the duration of the extended retention period.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2011 SESSION RECORD MARKED FOR EXTENDED RETENTION

A custodian shall provide a means to designate session records that are subject to mandatory retention pursuant to Rule .2012 of this Section.

History Note: Authority G.S. 10B-4; 10B-1. 06; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2012 MANDATORY EXTENDED RETENTION OF SESSION RECORD UPON NOTIFICATION

A custodian shall retain a session record longer than the time period identified by Rule .2007 of this Section:

- (1) if directed by the Department to retain the records pursuant to an investigation authorized by G.S. 10B-60; or
- (2) upon receipt of a legal notification requiring the custodian, notary public, or principal to preserve the record.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2013 DELETION UPON EXPIRATION OF MANDATORY EXTENDED RETENTION

If a custodian is required to preserve a session record pursuant to Rule .2012 of this Section, the custodian shall not delete the record until:

- (1) the Department notifies the custodian that the investigation is concluded; or
- (2) the custodian has no further legal obligation to preserve the record.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2014 DELETION OF SESSION RECORD ENTRY IN LOG

A custodian shall enter in the associated session record log the date that a session record is deleted.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2015 SESSION RECORD LOG RETENTION BY CUSTODIAN

Each session record log shall be retained by the custodian for no less than 15 years from the date of the notarial session that the entry describes.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2016 TRANSFER OF DEPOSITORY SESSION RECORD LOG BY CUSTODIAN

The depository session record log shall accompany each session record transferred by a transferor custodian to custodian transferee.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2017 CUSTODIAN ENTRY IN DEPARTMENT'S DATABASE

Upon validation pursuant to Rules .1012 and .2002 of this Subchapter, a custodian that is a transferee or a transferor shall update the Department's database with the following information:

- (1) the session identifier;
- (2) the four-digit identifying number assigned to the technology provider making the entry into the Department's database;
- (3) the four-digit identifying number assigned to the transferor;

- (4) for the transferee the four-digit identifying number assigned to the transferee custodian; and
- (5) the date and time of the transfer.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2018 NOTICE OF CESSATION OF CUSTODIAL SERVICES

A custodian shall provide 60 days of notice to its subscribers and notary public account holders before it ceases to provide custodial services due to:

- (1) bankruptcy;
- (2) discontinuation of custodial services to North Carolina notaries; or
- (3) going out of business.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2019 CUSTODIAN CONTINUITY OF SERVICES

A custodian shall not discontinue its custodial services to North Carolina notaries public until all session records and associated session record log entries in its possession are transferred to the custodians designated by the notaries.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2020 ADDITIONAL CUSTODIAN DISCLOSURES

Immediately following the information required by Rule .0608 of this Subchapter, a custodial services provider shall:

- (1) publish on its website the information required by Rule .2021 of this Section; and
- (2) format the information as required by Rule .2022 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2021 CONTENT OF ADDITIONAL CUSTODIAN DISCLOSURES

A custodian's additional disclosure pursuant to Rule .2020 of this Section shall include information regarding:

- (1) projected time that the custodial services solution will be unavailable for use to the notary due to scheduled maintenance each month;

- (2) the business hours during which a customer support representative is available for consultation;
- (3) the average wait time during business hours for a response from a customer support representative; and
- (4) the custodian's technical issues resolution targets, which shall include:
 - (a) categorization of service disruptions based on a numeric scale or denoted by single words such as "critical," "high," "medium," and "low;"
 - (b) a plain language description of each category; and
 - (c) the maximum projected resolution time for issues encountered in each category.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2022 CUSTODIAN DISCLOSURE FORMAT

A custodian shall:

- (1) present the additional disclosures required by Rule .2020 of this Section in tabular form in the order shown in the table in this Rule;
- (2) place the provider's responses described in Rule .2021 of this Section in the table in this Rule in the appropriate location; and
- (3) engineer the table in this Rule as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-134.1(1).

| [Insert Technology Provider Name] Custodian Disclosures | | |
|--|--|--|
| Projected monthly maintenance downtime: | [Rule .2021(1)(a) of this Section] | |
| Customer support hours: | [See Rule .2021(1)(b) of this Section] | |
| Average customer support wait time: | [See Rule .2021(1)(c) of this Section] | |
| Service Disruption Response Times | | |
| Category | Category Description | Projected Resolution Time |
| [See Rule .2021(2)(a) of this Section] | [See Rule .2021(2)(b) of this Section] | [See Rule .2021(2)(c) of this Section] |

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .2100 – APPLICATION FOR CUSTODIAL SERVICES AUTHORIZATION

18 NCAC 07J .2101 REQUIREMENTS FOR AUTHORIZATION TO PROVIDE CUSTODIAL SERVICES

A custodial services applicant shall meet the requirements established in:

- (1) Article 2 of Chapter 10B of the General Statutes;
- (2) the applicable standards set forth in the Department's Protocols; and
- (3) the rules in this Subchapter, except:
 - (a) Sections .0700-.1900; and
 - (b) Section .2200.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2102 DURATION OF CUSTODIAN APPROVAL

A custodial services solution approval authorizes the custodian to directly or indirectly offer its custodial services solution to North Carolina notaries public for three years from the date of its approval.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2103 APPLICATION FORM FOR CUSTODIAL SERVICES

A person applying to provide custodial services shall complete and submit the form described in 18 NCAC 07B .0427.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .2200 – CUSTODIAL NOTARIES

18 NCAC 07J .2201 SCOPE

The rules in this Section shall apply only to an electronic notary public who is approved as a custodial notary.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;

Eff. July 1, 2025.

18 NCAC 07J .2202 CUSTODIAL NOTARY DEEMED APPROVED

A notary public shall be deemed to have applied and been approved as that notary's own custodian if the notary:

- (1) complies with 18 NCAC 07H .0506; and
- (2) agrees in writing to comply with the rules of this Subchapter applicable to custodial notaries.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2203 CUSTODIAL NOTARY AS CUSTODIAN AND TECHNOLOGY PROVIDER

A custodial notary shall be deemed a custodian and technology provider and comply with Rule .2204 of this Section.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2204 RULES APPLICABLE TO CUSTODIAL NOTARIES

A custodial notary shall comply with the following rules:

- (1) 18 NCAC 07H Section .0500;
- (2) Rules .0101, .0104, .0106-.0108, .0112, and .0115 of this Subchapter;
- (3) Rule .0208 of this Subchapter;
- (4) Rules .0611(1) and .0612 of this Subchapter; and
- (5) Rule .2007 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2205 CUSTODIAL NOTARY SESSION RECORD STORAGE LOCATIONS

- (a) A custodial notary shall maintain two copies of each session record that shall not be stored on the same device.
- (b) A custodial notary shall ensure that at least one of the two session record copies is maintained in electronic form.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07J .2206 PROVIDING CUSTODIAL SERVICES AFTER ELECTRONIC NOTARY REGISTRATION TERMINATION

An electronic notary public may continue serving as a custodial notary for session records in the notary's possession after the termination of the notary's electronic notary registration so long

as the individual continues to comply with the rules applicable to custodial notaries.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2207 EFFECT OF DISCIPLINARY ACTION ON SERVICE AS CUSTODIAL NOTARY

An electronic notary public shall not continue serving as a custodial notary if specifically prohibited by departmental disciplinary action.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2208 LIMITATION ON CUSTODIAL NOTARY AFTER REGISTRATION EXPIRATION

A former electronic notary public who is a custodial notary shall not take custody of additional session records after the electronic notary's registration ends.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2209 CUSTODIAL NOTARY ANNUAL VERIFICATION FORM

A custodial notary shall, using the form described in 18 NCAC 07B .0428, annually:

- (1) verify that the electronic notary has complied with all rules applicable to custodial notaries in this Section; and
- (2) provide information regarding the electronic notary's continuation of service as a custodial notary.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2210 SUBMISSION OF ANNUAL VERIFICATION

A custodial notary shall submit the form described in 18 NCAC 07B .0428 on or before December 31st of each year.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

18 NCAC 07J .2211 FINAL CUSTODIAL NOTARY VERIFICATION FORM

An electronic notary public's obligations as a custodial notary cease when the electronic notary submits the form described in 18 NCAC 07B .0428 confirming that:

- (1) the required retention period for all session records in the custodial notary's possession has expired; or
- (2) the custodial notary has transferred all session records to an approved custodian.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2025.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 34 - FUNERAL SERVICE

21 NCAC 34B .0619 CHANGE OF FUNERAL ESTABLISHMENT MANAGER

(a) Funeral establishments as defined by G.S. 90-210.20(h) and individuals or entities to whom the Board has issued a permit to engage in the practice of funeral service pursuant to G.S. 90-210.25(a2)(2)("Unaffiliated Practices") shall have in charge a manager licensed by the Board for the practice of funeral directing or funeral service, in accordance with G.S. 90-210.25(d)(2).

(b) Funeral establishments and Unaffiliated Practices shall notify the Board by email to permitapplications@ncbfs.org within five (5) days of its licensed manager ceasing his or her service as licensed manager.

(c) To register the name of a replacement manager with the Board, funeral establishments and Unaffiliated Practices shall submit by email to permitapplications@ncbfs.org a form containing the following information:

- (1) The name of the funeral establishment or Unaffiliated Practice;
- (2) The permit number of the funeral establishment or Unaffiliated Practice;
- (3) The name and license number of the funeral director or funeral service licensee being named as manager of the funeral establishment or Unaffiliated Practice;
- (4) The effective date of replacement manager's appointment as manager;
- (5) Whether the outgoing manager still is employed by the funeral establishment or Unaffiliated Practice;
- (6) The name and license number of the sole proprietor, partner, LLC member, or corporate officer in accordance with the requirements of G.S. 90-210.27A(e);
- (7) The dated signature of the replacement manager; and
- (8) The dated signature of the sole proprietor, partner, LLC member, or corporate officer in

accordance with the requirements of G.S. 90-210.27A(e).

History Note: Authority G.S. 90-210.23(a); 90-210.25(d)(2); Eff. May 1, 2025.

CHAPTER 56 - ENGINEERS AND SURVEYORS

21 NCAC 56 .0602 APPLICATION PROCEDURE: INDIVIDUAL

(a) General. A person desiring to become certified as a Surveyor Intern or licensed as a Professional Land Surveyor shall apply to the Board.

(b) Application. The appropriate application may be accessed on the Board's website. Applicants may access the Surveyor Intern certification forms at https://www.ncbels.org/application/land-surveyor-intern-certification/. Applicants may access the Professional Land Surveyor licensure forms at https://www.ncbels.org/applications/professional-land-surveyor/.

(c) Application Forms:

(1) Surveyor Intern Certification Form. After passing the Fundamentals of Surveying examination, an applicant may apply to the Board to become certified as a " Surveyor Intern." This form requires the applicant to set forth their personal history, educational background, surveying experience, character references, and exhibit. The applicant shall submit a 2-inch by 2-inch passport style photograph adequate for current identification purposes.

(2) Professional Land Surveyor Form. All persons, including comity applicants and certified Surveyor Interns, shall apply for licensure using the Professional Land Surveyor form. This form requires the applicant to set forth their personal and educational background, surveying experience, character references, and exhibit. The applicant shall submit a 2-inch by 2-inch passport style photograph adequate for current identification purposes.

(3) Supplemental Form. All persons applying for licensure as a Professional Land Surveyor shall submit the Supplemental Form, which requires the applicant to list all surveying experience.

(4) Reference Forms:

(A) Persons applying for certification as a Surveyor Intern shall submit to the Board the names of three individuals, one of whom is a professional land surveyor, who are familiar with the applicant's work, character, and reputation. Persons applying for licensure as a Professional Land Surveyor shall submit to the Board the names of five individuals, three of whom are professional land surveyors,

who are familiar with the applicant's work, character, and reputation.

(B) Applicants may access Surveyor Intern certification reference forms and Professional Land Surveyor licensure reference forms at the websites listed above in Paragraph (b) of this Rule. The applicant shall distribute the reference forms to the persons listed on the application as references. To be considered, completed reference forms shall be received by the Board from the person providing the reference within one year of application.

(C) The reference form provides the individual evaluating the applicant the opportunity to state the evaluating individual's profession, knowledge of the applicant, and information concerning the applicant's surveying experience, character, and reputation.

(d) Fees:

(1) Surveyor Intern Certification Form. No application fee is required to become certified as a "Surveyor Intern."

(2) Professional Land Surveyor Form. The application fee of one hundred dollars (\$100.00) is payable with the filing of the application.

(3) Comity. The licensure fee of one hundred dollars (\$100.00) is payable with the filing of the application.

(4) Examination. The examination fee for any applicant shall be payable to the National Council of Examiners for Engineering and Surveying (NCEES) at the time of registering to take the exam in accordance with G.S. 89C-14.

(e) The Board shall accept the records maintained by the National Council of Examiners for Engineering and Surveying (NCEES) as evidence of licensure in another jurisdiction. For comity licensure, the Board shall accept the NCEES record in lieu of the applicant completing the experience, education, and references sections of the application. A comity application, with or without a NCEES record, shall be administratively approved by the Executive Director without waiting for the next regular meeting of the Board. The Executive Director's approval shall be based upon evidence of current licensure in another jurisdiction with comparable qualifications, the required references, the comity applicant's disciplinary record in other jurisdictions, and whether the applicant passed the state-specific exam. Each administrative approval shall be reported to the Board for at its next regular meeting for final approval.

(f) Personal Interview. During the application process, Board members shall interview the applicant if the members have questions regarding the applicant's education, experience, or character.

History Note: Authority G.S. 89C-10; 89C-13; 89C-14; 89C-15; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. August 1, 2014; May 1, 2009; August 1, 2002; August 1, 2000; August 1, 1998; May 1, 1994; April 1, 1989; January 1, 1982; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019; Amended Eff. May 1, 2025.

CHAPTER 58 - REAL ESTATE COMMISSION

21 NCAC 58A .0106 DELIVERY OF INSTRUMENTS

(a) Except as provided in Paragraph (b) of this Rule, every broker shall deliver a copy of any written agency agreement, contract, offer, lease, rental agreement, option, or other related transaction document to their customer or client within three days of the broker's receipt of the executed document. A broker shall also deliver a copy of said documents within three days of receipt of a request by the customer or client.

(b) A broker shall be relieved of the duty to deliver copies of leases or rental agreements to a property owner pursuant to Paragraph (a) of this Rule if the broker:

- (1) obtains the prior written authority of the property owner to enter into and retain copies of leases or rental agreements on behalf of the property owner;
(2) executes the lease or rental agreement on a pre-printed form, the material terms of which may not be changed by the broker without prior approval by the property owner, except as may be required by law; and
(3) delivers to the property owner an accounting within 45 days following the date of execution of the lease or rental agreement that identifies:
(A) the leased property;
(B) the name, phone number, and home address of each tenant; and
(C) the rental rates and rents collected.

(c) Paragraph (b) of this Rule notwithstanding, upon the request of a property owner, a broker shall deliver a copy of any lease or rental agreement within five days.

History Note: Authority G.S. 93A-3(c); Eff. February 1, 1976; Readopted Eff. September 30, 1977; Amended Eff. July 1, 2017; July 1, 2005; July 1, 2001; October 1, 2000; May 1, 1990; July 1, 1989; February 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018; Amended Eff. July 1, 2025; July 1, 2018.

21 NCAC 58A .0502 FIRM LICENSING

(a) Every business entity other than a sole proprietorship shall apply for and obtain from the Commission a firm license prior to engaging in business as a real estate broker. A business entity shall

not be permitted to apply for or obtain a firm license when a principal of the firm has a pending disciplinary case where probable cause has been found by the Commission. For purposes of this Rule, the term "principal," when it refers to a person or entity, means any person or entity owning 10 percent or more of the business entity, or who is an officer, director, manager, member, partner, or who holds any other comparable position.

(b) An entity that changes its business form in a manner not described in G.S. 55 Article 11A shall submit a new firm license application upon making the change and obtain a new firm license. However, such converted entity shall provide the information required by this Rule in writing to the Commission within 10 days of the conversion and shall include the duplicate license fee pursuant to Rule .0101(c) of this Subchapter.

(c) Firm license application forms shall be available on the Commission's website or upon request to the Commission and shall require the applicant to set forth:

- (1) the legal name of the entity;
(2) the name under which the entity will do business;
(3) the type of business entity;
(4) the address of its principal office;
(5) the entity's NC Secretary of State Identification Number if it is required to be registered with the Office of the NC Secretary of State;
(6) each federally insured depository institution lawfully doing business in this State where the entity's trust account(s) will be held, if applicable;
(7) the name, real estate license number, and signature of the proposed qualifying broker for the firm;
(8) the address of and name of the proposed broker-in-charge for each office as defined in Rule .0110(a) of this Subchapter, along with a completed broker-in-charge designation form described in Rule .0110(f) of this Subchapter for each proposed broker-in-charge;
(9) any past criminal conviction of and any pending criminal charge against any principal in the company or any proposed broker-in-charge;
(10) any past revocation, suspension, or denial of a business or professional license of any principal in the company or any proposed broker-in-charge;
(11) any pending or previous professional license disciplinary action against the firm, its principals, or any proposed broker-in-charge;
(12) if a general partnership, a description of the applicant entity, including a copy of its written partnership agreement or if no written agreement exists, a written description of the rights and duties of the partners, and the name of each partner. If a partner is an entity rather than a natural person, the name of each officer, partner, or manager of that entity, or any entity therein;
(13) if a limited liability company, a description of the applicant entity, including a copy of its

written operating agreement or if no written agreement exists, a written description of the rights and duties of the managers, and the name of each manager. If a manager is an entity rather than a natural person, the name of each officer, partner, or manager of that entity, or any entity therein;

(14) if a business entity other than a corporation, limited liability company, or partnership, a description of the organization of the applicant entity, including a copy of its organizational documents evidencing its authority to engage in real estate brokerage;

(15) if a foreign business entity, a Certificate of Authority to transact business in North Carolina issued by the NC Secretary of State and an executed consent to service of process and pleadings; and

(16) any other information required by this Rule.

(d) When the authority of a business entity to engage in the real estate business is unclear in the application or in law, the Commission shall require the applicant to declare in the firm license application that the applicant's organizational documents authorize the firm to engage in the real estate business and to submit organizational documents, addresses of affiliated persons, and similar information.

(e) After filing a firm license application with the Commission, the entity shall be licensed provided that it:

(1) has one principal holding a broker license on active status in good standing who will serve as the qualifying as defined by this Rule; and

(2) employs and is directed by personnel licensed as a broker in accordance with this Chapter.

The qualifying broker of a partnership of any kind shall be a general partner of the partnership; the qualifying broker of a limited liability company shall be a manager of the company; and the qualifying broker of a corporation shall be an officer of the corporation. A licensed business entity may serve as the qualifying broker of another licensed business entity if the qualifying broker-entity has as its qualifying broker a natural person who is licensed as a broker. The natural person who is qualifying broker shall assure to the Commission the performance of the qualifying broker's duties with regard to both entities. A provisional broker may not serve as a qualifying broker.

(f) The licensing of a business entity shall not be construed to extend to the licensing of its partners, managers, members, directors, officers, employees or other persons acting for the entity in their individual capacities regardless of whether they are engaged in furthering the business of the licensed entity.

(g) The qualifying broker of a business entity shall assume responsibility for:

(1) designating and assuring that there is at all times a broker-in-charge for each office and branch office of the entity as "office" and "branch office" are defined in Rule .0110(a) of this Subchapter;

(2) renewing the real estate broker license of the entity;

(3) retaining the firm's current pocket card at the firm and producing it as proof of firm licensure upon request and maintaining a photocopy of the firm license certificate and pocket card at each branch office thereof;

(4) notifying the Commission of any change of business address or legal or trade name of the entity and the registration of any assumed business name adopted by the entity for its use;

(5) notifying the Commission in writing of any change of his or her status as qualifying broker within 10 days following the change;

(6) securing and preserving the transaction and trust account records of the firm whenever there is a change of broker-in-charge at the firm or any office thereof and notifying the Commission if the trust account records are out of balance or have not been reconciled as required by Rule .0117 of this Subchapter;

(7) retaining and preserving the transaction and trust account records of the firm upon termination of his or her status as qualifying broker until a new qualifying broker has been designated with the Commission or, if no new qualifying broker is designated, for the period of time records are required to be retained by Rule .0108 of this Subchapter;

(8) notifying the Commission if, upon the termination of his or her status as qualifying broker, the firm's transaction and trust account records cannot be retained or preserved or if the trust account records are out of balance or have not been reconciled as required by Rule .0117 of this Subchapter; and

(9) notifying the Commission regarding any revenue suspension, revocation of Certificate of Authority, or administrative dissolution of the entity by the NC Secretary of State within 10 days of the suspension, revocation, or dissolution.

(h) Every licensed business entity and every entity applying for licensure shall conform to all the requirements imposed upon it by the North Carolina General Statutes for its continued existence and authority to do business in North Carolina. Failure to conform to such requirements shall be grounds for disciplinary action or denial of the entity's application for licensure.

(i) Upon receipt of notice from an entity or agency of this State that a licensed entity has ceased to exist or that its authority to engage in business in this State has been terminated by operation of law, the Commission shall cancel the license of the entity.

History Note: Authority G.S. 93A-3(c); 93A-4;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. July 1, 2017; July 1, 2015; July 1, 2014; July 1, 2009; January 1, 2008; April 1, 2006; July 1, 2005; April 1, 2004; July 1, 2003; October 1, 2000; August 1, 1998; January 1, 1997; July 1, 1994; May 1, 1990;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018; Amended Eff. July 1, 2025.

21 NCAC 58H .0204 POLICIES AND PROCEDURES DISCLOSURE

(a) An education provider shall publish a Policies and Procedures Disclosure for prospective students.

(b) In addition to the information required by G.S. 93A-34(c)(5), an education provider's Policies and Procedures Disclosure shall include:

- (1) the name and address of the Commission, along with a statement that any complaints concerning the education provider or its instructors should be directed to the Commission;
- (2) a statement that the education provider shall not discriminate in its admissions policy or practice against any person on the basis of age, sex, race, color, national origin, familial status, handicap status, or religion;
- (3) the education provider's most recent annual License Examination Performance Record and the Annual Summary Report data as published by the Commission;
- (4) the all-inclusive tuition and fees for each particular course;
- (5) a written course cancellation and refund policy;
- (6) a list of all course and reference materials required;
- (7) the course completion requirements pursuant to Rule .0207 of this Section and 21 NCAC 58A .1705;
- (8) a statement referring the student to the Commission's website for the education provider's pass rate; and
- (9) a signed certification acknowledging the student's receipt of the Policies and Procedures Disclosure prior to payment of any portion of tuition or registration fee.

(c) In addition to the information required in Paragraph (b) of this Rule and G.S. 93A-34(c)(5), an education provider offering distance education, synchronous distance learning, or blended learning courses shall include:

- (1) a list of hardware and software or other equipment necessary to offer and complete the course;
- (2) the contact information for technical support; and
- (3) a description of how the end-of-course examination shall be administered to the student.

History Note: Authority G.S. 93A-4; 93A-33; 93A-34; Eff. July 1, 2017; Amended Eff. July 1, 2025; January 1, 2021; July 1, 2020.

21 NCAC 58H .0206 ADVERTISING AND RECRUITMENT ACTIVITIES

(a) An education provider or instructor shall not advertise or otherwise make available any License Examination Performance Record or license examination pass rates or completion rates, nor reference or publish the pass rates of other education providers or instructors except as published on the Commission's website or as provided by this Subchapter.

(b) Education providers shall not make or publish, by way of advertising or otherwise, any false or misleading statement regarding employment opportunities that may be available as a result of completion of a course offered by that education provider or acquisition of a real estate license.

(c) Education providers shall not use endorsements or recommendations of any person or organization for advertising or otherwise unless such person or organization has consented in writing to the use of the endorsement or recommendation. In no case shall any person or organization be compensated for an endorsement or recommendation.

(d) Education providers shall not offer Postlicensing courses only for brokers affiliated with a particular real estate broker, firm, franchise, or association.

(e) Education providers may offer and advertise courses in addition to those approved by the Commission pursuant to this Subchapter provided that references to such courses are not made or published in a manner that implies approval by the Commission.

(f) Education providers shall utilize instructional hours and materials for instructional purposes only. For purposes of this Rule, instructional purpose means any combination of distance education, synchronous distance learning, and in-person methods of real estate instruction on course topics or materials.

(g) All Continuing Education course advertisements and promotional materials shall specify the number of Continuing Education credit hours to be awarded by the Commission for the course.

(h) The education provider's name shall be used in all publications and advertising.

History Note: Authority G.S. 93A-4; 93A-33; Eff. July 1, 2017; Amended Eff. July 1, 2025; July 1, 2020.

21 NCAC 58H .0209 RENEWAL AND EXPIRATION OF EDUCATION PROVIDER CERTIFICATION

(a) All education provider and public education provider certifications shall expire annually on June 30 following certification.

(b) An education provider or public education provider seeking renewal of its certification shall submit an electronic application which shall include the following information:

- (1) the education provider or public education provider's:
 - (A) name;
 - (B) number;
 - (C) mailing address;
 - (D) telephone number; and
 - (E) website address, if applicable; and
- (2) the education director's name and signature;

- (3) all approved real estate courses offered;
 - (4) a copy of the education provider's Policies and Procedures Disclosure, if applicable; and
 - (5) a statement that all courses meet the requirements of this Subchapter.
- (c) Public education providers shall not be charged any fees to renew the education provider certification or course renewal.
- (d) The education provider certification renewal fee shall be one hundred dollars (\$100.00) for each education provider location.
- (e) If an education provider or public education provider certification has expired, the education provider or public education provider shall submit an application for original certification pursuant to Rule .0202 of this Subchapter.
- (f) Commission approval of all continuing education courses shall expire on June 30. In order to obtain approval for an expired continuing education course, an education provider shall submit an original application pursuant to Rule .0401 of this Subchapter.
- (g) If an education provider transfers an aggregate of 50 percent or more of the ownership interest, the education provider shall notify the Commission in writing within 10 days of the transfer.

History Note: Authority G.S. 93A-3(f); 93A-4; 93A-33; 93A-34(b); 93A-35(b); 93A-36; 93A-38.5(d); Eff. July 1, 2017; Amended Eff. July 1, 2025; January 1, 2022; January 1, 2021; July 1, 2020; July 1, 2019.

21 NCAC 58H .0302 APPLICATION AND CRITERIA FOR INSTRUCTOR APPROVAL

- (a) An individual seeking original instructor approval shall submit an application on a form available on the Commission's website that shall require the instructor applicant to indicate the course(s) for which approval is being sought and set forth the instructor applicant's:
- (1) legal name, address, email address, and telephone number;
 - (2) real estate license number and instructor number, if any, assigned by Commission;
 - (3) criminal and occupational licensing history, including any disciplinary actions;
 - (4) education background, including specific real estate education;
 - (5) experience in the real estate business;
 - (6) real estate teaching experience, if any;
 - (7) signed Consent to Service of Process and Pleadings for nonresident applicants; and
 - (8) signature.
- (b) An instructor applicant shall have:
- (1) a North Carolina real estate broker license that is not on provisional status;
 - (2) completed continuing education sufficient to activate a license under 21 NCAC 58A .1703;
 - (3) completed 60 semester hours of college-level education at an institution accredited by any college accrediting body recognized by the U.S. Department of Education;
 - (4) completed the Commission's New Instructor Seminar within the previous six months; and
 - (5) within the previous seven years has either:

- (A) two years full-time experience in real estate brokerage with at least one year in North Carolina;
 - (B) three years of instructor experience at a secondary or post-secondary level;
 - (C) real estate Prelicensing or Postlicensing instructor approval in another jurisdiction; or
 - (D) qualifications found to be equivalent by the Commission, including a current North Carolina law license and three years' full time experience in commercial or residential real estate transactions or representation of real estate brokers or firms.
- (6) passed an instructor approval examination created by the Commission and based on the North Carolina License Law and Commission Rules prior to registering for the New Instructor Seminar.

- (c) In order to complete the New Instructor Seminar, a broker shall:
- (1) attend at least ninety percent of all scheduled hours; and
 - (2) teach a 15-minute block of a single Prelicensing topic in a manner consistent with the course materials.

(d) Prior to teaching any Update course, an approved instructor shall complete the Commission's annual Update Instructor Seminar pursuant to Paragraph (c) of this Rule for the current license period. The Update Instructor Seminar shall not be used to meet the requirement in Rule .0306(b)(4) of this Section.

History Note: Authority G.S. 93A-3(f); 93A-4; 93A-10; 93A-33; 93A-34; Eff. July 1, 2017; Amended Eff. July 1, 2025; July 1, 2023; July 1, 2020; July 1, 2019.

21 NCAC 58H .0416 RENEWAL AND EXPIRATION OF COURSE APPROVAL

- (a) Approval of real estate education courses shall expire annually on June 30 following initial course approval.
- (b) An education provider or public education provider seeking to renew a course approval shall be the owner of the course material or, if not the course owner, submit written authorization from the course owner to use the course materials. Written authorization shall be signed and dated by the course owner no earlier than six months prior to the submission of the course renewal.
- (c) The fee for an education provider to renew a course approval shall be:
- (1) twenty-five dollars (\$25.00) per Prelicensing or Postlicensing Course;
 - (2) fifty dollars (\$50.00) per continuing education elective course; and
 - (3) one hundred dollars (\$100.00) materials fee to offer the Update Course.

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(d) An education provider or public education provider shall submit an application for original course approval pursuant to Rule .0401 of this Subchapter if the course approval:

- (1) fails to renew pursuant to this Rule; or
- (2) has renewed twice since the initial course approval.

History Note: Authority G.S. 93A-3(f); 93A-4; 93A-33; 93A-35; 93A-38.5(d); Eff. July 1, 2025.

Rules approved by the Rules Review Commission at its meeting on May 29, 2025 Meeting.

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TITLE 14B - DEPARTMENT OF PUBLIC SAFETY**14B NCAC 05B .0203 ADMINISTRATION OF GRANTS**

(a) The Commission staff shall administer grants as funds are available. Upon completion of the selection process, all applicants

shall be notified in writing or electronic communication through the Grant Management System (GMS) whether the application has been approved or denied.

(b) Within 30 calendar days of receipt of award notification, the applicant shall submit the grant compliance and modification

information. An applicant may request an extension of no more than 60 calendar days to submit the information. An applicant who does not provide the required information shall be ineligible for grant funding. For the purposes of this Rule, grant compliance and modification information includes the following:

- (1) a list of grant conditions that were agreed to by an authorizing official of the applicant; and
 - (2) a memorandum of agreement or contract with any cooperating government agencies.
- (c) Funds shall be awarded to grantees through Grant Award Contracts. The Grant Award Contract shall bear the original signature of the grantee's authorizing official and the Executive Director of the Commission. The Grant Award Contract shall be signed and returned to the Department within 30 calendar days.
- (d) The length of the grant period shall coincide with guidance provided by the granting entity.
- (e) Requests for adjustments to approved applications shall be made at any time up to 90 calendar days before the project's scheduled termination date. These requests shall be made through the GMS system and provide an explanation for proposed adjustments.

History Note: Authority G.S. 143B-602(8); 143B-1103; 143B-1104; Eff. March 1, 2019; Amended Eff. June 1, 2025; April 1, 2023.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

SECTION .0600 – INTERSTATE WILDLIFE VIOLATOR COMPACT (WVC)

15A NCAC 030 .0601 WVC GENERAL PROVISIONS

- (a) The purpose of this Section is to establish the rules necessary to implement G.S. 113 Article 22B, the Interstate Wildlife Violator Compact.
- (b) The rules in this Section shall apply to any person possessing a license, privilege, or right to take, possess, sell, buy, or transport wildlife in the State of North Carolina. Violations under this Section apply only to offenses charged by an inspector as set forth in laws or rules administered by the Division of Marine Fisheries or under G.S. 113-136(d). The rules shall not apply to any offenses committed in North Carolina or any other WVC state prior to July 1, 2025.
- (c) The definitions in G.S. 113-300.6 Article II shall apply throughout this Section and to all forms prescribed pursuant to this Section, unless otherwise indicated.
- (d) For the purpose of this Section:
- (1) "Member state" shall mean "party state" as defined in G.S. 113-300.6.
 - (2) "Violation" shall mean violation of any provision of Subchapter 113 of the North Carolina General Statutes under the authority of the Marine Fisheries Commission or any rule adopted by the Marine Fisheries Commission pursuant to Subchapter 113.
 - (3) "WVC" shall mean Wildlife Violator Compact.

History Note: Authority G.S. 113-134; 113-300.7; Eff. June 1, 2025.

15A NCAC 030 .0602 WVC CONDITIONS FOR NORTH CAROLINA VIOLATIONS BY NON-RESIDENTS

- (a) All violations charged by an inspector are subject to the provisions of the WVC.
- (b) Non-residents of North Carolina who are residents of a WVC member state at the time of a misdemeanor violation as set forth in Paragraph (a) of this Rule occurring in North Carolina may be released on personal recognizance when the violation results in a written citation requiring a violator to resolve the violation directly with the court, either in person, by mail, or through an attorney.
- (c) Upon failure to comply with the terms of a citation issued by an inspector, as determined by a court of competent jurisdiction, the Division shall send notice of failure to comply by a letter sent by the U.S. Postal Service to the last known address of the wildlife violator or be delivered personally, and report the failure to comply to the non-resident's home state to start suspension procedures in accordance with the Wildlife Violator Compact Operations Manual. The suspension procedures in the Wildlife Violator Compact Operations Manual are incorporated by reference, including subsequent amendments and editions. A copy of the Wildlife Violator Compact Operations Manual can be found at <http://www.ncwildlife.gov> or <http://www.deq.nc.gov/wildlifeviolatorcompact>, at no cost.
- (d) License privileges shall only be restored when the citation is resolved through the North Carolina Court System.

History Note: Authority G.S. 113-134; 113.300.6; 113-300.7; Eff. June 1, 2025.

15A NCAC 030 .0603 WVC CONDITIONS FOR NORTH CAROLINA RESIDENTS FOR FAILURE TO APPEAR OR FAILURE TO COMPLY IN ANOTHER WVC MEMBER STATE

- (a) North Carolina residents who commit a wildlife violation as defined by G.S. 113-300.6 in another WVC member state, who upon release on personal recognizance from the issuing state, fail to resolve the terms of his or her citation, shall have any licenses and permits for which the Division of Marine Fisheries has enforcement authority in North Carolina suspended pursuant to G.S. 113-300.7.
- (b) If the Division receives notice of an unresolved citation from a member state, a Notice of Suspension shall be prepared and sent to the wildlife violator as follows:
- (1) the notice shall be a letter sent by the U.S. Postal Service to the last known address of the wildlife violator or be delivered personally;
 - (2) the notice of suspension shall identify the state from which the notice of an unresolved citation was issued and describe any details of the violation and procedures to resolve the suspension provided by the issuing state to the Division;

- (3) the notice shall provide the procedure for appealing to the issuing state the suspension; and
- (4) the suspension shall have a delayed effective date of at least 14 business days from the date of the mail used to send the notice of suspension to the wildlife violator, to allow the wildlife violator to contact the court in the issuing state and resolve the citation.

(c) Any suspension received by the Division shall remain in effect until such time as the North Carolina resident resolves the violation in the issuing state.

(d) When a North Carolina resident resolves a violation with the court in the issuing state, it is the responsibility of the resident to submit a copy of either the court judgment resolving the matter or a notice of compliance from the issuing state. Upon receipt, the Division shall rescind any suspension and return any licenses or permits relevant to the Notice of Suspension.

(e) The issuing state shall be notified by the Division if the suspension order is overturned by the Office of Administrative Hearings.

History Note: Authority G.S. 113-134; 113-300.7; 143B-289.52; Eff. June 1, 2025.

15A NCAC 030 .0604 WVC RECIPROCAL RECOGNITION OF SUSPENSIONS

(a) When the Division of Marine Fisheries receives notice of a suspension from a WVC member state of a person's license or permit that is the result of a conviction or an accumulation of convictions of wildlife violations in one or more WVC member states, the Division shall determine whether the conviction, or accumulation of convictions, leading to the suspension could have led to the suspension of licenses and permits for which the Division has enforcement authority pursuant to Chapter 113, Subchapter IV of the General Statutes. If it is determined that the person's licenses and permits would have been suspended under Chapter 113, Subchapter IV of the General Statutes, the person's North Carolina licenses and permits shall be suspended pursuant to G.S. 113-300.7 for the period of suspension imposed by the WVC member state where the violation occurred.

(b) North Carolina shall communicate suspension information to other WVC member states using the WVC database, and shall include the following information about the wildlife violator:

- (1) name;
- (2) date of birth;
- (3) last known address;
- (4) violations and convictions upon which the suspension is based;
- (5) scope of the suspension, such as fishing, hunting, trapping, or all privileges or rights; and
- (6) effective dates of the suspension and term of the suspension.

(c) Upon request by a WVC member state for documentation of a violation and subsequent license suspension for license suspension hearings or other purposes, the Division shall provide certified copies of the citation or other charging instrument, any

arrest or investigation reports, suspension orders, and the disposition of the matter.

History Note: Authority G.S. 113-134; 113-300.7; 143B-289.52; Eff. June 1, 2025.

15A NCAC 030 .0605 APPEALS

A person served with a notice of suspension pursuant to this Section may obtain an administrative review of the suspension pursuant to G.S. 150B-23. Notice of the right to administrative review shall be included in the notice of suspension.

History Note: Authority G.S. 113-134; 113-300.7; 143B-289.52; Eff. June 1, 2025.

15A NCAC 10B .0203 WHITE-TAILED DEER

(a) Open All Lawful Weapons Seasons for hunting deer:

- (1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, may be taken during the following seasons, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.
 - (A) Saturday on or nearest October 15 through January 1 in Beaufort, Bladen, Brunswick, Carteret, Columbus, Cumberland, Craven, Dare, Duplin, Harnett, Hoke, Hyde, Jones, Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond, Robeson, Sampson, Scotland, Tyrrell, and Washington counties. It is unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline in Columbus County.
 - (B) Saturday on or nearest October 15 through January 1 in Bertie, Camden, Chowan, Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and Wilson counties.
 - (C) Saturday before Thanksgiving Day through January 1 in Alexander, Alleghany, Ashe, Catawba, Cleveland, Davie, Forsyth, Gaston, Iredell, Lincoln, Polk, Rutherford, Stokes, Surry, Watauga, Wilkes, and Yadkin counties.
 - (D) Saturday after Thanksgiving Day through January 1 in Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood,

- Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, and Yancey counties.
- (E) Two Saturdays before Thanksgiving Day through January 1 in Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties.
- (F) Saturday on or nearest September 10 through January 1 in the parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in the parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in the part of Hyde county known as Lake Mattamuskeet National Wildlife Refuge; in the parts of Dare and Hyde counties known as Alligator River National Wildlife Refuge; in the parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in the part of Currituck County known as the Mackay Island National Wildlife Refuge.
- (2) Antlered or Antlerless Deer. Except on Game Lands, antlered or antlerless deer may be taken during the open seasons and in the counties and portions of counties listed in Parts (A) through (G) of this Subparagraph.
- (A) The open antlered or antlerless deer hunting dates established by the U.S. Fish and Wildlife Service from the Saturday on or nearest September 10 through January 1 in the parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in the parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in the parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in the parts of Currituck County known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife Refuge.
- (B) The open antlered or antlerless deer hunting dates established by the military commands at the military installations listed in this Paragraph, from Saturday on or nearest October 15 through January 1 in the part of Brunswick County known as the Sunny Point Military Ocean Terminal, in the part of Craven County known and marked as Cherry Point Marine Base, in the part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Liberty Military Reservation, and on Camp Mackall Military Reservation.
- (C) The first open Saturday of the Deer With Visible Antlers Season described in Subparagraph (a)(1) of this Rule in Cherokee, Clay, Haywood, Jackson, Macon, Swain, and Transylvania counties.
- (D) The first open day of the Deer With Visible Antlers Season described in Subparagraph (a)(1) of this Rule through the first Saturday thereafter in Buncombe, Henderson, Madison, and McDowell counties, except in the areas described in Subparts (a)(2)(G)(i) and (ii) of this Rule.
- (E) The first open day of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule through the second Saturday thereafter in Avery, Burke, Caldwell, Mitchell, and Yancey counties.
- (F) The first open day of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule through the fourth Saturday thereafter in Cleveland, Polk, and Rutherford counties.
- (G) Open days of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln, and Gaston counties and in the following parts of counties:
- (i) The part of Buncombe County east of N.C. 191, south of the French Broad and Swannanoa Rivers, west of U.S. 25, and north of N.C. 280; and
- (ii) The part of Henderson County east of N.C. 191 and north and west of N.C. 280.
- (b) Open Archery Seasons for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (f) of this Rule, deer may be taken with archery equipment from Saturday on or nearest September 10 through the day immediately preceding the first open day of the Blackpowder Firearms Season

- described in Subparagraph (c)(1) of this Rule, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.
- (2) Restrictions
- (A) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs may not be used for hunting deer during the Archery Season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
- (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer may be used during the Archery Season.
- (C) Antlered or antlerless deer may be taken during Archery Season specified by Part (b)(1)(A) of this Rule.
- (c) Open Blackpowder Firearms Seasons for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with blackpowder firearms and archery equipment from two Saturdays preceding the first day of the open season for Deer with Visible Antlers described in Parts (a)(1)(A), (B), (C), (D), (E), and (F) of this Rule through the second Friday thereafter including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.
- (2) Restrictions
- (A) Antlered or antlerless deer may be taken during Blackpowder Firearms Season in a county or county part set forth in Part (a)(2)(D), (E), (F), or (G) of this Rule that has one or more open days within the All Lawful Weapons Season to legally harvest antlerless deer.
- (B) Antlered or antlerless deer may be taken during the second open Saturday of the Blackpowder Firearms Season thru the first Friday thereafter in any county or county part set forth in Part (a)(2)(C) of this Rule.
- (C) Antlered or antlerless deer may be taken on the second open Saturday of the Blackpowder Firearms Season in any county or county part not set forth in Subparagraph (a)(2) of this Rule.
- (D) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the Blackpowder Firearms Season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
- (3) As used in this Rule, "blackpowder firearms" means any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899, that cannot use fixed ammunition; any replica of this type of firearm if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; and any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading or cylinder-loading handgun that is designed to use blackpowder, blackpowder substitute, or any other propellant loaded through the muzzle, cylinder, or breech and that cannot use fixed ammunition.
- (d) Open Urban Season for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag limits set out in Paragraph (f) of this Rule, antlered or antlerless deer may be taken with archery equipment in participating cities in the State, as defined in G.S. 160A-1(2), from the second Saturday following January 1 through the sixth Sunday thereafter. Deer shall not be taken on game lands within a city boundary.
- (2) Participation. Cities that intend to participate in the Urban Season shall send a letter to that effect no later than April 1 of the year prior to the start of the Urban Season to the Executive Director or his designee at 1722 Mail Service Center, Raleigh, N.C. 27699-1700. Cities shall also submit a map of the city's boundaries within which the Urban Season shall apply.
- (3) Restrictions:
- (A) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the Urban Season except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
- (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer shall be used during the Urban Season.
- (e) Open Youth Days for hunting deer. Antlered or antlerless deer may be taken with all lawful weapons by individuals under 16 years of age during the following days:
- (1) The fourth Saturday in September and the Sunday immediately thereafter in all counties; and
- (2) Thanksgiving Day and the Friday immediately thereafter in the counties listed in Part (a)(1)(D) of this Rule.
- (f) Bag limits. The possession and season limit is six deer, two that may be deer with visible antlers and four that may be antlerless deer. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin. A hunter may obtain multiple Bonus

Antlerless Deer Harvest Report Cards from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional antlerless deer per card for deer harvested during the season described in Paragraph (d) of this Rule within the boundaries of participating municipalities, except on State-owned game lands. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit.

(g) Deer Management Assistance Program. The bag limits described in Paragraph (f) of this Rule do not apply to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer harvested under this program, regardless of the date of harvest, shall be tagged with DMAP tags and reported as instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to the restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus antlerless harvest report card.

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5;
Eff. February 1, 1976;
Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1, 1994; July 1, 1993;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. July 1, 2000;
Temporary Amendment Eff. July 1, 2002; July 1, 2001;
Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02);
Temporary Amendment Eff. June 1, 2003;
Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);
Amended Eff. August 1, 2021; August 1, 2020; August 1, 2018; August 1, 2017; August 1, 2016;
August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; July 10, 2010;
June 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005;
Readopted Eff. August 1, 2022;
Amended Eff. June 1, 2025; August 1, 2024; August 1, 2023.

15A NCAC 10C .0316 MOUNTAIN TROUT

(a) The daily creel limit for trout in Hatchery-Supported Trout Waters is seven fish. There is no minimum size limit for these fish. The open season is from 7 a.m. on the first Saturday in April until March 1, except for waters designated in Paragraph (g) of this Rule.

(b) The daily creel limit for trout in Wild Trout Waters is four fish. The minimum size limit for these fish is seven inches. There is no closed season.

(c) No trout shall be harvested from Catch and Release/Artificial Flies and Lures Only Trout Waters. Trout shall not be possessed while fishing these waters.

(d) The daily creel limit for trout in Delayed Harvest Trout Waters is seven fish. There is no minimum size limit for these fish. The Youth-only Delayed Harvest Trout Water Season is from 6:00 a.m. on the first Saturday in June until 12 p.m. that same day. During this season individuals under 16 years of age may fish. From 12:00 p.m. on the first Saturday in June until September 30, the Delayed Harvest Trout Waters Season is open for anglers. From October 1 to one-half hour after sunset on the Friday before the first Saturday in June, trout shall not be harvested or possessed while fishing these waters. Delayed Harvest Trout Waters are closed to fishing from one-half hour after sunset on the Friday before the first Saturday in June to 6 a.m. on the first Saturday in June.

(e) The daily creel limits, size limits, and seasons for trout in Special Regulation Trout Waters are as follows:

- (1) Apalachia Reservoir (Cherokee County) the daily creel limit is three trout. There is no minimum size limit, but only one may be greater than 14 inches. There is no closed season.
- (2) Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam the daily creel limit is two fish. The minimum size limit is 14 inches. There is no closed season.

(f) The daily creel limit for trout in undesignated trout waters is seven fish. There is no minimum size limit for these fish.

(g) There is no closed season on taking trout from Linville River within Linville Gorge Wilderness Area and the impounded waters of the following power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.

- (1) Bear Creek Lake;
- (2) Buckeye Creek Reservoir;
- (3) Calderwood Reservoir;
- (4) Cedar Cliff Lake;
- (5) Cheoah Reservoir;
- (6) Cliffside Lake;
- (7) Tanassee Creek Lake;
- (8) Queens Creek Lake; and
- (9) Wolf Lake.

(h) In designated Public Mountain Trout Waters the season for taking all species of fish is the same as the trout fishing season.

(i) Trout water designations and manners of take are set forth in 15A NCAC 10C .0205.

History Note: Authority G.S. 113-134; 113-292;
Eff. November 1, 2013;
Amended Eff. August 1, 2018; August 1, 2017; August 1, 2015;
Readopted Eff. August 1, 2019;
Amended Eff. June 1, 2025; August 1, 2024; August 1, 2021;
August 1, 2020.

15A NCAC 10D .0102 GENERAL REGULATIONS REGARDING USE

(a) For purposes of this Subchapter, the following definitions apply:

- (1) "Permanent Hunting Blind" means a structure that is used for hunter concealment, constructed

from manmade or natural materials, and that is not disassembled and removed at the end of the day's hunt.

- (2) "Target shooting" means the discharge of a firearm for purposes other than hunting, trapping, or self-defense.
- (3) "Youth" means individuals under 16 years of age.

(b) Trespass. Entry on game lands for purposes other than hunting, trapping, or fishing shall be as authorized by the landowner. The Wildlife Resources Commission has identified the following areas on game lands that have additional restrictions on entry or usage:

- (1) Archery Zone. On portions of game lands posted as "Archery Zones" hunting is limited to archery equipment and falconry. During the open deer seasons for these areas, antlered and antlerless deer may be taken.
- (2) Safety Zone. On portions of game lands posted as "Safety Zones" hunting is prohibited. No person shall hunt or discharge a firearm or bow and arrow within, into, or across a posted safety zone on a game land. Falconry is exempt from this provision.
- (3) Restricted Firearms Zone. On portions of game lands posted as "Restricted Firearms Zones" the use of centerfire rifles is prohibited.
- (4) Restricted Zone. Portions of game lands posted as "Restricted Zones" are closed to use by the public, and entry on these areas is prohibited without written approval from the Wildlife Resources Commission. The Commission may authorize entry when the primary purpose for the Restricted Zone shall not be compromised and the persons requesting entry demonstrate a valid need, or official business of the Commission is being conducted by a contractor or agent of the Commission. Valid needs may include access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.
- (5) Temporary Restricted Zone. Portions of game lands posted as "Temporary Restricted Zones" are closed to use by the public, and entry is prohibited without written approval from the Wildlife Resources Commission. An area of a game land shall be declared a Temporary Restricted Zone when there is a danger to the health or welfare of the public.
- (6) Scouting-only Zone. On portions of the game lands posted as "Scouting-only Zones" the discharge of firearms or bow and arrow is prohibited.
- (7) Restricted Deer Hunting Zone. On portions of game lands posted as "Restricted Deer Hunting Zones" the use of dogs for taking deer is prohibited, except as allowed by permit as provided in G.S. 113-264(d).

(8) Day Use Only Zone. On portions of game lands posted as "Day Use Only Zones" the use by the public shall be prohibited from sunset to sunrise.

(9) Sensitive Habitat Zone. Portions of game lands posted as "Sensitive Habitat Zones" are closed to use by the public during the dates specified on the sign, and entry is prohibited without written approval from the Wildlife Resources Commission by calling 919-707-0150 and requesting a permit.

The Commission shall conduct a public input meeting in the area where the game land is located before establishing the following zones: archery, restricted firearms, restricted deer hunting, day use only, or sensitive habitat. After the input meeting, the public comments shall be presented at an official Commission meeting for final determination.

(c) Littering. No person shall deposit litter, trash, garbage, or other refuse on any game land except in receptacles provided for disposal of refuse at designated camping and target-shooting areas. No garbage dumps or sanitary landfills shall be established on a game land by a person, firm, corporation, county, or municipality, except as permitted by the landowner.

(d) Use of weapons. No person shall discharge:

- (1) a weapon within 150 yards of a game land building or designated game land camping area, except where posted otherwise;
- (2) a weapon within 150 yards of a residence located on or adjacent to game lands, except on Butner-Falls of Neuse and Jordan game lands; and
- (3) a firearm within 150 yards of a residence located on or adjacent to Butner-Falls of Neuse and Jordan Game Lands.

No person shall hunt with or have in possession a shotgun shell containing lead or toxic shot while hunting on a posted waterfowl impoundment on a game land, except shotgun shells containing lead buckshot may be used while deer hunting. Individuals carrying a concealed handgun shall adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. On Butner-Falls of Neuse, Jordan, Kerr Scott, and Vance game lands, no person shall possess loaded firearms, ammunition, bows and arrows, crossbows, or other weapons except as provided in the Code of Federal Regulations, Title 36, Chapter III, Part 327.13, which is incorporated by reference, including subsequent amendments and editions. This document may be accessed at www.ecfr.gov at no cost. On Buckhorn, Chatham, Harris, Hyco, Lee, Mayo, and Sutton Lake game lands; Pee Dee River Game Land north of U.S. 74; and that portion of R. Wayne Bailey- Caswell Game Land that is located north of U.S. 158 and east of N.C. 119, no person shall possess a firearm during closed hunting seasons or closed hunting days for game birds or game animals, except under the following conditions:

- (1) the firearm is a .22 caliber pistol with a barrel not greater than seven and one-half inches in length and shooting only short, long, or long rifle ammunition carried as a side arm;

- (2) the firearm is cased or not immediately available for use;
 - (3) the firearm is used by persons participating in field trials on field trial areas; or
 - (4) the firearm is possessed in designated camping areas for defense of persons and property.
- (e) Game Lands License: Hunting and Trapping
- (1) Except as provided in Subparagraph (4) of this Paragraph, a person entering a game land to hunt, trap, run dogs, or train dogs using wildlife shall have in his or her possession a valid North Carolina hunting or trapping license.
 - (2) For Commission-sanctioned field trials, active participants, as defined in 15A NCAC 10B .0114, in a field trial using wildlife shall possess a North Carolina hunting license, except non-residents may substitute hunting licenses from their state(s) of residence.
 - (3) For other field trials using wildlife occurring on game lands, judges and active participants shall possess a North Carolina hunting license.
 - (4) Exceptions:
 - (A) a person under 16 years of age may hunt on game lands on the license of his parent or legal guardian;
 - (B) on the game lands described in Rule .0103 (j)(1) of this Section, the game lands license is required for hunting doves; other activities are subject to the control of the landowners.

(f) Field Trials and Training Dogs. An individual or organization sponsoring a field trial on the Sandhills Field Trial area shall file an application with the Commission to use the area with the facility use fee computed at the rate of three hundred dollars (\$300.00) for each scheduled day of the trial. The total facility use fee shall cover the period from 12:00 noon of the day preceding the first scheduled day of the trial to 10:00 a.m. of the day following the last scheduled day of the trial. The facility use fee shall be paid for all intermediate days on which trials are not run but the building or facilities are used or occupied. A fee of one hundred dollars (\$100.00) per day shall be charged to sporting, educational, or scouting groups for scheduled events utilizing the club house only. No person or group of persons or other entity shall enter or use the physical facilities located on the Sandhills Field Trial area or the Laurinburg Fox Trial facility without written approval from an authorized agent of the Wildlife Resources Commission, and no entry or use of a facility shall exceed the scope of or continue beyond the approved use. The Sandhills Field Trial facilities shall be used only for field trials scheduled with the approval of the Wildlife Resources Commission. No more than 20 days of field trials may be scheduled for occurrence on the Sandhills facilities during a calendar month, and no more than five days may be scheduled during a calendar week. A field trial requiring more than five days may be scheduled during one week with reduction of the maximum number of days allowable during some other week so that the monthly maximum of 20 days is not exceeded. Before October 1 of each year, the North Carolina Field Trial Association or other organization desiring use of the Sandhills facilities

between the Wednesday on or nearest October 18 and the second Friday before Thanksgiving and between the first Monday following Thanksgiving and March 31 shall submit its proposed schedule of use to the Wildlife Resources Commission for consideration and approval. The use of the Sandhills Field Trial facilities by individuals for training dogs is prohibited; elsewhere on the Sandhills Game Lands dogs may be trained only on Mondays, Wednesdays, and Saturdays from October 1 through April 1. Dogs may not be trained or permitted to run unleashed from April 1 through August 15 on game lands located west of I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Dogs may not be trained or permitted to run unleashed from March 15 through June 15 on game lands located east of I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Additionally, on game lands located west of I-95 where special hunts are scheduled for sportsmen participating in the Disabled Sportsman Program, dogs may not be trained or allowed to run unleashed during legal big game hunting hours on the dates of the special hunts. A field trial shall be authorized when the field trial does not conflict with other planned activities on the game land or field trial facilities, and the applying organization demonstrates their experience and expertise in conducting genuine field trial activities. Entry to physical facilities, other than by field trial organizations under permit, shall be granted when they do not conflict with other planned activities previously approved by the Commission and they do not conflict with the mission of the agency.

(g) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0300, trapping of furbearing animals, armadillos, coyotes, and groundhogs is permitted on game lands during the open trapping seasons for those areas, established by rule. Foxes may be trapped on game lands from October 1 through the end of February in a county with an open fox trapping season that falls between October 1 and the end of February. Foxes may not be taken by trapping on game lands in counties with a closed fox trapping season or during a fox trapping season that occurs outside the dates of October 1 through the end of February. Additionally, fox trapping is allowed on game lands in Clay, Graham, Henderson, Macon, and Tyrrell counties with a daily bag limit of two and a season bag limit of 10 from the first to the fourth Saturday in January. Trapping is prohibited:

- (1) on the J Robert Gordon Field Trial Area of Sandhills Game Land;
- (2) in posted "safety zones" located on a game land;
- (3) by the use of bait on the National Forest Lands bounded by the Blue Ridge Parkway on the south, US 276 on the north and east, and NC 215 on the west;
- (4) on the DuPont State Forest Game Lands; and
- (5) from April 1 through September 31.

At a trap, trappers may use a single bait site of grain, fruit, or other foods when trapping if the food is not a processed food product as defined in G.S. 113-294(r), is less than 3 cubic inches and is covered to prevent it from being seen from above. Feathers, including those with attached skin or entire bird wings, hair with or without skin or hide, and bones that include no attached meat, organs, or viscera do not need to be covered.

(h) Vehicular Traffic. No person shall drive a motorized vehicle on a game land except on roads constructed, maintained, and opened for vehicular travel and on trails posted for vehicular travel, unless the person:

- (1) is driving in the vehicle gallery of a scheduled bird dog field trial held on the Sandhills Game Land; or
- (2) is a disabled sportsman as defined in Paragraph (l) of this Rule or holds a Disabled Access Program Permit as described in Paragraph (l) of this Rule and is abiding by the rules described in Paragraph (k).

(i) Camping.

- (1) No person shall camp on a game land except on an area posted by the landowner for camping.
- (2) On game lands owned by the State of North Carolina, where the North Carolina Wildlife Resources Commission is the primary custodian, the maximum period of consecutive overnight camping at a designated camping area is 14 days within any 30-day period, unless otherwise specified in rules of this Subchapter. After 14 consecutive days of camping, personal belongings shall be removed from the game land.
- (3) A hunting, fishing, trapping or Game Lands License is required for individuals age 16 or older to camp on game lands in areas posted for camping except when camping within 100 yards of the Roanoke River on the state-owned portion of the Roanoke River Wetlands Game Land, within 100 yards of the Neuse River on that portion of the game land west of NC-43, and in posted areas along the Mountains-to-Sea Trail on Butner-Falls of Neuse Game Land.

(j) Release of Animals and Fish. It is unlawful to release pen-raised animals or birds, wild animals or birds, domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes, or feral animals, or hatchery-raised fish on game lands without written authorization. It is unlawful to move wild fish from one stream to another on game lands without written authorization. Written authorization shall be given when release of animals is determined by a Wildlife Resources Commission biologist not to be harmful to native wildlife in the area and is in the public interest or advance the programs and goals of the Wildlife Resources Commission.

(k) Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use on game lands except for designated areas on National Forests. Disabled persons as defined in Paragraph (l) of this Rule and people who have obtained a Disabled Access Program permit are exempt from this restriction but shall comply with the terms of their permit. Furthermore, disabled persons, as defined under the federal Americans with Disabilities Act (42 U.S.C. 126) may use wheelchairs or other all-terrain wheelchairs on areas where foot travel is allowed. Off road vehicles including ATVs, UTVs, and ebikes are not permitted.

(l) Disabled Access Program. Disabled individuals who meet the requirements of G.S. 113-296 may obtain a Disabled Access

Permit and Disabled Sportsman Hunt Certification online at ncwildlife.org. The Disabled Access Permit allows individuals to operate electric wheel chairs, all-terrain vehicles, and other passenger vehicles on any Commission-maintained road open for vehicular travel and those trails posted for vehicular travel and ungated or open-gated roads otherwise closed to vehicular traffic on game lands owned by the Wildlife Resources Commission and on game lands whose owners have agreed to that use. Those game lands, or parts thereof, where this Paragraph applies are designated online, at www.ncwildlife.org. This Paragraph does not permit vehicular access on fields, openings, roads, paths, or trails planted for wildlife food or cover. One companion, who is identified by a companion card issued to each qualified disabled person, may accompany a disabled person to provide assistance, provided the companion is constantly in visual or verbal contact with the disabled person. The companion may participate in lawful activities while assisting a disabled person, provided license requirements are met. A vehicle used by a qualified disabled person for access to game lands under this provision shall have the Disabled Access Permit available for inspection by wildlife enforcement officers upon request. Hunters who qualify under the Disabled Sportsman Program and their companions may access special hunting blinds for people with disabilities during regularly scheduled, non-permit hunting days on a first come basis, except for those blinds located on the Restricted Area of Caswell Game Land. It is unlawful for anyone other than disabled persons holding a Disabled Access Permit, during waterfowl season, to hunt within 100 yards of a waterfowl blind designated by the Wildlife Resources Commission as a Disabled Sportsman's hunting blind. The Disabled Sportsman Hunt Certification allows individuals to apply for available Disabled sportsman permit hunting opportunities as prescribed in G.S. 113-296.

(m) Public nudity. Public nudity, including nude sunbathing, is prohibited on game lands, including land or water. For the purposes of this Section, "public nudity" means a person's intentional failure to cover with a fully opaque covering the person's genitals, pubic area, anal area, or female breasts below a point from the top of the areola while in a public place.

(n) Shooting Ranges. On public shooting ranges managed by the Commission, no person shall use designated shooting ranges for purposes other than for firearm or bow and arrow marksmanship, development of shooting skills, or for other safe uses of firearms and archery equipment. Other uses, including camping, building fires, operating concessions or other activities not directly involved with recreational or competitive shooting are prohibited, unless written authorization is obtained from the Commission. No person, when using any shooting range, shall deposit debris or refuse on the grounds of the range. This includes items used as targets, except that clay targets broken on the range, by the shooter, may be left on the grounds where they fall. No person shall shoot items made of glass on the grounds of the range. No person may leave a vehicle or other obstruction in a location or position that it will prevent, impede, or inconvenience the use by other persons of any shooting range. No person shall leave a vehicle or other object parked in a place on the shooting range other than the place or zone that is designated and posted or marked as an authorized parking zone. No person shall handle firearms or bow and arrow on a shooting range in a careless or

reckless manner. No person shall intentionally shoot into any target holder, post, or other permanent fixture or structure while using a shooting range. No person shall shoot a firearm in a manner that would cause rifled or smoothbore projectiles to travel off of the range, except that shotgun shot, size No. 4 or smaller may be allowed to travel from the range if it presents no risk of harm or injury to a person. Persons using a shooting range shall obey posted range safety rules and those persons who violate range safety rules or create a public safety hazard shall leave the shooting range if directed to by law enforcement officers or to leave by Commission employees. No person shall handle firearms on a shooting range while under the influence of an impairing substance. The consumption of alcohol or alcoholic beverages on a shooting range is prohibited. Open days and hours of operation shall be designated on signs and at least one sign shall be posted at the entrance to each shooting range. No person, when using a shooting range, shall do an act that is prohibited or neglect to do an act that is required by signs or markings placed on the area under authority of this Rule for regulating the use of the area.

(o) Limited-access Roads. During the months of June, July, and August, roads posted as "Limited-access Roads" are open to motorized vehicles from 5:00 a.m. to 10:00 p.m. These roads shall be posted with the opening and closing times.

(p) No person shall attempt to obscure the sex or age of a bird or animal taken by severing the head or any other part thereof, or possess a bird or animal that has been so mutilated.

(q) Baiting. Except as provided in Paragraph (g) of this Rule, no person shall place, or cause to be placed on a game land, salt, grain, fruit, or other foods without written authorization from an agent of the Commission. Written authorization may be provided for Commission authorized projects or Commission contractors to meet specific objectives. Except as authorized by rule, no person shall take or attempt to take wild birds or wild animals attracted to these foods.

History Note: Authority G.S. 113-129; 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306; 143-318.10;

Eff. February 1, 1976;

Amended Eff. July 1, 1993; April 1, 1992;

Temporary Amendment Eff. October 11, 1993;

Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2000;

Temporary Amendment Eff. August 31, 2001;

Amended Eff. August 1, 2002;

Amended Eff. June 1, 2004; (this amendment replaces the amendment approved by RRC on July 17, 2003);

Amended Eff. January 1, 2013; January 1, 2012; June 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; November 1, 2005;

Temporary Amendment Eff. July 1, 2014;

Amended Eff. February 1, 2023; August 1, 2022; August 1, 2021; August 1, 2020; August 1, 2017; August 1, 2016; May 1, 2015;

August 1, 2014;

Readopted Eff. August 1, 2023;

Amended Eff. June 1, 2025; November 1, 2023.

15A NCAC 10F .0347 CRAVEN COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Craven County:

(1) New Bern:

(A) the portion of Northwest Creek from the entrance buoys at Northwest Creek Marina, north of a line from a point on the east shore at 35.06357 N, 76.96934 W to a point on the west shore at 35.06343 N, 76.97106 W, to south of a line from a point on the east shore of Northwest Creek at 35.06903 N, 76.97030 W to a point on the west shore at 35.06779 N, 76.97225 W, northeast to include all waters, shore to shore, of the bulkheaded area of Fairfield Harbour otherwise known as Spring Creek;

(B) Olde Towne Lake, shore to shore from its intersection with the Trent River west of a point at 35.08098 N, 77.05833 W;

(C) within 50 yards of the Spring Garden Boating Access Area on Neuse River, 585 NW Craven Middle School Road, New Bern;

(D) within 50 yards of Cool Springs Boating Access Area on Swift Creek, 1065 Cool Springs Road, New Bern;

(E) within 50 yards of Brices Creek Boating Access Area on Brice Creek, 953 Perrytown Road, New Bern; and

(F) the portion of Brice Creek beginning 50 yards north of the Brices Creek Bridge shore to shore, south-southwest around Merchant's Grocery, docking facilities, fuel dock, and a public boat ramp, then southeastward, south of the peninsula and sharp curve on the east side of Brice Creek to a line from a point on the west shore at 35.06587 N, 77.07078 W to a point on the east shore at 35.06638 N, 77.06893 W.

(2) Havelock:

(A) the triangular area in the waters at the end of the Bishops Marina main pier located at the confluence of Clubfoot and Mitchell Creeks off of Neuse River, between a point 300 feet east of the pier at 34.90619 N, 76.76490 W, and a point 300 feet west of the pier at 34.90610 N, 76.76262 W, and a point 150 feet south of the pier at 34.90571 N, 76.76377 W;

(B) the portion of Southwest Prong Slocum Creek, shore to shore east of a line from a point on the north shore at 34.89122 N 76.92302 W to a point on

the south shore at 34.89102 N, 76.92304 W and extending northeast, shore to shore to a line from a point on the north shore at 34.89370 N, 76.92109 W to a point on the southeast shore at 34.89358 N, 76.92089 W;

- (C) within 50 yards of the Slocum Creek Boating Access Area on Slocum Creek, 99 U.S. Highway 70 W, Havelock; and
- (D) within 50 yards of the Hancock Creek Boating Access Area on Hancock Creek, 1100 Cahoogue Creek Road, Havelock.

- (3) Trent Woods. The waters within 50 yards of the fuel dock at Eastern Carolina Yacht Club on Trent River at 4005 Trent Pines Drive, Trent Woods.
- (4) Bridgeton. The waters within 50 yards of the Bridgeton Boating Access Area on Neuse River, 880 Wildlife Road, Bridgeton.
- (5) Grifton. The waters within 50 yards of the Maple Cypress Boating Access Area on Neuse River, 360 Maple Cypress Road, Grifton.
- (6) Vanceboro. The waters within 50 yards of the Cow Pen Landing Boating Access Area on Neuse River, 1199 Cow Pen Landing Road, Vanceboro.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.

(c) Placement of Markers.

- (1) the Board of Commissioners of Craven County shall be the designated agency for placement in regulated areas indicated in Parts (a)(1)(A), (B), and (F), Part (a)(2)(A); and Subparagraph (a)(3) of this Rule;
- (2) the City of Havelock shall be the designated agency for placement in the regulated area indicated in Part (a)(2)(B) of this Rule; and
- (3) the North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers in the regulated areas in Parts (a)(1)(C), (D), and (E), Parts (a)(2)(C) and (D), and Subparagraphs (a)(4) through (6) of this Rule.

History Note: Authority G.S. 75A-3; 75A-15; Eff. August 1, 1984; Amended Eff. December 1, 1990; October 1, 1989; June 1, 1989; Temporary Amendment Eff. April 1, 1998; Amended Eff. July 1, 2016; July 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. June 1, 2025; October 1, 2018.

15A NCAC 10F .0363 CASWELL AND PERSON COUNTIES

(a) Regulated Areas. This Rule applies to the waters of Hyco Lake in Caswell and Person counties.

(b) Speed Limit Near Bridges. No person shall operate a vessel at greater than no-wake speed within 50 yards of a bridge that crosses the waters of Hyco Lake.

(c) Speed Limit in Canals. No person shall operate a vessel at greater than no-wake speed within canals on Hyco Lake.

(d) Placement and Maintenance of Markers. The Boards of Commissioners of Caswell and Person Counties are the designated agencies for placement and maintenance of the markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15; Eff. November 1, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. June 1, 2025; October 1, 2018.

TITLE 18 - DEPARTMENT OF THE SECRETARY OF STATE

18 NCAC 07B .0101 SCOPE

The rules in this Subchapter implement Chapter 10B of the General Statutes. The rules govern:

- (1) the qualification, commissioning, notarial acts, conduct, and discipline of notaries public as public officers of the State;
- (2) the qualification, certification, and discipline of certified notary instructors;
- (3) the qualification, approval or licensing, conduct, and discipline of technology providers; and
- (4) the conduct and discipline of manufacturers and vendors of notary public seals.

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; Amended Eff. July 1, 2025; July 1, 2024.

18 NCAC 07B .0102 DEFINITIONS

For purposes of this Chapter:

- (1) "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 07C of this Chapter. For the purposes of the rules in this Chapter, the terms "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 the commission.
- (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.
- (3) "Approved" means that an applicant has been authorized by the Department to provide services as a technology provider in compliance with Chapter 10B of the General Statutes and the rules in this Chapter. Technology providers licensed by the Department are deemed approved.
- (4) "Armed Forces of the United States" means the persons described in 10 U.S.C. 101(a)(4) and G.S. 143B-1224(2), including their reserve components.
- (5) "Authorization" means a notary commission, an electronic notary registration, an instructor certification, an approval, a manufacturer or vendor registration, or a license issued by the Department pursuant to Chapter 10B of the General Statutes.
- (6) "Authorize" means the Department's action to issue an authorization.
- (7) "Bank or financial institution" means a "depository institution" as defined in G.S. 53-208.42(7).
- (8) "Certificate of appointment" means a document issued by the Department notifying a Register of Deeds that:
- (a) the named appointee is authorized to take the oath of office; and
 - (b) the Register of Deeds or designee shall provide the commission certificate to the notary public after:
 - (i) administering the oath of office to the appointee; and
 - (ii) signing of the certificate by both the Register of Deeds or designee, and the notary.
- (9) "Commission certificate" means the document confirming that an individual:
- (a) has complied with all applicable requirements of Chapter 10B of the General Statutes and the rules in this Chapter; and
 - (b) is authorized to act as a notary public.
- (10) "Commission date" means the beginning date of commissioning or recommissioning as entered on a commission certificate.
- (11) "Commit" means the act of the electronic notary public to make complete and permanent:
- (a) the affixing of the electronic notary's electronic signature and seal as required by 18A NCAC 07J .0702;
 - (b) the entry required by 18 NCAC 07D .0507;
 - (c) the electronic journal entry; and
 - (d) the communication technology recording.
- (12) "Court" means a tribunal of a locality, state, the Armed Forces of the United States, a federally recognized tribe, or any nation.
- (13) "Crime" means:
- (a) an offense designated by law as a felony or misdemeanor;
 - (b) an attempt to commit an offense;
 - (c) an accessory to commission of an offense;
 - (d) aiding and abetting of an offense;
 - (e) conspiracy to commit an offense;
 - (f) solicitation to commit an offense; or
 - (g) threat to commit an offense.
- An infraction as defined in G.S. 14-3.1 is not a crime.
- (14) "Crime involving dishonesty" means a crime that involves untruthfulness, deceit, fraud, false dealing, cheating or stealing.
- (15) "Criminal convictions" means the following dispositions of criminal charges:
- (a) adjudications of guilt;
 - (b) pleas of nolo contendere;
 - (c) pleas of guilty;
 - (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.
- (16) "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, 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) "Disciplinary action" means an official action by a court, legislative body, governmental agency, board, or commission of any locality, state, federally recognized tribe, or 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) a civil penalty or fine; or
 - (i) actions denominated differently but equivalent to Sub-Items (a)-(h) in this Item.
- (18) "Disciplinary order" means a directive or its equivalent that:
- (a) is directed to a holder of a professional license or a commissioned notary public;
 - (b) prohibits or conditions an individual from engaging in the practice of the profession or acting as a notary public for any amount of time;
 - (c) is issued by a court or government agency, board, or commission of any locality, state, federally recognized tribe, or nation with authority to discipline or sanction the individual or 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.
- (19) "Dishonored payment" or "payment that has been dishonored" means money tendered to the Department by any means that is refused, rejected, or failed to be paid to the Department.
- (20) "Enter information" means to:
- (a) handwrite, type, or input data;
 - (b) select or confirm applicable options from among offered options. Note: An example would be selecting "oath or affirmation" from a drop-down list of the types of notarial acts; or
 - (c) include in the electronic journal acknowledged signatures of:
 - (i) principals;
 - (ii) a designee of a principal; or
 - (iii) a credible witness.
- (21) "Family member" means an individual related by blood, marriage, or adoption.
- (22) "Federal business mileage rate" means the business mileage rate set by the U.S. Internal Revenue Service (IRS).
- (23) "Federally recognized Indian tribe" means a tribe on the list published in the Federal Register by the U.S. Secretary of the Interior pursuant to 25 U.S.C. 5131.
- (24) "File" means the date upon which a filing submitted to the Department is deemed complete by the Department. Note: "File" shall not mean that the Department has determined that the filer is qualified and will be appointed, registered, approved, or licensed.
- (25) "Filer" means a person that submits a filing to the Department.
- (26) "Filing" means a form or other document required or permitted to be filed with the Department pursuant to Chapter 10B of the General Statutes or the rules in this Chapter.
- (27) "Finding" means a decision, conclusion, or opinion by a court, legislative body, or governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation that is based upon a review of evidence in an investigation, a quasi-judicial proceeding, or a 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.
- (28) "Form" means a departmental data collection instrument that requires or requests information, without regard to the format.
- (29) "Form preparer" means an individual who enters information on a form:
- (a) at the direction of another; and
 - (b) without exercising independent judgment or discretion as to the content entered.
- (30) "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.
- (31) "Information technology" or "IT" means that term as defined in G.S. 143B-1320(a)(11).
- (32) "Information technology security" or "IT security" means the tools, techniques, and strategies used to protect the confidentiality, integrity, and availability of data, information systems, and digital assets from:
- (a) internal and external threats; and
 - (b) unauthorized access, use, disclosure, disruption, modification, or destruction.
- (33) "Initial appointment" means the first issuance by the Department of a commission certificate to a notary public.
- (34) "Instructor," "certified notary public instructor," "certified instructor," "notary instructor," and "certified notary instructor" mean a notary public who has complied with:
- (a) the requirements of G.S. 10B-14; and
 - (b) the rules in Subchapter 07E of this Chapter.
- (35) "IPEN" means an in-person electronic notary solution, comprised of an electronic notary

- public seal, an electronic notary signature, and an electronic notary journal.
- (36) "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.
- (37) "Journal" means a collection of entries describing notarial acts that is created and maintained by a notary public.
- (38) "Licensed member of the North Carolina State Bar" means an active member as defined in 27 NCAC 01A .0201(b).
- (39) "Location" means a description establishing that a principal is present in a jurisdiction where the notarial act may take place. Note: A self-attestation pursuant to the rules in Subchapter 07H of this Chapter stating the principal is then located inside the U.S. embassy in Paris, France, would suffice to establish the principal's location.
- (40) "Long-term" means a period of at least one year.
- (41) "Name for use on a notary public commission" 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 derived from the applicant's full legal name.
- Note: Full legal names, full first names, and full middle names shall not include nicknames.
- (42) "Notarial act" means, in addition to those acts listed in G.S. 10B-3(11), acts authorized to be performed by a notary public pursuant to:
- (a) G.S. 163-231(a); and
 - (b) G.S. 53C-6-13(a).
- (43) "Notarial transaction process" consists of:
- (a) steps before the notarial act takes place;
 - (b) the notarial act; and
 - (c) steps following the notarial act.

Note: The interactions establishing the date and location of a notarial act, obtaining advance consent to travel fees, and the steps required by G.S. 10B-134.9(a) are examples of steps before the notarial act.

- (44) "Notary course" means a course taught by a certified notary instructor for purposes of:
- (a) commissioning or recommissioning a notary public;
 - (b) registering or reregistering an electronic notary public; or
 - (c) educating a compliance contact of a platform or IPEN regarding Chapter 10B of the General Statutes and the rules in this Chapter.
- (45) "Person" means the term as defined in G.S. 12-3(6).
- (46) "Probation" with regard to criminal convictions means active supervision by a governmental agency or its legally authorized designee in lieu of jail or prison.
- (47) "Professional license" means an issuance that involves a grant of authority by a governmental 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.
- (48) "Public office" means a position:
- (a) created by law to which an individual has been elected or 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; and
 - (c) with authority that is not solely advisory.
- (49) "Release from prison, probation or parole" means:
- (a) completion of all terms of a sentence or 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;
 - (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; 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.
- (50) "Residence address" means a physical location with a street name, and a number designating the building in which an individual resides (no P.O. boxes), including an apartment or unit number if applicable, the city, state, zip code, and nation if not the United States.
- (51) "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.
- (52) "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.
- (53) "State recognized tribe" means a group listed in G.S. 143B-407(a).
- (54) "Successfully complete" and "successful completion" mean that an applicant has complied with Chapter 10B and the rules in this Chapter and has:
- (a) presented satisfactory evidence of identity as defined in G.S. 10B-3(22) or is personally known as defined in G.S. 10B-3(17);
 - (b) attended a notarial course taught by a certified notary instructor; and
 - (c) achieved a passing grade on the course examination as described in G.S. 10B-8(a).
- (55) "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.
- (56) "Technological failure" means a deficiency in:
- (a) any component of the electronic notary solution;
 - (b) any component of the computer systems of the notary or principals; or
 - (c) the connections linking the components described in Sub-Items (a) and (b) of this Item.
- For purposes of this Rule, "component of the electronic notary solution" means any combination of hardware, software, a notary public's electronic journal, and communications technology recordings.
- (57) "Technology provider" means the person providing a solution for:
- (a) IPEN;

- (b) a platform;
 - (c) credential analysis;
 - (d) identity proofing; or
 - (e) custodial services.
- (58) "Termination of employment" means the cessation of permanent or temporary work for another, whether compensated or not, for any reason, including voluntary and involuntary cessation of work.
- (59) "Traditional notarization" means a notarial act in which:
- (a) there is personal appearance as defined in G.S. 10B-3(16); and
 - (b) one of the following occurs:
 - (i) a document is executed and notarized with ink signatures signed by hand and affixed with the physical notary seal as defined in G.S. 10B-3(23);
 - (ii) an oath or affirmation is administered without the execution of a document; or
 - (iii) a certificate for a safe deposit box inventory is prepared as described in G.S. 53C-6-13(a).
- (60) "Traditional notary public" means an individual commissioned to perform traditional notarizations and who has not been registered as an electronic notary public.
- (61) "Type of notarial act" means an acknowledgement, an oath or affirmation, verification or proof, inventory of an abandoned safe deposit box, or notarization of an absentee ballot.
- (62) "Under the exclusive control of the notary" means accessible by and attributable solely to the notary public to the exclusion of all other persons through being:
- (a) in the case of a physical seal:
 - (i) in the direct physical custody of the notary; or
 - (ii) physically secured; or
 - (b) in the case of an electronic seal or electronic signature, secured with one or more methods of authentication in an approved electronic notary solution.
- (63) "United States" or "U.S." means the term as defined in G.S. 12-3(11).

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-36; 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; Amended Eff. July 1, 2025; July 1, 2024.

18 NCAC 07B .0105 OBTAINING REQUESTED INFORMATION

A person responding to a departmental information request 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 person; and
- (3) if unable to obtain requested information, describe to the Department the 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; Amended Eff. July 1, 2025.

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

A request to the Department for information about a notary public or a technology provider that is confidential pursuant to law, rule, or regulation or that is personally identifiable information shall:

- (1) be in writing;
- (2) include the name of the requestor and contact information for the requestor; and
- (3) document the right and authority of the requestor to receive the confidential information.

Note: Confidentiality laws include: G.S. 10B-7, G.S. 10B-60, G.S. Chapter 66, Article 24, G.S. 132-1.2.

History Note: Authority G.S. 10B-4; 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; Amended Eff. July 1, 2025; July 1, 2024.

18 NCAC 07B .0111 PROPERTY OF NOTARY PUBLIC

A notary public's physical notary seal, electronic notary seal and signature, journals, communication technology recordings, session records, notarial records and any information in them are the personal property of the notary.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07B .0305 RESPONSE TO QUESTIONS AND REQUESTS FOR INFORMATION

A person responding to a departmental information request shall respond to departmental requests for information within the time and in the manner specified based upon the Department's consideration of:

- (1) the nature of the information requested;
- (2) the urgency of the Department's need for the information; and

- (3) the ease of production by the recipient of the request.

History Note: Authority G.S. 10B-4; 10B-126; 10B-134.17; 10B-134.19; 10B-134.21; Eff. July 1, 2024; Amended Eff. July 1, 2025.

18 NCAC 07B .0308 SIGNATURE FOR ENTITY

(a) If an individual is signing a form or other filing for a technology provider or other business entity:

- (1) the signer shall be duly authorized by law or the entity to sign; and
- (2) the signer shall state the signer's title, position, and authorization to sign.

(b) For purposes of this Rule, "duly authorized by law" means as required by G.S. 55D-10(b)(5) for an entity, by the owner for a sole proprietorship, or by a general partner for a general partnership.

History Note: Authority G.S. 10B-4; 10B-6; 10B-106; 10B-125; 10B-134.19; 10B-134.21; Eff. July 1, 2024; Amended Eff. July 1, 2025.

18 NCAC 07B .0310 INCOMPLETE FILINGS

The Department shall consider a filing incomplete for:

- (1) failure to provide information required pursuant to Chapter 10B of the General Statutes or the rules in this Chapter;
- (2) failure to tender any fee required by Chapter 10B of the General Statutes or the rules in this Chapter;
- (3) lack of a signature required by Chapter 10B of the General Statutes or the rules in this Chapter; or
- (4) lack of a notarial act where required by Chapter 10B or the rules in this Chapter.

History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.17; 10B-134.19; 10B-134.21; Eff. July 1, 2024; Amended Eff. July 1, 2025.

18 NCAC 07B .0313 EXTENSION REQUEST TO DEPARTMENT

(a) A person responding to a departmental information request may submit a request for an extension of time to respond to a Department request pursuant to Rule .0305 of this Section.

- (b) A request pursuant to Paragraph (a) of this Rule shall:
- (1) be for an extension lasting no more than 30 days; and
 - (2) include the reason an extension is necessary.

(c) This rule does not apply to Department investigations made pursuant to G.S. 10B-60.

History Note: Authority G.S. 10B-4; 10B-134.21; Eff. July 1, 2025.

18 NCAC 07B .0314 DEPARTMENT RESPONSE TO EXTENSION REQUEST

When deciding whether to grant an extension request, the Department shall consider the factors listed in Rule .0108 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-134.21; Eff. July 1, 2025.

18 NCAC 07B .0402 CONTACT INFORMATION

For purposes of the rules in this Section, unless otherwise indicated, "contact information" means:

- (1) for a key individual who is identified pursuant to G.S. 10B-134.19(c)(2) by a platform, by an IPEN, or for key individuals operating a sole proprietorship or general partnership:
 - (a) the full name of the individual;
 - (b) the following addresses:
 - (i) residential address;
 - (ii) business address;
 - (iii) mailing address;
 - (c) business telephone numbers;
 - (d) business email addresses; and
 - (e) any other names by which the individual is known, including nicknames;
- (2) for a business entity:
 - (a) the name of the entity on record with the Secretary of State, formation or filing office in its state, federally recognized tribe, or country of formation;
 - (b) the name of the state, federally recognized tribe, or country of formation;
 - (c) the year of formation;
 - (d) the street address, and the mailing address if different, of the entity's principal office;
 - (e) the street address, and the mailing address if different, of the entity's registered office;
 - (f) the principal office telephone number of the entity;
 - (g) the email address of the entity;
 - (h) the URL for the entity's website, if any;
 - (i) the name of an individual who is designated by the entity as the primary contact between the Department and the entity, and for that individual:
 - (i) title and position;
 - (ii) telephone number;
 - (iii) mailing address if different from the addresses provided in Sub-Items (2)(c) and (d) of this Item;
 - (iv) primary email address; and

- (v) secondary email address, if applicable;
- (j) the name of an individual designated as the secondary contact between the Department and the entity if the individual named in Sub-Item (2)(i) of this Item is not available; and
- (k) the information in Sub-Item (2)(i) of this Item for the secondary contact individual named in Sub-Item (2)(j) of this Item; or
- (3) for a technology provider's, or physical seal manufacturer's or vendor's registered agent listed on an application:
 - (a) the name of the registered agent;
 - (b) the registered office address for the registered agent and mailing address if different; and
 - (c) a business email address for the registered agent.

History Note: Authority G.S. 10B-4; 10B-134.21; Eff. July 1, 2024; Amended Eff. July 1, 2025.

18 NCAC 07B .0405 FORM NOTIFYING DEPARTMENT OF SELECTION OF TECHNOLOGY PROVIDERS BY NOTARY PUBLIC

The form notifying the Department of the selection of technology providers by a notary public includes:

- (1) the name on the notary's commission;
- (2) the notary's commission number;
- (3) the name of the technology providers selected by the notary to provide:
 - (a) electronic signatures and electronic seals; and
 - (b) electronic journals;
- (4) the name of the custodian selected by the notary to provide custodial services for:
 - (a) electronic journals and their backups, if applicable;
 - (b) communication technology recordings and their backups, if applicable;
- (5) if the notary named himself or herself in Sub-Item (4)(a) of this Rule as custodian of the notary's electronic journals and journal backups, the notary's certification that the notary shall:
 - (a) serve as a custodial notary; and
 - (b) comply with all custodial notary rules in 18 NCAC 07J .2200;
- (6) for an electronic notary who plans to perform remote electronic notarial acts, the names of the technology providers selected by the notary to provide platform services;
- (7) the anticipated dates on which the notary will begin using the technology providers;
- (8) the signature of the notary; and
- (9) the date on which the notary signs the form.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.21; 10B-134.23; Eff. March 1, 2025; Amended Eff. July 1, 2025.

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, the full legal name of the key individual, or the full legal name of the individual about whom the affidavit is prepared, as applicable;
- (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) a declaration under penalty of perjury that the information provided is true and complete to the best of the affiant's knowledge and belief; and
- (6) the signature of the affiant and the date signed.

History Note: Authority G.S. 10B-4; 10B-134.19; Eff. July 1, 2024; Amended Eff. July 1, 2025.

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

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

- (1) information regarding the applicant's current or, if expired, the 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;
- (6) for recommissioning for a traditional notary who is not also an electronic notary, a statement with regard to technology providers (Note: An example would be a traditional notary who administers oaths or affirmations in G.S. 10B-134.9(d) judicial actions or proceedings):
 - (a) the notary will continue to use:
 - (i) the name of the technology provider for which the notary has previously provided notice; and
 - (ii) the custodian for the electronic journal for which the notary has previously provided notice;
 - (b) the name of the technology provider that the notary will now use; or
 - (c) at this time, the notary does not have a technology provider; and
- (7) 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; Amended Eff. July 1, 2025.

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 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) the name of the charge;
 - (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 or judgment;

- (e) a copy of any document restoring citizenship rights;
- (7) a declaration under penalty of perjury that the information provided is true and complete to the best of the affiant's knowledge and belief; and
- (8) the signature of the individual and the date signed.

History Note: Authority G.S. 10B-4; Eff. July 1, 2024; Amended Eff. July 1, 2025.

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)(f) 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 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 public;
- (7) whether the applicant has notified the Department of changes as required by Chapter 10B of the General Statutes and the rules in this Chapter or is submitting a change form with the application;
- (8) 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; and
- (9) the printed name and signature of the applicant and the date signed.

History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21; Eff. March 1, 2025; Amended Eff. July 1, 2025.

18 NCAC 07B .0420 NOTARY FORM TO REPORT TECHNOLOGY DYSFUNCTIONS

The form notaries public and electronic notaries public use to report technology dysfunctions pursuant to 18 NCAC 07D .0309 requires:

- (1) the notary's commission name;
- (2) the name of the technology provider with which the notary is experiencing dysfunctions;
- (3) a description of the dysfunction;
- (4) the basis for concern if a dysfunction is suspected to involve credential verification or identity proofing:
 - (a) security;
 - (b) privacy; or
 - (c) accuracy;
- (5) the dates, times, and duration of the dysfunctions; and
- (6) the efforts undertaken to resolve the dysfunctions by the notary or the technology provider.

History Note: Authority G.S. 10B-4; 10B-134.19; Eff. July 1, 2025.

18 NCAC 07B .0421 STAND-ALONE NOTARIAL CERTIFICATE

If the notarial certificate selected by the principal is on a page separate from the document being notarized, then the notary public shall include on or near the notarial certificate the following descriptive language:

- (1) the title or type of document;
- (2) the number of pages of the document being notarized, exclusive of the certificate;
- (3) the names of the principal signers; and
- (4) the date the principals signed.

History Note: Authority G.S. 10B-2; 10B-4; 10B-134.19; Eff. July 1, 2025.

18 NCAC 07B .0422 APPLICATION FOR TECHNOLOGY PROVIDER AUTHORIZATION – GENERAL

Technology provider application forms shall require:

- (1) the type or types of authorization to which the application applies:
 - (a) IPEN;
 - (b) platform;
 - (c) credential analysis;
 - (d) identity proofing; or
 - (e) custodian;
- (2) contact information:
 - (a) the information specified in Rule .0402(2) of this Section for the applicant;
 - (b) the information specified in Rule .0402(3) of this Section for the registered agent of a business entity that is an applicant;

- (c) the information specified in Rule .0402(1) of this Section for:
 - (i) the applicant's key individuals; and
 - (ii) the applicant's compliance contact employee designated pursuant to Item (4)(b) of this Rule, except that the residential address shall not be required; and

- (3) the following general information about the technology provider applicant and its business:
 - (a) the type of business entity;
 - (b) all states and nations in which the technology provider applicant has obtained a certificate of authority to do business, or its equivalent;
 - (c) all assumed business names, trade names, or "doing business as" names used by the applicant in North Carolina, other states, or nations;
 - (d) all fictitious or equivalent names registered with the Department or other states or nations because the business' legal name is not available. Note: An example would be a fictitious name registered with the Department pursuant to G.S. 55D-22(a)(6);
 - (e) for legal actions, the information required by 18 NCAC 07J .0416;
 - (f) for debarment involving the applicant or the applicant's key individuals, the information specified in 18 NCAC 07J .0414;
 - (g) for disciplinary actions, the information specified in 18 NCAC 07J .0418;
 - (h) for voluntary exclusion in lieu of debarment involving the applicant or the applicant's key individuals, the information specified in 18 NCAC 07J .0415;
 - (i) for bankruptcy, the information required by 18 NCAC 07J .0420;
 - (j) a summary of its most recent IT security audit as required by 18 NCAC 07J .0621;
- (4) the following information related to the authorization that the applicant seeks:
 - (a) the name of the product and the version number for which authorization is sought;
 - (b) the full name of the compliance contact who meets the requirements of, and has the duties set forth in, 18 NCAC 07J .0406;

- (c) minimum hardware and software specifications as required by 18 NCAC 07J .0608;
 - (5) the following information regarding the applicant's provision of the same or similar notarial services in jurisdictions other than North Carolina:
 - (a) the name of each state, tribe or nation; and
 - (b) for each named jurisdiction, the information required by 18 NCAC 07J .0405;
 - (6) a URL link to the information that the applicant is required to provide pursuant to 18 NCAC 07J .0607;
 - (7) information regarding whether the applicant's services as a technology provider have within the preceding five years been the subject of:
 - (a) a security breach; or
 - (b) a ransomware attack, as defined at G.S. 143B-1320(a)(14a);
 - (8) identification and information for third-party vendors, supporting vendors, and businesses pursuant to 18 NCAC 07J .0408-.0411;
 - (9) the applicant's certifications, compliance reports, or equivalents by independent third-party entities with:
 - (a) the information required by 18 NCAC 07J .0413; and
 - (b) if the certifications, compliance reports, or equivalents have levels, grades, or annotations, those applicable to the applicant;
- Note: Examples of acceptable certifications are ISO 270001 and SOC2;
- (10) the applicant's certification that it complies with the requirements to have and implement the plans required by 18 NCAC 07J Section .0600; and
 - (11) signature by a key individual employed by the technology provider applicant who has the authority to:
 - (a) bind the applicant;
 - (b) make certifications required by this Rule and the rules in 18 NCAC Subchapter 07J; and
 - (c) declare under penalty of perjury that:
 - (i) the information provided is true and complete to the best of the signer's knowledge and belief;
 - (ii) the application was prepared under the signer's authority and supervision;
 - (iii) the applicant agrees that representations, promises, and assurances of performance in the

- application are binding on it; and
- (d) the date on which the application was signed.

History Note: Authority G.S. 10B-4; 10B-126(d); 10B-134.19; 10B-134.21; 10B-134.23(b); Eff. July 1, 2025.

18 NCAC 07B .0423 APPLICATION FOR IPEN AUTHORIZATION

The form used to apply for authorization as an IPEN technology provider requires:

- (1) the information required by Rule .0422 of this Section;
- (2) for each of the technology provider's key individuals:
 - (a) the information required by 18 NCAC 07J .1304;
 - (b) a brief description of the individuals' duties; and
 - (c) the information required by Section .0700 of this Subchapter; and
- (3) the information required by 18 NCAC 07J .1301.

History Note: Authority G.S. 10B-4; 10B-126(d); 10B-134.21; Eff. July 1, 2025.

18 NCAC 07B .0424 APPLICATION FOR PLATFORM LICENSE

The form used to apply for authorization as a licensed platform requires:

- (1) the information required by Rule .0422 of this Section;
- (2) for each of the technology provider's key individuals:
 - (a) the information required by 18 NCAC 07J .1505;
 - (b) a brief description of the individuals' duties; and
 - (c) the information required by 18 NCAC 07B Section .0700; and
- (3) the information required by 18 NCAC 07J .1501.

History Note: Authority G.S. 10B-4; 10B-134.21; Eff. July 1, 2025.

18 NCAC 07B .0425 APPLICATION FOR CREDENTIAL ANALYSIS AUTHORIZATION

The form used to apply for authorization as an approved credential analysis provider requires:

- (1) the information required by Rule .0422 of this Section; and
- (2) the information required by 18 NCAC 07J .1701.

*History Note: Authority G.S. 10B-4; 10B-134.21;
Eff. July 1, 2025.*

**18 NCAC 07B .0426 APPLICATION FOR IDENTITY
PROOFING AUTHORIZATION**

The form used to apply for authorization as an approved identity proofing provider requires:

- (1) the information required by Rule .0422 of this Section; and
- (2) the information required by 18 NCAC 07J .1901.

*History Note: Authority G.S. 10B-4; 10B-134.21;
Eff. July 1, 2025.*

**18 NCAC 07B .0427 APPLICATION FOR
CUSTODIAN AUTHORIZATION**

The form used to apply for authorization as an approved custodian requires:

- (1) the information required by Rule .0422 of this Section; and
- (2) the information required by 18 NCAC 07J .2101.

*History Note: Authority G.S. 10B-4; 10B-134.21;
Eff. July 1, 2025.*

**18 NCAC 07B .0428 CUSTODIAL NOTARY ANNUAL
REPORT FORM**

The form for annual reports by custodial notaries public requires:

- (1) the commission name and number of the custodial notary;
- (2) the calendar year covered by the annual report;
- (3) the information required by 18 NCAC 07D .0300;
- (4) certification that the custodial notary:
 - (a) intends to continue serving as a custodial notary and will continue to comply with the custodial notary rules in 18 NCAC 07H and 18 NCAC 07J;
 - (b) will cease serving within the next 12 months as a custodial notary, and, unless the retention period pursuant to 18 NCAC 07I .0212 will expire during that period, the name of the approved custodian to which the custodial notary will transfer the notary's records and the projected date of transfer;
 - (c) if the notary has already ceased serving as a custodial notary, the date on which the notary's records were transferred to an approved custodian and the name of the approved custodian, unless the retention period pursuant to 18 NCAC 07I .0212 has expired; or

- (d) has ceased serving as a custodial notary because the period of retention for all records has expired;
- (5) certification that the information provided in the form is true and complete; and
- (6) the signature of the custodial notary and the date signed.

*History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a);
Eff. July 1, 2025.*

**18 NCAC 07B .0429 TECHNOLOGY PROVIDERS
OTHER THAN PLATFORMS VERIFYING
CONTINUING COMPLIANCE**

The form for technology providers other than platforms verifying their continuing compliance requires:

- (1) the name of the technology provider;
- (2) the electronic notary solution for which the provider has been approved;
- (3) the information required by 18 NCAC 07J .0211;
- (4) either a statement that the Department has been notified of changes as required in 18 NCAC 07J .0203 or inclusion of required notice of changes;
- (5) the signature of the compliance officer and the date signed;
- (6) certification that the information provided in the form is true and complete; and
- (7) the signature of a key individual employed by the technology provider who has the authority to bind the technology provider and the date signed.

*History Note: Authority G.S. 10B-4; 10B-126(d); 10B-134.21; 10B-134.23(b);
Eff. July 1, 2025.*

**18 NCAC 07B .0430 PHYSICAL SEAL
MANUFACTURER OR VENDOR REGISTRATION
WITH DEPARTMENT FORM**

The form used by a manufacturer or vendor of physical notary seals to register with the Department requires:

- (1) the information required by Rule .0402 of this Section, except that the residential address shall not be required for a key individual operating a sole proprietorship or a general partnership;
- (2) certification that the manufacturer or vendor:
 - (a) manufactures or sells physical notary seals to North Carolina notaries public; and
 - (b) complies with, and will continue to comply with, the requirements of:
 - (i) G.S. 10B-36 and 10B-37; and
 - (ii) the applicable rules in 18 NCAC 07G; and

- (c) the manufacturer or vendor agrees that it will comply with the rules in 18 NCAC 07G;
- (d) the information provided on the form is true and complete;
- (3) signature by an individual with the authority to bind the manufacturer or vendor with:
 - (a) printed name and title of the individual; and
 - (b) the date signed.

History Note: Authority G.S. 10B-4; 10B-36(e); 10B-125(b); 10B-134.21; Eff. July 1, 2025.

18 NCAC 07B .0431 FORM FOR NOTARY REPORTABLE INCIDENTS

The form for a notary public notifying the Department of reportable incidents pursuant to 18 NCAC 07D .0310 requires:

- (1) the notary's commission name and commission number;
- (2) how the notary discovered the reportable incident;
- (3) the date of the last notarization performed by the notary before the reportable incident occurred or was discovered;
- (4) the date on which the notary discovered the reportable incident regarding the notary's physical seal, electronic seal, signature, journal, notarial records, or communication technology recording;
- (5) the date on which the reportable incident occurred, if different from the date of discovery;
- (6) the date on which the notary reported to:
 - (a) the Register of Deeds, and the county of that Register of Deeds; and
 - (b) law enforcement, if applicable, including the name of the law enforcement agency and a copy of the law enforcement report if available;
- (7) any other information that the notary believes may be useful to the Department in assessing the reportable incident; and
- (8) the notary's signature and the date of the report to the Department.

History Note: Authority G.S. 10B-4; 10B-36; 10B-125(b); 10B-126(d); 10B-134.21; Eff. July 1, 2025.

18 NCAC 07B .0601 FACTORS FOR DISCIPLINARY ACTIONS

When determining whether and what disciplinary action to take, the Department shall consider:

- (1) the qualifications of the person;
- (2) the nature, number, timing, and severity of any acts, offenses, official misconduct, or crimes under consideration;

- (3) evidence pertaining to the honesty, credibility, truthfulness, and integrity of the person;
- (4) actual or potential harm;
- (5) the history of complaints against the person received by the Department;
- (6) the record of prior disciplinary actions against the person;
- (7) evidence in mitigation;
- (8) evidence in aggravation;
- (9) occupational, vocational, or professional license disciplinary record;
- (10) evidence of rehabilitation;
- (11) criminal history record;
- (12) information and reports received from other law enforcement agencies;
- (13) willfulness;
- (14) negligence;
- (15) the response of the person to any alleged violations;
- (16) whether the person self-reported a matter affecting qualification or the performance of an activity pursuant to authorization; and
- (17) the purposes of the Notary Act as set forth in G.S. 10B-2.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 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 .0901 Eff. June 1, 2023; Amended Eff. July 1, 2025; July 1, 2024.

18 NCAC 07B .0603 LEVELS OF ENFORCEMENT

Upon consideration of the evidence before it, the purposes and requirements of Chapter 10B of the General Statutes, and the rules in this Chapter, the Department may:

- (1) upon a finding of a violation of Chapter 10B of the General Statutes or the rules in this Chapter:
 - (a) issue a letter of caution to a person along with:
 - (i) a request for compliance; and
 - (ii) a statement that future noncompliance may lead to disciplinary action by the Department;
 - (b) issue a letter of warning to a person, with or without a corrective action plan. Note: A requirement for additional education is an example of a corrective action plan;
 - (c) suspend a person's authorization and bar the grant of an authorization for a specific period of time not to exceed 24 months, with or without a corrective action plan;
 - (d) issue a revocation of a person's authorization;

- (e) issue a permanent revocation of a person's authorization;
 - (f) issue an administrative action restricting, for a specific period of time, an unauthorized person from submitting an application or from being becoming authorized; or
 - (g) issue an administrative action permanently restricting an unauthorized person from submitting an application or from becoming authorized; and
 - (h) issue a civil penalty pursuant to G.S. 10B-60(m) or 10B-134.23(c)(4); and
- (2) use the factors in Rule .0601 of this Section to take action to withdraw, stay, rescind, or expunge a disciplinary action.

Note: An application submitted in violation of an administrative action pursuant to Paragraphs (f) and (g) of this Rule shall be denied by the Department immediately upon identification of the applicant as being subject to the administrative action during the period of time applicable to the action. The application fee shall not be refunded.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21; 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 .0903 Eff. June 1, 2023;
Amended Eff. July 1, 2025; July 1, 2024.

18 NCAC 07B .0607 RESTRICTION

Upon a finding that the person has acted without being authorized by the Department, the Department may issue an administrative action to restrict that person from applying for authorization or from becoming authorized to:

- (1) perform a notarial act;
- (2) teach a notarial course;
- (3) offer an electronic notary solution to an electronic notary public; or
- (4) act as a depository or custodian.

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21; Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2021; October 1, 2019;
Transferred from 18 NCAC 07B .0907 Eff. June 1, 2023;
Amended Eff. July 1, 2025; July 1, 2024.

18 NCAC 07B .0609 FAILURE TO REMIT FEES

- (a) Failure of a platform provider to remit fees in accordance with G.S. 10B-134.19 and the rules in this Chapter shall be a basis for the Department to revoke a platform license.
- (b) Revocation shall not preclude other disciplinary action or remedies available to the Department.

History Note: Authority G.S. 10B-4; 10B-134.19; Eff. July 1, 2025.

18 NCAC 07B .0610 FAILURE TO VERIFY

A technology provider, or physical seal manufacturer or vendor shall be deemed to have knowingly created, manufactured or distributed a notary seal in violation of G.S. 10B-60(n) if the provider, manufacturer, or vendor fails to comply with, as applicable:

- (1) 18 NCAC 07J .1202 for IPEN account creation;
- (2) 18 NCAC 07J .1410 for platform account creation for an electronic notary;
- (3) 18 NCAC 07J .1411 for platform account creation for a traditional notary;
- (4) 18 NCAC 07J .1202 for changes to notary commission or registration certificate presented to the IPEN solution;
- (5) 18 NCAC 07J .1412 for changes to commission or registration certificate presented to the platform; and
- (6) 18 NCAC 07G.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .0800 – ACCOMMODATIONS FOR PRINCIPALS

18 NCAC 07B .0801 DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply:

- (1) "Accessibility", "accommodation", and "reasonable accommodation" mean actions facilitating participation in a remote electronic notarial act by a remotely located principal with a vision, hearing, or speech impairment.
- (2) "Auxiliary aid" means a device or tool to enable an individual with vision, hearing, or speech impairments to communicate with a notary public and participate in the notarial transaction process but does not mean interpretation, transliteration, or CART captioning. Note: Examples are screen reader software, magnification software, optical readers for an individual with low vision or a portable device that either writes or produces speech for an individual with speech impairment.
- (3) "CART" or "Communication Access Realtime Translation" means live translation of the spoken English language into English text by an individual certified as a captioner by the National Court Reporters Association and made available on screen with video to a remotely located principal with hearing loss.
- (4) "Interpreter" means an individual:

- (a) with a full North Carolina interpreter license as defined at 21 NCAC 25 .0101(b)(7);
 - (b) interpreting, as defined at G.S. 90D-3(5), to a remotely located principal with vision, hearing, or speech impairments; and
 - (c) who does not have a provisional interpreting license.
- (5) "Transliterator" means an individual:
- (a) with a full North Carolina transliterator license as defined at 21 NCAC 25 .0101(b)(7);
 - (b) transliterating, as defined at G.S. 90D-3(9), to a remotely located principal with vision, hearing, or speech impairments; and
 - (c) who does not have a provisional transliterating license.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07B .0802 PRINCIPAL SEEKING ACCOMMODATION

(a) Before performing a notarial act, a notary public shall require a principal needing reasonable accommodation for vision, hearing, or speech impairments to disclose:

- (1) any auxiliary aid that the principal has chosen for use in connection with the notarial act; and
- (2) any interpreter, transliterator, or CART captioner that the principal has chosen for use in connection with the notarial act.

(b) If the notarial act is a remote notarial act, the notary shall comply with Paragraph (a) of this Rule before starting the communication technology recording.

(c) A notary public may rely on representations made by an interpreter, transliterator, or certified CART captioner pursuant to this Section.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07B .0803 PRINCIPAL USE OF CERTAIN ACCOMMODATIONS PERMITTED

A notary public may perform a notarization for a principal with a vision, hearing, or speech impairment whose communications are accurately conveyed by:

- (1) an auxiliary aid; or
- (2) an interpreter, transliterator, or certified CART captioner.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07B .0804 PROHIBITION ON USE OF ACCOMMODATION AS INTERMEDIARY LANGUAGE

An interpreter, transliterator, or CART captioner shall not act as a bridge or relay interpreter to facilitate communication between a notary public and a principal who do not share a common language. This rule does not prohibit interpretation by an interpreter between a principal who uses American Sign Language and a notary who speaks English.

Note: An example of a bridge or relay interpretation between a notary and principal who do not share a common language would be an interpreter who translates a principal's Chinese into English for a notary and the notary's English into Chinese sign language for the principal with hearing impairment.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07B .0805 PROHIBITION ON USE OF AUXILIARY AID FOR INTERMEDIARY LANGUAGE

A notary public shall not allow a principal to use an auxiliary aid to act as a bridge or to provide relay interpretation to facilitate communication between a notary and a principal who do not share a common language.

Note: An example of an auxiliary aid acting as a bridge or relay between a principal with speech impairment whose language of communication is German and a notary who speaks English, and the aid translates the German into spoken English for the notary and the English into German for the principal.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07B .0806 INTERPRETER OR TRANSLITERATOR INFORMATION

(a) Before performing a notarial act, a notary public shall require any interpreter or transliterator used by a principal to state:

- (1) the name of the interpreter or transliterator as it appears on the North Carolina license;
- (2) the license number; and
- (3) that the interpreter or transliterator has no financial interest in the notarial acts to be performed for the principal.

(b) If the notarial act is a remote notarial act, then the notary shall comply with Paragraph (a) of this Rule before starting the communication technology recording, if applicable.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07B .0807 CART CAPTIONER INFORMATION

(a) Before performing a notarial act, a notary public shall require any CART captioner used by a remotely located principal to state:

- (1) the CART captioner's name as it appears on the National Court Reporters Association certification;

- (2) the National Court Reporters Association identification number;
- (3) the CART captioner's status as a National Court Reporters Association-certified realtime captioner; and
- (4) that the CART captioner has no financial interest in the notarial acts to be performed for the principal.

(b) If the notarial act is a remote notarial act, then the notary shall comply with Paragraph (a) of this Rule before starting the communication technology recording, if applicable.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07B .0808 LIMITS ON ACCOMMODATIONS

A notary public shall not perform a notarial act if an individual identified pursuant to Rules .0806 and .0807 of this Section:

- (1) is not certified as a CART captioner;
- (2) is not licensed as an interpreter or a transliterator; or
- (3) indicates or is known to the notary to have a financial interest in the transactions that are subject to the notarial acts.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07B .0809 JOURNAL ENTRY REQUIRED REGARDING ACCOMMODATIONS

A notary public shall document within each journal entry any accommodations used by a principal during the notarial transaction.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07B .0810 CONTENTS OF JOURNAL ENTRY REGARDING ACCOMMODATIONS

A notary public's journal entry pursuant to Rule .0809 of this Section shall include:

- (1) the type of auxiliary aid specified by the principal;
- (2) the information regarding a transliterator or interpreter required by Rule .0806 of this Section; and
- (3) the information regarding a CART captioner required by Rule .0807 of this Section.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .0800 – PHYSICAL NOTARY SEAL

18 NCAC 07C .0801 INITIAL SEAL

An applicant or appointee for an initial commission as a notary public shall not order or purchase a seal until the applicant or appointee has complied with the requirements of Section .0400 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-36; Eff. July 1, 2025.

18 NCAC 07C .0802 SEAL IMAGE

A notary public's seal shall be deemed by the Department to comply with G.S. 10B-37 if it contains the words "State of North Carolina" in lieu of the designations in G.S. 10B-37(b)(4).

History Note: Authority G.S. 10B-4; 10B-36; Eff. July 1, 2025.

18 NCAC 07C .0803 SEAL LIMITATION

A notary public's seal manufactured after the effective date of this Rule shall include no information or images other than those required or permitted by G.S. 10B-37 and Rule .0802 of this Section.

History Note: Authority G.S. 10B-4; 10B-36; Eff. July 1, 2025.

18 NCAC 07C .0804 OBTAINING SEAL

A notary public who seeks to order or purchase a seal shall:

- (1) select a seal manufacturer or vendor from among the registered seal manufacturers and vendors listed on the Department's website; and
- (2) present the notary's commission certificate to the manufacturer or vendor.

History Note: Authority G.S. 10B-4; 10B-36; Eff. July 1, 2025.

18 NCAC 07C .0805 IN-PERSON SEAL PURCHASE

If a notary public seeks to order or purchase a seal in person, the notary shall comply with Rule .0804 of this Section and:

- (1) be personally known to the manufacturer or vendor; or
- (2) present satisfactory evidence of identity to the manufacturer or vendor.

History Note: Authority G.S. 10B-4; 10B-36; Eff. July 1, 2025.

SUBCHAPTER 07D – CONTINUING OBLIGATIONS OF NOTARIES

SECTION .0100 – GENERAL OBLIGATIONS

18 NCAC 07D .0103 EXTENSION REQUEST TO DEPARTMENT

18 NCAC 07D .0104 DEPARTMENT RESPONSE TO EXTENSION REQUEST

History Note: Authority G.S. 10B-4; 10B-126(f); 10B-134.17(c); Eff. July 1, 2024; Repealed Eff. July 1, 2025.

18 NCAC 07D .0105 NOTARIZATION OF OPEN VEHICLE TITLE PROHIBITED

A notary public shall not notarize an assignment and warranty of title on the reverse of the certificate of title form approved by the Division of Motor Vehicles unless the following fields have been completed by an individual other than the notary:

- (1) the name and address of the buyer or transferee, except as provided in G.S. 20-72(b) for insurers and used motor vehicle dealers;
- (2) the required odometer reading disclosures;
- (3) the required disclosures about repairs, flood, and reconstruction or salvage;
- (4) the date the vehicle was delivered to the buyer or transferred;
- (5) the printed name of the seller; and
- (6) the signature of the seller.

History Note: Authority G.S. 10B-2; 10B-4; 20-72(b); Eff. July 1, 2025.

18 NCAC 07D .0106 NO USE OF FOREIGN LANGUAGE TRANSLATORS

A notary public shall not allow a principal or remotely located principal to communicate with the notary by means of an individual converting one language to a different language, orally or in writing. An interpreter, transliterator, or CART captioner may facilitate communication between the notary and principal in compliance with 18 NCAC 07B .0800.

History Note: Authority G.S. 10B-2; 10B-4; Eff. July 1, 2025.

SECTION .0300 – NOTICE TO DEPARTMENT OF CHANGES

18 NCAC 07D .0309 NOTIFICATION OF ELECTRONIC NOTARY SOLUTION SERIOUS SERVICE PERFORMANCE PROBLEMS

An electronic notary public shall use the form described in 18 NCAC 07B .0420 to notify the Department of any electronic notary solution dysfunction that the electronic notary considers:

- (1) to be persistent and disruptive; or
- (2) to indicate possible problems with security, privacy, or accuracy of credential verification or identity proofing.

Note: For purposes of this rule, persistent and disruptive dysfunctions include repeated abnormal system interruptions or stoppages, extremely slow system responses, and other unusual system interactions that delay or hinder the notarial act, as determined by the electronic notary.

History Note: Authority G.S. 10B-4; 10B-36; Eff. July 1, 2025.

18 NCAC 07D .0310 NOTARY REPORT OF LOSS, THEFT AND SIMILAR ISSUES

Within 10 days of discovery, a notary public shall report to the Department using the form specified in 18 NCAC 07B .0431:

- (1) for a physical notary seal or journal, its unauthorized use, loss, theft, or vandalism;
- (2) for an electronic notary seal or signature, its unauthorized use, loss of use, compromise of security, or having been rendered incapable of affixing a legible image; or
- (3) for an electronic notary journal, a communication technology recording, a session record, or other notarial records:
 - (a) the permanent loss of data, use, or access;
 - (b) compromise of security or unauthorized use; or
 - (c) theft.

History Note: Authority G.S. 10B-4; 10B-36; 10B-125(b); 10B-126(d); 10B-134.21; Eff. July 1, 2025.

SECTION .0400 – GENERAL REQUIREMENTS FOR USE OF TECHNOLOGY

18 NCAC 07D .0401 ELECTRONIC NOTARY SEAL

An electronic notary public shall:

- (1) obtain an electronic notary seal only from an authorized IPEN solution or platform provider;
- (2) present the electronic notary's registration certificate to the provider; and
- (3) undergo credential analysis and identity proofing upon:
 - (a) account creation with the provider;
 - (b) presentation of:
 - (i) a commission certificate with a name, county, or expiration date change; or
 - (ii) a recommissioning certificate; and
 - (c) at any time requested by the provider.

History Note: Authority G.S. 10B-4; 10B-125(b); Eff. July 1, 2025.

18 NCAC 07D .0402 LICENSED PLATFORM USE FOR REMOTE OATHS AND AFFIRMATIONS PURSUANT TO G.S. 10B-134.9(D)

A notary public shall use a licensed platform for administration of oaths or affirmations pursuant to G.S. 10B-134.9(d) and comply with the rules in Section .0500 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-134.21; Eff. July 1, 2025.

18 NCAC 07D .0403 TRADITIONAL NOTARY PUBLIC USE OF APPROVED CUSTODIAN FOR JOURNAL

Any custodial services used by a traditional notary public shall have been approved by the Department.

History Note: Authority G.S. 10B-4; 10B-134.19; 10B-134.21; Eff. July 1, 2025.

18 NCAC 07D .0404 NOTARY USE OF IDENTITY PROOFING AND CREDENTIAL ANALYSIS INDEPENDENT OF PLATFORM

A notary public shall use approved identity proofing or credential analysis solutions when performing an in-person notarial act if the notary:

- (1) verifies the identity of the principal using personal knowledge or satisfactory evidence, as defined in G.S. 10B-3(22);
- (2) uses the identity proofing or credential analysis only as a supplement to, and not a replacement for, the identification process described in Item (1) of this Rule; and
- (3) complies with G.S. 10B-134.11(a)(2).

History Note: Authority G.S. 10B-4; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07D .0405 APPROVED OR LICENSED TECHNOLOGY TO BE USED BY AN ELECTRONIC NOTARY PUBLIC

An electronic notary public shall use only authorized technology providers when performing electronic notarial acts and remote electronic notarial acts.

History Note: Authority G.S. 10B-4; 10B-134.21; Eff. July 1, 2025.

18 NCAC 07D .0406 NOTIFICATION TO TECHNOLOGY PROVIDER OF CHANGES

Prior to conducting any electronic notarial act, a notary public shall have provided the notary's technology providers with a copy of any new commission certificate reflecting changes to the notary's:

- (1) commission name;
- (2) commission county; or
- (3) commission expiration date.

History Note: Authority G.S. 10B-4; 10B-134.21; Eff. July 1, 2025.

SECTION .0500 – REQUIREMENTS FOR GS 10B-134.9(D) OATHS AND AFFIRMATIONS

18 NCAC 07D .0501 NOTARY ADMINISTRATION OF REMOTE OATH OR AFFIRMATION PURSUANT TO G.S. 10B-134.9(D)

A notary public administering a remote oath or affirmation pursuant to G.S. 10B-134.9(d) shall comply with:

- (1) the rules in this Section; and
- (2) the rules in 18 NCAC 07H, with the exception of Sections .0500 and .0600.

History Note: Authority G.S. 10B-4; 10B-134.21; Eff. July 1, 2025.

18 NCAC 07D .0502 DECLARATION OF JUDICIAL OFFICIAL OR OFFICER OF THE COURT

A notary public may administer a remote oath or affirmation pursuant to G.S. 10B-134.9(d) only if:

- (1) the notarial act is requested by a judicial officer or an officer of the court; and
- (2) the requesting officer declares to the notary prior to the administration of the remote oath or affirmation that:
 - (a) the oath or affirmation is one that will be performed in the course of a judicial action or proceeding; and
 - (b) the oath or affirmation will not involve the notarization of a document.

History Note: Authority G.S. 10B-4; 10B-134.21; Eff. July 1, 2025.

18 NCAC 07D .0503 PLATFORM CONFIRMATION OF NOTARY STATUS

Before completing the platform account registration process in order to administer an oath or affirmation pursuant to G.S. 10B-134.9(d), a notary public shall:

- (1) undergo credential analysis and identity proofing by the platform upon initial account creation;
- (2) present to the platform:
 - (a) for an electronic notary public, the electronic notary's registration certificate; and
 - (b) for a traditional notary, the notary's commission certificate; and
- (3) if the notary will use the platform's journal, inform the platform and provide the platform with the name of the notary's approved custodian.

History Note: Authority G.S. 10B-4; 10B-134.21; Eff. July 1, 2025.

18 NCAC 07D .0504 TRAINING REQUIREMENT FOR NOTARY PUBLIC ADMINISTERING A G.S. 10B-134.9(D) OATH OR AFFIRMATION

A notary public shall not administer a remote oath or affirmation pursuant to G.S. 10B-134.9(d) unless the notary has completed the Department's educational module specific to G.S. 10B-134.9(d).

Note: The educational module may be taken separately or as part of the electronic notary public course.

History Note: Authority G.S. 10B-4; 10B-134.21; Eff. July 1, 2025.

18 NCAC 07D .0505 DOCUMENTATION OF REMOTE OATH OR AFFIRMATION PURSUANT TO G.S. 10B-134.9(D)

An entry shall be made in a notarial journal for each administration of a remote oath or affirmation pursuant to G.S. 10B-134.9(a) by any notary public who keeps a journal.

History Note: Authority G.S. 10B-4; 10B-134.15(b); 10B-134.21; Eff. July 1, 2025.

18 NCAC 07D .0506 JOURNAL ENTRY

An entry in a notarial journal pursuant to Rule .0505 of this Section shall include the name of the judicial official or officer of the court who made the declaration pursuant to Rule .0502 of this Section.

History Note: Authority G.S. 10B-4; 10B-134.15(b); 10B-134.21; Eff. July 1, 2025.

18 NCAC 07D .0507 RECORDING COUNT OF NOTARIAL ACTS

Before ending a session in which remote oaths or affirmations are administered pursuant to G.S. 10B-134.9(d), a notary public shall:

- (1) count the number of oaths or affirmations administered that do not include a principal signature; and
(2) enter that number of notarial acts in the field designated by the platform for that purpose.

History Note: Authority G.S. 10B-4; 10B-134.21; Eff. July 1, 2025.

SECTION .0600 – ACCESS TO NOTARIAL RECORDS

18 NCAC 07D .0601 DISCLOSURE OF CONFIDENTIAL INFORMATION

A notary public may disclose confidential information or provide a copy of a journal, a journal entry, or notarial records only pursuant to:

- (1) G.S. 10B-20(p)(1)-(5);
(2) a waiver of information confidentiality that complies with Rule .0602 of this Section;
(3) a request that complies with Rule .0603 of this Section; or
(4) a request for an electronic journal by an employer of the electronic notary public that is made pursuant to G.S. 10B-134.15(c) and Rules .0603 and .0604 of this Section.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.15(d); 10B-134.21;

Eff. July 1, 2025.

18 NCAC 07D .0602 RELEASE OF CONFIDENTIAL INFORMATION ON REQUEST OF PRINCIPALS

A notary public may release confidential information learned from the principals or records generated during a notarial transaction only if:

- (1) all principals who participated in the notarial transaction agree;
(2) the request is provided to the notary in writing with a statement signed and dated by each principal with:
(a) the printed name of each principal who participated in the transaction;
(b) the date of the transaction;
(c) a description of the types of notarial acts performed by the notary during the transaction;
(d) a description of the confidential information sought; and
(e) an instruction stating to whom the confidential information may be delivered; and
(3) the principal provides any other information that the notary may request for purposes of determining the information to be provided or to whom it is to be provided.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.15(d); 10B-134.21; Eff. July 1, 2025.

18 NCAC 07D .0603 EMPLOYER REQUEST FOR JOURNAL ENTRIES

An electronic notary may provide the electronic notary's former employer with a copy of work-related entries in the electronic notary's electronic journal upon:

- (1) leaving employment with the employer; and
(2) request of the employer.

Note: For purposes of this rule, "work-related" means electronic notarial acts and remote electronic notarial acts performed for the electronic notary public's employer in the course of the electronic notary's employment.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126(a); 10B-134.15(a); Eff. July 1, 2025.

18 NCAC 07D .0604 ADDITIONAL ELECTRONIC NOTARY OBLIGATIONS UPON EMPLOYER REQUEST

An electronic notary public shall not provide the electronic notary's work-related electronic journal entries to the electronic notary's employer unless the notary retains a backup copy as required by G.S. 10B-134.15(c).

History Note: Authority G.S. 10B-4; 10B-38; 10B-126(a); 10B-134.15(a); Eff. July 1, 2025.

18 NCAC 07D .0605 SUPPLEMENTAL ENTRIES RE ACCESS TO JOURNALS

Upon releasing confidential information pursuant to this Section of this Subchapter and unless directed otherwise by court order or the Department, a notary public or electronic notary public shall make a supplemental entry in:

- (1) the electronic notary's electronic journal; or
- (2) the traditional notary's journal, if any.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126(a); 10B-134.15(a); Eff. July 1, 2025.

18 NCAC 07D .0606 CONTENTS OF SUPPLEMENTAL ENTRY RE RELEASE OF CONFIDENTIAL INFORMATION

A notary public or an electronic notary public who makes a supplemental journal entry pursuant to Rule .0605 of this Section shall include the following in the entry:

- (1) the name of the requestor;
- (2) the dates of the request and the notary's response to the request;
- (3) the information requested; and
- (4) any other information that the notary determines necessary to include.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126(a); 10B-134.15(a); Eff. July 1, 2025.

SUBCHAPTER 07F – ELECTRONIC NOTARY PUBLIC REQUIREMENTS

SECTION .0100 – GENERAL

18 NCAC 07F .0102 DEFINITIONS

For purposes of Article 2 of Chapter 10B of the General Statutes, this Subchapter, and Subchapters 07H and 07J of this Chapter:

- (1) "Biometric authentication" means proving the identity of a user through technologies that require measurement and analysis of one or more human physiological or behavioral characteristics of the user in order to access and use an electronic notarization system. Note: Biometric authentication technologies include fingerprint scanning devices and retinal scanning devices.
- (2) "Electronic notary applicant" means a commissioned North Carolina notary public who applies to be registered or reregistered as an electronic notary public.
- (3) "Electronic notary's electronic signature" means:
 - (a) an electronic image of the handwritten signature of the electronic notary public in the name of the notary as it appears on the notary's commission; and

- (b) the technology provider's security features attached to the signature in Sub-Item (3)(a) of this Rule.

- (4) "Independently verifiable" means capable of government or third-party authentication of a notarial act, an electronic notary's identity and current status with the Department.

- (5) "In the presence of the electronic notary at the time of notarization" means that an individual and an electronic notary public are in close physical proximity to one another without using technology to establish personal appearance.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;

Eff. January 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest

Eff. December 6, 2016;

Transferred from 18 NCAC 07C .0102 Eff. June 1, 2023;

Amended Eff. July 1, 2025; July 1, 2024.

18 NCAC 07F .0103 ELECTRONIC NOTARIES PERFORMING REMOTE ELECTRONIC NOTARIAL ACTS

An electronic notary public shall not perform a remote electronic notarial act until the electronic notary has complied with the requirements of:

- (1) this Subchapter; and
- (2) 18 NCAC 07D .0400 and 18 NCAC 07H.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;

Eff. July 1, 2024;

Amended Eff. July 1, 2025.

SECTION .0200 – QUALIFICATIONS TO BE ELECTRONIC NOTARY

18 NCAC 07F .0202 CURRENT PERSONAL COPY OF MANUAL

An electronic notary applicant shall possess a current and personal copy of the North Carolina notary manual applicable to electronic notaries.

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

Eff. July 1, 2025.

SECTION .0300 – EDUCATION OF ELECTRONIC NOTARIES PUBLIC

18 NCAC 07F .0303 ELECTRONIC NOTARY COURSE

Before performing a remote electronic notarization, electronic notaries public registered prior to July 1, 2025, shall either:

- (1) successfully complete a remote electronic notarization course module taught by a certified notary instructor or designee of the Department; or

- (2) successfully complete an electronic notary course pursuant to Rule .0302 of this Section.

History Note: Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; 10B-134.21; Eff. March 1, 2025; Amended Eff. July 1, 2025.

SECTION .0600 – SELECTION AND USE OF TECHNOLOGY PROVIDER TO PERFORM ELECTRONIC NOTARIAL ACTS

18 NCAC 07F .0601 NOTICE TO DEPARTMENT OF TECHNOLOGY PROVIDER

An electronic notary public shall use the form described in 18 NCAC 07B .0405 to provide notice to the Department of all technology providers proposed to be used:

- (1) to affix the electronic notary's electronic signature and electronic notary's seal;
- (2) as the means to create and maintain the electronic notary's electronic journal and a backup copy of the journal;
- (3) as the custodian of the electronic notary's journal;
- (4) as the platform that the electronic notary will use if the notary intends to perform remote electronic notarial acts; and
- (5) for identity proofing and credential analysis technologies not otherwise associated with platforms disclosed in Item (4) of this Rule.

History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.17; 10B-134.21; Eff. March 1, 2025; Amended Eff. July 1, 2025.

SECTION .0700 – ELECTRONIC NOTARY SIGNATURE

18 NCAC 07F .0704 ELECTRONIC SIGNATURE

The electronic notary public shall apply the electronic notary's electronic signature to the document being notarized and upon commitment the signature shall be permanently affixed to the document.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127; 10B-134.21; Eff. January 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07C .0401(d) Eff. June 1, 2023; Amended Eff. July 1, 2025; July 1, 2024.

18 NCAC 07F .0710 PLACEMENT OF ELECTRONIC SIGNATURE

Before committal, the electronic notary shall ensure that the electronic notary's electronic signature does not obscure any text or signatures on the electronic record.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.21; Eff. July 1, 2025.

SECTION .0800 – ELECTRONIC NOTARY SEAL

18 NCAC 07F .0804 ATTRIBUTES OF ELECTRONIC SEAL

(a) After completing a notarial certificate for an in-person electronic or remote electronic notarial act, the electronic notary public shall do the following in this order:

- (1) apply an image of the notary's electronic seal;
- (2) apply an image of the notary's electronic signature;
- (3) review the notarial certificate and images of the notary's electronic seal and signature for accuracy; and
- (4) digitally sign, or authorize the platform or IPEN solution to digitally sign, the certificate.

(b) An electronic notary shall not exit the notarial session before satisfying the requirements of Paragraph (a) of this Rule.

(c) For purposes of Paragraph (a)(4) of this Rule, "digitally sign" means applying a digital signature to the electronically notarized record using security features established by the IPEN provider or platform.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127; 10B-134.21; Eff. January 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07C .0402(d) Eff. June 1, 2023; Amended Eff. July 1, 2025; July 1, 2024.

18 NCAC 07F .0807 CONTENTS OF ELECTRONIC NOTARY SEAL

When the electronic record to which the electronic notary's electronic seal is affixed is printed on an eight and one-half by 11 sheet of paper, the notary's seal shall have:

- (1) a visible border:
 - (a) having a physical appearance of the seal that replicates the appearance of an inked seal on paper;
 - (b) with the size and shape required by G.S. 10B-37(c); and
 - (c) that includes an identifier in no less than an eight point type assigned by the Department to the producer of the electronic seal; and
- (2) inside its border with a minimum eight point type:
 - (a) the information required by G.S. 10B-117(1), (2), and (4);
 - (b) the words:
 - (i) "State of North Carolina";
 - (ii) "North Carolina"; or
 - (iii) the abbreviation "N.C.";
 - (c) the name of the county of commission with either:

- (i) the word "County"; or
- (ii) the abbreviation "Co.;" and
- (d) the expiration date of the electronic notary's commission.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); Eff. January 1, 2007; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Transferred from 18 NCAC 07C .0402(g) Eff. June 1, 2023; Amended Eff. July 1, 2025; March 1, 2025.

18 NCAC 07F .0814 FINALIZATION OF NOTARIAL SESSION

After an electronic notary public has complied with the requirements of Sections .0700 and .0800 of this Subchapter relating to review of signatures and seals after affixing them, the electronic notary shall:

- (1) ensure that the required journal entry has been made;
- (2) commit:
 - (a) the notary's electronic signature;
 - (b) the notary's electronic seal; and
 - (c) the content of the journal entry; and
- (3) apply the notary's digital certificate to the electronic record to which the notary has applied his or her electronic notary seal and signature.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.5(b); 10B-134.21; Eff. July 1, 2024; Amended Eff. July 1, 2025.

18 NCAC 07F .0815 PLACEMENT OF ELECTRONIC SEAL

Before committal, the electronic notary shall ensure that the electronic notary's electronic seal does not obscure any text or signatures on the electronic record.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.21; Eff. July 1, 2025.

18 NCAC 07F .0816 APPLICATION OF ELECTRONIC NOTARY'S DIGITAL CERTIFICATE

An electronic notary public shall apply, or allow the platform or IPEN provider to apply, the electronic notary's digital certificate to an electronic record after the electronic notary's electronic signature and seal have been:

- (1) affixed; and
- (2) reviewed.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.5(b); 10B-134.21; Eff. July 1, 2025.

SECTION .1000 – CONFIDENTIALITY, SECURITY, AND RECORDS RETENTION

18 NCAC 07F .1003 RETENTION OF ELECTRONIC JOURNAL

An electronic notary public shall maintain a copy of the electronic notary's electronic journal and the backup copy of the journal for at least 10 years after the last notarial act.

History Note: Authority G.S. 10B-4; 10B-126(d); 10B-134.15; 10B-134.17; 10B-134.21; Eff. July 1, 2024; Amended Eff. July 1, 2025.

18 NCAC 07F .1004 NOTARY CREDENTIAL SHARING FORBIDDEN

An electronic notary public shall not share the means of authentication that the electronic notary uses to access an electronic notary solution with anyone.

History Note: Authority G.S. 10B-4; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; Eff. July 1, 2024; Amended Eff. July 1, 2025.

SUBCHAPTER 07G - NOTARY SEAL MANUFACTURERS AND VENDORS

18 NCAC 07G .0101 SCOPE

The rules in this Subchapter govern notary public seals made, offered for sale, sold, or delivered for use by North Carolina notaries public by:

- (1) manufacturers of physical notary public seals;
- (2) vendors of physical notary public seals; and
- (3) platforms and IPENs providing electronic notary public seals.

History Note: Authority G.S. 10B-4; 10B-36; 10B-125(b); Eff. July 1, 2025.

18 NCAC 07G .0102 PHYSICAL SEAL REQUIREMENTS

A manufacturer or vendor of physical notary public seals shall not offer, sell, or deliver a physical notary public seal to a North Carolina notary public unless the seal complies with G.S. 10B-36 and 10B-37.

History Note: Authority G.S. 10B-4; 10B-36; 10B-125(b); Eff. July 1, 2025.

18 NCAC 07G .0103 ELECTRONIC NOTARY SEAL REQUIREMENTS

A platform or IPEN provider shall not provide an electronic notary seal unless the seal complies with:

- (1) G.S. 10B-117(1)-(4);
- (2) 18 NCAC 07F .0800; and
- (3) 18 NCAC 07J .0700.

History Note: Authority G.S. 10B-4; 10B-125(b);

Eff. July 1, 2025.

18 NCAC 07G .0104 REQUIREMENTS FOR SALE OF PHYSICAL SEAL TO NORTH CAROLINA NOTARY

A manufacturer or vendor shall comply with the requirements in Rule .0105 of this Subchapter before offering for sale, selling, mailing, or delivering a physical notary public seal to an individual claiming to be a North Carolina notary.

History Note: Authority G.S. 10B-4; 10B-36(e)(2); Eff. July 1, 2025.

18 NCAC 07G .0105 IDENTIFICATION OF NOTARY PUBLIC APPEARING IN PERSON

A manufacturer or vendor shall not provide a physical notary seal to an individual claiming to be a North Carolina notary public appearing in person for the purchase unless:

- (1) the individual is personally known to the manufacturer or vendor and the individual's information matches the information on the notary commission certificate presented; or
- (2) the individual:
 - (a) presents documents qualifying as satisfactory evidence of identity as defined in G.S. 10B-3(22);
 - (b) the manufacturer compares the face and name of the individual to information on the document; and
 - (c) the manufacturer or vendor confirms the identity of the individual.

History Note: Authority G.S. 10B-4; 10B-36(e)(2); Eff. July 1, 2025.

18 NCAC 07G .0106 NOTARY COMMISSION CERTIFICATE RECEIPT BY MANUFACTURER OR VENDOR

A manufacturer or vendor shall require any individual claiming to be a North Carolina notary public purchasing or ordering a physical notary public seal to present:

- (1) for an in-person purchase, the original notary commission certificate defined at 18 NCAC 07B .0102(9) from the Department; and
- (2) for an order by mail or delivery service, an exact, legible copy of the original commission certificate defined at 18 NCAC 07B .0102(9) from the Department.

History Note: Authority G.S. 10B-4; 10B-36(e)(2); Eff. July 1, 2025.

18 NCAC 07G .0107 MAKING AND RETAINING COPY OF NOTARY COMMISSION CERTIFICATE

A manufacturer or vendor shall retain in its records for 10 years a copy of the notary commission certificate presented pursuant to Rule .0106 of this Section.

History Note: Authority G.S. 10B-4; 10B-36(e)(2); Eff. July 1, 2025.

18 NCAC 07G .0108 CONFIRMATION OF NOTARY'S ACTIVE STATUS WITH THE DEPARTMENT

A manufacturer or vendor shall not deliver a physical seal to an individual claiming to be a North Carolina notary public until the manufacturer has:

- (1) obtained the commission number from the notarial commission certificate;
- (2) entered the commission number found on the notarial commission certificate into the search field in the Department's online notary confirmation tool;
- (3) compared the information returned by the Department's online notary confirmation tool to the information on the commission certificate to determine if there is an exact match between the commission certificate, the individual's order form, and the information returned by the search for:
 - (a) the name of the notary;
 - (b) the commission expiration date; and
 - (c) the county of the notary's commission; and
- (4) confirmed that the notary is in active status with the Department.

History Note: Authority G.S. 10B-4; 10B-36(e)(2); Eff. July 1, 2025.

18 NCAC 07G .0109 REGISTRATION WITH THE DEPARTMENT

Prior to making or selling a physical seal to a North Carolina notary public, the manufacturer or vendor shall register with the Department by electronically submitting the form specified in 18 NCAC 07B .0430.

History Note: Authority G.S. 10B-4; 10B-36(e)(2); Eff. July 1, 2025.

18 NCAC 07G .0110 ANNUAL REGISTRATION UPDATE

On or before the first day of July each year, a manufacturer or vendor shall electronically update its registration with the Department by electronically submitting the form specified in 18 NCAC 07B .0430 to inform the Department of any changes since its registration in the prior year.

History Note: Authority G.S. 10B-4; 10B-36(e)(2); Eff. July 1, 2025.

SUBCHAPTER 07H – REMOTE ELECTRONIC NOTARIAL ACT AND IPEN REQUIREMENTS

SECTION .0100 - GENERAL PROVISIONS

18 NCAC 07H .0101 SCOPE

(a) The rules in this Subchapter implement Part 4A, Remote Electronic Notarization of Article 2, Electronic Notary Act, of Chapter 10B of the General Statutes.

(b) The rules in this Subchapter are adopted pursuant to the provisions of Subchapter I of Chapter 96 of Title 15 of the United States Code, Electronic Records and Signatures in Commerce.

History Note: Authority G.S. 10B-4; 10B-134.21; Eff. July 1, 2025.

18 NCAC 07H .0102 REQUIREMENTS FOR ELECTRONIC NOTARIES PERFORMING REMOTE ELECTRONIC NOTARIAL ACTS

Before performing a remote electronic notarial act, other than one subject to 18 NCAC 07D .0500, an electronic notary public shall comply with the applicable rules in:

- (1) this Subchapter; and
- (2) Subchapter 07F of this Chapter.

History Note: Authority G.S. 10B-4; 10B-134.21; Eff. July 1, 2025.

18 NCAC 07H .0103 DEFINITIONS

For purposes of this Subchapter:

- (1) "Active duty" means that term as it is defined in 10 U.S.C. 101(d)(1).
- (2) "Armed Forces" means that term as it is defined in 18 NCAC 07B .0102(4).
- (3) "Credential" or "credentials" means a document presented as satisfactory evidence of identity pursuant to G.S. 10B-3(22)a and G.S. 10B-134.11(a)(2)a.
- (4) "Dependent" means that term as it is defined in 37 U.S.C. 401.
- (5) "Military orders" means that term as it is defined in 50 U.S.C. 3955(i)(1), except that it shall not include orders for separation or retirement.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0104 PROHIBITED ACTS

A notary public shall not perform a remote electronic notarial act if the act:

- (1) is prohibited by G.S. 10B-20, 10B-22, 10B-23, 10B-134.3, or 163-231; or
- (2) is an inventory of a safe deposit box as described in G.S. 53C-6-13(a).

History Note: Authority G.S. 10B-4; 10B-134.21; Eff. July 1, 2025.

SECTION .0200 – ESTABLISHING LOCATION OF PRINCIPALS

18 NCAC 07H .0201 TIMING OF VERIFICATION OF LOCATION

(a) A notary public shall verify the location of a principal seeking a remote electronic notarization as required by G.S. 10B-134.9(a)(6) before beginning a remote electronic notarial act.

(b) An electronic notary public shall state, during the recorded recitation required by Rule .0607 of this Subchapter, how the location was verified.

History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0202 MEANS OF DETERMINING PRINCIPAL LOCATION

A notary public shall determine the location of a principal seeking a remote electronic notarization by:

- (1) geolocation if the principal is using a GPS-enabled device; or
- (2) self-attestation by the principal if the principal is not using a GPS-enabled device.

History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0203 PROCEDURE WHEN PRINCIPAL USES GPS-ENABLED DEVICE

Unless an exception in Rule .0204 of this Section applies, a notary public shall terminate a notarial transaction if:

- (1) the platform indicates that the principal has a GPS-enabled device capable of geolocation that:
 - (a) has the GPS location feature disabled; and
 - (b) the principal declines to enable the GPS-location feature of the device; or
- (2) the principal is not in a permitted location pursuant to G.S. 10B-134.1(10).

History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0204 EXCEPTION TO RULE .0203

A notary public shall not terminate a notarial transaction pursuant to Rule .0203 of this Section if the principal seeking a remote electronic notarization makes a self-attestation pursuant to Rules .0206 or .0207 of this Section.

History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0205 CONTENTS OF ATTESTATION OF LOCATION

A principal's self-attestation of current location shall consist of:

- (1) the name of the principal who is identified to the notary public;
- (2) a statement that the principal is currently located:
 - (a) inside the United States including:
 - (i) the name of the state, territory, or federally

- recognized tribal area in which the principal is located; and
- (ii) the name of the county, parish, or equivalent governmental subdivision;
- (b) outside the United States in a U.S. embassy, consulate or diplomatic mission including:
- (i) whether the principal is located in a U.S. embassy, a U.S. consulate, or a U.S. diplomatic mission;
 - (ii) the name of the country and city in which the embassy, consulate, or diplomatic mission is located; and
 - (iii) the name of the U.S. embassy, consulate, or diplomatic mission; or
- (3) the information required by Rule .0206 of this Section for a principal on a United States military installation or vessel outside the United States.

History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0206 CONTENTS OF ATTESTATION OF LOCATION ON U.S. MILITARY INSTALLATION OR VESSEL

Self-attestation by a principal of current location on a United States military installation or vessel outside the United States shall consist of:

- (1) the name of the principal making the attestation to the notary public;
- (2) whether the principal is:
 - (a) a member of the Armed Forces of the United States; or
 - (b) a dependent of a member of the Armed Forces, and the name of the member;
- (3) the branch of the Armed Forces in which the member serves;
- (4) that the principal is physically located outside the United States on:
 - (a) a U.S. military installation; or
 - (b) a U.S. military vessel; and
- (5) unless Rule .0207 of this Section applies, the name of:
 - (a) the installation and the country in which the installation is located; or
 - (b) the name of the vessel; and
- (6) that the principal is on the named installation or vessel pursuant to military orders assigning the member to active duty for more than 120 days.

History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

Eff. July 1, 2025.

18 NCAC 07H .0207 EXCEPTION TO RULE .0206

If a principal cannot provide the information in Rule .0206 of this Section for reasons of United States national security, the principal may attest that:

- (1) the principal is on a U.S. military installation or vessel pursuant to military orders assigning the member to active duty for more than 120 days; and
- (2) the name and location cannot be divulged for reasons of national security.

History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0208 ADDITIONAL REQUIREMENTS FOR WRITTEN ATTESTATION OF LOCATION

A remotely located principal may self-attest to the principal's location by using communication technology to deliver a writing to the notary public that conforms to Rules .0205 or .0206 of this Section and, in addition, contains:

- (1) the printed name of the principal;
- (2) the signature of the principal; and
- (3) the date on which the principal signed the self-attestation, which shall be the same date as the remote electronic notarial act.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .0300 – IDENTITY VERIFICATION

18 NCAC 07H .0301 VERIFICATION OF IDENTITY BY NOTARY PUBLIC

Prior to performing a remote electronic notarial act, a notary public shall identify the remotely located principal by:

- (1) personal knowledge as defined in G.S. 10B-3(17); or
- (2) reviewing to the satisfaction of the notary:
 - (a) all results, both separately and together, provided by the technology provider for:
 - (i) credential analysis; and
 - (ii) identity proofing;
 - (b) comparing the face of the remotely located principal to the image on the credential uploaded for credential analysis; and
 - (c) any additional information or identification credentials that the notary deems necessary to confirm the identity of the remotely located principal.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

Eff. July 1, 2025.

18 NCAC 07H .0302 CREDIBLE WITNESS PROHIBITED FOR IDENTITY VERIFICATION OF REMOTE PRINCIPALS

For purposes of identifying a remotely located principal, a notary public shall not rely upon a credible witness.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0303 NOTARY REQUEST FOR ADDITIONAL INFORMATION

If a notary public determines that additional information, identity proofing, or identification credentials are necessary to confirm the identity of the remotely located principal, then the notary shall:

- (1) require the principal to:
 - (a) provide additional information; or
 - (b) undergo additional identity proofing, credential analysis, or both by the technology provider; or
- (2) cancel the remote notarial transaction if:
 - (a) the principal refuses to provide additional information or undergo additional credential analysis; or
 - (b) the notary decides the principal's identity has not been verified.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .0400 – CONTINUOUS COMMUNICATION BETWEEN NOTARY AND PRINCIPAL

18 NCAC 07H .0401 UNOBSTRUCTED VIEW

Except as noted in Rule .0406 of this Section, a notary public shall not perform a remote electronic notarization unless, in the judgment of the notary, there is a clear and unobstructed view of:

- (1) all principals;
- (2) any interpreter or transliterator who is interpreting for a principal; and
- (3) the text that a CART captioner is providing to the principal.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0402 MODIFIED IMAGE OF PRINCIPAL

A notary public shall not perform a remote electronic notarization if, in the judgment of the notary, the live on-screen image of the remotely located principal:

- (1) appears to be:
 - (a) altered;
 - (b) unnatural; or
 - (c) simulated; or

- (2) does not accurately reflect a real-time two-way communication between the notary and the principal.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0403 AUDIO IMPAIRMENT

A notary public shall not perform a remote electronic notarization if, in the judgment of the notary, the quality and clarity of the audio communication prevents each participant from hearing and understanding all other participants.

History Note: Authority G.S. 10B-4; 10B-134.5; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0404 MODIFIED VOICE OF PRINCIPAL

Except as permitted in Rule .0405 of this Section, a notary public shall not perform a remote electronic notarization if, in the judgment of the notary, the voice of the remotely located principal:

- (1) appears to be:
 - (a) altered;
 - (b) unnatural; or
 - (c) simulated; or
- (2) does not accurately reflect a live two-way communication between the notary and the remotely located principal.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0405 EXCEPTION TO RULE .0404

A notary public may perform a remote electronic notarization for a principal who, in order to be accommodated pursuant to G.S. 134.1(1), must use a technology that:

- (1) filters, alters, or simulates the principal's voice or produces speech that is asynchronous with the video communication;
- (2) is under the control of the principal; and
- (3) is otherwise compliant with 18 NCAC 07B .0800.

Note: An example of a principal using this exception would be an individual with ALS who uses eye movements to manipulate a computer to speak.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0406 PRINCIPAL DISAPPEARANCE OR EXIT

A notary public shall terminate the remote electronic notarial transaction process if the remotely located principal:

- (1) disappears from the notary's view for an excessive amount of time, as determined by the notary; or
- (2) exits the session.

Note: Examples of disappearing would be moving out of view or turning off the camera.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .0500 – ELECTRONIC NOTARY PUBLIC STORAGE OF RECORDS

18 NCAC 07H .0501 DESIGNATION OF APPROVED CUSTODIAN

An electronic notary public shall designate an approved custodian to maintain the electronic notary's records, using the form described 18 NCAC 07B .0405.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0502 CUSTODIAN DESIGNATION LIMITATION

An electronic notary public shall designate as custodian only an approved custodian that has agreed to provide custodial services to the electronic notary.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0503 NOTICE TO DEPARTMENT OF CUSTODIAN

An electronic notary public shall use the form in 18 NCAC 07B .0405 to notify the Department of:

- (1) designation of an approved custodian for the electronic notary's records;
- (2) designation of the electronic notary as a custodial notary; or
- (3) designation of a new approved custodian upon a change in custodians.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0504 SELF-DESIGNATION AS CUSTODIAL NOTARY

An electronic notary public may be designated as custodian of the electronic notary's own electronic journal consisting solely of IPEN acts only if the electronic notary:

- (1) lists the electronic notary's name as custodial notary on the form described in 18 NCAC 07B .0405;
- (2) agrees to comply with the rules of this Subchapter applicable to custodial notaries; and

- (3) complies with the requirements of the custodial notary rules in 18 NCAC 07J .2200.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0505 CUSTODIAL NOTARY PROHIBITIONS

A custodial notary shall not serve as the custodian for:

- (1) the records of another notary public; or
- (2) the records of a remote electronic notarial act.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0506 ELECTRONIC NOTARY NOTICE TO PLATFORM OR IPEN PROVIDER OF CUSTODIAN

An electronic notary public shall notify the electronic notary's designated platform or IPEN provider of the name of the electronic notary's custodian:

- (1) before the first use of the platform or IPEN solution; and
- (2) before a change in custodian that will require transfer of records to a different custodian.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0507 STORING RECORDS WITH APPROVED DEPOSITORIES AND CUSTODIANS

An electronic notary public shall ensure that the electronic notary's session records are accessible to, and readable by, the electronic notary while stored with:

- (1) an approved depository; and
- (2) an approved custodian:
 - (a) for 10 years from the date of the journal entry for a notarial act; or
 - (b) for any period of more than 10 years during which:
 - (i) there is a litigation hold or other order requiring retention for more than 10 years; or
 - (ii) the electronic notary public arranges for the custodian to keep the records more than 10 years.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0508 TRANSFER OF RECORDS FOR WHICH RETENTION PERIOD HAS NOT ENDED

If the retention period for an electronic notary public's records has not expired, an electronic notary public shall:

- (1) transfer the records only to another approved custodian; and
- (2) notify the Department of the change in custodian as required by Rule .0503 of this Section.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0509 RECORDS FOR WHICH RETENTION PERIOD HAS ENDED

An electronic notary public shall, with regard to session records for which the retention period has expired:

- (1) direct the custodian to securely delete the records;
- (2) if a custodial notary, securely delete the records; or
- (3) retain or arrange for further retention of the records.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0510 NO DELETION OF SESSION RECORDS PRIOR TO EXPIRATION OF RETENTION PERIOD

An electronic notary public shall not direct a custodian to delete a session record or its backup prior to the end of the retention period established by Rule .0507 of this Section.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0511 CUSTODIAL NOTARY LIMITATIONS ON DELETION OF SESSION RECORD

A custodial notary shall not delete a session record or its backup prior to the end of the retention period established by Rule .0507 of this Section.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0512 ELECTRONIC NOTARY DIRECTION OF DELETION OF RECORDS AFTER TRANSFER TO CUSTODIAN

After a session record has been transferred to a custodian, an electronic notary public may direct a depository to securely delete any of the notary's journal convenience copies.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

Eff. July 1, 2025.

SECTION .0600 – COMMUNICATION TECHNOLOGY RECORDINGS

18 NCAC 07H .0601 SCOPE

The rules in this Section of this Subchapter shall apply to communication technology recordings and shall not apply to recordings of remote oaths or affirmations administered pursuant to G.S. 10B-134.9(d).

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0602 PRINCIPAL REFUSAL TO BE RECORDED

If a remotely located principal refuses to be recorded, the electronic notary public shall cancel the remote electronic notarization.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0603 REQUESTS FOR ATTORNEY

If a remotely located principal requests the presence of an attorney, the electronic notary public shall not proceed with the remote electronic notarial transaction process unless:

- (1) the attorney is present:
 - (a) physically in the same place with the principal; or
 - (b) through the communication technology; or
- (2) the principal withdraws the request.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0604 RECORDING SHALL START BEFORE NOTARIAL ACT IS PERFORMED

An electronic notary public shall begin the communication technology recording before performing a remote electronic notarial act.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0605 RECORDING SHALL BE CONTINUOUS

Once an electronic notary public starts a communication technology recording, the electronic notary shall not end the recording until:

- (1) all remote electronic notarial acts comprising the remote electronic notarial transaction have been completed; or

- (2) the remote electronic notarial transaction has been canceled.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0606 COMMUNICATION RECORDING PREFACE TO REMOTE ELECTRONIC NOTARIAL ACT

When an electronic notary public starts a communication technology recording of a remote electronic notarial act, the electronic notary shall:

- (1) state the information required by Rule .0607 of this Section; and
- (2) direct the remotely located principal to provide the information required by Rule .0608 of this Section.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0607 ELECTRONIC NOTARY RECITATION FOR COMMUNICATION TECHNOLOGY RECORDING

Immediately after initiating a communication technology recording, an electronic notary public shall state:

- (1) the electronic notary's commission name;
- (2) that the electronic notary is then located in the State of North Carolina and the county in which the electronic notary is located;
- (3) the names of all participants;
- (4) that all individuals present have been informed that the remote notarization will be recorded;
- (5) the date on which the notarial act is being performed;
- (6) whether the remote electronic notarial act will be performed on an electronic record;
- (7) how the remotely located principal for whom the notarial act is being performed has been identified; and
- (8) whether the principal's location was verified by geolocation or self-attestation.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0608 REMOTELY LOCATED PRINCIPAL'S DECLARATION FOR COMMUNICATION TECHNOLOGY RECORDING

Prior to performing any remote electronic notarial act, the electronic notary public shall direct each remotely located principal to state:

- (1) the remotely located principal's name as it appears on the credential presented by the principal for credential analysis;
- (2) that the principal agrees to be recorded;

- (3) if an attorney is not present, that the principal was informed of the right to have an attorney present and declined;
- (4) the documents being signed or a description of the general nature of the transaction;
- (5) the principal's location; and
- (6) if the principal's location is not established by geolocation, the principal's self-attestation establishing location pursuant to Section .0200 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0609 IDENTIFYING INDIVIDUALS IN SAME LOCATION AS PRINCIPAL

While recording the remote electronic notarial transaction process, an electronic notary public shall direct the remotely located principal to:

- (1) state the names of any individuals who are then physically present at the same place as the principal, if known; and
- (2) inform the electronic notary if any other individuals become physically present with the principal during the notarial session and their names, if known.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0610 STATEMENT FROM NON-PRINCIPALS APPEARING VIA COMMUNICATION TECHNOLOGY

After the communication technology recording begins, the electronic notary public shall direct all participants who are not principals to state:

- (1) their names; and
- (2) their role, if any, with respect to the notarial act.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0611 ACKNOWLEDGMENT – ADDITIONAL REQUIREMENTS FOR COMMUNICATION TECHNOLOGY RECORDING

An electronic notary public performing a remote acknowledgment for a remotely located principal shall require the principal to acknowledge during the communication technology recording:

- (1) that the signature on the record being notarized is that of the principal; and
- (2) the date the principal signed the record being notarized.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

18 NCAC 07H .0612 COMMUNICATION TECHNOLOGY RECORDING OWNERSHIP

A communication technology recording shall be the private property of the electronic notary public.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SECTION .0700 - SECURITY AND CONFIDENTIALITY REQUIREMENTS

18 NCAC 07H .0701 ACCESS TO COMMUNICATION TECHNOLOGY RECORDINGS

An electronic notary public shall not permit access to communication technology recordings by any person unless allowed pursuant to G.S. 10B-20(p) and the rules in this Chapter.

History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23; Eff. July 1, 2025.

SUBCHAPTER 07I – JOURNAL REQUIREMENTS

SECTION .0100 – GENERAL

18 NCAC 07I .0102 DEFINITIONS

The definitions in this Rule apply to this Subchapter, and Subchapters 07H and 07J of this Chapter:

- (1) "Canceled act" means an instance where a notary public or a principal begins the notarial transaction process and halts it for any reason. Note: An example of a canceled act would be one where the notary is not able to establish the identity of the signer as required by G.S. 10B-20.
- (2) "Mode of notarial act" means a traditional notarization, an in-person electronic notarization, or a remote electronic notarization.
- (3) "Supplemental information" means information that a notary public enters into a journal:
 - (a) as a separate entry that is not for a notarial act;
 - (b) that relates to a prior notarial act recorded in the journal; and
 - (c) that may be appended to the prior notarial act entry in the electronic journal.

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

History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21; Eff. July 1, 2024; Amended Eff. July 1, 2025.

18 NCAC 07I .0106 EXCEPTIONS TO RULE .0105

Exceptions to Rule .0105 of this Section shall be limited to entries in journals of in-person notarizations consisting of the following:

- (1) signatures by principals;
- (2) signatures by credible witnesses; or
- (3) signatures by designees of the principals pursuant to G.S. 10B-20(e).

History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21; Eff. July 1, 2024; Amended Eff. July 1, 2025.

SECTION .0200 – JOURNAL BASICS

18 NCAC 07I .0207 ACTS INCLUDED IN JOURNAL

(a) A traditional notary public who chooses to maintain a journal in accordance with the rules in this Chapter shall make a separate entry in the notary's journal for each notarial act performed or canceled.

(b) An electronic notary public shall make a separate entry in the notary's journal for each notarial act performed or canceled.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21; Eff. July 1, 2024; Amended Eff. July 1, 2025.

SECTION .0300 – GENERAL JOURNAL CONTENTS

18 NCAC 07I .0302 CONTENTS OF JOURNAL

Notaries public who maintain a journal in compliance with the rules in this Chapter shall enter the following information in the journal for each notarial act:

- (1) the date and time at the notary's location that the notarial act occurs;
- (2) the name of each principal and designee, if any;
- (3) the type and mode of notarial act performed;
- (4) the title of the document notarized, if any;
- (5) how the identity of each principal was determined;
- (6) if satisfactory evidence of the principal's identity was presented:
 - (a) the type of satisfactory evidence;
 - (b) the addresses of each principal:
 - (i) as shown on any documents used as satisfactory evidence; and
 - (ii) the address as stated by the principal if the principal indicates the address on the documents used as satisfactory evidence is incorrect;
 - (c) where the satisfactory evidence was based on the sworn statement of a credible witness in a traditional or in-person electronic notarial act:

- (i) the name of the credible witness;
- (ii) the contact information of the credible witness;
- (iii) the signature of the credible witness in a traditional notary's journal; or
- (iv) the signature of the credible witness has been added to the electronic journal by the notary;

- (7) the signature of each principal as specified in Rule .0404 of this Subchapter;
- (8) the address of the designee, if any;
- (9) information required by 18 NCAC 07D .0203 for any fees charged; and
- (10) designation of each notarial act as employer-related or non-employer related if the journal includes both categories of notarial acts and which employer the notarial act is related to, if any.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21; Eff. July 1, 2024; Amended Eff. July 1, 2025.

18 NCAC 07I .0303 ADDITIONAL JOURNAL CONTENTS FOR REMOTE ELECTRONIC NOTARIZATIONS

In addition to the requirements of Rule .0302 of this Section, for each remote electronic notarial act completed, an electronic notary public shall enter in the journal:

- (1) the locations of the principals and notary at the time of the act;
- (2) the method of establishing the location of the remotely located principals;
- (3) the names of any individuals identified pursuant to 18 NCAC 07H .0609 and .0610; and
- (4) the total number of oaths or affirmations administered to individual principals that do not include a principal signature in connection with each oath or affirmation.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21; Eff. March 1, 2025; Amended Eff. July 1, 2025.

18 NCAC 07I .0308 JOURNAL SUPPLEMENTS

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

- (1) the notary specifies the journal entry to which the supplemental information relates;
- (2) for an electronic notarial act or a remote electronic notarial act, the notary includes the applicable journal entry or session record identifier; and

- (3) the notary enters the names of the principals in the notarial session to whom the supplemental entry relates.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21; Eff. July 1, 2024; Amended Eff. July 1, 2025.

SECTION .0400 – ELECTRONIC JOURNAL REQUIREMENTS

18 NCAC 07I .0404 INCLUDING SIGNATURES IN JOURNAL

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

- (1) the principals acknowledge that their electronic signatures have been included in the journal as signed on the documents in the transaction;
- (2) with regard to designees signing on behalf of a principal:
 - (a) the designee signs the principal's name on the documents being notarized pursuant to G.S. 10B-20(e), and the notary then includes the signature in the journal; and
 - (b) the designee signs his or her own name on the electronic notary solution for capture and the notary then includes the signature of the designee in the journal; and
- (3) any credible witness signs his or her own name on an electronic journal for capture and the notary then includes the signature of the credible witness in the journal where the notarial act is in person.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21; Eff. July 1, 2024; Amended Eff. July 1, 2025.

18 NCAC 07I .0406 PRE-FILLED DATA TO BE CONFIRMED BY NOTARY PUBLIC

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

- (1) reviewing each individual item of information offered as an option or by pre-filling; and
- (2) confirming that offered information is accurate by selecting:
 - (a) the offered information; or
 - (b) the accurate item from among other options offered; or
- (3) correcting an incorrect item.

History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21; Eff. March 1, 2025; Amended Eff. July 1, 2025.

SUBCHAPTER 07K – MISCELLANEOUS RULES

SECTION .0100 – GENERAL

18 NCAC 07K .0101 DEFINITIONS

History Note: Authority G.S. 10B-4; 10B-14; 10B-36; 10B-38; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B134.19; 10B-134.21; Eff. July 1, 2024; Transferred to 18A NCAC 07B .0102 Eff. July 1, 2025;

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 16 - DENTAL EXAMINERS

21 NCAC 16B .1101 APPLICATION FOR REINSTATEMENT

(a) Any person desiring to practice dentistry in North Carolina whose North Carolina dental license has been revoked, suspended, retired, or expired shall submit to the Board an application for reinstatement. All applications for reinstatement of a dental license shall be submitted on forms furnished by the Board at www.ncdentalboard.org and shall include:

- (1) original dental license number and date of issuance;
(2) full name;
(3) street address as of the date of the application;
(4) telephone number;
(5) email address;
(6) citizenship or immigration status, with verifying documentation;
(7) a statement disclosing and explaining the nature, facts, and disposition of any matter where the applicant has ever:
(A) been summoned to court or before a magistrate for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(B) been arrested for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(C) been taken into custody for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(D) been indicted for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(E) been convicted for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(F) been charged with the violation of any law or ordinance or for the

commission of any felony or misdemeanor; or

- (G) pleaded guilty to the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(8) whether the applicant, to their knowledge, is under investigation as of the date of the application or has ever been investigated by the Board or any other licensing board;
(9) whether the applicant has ever been a party to a civil lawsuit related to the practice of dentistry settled;
(10) all dental licenses from other jurisdictions ever held by the applicant, including dates of licensure;
(11) a statement disclosing all the applicant's dental practices from dental school graduation to the date of the application, including:
(A) the dates during which the applicant was engaged in practice as a dentist;
(B) the addresses of the offices or places at which the applicant was employed or practicing, and the names and addresses of all employers, partners, associates, or persons sharing office space;
(C) whether the applicant was practicing general dentistry or a specialty; and
(D) the reason for the termination of each employment or period of private practice;
(12) a statement disclosing and explaining any current condition or impairment, including a substance use disorder, or a mental, emotional, or nervous disorder or condition, that in any way affects the applicant's ability to practice dentistry. For purposes of this Rule, "current" means recently enough that the condition or impairment may affect the applicant's ability to function as a dentist as set out in G.S. 90-41(a)(2) and (7). If the applicant contends that the condition or impairment is reduced or ameliorated because the applicant is receiving ongoing treatment or participating in a monitoring or support program, the applicant may provide information regarding the treatment or program, and may include any verification demonstrating that the applicant has complied with all provisions and terms of any drug treatment program, or impaired dentists or other impaired professionals program;
(13) two letters of character reference from non-family members;
(14) a copy of a National Practitioner Data Bank report concerning the applicant that was obtained within six months prior to the date the report is submitted to the Board;

(15) documentation of the applicant's completion of continuing education courses, as set out in the rules of Section .0200 of Subchapter 16R, in amounts equal to the number of hours required for renewal of a dental license; and

(16) a copy of an unexpired CPR certificate.

(b) The applicant shall submit to the Board the notarized application form for reinstatement with all the information and materials listed in Paragraph (a) of this Rule, accompanied by the nonrefundable reinstatement application fee set forth in 21 NCAC 16M .0101(a)(8) and the renewal fees set forth in 21 NCAC 16M .0101(a)(2) and (b).

(c) In addition to the requirements of Paragraphs (a) and (b) of this Rule, if the applicant is or has ever been licensed in other states, the applicant shall request the dental regulatory authority, or other occupational or professional regulatory authority of each licensing jurisdiction where the applicant holds or has ever held a dental license, to send to the Board office, in a sealed envelope or via secure electronic transmission, a certificate of the applicant's licensure status accompanied by a disclosure of any disciplinary action taken or investigation pending against the applicant.

(d) An applicant whose North Carolina license has been revoked, suspended, retired, or expired for more than one year shall submit to the Board a completed fingerprint record card and signed release of information form authorizing the Board to request a fingerprint-based criminal history record check from the North Carolina State Bureau of Investigation.

(e) An applicant whose North Carolina dental license has been revoked, suspended, retired, or expired for two to five years shall submit to the Board evidence of completion of refresher courses as specified by the Board. Refresher courses for an applicant whose license was revoked or suspended shall relate to the deficiencies that led to the imposition of discipline. Refresher courses for an applicant whose license has been retired or expired shall be specified by the Board taking into account the amount of time the license has been retired or expired and the applicant's level of experience.

(f) An applicant whose North Carolina dental license has been revoked, suspended, retired, or expired for more than five years shall pass the American Board of Dental Examiners dental licensure clinical examinations before applying for reinstatement.

(g) The Board shall receive all information and documentation set forth in Paragraphs (a) through (e) of this Rule and the applicant's passing scores on any examinations required under Paragraph (f) of this Rule for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fees.

(h) Absent a Board order stating otherwise, an applicant whose North Carolina dental license has been revoked shall not be eligible to:

- (1) apply for reinstatement for a period of one year after the effective date of the revocation; or
- (2) re-apply for reinstatement for a period of one year after the Board's denial of the applicant's previous application for reinstatement.

(i) An application for reinstatement that is received before the applicant is eligible to apply pursuant to Paragraph (h) of this Rule shall be disregarded without a refund of the application fees.

(j) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(k) Any license obtained through fraud or by any false representation shall be revoked in accordance with the procedures set forth in the rules of Subchapter U and Section .0500 and Section .0600 of Subchapter N.

History Note: Authority G.S. 90-30; 90-41; 90-42; 90-48; Eff. September 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. June 1, 2025; September 1, 2020.

21 NCAC 16C .0601 APPLICATION FOR REINSTATEMENT

(a) Any person desiring to practice dental hygiene in North Carolina whose North Carolina dental hygiene license has been revoked, suspended, retired, or expired shall submit to the Board an application for reinstatement. All applications for reinstatement of a dental hygiene license shall be made on the forms furnished by the Board at www.ncdentalboard.org and shall include:

- (1) original dental hygiene license number and date of issuance;
- (2) full name;
- (3) street address as of the date of the application;
- (4) telephone number;
- (5) email address;
- (6) citizenship or immigration status, with verifying documentation;
- (7) a statement disclosing and explaining the nature, facts, and disposition of any matter where the applicant has ever:
 - (A) been summoned to court or before a magistrate for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
 - (B) been arrested for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
 - (C) been taken into custody for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
 - (D) been indicted for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
 - (E) been convicted for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
 - (F) been charged with the violation of any law or ordinance or for the commission of any felony or misdemeanor; or
 - (G) pleaded guilty to the violation of any law or ordinance or for the

- commission of any felony or misdemeanor;
 - (8) whether the applicant, to their knowledge, is under investigation as of the date of the application or has ever been investigated by the Board or any other licensing board;
 - (9) whether the applicant has ever been a party to a civil lawsuit related to the practice of dental hygiene settled;
 - (10) all dental hygiene licenses from other jurisdictions ever held by the applicant, including dates of licensure;
 - (11) a statement disclosing all the applicant's dental hygiene practices, including:
 - (A) the dates during which the applicant was employed as a dental hygienist;
 - (B) the name and address of each employer; and
 - (C) the reason for the termination of each employment;
 - (12) a statement disclosing and explaining any current condition or impairment, including a substance use disorder, or a mental, emotional, or nervous disorder or condition, that in any way affects the applicant's ability to practice dental hygiene. For purposes of this Rule, "current" means recently enough that the condition or impairment may affect the applicant's ability to function as a dental hygienist as set out in G.S. 90-229(a)(4) and (13). If the applicant contends that the condition or impairment is reduced or ameliorated because the applicant is receiving ongoing treatment or participating in a monitoring or support program, the applicant may provide information regarding the treatment or program, and may include any verification demonstrating that the applicant has complied with all provisions and terms of any drug treatment program, or impaired dental hygienists or other impaired professionals program;
 - (13) two letters of character reference from non-family members;
 - (14) a copy of a National Practitioner Data Bank report concerning the applicant that was obtained within six months prior to the date the report is submitted to the Board;
 - (15) documentation of the applicant's completion of continuing education courses, as set out in the rules of Section .0200 of Subchapter 16I, in amounts equal to the number of hours required for renewal of a dental hygiene license; and
 - (16) a copy of an unexpired CPR certificate.
- (b) The applicant shall submit to the Board the notarized application form for reinstatement with all the information and materials listed in Paragraph (a) of this Rule, accompanied by the nonrefundable reinstatement application fee set forth in 21 NCAC

- 16M .0102(a)(3) and the renewal fees set forth in 21 NCAC 16M .0102(a)(2) and (b).
- (c) In addition to the requirements of Paragraphs (a) and (b) of this Rule, if the applicant is or has ever been licensed in other states, the applicant shall request the dental regulatory authority, or other occupational or professional regulatory authority of each licensing jurisdiction where the applicant holds or has ever held a dental hygiene license, to send to the Board office, in a sealed envelope or via secure electronic transmission, a certificate of the applicant's licensure status accompanied by a disclosure of any disciplinary action taken or investigation pending against the applicant.
- (d) An applicant whose North Carolina license has been revoked, suspended, retired, or expired for more than one year shall submit to the Board a completed fingerprint record card and signed release of information form authorizing the Board to request a fingerprint-based criminal history check from the North Carolina State Bureau of Investigation.
- (e) An applicant whose North Carolina dental hygiene license has been revoked, suspended, retired, or expired for two to five years shall submit to the Board evidence of completion of refresher courses as specified by the Board. Refresher courses for an applicant whose license was revoked or suspended shall relate to the deficiencies that led to the imposition of discipline. Refresher courses for an applicant whose license has been retired or expired shall be specified by the Board taking into account the amount of time the license has been retired or expired and the applicant's level of experience.
- (f) An applicant whose North Carolina dental hygiene license has been revoked, suspended, retired, or expired for more than five years shall pass the American Board of Dental Examiners dental hygiene licensure clinical examinations before seeking reinstatement.
- (g) The Board shall receive all information and documentation set forth in Paragraphs (a) through (e) of this Rule and the applicant's passing scores on any examinations required under Paragraph (f) of this Rule for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fees.
- (h) Absent a Board order stating otherwise, an applicant whose North Carolina dental license has been revoked shall not be eligible to:
- (1) apply for reinstatement for a period of one year after the effective date of the revocation; or
 - (2) re-apply for reinstatement for a period of one year after the Board's denial of the applicant's previous application for reinstatement.
- (i) An application for reinstatement that is received before the applicant is eligible to apply pursuant to Paragraph (h) of this Rule shall be disregarded without a refund of the application fees.
- (j) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.
- (k) Any license obtained through fraud or by any false representation shall be revoked in accordance with the procedures set forth in the rules of Subchapter U and Section .0500 and Section .0600 of Subchapter N.

History Note: Authority G.S. 90-223; 90-224; 90-229; 90-48;

21 NCAC 16T. 0104 NOTICE AND TRANSFER OF RECORDS UPON CEASING PRACTICE

(a) Patient Notification Upon Closure of Practice. A dentist who is a sole practitioner and closes a dental practice for reasons other than disciplinary action by the Board shall notify all patients with a pending treatment plan or a scheduled appointment of the closure and consult with the patients on options for continued care and transferring of the patient record to another provider or returning it to the patient. Nothing in this Rule shall alter the dentist's obligations under Rule .0101 of this Section to retain the patient record unless it is either transferred to another provider or returned to the patient. A dentist shall document the transfer or return of each patient record.

(b) Patient Notification Upon Revocation or Active Suspension of License. Unless an Order of the Board specifies otherwise, a dentist whose license is actively suspended for a period of 30 days or longer or is revoked by Order of the Board shall notify all patients with a pending treatment plan or a scheduled appointment of the suspension or revocation in not more than 10 days after the effective date of the active suspension or revocation, the reasons for the suspension or revocation, and consequent inability of the licensee to continue treatment after the effective date of suspension or revocation. The dentist shall advise such patients that the patients may seek treatment from another licensed provider if further treatment is required during the period of active suspension or after the revocation. The dentist shall document the notice in the patient record.

(c) Transfer of Patient Records Upon Revocation or Active Suspension of License– A dentist shall not abandon patient records. Unless otherwise specified by Board Order, within 30 days after the effective date of an active suspension or revocation of a license, the dentist shall deliver all patient records in his or her possession for each patient with an ongoing treatment plan or a scheduled appointment either to the patient or to another treatment provider as directed by the patient, or document good faith efforts to do so. A dentist shall not transfer patient records containing confidential information to another treatment provider in a different practice without prior consent from the patient. The dentist shall document the consent to transfer in the patient record and the transfer or return of each patient record.

(d) Transfer of Patient Records to Trustee. If the Board determines that patient records have been abandoned by a dentist, including upon the suspension or revocation of a license or the death or disability of a sole practitioner, the Board may seek a judicial order appointing a licensed dentist to act as trustee of the abandoned patient records. The trustee shall take steps to contact each patient for return or transfer of the patient record. The trustee shall not transfer patient records containing confidential information to another treatment provider without prior consent from the patient, documented in the record. Upon the death of a dentist who is not a sole practitioner, a dentist who is an owner or employed in the same practice as the deceased dentist shall take custody of the deceased dentist's patient records and notify the patients to arrange for continued care either within the practice or by transferring the patient record to another dentist.

(e) Proof of Compliance. A licensee whose license is actively suspended or revoked by Order of the Board shall keep and maintain records of the steps taken under subsections (b) and (c) of this Rule so that, upon any subsequent proceeding, proof of

compliance with this Rule and any Order of the Board shall be available for the Board to review. Proof of compliance with subsections (b) and (c) shall be a prerequisite to consideration of any petition for reinstatement or stay of active suspension. If a trustee was appointed for custody of the licensee's patient records in accordance with subsection (d) of this Rule, the petitioner must demonstrate to the Board, as prerequisites to consideration for any petition for reinstatement or stay of active suspension, that the abandonment of the patient records was caused by an impairment, disability or other condition outside of petitioner's control and that the petitioner has paid the trustee or Board for documented expenses incurred in connection with the custody of the abandoned patient records, even when cause is demonstrated.

History Note: Authority G.S. 90-28; 90-41; 90-48; 90-48.1; Eff. June 1, 2025.

21 NCAC 16W .0101 DIRECTION DEFINED

(a) A public health hygienist may perform clinical procedures under the direction of a licensed dentist, as defined by 21 NCAC 16A .0101(9), and in accordance with G.S. 90-233(a), provided the dentist ordering the procedure, or another dentist designated by the ordering dentist, is accessible, either in person or via teledentistry, for consultation while the hygienist is performing clinical procedures, and to provide any follow-up care the dentist determines to be clinically necessary.

(b) The specific clinical procedures delegated to the hygienist shall be completed, in accordance with a written order from the dentist, within 270 calendar days of the dentist's in-person evaluation of the patient.

(c) The dentist's evaluation of the patient shall include a comprehensive oral examination, medical and dental health history, and diagnosis of the patient's condition.

(d) A public health hygienist may provide educational information, such as instruction in brushing and flossing, without the direction of a licensed dentist.

History Note: Authority G.S. 90-30.2; 90-223; 90-233(a); Temporary Adoption Eff. October 1, 1999; Eff. April 1, 2001; Amended Eff. April 1, 2016; July 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. June 1, 2025; February 1, 2020.

CHAPTER 32 - NORTH CAROLINA MEDICAL BOARD

21 NCAC 32B .1361 MILITARY RELOCATION LICENSE FOR PHYSICIAN SERVICEMEMBERS AND SPOUSES

(a) A physician who meets the qualifications listed in this Rule and G.S. 90-12.02 may apply for a military relocation license for physician servicemembers and spouses.

(b) An applicant for a military relocation license for physician servicemembers and spouses shall:

- (1) complete the Board's online application and providing the applicant's:

- (A) legal name;
 - (B) personal mailing, physical, and email address;
 - (C) work mailing, physical, and email address;
 - (D) telephone number;
 - (E) social security number and date of birth;
 - (F) practice plans and areas of practice;
 - (G) chronological history of education and employment from age 18 to present;
 - (H) history of government investigations, substance use history for the past five years, military service, professional liability insurance history, investigations for employment misclassification for the past five years, and history of regulatory actions, hospital privilege, and malpractice; and
 - (I) an attestation under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) submit documentation of a legal name change, if applicable;
 - (3) submit a photograph of the applicant that was taken in the last two years;
 - (4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. or certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of U.S. citizenship, the applicant shall provide information about applicant's immigration status that the Board will use to verify applicant's eligibility for this license;
 - (5) provide proof that applicant is a servicemember of the United States Armed Forces or a spouse of a servicemember of the United States Armed Forces;
 - (6) provide a copy of military orders that indicates that the applicant is residing in this State pursuant to such military orders for military service relating to applicant or applicant's spouse;
 - (7) provide proof that the applicant holds a current license in another jurisdiction that has licensing requirements that are substantially equivalent or otherwise exceed the requirements for licensure in this State;
 - (8) provide proof that the applicant has not been disciplined in the last five years by any occupational licensing board, and has no pending investigations by any occupational licensing board;
 - (9) provide proof that the applicant has actively practiced medicine an average of 20 hours per week during the two years immediately preceding relocation to this State;
 - (10) if the applicant is a graduate of a medical school other than those approved by LCME, AOA, COCA, or CACMS, the applicant shall furnish an original ECFMG certification status report of a currently valid certification of the ECFMG. The ECFMG certification status report requirement shall be waived if the applicant has passed the ECFMG examination and successfully completed an approved Fifth Pathway program (original ECFMG score transcript from the ECFMG required);
 - (11) submit two completed fingerprint record cards to the Board;
 - (12) submit a signed consent form allowing a search of local, state and national files to disclose any criminal record;
 - (13) pay to the Board a non-refundable fee pursuant to G.S. 90-13.1(a), plus the cost of a criminal background check; and upon request, supply any additional information the Board deems necessary to evaluate the applicant's qualifications.
- (c) When possible, all reports and Orders shall be submitted directly to the Board from the primary source.
 - (d) All information required by this Rule shall be provided within one year of submitting the application.

History Note: Authority G.S. 90-5.1(a)(3); G.S. 90-12.02; G.S. 90-13.1; Eff. June 1, 2025.

21 NCAC 32N .0107 INVESTIGATIONS AND COMPLAINTS

- (a) At the time of first oral or written communication from the Board or staff or agent of the Board to a licensee regarding a complaint or investigation, the Board shall provide the notices set forth in G.S. 90-14(i).
- (b) A licensee shall submit a written response to a complaint received by the Board within 45 days from the date of a written request by Board staff. The Board shall grant up to an additional 30 days for the response where the licensee demonstrates good cause as defined in 21 NCAC 32N .0106 for the extension of time. The response shall contain accurate and complete information. Where a licensee fails to respond in the time and manner provided herein, the Board may treat that as a failure to respond to a Board inquiry in a reasonable time and manner as required by G.S. 90-14(a)(14).
- (c) The licensee's written response to a complaint submitted to the Board in accordance with Paragraph (b) of this Rule shall be provided to the complainant upon written request by the complainant as permitted in G.S. 90-16(e1), except that the response shall not be provided where the Board determines that the complaint is vexatious or frivolous or that the release of the response would be harmful to the physical or mental health of the complainant who was a patient of the responding licensee.
- (d) A licensee shall submit to an interview within 30 days from the date of an oral or written request from Board staff. The Board

may grant up to an additional 15 days for the interview where the licensee demonstrates good cause for the extension of time. The responses to the questions and requests for information, including documents, during the interview shall be complete and accurate. Where the licensee fails to respond in the time and manner provided herein, the Board shall treat that as a failure to respond to a Board inquiry in a reasonable time and manner as required by G.S. 90-14(a)(14).

(e) The licensee who is the subject of a Board inquiry may retain and consult with legal counsel of his or her choosing in responding to the inquiries as set out in G.S. 90-14(i).

(f) For purposes of G.S. 90-14(l) an investigation is complete when the Board's Chief Investigative Officer, or his or her designee, approves an investigative report for submission to the Board's Disciplinary Committee.

History Note: Authority G.S. 90-5.1(a)(3); 90-14(a); 90-14(a)(14); 90-16(e1); Eff. February 1, 2012; Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016; Amended Eff. June 1, 2025.

21 NCAC 32S .0226 MILITARY RELOCATION LICENSE FOR PHYSICIAN ASSISTANT SERVICEMEMBERS AND SPOUSES

(a) A physician assistant who meets the qualifications listed in this Rule and G.S. 90-12.02 may apply for a military relocation license for physician assistant servicemembers and spouses.

(b) An applicant for a military relocation license for physician assistant servicemembers and spouses shall:

- (1) complete the Board's online application and providing the applicant's:
 - (A) legal name;
 - (B) personal mailing, physical, and email address;
 - (C) work mailing, physical, and email address;
 - (D) telephone number;
 - (E) social security number and date of birth;
 - (F) practice plans and areas of practice;
 - (G) chronological history of education and employment from age 18 to present;
 - (H) history of government investigations, substance use history for the past five years, military service, professional liability insurance history, investigations for employment misclassification for the past five years, and history of regulatory actions, hospital privilege, and malpractice; and
 - (I) an attestation under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;

- (2) submit documentation of a legal name change, if applicable;
 - (3) submit a photograph of the applicant that was taken in the last two years;
 - (4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. or a certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of U.S. citizenship, the applicant shall provide information about applicant's immigration status that the Board will use to verify applicant's eligibility for this license;
 - (5) provide proof that applicant is a servicemember of the United States Armed Forces or a spouse of a servicemember of the United States Armed Forces;
 - (6) provide a copy of military orders that indicates that the applicant is residing in this State pursuant to such military orders for military service relating to applicant or applicant's spouse;
 - (7) provide proof that the applicant holds a current license in another jurisdiction that has licensing requirements that are substantially equivalent or otherwise exceed the requirements for licensure in this State;
 - (8) provide proof that the applicant has not been disciplined in the last five years by any occupational licensing board, and has no pending investigations by any occupational licensing board;
 - (9) provide proof that the applicant has actively practiced medicine an average of 20 hours per week during the two years immediately preceding relocation to this State;
 - (10) submit two completed fingerprint record cards to the Board;
 - (11) submit a signed consent form allowing a search of local, state and national files to disclose any criminal record;
 - (12) pay to the Board a non-refundable fee as required by 21 NCAC 32S .0202, plus the cost of a criminal background check;
 - (13) upon request, supply any additional information the Board deems necessary to evaluate the applicant's qualifications.
- (c) When possible, all reports and Orders shall be submitted directly to the Board from the primary source.
- (d) All information required by this Rule shall be provided within one year of submitting the application.

History Note: Authority G.S. 90-5.1(a)(3); 90-12.02; Eff. June 1, 2025.

CHAPTER 58 - REAL ESTATE COMMISSION

21 NCAC 58A .0302 LICENSE APPLICATION AND FEE

- (a) The fee for an original application of a broker or firm license shall be one hundred dollars (\$100.00).
- (b) An applicant shall update information provided in connection with a license application in writing to the Commission or submit a new application form that includes the updated information without request by the Commission to ensure that the information provided in the application is current and accurate. Upon the request of the Commission, an applicant shall submit updated information or provide additional information necessary to complete the application within 45 days of the request or the license application shall be canceled.
- (c) The license application of an individual shall be canceled if the applicant fails to:
- (1) pass a scheduled license examination within 180 days of filing a complete application pursuant to Rule .0301 of this Section; or
 - (2) appear for and take any scheduled examination without having the applicant's examination postponed or absence excused pursuant to Rule .0401 of this Subchapter.
- (d) If an applicant seeks to withdraw their application for licensure after a Notice of Hearing is issued by Commission staff, an applicant shall file a Motion to Withdraw with the Commission that states the applicant's reason for withdrawal. The Commission

shall issue an Order of Withdrawal and may prohibit the applicant from re-applying for licensure for a period of up to two years from the date of the Order if the applicant fails to show good cause for the withdrawal. For purposes of this Rule, good cause may include:

- (1) an incapacitating illness of the applicant or applicant's attorney;
- (2) a naturally occurring disaster; or
- (3) an undue hardship on the applicant.

(e) If an applicant is denied licensure following a hearing, the Commission shall order that the applicant be prohibited from re-applying for licensure for a period of up to two years from the date of the application.

*History Note: Authority G.S. 93A-4; 93A-6(b)(1); 93A-9; 93B-8.1(b5);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 2017; April 1, 2006; July 1, 2004; April 1, 2004; July 1, 2003; October 1, 2000; August 1, 1998; July 1, 1998; July 1, 1996; February 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Amended Eff. July 1, 2025; July 1, 2020.*

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission April 24, 2025 and May 29, 2025 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Jeanette Doran (Chair)
John Hahn
Jeff Hyde
Brandon Leebrick
Bill Nelson

Appointed by House

Jake Parker (1st Vice-Chair)
Paul Powell (2nd Vice-Chair)
Wayne R. Boyles, III
Christopher Loutit
Randy Overton

COMMISSION COUNSEL

| | |
|--------------------|--------------|
| William W. Peaslee | 984-236-1939 |
| Seth M. Ascher | 984-236-1934 |
| Travis Wiggs | 984-236-1929 |

RULES REVIEW COMMISSION MEETING DATES

| | |
|-----------------|--------------------|
| July 30, 2025 | September 25, 2025 |
| August 28, 2025 | October 30, 2025 |

RULES REVIEW COMMISSION MEETING

MINUTES

April 24, 2025

The Rules Review Commission met on Thursday, April 24, 2025, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and the meeting was streamed for the public via Webex.

Commissioners Wayne R. Boyles III, Jeanette Doran, John S. Hahn, Chris Loutit, Randy Overton, Bill Nelson, Jake Parker, and Paul Powell were present in the Commission Room.

Staff member Alexander Burgos, Commission Counsel Seth Ascher, Bill Peaslee, and Travis Wiggs were present in the room.

The meeting was called to order at 10:00 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes from the March 27, 2025 meeting. There were none, and the minutes were unanimously approved as distributed.

LOG OF FILINGS (PERMANENT RULES)

Radiation Protection Commission

10A NCAC 15 .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0110, .0112, .0114, .0115, .0116, .0117, .0118, .0306, .0311, .0313, .0316, .0323, .0345, .0346, .1001, and .1601 were unanimously approved.

Criminal Justice Education and Training Standards Commission

12 NCAC 09A .0103; 09B .0235, .0236; 09C .0201, .0202, .0203, .0204, .0205, .0207, .0208, .0209, .0211, .0213, .0214, .0215, .0216, .0219, .0306, .0307, .0401, and .0403 were unanimously approved.

Environmental Management Commission

15A NCAC 02Q .0303, .0304, .0305, .0312, .0505, .0507, .0515, and .0525 were unanimously approved.

Marine Fisheries Commission

15A NCAC 03J .0301 and 03M .0523 were unanimously approved.

The Commission unanimously voted to extend the period of review for 03O .0601, .0602, 0603, .0604, .0605, and .0606.

In accordance with G.S. 150B-21.3(b2), the Commission received over ten letters of objection requesting legislative review and a delayed effective date for 15A NCAC 03M .0523.

Department of the Secretary of State

18 NCAC 07J .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0110, .0111, .0112, .0113, .0114, .0115, .0116, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0209, .0210, .0211, .0212, .0213, .0214, .0215, .0216, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308, .0309, .0310, .0311, .0312, .0313, .0314, .0315, .0401, .0402, .0403, .0404, .0405, .0406, .0407, .0408, .0409, .0410, .0411, .0412, .0413, .0414, .0415, .0416, .0417, .0418, .0419, .0420, .0421, .0422, .0423, .0501, .0502, .0503, .0504, .0505, .0601, .0602, .0603, .0604, .0605, .0606, .0607, .0608, .0609, .0610, .0611, .0612, .0613, .0614, .0615, .0616, .0617, .0618, .0619, .0620, .0621, .0622, .0623, .0624, .0625, .0626, .0627, .0628, .0629, .0701, .0702, .0703, .0704, .0705, .0706, .0801, .0802, .0803, .0804, .0805, .0806, .0807, .0808, .0809, .0810, .0811, .0812, .0813, .0901, .0902, .0903, .0904, .0905, .0906, .0907, .0908, .0909, .0910, .1001, .1002, .1003, .1004, .1005, .1006, .1007, .1008, .1009, .1010, .1011, .1012, .1013, .1014, .1015, .1016, .1017, .1018, .1019, .1020, .1021, .1022, .1023, .1101, .1102, .1103, .1104, .1201, .1202, .1203, .1204, .1205, .1206, .1207, .1208, .1209, .1210, .1301, .1302, .1303, .1304, .1305, .1306, .1307, .1401, .1402, .1403, .1404, .1405, .1406, .1407, .1408, .1409, .1410, .1411, .1412, .1413, .1414, .1415, .1416, .1417, .1418, .1419, .1420, .1421, .1422, .1423, .1424, .1425, .1426, .1427, .1428, .1429, .1501, .1502, .1503, .1504, .1505, .1506, .1507, .1601, .1602, .1603, .1604, .1605, .1606, .1607, .1608, .1609, .1610, .1611, .1612, .1613, .1614, .1701, .1702, .1703, .1801, .1802, .1803, .1804, .1805, .1806, .1807, .1808, .1809, .1810, .1811, .1812, .1813, .1814, .1901, .1902, .1903, .2001, .2002, .2003, .2004, .2005, .2006, .2007, .2008, .2009, .2010, .2011, .2012, .2013, .2014, .2015, .2016, .2017, .2018, .2019, .2020, .2021, .2022, .2101, .2102, .2103, .2201, .2202, .2203, .2204, .2205, .2206, .2207, .2208, .2209, 2210, and .2211 were unanimously approved.

The Commission unanimously voted to extend the period of review for 18 NCAC 07B .0101, .0102, .0105, .0110, .0111, .0305, .0308, .0310, .0313, .0314, .0402, .0405, .0408, .0409, .0411, .0414, .0420, .0421, .0422, .0423, .0424, .0425, .0426, .0427, .0428, .0429, .0430, .0431, .0601, .0603, .0607, .0609, .0610, .0801, .0802, .0803, .0804, .0805, .0806, .0807, .0808, .0809, .0810; 07C .0801, .0802, .0803, .0804, .0805; 07D .0103, .0104, .0105, .0106, .0309, .0310, .0401, .0402, .0403, .0404, .0405, .0406, .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0601, .0602, .0603, .0604, .0605, .0606; 07F .0102, .0103, .0202, .0303, .0601, .0704, .0710, .0804, .0807, .0814, .0815, .0816, .1003, .1004; 07G .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0110; 07H .0101, .0102, .0103, .0104, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0301, .0302, .0303, .0401, .0402, .0403, .0404, .0405, .0406, .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, .0509, .0510, .0511, .0512, .0601, .0602, .0603, .0604, .0605, .0606, .0607, .0608, .0609, .0610, .0611, .0612, .0701; 07I .0102, .0106, .0207, .0302, .0303, .0308, .0404, .0406; and 07K .0101.

Bill Toole, Deputy Secretary of State, addressed the Commission.

Board of Funeral Service

21 NCAC 34B .0619 was unanimously approved.

Board of Examiners for Engineers and Surveyors

21 NCAC 56 .0602 was unanimously approved.

Real Estate Commission

21 NCAC 58A .0106, .0502; 58H .0204, .0206, .0209, .0302, and .0416 were unanimously approved.

The Commission unanimously voted to extend the period of review for 21 NCAC 58A .0302.

LOG OF FILINGS (TEMPORARY RULES)

Wildlife Resources Commission

15A NCAC 10C .0325 was unanimously approved.

Existing Rules Review

Department of Health and Human Services

10A NCAC 06A, B, C, D, E, F, G, H, I, J, K, Q - The Commission unanimously approved the report as submitted by the agency.

Social Services Commission

10A NCAC 06P, R, S, T, U, V, W, and X - The Commission unanimously approved the report as submitted by the agency.

Medical Care Commission

10A NCAC 13L, 13M, 13O - The Commission unanimously approved the report as submitted by the agency.

DHHS - Commission for Mental Health/DD/SAS

10A NCAC 26A, 26B, 26D - The Commission unanimously approved the report as submitted by the agency.

Criminal Justice Education and Training Standards Commission

12 NCAC 09 - The Commission unanimously approved the report as submitted by the agency.

Environmental Management Commission

15A NCAC 02R - The Commission unanimously approved the report as submitted by the agency.

Board of Agriculture

02 NCAC 46, 48A, 46B - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than October 1, 2027 pursuant to G.S. 150B-21.3A(d)(2).

Department of Labor

13 NCAC 01, 04, 06, 13, 16, 17, 19 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than October 1, 2030 pursuant to G.S. 150B-21.3A(d)(2).

Department of the Secretary of State

18 NCAC 02 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than September 1, 2029 pursuant to G.S. 150B-21.3A(d)(2).

18 NCAC 05 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than February 1, 2029 pursuant to G.S. 150B-21.3A(d)(2).

18 NCAC 06 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than December 1, 2034 pursuant to G.S. 150B-21.3A(d)(2).

18 NCAC 08 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than September 1, 2028 pursuant to G.S. 150B-21.3A(d)(2).

18 NCAC 10 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than April 1, 2030 pursuant to G.S. 150B-21.3A(d)(2).

18 NCAC 11 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than July 1, 2031 pursuant to G.S. 150B-21.3A(d)(2).

18 NCAC 12 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than January 1, 2028 pursuant to G.S. 150B-21.3A(d)(2).

Board of Registration for Foresters

21 NCAC 20 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than July 1, 2027 pursuant to G.S. 150B-21.3A(d)(2).

Board of Licensed Geologists

21 NCAC 21 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than July 1, 2027 under G.S. 150B-21.3A(d)(2).

Board of Opticians

21 NCAC 40 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than September 1, 2027 pursuant to G.S. 150B-21.3A(d)(2).

Board of Recreational Therapy Licensure

21 NCAC 65 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than July 1, 2027 pursuant to G.S. 150B-21.3A(d)(2).

Veterinary Medical Board

21 NCAC 66 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than December 1, 2027 pursuant to G.S. 150B-21.3A(d)(2).

Board for Licensing of Soil Scientists

21 NCAC 69 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than July 1, 2027 pursuant to G.S. 150B-21.3A(d)(2).

COMMISSION BUSINESS

Pursuant to G.S. 150B-21.3A(d)(1), the Commission unanimously voted to modify the 2024-2027 Existing Rules Review Schedule for 15A NCAC 02A. The report scheduled for review at the December 2026 meeting has been rescheduled for review at the December 2025 RRC meeting.

The meeting adjourned at 10:25 a.m.

The next regularly scheduled meeting of the Commission is Thursday, May 29, 2025, at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

April 24, 2025

Rules Review Commission
Meeting
Please **Print** Legibly

| Name | Agency |
|------------------|--------|
| Jennifer Everett | DEQ |
| Shawn Maier | DEQ |
| Emily Wiley | NC DOT |
| Ann Wall | SOS |
| ANN ELMORE | SOS |
| Shannah Black | DHHS |
| Anna Hayworth | NCTA |
| Denise Cloninger | RPS |
| Regina Kusinger | RPS |
| Alexis Laubi | DATA/B |
| Melissa Bowman | NCVMB |
| Alexis Benjamin | DOJ |
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Rules Review Commission Meeting April 24, 2025

Via WebEx

| Name | Agency |
|-------------------|--------------------|
| Patrick Guerra | DEQ |
| Amy Funderburk | DOI |
| Sophie Plott | DOL |
| David Luttrell | SOS |
| Tina DuPree | SOS |
| Ozie Stallworth | SOS |
| Katherine Quinlan | DEQ |
| Julie Ventaloro | OSBM |
| Kelly Williams | DEQ |
| Grace Hardwick | OSBM |
| Louis Brayboy | DHHS |
| Julie Eddins | OAH |
| Catherine Blum | DEQ |
| Thomas Newman | |
| Misty PM | DHHS |
| Marilyn Smalls | ABC |
| Hope Ascher | |
| Bob Nauseef | ABC |
| Brian Liebman | OAH |
| Laura Rowe | Treasurer |
| Marlika Hairston | NCCOB |
| Renee Metz | ABC |
| Genevieve Kaplan | stateside.com |
| Liz Taylor | NCBLSS |
| Dilcy Burton | DOJ |
| Melissa Vuotto | NCREC |
| Dorian W. | DOJ |
| Wes Tripp | NCBELS |
| Elly Young | DOJ |
| Bruce Garner | SOSNC |
| Ryan Mitiguy | hedrickgardner.com |
| Tamika Jenkins | DHHS |
| Carrie Ruhlman | WRC |
| Bruce Garner | SOS |
| James Albright | DHHS |
| Elizabeth Pope | NCSW Board |



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

April 24, 2025

Anna Hayworth, NC Department of Agriculture and Consumer Services
Sent via email to: Anna.Hayworth@ncagr.gov
Re: Readoption deadline for 02 NCAC 46, 48A, 48B

Dear Ms. Hayworth:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on April 24, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **October 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION
PERIODIC RULE REVIEW
December 19, 2024 through December 29, 2024
Agriculture, Board of
Total: 200

RRC Determination: Necessary

| | | | |
|-------------------|-------------------|-------------------|-------------------|
| 02 NCAC 46 .0101 | 02 NCAC 48A .0304 | 02 NCAC 48A .0906 | 02 NCAC 48A .1219 |
| 02 NCAC 46 .0102 | 02 NCAC 48A .0305 | 02 NCAC 48A .0907 | 02 NCAC 48A .1220 |
| 02 NCAC 48A .0101 | 02 NCAC 48A .0401 | 02 NCAC 48A .0908 | 02 NCAC 48A .1222 |
| 02 NCAC 48A .0102 | 02 NCAC 48A .0402 | 02 NCAC 48A .0909 | 02 NCAC 48A .1301 |
| 02 NCAC 48A .0103 | 02 NCAC 48A .0501 | 02 NCAC 48A .0910 | 02 NCAC 48A .1302 |
| 02 NCAC 48A .0104 | 02 NCAC 48A .0502 | 02 NCAC 48A .0911 | 02 NCAC 48A .1401 |
| 02 NCAC 48A .0105 | 02 NCAC 48A .0503 | 02 NCAC 48A .1001 | 02 NCAC 48A .1402 |
| 02 NCAC 48A .0106 | 02 NCAC 48A .0504 | 02 NCAC 48A .1002 | 02 NCAC 48A .1403 |
| 02 NCAC 48A .0107 | 02 NCAC 48A .0505 | 02 NCAC 48A .1003 | 02 NCAC 48A .1404 |
| 02 NCAC 48A .0108 | 02 NCAC 48A .0506 | 02 NCAC 48A .1004 | 02 NCAC 48A .1405 |
| 02 NCAC 48A .0109 | 02 NCAC 48A .0507 | 02 NCAC 48A .1005 | 02 NCAC 48A .1406 |
| 02 NCAC 48A .0110 | 02 NCAC 48A .0508 | 02 NCAC 48A .1006 | 02 NCAC 48A .1407 |
| 02 NCAC 48A .0111 | 02 NCAC 48A .0601 | 02 NCAC 48A .1007 | 02 NCAC 48A .1408 |
| 02 NCAC 48A .0112 | 02 NCAC 48A .0602 | 02 NCAC 48A .1008 | 02 NCAC 48A .1409 |
| 02 NCAC 48A .0242 | 02 NCAC 48A .0603 | 02 NCAC 48A .1101 | 02 NCAC 48A .1410 |
| 02 NCAC 48A .0243 | 02 NCAC 48A .0604 | 02 NCAC 48A .1102 | 02 NCAC 48A .1411 |
| 02 NCAC 48A .0244 | 02 NCAC 48A .0605 | 02 NCAC 48A .1103 | 02 NCAC 48A .1412 |
| 02 NCAC 48A .0245 | 02 NCAC 48A .0606 | 02 NCAC 48A .1104 | 02 NCAC 48A .1413 |
| 02 NCAC 48A .0246 | 02 NCAC 48A .0607 | 02 NCAC 48A .1105 | 02 NCAC 48A .1414 |
| 02 NCAC 48A .0247 | 02 NCAC 48A .0608 | 02 NCAC 48A .1106 | 02 NCAC 48A .1415 |
| 02 NCAC 48A .0248 | 02 NCAC 48A .0609 | 02 NCAC 48A .1107 | 02 NCAC 48A .1416 |
| 02 NCAC 48A .0249 | 02 NCAC 48A .0610 | 02 NCAC 48A .1108 | 02 NCAC 48A .1501 |
| 02 NCAC 48A .0250 | 02 NCAC 48A .0611 | 02 NCAC 48A .1109 | 02 NCAC 48A .1502 |
| 02 NCAC 48A .0251 | 02 NCAC 48A .0612 | 02 NCAC 48A .1110 | 02 NCAC 48A .1503 |
| 02 NCAC 48A .0252 | 02 NCAC 48A .0701 | 02 NCAC 48A .1201 | 02 NCAC 48A .1504 |
| 02 NCAC 48A .0253 | 02 NCAC 48A .0702 | 02 NCAC 48A .1202 | 02 NCAC 48A .1505 |
| 02 NCAC 48A .0254 | 02 NCAC 48A .0703 | 02 NCAC 48A .1204 | 02 NCAC 48A .1506 |
| 02 NCAC 48A .0255 | 02 NCAC 48A .0704 | 02 NCAC 48A .1205 | 02 NCAC 48A .1507 |
| 02 NCAC 48A .0256 | 02 NCAC 48A .0705 | 02 NCAC 48A .1206 | 02 NCAC 48A .1508 |
| 02 NCAC 48A .0257 | 02 NCAC 48A .0706 | 02 NCAC 48A .1207 | 02 NCAC 48A .1601 |
| 02 NCAC 48A .0258 | 02 NCAC 48A .0801 | 02 NCAC 48A .1208 | 02 NCAC 48A .1602 |
| 02 NCAC 48A .0259 | 02 NCAC 48A .0802 | 02 NCAC 48A .1209 | 02 NCAC 48A .1603 |
| 02 NCAC 48A .0260 | 02 NCAC 48A .0803 | 02 NCAC 48A .1210 | 02 NCAC 48A .1604 |
| 02 NCAC 48A .0261 | 02 NCAC 48A .0804 | 02 NCAC 48A .1211 | 02 NCAC 48A .1605 |
| 02 NCAC 48A .0262 | 02 NCAC 48A .0805 | 02 NCAC 48A .1212 | 02 NCAC 48A .1606 |
| 02 NCAC 48A .0263 | 02 NCAC 48A .0806 | 02 NCAC 48A .1213 | 02 NCAC 48A .1607 |
| 02 NCAC 48A .0264 | 02 NCAC 48A .0901 | 02 NCAC 48A .1214 | 02 NCAC 48A .1608 |
| 02 NCAC 48A .0265 | 02 NCAC 48A .0902 | 02 NCAC 48A .1215 | 02 NCAC 48A .1701 |
| 02 NCAC 48A .0301 | 02 NCAC 48A .0903 | 02 NCAC 48A .1216 | 02 NCAC 48A .1702 |
| 02 NCAC 48A .0302 | 02 NCAC 48A .0904 | 02 NCAC 48A .1217 | 02 NCAC 48A .1703 |
| 02 NCAC 48A .0303 | 02 NCAC 48A .0905 | 02 NCAC 48A .1218 | 02 NCAC 48A .1704 |

| | | | |
|-------------------|-------------------|-------------------|-------------------|
| 02 NCAC 48A .1705 | 02 NCAC 48B .0106 | 02 NCAC 48B .0115 | 02 NCAC 48B .0124 |
| 02 NCAC 48A .1706 | 02 NCAC 48B .0107 | 02 NCAC 48B .0116 | 02 NCAC 48B .0125 |
| 02 NCAC 48A .1707 | 02 NCAC 48B .0108 | 02 NCAC 48B .0117 | 02 NCAC 48B .0126 |
| 02 NCAC 48A .1708 | 02 NCAC 48B .0109 | 02 NCAC 48B .0118 | 02 NCAC 48B .0127 |
| 02 NCAC 48B .0101 | 02 NCAC 48B .0110 | 02 NCAC 48B .0119 | 02 NCAC 48B .0128 |
| 02 NCAC 48B .0102 | 02 NCAC 48B .0111 | 02 NCAC 48B .0120 | 02 NCAC 48B .0129 |
| 02 NCAC 48B .0103 | 02 NCAC 48B .0112 | 02 NCAC 48B .0121 | 02 NCAC 48B .0130 |
| 02 NCAC 48B .0104 | 02 NCAC 48B .0113 | 02 NCAC 48B .0122 | 02 NCAC 48B .0131 |
| 02 NCAC 48B .0105 | 02 NCAC 48B .0114 | 02 NCAC 48B .0123 | 02 NCAC 48B .0132 |



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

April 25, 2025

Ashley Snyder, Department of Labor
Sent via email only to: Ashley.snyder@labor.nc.gov

Re: Readoption deadline for 13 NCAC 01, 04, 06, 13, 16, 17, 19: Department of Labor

Dear Ms. Snyder

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the April 24, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **April, 1 2030**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION: Necessary
PERIODIC RULE REVIEW
November 26, 2024
APO Review: January 26, 2025
Labor, Department of
Total: 145

| | | | |
|-------------------|------------------|------------------|------------------|
| 13 NCAC 01B .0101 | 13 NCAC 06 .0309 | 13 NCAC 13 .0303 | 13 NCAC 16 .0401 |
| 13 NCAC 01B .0102 | 13 NCAC 06 .0310 | 13 NCAC 13 .0304 | 13 NCAC 16 .0402 |
| 13 NCAC 04A .0101 | 13 NCAC 06 .0311 | 13 NCAC 13 .0305 | 13 NCAC 16 .0501 |
| 13 NCAC 04A .0102 | 13 NCAC 06 .0401 | 13 NCAC 13 .0306 | 13 NCAC 16 .0502 |
| 13 NCAC 04A .0103 | 13 NCAC 06 .0402 | 13 NCAC 13 .0401 | 13 NCAC 17 .0101 |
| 13 NCAC 04A .0201 | 13 NCAC 06 .0501 | 13 NCAC 13 .0402 | 13 NCAC 17 .0102 |
| 13 NCAC 04A .0202 | 13 NCAC 06 .0503 | 13 NCAC 13 .0403 | 13 NCAC 17 .0103 |
| 13 NCAC 04B .0101 | 13 NCAC 06 .0507 | 13 NCAC 13 .0404 | 13 NCAC 17 .0104 |
| 13 NCAC 04B .0102 | 13 NCAC 06 .0510 | 13 NCAC 13 .0405 | 13 NCAC 17 .0105 |
| 13 NCAC 04B .0103 | 13 NCAC 06 .0513 | 13 NCAC 13 .0406 | 13 NCAC 17 .0106 |
| 13 NCAC 04B .0201 | 13 NCAC 06 .0515 | 13 NCAC 13 .0407 | 13 NCAC 17 .0107 |
| 13 NCAC 04B .0202 | 13 NCAC 06 .0516 | 13 NCAC 13 .0408 | 13 NCAC 17 .0108 |
| 13 NCAC 04B .0203 | 13 NCAC 06 .0517 | 13 NCAC 13 .0409 | 13 NCAC 17 .0109 |
| 13 NCAC 04B .0204 | 13 NCAC 06 .0518 | 13 NCAC 13 .0410 | 13 NCAC 17 .0110 |
| 13 NCAC 04B .0301 | 13 NCAC 06 .0519 | 13 NCAC 13 .0411 | 13 NCAC 17 .0111 |
| 13 NCAC 04B .0302 | 13 NCAC 06 .0521 | 13 NCAC 13 .0412 | 13 NCAC 17 .0201 |
| 13 NCAC 04B .0303 | 13 NCAC 06 .0522 | 13 NCAC 13 .0413 | 13 NCAC 17 .0202 |
| 13 NCAC 04C .0101 | 13 NCAC 06 .0525 | 13 NCAC 13 .0414 | 13 NCAC 17 .0204 |
| 13 NCAC 04C .0102 | 13 NCAC 06 .0526 | 13 NCAC 13 .0415 | 13 NCAC 17 .0205 |
| 13 NCAC 04D .0101 | 13 NCAC 13 .0101 | 13 NCAC 13 .0416 | 13 NCAC 19 .0101 |
| 13 NCAC 04D .0102 | 13 NCAC 13 .0103 | 13 NCAC 13 .0417 | 13 NCAC 19 .0102 |
| 13 NCAC 04D .0201 | 13 NCAC 13 .0201 | 13 NCAC 13 .0418 | 13 NCAC 19 .0201 |
| 13 NCAC 04D .0202 | 13 NCAC 13 .0202 | 13 NCAC 13 .0419 | 13 NCAC 19 .0301 |
| 13 NCAC 06 .0101 | 13 NCAC 13 .0203 | 13 NCAC 13 .0420 | 13 NCAC 19 .0302 |
| 13 NCAC 06 .0102 | 13 NCAC 13 .0204 | 13 NCAC 13 .0421 | 13 NCAC 19 .0401 |
| 13 NCAC 06 .0103 | 13 NCAC 13 .0205 | 13 NCAC 13 .0422 | 13 NCAC 19 .0402 |
| 13 NCAC 06 .0105 | 13 NCAC 13 .0206 | 13 NCAC 13 .0423 | 13 NCAC 19 .0501 |
| 13 NCAC 06 .0201 | 13 NCAC 13 .0207 | 13 NCAC 13 .0501 | 13 NCAC 19 .0601 |
| 13 NCAC 06 .0202 | 13 NCAC 13 .0208 | 13 NCAC 13 .0504 | 13 NCAC 19 .0602 |
| 13 NCAC 06 .0301 | 13 NCAC 13 .0209 | 13 NCAC 13 .0701 | 13 NCAC 19 .0603 |
| 13 NCAC 06 .0302 | 13 NCAC 13 .0210 | 13 NCAC 13 .0702 | 13 NCAC 19 .0604 |
| 13 NCAC 06 .0303 | 13 NCAC 13 .0211 | 13 NCAC 13 .0703 | 13 NCAC 19 .0605 |
| 13 NCAC 06 .0304 | 13 NCAC 13 .0212 | 13 NCAC 13 .0705 | 13 NCAC 19 .0701 |
| 13 NCAC 06 .0305 | 13 NCAC 13 .0213 | 13 NCAC 16 .0101 | 13 NCAC 19 .0702 |
| 13 NCAC 06 .0306 | 13 NCAC 13 .0214 | 13 NCAC 16 .0103 | |
| 13 NCAC 06 .0307 | 13 NCAC 13 .0301 | 13 NCAC 16 .0201 | |
| 13 NCAC 06 .0308 | 13 NCAC 13 .0302 | 13 NCAC 16 .0202 | |



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

April 25, 2025

Ann Wall, Department of Secretary of State
Sent via email only to: awall@sosnc.gov

Re: Readoption deadlines for 18 NCAC 02, 05, 06, 08, 10, 11, 12: Secretary of State

Dear Ms. Wall

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the April 24, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **the dates listed in the attached staff opinion**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION
 PERIODIC RULE REVIEW
 January 30, 2025
 APO Review: April 02, 2025
 Secretary of State, Department of the
 Total: 206

RRC Determination: Necessary

| | | | |
|------------------|------------------|------------------|------------------|
| 18 NCAC 02 .0301 | 18 NCAC 08 .1103 | 18 NCAC 12 .0206 | 18 NCAC 12 .0504 |
| 18 NCAC 02 .0302 | 18 NCAC 08 .1104 | 18 NCAC 12 .0207 | 18 NCAC 12 .0505 |
| 18 NCAC 02 .0303 | 18 NCAC 08 .1201 | 18 NCAC 12 .0208 | 18 NCAC 12 .0506 |
| 18 NCAC 02 .0304 | 18 NCAC 08 .1202 | 18 NCAC 12 .0209 | 18 NCAC 12 .0507 |
| 18 NCAC 02 .0305 | 18 NCAC 08 .1203 | 18 NCAC 12 .0210 | 18 NCAC 12 .0508 |
| 18 NCAC 02 .0306 | 18 NCAC 08 .1204 | 18 NCAC 12 .0211 | 18 NCAC 12 .0509 |
| 18 NCAC 02 .0307 | 18 NCAC 08 .1205 | 18 NCAC 12 .0212 | 18 NCAC 12 .0510 |
| 18 NCAC 02 .0308 | 18 NCAC 08 .1206 | 18 NCAC 12 .0213 | 18 NCAC 12 .0511 |
| 18 NCAC 08 .0101 | 18 NCAC 08 .1207 | 18 NCAC 12 .0214 | 18 NCAC 12 .0512 |
| 18 NCAC 08 .0102 | 18 NCAC 08 .1208 | 18 NCAC 12 .0215 | 18 NCAC 12 .0513 |
| 18 NCAC 08 .0103 | 18 NCAC 08 .1209 | 18 NCAC 12 .0216 | 18 NCAC 12 .0514 |
| 18 NCAC 08 .0104 | 18 NCAC 08 .1210 | 18 NCAC 12 .0301 | 18 NCAC 12 .0515 |
| 18 NCAC 08 .0105 | 18 NCAC 08 .1211 | 18 NCAC 12 .0302 | 18 NCAC 12 .0516 |
| 18 NCAC 08 .0301 | 18 NCAC 08 .1212 | 18 NCAC 12 .0303 | 18 NCAC 12 .0517 |
| 18 NCAC 08 .0302 | 18 NCAC 08 .1213 | 18 NCAC 12 .0304 | 18 NCAC 12 .0518 |
| 18 NCAC 08 .0401 | 18 NCAC 11 .0104 | 18 NCAC 12 .0305 | 18 NCAC 12 .0519 |
| 18 NCAC 08 .0402 | 18 NCAC 11 .0205 | 18 NCAC 12 .0306 | 18 NCAC 12 .0520 |
| 18 NCAC 08 .0501 | 18 NCAC 11 .0305 | 18 NCAC 12 .0307 | 18 NCAC 12 .0521 |
| 18 NCAC 08 .0502 | 18 NCAC 11 .0306 | 18 NCAC 12 .0308 | 18 NCAC 12 .0522 |
| 18 NCAC 08 .0503 | 18 NCAC 11 .0308 | 18 NCAC 12 .0309 | 18 NCAC 12 .0523 |
| 18 NCAC 08 .0601 | 18 NCAC 11 .0405 | 18 NCAC 12 .0310 | 18 NCAC 12 .0524 |
| 18 NCAC 08 .0602 | 18 NCAC 11 .0503 | 18 NCAC 12 .0311 | 18 NCAC 12 .0525 |
| 18 NCAC 08 .0603 | 18 NCAC 11 .0504 | 18 NCAC 12 .0312 | 18 NCAC 12 .0526 |
| 18 NCAC 08 .0604 | 18 NCAC 11 .0505 | 18 NCAC 12 .0313 | 18 NCAC 12 .0527 |
| 18 NCAC 08 .0605 | 18 NCAC 11 .0506 | 18 NCAC 12 .0314 | 18 NCAC 12 .0528 |
| 18 NCAC 08 .0701 | 18 NCAC 11 .0607 | 18 NCAC 12 .0315 | 18 NCAC 12 .0529 |
| 18 NCAC 08 .0702 | 18 NCAC 11 .0608 | 18 NCAC 12 .0316 | 18 NCAC 12 .0530 |
| 18 NCAC 08 .0801 | 18 NCAC 11 .0705 | 18 NCAC 12 .0317 | 18 NCAC 12 .0531 |
| 18 NCAC 08 .0802 | 18 NCAC 12 .0101 | 18 NCAC 12 .0318 | 18 NCAC 12 .0532 |
| 18 NCAC 08 .0803 | 18 NCAC 12 .0102 | 18 NCAC 12 .0319 | 18 NCAC 12 .0533 |
| 18 NCAC 08 .0901 | 18 NCAC 12 .0103 | 18 NCAC 12 .0320 | 18 NCAC 12 .0535 |
| 18 NCAC 08 .0902 | 18 NCAC 12 .0104 | 18 NCAC 12 .0321 | 18 NCAC 12 .0536 |
| 18 NCAC 08 .0903 | 18 NCAC 12 .0105 | 18 NCAC 12 .0322 | 18 NCAC 12 .0537 |
| 18 NCAC 08 .0904 | 18 NCAC 12 .0106 | 18 NCAC 12 .0401 | 18 NCAC 12 .0538 |
| 18 NCAC 08 .1001 | 18 NCAC 12 .0201 | 18 NCAC 12 .0402 | 18 NCAC 12 .0539 |
| 18 NCAC 08 .1002 | 18 NCAC 12 .0202 | 18 NCAC 12 .0403 | 18 NCAC 12 .0540 |
| 18 NCAC 08 .1003 | 18 NCAC 12 .0203 | 18 NCAC 12 .0501 | 18 NCAC 12 .0541 |
| 18 NCAC 08 .1101 | 18 NCAC 12 .0204 | 18 NCAC 12 .0502 | 18 NCAC 12 .0542 |
| 18 NCAC 08 .1102 | 18 NCAC 12 .0205 | 18 NCAC 12 .0503 | 18 NCAC 12 .0543 |

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| 18 NCAC 12 .0544 | 18 NCAC 12 .0708 | 18 NCAC 12 .1202 | 18 NCAC 12 .1312 |
| 18 NCAC 12 .0545 | 18 NCAC 12 .0801 | 18 NCAC 12 .1203 | 18 NCAC 12 .1313 |
| 18 NCAC 12 .0601 | 18 NCAC 12 .0802 | 18 NCAC 12 .1204 | 18 NCAC 12 .1314 |
| 18 NCAC 12 .0602 | 18 NCAC 12 .0803 | 18 NCAC 12 .1301 | 18 NCAC 12 .1315 |
| 18 NCAC 12 .0603 | 18 NCAC 12 .0805 | 18 NCAC 12 .1302 | 18 NCAC 12 .1316 |
| 18 NCAC 12 .0604 | 18 NCAC 12 .0901 | 18 NCAC 12 .1303 | 18 NCAC 12 .1317 |
| 18 NCAC 12 .0605 | 18 NCAC 12 .0902 | 18 NCAC 12 .1304 | 18 NCAC 12 .1318 |
| 18 NCAC 12 .0606 | 18 NCAC 12 .0903 | 18 NCAC 12 .1305 | 18 NCAC 12 .1319 |
| 18 NCAC 12 .0701 | 18 NCAC 12 .0905 | 18 NCAC 12 .1306 | 18 NCAC 12 .1320 |
| 18 NCAC 12 .0703 | 18 NCAC 12 .0906 | 18 NCAC 12 .1307 | 18 NCAC 12 .1401 |
| 18 NCAC 12 .0705 | 18 NCAC 12 .0907 | 18 NCAC 12 .1308 | 18 NCAC 12 .1403 |
| 18 NCAC 12 .0706 | 18 NCAC 12 .0910 | 18 NCAC 12 .1310 | |
| 18 NCAC 12 .0707 | 18 NCAC 12 .1201 | 18 NCAC 12 .1311 | |

RRC DETERMINATION: Necessary
PERIODIC RULE REVIEW
September 25, 2024
APO Review: November 26, 2024
Department of the Secretary of State
18 NCAC 05
Total: 43

18 NCAC 05B .0102
18 NCAC 05B .0103
18 NCAC 05B .0104
18 NCAC 05B .0105
18 NCAC 05B .0106
18 NCAC 05B .0107
18 NCAC 05B .0108
18 NCAC 05B .0201
18 NCAC 05B .0202
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18 NCAC 05B .0301
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18 NCAC 05B .0410
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18 NCAC 05B .0503
18 NCAC 05B .0504
18 NCAC 05B .0505
18 NCAC 05B .0601
18 NCAC 05B .0602
18 NCAC 05B .0603

RRC DETERMINATION: Necessary
PERIODIC RULE REVIEW

September 25, 2024

APO Review: November 26, 2024

Department of the Secretary of State

18 NCAC 06

Total: 175

| | | |
|-------------------|-------------------|-------------------|
| 18 NCAC 06A .1101 | 18 NCAC 06A .1416 | 18 NCAC 06A .2014 |
| 18 NCAC 06A .1102 | 18 NCAC 06A .1417 | 18 NCAC 06A .2015 |
| 18 NCAC 06A .1104 | 18 NCAC 06A .1501 | 18 NCAC 06A .2016 |
| 18 NCAC 06A .1202 | 18 NCAC 06A .1502 | 18 NCAC 06A .2017 |
| 18 NCAC 06A .1203 | 18 NCAC 06A .1503 | 18 NCAC 06A .2018 |
| 18 NCAC 06A .1205 | 18 NCAC 06A .1504 | 18 NCAC 06A .2019 |
| 18 NCAC 06A .1207 | 18 NCAC 06A .1507 | 18 NCAC 06A .2020 |
| 18 NCAC 06A .1209 | 18 NCAC 06A .1508 | 18 NCAC 06A .2021 |
| 18 NCAC 06A .1210 | 18 NCAC 06A .1510 | 18 NCAC 06A .2022 |
| 18 NCAC 06A .1211 | 18 NCAC 06A .1701 | 18 NCAC 06A .2023 |
| 18 NCAC 06A .1212 | 18 NCAC 06A .1702 | 18 NCAC 06A .2024 |
| 18 NCAC 06A .1213 | 18 NCAC 06A .1703 | 18 NCAC 06A .2025 |
| 18 NCAC 06A .1301 | 18 NCAC 06A .1704 | 18 NCAC 06A .2026 |
| 18 NCAC 06A .1302 | 18 NCAC 06A .1705 | 18 NCAC 06A .2027 |
| 18 NCAC 06A .1303 | 18 NCAC 06A .1706 | 18 NCAC 06A .2028 |
| 18 NCAC 06A .1304 | 18 NCAC 06A .1707 | 18 NCAC 06A .2030 |
| 18 NCAC 06A .1305 | 18 NCAC 06A .1708 | 18 NCAC 06A .2031 |
| 18 NCAC 06A .1306 | 18 NCAC 06A .1709 | 18 NCAC 06A .2032 |
| 18 NCAC 06A .1307 | 18 NCAC 06A .1710 | 18 NCAC 06A .2033 |
| 18 NCAC 06A .1308 | 18 NCAC 06A .1713 | 18 NCAC 06A .2034 |
| 18 NCAC 06A .1310 | 18 NCAC 06A .1715 | 18 NCAC 06A .2035 |
| 18 NCAC 06A .1313 | 18 NCAC 06A .1717 | 18 NCAC 06A .2036 |
| 18 NCAC 06A .1314 | 18 NCAC 06A .1801 | 18 NCAC 06A .2037 |
| 18 NCAC 06A .1315 | 18 NCAC 06A .1802 | 18 NCAC 06A .2038 |
| 18 NCAC 06A .1316 | 18 NCAC 06A .1803 | 18 NCAC 06A .2039 |
| 18 NCAC 06A .1317 | 18 NCAC 06A .1804 | 18 NCAC 06A .2041 |
| 18 NCAC 06A .1318 | 18 NCAC 06A .1805 | 18 NCAC 06A .2042 |
| 18 NCAC 06A .1319 | 18 NCAC 06A .1806 | 18 NCAC 06A .2043 |
| 18 NCAC 06A .1320 | 18 NCAC 06A .1807 | 18 NCAC 06A .2044 |
| 18 NCAC 06A .1401 | 18 NCAC 06A .1808 | 18 NCAC 06A .2045 |
| 18 NCAC 06A .1402 | 18 NCAC 06A .1810 | 18 NCAC 06A .2046 |
| 18 NCAC 06A .1403 | 18 NCAC 06A .2001 | 18 NCAC 06A .2047 |
| 18 NCAC 06A .1404 | 18 NCAC 06A .2002 | 18 NCAC 06A .2048 |
| 18 NCAC 06A .1405 | 18 NCAC 06A .2003 | 18 NCAC 06A .2049 |
| 18 NCAC 06A .1406 | 18 NCAC 06A .2004 | 18 NCAC 06A .2051 |
| 18 NCAC 06A .1407 | 18 NCAC 06A .2005 | 18 NCAC 06A .2052 |
| 18 NCAC 06A .1408 | 18 NCAC 06A .2007 | 18 NCAC 06A .2053 |
| 18 NCAC 06A .1410 | 18 NCAC 06A .2008 | 18 NCAC 06A .2054 |
| 18 NCAC 06A .1411 | 18 NCAC 06A .2009 | 18 NCAC 06A .2055 |
| 18 NCAC 06A .1412 | 18 NCAC 06A .2010 | 18 NCAC 06A .2056 |
| 18 NCAC 06A .1413 | 18 NCAC 06A .2011 | 18 NCAC 06A .2057 |
| 18 NCAC 06A .1414 | 18 NCAC 06A .2012 | 18 NCAC 06A .2058 |
| 18 NCAC 06A .1415 | 18 NCAC 06A .2013 | 18 NCAC 06A .2060 |

18 NCAC 06A .2061
18 NCAC 06A .2062
18 NCAC 06A .2063
18 NCAC 06A .2064
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18 NCAC 06A .2066
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18 NCAC 06A .2069
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18 NCAC 06A .2106
18 NCAC 06A .2107
18 NCAC 06A .2108
18 NCAC 06A .2109
18 NCAC 06A .2110
18 NCAC 06A .2111
18 NCAC 06A .2112
18 NCAC 06A .2113
18 NCAC 06A .2114
18 NCAC 06A .2115
18 NCAC 06A .2116
18 NCAC 06A .2117

18 NCAC 06A .2118
18 NCAC 06A .2119
18 NCAC 06A .2120
18 NCAC 06B .0101
18 NCAC 06B .0102
18 NCAC 06B .0201
18 NCAC 06C .0101
18 NCAC 06C .0102
18 NCAC 06C .0103
18 NCAC 06C .0104
18 NCAC 06C .0105
18 NCAC 06C .0106
18 NCAC 06C .0107
18 NCAC 06C .0108

RRC DETERMINATION: Necessary
PERIODIC RULE REVIEW

September 25, 2024

APO Review: November 26, 2024

Department of the Secretary of State

18 NCAC 10

Total: 14

18 NCAC 10 .0101
18 NCAC 10 .0201
18 NCAC 10 .0301
18 NCAC 10 .0302
18 NCAC 10 .0303
18 NCAC 10 .0304
18 NCAC 10 .0305
18 NCAC 10 .0306
18 NCAC 10 .0307
18 NCAC 10 .0308
18 NCAC 10 .0309
18 NCAC 10 .0701
18 NCAC 10 .0801
18 NCAC 10 .0901



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

April 24, 2025

Jennifer Grantham, NC Board of Registration for Foresters
Sent via email to: info@ncbrf.org
Re: Readoption deadline for 21 NCAC 20

Dear Ms. Grantham:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on April 24, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **July 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION: Necessary
PERIODIC RULE REVIEW
November 26, 2024
APO Review: January 26, 2025
Foresters, Board of Registration for
Total: 22

21 NCAC 20 .0101
21 NCAC 20 .0102
21 NCAC 20 .0103
21 NCAC 20 .0104
21 NCAC 20 .0105
21 NCAC 20 .0106
21 NCAC 20 .0107
21 NCAC 20 .0108
21 NCAC 20 .0111
21 NCAC 20 .0113
21 NCAC 20 .0114
21 NCAC 20 .0115
21 NCAC 20 .0116
21 NCAC 20 .0117
21 NCAC 20 .0118
21 NCAC 20 .0120
21 NCAC 20 .0121
21 NCAC 20 .0122
21 NCAC 20 .0123
21 NCAC 20 .0124
21 NCAC 20 .0125
21 NCAC 20 .0126



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

April 24, 2025

Barbara Geiger, NC Board for Licensing of Geologists
Sent via email to: barbara.geiger@ncblg.org
Re: Readoption deadline for 21 NCAC 21

Dear Ms. Geiger:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on April 24, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **July 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION: Necessary
PERIODIC RULE REVIEW
November 26, 2024
APO Review: January 26, 2025
Geologists, Board for Licensing of
Total: 44

| | |
|------------------|------------------|
| 21 NCAC 21 .0101 | 21 NCAC 21 .0511 |
| 21 NCAC 21 .0103 | 21 NCAC 21 .0513 |
| 21 NCAC 21 .0104 | 21 NCAC 21 .0514 |
| 21 NCAC 21 .0105 | 21 NCAC 21 .0515 |
| 21 NCAC 21 .0107 | 21 NCAC 21 .0601 |
| 21 NCAC 21 .0202 | 21 NCAC 21 .0602 |
| 21 NCAC 21 .0203 | 21 NCAC 21 .0603 |
| 21 NCAC 21 .0301 | 21 NCAC 21 .0604 |
| 21 NCAC 21 .0302 | 21 NCAC 21 .0605 |
| 21 NCAC 21 .0303 | 21 NCAC 21 .0606 |
| 21 NCAC 21 .0403 | 21 NCAC 21 .0607 |
| 21 NCAC 21 .0404 | 21 NCAC 21 .0802 |
| 21 NCAC 21 .0405 | 21 NCAC 21 .0803 |
| 21 NCAC 21 .0406 | 21 NCAC 21 .0804 |
| 21 NCAC 21 .0407 | 21 NCAC 21 .0807 |
| 21 NCAC 21 .0501 | 21 NCAC 21 .0902 |
| 21 NCAC 21 .0502 | 21 NCAC 21 .0903 |
| 21 NCAC 21 .0505 | 21 NCAC 21 .0904 |
| 21 NCAC 21 .0506 | 21 NCAC 21 .1001 |
| 21 NCAC 21 .0507 | 21 NCAC 21 .1002 |
| 21 NCAC 21 .0508 | 21 NCAC 21 .1101 |
| 21 NCAC 21 .0510 | 21 NCAC 21 .1102 |



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

April 24, 2025

Sue Hodgin, NC Board of Opticians
Sent via email to: shodgin@ncopticiansboard.org
Re: Readoption deadline for 21 NCAC 40

Dear Ms. Hodgin:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on April 24, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **September 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION: Necessary
PERIODIC RULE REVIEW
November 26, 2024
APO Review: January 26, 2025
Opticians, State Board of
Total: 42

| | |
|------------------|------------------|
| 21 NCAC 40 .0101 | 21 NCAC 40 .0319 |
| 21 NCAC 40 .0104 | 21 NCAC 40 .0320 |
| 21 NCAC 40 .0106 | 21 NCAC 40 .0321 |
| 21 NCAC 40 .0107 | 21 NCAC 40 .0323 |
| 21 NCAC 40 .0109 | 21 NCAC 40 .0324 |
| 21 NCAC 40 .0111 | 21 NCAC 40 .0325 |
| 21 NCAC 40 .0113 | 21 NCAC 40 .0408 |
| 21 NCAC 40 .0202 | 21 NCAC 40 .0409 |
| 21 NCAC 40 .0205 | 21 NCAC 40 .0410 |
| 21 NCAC 40 .0206 | 21 NCAC 40 .0411 |
| 21 NCAC 40 .0207 | 21 NCAC 40 .0412 |
| 21 NCAC 40 .0209 | 21 NCAC 40 .0413 |
| 21 NCAC 40 .0210 | 21 NCAC 40 .0414 |
| 21 NCAC 40 .0211 | 21 NCAC 40 .0415 |
| 21 NCAC 40 .0212 | 21 NCAC 40 .0416 |
| 21 NCAC 40 .0214 | 21 NCAC 40 .0417 |
| 21 NCAC 40 .0301 | 21 NCAC 40 .0418 |
| 21 NCAC 40 .0302 | 21 NCAC 40 .0419 |
| 21 NCAC 40 .0303 | 21 NCAC 40 .0420 |
| 21 NCAC 40 .0312 | 21 NCAC 40 .0421 |
| 21 NCAC 40 .0314 | 21 NCAC 40 .0422 |



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

April 24, 2025

Joan Sutton, NC Board of Recreational Therapy Licensure
Sent via email to: joan@ncbrtl.org
Re: Readoption deadline for 21 NCAC 65

Dear Ms. Sutton:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on April 24, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **July 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION: Necessary
PERIODIC RULE REVIEW
November 26, 2024
APO Review: January 26, 2025
Recreational Therapy Licensure, Board of
Total: 22

21 NCAC 65 .0203
21 NCAC 65 .0204
21 NCAC 65 .0205
21 NCAC 65 .0301
21 NCAC 65 .0302
21 NCAC 65 .0401
21 NCAC 65 .0501
21 NCAC 65 .0601
21 NCAC 65 .0602
21 NCAC 65 .0603
21 NCAC 65 .0604
21 NCAC 65 .0701
21 NCAC 65 .0801
21 NCAC 65 .0901
21 NCAC 65 .0902
21 NCAC 65 .1001
21 NCAC 65 .1002
21 NCAC 65 .1003
21 NCAC 65 .1004
21 NCAC 65 .1005
21 NCAC 65 .1006
21 NCAC 65 .1007



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

April 25, 2025

Melissa Bowman, Veterinary Medical Board
Sent via email only to: mbowman@ncvmb.org

Re: Readoption deadline for 21 NCAC 66: Veterinary Medical Board

Dear Ms. Bowman

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the April 24, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **December 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION
PERIODIC RULE REVIEW
December 19, 2024
APO Review: February 19, 2025
Veterinary Medical Board
Total: 47

RRC Determination: Necessary

| | |
|------------------|------------------|
| 21 NCAC 66 .0101 | 21 NCAC 66 .0311 |
| 21 NCAC 66 .0102 | 21 NCAC 66 .0401 |
| 21 NCAC 66 .0105 | 21 NCAC 66 .0402 |
| 21 NCAC 66 .0106 | 21 NCAC 66 .0403 |
| 21 NCAC 66 .0108 | 21 NCAC 66 .0404 |
| 21 NCAC 66 .0201 | 21 NCAC 66 .0405 |
| 21 NCAC 66 .0202 | 21 NCAC 66 .0406 |
| 21 NCAC 66 .0203 | 21 NCAC 66 .0501 |
| 21 NCAC 66 .0205 | 21 NCAC 66 .0601 |
| 21 NCAC 66 .0206 | 21 NCAC 66 .0602 |
| 21 NCAC 66 .0207 | 21 NCAC 66 .0603 |
| 21 NCAC 66 .0208 | 21 NCAC 66 .0604 |
| 21 NCAC 66 .0209 | 21 NCAC 66 .0605 |
| 21 NCAC 66 .0210 | 21 NCAC 66 .0606 |
| 21 NCAC 66 .0211 | 21 NCAC 66 .0607 |
| 21 NCAC 66 .0301 | 21 NCAC 66 .0608 |
| 21 NCAC 66 .0303 | 21 NCAC 66 .0609 |
| 21 NCAC 66 .0304 | 21 NCAC 66 .0610 |
| 21 NCAC 66 .0305 | 21 NCAC 66 .0701 |
| 21 NCAC 66 .0306 | 21 NCAC 66 .0702 |
| 21 NCAC 66 .0307 | 21 NCAC 66 .0703 |
| 21 NCAC 66 .0308 | 21 NCAC 66 .0704 |
| 21 NCAC 66 .0309 | 21 NCAC 66 .0705 |
| 21 NCAC 66 .0310 | |



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

April 24, 2025

Jason Hall, NC Board for Licensing of Soil Scientists
Sent via email to: jhall@centralcarolinasoil.com
Re: Readoption deadline for 21 NCAC 69

Dear Mr. Hall:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on April 24, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **July 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION: Necessary
PERIODIC RULE REVIEW
November 26, 2024
APO Review: January 26, 2025
Soil Scientists, Board for Licensing of
Total: 16

21 NCAC 69 .0101
21 NCAC 69 .0103
21 NCAC 69 .0104
21 NCAC 69 .0201
21 NCAC 69 .0202
21 NCAC 69 .0301
21 NCAC 69 .0302
21 NCAC 69 .0303
21 NCAC 69 .0304
21 NCAC 69 .0305
21 NCAC 69 .0306
21 NCAC 69 .0307
21 NCAC 69 .0308
21 NCAC 69 .0401
21 NCAC 69 .0402
21 NCAC 69 .0501

**RULES REVIEW COMMISSION MEETING
MINUTES
May 29, 2025**

The Rules Review Commission met on Thursday, May 29, 2025, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and the meeting was streamed for the public via Webex.

Commissioners Wayne R. Boyles III, Jeanette Doran, John S. Hahn, Jeff Hyde, Brandon Leebrick, Chris Loutit, Randy Overton, Bill Nelson, Jake Parker, and Paul Powell were present in the Commission Room.

Staff member Alexander Burgos, Commission Counsel Seth Ascher, Bill Peaslee, and Travis Wiggs were present in the room.

The meeting was called to order at 10:00 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes from the April 24, 2025 meeting. There were none, and the minutes were unanimously approved as distributed. There was a motion by Commissioner Leebrick to amend the April minutes to reflect that he was not present at the April 24, 2025 meeting. The motion was seconded and unanimously approved.

FOLLOW-UP MATTERS

Marine Fisheries Commission

15A NCAC 03O .0601, .0603, .0604, .0605, and .0606 were unanimously approved.

15A NCAC 03O .0602 was withdrawn at the request of the agency. No action was required by the Commission.

Department of the Secretary of State

18 NCAC 07B .0101, .0102, .0105, .0110, .0111, .0305, .0308, .0310, .0313, .0314, .0402, .0405, .0408, .0409, .0411, .0414, .0420, .0421, .0422, .0423, .0424, .0425, .0426, .0427, .0428, .0429, .0430, .0431, .0601, .0603, .0607, .0609, .0610, .0801, .0802, .0803, .0804, .0805, .0806, .0807, .0808, .0809, .0810; 07C .0801, .0802, .0803, .0804, .0805; 07D .0103, .0104, .0105, .0106, .0309, .0310, .0401, .0402, .0403, .0404, .0405, .0406, .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0601, .0602, .0603, .0604, .0605, .0606; 07F .0102, .0103, .0202, .0303, .0601, .0704, .0710, .0804, .0807, .0814, .0815, .0816, .1003, .1004; 07G .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0110; 07H .0101, .0102, .0103, .0104, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0301, .0302, .0303, .0401, .0402, .0403, .0404, .0405, .0406, .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, .0509, .0510, .0511, .0512, .0601, .0602, .0603, .0604, .0605, .0606, .0607, .0608, .0609, .0610, .0611, .0612, .0701; 07I .0102, .0106, .0207, .0302, .0303, .0308, .0404, .0406, and 07K .0101 were unanimously approved.

Real Estate Commission

21 NCAC 58A .0302 was unanimously approved.

LOG OF FILINGS (PERMANENT RULES)

Gasoline and Oil Inspection Board

The Commission unanimously voted to extend the period of review for 02 NCAC 42 .0201 for 28 days until the June 26, 2025 meeting.

Department of Public Safety

14B NCAC 05B .0203 was unanimously approved.

Wildlife Resources Commission

15A NCAC 10B .0203; 10C .0316; 10D .0102; 10F .0347 and .0363 were unanimously approved.

Board of Dental Examiners

21 NCAC 16B .1101; 16C .0601; 16H .0205; 16I .0206; 16Q .0701; 16R .0206; 16T .0104 and 16W .0101 were unanimously approved.

Medical Board

21 NCAC 32B .1361; 32N .0107, and 32S .0226 were unanimously approved.

Existing Rules Review

Historical Commission

07 NCAC 04 – The Commission unanimously approved the report as submitted by the agency.

Tryon Palace Commission

07 NCAC 04S - The Commission unanimously approved the report as submitted by the agency.

Water Pollution Control System Operators Certification Commission

15A NCAC 08 - The Commission unanimously approved the report as submitted by the agency.

Water Treatment Facility Operators Certification Board

15A NCAC 18D - The Commission unanimously approved the report as submitted by the agency.

Department of Revenue

17 NCAC 06 - The Commission unanimously approved the report as submitted by the agency.

Transportation – Division of Motor Vehicles

19A NCAC 03 - The Commission unanimously approved the report as submitted by the agency.

Office of the Commissioner of Banks

04 NCAC 16 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than April 1, 2027 pursuant to G.S. 150B-21.3A(d)(2).

Commission for Public Health

10A NCAC 45 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than September 1, 2027 pursuant to G.S. 150B-21.3A(d)(2).

Occupational Safety and Health Review Commission

24 NCAC 03 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than August 1, 2027 pursuant to G.S. 150B-21.3A(d)(2).

COMMISSION BUSINESS

The meeting adjourned at 10:14 a.m.

The next regularly scheduled meeting of the Commission is Thursday, June 26, 2025, at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

May 29, 2025

Rules Review Commission
Meeting
Please Print Legibly

| Name | Agency |
|----------------------|------------------|
| CATHERINE BLUM | NCDMF |
| Jennifer Everett | DEQ |
| JESSE JARVIS | OSBM |
| Emil Willy | DOT |
| Steven Brown | DOR |
| William Young | DOR |
| Margaret T. McDonald | NCDPS |
| Ann Warr | SOS |
| ANN ELMORE | SOS |
| Laura Hansford | DOR |
| John Laol | JAT/HAFB |
| William Torpe | SOS |
| Jason Walker | NC MARINE PATROL |
| Douglas Broden | NC Dental Board |
| Marcus Winder | NC MB |
| Anna Hayworth | NCPA |
| Allison Benjamin | DOT |
| | |
| | |
| | |
| | |

Rules Review Commission Meeting May 29, 2025**Via WebEx**

| Name | Agency |
|--------------------|------------------------|
| Christina Young | DHHS |
| Jonathan Puryear | DOR |
| Tamika Jenkins | DHHS |
| Dana McGhee | IC |
| Devon Horine | DHHS |
| Brian Liebman | OAH |
| Amy Funderburk | DOI |
| Belinda Artis | DOR |
| Carrie Ruhlman | WRC |
| Betsy Haywood | WRC |
| David Luttrell | SOSNC |
| Tina DuPree | SOSNC |
| Marlika Hairston | NCCOB |
| Michael Maier | DEQ |
| Julie Ventaloro | OSBMV |
| Joelle Bureson | DEQ |
| Jonathan Avery | DNCR |
| Grace Hardwick | OSBM |
| Virginia Niehaus | DHHS |
| Dennis Seavers | BARBER BOARD |
| Julie Eddins | OAH |
| Dilcy Burton | DOJ |
| Shazia Keller | DHHS |
| Whitney Waldenberg | Dental Board |
| Young, Elizabeth | DOJ |
| Michele Mabry | wsp.com |
| Hope Ascher | |
| Leigh Satterwhite | Medical Board |
| Genevieve Kaplan | stateside.com |
| Michael Rhodes | pima.org |
| Donna Powell | DOR |
| Robin L Gunter | DOR |
| Thom Robbins | DOR |
| Melissa Vuotto | Real Estate Commission |
| Lefifia Moore | DOR |



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

May 29, 2025

Marlika Hairston, Office of the Commissioner of Banks

Sent via email only to: mhairston @nccob.gov

Re: Readoption deadline for 04 NCAC 16: Commissioner of Banks

Dear Ms. Hairston

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-2 1.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the May 29, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **April, 12027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher Seth Ascher
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer

1711 New Hope Church Road, Raleigh, NC 27609 Telephone:
(984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION: Necessary
PERIODIC RULE REVIEW
November 26, 2024
APO Review: January 26, 2025
Banks, Office of the Commissioner of
Total: 74

| | |
|-------------------|-------------------|
| 04 NCAC 16A .0103 | 04 NCAC 16H .0101 |
| 04 NCAC 16A .0105 | 04 NCAC 16H .0103 |
| 04 NCAC 16C .0304 | 04 NCAC 16H .0104 |
| 04 NCAC 16E .0103 | 04 NCAC 16H .0105 |
| 04 NCAC 16E .0104 | 04 NCAC 16H .0108 |
| 04 NCAC 16E .0301 | 04 NCAC 16I .0702 |
| 04 NCAC 16E .0302 | 04 NCAC 16I .0703 |
| 04 NCAC 16E .0401 | 04 NCAC 16I .0801 |
| 04 NCAC 16E .0403 | 04 NCAC 16I .0802 |
| 04 NCAC 16E .0502 | 04 NCAC 16I .0803 |
| 04 NCAC 16F .0101 | 04 NCAC 16I .0901 |
| 04 NCAC 16F .0102 | 04 NCAC 16I .0902 |
| 04 NCAC 16F .0103 | 04 NCAC 16I .1001 |
| 04 NCAC 16F .0105 | 04 NCAC 16I .1002 |
| 04 NCAC 16G .0103 | 04 NCAC 16I .1003 |
| 04 NCAC 16G .0104 | 04 NCAC 16I .1102 |
| 04 NCAC 16G .0106 | 04 NCAC 16I .1103 |
| 04 NCAC 16G .0311 | 04 NCAC 16I .1104 |
| 04 NCAC 16G .0312 | 04 NCAC 16I .1105 |
| 04 NCAC 16G .0313 | 04 NCAC 16I .1301 |
| 04 NCAC 16G .0315 | 04 NCAC 16I .1302 |
| 04 NCAC 16G .0405 | 04 NCAC 16K .0101 |
| 04 NCAC 16G .0509 | 04 NCAC 16K .0102 |
| 04 NCAC 16G .0510 | 04 NCAC 16K .0103 |
| 04 NCAC 16G .0511 | 04 NCAC 16K .0104 |
| 04 NCAC 16G .0512 | 04 NCAC 16K .0105 |
| 04 NCAC 16G .0513 | 04 NCAC 16K .0106 |
| 04 NCAC 16G .0515 | 04 NCAC 16K .0107 |
| 04 NCAC 16G .0516 | 04 NCAC 16K .0108 |
| 04 NCAC 16G .0712 | 04 NCAC 16K .0109 |
| 04 NCAC 16G .0713 | 04 NCAC 16K .0110 |
| 04 NCAC 16G .0715 | 04 NCAC 16K .0111 |
| 04 NCAC 16G .0717 | 04 NCAC 16K .0112 |
| 04 NCAC 16G .0718 | 04 NCAC 16K .0117 |
| 04 NCAC 16G .0720 | 04 NCAC 16L .0102 |
| 04 NCAC 16G .0722 | 04 NCAC 16L .0103 |
| 04 NCAC 16G .0823 | 04 NCAC 16L .0104 |



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

May 29, 2025

Virginia Niehaus, Commission for Public Health
Sent via email to: virginia.niehaus@dhhs.nc.gov
Re: Readoption deadline for 10A NCAC 45

Dear Ms. Niehaus:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on May 29, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **September 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION
PERIODIC RULE REVIEW
December 19, 2024
APO Review: February 19, 2025
Public Health, Commission for
Total: 21

RRC Determination: Necessary

10A NCAC 45A .0101
10A NCAC 45A .0102
10A NCAC 45A .0201
10A NCAC 45A .0202
10A NCAC 45A .0203
10A NCAC 45A .0204
10A NCAC 45A .0301
10A NCAC 45A .0302
10A NCAC 45A .0303
10A NCAC 45A .0304
10A NCAC 45A .0305
10A NCAC 45A .0401
10A NCAC 45A .0402
10A NCAC 45A .0403
10A NCAC 45A .0404
10A NCAC 45A .0405
10A NCAC 45A .0501
10A NCAC 45A .0502
10A NCAC 45A .0503
10A NCAC 45B .0101
10A NCAC 45B .0104



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

May 29, 2025

Karissa Sluss, Occupational Safety and Health Review Commission
Sent via email to: Karissa.Sluss@oshrc.labor.nc.gov
Re: Readoption deadline for 24 NCAC 03

Dear Ms. Sluss:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on May 29, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **August 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION: Necessary
PERIODIC RULE REVIEW
November 26, 2024
APO Review: January 26, 2025
Occupational Safety and Health Review Commission
Total: 59

| | |
|------------------|------------------|
| 24 NCAC 03 .0101 | 24 NCAC 03 .0502 |
| 24 NCAC 03 .0102 | 24 NCAC 03 .0503 |
| 24 NCAC 03 .0103 | 24 NCAC 03 .0504 |
| 24 NCAC 03 .0104 | 24 NCAC 03 .0505 |
| 24 NCAC 03 .0105 | 24 NCAC 03 .0506 |
| 24 NCAC 03 .0106 | 24 NCAC 03 .0507 |
| 24 NCAC 03 .0107 | 24 NCAC 03 .0508 |
| 24 NCAC 03 .0108 | 24 NCAC 03 .0509 |
| 24 NCAC 03 .0109 | 24 NCAC 03 .0510 |
| 24 NCAC 03 .0110 | 24 NCAC 03 .0511 |
| 24 NCAC 03 .0201 | 24 NCAC 03 .0512 |
| 24 NCAC 03 .0202 | 24 NCAC 03 .0513 |
| 24 NCAC 03 .0203 | 24 NCAC 03 .0514 |
| 24 NCAC 03 .0301 | 24 NCAC 03 .0515 |
| 24 NCAC 03 .0302 | 24 NCAC 03 .0516 |
| 24 NCAC 03 .0303 | 24 NCAC 03 .0601 |
| 24 NCAC 03 .0304 | 24 NCAC 03 .0602 |
| 24 NCAC 03 .0305 | 24 NCAC 03 .0603 |
| 24 NCAC 03 .0306 | 24 NCAC 03 .0604 |
| 24 NCAC 03 .0307 | 24 NCAC 03 .0605 |
| 24 NCAC 03 .0308 | 24 NCAC 03 .0701 |
| 24 NCAC 03 .0309 | 24 NCAC 03 .0702 |
| 24 NCAC 03 .0401 | 24 NCAC 03 .0703 |
| 24 NCAC 03 .0402 | 24 NCAC 03 .0704 |
| 24 NCAC 03 .0403 | 24 NCAC 03 .0705 |
| 24 NCAC 03 .0404 | 24 NCAC 03 .0706 |
| 24 NCAC 03 .0405 | 24 NCAC 03 .0707 |
| 24 NCAC 03 .0406 | 24 NCAC 03 .0708 |
| 24 NCAC 03 .0501 | 24 NCAC 03 .0709 |
| | 24 NCAC 03 .0710 |