

# Commission Review

## Log of Permanent Rule Filings

### December 21, 2023 through January 20, 2024

\* Approval Recommended, \*\* Objection Recommended, \*\*\* Other

#### OFFICE OF STATE BUDGET AND MANAGEMENT

The rules in Subchapter 3M provide for the uniform administration of State grants including rules about organization and structure (.0100); responsibilities of grantees and subgrantees (.0200); responsibilities of the Office of the State Controller (.0300); responsibilities of agencies (.0400); responsibilities of the office of State Auditor (.0500); responsibilities of the Office of State Budget and Management (.0600); contracting monitoring and oversight (.0700); and sanctions (.0800).

<u>Purpose</u>	09 NCAC 03M .0101
Amend*	
<u>Definitions</u>	09 NCAC 03M .0102
Amend*	
<u>Allowable Uses of Grants</u>	09 NCAC 03M .0201
Amend*	
<u>Recipient and Subrecipient Responsibilities</u>	09 NCAC 03M .0202
Amend**	
<u>Minimum Reporting Requirements for Recipients and Subrecipient...</u>	09 NCAC 03M .0205
Amend*	
<u>Agency Responsibilities</u>	09 NCAC 03M .0401
Amend**	
<u>Office of State Budget and Management Responsibilities</u>	09 NCAC 03M .0601
Amend*	
<u>Required Contract Provisions</u>	09 NCAC 03M .0703
Amend*	
<u>Noncompliance with Rules</u>	09 NCAC 03M .0801
Amend*	
<u>Recovery of State Funds</u>	09 NCAC 03M .0802
Amend**	

#### SECRETARY OF STATE, DEPARTMENT OF THE

The rules in Subchapter 7B are general requirements and include general provisions (.0100); fees paid to the division (.0200); initial appointment (.0300); forms (.0400); criminal records (.0500); denials, discipline, and enforcement (.0600); and reporting professional licenses, public offices, and notary commissions (.0700).

<u>Scope</u>	18 NCAC 07B .0101
Amend*	
<u>Definitions</u>	18 NCAC 07B .0102
Amend*	
<u>Operating Hours and General Contact Information</u>	18 NCAC 07B .0103
Amend*	
<u>ADA Accommodations</u>	18 NCAC 07B .0104
Adopt*	
<u>Obtaining Requested Information</u>	18 NCAC 07B .0105

Adopt*	
<u>Waiver</u>	18 NCAC 07B .0106
Amend*	
<u>Contents of Waiver Request</u>	18 NCAC 07B .0107
Adopt*	
<u>Factors Used in Considering Waiver Requests</u>	18 NCAC 07B .0108
Adopt*	
<u>Computation of Time Periods</u>	18 NCAC 07B .0109
Adopt*	
<u>Request to Department for Confidential Information</u>	18 NCAC 07B .0110
Amend*	
<u>Initial Application for Notary Commission Form</u>	18 NCAC 07B .0407
Adopt*	
<u>Affidavit of Moral Character</u>	18 NCAC 07B .0408
Adopt*	
<u>Application for Recommissioning as Notary Public</u>	18 NCAC 07B .0409
Adopt*	
<u>Notice of Changes Required by 18 NCAC 07D .0301</u>	18 NCAC 07B .0410
Adopt*	
<u>Notice of Changes Regarding Criminal History Record</u>	18 NCAC 07B .0411
Adopt*	
<u>Notice of Changes Regarding Professional Licenses, Notary...</u>	18 NCAC 07B .0412
Adopt*	
<u>Notice of Changes Regarding Findings or Admissions of Dec...</u>	18 NCAC 07B .0413
Adopt*	
<u>Application for Certification as Notary Instructor</u>	18 NCAC 07B .0414
Adopt*	
<u>Recommendation of Notary Instructor Applicant</u>	18 NCAC 07B .0415
Adopt*	
<u>Employer Affidavit Regarding Instructor Applicant Active ...</u>	18 NCAC 07B .0416
Adopt*	
<u>Student Evaluation of Notary Instructor Form</u>	18 NCAC 07B .0417
Adopt*	
<u>Application for Recertification as Notary Instructor</u>	18 NCAC 07B .0418
Adopt*	
<u>Crimes</u>	18 NCAC 07B .0501
Adopt*	
<u>Additional Requirements for an Individual Listing Convict...</u>	18 NCAC 07B .0502
Adopt*	
<u>Explanation of Convictions</u>	18 NCAC 07B .0503
Adopt*	
<u>Additional Documentation for Convictions</u>	18 NCAC 07B .0504
Adopt*	
<u>Requirements for Individual with Pending Criminal Charges</u>	18 NCAC 07B .0505
Adopt*	
<u>Notice to Department of Disposition of Pending Charge</u>	18 NCAC 07B .0506
Adopt*	
<u>Factors for Disciplinary Actions</u>	18 NCAC 07B .0601
Amend*	

<u>Denials</u>	18 NCAC 07B .0602
Amend*	
<u>Levels of Enforcement</u>	18 NCAC 07B .0603
Amend*	
<u>Letter of Caution</u>	18 NCAC 07B .0604
Amend*	
<u>Warning</u>	18 NCAC 07B .0605
Amend*	
<u>Suspension</u>	18 NCAC 07B .0606
Amend*	
<u>Restriction</u>	18 NCAC 07B .0607
Amend*	
<u>Mandatory Revocation</u>	18 NCAC 07B .0608
Adopt*	
<u>General</u>	18 NCAC 07B .0701
Amend*	
<u>Requirements Regarding Professional Licenses and Notarial...</u>	18 NCAC 07B .0702
Adopt*	
<u>Disciplinary Action Involving a Professional License or ...</u>	18 NCAC 07B .0703
Adopt*	
<u>Public Offices</u>	18 NCAC 07B .0704
Adopt*	
<u>Denials of Public Offices</u>	18 NCAC 07B .0705
Adopt*	
<u>Resignations from Public Offices</u>	18 NCAC 07B .0706
Adopt*	
<u>Disciplinary Action Involving a Public Office</u>	18 NCAC 07B .0707
Adopt*	

The rules in Subchapter 7C concern the process to become a notary and renew a notary commission including general provisions (.0100); initial application for notary public appointment and commission (.0200); course of instruction (.0300); appointment and commissioning of notaries (.0400); remedies for failure to comply with application or commissioning requirements (.0500); steps for recommissioning (.0600); and attorney notaries (.0700).

<u>Scope</u>	18 NCAC 07C .0101
Adopt*	
<u>Definitions Related to Application and Recommissioning Pr...</u>	18 NCAC 07C .0102
Adopt*	
<u>Initial Application</u>	18 NCAC 07C .0201
Amend*	
<u>Timing</u>	18 NCAC 07C .0202
Amend*	
<u>Requirements for Applicants Residing Outside North Carolina</u>	18 NCAC 07C .0203
Amend*	
<u>Additional Requirements for Applicants Listing Convictions</u>	18 NCAC 07C .0204
Adopt*	
<u>Requirements for Applicant with Pending Criminal Charges</u>	18 NCAC 07C .0205
Adopt*	
<u>Requirements for Applicants Regarding Professional Licens...</u>	18 NCAC 07C .0206
Adopt*	

<u>Findings or Admissions of Liability Based on the Applica...</u> Adopt*	18 NCAC 07C .0207
<u>Findings that the Applicant Engaged in Official Misconduct</u> Adopt*	18 NCAC 07C .0208
<u>Findings of Unauthorized Practice of Law</u> Adopt*	18 NCAC 07C .0209
<u>Finding of False or Misleading Advertising</u> Adopt*	18 NCAC 07C .0210
<u>Courses Taught by Certified Notary Instructors</u> Adopt*	18 NCAC 07C .0301
<u>Notary Courses Taken by Formerly Commissioned Notaries</u> Adopt*	18 NCAC 07C .0302
<u>Presentation of Satisfactory Evidence of Identity in Conn...</u> Adopt*	18 NCAC 07C .0303
<u>Satisfactory Evidence Presented to Instructor</u> Adopt*	18 NCAC 07C .0304
<u>Retesting</u> Adopt*	18 NCAC 07C .0305
<u>Appointment</u> Amend*	18 NCAC 07C .0401
<u>Issuance of Certificates</u> Adopt*	18 NCAC 07C .0402
<u>Notice to Appointee</u> Adopt*	18 NCAC 07C .0403
<u>Commission Certificate</u> Amend*	18 NCAC 07C .0404
<u>Satisfactory Evidence of Identity</u> Amend*	18 NCAC 07C .0405
<u>Register of Deeds</u> Adopt*	18 NCAC 07C .0406
<u>Performing Traditional Notarial Acts</u> Adopt*	18 NCAC 07C .0407
<u>Term of Commission</u> Amend*	18 NCAC 07C .0409
<u>Term of Reappointment Commission</u> Adopt*	18 NCAC 07C .0410
<u>Notarial Acts Prohibited During Gaps Between Commission T...</u> Adopt*	18 NCAC 07C .0411
<u>Late Application</u> Amend*	18 NCAC 07C .0502
<u>Application After Recommissioning Denial Based on Failing...</u> Amend*	18 NCAC 07C .0504
<u>Application for Recommissioning within 12 months of Commiss...</u> Amend*	18 NCAC 07C .0505
<u>Recommissioning Educational Requirement</u> Adopt*	18 NCAC 07C .0506
<u>Application for Recommissioning More than 12 months after C...</u> Adopt*	18 NCAC 07C .0507
<u>Cancellation of Commission</u>	18 NCAC 07C .0508

Adopt*	
<u>Rescind Cancellation of Certificate of Appointment</u>	18 NCAC 07C .0509
Adopt*	
<u>Confirmation of Notary Status</u>	18 NCAC 07C .0510
Adopt*	
<u>Application Steps for Recommissioning</u>	18 NCAC 07C .0601
Amend*	
<u>Method of Taking Recommissioning Exam</u>	18 NCAC 07C .0602
Amend*	
<u>Course as Alternative to Recommissioning Exam</u>	18 NCAC 07C .0603
Amend*	
<u>Exam Length and Passing Score</u>	18 NCAC 07C .0604
Adopt*	
<u>Retaking Recommissioning Exam after Failure</u>	18 NCAC 07C .0605
Adopt*	
<u>Failure to Pass Exam within 30 Days</u>	18 NCAC 07C .0606
Adopt*	
<u>Individual Who Fails to Seek Recommissioning within One Year</u>	18 NCAC 07C .0607
Adopt*	
<u>Attorney Application for Initial Appointment</u>	18 NCAC 07C .0701
Adopt*	
<u>Recommissioning of Attorney Notaries</u>	18 NCAC 07C .0702
Adopt*	
<u>Attorneys who Fail to Take Notarial Oath Timely</u>	18 NCAC 07C .0703
Adopt*	
<u>Attorneys Seeking Registration or Reregistration as Elect...</u>	18 NCAC 07C .0704
Adopt*	
The rules in Subchapter 7D concern continuing obligations of notaries including general obligations (.0100); and notice to department of changes (.0300).	
<u>Scope</u>	18 NCAC 07D .0101
Adopt*	
<u>Response to Department Requests</u>	18 NCAC 07D .0102
Adopt*	
<u>Extension Request to Department</u>	18 NCAC 07D .0103
Adopt*	
<u>Department Response to Extension Request</u>	18 NCAC 07D .0104
Adopt*	
<u>Obligation to Give Notice of Changes in Primary Information</u>	18 NCAC 07D .0301
Amend*	
<u>Notice to Department of Pending Criminal Charges</u>	18 NCAC 07D .0302
Adopt*	
<u>Notice to Department of Criminal Charge Disposition</u>	18 NCAC 07D .0303
Adopt*	
<u>Notice to Department of Findings or Admissions of Deceit</u>	18 NCAC 07D .0304
Adopt*	
<u>Notice to Department of Changes to Professional License, ...</u>	18 NCAC 07D .0305
Adopt*	
<u>Notice to Department of Official Misconduct</u>	18 NCAC 07D .0306

Adopt*	
<u>Notice to Department of False or Misleading Advertising</u>	18 NCAC 07D .0307
Adopt*	
<u>Notice to Department Regarding Unauthorized Practice of Law</u>	18 NCAC 07D .0308
Adopt*	
<p>The rules in Subchapter 7E concern notary instructor requirements including notary instructor application requirements (.0100); instructor applicant verification of experience (.0200); notary instruction education (.0300); consequences of failing instructor's exam (.0400); notary instructor teaching obligations (.0600); notary instructor continuing obligations (.0700); notary instructor requests for approval of instructional aids (.0800); notary instructor obligations to students (.0900); notary instructor evaluation (.1000); notary instructor recertification (.1100); and instructor application denials (.1200).</p>	
<u>Instructor Certification - Scope and Definitions</u>	18 NCAC 07E .0101
Amend*	
<u>Conditions for Becoming Notary Instructor</u>	18 NCAC 07E .0102
Adopt*	
<u>Nomination by Eligible Institution</u>	18 NCAC 07E .0103
Adopt*	
<u>Exemption and Failure to Pay</u>	18 NCAC 07E .0104
Amend*	
<u>General Requirements</u>	18 NCAC 07E .0105
Amend*	
<u>Mandatory Department Denial of Instructor Application</u>	18 NCAC 07E .0106
Amend*	
<u>Department Rejections of Applications</u>	18 NCAC 07E .0107
Repeal*	
<u>Verification that Instructor Applicant Continues to Meet ...</u>	18 NCAC 07E .0108
Amend*	
<u>Change in Instructor's Eligible Institution</u>	18 NCAC 07E .0109
Adopt*	
<u>Other Verifications</u>	18 NCAC 07E .0111
Repeal*	
<u>Recommendations</u>	18 NCAC 07E .0112
Amend*	
<u>Instructors as Registered Electronic Notaries</u>	18 NCAC 07E .0113
Adopt*	
<u>Evidence of Active Experience as a Notary</u>	18 NCAC 07E .0201
Amend*	
<u>Journal as Evidence of Active Experience</u>	18 NCAC 07E .0202
Adopt*	
<u>Minimum Contents of Notary Journal Submitted as Evidence ...</u>	18 NCAC 07E .0204
Amend*	
<u>Employer Affidavit as Evidence of Experience</u>	18 NCAC 07E .0205
Adopt*	
<u>Employer Affidavit Regarding Notarial Acts for Employer</u>	18 NCAC 07E .0206
Adopt*	
<u>Employer Affidavit May Include Recommendation</u>	18 NCAC 07E .0207
Adopt*	
<u>Submittal of Employer Affidavit as Evidence of Experience</u>	18 NCAC 07E .0209

Amend*	
<u>Alternative Affidavits as Evidence of Experience</u>	18 NCAC 07E .0212
Amend*	
<u>Affidavit of Experience from Nonfamily Member</u>	18 NCAC 07E .0213
Adopt*	
<u>Alternative Evidence of Affidavit from Instructor Applicant</u>	18 NCAC 07E .0214
Adopt*	
<u>Instructor Course Requirement</u>	18 NCAC 07E .0301
Adopt*	
<u>Notary Instructor Certification and Recertification Exam ...</u>	18 NCAC 07E .0302
Amend*	
<u>Oral Presentation Requirement for Instructor Applicant</u>	18 NCAC 07E .0303
Amend*	
<u>Notary Instructor Oral Presentation Passing Score</u>	18 NCAC 07E .0304
Adopt*	
<u>Factors Relating to Voice</u>	18 NCAC 07E .0306
Adopt*	
<u>Factors Relating to Verbal Skill</u>	18 NCAC 07E .0307
Adopt*	
<u>Factors Relating to Physical Appearance and Mannerisms</u>	18 NCAC 07E .0308
Adopt*	
<u>Factors Relating to Professional Qualities of the Instructor</u>	18 NCAC 07E .0309
Adopt*	
<u>Factors Relating to Selection and Use of Training Aids</u>	18 NCAC 07E .0310
Adopt*	
<u>Factors Relating to Sequence</u>	18 NCAC 07E .0311
Adopt*	
<u>Factors Relating to Emphasis, Examples, and Summarization</u>	18 NCAC 07E .0312
Adopt*	
<u>Retaking Written Certification or Recertification Exam</u>	18 NCAC 07E .0401
Adopt*	
<u>Consequence of Failing to Pass Written Instructor Exam</u>	18 NCAC 07E .0402
Adopt*	
<u>Scheduling Additional Oral Presentation Upon Failure+</u>	18 NCAC 07E .0403
Adopt*	
<u>Repeat Oral Presentation</u>	18 NCAC 07E .0404
Adopt*	
<u>Evaluation of Repeat Oral Presentation</u>	18 NCAC 07E .0405
Adopt*	
<u>Consequence of Failing to Pass Second Oral Presentation</u>	18 NCAC 07E .0406
Adopt*	
<u>Consequence of Failing to Recertify</u>	18 NCAC 07E .0407
Adopt*	
<u>Minimum Instructional Duties of Certified Notary Instructors</u>	18 NCAC 07E .0601
Amend*	
<u>Adherence to Curriculum</u>	18 NCAC 07E .0602
Adopt*	
<u>Proctoring Exam</u>	18 NCAC 07E .0603
Adopt*	

<u>Submission of Grades to Department</u> Adopt*	18 NCAC 07E .0604
<u>Reporting Suspected Cheating</u> Adopt*	18 NCAC 07E .0605
<u>Response to Complaints</u> Amend*	18 NCAC 07E .0701
<u>Instructor Conduct</u> Adopt*	18 NCAC 07E .0702
<u>Request for Variance from Approved Instructional Aids</u> Adopt*	18 NCAC 07E .0801
<u>Variance Request - Exemplar Required</u> Adopt*	18 NCAC 07E .0802
<u>Variance Request - Explanation of Value</u> Adopt*	18 NCAC 07E .0803
<u>Variance Request - Approval of Criteria</u> Adopt*	18 NCAC 07E .0804
<u>Prerequisite for Instructor Application Signature</u> Adopt*	18 NCAC 07E .0901
<u>Instructor Verification of Student Name</u> Adopt*	18 NCAC 07E .0902
<u>Retesting Students Who Fail Notary Course Exam</u> Adopt*	18 NCAC 07E .0903
<u>Notice to Department of Retesting</u> Adopt*	18 NCAC 07E .0904
<u>Student Evaluations of Instructors</u> Amend*	18 NCAC 07E .1001
<u>Departmental Use of Student Evaluations</u> Adopt*	18 NCAC 07E .1002
<u>Ineligibility for Recertification as Notary Instructor</u> Amend*	18 NCAC 07E .1101
<u>Notary Public Instructor Recertification Requirements</u> Amend*	18 NCAC 07E .1102
<u>Notary Instructor Certification Equivalence</u> Amend*	18 NCAC 07E .1103
<u>Notary Instructor Recertification Course Oral Presentation</u> Adopt*	18 NCAC 07E .1104
<u>Notary Instructor with Lapse in Certification</u> Adopt*	18 NCAC 07E .1105
<u>Application Denial - Failure to Notify Department of Changes</u> Adopt*	18 NCAC 07E .1202
<u>Application Denial - Termination for Cause</u> Adopt*	18 NCAC 07E .1203
<u>Application Denial - Failure to Submit Exam Grades</u> Adopt*	18 NCAC 07E .1204
<u>Application Denial - Disciplinary Action</u> Adopt*	18 NCAC 07E .1205



## **ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR**

The rules in Chapter 56 concern the organization of the board (.0100); instructional programs (.0300); records and reports of the board, retention and dispositions (.0400); professional engineer (.0500); professional land surveyor (.0600); rules of professional conduct (.0700); firm registration (.0800); general business entities (.0900); temporary permit (.1000); seal (.1100); rulemaking proceedings (.1200); board disciplinary procedures (.1300); contested cases (.1400); fees (.1500); standards of practice for land surveying in North Carolina (.1600); and continuing professional competency (.1700).

<u>Application Procedure: Individual</u>	21 NCAC 56 .0502
Amend*	

<u>Rules of Professional Conduct</u>	21 NCAC 56 .0701
Amend*	

## **BUILDING CODE COUNCIL**

<u>2024 North Carolina Energy Conservation Code</u>	221213 Item B-6
Amend*	

<u>2024 North Carolina Fuel Gas Code</u>	230613 Item B-2
Amend*	

<u>2024 North Carolina Mechanical Code</u>	230613 Item B-1
Amend*	