

1 18 NCAC 07B .0101 is amended as published in 39:13 NCR 804 as follows:

2
3 **SUBCHAPTER 07B – GENERAL REQUIREMENTS**

4
5 **SECTION .0100 – GENERAL PROVISIONS**

6
7 **18 NCAC 07B .0101 SCOPE**

8 The rules in this Subchapter implement Chapter 10B of the General Statutes. The rules govern:

- 9 (1) the qualification, commissioning, notarial acts, conduct, and discipline of notaries public as public
10 officers of the State;
- 11 (2) the qualification, certification, and discipline of certified notary instructors; ~~and~~
- 12 (3) the qualification, approval or licensing, conduct, and discipline of technology ~~providers~~; providers;
13 and
- 14 (4) the conduct and discipline of manufacturers and vendors of notary public seals.

15
16 *History Note: Authority G.S. 10B-4; 10B-14(f); 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-*
17 *134.19; 10B-134.21; 10B-134.23;*
18 *Eff. April 1, 2007;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
20 *6, 2016;*
21 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07B .0102 is amended with changes as published in 39:13 NCR 804-807 as follows:

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

4 For purposes of this Chapter:

- 5 (1) "Appoint" or "Appointment" means the naming of an individual to the office of notary public after
6 determination that the individual has complied with Chapter 10B of the General Statutes and
7 Subchapter 07C of this Chapter. For the purposes of the rules in this Chapter, the terms "appoint,"
8 "reappoint," "appointment," "reappointment," "commission," "recommission," "commissioning,"
9 and "recommissioning" all refer to the term "commission" as defined in G.S. 10B-3(4) or to the
10 process of acquiring or maintaining the commission.
- 11 (2) "Appointee" means an individual who has been appointed or reappointed to the office of notary
12 public but has not yet taken the oath of office to be commissioned.
- 13 (3) "Authorization" means a notary commission, an electronic notary registration, an instructor
14 certification, an approval, a manufacturer or vendor registration, or a license issued by the
15 Department pursuant to Chapter 10B of the General Statutes.
- 16 (4) "Authorize" means the Department's action to issue an authorization.
- 17 (5) "Commission date" means the beginning date of commissioning or recommissioning as entered on
18 a commission certificate.
- 19 (6) "Court" means a tribunal of a locality, state, the Armed Forces of the United States, a federally
20 recognized tribe, or any nation.
- 21 (7) "Crime" means:
- 22 (a) an offense designated by law as a felony or misdemeanor;
- 23 (b) an attempt to commit an offense;
- 24 (c) an accessory to commission of an offense;
- 25 (d) aiding and abetting of an offense;
- 26 (e) conspiracy to commit an offense;
- 27 (f) solicitation to commit an offense; or
- 28 (g) threat to commit an offense.
- 29 An infraction as defined in G.S. 14-3.1 is not a crime.
- 30 (8) "Crime involving dishonesty" means a crime that involves untruthfulness, deceit, fraud, false
31 dealing, cheating or stealing.
- 32 (9) "Criminal convictions" means the following dispositions of criminal charges:
- 33 (a) adjudications of guilt;
- 34 (b) pleas of nolo contendere;
- 35 (c) pleas of guilty;
- 36 (d) Alford pleas;
- 37 (e) conditional discharges;

- (f) prayers for judgment continued; and
- (g) dispositions denominated differently but equivalent to Sub-Items (a)-(f) in this Item.
- (10) "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.
- (11) "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~~
- ~~(h)(i)~~ actions denominated differently but equivalent to Sub-Items (a)-(g)(h) in this Item.
- (12) "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.
- (13) "Family member" means an individual related by blood, marriage, or adoption.
- (14) "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:

- 1 (a) a fact has been proved according to the applicable legal standard; or
2 (b) a law applies to the specific facts in a matter.
- 3 (15) "Harm" means:
4 (a) loss or damage to a person affecting:
5 (i) liberty;
6 (ii) child custody, parental rights, child support, or visitation;
7 (iii) reputation;
8 (iv) money;
9 (v) property;
10 (vi) time; or
11 (vii) a contract or transaction; or
12 (b) an act that undermines public confidence in the reliability of notarial acts or notarial
13 instructor certification.
- 14 (16) "IPEN" means an in-person electronic notary solution, comprised of an electronic notary public seal,
15 an electronic notary signature, and an electronic notary journal.
- 16 ~~(16)~~(17) "Issuance" with regard to public office means an action:
17 (a) to certify the results of an election signifying that an individual has been elected to the
18 public office; or
19 (b) to appoint an individual to fill a public office; and
20 (c) that is taken by:
21 (i) a governmental agency, board, or commission, a legislative body, or a member of
22 the executive branch of any locality, state, federally recognized tribe, or nation;
23 or
24 (ii) a court.
- 25 (18) "Journal" means a collection of entries describing notarial acts that is created and maintained by a
26 notary public. [public in compliance with Chapter 10B of the General Statutes and the rules in this
27 Chapter.]
- 28 ~~(17)~~(19) "Licensed member of the North Carolina State Bar" means an active member as defined in 27 NCAC
29 01A .0201(b).
- 30 ~~(18)~~(20) "Name for use on a notary public commission" or "commission name" means the name chosen by
31 a commission applicant as the applicant's commission name and consisting of:
32 (a) the full legal name of the commission applicant; or
33 (b) a combination of the applicant's surname and:
34 (i) full first or middle name; or
35 (ii) full first or middle name and one or more initials derived from the applicant's full
36 legal name.

37 Note: Full legal names, full first names, and full middle names shall not include nicknames.

(19)(21) "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).

(20)(22) "Notary course" means a course taught by a certified notary instructor for purposes of:

- (a) commissioning or recommissioning a notary public; ~~or~~
- (b) registering or reregistering an electronic notary ~~public~~; 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.

(21)(23) "Probation" with regard to criminal convictions means active supervision by a governmental agency or its legally authorized designee in lieu of jail or prison.

(22)(24) "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.

~~(23)~~(25) "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.

~~(24)~~ "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.~~

~~(25)~~(26) "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.

1 ~~(26)~~(27) "Residence address" means a physical location with a street name, and a number designating the
2 building in which an individual ~~resides~~, **resides (no P.O. boxes)**, including an apartment or unit
3 number if applicable, the city, state, zip code, and nation if not the United States.

4 (28) "Restriction" with regard to public office means an individualized action:

5 (a) to restrain an individual from serving in public office; and

6 (b) that is taken by:

7 (i) a governmental agency, board, or commission, a legislative body, or a member of
8 the executive branch of any locality, state, federally recognized tribe, or nation;

9 or

10 (ii) a court.

11 ~~(27)~~(29) "Revocation" with regard to an individual's capacity to serve in a public office means an
12 individualized action:

13 (a) to void or cancel a certification of election to office; or

14 (b) to remove an individual from a public office; and

15 (c) that is taken by:

16 (i) a governmental agency, board, or commission, a legislative body, or a member of
17 the executive branch of any locality, state, federally recognized tribe, or nation;

18 or

19 (ii) a court.

20 ~~(28)~~(30) "Suspension" with regard to a public office means an individualized action:

21 (a) to prohibit, for a finite period of time, an individual's authority to serve in a public office;
22 and

23 (b) that is taken by:

24 (i) a governmental agency, board, or commission, legislative body, or a member of
25 the executive branch of any locality, state, federally recognized tribe, or nation;

26 or

27 (ii) a court.

28
29 *History Note: Authority G.S. 10B-4; 10B-14(f); 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-*
30 *134.19; 10B-134.21; 10B-134.23;*

31 *Eff. April 1, 2007;*

32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
33 *6, 2016;*

34 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07B .0105 is amended as published in 39:13 NCR 807 as follows:

2
3 **18 NCAC 07B .0105 OBTAINING REQUESTED INFORMATION**

4 A ~~filer~~ person responding to a departmental information request shall:

- 5 (1) use reasonable efforts to obtain information requested by the Department;
- 6 (2) deliver to the Department all requested information that is available to the ~~filer~~; person; and
- 7 (3) if unable to obtain requested information, describe to the Department the efforts taken to obtain the
- 8 information.

9
10 *History Note: Authority G.S. 10B-4; 10B-14(f); 10B-107; 10B-134.21;*

11 *Eff. July 1, ~~2024~~, 2024;*

12 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0110 is amended as published in 39:13 NCR 807 as follows:

2
3 **18 NCAC 07B .0110 REQUEST TO DEPARTMENT FOR CONFIDENTIAL INFORMATION**

4 A request to the Department for information about a notary public or a technology provider that is confidential
5 pursuant to ~~G.S. 10B-7, G.S. 10B-60, G.S. 10B-106,~~ law, rule, or regulation or that is personally identifiable
6 information shall:

- 7 (1) be in writing;
8 (2) include the name of the requestor and contact information for the requestor; and
9 (3) document the right and authority of the requestor to receive the confidential information.

10 Note: Confidentiality laws include: G.S. 10B-7, G.S. 10B-60, G.S. Chapter 66, Article 24, G.S. 132-1.2.

11
12 *History Note: Authority G.S. 10B-4; 10B-106;*

13 *Eff. April 1, 2007;*

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

16 *Transferred from 18 NCAC 07B .1001 Eff. June 1, 2023;*

17 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07B .0111 is adopted with changes as published in 39:13 NCR 807 as follows:

2
3 **18 NCAC 07B .0111 PROPERTY OF NOTARY PUBLIC**

4 A notary public's ~~traditional-notarial~~ physical notary seal, electronic notary seal and signature, journals,
5 communication technology recordings, session records, notarial records and any information in them are the personal
6 property of the notary.

7
8 *History Note:* *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-*
9 *134.21; 10B-134.23;*
10 *Eff. July 1, 2025.*

1 18 NCAC 07B .0305 is amended as published in 39:13 NCR 807-808 as follows:

2
3 **18 NCAC 07B .0305 RESPONSE TO QUESTIONS AND REQUESTS FOR INFORMATION**

4 A ~~filer~~ person responding to a departmental information request shall respond to departmental requests for information
5 within the time and in the manner specified based upon the Department's consideration of:

- 6 (1) the nature of the information requested;
7 (2) the urgency of the Department's need for the information; and
8 (3) the ease of production by the recipient of the request.

9
10 *History Note: Authority G.S. 10B-4; 10B-126; 10B-134.17; 10B-134.19; 10B-134.21;*
11 *Eff. July 1, ~~2024~~, 2024;*
12 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0308 is amended as published in 39:13 NCR 808 as follows:

2
3 **18 NCAC 07B .0308 SIGNATURE FOR ENTITY**

4 (a) If ~~a person~~ an individual is signing a form or other filing document for a technology provider or other business
5 entity:

6 (1) the signer shall be duly authorized by law or the entity to sign; and

7 (2) the signer shall state the signer's title, position, and authorization to sign.

8 (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
9 owner for a sole proprietorship, or by a general partner for a general partnership.

10
11 *History Note: Authority G.S. 10B-4; 10B-6; 10B-106; 10B-125; 10B-134.19; 10B-134.21;*

12 *Eff. July 1, ~~2024~~. 2024;*

13 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0310 is amended as published in 39:13 NCR 808 as follows:

2
3 **18 NCAC 07B .0310 INCOMPLETE FILINGS**

4 The Department shall consider a filing incomplete for:

- 5 (1) failure to provide information required pursuant to Chapter 10B of the General Statutes or the rules
6 in this Chapter;
7 (2) failure to tender any fee required by Chapter 10B of the General Statutes or the rules in this Chapter;
8 ~~(2)(3)~~ lack of a signature required by Chapter 10B of the General Statutes or the rules in this Chapter; or
9 ~~(3)(4)~~ lack of a notarial act where required by Chapter 10B or the rules in this Chapter.

10
11 *History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.17; 10B-134.19; 10B-134.21;*

12 *Eff. July 1, ~~2024~~ 2024;*

13 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0313 is adopted as published in 39:13 NCR 808 as follows:

2
3 **18 NCAC 07B .0313 EXTENSION REQUEST TO DEPARTMENT**

4 (a) A person responding to a departmental information request may submit a request for an extension of time to
5 respond to a Department request pursuant to Rule .0305 of this Section.

6 (b) A request pursuant to Paragraph (a) of this Rule shall:

7 (1) be for an extension lasting no more than 30 days; and

8 (2) include the reason an extension is necessary.

9 (c) This rule does not apply to Department investigations made pursuant to G.S. 10B-60.

10
11 History Note: Authority G.S. 10B-4; 10B-134.21;

12 Eff. July 1, 2025.

1 18 NCAC 07B .0314 is adopted as published in 39:13 NCR 808 as follows:

2
3 **18 NCAC 07B .0314 DEPARTMENT RESPONSE TO EXTENSION REQUEST**

4 When deciding whether to grant an extension request, the Department shall consider the factors listed in Rule .0108
5 of this Subchapter.

6
7 History Note: Authority G.S. 10B-4; 10B-134.21;

8 Eff. July 1, 2025.

1 18 NCAC 07B .0402 is amended with changes as published in 39:13 NCR 808-809 as follows:

2
3 **SECTION .0400 – FORMS**
4

5 **18 NCAC 07B .0402 CONTACT INFORMATION**

6 For purposes of the rules in this Section, unless otherwise indicated, "contact information" means:

- 7 (1) for ~~a key an~~ individual who is identified pursuant to ~~G.S. 10B-134.19(c)(2)~~; G.S. 10B-134.19(c)(2)
8 by a platform, by an IPEN, or for key individuals operating a sole proprietorship or general
9 partnership:
10 (a) the full name of the individual;
11 (b) the following addresses:
12 (i) residential address;
13 (ii) business address;
14 (iii) mailing address;
15 (c) business telephone numbers;
16 (d) business email addresses; **and**
17 (e) any other names by which the individual is known, including nicknames;
18 (2) for a business entity:
19 (a) the name of the entity on record with the Secretary of State, formation or filing office in its
20 state, federally recognized tribe, or country of formation;
21 (b) the name of the state, federally recognized tribe, or country of formation;
22 (c) the year of formation;
23 ~~(e)(d)~~ the street address, and the mailing address if different, of the entity's principal office;
24 ~~(d)(e)~~ the street address, and the mailing address if different, of the entity's registered office;
25 ~~(e)(f)~~ the principal office telephone number of the entity;
26 ~~(f)(g)~~ the email address of the entity;
27 ~~(g)(h)~~ the URL for the entity's website, if any;
28 ~~(h)(i)~~ the name of an individual who is designated by the entity as the primary contact between
29 the Department and the entity, and for that individual:
30 (i) title and position;
31 (ii) telephone number;
32 (iii) mailing address if different from the addresses provided in Sub-Items (2)(c) and
33 (d) of this Item;
34 (iv) primary email address; **and**
35 (v) secondary email address, if applicable;

1 ~~(j)~~(i) the name of an individual designated as the secondary contact between the Department and
2 the entity if the individual named in ~~Sub-Item (2)(h)~~ Sub-Item (2)(i) of this Item is not
3 available; and

4 ~~(j)~~(k) the information in ~~Sub-Item (2)(h)~~ Sub-Item (2)(i) of this Item for the secondary contact
5 individual named in ~~Sub-Item (i)~~ Sub-Item (2)(j) of this Item; or

6 (3) for a technology provider's, or traditional physical seal manufacturer manufacturer's or vendor's
7 registered agent listed on an ~~application filed pursuant to G.S. 10B-134.19:~~ application:

8 (a) the name of the registered agent;

9 (b) the registered office address for the registered agent and mailing address if different; and

10 (c) a business email address for the registered agent.

11
12 *History Note: Authority G.S. 10B-4; 10B-134.21;*

13 *Eff. July 1, ~~2024~~ 2024;*

14 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0405 is amended with changes as published in 39:13 NCR 809 as follows:

2
3 **18 NCAC 07B .0405 FORM NOTIFYING DEPARTMENT OF SELECTION OF TECHNOLOGY**
4 **PROVIDERS BY ~~ELECTRONIC NOTARIES~~ NOTARY PUBLIC**

5 The form notifying the Department of the selection of technology providers by ~~an electronic~~ a notary public includes:

- 6 (1) the name on the notary's commission;
- 7 (2) the notary's commission number;
- 8 (3) the name of the technology providers selected by the notary to provide:
- 9 (a) ~~electronic signatures;~~ signatures and
- 10 ~~(b)~~ electronic seals; and
- 11 ~~(c)~~ (b) electronic journals;
- 12 (4) the name of the custodian selected by the notary to provide custodial services ~~for~~ for:
- 13 (a) ~~electronic journals;~~ journals and their backups, if applicable;
- 14 (b) communication technology recordings and their backups, if applicable;
- 15 (5) if the notary named himself or herself in Sub-Item (4)(a) of this Rule as custodian of the notary's
- 16 electronic journals and journal backups, the notary's certification that the notary shall:
- 17 (a) serve as a custodial notary; and
- 18 (b) comply with all custodial notary rules in 18 NCAC 07J Section .2200;
- 19 ~~(5)(6)~~ for an electronic notary who plans to perform remote electronic notarial acts, the names of the
- 20 technology providers selected by the notary to provide platform services;
- 21 ~~(6)(7)~~ the anticipated dates on which the notary will begin using the technology providers;
- 22 ~~(7)(8)~~ the signature of the notary; and
- 23 ~~(8)(9)~~ the date on which the notary signs the form.

24
25 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.21; 10B-*
26 *134.23;*
27 *Eff. March 1, 2025. 2025.*
28 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0408 is amended as published in 39:13 NCR 809 as follows:

2
3 **18 NCAC 07B .0408 AFFIDAVIT OF MORAL CHARACTER**

4 The affidavit of moral character form requires:

- 5 (1) the applicant's name for use on a notary public commission, ~~if available, the full legal name of the~~
6 ~~key individual, or the full legal name of the individual about whom the affidavit is prepared;~~
7 ~~prepared, as applicable;~~
8 (2) information about the character witness:
9 (a) the affiant's name, contact information, and occupation;
10 (b) how the affiant knows the individual;
11 (c) how long the affiant has known the individual;
12 (d) how the affiant has had the opportunity to form an opinion of the individual's character;
13 and
14 (e) whether the affiant is aware of criminal charges against, or criminal convictions of, the
15 individual;
16 (3) the affiant's opinion whether the charges against, or convictions of, the individual will affect the
17 ability of the individual to comply with Chapter 10B of the General Statutes;
18 (4) a declaration whether the affiant personally recommends the individual for an authorization
19 requiring honesty, integrity, trustworthiness, and high standards of moral character;
20 ~~(5) the signature of the affiant and the date signed;~~
21 ~~(6)(5)~~ a declaration under penalty of perjury that the information provided is true and complete to the best
22 of the affiant's knowledge and ~~belief~~, belief; and
23 ~~(6) the signature of the affiant and the date signed.~~

24
25 *History Note: Authority G.S. 10B-4; 10B-134.19;*

26 *Eff. July 1, ~~2024~~ 2024;*

27 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0409 is amended with changes as published in 39:13 NCR 809-810 as follows:

2
3 **18 NCAC 07B .0409 APPLICATION FOR RECOMMISSIONING AS NOTARY PUBLIC**

4 The form for application for recommissioning as a notary public before expiration of a commission or within 12
5 months of commission expiration requires:

- 6 (1) information regarding the applicant's current or, if expired, the most recent commission, including
7 the commission number;
- 8 (2) an imprint or stamp from the applicant's current seal, or most recently expired seal, if the applicant
9 currently possesses a seal;
- 10 (3) information required pursuant to G.S. 10B-11;
- 11 (4) the instructor's signature, if the applicant takes the notary course as part of the recommissioning
12 process;
- 13 (5) information required pursuant to Rule .0407 of this Section that is not otherwise included in Items
14 (1)-(3) of this Rule; ~~and~~
- 15 (6) for recommissioning for a traditional notary who is not also an electronic notary, a statement with
16 regard to technology [providers:] providers (Note: An example would be a traditional notary who
17 administers oaths or affirmations in G.S. 10B-134.9(d) judicial actions or proceedings):
- 18 (a) the notary will continue to use:
- 19 (i) the name of the technology provider for which the notary has previously provided
20 notice; and
- 21 (ii) the custodian for the electronic journal for which the notary has previously
22 provided notice;
- 23 (b) the name of the technology provider that the notary will now use; or
- 24 (c) at this time, the notary does not have a technology provider; and
- 25 ~~(6)(7)~~ the declaration under penalty of perjury that is required by G.S. 10B-12.

26
27 *History Note: Authority G.S. 10B-4;*
28 *Eff. July 1, ~~2024~~ 2024;*
29 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0411 is amended with changes as published in 39:13 NCR 810 as follows:

2
3 **18 NCAC 07B .0411 NOTICE OF CHANGES REGARDING CRIMINAL HISTORY RECORD**

4 The form for notice of changes in criminal history record requires:

- 5 (1) the name of the individual;
- 6 (2) if a commissioned notary ~~public~~ public, the notary's commission number;
- 7 (3) the last four digits of the individual's SSN;
- 8 (4) contact information for the individual;
- 9 (5) for a previously unreported criminal charge:
- 10 (a) the date of the charge;
- 11 (b) the court in which the charge is filed;
- 12 (c) whether the charge is for a felony or misdemeanor;
- 13 (d) the name of the charge;
- 14 (e) whether the charge has been set for a hearing or trial and, if yes, the scheduled date; and
- 15 (f) the case number;
- 16 (6) for notice of a disposition of a criminal charge:
- 17 (a) the date of the disposition;
- 18 (b) the name of the court and the case number;
- 19 (c) if the disposition resulted in a conviction:
- 20 (i) whether the conviction was for a felony or misdemeanor; and
- 21 (ii) the sentence imposed;
- 22 (d) a copy of the disposition document or judgment;
- 23 (e) a copy of any document restoring citizenship rights; ~~and~~
- 24 (7) a declaration under penalty of perjury that the information provided is true and [correct]
- 25 complete to the best of the affiant's knowledge and belief; and
- 26 ~~(7)~~(8) the signature of the individual and the date signed.

27
28 *History Note: Authority G.S. 10B-4;*
29 *Eff. July 1, ~~2024~~ 2024;*
30 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0414 is amended as published in 39:13 NCR 810 as follows:

2
3 **18 NCAC 07B .0414 APPLICATION FOR CERTIFICATION AS NOTARY INSTRUCTOR**

4 The application for certification as a notary instructor form requires:

- 5 (1) the information required by ~~Rule .0407(1) (2)(i)~~ Rule .0407(1)–(2)(f) of this Section;
- 6 (2) whether the applicant is currently employed as:
- 7 (a) a register of deeds or clerk of court; or
- 8 (b) an employee of the Department and is authorized by the Secretary to serve as an instructor;
- 9 (3) the eligible institution for which the applicant will teach if certified as an instructor;
- 10 (4) the name, telephone number, and email address of a contact person at the eligible institution who is
- 11 knowledgeable about the conditional hiring of the applicant to teach notary courses;
- 12 (5) whether the applicant has a personal copy of the most recent notary public manual approved by the
- 13 Department and, if yes, the year and edition number;
- 14 (6) whether the applicant has active experience as a notary public;
- 15 (7) whether the applicant has notified the Department of changes as required by Chapter 10B of the
- 16 General Statutes and the rules in this Chapter or is submitting a change form with the application;
- 17 ~~(8) the printed name and signature of the applicant and the date signed; and~~
- 18 ~~(9)(8)~~ a declaration under penalty of perjury that:
- 19 (a) the information provided is true and complete to the best of the applicant's knowledge and
- 20 belief;
- 21 (b) the applicant remains qualified to be commissioned as a notary public; and
- 22 (c) the applicant will perform the duties and responsibilities of a certified notary ~~instructor.~~
- 23 instructor; and
- 24 ~~(9) the printed name and signature of the applicant and the date signed.~~
- 25

26 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*

27 *Eff. March 1, 2025. 2025.*

28 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0420 is adopted with changes as published in 39:13 NCR 810-811 as follows:

2
3 **18 NCAC 07B .0420 NOTARY FORM TO REPORT TECHNOLOGY DYSFUNCTIONS**

4 The form notaries public and electronic notaries public use to report technology dysfunctions pursuant to 18 NCAC
5 07D .0309 requires:

- 6 (1) the notary's commission name;
- 7 (2) the name of the technology provider with which the notary is experiencing dysfunctions;
- 8 (3) a description of the dysfunction;
- 9 (4) the basis for concern if a dysfunction is suspected to involve ~~security, privacy or accuracy of~~
10 credential verification or identity ~~proofing~~; proofing;
- 11 (a) security;
- 12 (b) privacy; or
- 13 (c) accuracy;
- 14 (5) the dates, times, and duration of the dysfunctions; and
- 15 (6) the efforts undertaken to resolve the dysfunctions by the notary or the technology provider.

16
17 *History Note: Authority G.S. 10B-4; 10B-134.19;*
18 *Eff. July 1, 2025.*

1 18 NCAC 07B .0421 is adopted with changes as published in 39:13 NCR 811 as follows:

2
3 **18 NCAC 07B .0421 STAND-ALONE NOTARIAL CERTIFICATE**

4 If the notarial certificate selected by the principal is on a page separate from the document being notarized, then the
5 notary public shall include on or near the ~~notary~~ notarial certificate the following descriptive language:

- 6 (1) the title or type of document;
7 (2) the number of pages of the document being notarized, exclusive of the certificate;
8 (3) the names of the principal signers; and
9 (4) the date the principals signed.

10
11 *History Note: Authority G.S. 10B-2; 10B-4; 10B-134.19;*
12 *Eff. July 1, 2025.*

1 18 NCAC 07B .0422 is adopted with changes as published in 39:13 NCR 811-812 as follows:

2
3 **18 NCAC 07B .0422 APPLICATION FOR TECHNOLOGY PROVIDER AUTHORIZATION –**
4 **GENERAL**

5 Technology provider application forms shall require:

- 6 (1) the type or types of authorization to which the application applies:
 - 7 (a) IPEN;
 - 8 (b) platform;
 - 9 (c) credential analysis;
 - 10 (d) identity proofing; or
 - 11 (e) custodian;
- 12 (2) contact information:
 - 13 (a) the information specified in Rule .0402(2) of this Section for the applicant;
 - 14 (b) the information specified in Rule .0402(3) of this Section for the registered agent of a
15 business entity that is an applicant;
 - 16 (c) the information specified in Rule .0402(1) of this Section for:
 - 17 (i) the applicant's key individuals; and
 - 18 (ii) the applicant's compliance contact employee designated pursuant to Item (4)(b)
19 of this Rule, except that the residential address shall not be required; and
- 20 (3) the following general information about the technology provider applicant and its business:
 - 21 (a) the type of business entity;
 - 22 (b) all states and nations in which the technology provider applicant has obtained a certificate
23 of authority to do business, or its equivalent;
 - 24 (c) all assumed business names, trade names, or "doing business as" names used by the
25 applicant in North Carolina, other states, or nations;
 - 26 (d) all fictitious or equivalent names registered with the Department or other states or nations
27 because the business' legal name is not available. Note: An example would be a fictitious
28 name registered with the Department pursuant to G.S. 55D-22(a)(6);
 - 29 (e) for legal actions, the information required by 18 NCAC 07J .0416;
 - 30 (f) for debarment involving the applicant or the applicant's key individuals, the information
31 specified in 18 NCAC 07J .0414;
 - 32 (g) for disciplinary actions, the information specified in 18 NCAC 07J .0418;
 - 33 (h) for voluntary exclusion in lieu of debarment involving the applicant or the applicant's key
34 individuals, the information specified in 18 NCAC 07J .0415;
 - 35 (i) for bankruptcy, the information required by 18 NCAC 07J .0420;
 - 36 (j) a summary of its most recent IT security audit as required by 18 NCAC 07J .0621;
- 37 (4) the following information related to the authorization that the applicant seeks:

- 1 (a) the name of the product and the version number for which authorization is sought;
- 2 (b) the full name of the compliance contact who meets the requirements of, and has the duties
- 3 set forth in, 18 NCAC 07J .0406;
- 4 (c) minimum hardware and software specifications as required by 18 NCAC 07J .0608;
- 5 (5) the following information regarding the applicant's provision of the same or similar notarial services
- 6 in jurisdictions other than North Carolina:
- 7 (a) the name of each state, tribe or nation; and
- 8 (b) for each named jurisdiction, the information required by 18 NCAC 07J .0405;
- 9 (6) a URL link to the information that the applicant is required to provide pursuant to 18 NCAC 07J
- 10 .0607;
- 11 (7) information regarding whether the applicant's services as a technology provider have within the
- 12 preceding five years been the subject of:
- 13 (a) a security breach; or
- 14 (b) a ransomware attack, as defined at G.S. 143B-1320(a)(14a);
- 15 (8) identification and information for third-party vendors, supporting vendors, and businesses pursuant
- 16 to 18 NCAC 07J .0408-.0411;
- 17 (9) the applicant's certifications, compliance reports, or equivalents by independent third-party entities
- 18 with:
- 19 (a) the information required by 18 NCAC .07J .0413; and
- 20 (b) if the certifications, compliance reports, or equivalents have levels, grades, or annotations,
- 21 those applicable to the applicant;
- 22 Note: Examples of acceptable certifications are ISO 270001 and SOC2;
- 23 (10) the applicant's certification that it complies with the requirements to have and implement the plans
- 24 required by 18 NCAC 07J Section .0600; and
- 25 (11) signature by a key individual employed by the technology provider applicant who has the authority
- 26 to:
- 27 (a) bind the applicant;
- 28 (b) make certifications required by this ~~rule~~ Rule and the rules in 18 NCAC Subchapter 07J;
- 29 and
- 30 (c) declare under penalty of perjury that:
- 31 (i) the information provided is true and complete to the best of the signer's knowledge
- 32 and belief;
- 33 (ii) the application was prepared under the signer's authority and supervision;
- 34 (iii) the applicant agrees that representations, ~~promises~~ promises, and assurances of
- 35 performance in the application are binding on it; and
- 36 (d) the date on which the application was signed.
- 37

1 *History Note:* *Authority G.S. 10B-4; 10B-126(d); 10B-134.19; 10B-134.21; 10B-134.23(b);*
2 *Eff. July 1, 2025.*

1 18 NCAC 07B .0423 is adopted with changes as published in 39:13 NCR 812 as follows:

2
3 **18 NCAC 07B .0423 APPLICATION FOR IPEN AUTHORIZATION**

4 The form used to apply for authorization as an IPEN technology provider requires:

- 5 (1) the information required by Rule .0422 of this Section;
- 6 (2) for each of the technology provider's key individuals:
- 7 (a) the information required by 18 NCAC 07J .1304;
- 8 (b) a brief description of the individuals' duties; and
- 9 (c) the information required by Section .0700 of this Subchapter; and
- 10 (3) the information required by ~~the rules in 18 NCAC 07J .1303.~~ 18 NCAC 07J .1301.

11
12 *History Note: Authority G.S. 10B-4; 10B-126(d); 10B-134.21;*

13 *Eff. July 1, 2024.*

1 18 NCAC 07B .0424 is adopted with changes as published in 39:13 NCR 812 as follows:

2
3 **18 NCAC 07B .0424 APPLICATION FOR PLATFORM LICENSE**

4 The form used to apply for authorization as a licensed platform requires:

- 5 (1) the information required by Rule .0422 of this Section;
- 6 (2) for each of the technology provider's key individuals:
- 7 (a) the information required by 18 NCAC 07J .1505;
- 8 (b) a brief description of the individuals' duties; and
- 9 (c) the information required by 18 NCAC 07B Section .0700; and
- 10 (3) the information required by ~~18 NCAC 07J~~ 18 NCAC 07J .1501.

11
12 *History Note: Authority G.S. 10B-4; 10B-134.21;*

13 *Eff. July 1, 2025.*

1 18 NCAC 07B .0425 is adopted as published in 39:13 NCR 812 as follows:

2
3 **18 NCAC 07B .0425 APPLICATION FOR CREDENTIAL ANALYSIS AUTHORIZATION**

4 The form used to apply for authorization as an approved credential analysis provider requires:

5 (1) the information required by Rule .0422 of this Section; and

6 (2) the information required by 18 NCAC 07J .1701.

7
8 *History Note: Authority G.S. 10B-4; 10B-134.21;*

9 *Eff. July 1, 2025.*

1 18 NCAC 07B .0426 is adopted as published in 39:13 NCR 812 as follows:

2
3 **18 NCAC 07B .0426 APPLICATION FOR IDENTITY PROOFING AUTHORIZATION**

4 The form used to apply for authorization as an approved identity proofing provider requires:

5 (1) the information required by Rule .0422 of this Section; and

6 (2) the information required by 18 NCAC 07J .1901.

7
8 *History Note: Authority G.S. 10B-4; 10B-134.21;*

9 *Eff. July 1, 2025.*

1 18 NCAC 07B .0427 is adopted as published in 39:13 NCR 812 as follows:

2
3 **18 NCAC 07B .0427 APPLICATION FOR CUSTODIAN AUTHORIZATION**

4 The form used to apply for authorization as an approved custodian requires:

5 (1) the information required by Rule .0422 of this Section; and

6 (2) the information required by 18 NCAC 07J .2101.

7
8 *History Note: Authority G.S. 10B-4; 10B-134.21;*

9 *Eff. July 1, 2025.*

1 18 NCAC 07B .0428 is adopted with changes as published in 39:13 NCR 812-813 as follows:

2
3 **18 NCAC 07B .0428 CUSTODIAL NOTARY ANNUAL REPORT FORM**

4 The form for annual reports by custodial notaries public requires:

- 5 (1) the commission name and number of the custodial notary;
- 6 (2) the calendar year covered by the annual report;
- 7 (3) the information required by 18 NCAC 07D Section .0300;
- 8 (4) certification that the custodial notary:
- 9 (a) intends to continue serving as a custodial notary and will continue to comply with the
- 10 custodial notary rules in 18 NCAC 07H and 18 NCAC 07J;
- 11 (b) will cease serving within the next 12 months as a custodial notary, and, unless the retention
- 12 period pursuant to 18 NCAC 07I .0212 will expire during that period, the name of the
- 13 approved custodian to which the custodial notary will transfer the notary's records and the
- 14 projected date of transfer;
- 15 (c) if the notary has already ceased serving as a custodial notary, the date on which the notary's
- 16 records were transferred to an approved custodian and the name of the approved custodian,
- 17 unless the retention period pursuant to 18 NCAC 07I .0212 has expired; or
- 18 (d) has ceased serving as a custodial notary because the period of retention for all records has
- 19 expired;
- 20 (5) certification that the information provided in the form is true and ~~correct~~, complete; and
- 21 (6) the signature of the custodial notary and the date signed.
- 22

23 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a);*
24 *Eff. July 1, 2025.*

1 18 NCAC 07B .0429 is adopted with changes as published in 39:13 NCR 813 as follows:

2
3 **18 NCAC 07B .0429 TECHNOLOGY PROVIDERS OTHER THAN PLATFORMS VERIFYING**
4 **CONTINUING COMPLIANCE**

5 The form for technology providers other than platforms verifying their continuing compliance requires:

- 6 (1) the name of the technology provider;
- 7 (2) the electronic notary solution for which the provider has been approved;
- 8 (3) the information required by 18 NCAC 07J .0211;
- 9 (4) either a statement that the Department has been notified of changes as required in 18 NCAC 07J
- 10 .0203 or inclusion of required notice of changes;
- 11 (5) the signature of the compliance officer and the date signed;
- 12 (6) certification that the information provided in the form is true and ~~correct~~, complete; and
- 13 (7) the signature of a key individual employed by the technology provider who has the authority to bind
- 14 the technology provider and the date signed.

15
16 *History Note:* *Authority G.S. 10B-4; 10B-126(d); 10B-134.21; 10B-134.23(b);*
17 *Eff. July 1, 2025.*

18 NCAC 07B .0430 is adopted with changes as published in 39:13 NCR 813 as follows:

18 NCAC 07B .0430 ~~TRADITIONAL~~ PHYSICAL SEAL MANUFACTURER OR VENDOR
REGISTRATION WITH DEPARTMENT FORM

The form used by a manufacturer or vendor of ~~traditional~~ 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 ~~traditional~~ 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 ~~correct~~; 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.

1 18 NCAC 07B .0431 is adopted with changes as published in 39:13 NCR 813-814 as follows:

2
3 **18 NCAC 07B .0431 FORM FOR NOTARY REPORTABLE INCIDENTS**

4 The form for a notary public notifying the Department of reportable incidents pursuant to 18 NCAC 07D .0310
5 requires:

- 6 (1) the notary's commission name and commission number;
- 7 (2) how the notary discovered the reportable incident;
- 8 (3) the date of the last notarization performed by the notary before the reportable incident occurred or
9 was discovered;
- 10 (4) the date on which the notary discovered the reportable incident regarding the notary's physical seal,
11 electronic seal, signature, journal, notarial records, or communication technology recording;
- 12 (5) the date on which the reportable incident occurred, if different from the date of discovery;
- 13 (6) the date on which the notary reported to:
- 14 (a) the Register of Deeds, and the county of that Register of Deeds; and
- 15 (b) law enforcement, if applicable, including the name of the law enforcement agency and a
16 copy of the law enforcement report if available;
- 17 ~~(7) — how the notary discovered the reportable incident;~~
- 18 ~~(8)(7)~~ any other information that the notary believes may be useful to the Department in assessing the
19 reportable incident; and
- 20 ~~(9)(8)~~ the notary's signature and the date of the report to the Department.

21
22 *History Note: Authority G.S. 10B-4; 10B-36; 10B-125(b); 10B-126(d); 10B-134.21;*
23 *Eff. July 1, 2025.*

1 18 NCAC 07B .0601 is amended as published in 39:13 NCR 814 as follows:

2
3 **SECTION .0600 – DENIALS, DISCIPLINE, AND ENFORCEMENT**
4

5 **18 NCAC 07B .0601 FACTORS FOR DISCIPLINARY ACTIONS**

6 When determining whether and what disciplinary action to take, the Department shall consider:

- 7 (1) the qualifications of the person;
- 8 (2) the nature, number, timing, and severity of any acts, offenses, official misconduct, or crimes under
9 consideration;
- 10 (3) evidence pertaining to the honesty, credibility, truthfulness, and integrity of the person;
- 11 (4) actual or potential harm;
- 12 (5) the history of complaints against the person received by the Department;
- 13 (6) the record of prior disciplinary actions against the person;
- 14 (7) evidence in mitigation;
- 15 (8) evidence in aggravation;
- 16 (9) occupational, vocational, or professional license disciplinary record;
- 17 (10) evidence of rehabilitation;
- 18 (11) criminal history record;
- 19 (12) information and reports received from other law enforcement agencies;
- 20 (13) willfulness;
- 21 (14) negligence;
- 22 (15) the response of the person to any alleged violations; ~~and~~
- 23 (16) whether the person self-reported a matter affecting qualification or the performance of an activity
24 pursuant to ~~authorization.~~ authorization; and
- 25 (17) the purposes of the Notary Act as set forth in G.S. 10B-2.
26

27 *History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60;*

28 *Eff. April 1, 2007;*

29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*

30 *Eff. December 6, 2016;*

31 *Transferred from 18 NCAC 07B .0901 Eff. June 1, 2023;*

32 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07B .0603 is amended as published in 39:13 NCR 814 as follows:

2
3 **18 NCAC 07B .0603 LEVELS OF ENFORCEMENT**

4 Upon consideration of the evidence before it, the purposes and requirements of Chapter 10B of the General Statutes,
5 and the rules in this Chapter, the Department may:

- 6 (1) upon a finding of a violation of Chapter 10B of the General Statutes or the rules in this Chapter:
- 7 (a) issue a letter of caution to a person along with:
- 8 (i) a request for compliance; and
- 9 (ii) a statement that future noncompliance may lead to disciplinary action by the
- 10 Department;
- 11 (b) issue a letter of warning to a person, with or without a corrective action plan. Note: A
- 12 requirement for additional education is an example of a corrective action plan;
- 13 (c) suspend a person's authorization and bar the grant of an authorization for a specific period
- 14 of time not to exceed 24 months, with or without a corrective action plan;
- 15 (d) issue a revocation of a person's authorization;
- 16 (e) issue a permanent revocation of a person's authorization;
- 17 (f) issue an administrative action restricting, for a specific period of time, an unauthorized
- 18 person from submitting an application or from being becoming authorized; or
- 19 (g) issue an administrative action permanently restricting an unauthorized person from
- 20 submitting an application or from becoming authorized; and
- 21 (h) issue a civil penalty pursuant to G.S. 10B-60(m) or 10B-134.23(c)(4); and
- 22 (2) use the factors in Rule .0601 of this Section to take action to withdraw, stay, rescind, or expunge a
- 23 disciplinary action.

24 Note: An application submitted in violation of an administrative action pursuant to Paragraphs (f) and (g) of this Rule
25 shall be denied by the Department immediately upon identification of the applicant as being subject to the
26 administrative action during the period of time applicable to the action. The application fee shall not be refunded.

27
28 *History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;*

29 *Eff. April 1, 2007;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
31 *6, 2016;*

32 *Transferred from 18 NCAC 07B .0903 Eff. June 1, 2023;*

33 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07B .0607 is amended as published in 39:13 NCR 814 as follows:

2
3 **18 NCAC 07B .0607 RESTRICTION**

4 Upon a finding that the person has acted without being authorized by the Department, the Department may issue an
5 administrative action to restrict that person from applying for authorization or from becoming authorized to:

- 6 (1) perform a notarial act;
7 (2) teach a notarial course;
8 (3) offer an electronic ~~notarization system~~ notary solution to an electronic notary public; or
9 (4) act as a ~~depository~~ depository or custodian.

10
11 *History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;*

12 *Eff. April 1, 2007;*

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

15 *Amended Eff. February 1, 2021; October 1, 2019;*

16 *Transferred from 18 NCAC 07B .0907 Eff. June 1, 2023;*

17 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07B .0609 is adopted as published in 39:13 NCR 815 as follows:

2
3 **18 NCAC 07B .0609 FAILURE TO REMIT FEES**

4 (a) Failure of a platform provider to remit fees in accordance with G.S. 10B-134.19 and the rules in this Chapter shall
5 be a basis for the Department to revoke a platform license.

6 (b) Revocation shall not preclude other disciplinary action or remedies available to the Department.

7
8 *History Note:* *Authority G.S. 10B-4;10B-134.19;*

9 *Eff. July 1, 2025.*

1 18 NCAC 07B .0610 is adopted with changes as published in 39:13 NCR 815 as follows:

2
3 **18 NCAC 07B .0610 FAILURE TO VERIFY**

4 A technology provider, or physical seal manufacturer or vendor shall be deemed to have knowingly created,
5 manufactured or distributed a notary seal in violation of G.S. 10B-60(n) if the ~~provider~~ provider, manufacturer, or
6 vendor fails to comply with, as applicable:

- 7 (1) 18 NCAC 07J .1202 for IPEN account creation;
- 8 (2) 18 NCAC 07J .1410 for platform account creation for an electronic notary;
- 9 (3) 18 NCAC 07J .1411 for platform account creation for a traditional notary;
- 10 (4) ~~18 NCAC 07J .1203 for change of name on~~ 18 NCAC 07J .1202 for changes to notary commission
11 or registration certificate presented to the IPEN solution;
- 12 (5) ~~18 NCAC 07J .1414 for change of name on platform for an electronic notary;~~ 18 NCAC 07J .1412
13 for changes to commission or registration certificate presented to the platform; and
- 14 ~~(6) 18 NCAC 07J .1415 for change of name on platform for a traditional notary; and~~
- 15 ~~(7)(6)~~ 18 NCAC 07G.

16
17 *History Note:* *Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-*
18 *134.21; 10B-134.23;*
19 *Eff. July 1, 2025.*

1 18 NCAC 07B .0801 is adopted with changes as published in 39:13 NCR 815 as follows:

2
3 **SECTION .0800 – INVESTIGATIONS – ~~RESERVED~~ ACCOMMODATIONS FOR PRINCIPALS**

4
5 **18 NCAC 07B .0801 DEFINITIONS**

6 For the purpose of this Chapter, the following definitions shall apply:

- 7 (1) "Accessibility", "accommodation", and "reasonable accommodation" mean actions facilitating
8 participation in a remote electronic notarial act by a remotely located principal with a vision,
9 hearing, or speech impairment.
- 10 (2) "Auxiliary aid" means a device or tool to enable an individual with vision, hearing, or speech
11 impairments to communicate with a notary public and participate in the notarial transaction process
12 but does not mean ~~interpretation or transliteration~~ interpretation, transliteration, or CART
13 captioning. Note: Examples are screen reader software, magnification software, optical readers for
14 an individual with low vision or a portable device that either writes or produces speech for an
15 individual with speech impairment.
- 16 (3) "CART" or "Communication Access Realtime Translation" means live translation of the spoken
17 English language into English text by an individual certified as a captioner by the National Court
18 Reporters Association and made available on screen with video to a remotely located principal with
19 hearing loss.
- 20 (4) "Interpreter" means an individual:
21 (a) with a full North Carolina interpreter license as defined at 21 NCAC 25 .0101(b)(7);
22 (b) interpreting, as defined at G.S. 90D-3(5), to a remotely located principal with vision,
23 hearing, or speech impairments; and
24 (c) who does not have a provisional interpreting license.
- 25 (5) "Transliterater" means an individual:
26 (a) with a full North Carolina transliterater license as defined at 21 NCAC 25 .0101(b)(7);
27 (b) transliterating, as defined at G.S. 90D-3(9), to a remotely located principal with vision,
28 hearing, or speech impairments; and
29 (c) who does not have a provisional transliterating license.

30
31 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
32 *Eff. July 1, 2025.*

1 18 NCAC 07B .0802 is adopted with changes as published in 39:13 NCR 815 as follows:

2
3 **18 NCAC 07B .0802 PRINCIPAL SEEKING ACCOMMODATION**

4 (a) Before performing a notarial act, a notary public shall require a principal needing reasonable accommodation for
5 vision, hearing, or speech impairments to ~~describe:~~ disclose:

6 (1) any auxiliary aid that the principal ~~is using;~~ has chosen for use in connection with the notarial act;
7 and

8 (2) any interpreter, transliterator, or CART captioner that the principal ~~is using;~~ has chosen for use in
9 connection with the notarial act.

10 (b) If the notarial act is a remote notarial act, ~~then~~ the notary shall comply with Paragraph (a) of this Rule before
11 starting the communication technology recording.

12 (c) A notary public may rely on representations made by an interpreter, transliterator, or certified CART captioner
13 pursuant to this Section.

14
15 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
16 *Eff. July 1, 2025.*

1 18 NCAC 07B .0803 is adopted as published in 39:13 NCR 815 as follows:

2
3 **18 NCAC 07B .0803 PRINCIPAL USE OF CERTAIN ACCOMMODATIONS PERMITTED**

4 A notary public may perform a notarization for a principal with a vision, hearing, or speech impairment whose
5 communications are accurately conveyed by:

6 (1) an auxiliary aid; or

7 (2) an interpreter, transliterator, or certified CART captioner.

8
9 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23

10 Eff. July 1, 2025.

1 18 NCAC 07B .0804 is adopted as published in 39:13 NCR 815-816 as follows:

2
3 **18 NCAC 07B .0804 PROHIBITION ON USE OF ACCOMMODATION AS INTERMEDIARY**
4 **LANGUAGE**

5 An interpreter, transliterator, or CART captioner shall not act as a bridge or relay interpreter to facilitate
6 communication between a notary public and a principal who do not share a common language. This rule does not
7 prohibit interpretation by an interpreter between a principal who uses American Sign Language and a notary who
8 speaks English.

9 Note: An example of a bridge or relay interpretation between a notary and principal who do not share a common
10 language would be an interpreter who translates a principal's Chinese into English for a notary and the notary's English
11 into Chinese sign language for the principal with hearing impairment.

12
13 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23

14 Eff. July 1, 2025.

1 18 NCAC 07B .0805 is adopted with changes as published in 39:13 NCR 816 as follows:

2
3 **18 NCAC 07B .0805 PROHIBITION ON USE OF AUXILIARY AID FOR INTERMEDIARY**
4 **LANGUAGE**

5 A notary public shall not allow a principal to use an auxiliary aid to act as a bridge or to provide relay interpretation
6 to facilitate communication between a notary public and a principal who do not share a common language.

7 Note: An example of an auxiliary aid acting as a bridge or relay between a principal with speech impairment whose
8 language of communication is German and a notary who speaks English, and the aid translates the German into spoken
9 English for the notary and the English into German for the principal.

10
11 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23*
12 *Eff. July 1, 2025.*

1 18 NCAC 07B .0806 is adopted with changes as published in 39:13 NCR 816 as follows:

2
3 **18 NCAC 07B .0806 INTERPRETER OR TRANSLITERATOR INFORMATION**

4 (a) Before performing a notarial act, a notary public shall require any interpreter or transliterator used by a principal
5 to state:

6 (1) the name of the interpreter or transliterator as it appears on the North Carolina license;

7 (2) the license number; and

8 (3) that the interpreter or transliterator has no financial interest in the notarial acts to be performed for
9 the principal.

10 (b) If the notarial act is a remote notarial act, then the notary shall comply with Paragraph (a) of this Rule before
11 starting the communication technology ~~recording~~, recording, if applicable.

12
13 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*

14 *Eff. July 1, 2025.*

1 18 NCAC 07B .0807 is adopted with changes as published in 39:13 NCR 816 as follows:

2
3 **18 NCAC 07B .0807 CART CAPTIONER INFORMATION**

4 (a) Before performing a notarial act, a notary public shall require any CART captioner used by a remotely located
5 principal to state:

- 6 (1) the CART captioner's name as it appears on the National Court Reporters Association certification;
7 (2) the National Court Reporters Association identification number;
8 (3) the CART captioner's status as a National Court Reporters Association-certified realtime captioner;
9 and
10 (4) that the CART captioner has no financial interest in the notarial acts to be performed for the
11 principal.

12 (b) If the notarial act is a remote notarial act, then the notary shall comply with Paragraph (a) of this Rule before
13 starting the communication technology ~~recording~~, recording, if applicable.

14
15 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
16 *Eff. July 1, 2025.*

1 18 NCAC 07B .0808 is adopted with changes as published in 39:13 NCR 816 as follows:

2
3 **18 NCAC 07B .0808 LIMITS ON ACCOMMODATIONS**

4 A notary public shall not perform a notarial act if an individual identified pursuant to Rules .0806 and .0807 of this

5 ~~Section is:~~ Section:

6 (1) is not certified as a CART captioner;

7 (2) is not licensed as an interpreter or a transliterator; or

8 (3) indicates or is known to the ~~electronic~~ notary to have a financial interest in the transactions that are
9 subject to the notarial acts.

10
11 *History Note:* *Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*

12 *Eff. July 1, 2025.*

1 18 NCAC 07B .0809 is adopted as published in 39:13 NCR 816 as follows:

2
3 **18 NCAC 07B .0809 JOURNAL ENTRY REQUIRED REGARDING ACCOMMODATIONS**

4 A notary public shall document within each journal entry any accommodations used by a principal during the notarial
5 transaction.

6
7 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

8 Eff. July 1, 2025.

1 18 NCAC 07B .0810 is adopted as published in 39:13 NCR 816 as follows:

2
3 **18 NCAC 07B .0810 CONTENTS OF JOURNAL ENTRY REGARDING ACCOMMODATIONS**

4 A notary public's journal entry pursuant to Rule .0809 of this Section shall include:

5 (1) the type of auxiliary aid specified by the principal;

6 (2) the information regarding a transliterator or interpreter required by Rule .0806 of this Section; and

7 (3) the information regarding a CART captioner required by Rule .0807 of this Section.

8
9 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

10 Eff. July 1, 2025.