

1 18 NCAC 07D .0103 is repealed as published in 39:13 NCR 817 as follows:
2

3 **SUBCHAPTER 07D – CONTINUING OBLIGATIONS OF NOTARIES**
4

5 **SECTION .0100 – GENERAL OBLIGATIONS**
6

7 **18 NCAC 07D .0103 EXTENSION REQUEST TO DEPARTMENT**
8

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

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

11 *Repealed Eff. July 1, 2025.*

1 18 NCAC 07D .0104 is repealed as published in 39:13 NCR 817 as follows:

2
3 **18 NCAC 07D .0104 DEPARTMENT RESPONSE TO EXTENSION REQUEST**

4
5 *History Note: Authority G.S. 10B-4; 10B-126(f); 10B-134.17(c);*

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

7 *Repealed Eff. July 1, 2025.*

1 18 NCAC 07D .0105 is adopted as published in 39:13 NCR 817 as follows:

2
3 **18 NCAC 07D .0105 NOTARIZATION OF OPEN VEHICLE TITLE PROHIBITED**

4 A notary public shall not notarize an assignment and warranty of title on the reverse of the certificate of title form
5 approved by the Division of Motor Vehicles unless the following fields have been completed by an individual other
6 than the notary:

7 (1) the name and address of the buyer or transferee, except as provided in G.S. 20-72(b) for insurers
8 and used motor vehicle dealers;

9 (2) the required odometer reading disclosures;

10 (3) the required disclosures about repairs, flood, and reconstruction or salvage;

11 (4) the date the vehicle was delivered to the buyer or transferred;

12 (5) the printed name of the seller; and

13 (6) the signature of the seller.

14
15 History Note: Authority G.S. 10B-2; 10B-4; 20-72(b);

16 Eff. July 1, 2025.

1 18 NCAC 07D .0106 is adopted as published in 39:13 NCR 817 as follows:

2
3 **18 NCAC 07D .0106 NO USE OF FOREIGN LANGUAGE TRANSLATORS**

4 A notary public shall not allow a principal or remotely located principal to communicate with the notary by means of
5 an individual converting one language to a different language, orally or in writing. An interpreter, transliterator, or
6 CART captioner may facilitate communication between the notary and principal in compliance with 18 NCAC 07B
7 Section .0800.

8
9 History Note: Authority G.S. 10B-2; 10B-4;

10 Eff. July 1, 2025.

1 18 NCAC 07D .0309 is adopted as published in 39:13 NCR 817 as follows:
2

3 **SECTION .0300 – NOTICE TO DEPARTMENT OF CHANGES**
4

5 **18 NCAC 07D .0309 NOTIFICATION OF ELECTRONIC NOTARY SOLUTION SERIOUS SERVICE**
6 **PERFORMANCE PROBLEMS**

7 An electronic notary public shall use the form described in 18 NCAC 07B .0420 to notify the Department of any
8 electronic notary solution dysfunction that the electronic notary considers:

9 (1) to be persistent and disruptive; or

10 (2) to indicate possible problems with security, privacy, or accuracy of credential verification or identity
11 proofing.

12 Note: For purposes of this rule, persistent and disruptive dysfunctions include repeated abnormal system interruptions
13 or stoppages, extremely slow system responses, and other unusual system interactions that delay or hinder the notarial
14 act, as determined by the electronic notary.

15
16 History Note: Authority G.S. 10B-4; 10B-36;

17 Eff. July 1, 2025.

1 18 NCAC 07D .0310 is adopted with changes as published in 39:13 NCR 817-818 as follows:

2
3 **18 NCAC 07D .0310 NOTARY REPORT OF LOSS, THEFT AND SIMILAR ISSUES**

4 Within 10 days of discovery, a notary public shall report to the Department using the form specified in 18 NCAC 07B
5 .0431:

- 6 (1) for a physical notary seal or journal, its unauthorized use, loss, theft, or vandalism;
- 7 (2) for an electronic notary seal or signature, its unauthorized use, loss of use, compromise of security,
8 ~~unauthorized use~~, or having been rendered incapable of affixing a legible image; or
- 9 (3) for an electronic notary journal, a communication technology recording, a session record, or other
10 notarial records:
- 11 (a) the permanent loss of data, use, or access;
- 12 (b) compromise of security or unauthorized use; or
- 13 (c) theft.

14
15 *History Note: Authority G.S. 10B-4; 10B-36; 10B-125(b); 10B-126(d); 10B-134.21;*
16 *Eff. July 1, 2025.*
17 *July 1, 2025.*
18

1 18 NCAC 07D .0401 is adopted with changes as published in 39:13 NCR 818 as follows:

2
3 **SECTION .0400 – GENERAL REQUIREMENTS FOR USE OF TECHNOLOGY**

4
5 **18 NCAC 07D .0401 ELECTRONIC NOTARY SEAL**

6 An electronic notary public shall:

- 7 (1) obtain an electronic notary seal only from an authorized IPEN solution or platform provider;
- 8 (2) present the electronic notary's ~~commission certificate and~~ registration certificate to the provider; and
- 9 (3) undergo credential analysis and identity proofing upon:
- 10 (a) account creation with the provider;
- 11 (b) presentation of:
- 12 (i) a commission certificate with a name, county, or expiration date change; or
- 13 (ii) a recommissioning certificate; and
- 14 (c) at any time requested by the provider.

15
16 *History Note: Authority G.S. 10B-4; 10B-125(b);*
17 *Eff. July 1, 2025.*

1 18 NCAC 07D .0402 is adopted as published in 39:13 NCR 818 as follows:

2
3 **18 NCAC 07D .0402 LICENSED PLATFORM USE FOR REMOTE OATHS AND AFFIRMATIONS**
4 **PURSUANT TO G.S. 10B-134.9(D)**

5 A notary public shall use a licensed platform for administration of oaths or affirmations pursuant to G.S. 10B-134.9(d)
6 and comply with the rules in Section .0500 of this Subchapter.

7
8 *History Note: Authority G.S. 10B-4; 10B-134.21;*
9 *Eff. July 1, 2025.*

1 18 NCAC 07D .0403 is adopted as published in 39:13 NCR 818 as follows:

2
3 **18 NCAC 07D .0403 TRADITIONAL NOTARY PUBLIC USE OF APPROVED CUSTODIAN FOR**
4 **JOURNAL**

5 Any custodial services used by a traditional notary public shall have been approved by the Department.

6
7 History Note: Authority G.S. 10B-4; 10B-134.19; 10B-134.21;

8 Eff. July 1, 2025.

1 18 NCAC 07D .0404 is adopted with changes as published in 39:13 NCR 818 as follows:

2
3 **18 NCAC 07D .0404 NOTARY USE OF IDENTITY PROOFING AND CREDENTIAL ANALYSIS**
4 **INDEPENDENT OF PLATFORM**

5 A notary public ~~electing to~~ shall use approved identity proofing or credential analysis solutions when performing an
6 in-person notarial act ~~shall~~ if the notary:

- 7 (1) ~~not use identity proofing and credential analysis as a replacement for the notary's independent~~
8 ~~evaluation of whether~~ verifies the identity of the principal using personal knowledge or satisfactory
9 ~~evidence of identification has been met;~~ evidence, as defined in G.S. 10B-3(22);
10 (2) ~~use only approved~~ uses the identity proofing or credential analysis ~~vendors and solutions;~~ only as a
11 supplement to, and not a replacement for, the identification process described in Item (1) of this
12 Rule; and
13 (3) ~~comply~~ complies with G.S. 10B-134.11(a)(2).

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

1 18 NCAC 07D .0405 is adopted as published in 39:13 NCR 818 as follows:

2
3 **18 NCAC 07D .0405 APPROVED OR LICENSED TECHNOLOGY TO BE USED BY AN**
4 **ELECTRONIC NOTARY PUBLIC**

5 An electronic notary public shall use only authorized technology providers when performing electronic notarial acts
6 and remote electronic notarial acts.

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

9 *Eff. July 1, 2025.*

1 18 NCAC 07D .0406 is adopted as published in 39:13 NCR 818 as follows:

2
3 **18 NCAC 07D .0406 NOTIFICATION TO TECHNOLOGY PROVIDER OF CHANGES**

4 Prior to conducting any electronic notarial act, a notary public shall have provided the notary's technology providers
5 with a copy of any new commission certificate reflecting changes to the notary's:

6 (1) commission name;

7 (2) commission county; or

8 (3) commission expiration date.

9
10 History Note: Authority G.S. 10B-4; 10B-134.21;

11 Eff. July 1, 2025.

1 18 NCAC 07D .0501 is adopted as published in 39:13 NCR 818 as follows:

2
3 **SECTION .0500 – REQUIREMENTS FOR GS 10B-134.9(D) OATHS AND AFFIRMATIONS**

4
5 **18 NCAC 07D .0501 NOTARY ADMINISTRATION OF REMOTE OATH OR AFFIRMATION**
6 **PURSUANT TO G.S. 10B-134.9(D)**

7 A notary public administering a remote oath or affirmation pursuant to G.S. 10B-134.9(d) shall comply with:

8 (1) the rules in this Section; and

9 (2) the rules in 18 NCAC 07H, with the exception of Sections .0500 and .0600.

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

12 Eff. July 1, 2025.

1 18 NCAC 07D .0502 is adopted as published in 39:13 NCR 818 as follows:

2
3 **18 NCAC 07D .0502 DECLARATION OF JUDICIAL OFFICIAL OR OFFICER OF THE COURT**

4 A notary public may administer a remote oath or affirmation pursuant to G.S. 10B-134.9(d) only if:

5 (1) the notarial act is requested by a judicial officer or an officer of the court; and

6 (2) the requesting officer declares to the notary prior to the administration of the remote oath or
7 affirmation that:

8 (a) the oath or affirmation is one that will be performed in the course of a judicial action or
9 proceeding; and

10 (b) the oath or affirmation will not involve the notarization of a document.

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

13 Eff. July 1, 2025.

1 18 NCAC 07D .0503 is adopted with changes as published in 39:13 NCR 819 as follows:

2
3 **18 NCAC 07D .0503 PLATFORM CONFIRMATION OF NOTARY STATUS**

4 Before completing the platform account registration process in order to administer an oath or affirmation pursuant to
5 G.S. 10B-134.9(d), a notary public shall:

- 6 (1) undergo credential analysis and identity proofing by the platform upon initial account creation;
7 (2) present ~~the notary's commission certificate and registration certificate, if applicable, to the platform;~~
8 ~~and platform:~~
9 (a) for an electronic notary public, the electronic notary's registration certificate; and
10 (b) for a traditional notary, the notary's commission certificate; and
11 (3) if the notary will use the platform's journal, inform the platform and provide the platform with the
12 name of the notary's approved custodian.

13
14 *History Note: Authority G.S. 10B-4; 10B-134.21;*
15 *Eff. July 1, 2025.*

1 18 NCAC 07D .0504 is adopted as published in 39:13 NCR 819 as follows:

2
3 **18 NCAC 07D .0504 TRAINING REQUIREMENT FOR NOTARY PUBLIC ADMINISTERING A G.S.**
4 **10B-134.9(D) OATH OR AFFIRMATION**

5 A notary public shall not administer a remote oath or affirmation pursuant to G.S. 10B-134.9(d) unless the notary has
6 completed the Department's educational module specific to G.S. 10B-134.9(d).

7 Note: The educational module may be taken separately or as part of the electronic notary public course.

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

10 Eff. July 1, 2025.

1 18 NCAC 07D .0505 is adopted as published in 39:13 NCR 819 as follows:

2
3 **18 NCAC 07D .0505 DOCUMENTATION OF REMOTE OATH OR AFFIRMATION PURSUANT TO**
4 **G.S. 10B-134.9(D)**

5 An entry shall be made in a notarial journal for each administration of a remote oath or affirmation pursuant to G.S.
6 10B-134.9(a) by any notary public who keeps a journal.

7
8 History Note: Authority G.S. 10B-4; 10B-134.15(b); 10B-134.21;
9 Eff. July 1, 2025.

1 18 NCAC 07D .0506 is adopted as published in 39:13 NCR 819 as follows:

2
3 **18 NCAC 07D .0506 JOURNAL ENTRY**

4 An entry in a notarial journal pursuant to Rule .0505 of this Section shall include the name of the judicial official or
5 officer of the court who made the declaration pursuant to Rule .0502 of this Section.

6
7 History Note: Authority G.S. 10B-4; 10B-134.15(b); 10B-134.21;
8 Eff. July 1, 2025.

1 18 NCAC 07D .0507 is adopted with changes as published in 39:13 NCR 819 as follows:

2
3 **18 NCAC 07D .0507 RECORDING COUNT OF NOTARIAL ACTS**

4 Before ending a session in which remote oaths or affirmations are administered pursuant to G.S. 10B-134.9(d), a
5 notary public shall:

6 (1) count the number of ~~notarial acts performed;~~ oaths or affirmations administered that do not include
7 a principal signature; and

8 (2) enter ~~the~~ that number of notarial acts in the field designated by the platform for that purpose.

9
10 *History Note: Authority G.S. 10B-4; 10B-134.21;*

11 *Eff. July 1, 2025.*

1 18 NCAC 07D .0601 is adopted as published in 39:13 NCR 819 as follows:

2
3 **SECTION .0600 – ACCESS TO NOTARIAL RECORDS**
4

5 **18 NCAC 07D .0601 DISCLOSURE OF CONFIDENTIAL INFORMATION**

6 A notary public may disclose confidential information or provide a copy of a journal, a journal entry, or notarial
7 records only pursuant to:

8 (1) G.S. 10B-20(p)(1)-(5);

9 (2) a waiver of information confidentiality that complies with Rule .0602 of this Section;

10 (3) a request that complies with Rule .0603 of this Section; or

11 (4) a request for an electronic journal by an employer of the electronic notary public that is made
12 pursuant to G.S. 10B-134.15(c) and Rules .0603 and .0604 of this Section.

13
14 History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.15(d); 10B-134.21;

15 Eff. July 1, 2025.

1 18 NCAC 07D .0602 is adopted as published in 39:13 NCR 819 as follows:

2
3 **18 NCAC 07D .0602 RELEASE OF CONFIDENTIAL INFORMATION ON REQUEST OF**
4 **PRINCIPALS**

5 A notary public may release confidential information learned from the principals or records generated during a notarial
6 transaction only if:

7 (1) all principals who participated in the notarial transaction agree;

8 (2) the request is provided to the notary in writing with a statement signed and dated by each principal
9 with:

10 (a) the printed name of each principal who participated in the transaction;

11 (b) the date of the transaction;

12 (c) a description of the types of notarial acts performed by the notary during the transaction;

13 (d) a description of the confidential information sought; and

14 (e) an instruction stating to whom the confidential information may be delivered; and

15 (3) the principal provides any other information that the notary may request for purposes of determining
16 the information to be provided or to whom it is to be provided.

17
18 History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.15(d); 10B-134.21;

19 Eff. July 1, 2025.

1 18 NCAC 07D .0603 is adopted as published in 39:13 NCR 819-820 as follows:

2
3 **18 NCAC 07D .0603 EMPLOYER REQUEST FOR JOURNAL ENTRIES**

4 An electronic notary may provide the electronic notary's former employer with a copy of work-related entries in the
5 electronic notary's electronic journal upon:

6 (1) leaving employment with the employer; and

7 (2) request of the employer.

8 Note: For purposes of this rule, "work-related" means electronic notarial acts and remote electronic notarial acts
9 performed for the electronic notary public's employer in the course of the electronic notary's employment.

10
11 History Note: Authority G.S. 10B-4; 10B-38; 10B-126(a); 10B-134.15(a);

12 Eff. July 1, 2025.

1 18 NCAC 07D .0604 is adopted as published in 39:13 NCR 820 as follows:

2
3 **18 NCAC 07D .0604 ADDITIONAL ELECTRONIC NOTARY OBLIGATIONS UPON EMPLOYER**
4 **REQUEST**

5 An electronic notary public shall not provide the electronic notary's work-related electronic journal entries to the
6 electronic notary's employer unless the notary retains a backup copy as required by G.S. 10B-134.15(c).

7
8 History Note: Authority G.S. 10B-4; 10B-38; 10B-126(a); 10B-134.15(a);
9 Eff. July 1, 2025.

1 18 NCAC 07D .0605 is adopted as published in 39:13 NCR 820 as follows:

2
3 **18 NCAC 07D .0605 SUPPLEMENTAL ENTRIES RE ACCESS TO JOURNALS**

4 Upon releasing confidential information pursuant to this Section of this Subchapter and unless directed otherwise by
5 court order or the Department, a notary public or electronic notary public shall make a supplemental entry in:

6 (1) the electronic notary's electronic journal; or

7 (2) the traditional notary's journal, if any.

8
9 *History Note: Authority G.S. 10B-4; 10B-38; 10B-126(a); 10B-134.15(a);*

10 *Eff. July 1, 2025.*

1 18 NCAC 07D .0606 is adopted as published in 39:13 NCR 820 as follows:

2
3 **18 NCAC 07D .0606 CONTENTS OF SUPPLEMENTAL ENTRY RE RELEASE OF CONFIDENTIAL**
4 **INFORMATION**

5 A notary public or an electronic notary public who makes a supplemental journal entry pursuant to Rule .0605 of this
6 Section shall include the following in the entry:

7 (1) the name of the requestor;

8 (2) the dates of the request and the notary's response to the request;

9 (3) the information requested; and

10 (4) any other information that the notary determines necessary to include.

11
12 History Note: Authority G.S. 10B-4; 10B-38; 10B-126(a); 10B-134.15(a);

13 Eff. July 1, 2025.