

1 18 NCAC 07H .0101 is adopted with changes as published in 39:13 NCR 823 as follows:

2
3 **SUBCHAPTER 07H – ~~RESERVED FOR FUTURE CODIFICATION~~ REMOTE ELECTRONIC**
4 **NOTARIAL ACT AND IPEN REQUIREMENTS**

5
6 **SECTION .0100 - GENERAL PROVISIONS**

7
8 **18 NCAC 07H .0101 SCOPE**

9 (a) The rules in this Subchapter implement Part 4A, Remote Electronic Notarization of Article 2, Electronic Notary
10 Act, of Chapter 10B of the General Statutes.

11 (b) The rules in this Subchapter are adopted pursuant to the provisions of Subchapter I of Chapter 96 of Title 15 of
12 the United States Code, Electronic Records and Signatures in Commerce.

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

1 18 NCAC 07H .0102 is adopted as published in 39:13 NCR 824 as follows:

2
3 **18 NCAC 07H .0102 REQUIREMENTS FOR ELECTRONIC NOTARIES PERFORMING REMOTE**
4 **ELECTRONIC NOTARIAL ACTS**

5 Before performing a remote electronic notarial act, other than one subject to 18 NCAC 07D .0500, an electronic notary
6 public shall comply with the applicable rules in:

7 (1) this Subchapter; and

8 (2) Subchapter 07F of this Chapter.

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

11 Eff. July 1, 2025.

1 18 NCAC 07H .0103 is adopted with changes as published in 39:13 NCR 824 as follows:

2
3 **18 NCAC 07H .0103 DEFINITIONS**

4 For purposes of this Subchapter:

- 5 (1) "Active duty" means that term as it is defined in 10 U.S.C. 101(d)(1).
6 (2) "Armed Forces" means that term as it is defined in 18 NCAC 07K .0101(2).
7 (3) "Credential" or "credentials" means a document presented as satisfactory evidence of identity
8 pursuant to ~~G.S. 10B-3(22)(a)~~ G.S. 10B-3(22)a and ~~G.S. 10B-134.11(a)(2)(a)~~ G.S. 10B-
9 134.11(a)(2)a.
10 (4) "Dependent" means that term as it is defined in 37 U.S.C. 401.
11 (5) "Military orders" means that term as it is defined in 50 U.S.C. 3955(i)(1), except that it shall not
12 include orders for separation or retirement.

13
14 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
15 *Eff. July 1, 2025.*

1 18 NCAC 07H .0104 is adopted with changes as published in 39:13 NCR 824 as follows:

2
3 **18 NCAC 07H .0104 ~~PROHIBITIONS ON TYPES OF REMOTE ELECTRONIC NOTARIAL~~**
4 **PROHIBITED ACTS**

5 A notary public shall not perform a remote electronic notarial act if the act:

6 (1) is prohibited by G.S. 10B-20, 10B-22, 10B-23, 10B-134.3, or 163-231; or

7 (2) is an inventory of a safe deposit box as described in G.S. 53C-6-13(a).

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

10 *Eff. July 1, 2025.*

1 18 NCAC 07H .0201 is adopted with changes as published in 39:13 NCR 824 as follows:

2
3 **SECTION .0200 – ESTABLISHING LOCATION OF PRINCIPALS**

4
5 **18 NCAC 07H .0201 TIMING OF VERIFICATION OF LOCATION**

6 (a) An electronic A notary public ~~shall~~ shall

7 ~~(1)~~ as ~~a preliminary matter~~, verify the location of a principal seeking a remote electronic
8 notarization as required by ~~G.S. 10B-134.9(a)(6)~~; G.S. 10B-134.9(a)(6) before beginning a
9 remote electronic notarial act.

10 ~~(2)(b) state~~ An electronic notary public shall state, during the recorded recitation required by Rule .0607 of this
11 Subchapter, how the location was verified during the recorded recitation required by Rule .0607 of this Subchapter.
12 verified.

13
14 *History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
15 *Eff. July 1, 2025.*

1 18 NCAC 07H .0202 is adopted with changes as published in 39:13 NCR 824 as follows:

2
3 **18 NCAC 07H .0202 MEANS OF DETERMINING PRINCIPAL LOCATION**

4 ~~An electronic~~ A notary public shall determine the location of a principal seeking a remote electronic notarization by:

5 (1) geolocation if the principal is using a GPS-enabled device; or

6 (2) self-attestation by the principal if the principal is not using a GPS-enabled device.

7
8 *History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
9 *Eff. July 1, 2025.*

1 18 NCAC 07H .0203 is adopted with changes as published in 39:13 NCR 824 as follows:

2
3 **18 NCAC 07H .0203 PROCEDURE WHEN PRINCIPAL USES GPS-ENABLED DEVICE**

4 Unless an exception in Rule .0204 of this Section applies, ~~an electronic~~ a notary public shall terminate a notarial
5 transaction if:

- 6 (1) the platform indicates that the principal has a GPS-enabled device capable of geolocation that:
7 (a) has the GPS location feature disabled; and
8 (b) the principal declines to enable the GPS-location feature of the device; or
9 (2) the principal is not in a permitted location pursuant to G.S. 10B-134.1(10).

10
11 *History Note:* *Authority G.S. 10B-4; 10B-134.9; 0B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
12 *Eff. July 1, 2025.*

1 18 NCAC 07H .0204 is adopted with changes as published in 39:13 NCR 824 as follows:

2
3 **18 NCAC 07H .0204 EXCEPTION TO RULE .0203**

4 ~~An electronic~~ A notary public shall not terminate a notarial transaction pursuant to Rule .0203 of this Section if the
5 principal seeking a remote electronic notarization makes a self-attestation pursuant to Rules .0206 or .0207 of this
6 Section.

7
8 *History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
9 *Eff. July 1, 2025.*

1 18 NCAC 07H .0205 is adopted with changes as published in 39:13 NCR 824-825 as follows:

2
3 **18 NCAC 07H .0205 CONTENTS OF ATTESTATION OF LOCATION**

4 A principal's self-attestation of current location shall consist of:

- 5 (1) the name of the principal who is identified to the ~~electronic~~ notary public;
- 6 (2) a statement that the principal is currently located:
- 7 (a) inside the United States including:
- 8 (i) the name of the state, territory, or federally recognized tribal area in which the
- 9 principal is located; and
- 10 (ii) the name of the county, parish, or equivalent governmental subdivision;
- 11 (b) outside the United States in a ~~United States~~ U.S. embassy, consulate or diplomatic mission
- 12 including:
- 13 (i) whether the principal is located in a U.S. embassy, a U.S. consulate, or a U.S.
- 14 diplomatic mission;
- 15 (ii) the name of the country and city in which the embassy, consulate, or diplomatic
- 16 mission is located; and
- 17 (iii) the name of the U.S. embassy, consulate, or diplomatic mission; or
- 18 (3) the information required by Rule .0206 of this Section for a principal on a United States military
- 19 installation or vessel outside the United States.
- 20

21 *History Note:* *Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*

22 *Eff. July 1, 2025.*

1 18 NCAC 07H .0206 is adopted with changes as published in 39:13 NCR 825 as follows:

2
3 **18 NCAC 07H .0206 CONTENTS OF ATTESTATION OF LOCATION ON U.S. MILITARY**
4 **INSTALLATION OR VESSEL**

5 Self-attestation by a principal of current location on a United States military installation or vessel outside the United
6 States shall consist of:

- 7 (1) the name of the principal making the attestation to the ~~electronic~~ notary public;
- 8 (2) whether the principal is:
- 9 (a) a member of the Armed Forces of the United States; or
- 10 (b) a dependent of a member of the Armed Forces, and the name of the member;
- 11 (3) the branch of the Armed Forces in which the member serves;
- 12 (4) that the principal is physically located outside the United States on:
- 13 (a) a U.S. military installation; or
- 14 (b) a U.S. military vessel; and
- 15 (5) unless Rule .0207 of this Section applies, the name of:
- 16 (a) the installation and the country in which the installation is located; or
- 17 (b) the name of the vessel; and
- 18 (6) that the principal is on the named installation or vessel pursuant to military orders assigning the
19 member to active duty for more than 120 days.
- 20

21 *History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
22 *Eff. July 1, 2025.*

1 18 NCAC 07H .0207 is adopted with changes as published in 39:13 NCR 825 as follows:

2
3 **18 NCAC 07H .0207 EXCEPTION TO RULE .0206**

4 If a principal cannot provide the information in Rule .0206 of this Section for reasons of ~~U.S.~~ United States national
5 security, the principal may attest that:

6 (1) the principal is on a U.S. military installation or vessel pursuant to military orders assigning the
7 member to active duty for more than 120 days; and

8 (2) the name and location cannot be divulged for reasons of national security.

9
10 *History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.17; 10B-134.21; 10B-134.23;*
11 *Eff. July 1, 2025.*

1 18 NCAC 07H .0208 is adopted with changes as published in 39:13 NCR 825 as follows:

2
3 **18 NCAC 07H .0208 ADDITIONAL REQUIREMENTS FOR WRITTEN ATTESTATION OF**
4 **LOCATION**

5 A remotely located principal may self-attest to the principal's location by using communication technology to deliver
6 a writing to the ~~electronic~~ notary public that conforms to Rules .0205 or .0206 of this Section and, in addition, contains:

- 7 (1) the printed name of the principal;
8 (2) the signature of the principal; and
9 (3) the date on which the principal signed the self-attestation, which shall be the same date as the remote
10 electronic ~~notarization~~ notarial act.

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

1 18 NCAC 07H .0301 is adopted with changes as published in 39:13 NCR 825 as follows:

2
3 **SECTION .0300 – IDENTITY VERIFICATION**
4

5 **18 NCAC 07H .0301 VERIFICATION OF IDENTITY BY ~~ELECTRONIC~~ NOTARY PUBLIC**

6 Prior to performing a remote electronic notarial act, ~~an electronic~~ a notary public shall identify the remotely located
7 principal by:

- 8 (1) personal knowledge as defined in G.S. 10B-3(17); or
9 (2) reviewing to the satisfaction of the notary:
10 (a) all results, both separately and together, provided by the technology provider for:
11 (i) credential analysis; and
12 (ii) identity proofing;
13 (b) comparing the face of the remotely located principal to the image on the credential
14 uploaded for credential analysis; and
15 (c) any additional information or identification credentials that the notary deems necessary to
16 confirm the identity of the remotely located principal.
17

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

1 18 NCAC 07H .0302 is adopted with changes as published in 39:13 NCR 825 as follows:

2
3 **18 NCAC 07H .0302 CREDIBLE WITNESS PROHIBITED FOR IDENTITY VERIFICATION OF**
4 **REMOTE PRINCIPALS**

5 For purposes of identifying a remotely located principal, ~~an electronic~~ a notary public shall not rely upon a credible
6 witness.

7
8 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
9 *Eff. July 1, 2025.*

1 18 NCAC 07H .0303 is adopted with changes as published in 39:13 NCR 826 as follows:

2
3 ~~18 NCAC 07H .0304~~ **18 NCAC 07H .0303** NOTARY REQUEST FOR ADDITIONAL INFORMATION

4 If ~~an electronic~~ a notary public determines that additional ~~information~~ information, identity proofing, or identification
5 credentials are necessary to confirm the identity of the remotely located principal, then the ~~electronic~~ notary shall:

6 (1) require the principal to:

7 (a) provide additional information; or

8 (b) undergo additional identity proofing, credential ~~analysis~~ analysis, or both by the technology
9 provider; or

10 (2) cancel the remote notarial transaction if:

11 (a) the principal refuses to provide additional information or undergo additional credential
12 analysis; or

13 (b) the notary decides the principal's identity has not been verified.
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 07H .0401 is adopted with changes as published in 39:13 NCR 826 as follows:

2
3 **SECTION .0400 – CONTINUOUS COMMUNICATION BETWEEN NOTARY AND PRINCIPAL**

4
5 **18 NCAC 07H .0401 UNOBSTRUCTED VIEW**

6 Except as noted in Rule .0406 of this Section, ~~an electronic~~ a notary public shall not perform a remote electronic
7 notarization unless, in the judgment of the ~~electronic~~ notary, there is a clear and unobstructed view of:

- 8 (1) all principals;
- 9 (2) any interpreter or transliterator who is interpreting for a principal; and
- 10 (3) the text that a CART captioner is providing to the principal.

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

1 18 NCAC 07H .0402 is adopted with changes as published in 39:13 NCR 826 as follows:

2
3 **18 NCAC 07H .0402 MODIFIED IMAGE OF PRINCIPAL**

4 ~~An electronic~~ A notary public shall not perform a remote electronic notarization if, in the judgment of the ~~electronic~~
5 notary, the live on-screen image of the remotely located principal:

6 (1) appears to be:

7 (a) altered;

8 (b) ~~filtered;~~ unnatural; or

9 (c) simulated; or

10 (2) does not accurately reflect a real-time two-way communication between the ~~electronic~~ notary and
11 the principal.

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 07H .0403 is adopted with changes as published in 39:13 NCR 826 as follows:

2
3 **18 NCAC 07H .0403 AUDIO IMPAIRMENT**

4 ~~An electronic~~ A notary public shall not perform a remote electronic notarization ~~if~~ if, in the judgment of the notary,
5 the quality and clarity of the audio communication ~~technology does not provide sound clear enough that prevents~~ each
6 participant ~~can hear and understand~~ from hearing and understanding all other participants. ~~For purposes of this Rule,~~
7 "sound clear enough" shall be as determined by the electronic notary.

8
9 History Note: Authority G.S. 10B-4; 10B-134.5; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

10 Eff. July 1, 2025.

1 18 NCAC 07H .0404 is adopted with changes as published in 39:13 NCR 826 as follows:

2
3 **18 NCAC 07H .0404 MODIFIED VOICE OF PRINCIPAL**

4 Except as permitted in Rule .0405 of this Section, ~~an electronic~~ a notary public shall not perform a remote electronic
5 notarization if, in the judgment of the ~~electronic~~ notary, the voice of the remotely located principal:

6 (1) appears to be:

7 (a) altered;

8 (b) ~~filtered;~~ unnatural; or

9 (c) simulated; or

10 (2) does not accurately reflect a live two-way communication between the ~~electronic~~ notary and the
11 remotely located principal.

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 07H .0405 is adopted with changes as published in 39:13 NCR 826 as follows:

2
3 **18 NCAC 07H .0405 EXCEPTION TO RULE .0404**

4 ~~An electronic notary public may perform a remote electronic notarization if the electronic notary concludes that any~~
5 ~~alteration, filtration, simulation, or asynchronicity of a principal's voice is otherwise in compliance with the~~
6 ~~accommodation rules in 18 NCAC 07B .0800.~~

7 A notary public may perform a remote electronic notarization for a principal who, in order to be accommodated
8 pursuant to G.S. 134.1(1), must use a technology that:

9 (1) filters, alters, or simulates the principal's voice or produces speech that is asynchronous with the
10 video communication;

11 (2) is under the control of the principal; and

12 (3) is otherwise compliant with 18 NCAC 07B .0800.

13 Note: An example of a principal using this exception would be an individual with ALS who uses eye movements to
14 manipulate a computer to speak.

15
16 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

17 Eff. July 1, 2025.

1 18 NCAC 07H .0406 is adopted with changes as published in 39:13 NCR 826 as follows:

2
3 **18 NCAC 07H .0406 PRINCIPAL DISAPPEARANCE OR EXIT**

4 ~~An electronic~~ A notary public shall terminate the remote electronic notarial transaction process if the remotely located
5 principal:

6 (1) disappears from the ~~electronic~~ notary's view for an excessive amount of time, as determined by the
7 ~~electronic~~ notary; or

8 (2) exits the session.

9 Note: Examples of disappearing would be moving out of view or turning off the camera.

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 07H .0501 is adopted as published in 39:13 NCR 827 as follows:
2

3 **SECTION .0500 – ELECTRONIC NOTARY PUBLIC STORAGE OF RECORDS**
4

5 **18 NCAC 07H .0501 DESIGNATION OF APPROVED CUSTODIAN**

6 An electronic notary public shall designate an approved custodian to maintain the electronic notary's records, using
7 the form described 18 NCAC 07B .0405.

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 07H .0502 is adopted as published in 39:13 NCR 827 as follows:

2
3 **18 NCAC 07H .0502 CUSTODIAN DESIGNATION LIMITATION**

4 An electronic notary public shall designate as custodian only an approved custodian that has agreed to provide
5 custodial services to the electronic notary.

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 07H .0503 is adopted as published in 39:13 NCR 827 as follows:

2
3 **18 NCAC 07H .0503 NOTICE TO DEPARTMENT OF CUSTODIAN**

4 An electronic notary public shall use the form in 18 NCAC 07B .0405 to notify the Department of:

5 (1) designation of an approved custodian for the electronic notary's records;

6 (2) designation of the electronic notary as a custodial notary; or

7 (3) designation of a new approved custodian upon a change in custodians.

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 07H .0504 is adopted with changes as published in 39:13 NCR 827 as follows:

2
3 **18 NCAC 07H .0504 SELF-DESIGNATION AS CUSTODIAL NOTARY**

4 An electronic notary public may be designated as custodian of the electronic notary's own electronic journal consisting
5 solely of IPEN acts only if the electronic notary:

- 6 (1) lists the electronic notary's name as custodial notary on the form described in 18 NCAC 07B .0405;
7 (2) agrees to comply with the rules of this Subchapter applicable to custodial notaries; and
8 (3) complies with the requirements of the custodial notary rules in ~~18 NCAC 07J Section .2200.~~ 18
9 NCAC 07J Section .2200.

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 07H .0505 is adopted as published in 39:13 NCR 827 as follows:

2
3 **18 NCAC 07H .0505 CUSTODIAL NOTARY PROHIBITIONS**

4 A custodial notary shall not serve as the custodian for:

5 (1) the records of another notary public; or

6 (2) the records of a remote electronic notarial act.

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

9 Eff. July 1, 2025.

1 18 NCAC 07H .0506 is adopted as published in 39:13 NCR 827 as follows:

2
3 **18 NCAC 07H .0506 ELECTRONIC NOTARY NOTICE TO PLATFORM OR IPEN PROVIDER OF**
4 **CUSTODIAN**

5 An electronic notary public shall notify the electronic notary's designated platform or IPEN provider of the name of
6 the electronic notary's custodian:

7 (1) before the first use of the platform or IPEN solution; and

8 (2) before a change in custodian that will require transfer of records to a different custodian.

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

11 Eff. July 1, 2025.

1 18 NCAC 07H .0507 is adopted as published in 39:13 NCR 827 as follows:

2
3 **18 NCAC 07H .0507 STORING RECORDS WITH APPROVED DEPOSITORY AND CUSTODIANS**

4 An electronic notary public shall ensure that the electronic notary's session records are accessible to, and readable by,
5 the electronic notary while stored with:

6 (1) an approved depository; and

7 (2) an approved custodian:

8 (a) for 10 years from the date of the journal entry for a notarial act; or

9 (b) for any period of more than 10 years during which:

10 (i) there is a litigation hold or other order requiring retention for more than 10 years;

11 or

12 (ii) the electronic notary public arranges for the custodian to keep the records more
13 than 10 years.

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 07H .0508 is adopted as published in 39:13 NCR 827 as follows:

2
3 **18 NCAC 07H .0508 TRANSFER OF RECORDS FOR WHICH RETENTION PERIOD HAS NOT**
4 **ENDED**

5 If the retention period for an electronic notary public's records has not expired, an electronic notary public shall:

6 (1) _____ transfer the records only to another approved custodian; and

7 (2) _____ notify the Department of the change in custodian as required by Rule .0503 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.

1 18 NCAC 07H .0509 is adopted with changes as published in 39:13 NCR 827 as follows:

2
3 **18 NCAC 07H .0509 RECORDS FOR WHICH RETENTION PERIOD HAS ENDED**

4 An electronic notary public shall, with regard to session records for which the retention period has expired:

- 5 (1) direct the custodian to ~~destroy~~ securely delete the records;
- 6 (2) if a custodial notary, ~~destroy~~ securely delete the records; or
- 7 (3) retain or arrange for further retention of the records.

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 07H .0510 is adopted as published in 39:13 NCR 828 as follows:

2
3 **18 NCAC 07H .0510 NO DELETION OF SESSION RECORDS PRIOR TO EXPIRATION OF**
4 **RETENTION PERIOD**

5 An electronic notary public shall not direct a custodian to delete a session record or its backup prior to the end of the
6 retention period established by Rule .0507 of this Section.

7
8 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;
9 Eff. July 1, 2025.

1 18 NCAC 07H .0511 is adopted as published in 39:13 NCR 828 as follows:

2
3 **18 NCAC 07H .0511 CUSTODIAL NOTARY LIMITATIONS ON DELETION OF SESSION RECORD**
4 A custodial notary shall not delete a session record or its backup prior to the end of the retention period established
5 by Rule .0507 of this Section.

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 07H .0512 is adopted with changes as published in 39:13 NCR 828 as follows:

2
3 **18 NCAC 07H .0512 ELECTRONIC NOTARY DIRECTION OF DELETION OF RECORDS AFTER**
4 **TRANSFER TO CUSTODIAN**

5 After a session record has been transferred to a custodian, ~~then~~ an electronic notary public may direct a depository to
6 securely delete any of the notary's journal convenience copies.

7
8 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
9 *Eff. July 1, 2025.*

1 18 NCAC 07H .0601 is adopted as published in 39:13 NCR 828 as follows:
2

3 **SECTION .0600 – COMMUNICATION TECHNOLOGY RECORDINGS**
4

5 **18 NCAC 07H .0601 SCOPE**

6 The rules in this Section of this Subchapter shall apply to communication technology recordings and shall not apply
7 to recordings of remote oaths or affirmations administered pursuant to G.S. 10B-134.9(d).
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 07H .0602 is adopted as published in 39:13 NCR 828 as follows:

2
3 **18 NCAC 07H .0602 PRINCIPAL REFUSAL TO BE RECORDED**

4 If a remotely located principal refuses to be recorded, the electronic notary public shall cancel the remote electronic
5 notarization.

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 07H .0603 is adopted as published in 39:13 NCR 828 as follows:

2
3 **18 NCAC 07H .0603 REQUESTS FOR ATTORNEY**

4 If a remotely located principal requests the presence of an attorney, the electronic notary public shall not proceed with
5 the remote electronic notarial transaction process unless:

6 (1) the attorney is present:

7 (a) physically in the same place with the principal; or

8 (b) through the communication technology; or

9 (2) the principal withdraws the request.

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 07H .0604 is adopted as published in 39:13 NCR 828 as follows:

2
3 **18 NCAC 07H .0604 RECORDING SHALL START BEFORE NOTARIAL ACT IS PERFORMED**

4 An electronic notary public shall begin the communication technology recording before performing a remote
5 electronic notarial act.

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 07H .0605 is adopted as published in 39:13 NCR 828 as follows:

2
3 **18 NCAC 07H .0605 RECORDING SHALL BE CONTINUOUS**

4 Once an electronic notary public starts a communication technology recording, the electronic notary shall not end the
5 recording until:

6 (1) all remote electronic notarial acts comprising the remote electronic notarial transaction have been
7 completed; or

8 (2) the remote electronic notarial transaction has been canceled.

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

11 Eff. July 1, 2025.

1 18 NCAC 07H .0606 is adopted as published in 39:13 NCR 828 as follows:

2
3 **18 NCAC 07H .0606 COMMUNICATION RECORDING PREFACE TO REMOTE ELECTRONIC**
4 **NOTARIAL ACT**

5 When an electronic notary public starts a communication technology recording of a remote electronic notarial act, the
6 electronic notary shall:

7 (1) state the information required by Rule .0607 of this Section; and

8 (2) direct the remotely located principal to provide the information required by Rule .0608 of this
9 Section.

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 07H .0607 is adopted as published in 39:13 NCR 828-829 as follows:

2
3 **18 NCAC 07H .0607 ELECTRONIC NOTARY RECITATION FOR COMMUNICATION**
4 **TECHNOLOGY RECORDING**

5 Immediately after initiating a communication technology recording, an electronic notary public shall state:

6 (1) the electronic notary's commission name;

7 (2) that the electronic notary is then located in the State of North Carolina and the county in which the
8 electronic notary is located;

9 (3) the names of all participants;

10 (4) that all individuals present have been informed that the remote notarization will be recorded;

11 (5) the date on which the notarial act is being performed;

12 (6) whether the remote electronic notarial act will be performed on an electronic record;

13 (7) how the remotely located principal for whom the notarial act is being performed has been identified;
14 and

15 (8) whether the principal's location was verified by geolocation or self-attestation.

16
17 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

18 Eff. July 1, 2025.

1 18 NCAC 07H .0608 is adopted as published in 39:13 NCR 829 as follows:

2
3 **18 NCAC 07H .0608 REMOTELY LOCATED PRINCIPAL'S DECLARATION FOR**
4 **COMMUNICATION TECHNOLOGY RECORDING**

5 Prior to performing any remote electronic notarial act, the electronic notary public shall direct each remotely located
6 principal to state:

7 (1) the remotely located principal's name as it appears on the credential presented by the principal for
8 credential analysis;

9 (2) that the principal agrees to be recorded;

10 (3) if an attorney is not present, that the principal was informed of the right to have an attorney present
11 and declined;

12 (4) the documents being signed or a description of the general nature of the transaction;

13 (5) the principal's location; and

14 (6) if the principal's location is not established by geolocation, the principal's self-attestation
15 establishing location pursuant to Section .0200 of this Subchapter.

16
17 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

18 Eff. July 1, 2025.

1 18 NCAC 07H .0609 is adopted as published in 39:13 NCR 829 as follows:

2
3 **18 NCAC 07H .0609 IDENTIFYING INDIVIDUALS IN SAME LOCATION AS PRINCIPAL**

4 While recording the remote electronic notarial transaction process, an electronic notary public shall direct the remotely
5 located principal to:

6 (1) state the names of any individuals who are then physically present at the same place as the principal,
7 if known; and

8 (2) inform the electronic notary if any other individuals become physically present with the principal
9 during the notarial session and their names, if known.

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 07H .0610 is adopted as published in 39:13 NCR 829 as follows:

2
3 **18 NCAC 07H .0610 STATEMENT FROM NON-PRINCIPALS APPEARING VIA COMMUNICATION**
4 **TECHNOLOGY**

5 After the communication technology recording begins, the electronic notary public shall direct all participants who
6 are not principals to state:

7 (1) their names; and

8 (2) their role, if any, with respect to the notarial act.

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

11 Eff. July 1, 2025.

1 18 NCAC 07H .0611 is adopted as published in 39:13 NCR 829 as follows:

2
3 **18 NCAC 07H .0611 ACKNOWLEDGMENT – ADDITIONAL REQUIREMENTS FOR**
4 **COMMUNICATION TECHNOLOGY RECORDING**

5 An electronic notary public performing a remote acknowledgment for a remotely located principal shall require the
6 principal to acknowledge during the communication technology recording:

7 (1) that the signature on the record being notarized is that of the principal; and

8 (2) the date the principal signed the record being notarized.

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

11 Eff. July 1, 2025.

1 18 NCAC 07H .0612 is adopted as published in 39:13 NCR 829 as follows:

2
3 **18 NCAC 07H .0612 COMMUNICATION TECHNOLOGY RECORDING OWNERSHIP**

4 A communication technology recording shall be the private property of the electronic notary public.

5
6 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

7 Eff. July 1, 2025.

1 18 NCAC 07H .0701 is adopted as published in 39:13 NCR 829 as follows:
2

3 **SECTION .0700 - SECURITY AND CONFIDENTIALITY REQUIREMENTS**
4

5 **18 NCAC 07H .0701 ACCESS TO COMMUNICATION TECHNOLOGY RECORDINGS**

6 An electronic notary public shall not permit access to communication technology recordings by any person unless
7 allowed pursuant to G.S. 10B-20(p) and the rules in this Chapter.

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.*