

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Secretary of State

RULE CITATION: 18 NCAC 07J (note rule numbers within document)

DEADLINE FOR RECEIPT: Thursday, April 17, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of these Rules prior to the Commission's next meeting. The Commission has not yet reviewed these Rules and therefore there has not been a determination as to whether these Rules will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing these Rules, the staff recommends the following changes be made:

18 NCAC 07J .0105: I'm not sure I understand what this rule is supposed to do.

Do you have the authority to prevent use of these phrases by unauthorized technology providers?

The note seems to suggest that you are intending technology providers to use exactly these phrases. Is that correct? If so, are there phrases (or types of phrases) they can't use?

Alternatively, is this rule meant to require the use of these phrases? If so, change may to shall and indicate where the phrases have to appear.

18 NCAC 07J .0107: How will the department determine the manner and time for response? Is that set out in rule or statute somewhere?

18 NCAC 07J .0111: Since the protocols, by definition, are not rules, I don't see how you can require them to be followed by rule. Effectively this would allow non-rules to be enforced as rules, which would sidestep the Administrative Procedure Act. Explain if I've missed something.

Note that I recognize that this is an overarching issue applicable to several rules. I have identified several other rules where this issue is presented, but depending on the resolution of this question, there may be follow-up for other rules referencing the protocols.

18 NCAC 07J .0201: Pursuant to 26 NCAC 02C .0110 Notes are "merely examples or clarifications which, when not read, do not change the meaning of the rule". It appears to me that the definition of "material change" here is necessary for the rule to be clear, so it would not be appropriate as a note. Strike "Note:" or otherwise incorporate the definition into the text of the rule.

Seth Ascher
Commission Counsel

Date submitted to agency: April 9, 2025

18 NCAC 07J .0202: *For this rule to be clear, it needs a definition of “material change”. Making the suggested change in .0201 would solve the issue without needed to change this rule.*

18 NCAC 07J .0208: *Pursuant to 26 NCAC 02C .0110 Notes are “merely examples or clarifications which, when not read, do not change the meaning of the rule”. It appears to me that the definition of “reportable incident” here is necessary for the rule to be clear, so it would not be appropriate as a note. Strike “Note:” or otherwise incorporate the definition into the text of the rule.*

18 NCAC 07 J .0301: *Under .0309, can’t an applicant designate items other than those listed as confidential or trade secret?*

If something is designated, but not on the .0309 list, what happens?

18 NCAC 07J .0402: *This rule appears to duplicate requirements that are already in 18 NCAC 07J .0301. Why is this necessary?*

18 NCAC 07J .0606: *I believe you mean to reference Rule .0608, not .0607.*

18 NCAC 07J .0608: *As written, the “them” and the end of the first line of item 9 could mean either the disclosures or the rules. I believe you mean the disclosures, if so replace with “a link to the disclosures.”*

18 NCAC 07J .0616: *What is “the most restrictive mode” in item 2?*

18 NCAC 07J .0619: *What do you mean by scan here? Use 3rd party software? Examine?*

Is there a timeline for remediating IT vulnerabilities in item 2?

18 NCAC 07J .0624: *Since the protocols, by definition, are not rules, I don’t see how you can require them to be followed by rule. Effectively this would allow non-rules to be enforced as rules, which would sidestep the Administrative Procedure Act. The easiest solution would be to remove the reference to Department protocols from this rule.*

18 NCAC 07J .0625: *What are “security boundary” and “threat protection” technologies?*

18 NCAC 07J .0810: *I understand the example in the note, but I’m not sure what “designate” means here. Would a more concrete verb work, such as categorize, annotate, or flag?*

18 NCAC 07J .0904: *I do not see how this rule works as a list, since item 2 is dependent on item 1. Rewrite as one sentence.*

18 NCAC 07J .1004: *Why is the department making a presumption about the record of a notarial act? I am aware of 10B-99 and the presumption by courts, but am not sure what the Department’s role would be in authenticating specific records.*

18 NCAC 07J .1006: *In item 5, “time of day” is potentially vague. Do you just mean time? Or something else?*

18 NCAC 07J .1104: *What is the timeframe for filing the application under this rule? .0201 and the other rules in that section suggest that the application has to be before the change is implemented, but the phrasing of this rule suggests the application would be filed after the change. Please clarify.*

18 NCAC 07J .1401: *In item 1, I believe the reference should be G.S. 10B-134.1(1).*

18 NCAC 07J .1406: *As written, this would require the platform provider to detect the features of a device used by a notary that is not connected to a platform. Is that the intent? If not, rephrase to something like “any device connected to the platform during the notarial transaction process.”*

18 NCAC 07J .1420: *Do you need this rule? Isn’t this effectively covered by .1419?*

18 NCAC 07J .1428: *Item 5 as written allows the provider to define how many categories, what fits into each category, and projected response time however they want. Is this the intent?*

18 NCAC 07J .1501: *With reference to item 2, how does an applicant know what provisions of the protocols are applicable?*

Assuming this is your plan, what is your authority to reject applications that do not meet standards outside of the rules (i.e. protocols)?

18 NCAC 07J Section .1600: *It appears that this section requires a provider to perform certain tests to measure the success rates of their credential analysis solution (.1602 and .1603) and publish those results (.1612 and .1613). Neither this section nor the underlying statute appears to establish minimum success rates for approval. Is this correct? If not, what am I missing?*

18 NCAC 07J .1603: *In item (1)(a), what does it mean to be “generally proportionate” mean? That term is potentially vague.*

18 NCAC 07J .1701: *With reference to item 2, how does an applicant know what provisions of the protocols are applicable?*

Assuming this is your plan, what is your authority to reject applications that do not meet standards outside of the rules (i.e. protocols)?

18 NCAC 07J Section .1800: *It appears that this section requires a provider to perform certain tests to measure the success rates of their identity proofing (.1802 and .1803) and publish those results (.1812 and .1813). Neither this section nor the underlying statute appears to establish minimum success rates for approval. Is this correct? If not, what am I missing?*

18 NCAC 07J .1803: *In item (1)(a), what does it mean to be “generally proportionate” mean? That term is potentially vague.*

18 NCAC 07J .1901: *With reference to item 2, how does an applicant know what provisions of the protocols are applicable?*

Assuming this is your plan, what is your authority to reject applications that do not meet standards outside of the rules (i.e. protocols)?

18 NCAC 07J .2002: *What does it mean to be “validated” in item (2)(b)?*

18 NCAC 07J .2009: *What does it mean to be “validated” in item (2)(b)?*

18 NCAC 07J .2021: *Item 4 as written allows the provider to define how many categories, what fits into each category, and projected response time however they want. Is this the intent?*

18 NCAC 07J .2101: *With reference to item 2, how does an applicant know what provisions of the protocols are applicable?*

Assuming this is your plan, what is your authority to reject applications that do not meet standards outside of the rules (i.e. protocols)?

Please retype the rules accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 18 NCAC 07J .0105 is adopted as published in 39:13 NCR 832-833 as follows:

2

3 **18 NCAC 07J .0105 PERMISSIBLE PROVIDER DESIGNATIONS**

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

6 (1) "approved North Carolina in-person electronic notary solution" or "approved North Carolina IPEN
7 solution";

8 (2) "licensed North Carolina electronic notary platform";

9 (3) "approved North Carolina identity proofing solution";

10 (4) "approved North Carolina credential analysis solution"; and

11 (5) "approved North Carolina custodial services solution."

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

13

14 History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-
15 134.21; 10B-134.23;

16 Eff. July 1, 2025.

1 18 NCAC 07J .0111 is adopted as published in 39:13 NCR 833 as follows:

2

3 ~~18 NCAC 07J .0112~~ **18 NCAC 07J .0111** COMPLIANCE WITH TECHNOLOGY PROVIDER
4 PROTOCOLS REQUIRED

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

8

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

11 Eff. July 1, 2025.

1 18 NCAC 07J .0201 is amended as published in 39:13 NCR 834 as follows:

2
3 **SECTION .0200 – ~~PROCESS FOR APPROVAL FOR AVEN TECHNOLOGY TO CONDUCT~~**
4 **ELECTRONIC NOTARIZATION NOTICES REQUIRED FROM TECHNOLOGY PROVIDERS**

5
6 **18 NCAC 07J .0201 ~~ELECTRONIC NOTARY SOLUTION PROVIDER APPLICATION NOTICE OF~~**
7 **MATERIAL CHANGE TO ELECTRONIC NOTARY SOLUTION**

8 ~~(a) Any person or entity applying to the Department for designation as an approved electronic notary solution provider~~
9 ~~must complete and submit an application to the Department for review and approval before authorizing any electronic~~
10 ~~notary seals or electronic signatures to North Carolina electronic notaries. The application shall include the following~~
11 ~~information:~~

12 ~~(1) Hardware and software specifications and requirements for the provider's electronic notarization~~
13 ~~system,~~

14 ~~(2) A description of the type(s) of technology used in the provider's electronic notarization system, and~~

15 ~~(3) A demonstration of how the technology is used to perform an electronic notarization.~~

16 ~~(b) An electronic notary solution provider may appeal the Department's rejection of the provider's application for~~
17 ~~designation as an approved electronic notary solution provider as provided under Article 3 of Chapter 150B of the~~
18 ~~General Statutes.~~

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

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

22 (1) functionality;

23 (2) security; or

24 (3) reliability.

25
26 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126(d); 10B-134.15; 10B-134.17; 10B-134.19;*
27 *10B-134.21; 10B-134.23; 47 16.5; 47 16.7; 147 36; 15 USC 7002;*

28 *Eff. January 1, 2007;*

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

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

32 *Amended Eff. July 1, 2025.*

1 18 NCAC 07J .0202 is adopted with changes as published in 39:13 NCR 834 as follows:

2

3 **18 NCAC 07J .0202 IMPLEMENTATION OF MATERIAL CHANGES PROHIBITED PENDING**
4 **DEPARTMENTAL APPROVAL**

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

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

12

13 *History Note:* Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-
14 134.21; 10B-134.23;
15 *Eff. July 1, 2025.*

1 18 NCAC 07J .0208 is adopted with changes as published in 39:13 NCR 835 as follows:

2

3 **18 NCAC 07J .0208 NOTICE OF REPORTABLE INCIDENT**

4 Within 72 hours of discovery of a reportable incident, a technology provider shall notify the Department.

5 Note: For purposes of the rules in this Section of this Subchapter, a reportable incident is one that involves:

6 (1) a technology provider's electronic notary solution, a notary public's records, ~~a~~ an electronic notary's
7 electronic seal or signature, or a principal's records or information;

8 (2) any of the following affecting data or access:

9 (a) unauthorized access, use, alteration, or disclosure;

10 (b) theft;

11 (c) loss; or

12 (d) compromise; or

13 (3) a cybersecurity incident.

14

15 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-*
16 *134.21; 10B-134.23;*

17 *Eff. July 1, 2025.*

1 18 NCAC 07J .0301 is adopted with changes as published in 39:13 NCR 836 as follows:

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3

SECTION .0300 – ~~RESERVED FOR FUTURE CODIFICATION~~ GENERAL APPLICATION

4

PROCEDURES

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18 NCAC 07J .0301 APPLICATION PROCESS

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A technology provider applicant for authorization of an electronic notary solution shall:

8

(1) submit a complete electronic application to the Department;

9

(2) demonstrate the electronic notary solution to the Department to enable it to evaluate ~~the~~ compliance

10

with applicable laws, rules, and protocols; and

11

(3) submit the filing fee, if applicable, with the application.

12

13

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

14

134.21; 10B-134.23;

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Eff. July 1, 2025.

1 18 NCAC 07J .0402 is adopted as published in 39:13 NCR 838-839 as follows:

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3 **18 NCAC 07J .0402 ~~CRITERIA FOR APPROVAL OF ELECTRONIC NOTARY SOLUTION~~**
4 **PROVIDERS PROVIDER NAME**

5 Each applicant and each approved electronic notary solution provider shall:

- 6 (1) ~~Provide a free and readily available viewer/reader so as to enable all parties relying on the~~
7 ~~electronically notarized record or document to view the electronic notary signature and the~~
8 ~~electronic notary seal without incurring any cost;~~
9 (2) ~~Comply with the laws, policies, and rules that govern North Carolina notaries;~~
10 (3) ~~Provide an electronic notarization system or solution that complies with the technical specifications~~
11 ~~of the rules and standards that govern electronic notarization processes and procedures in North~~
12 ~~Carolina;~~
13 (4) ~~Require such of the provider's principals or employees to take the mandatory electronic notary~~
14 ~~education course online and pass the required examination as is necessary to ensure the provider~~
15 ~~possesses sufficient familiarity with North Carolina's electronic notary laws and requirements;~~
16 (5) ~~Require notaries to present the NC Secretary of State's Electronic Notary Certificate to Perform~~
17 ~~Electronic Notary Acts prior to authorizing an electronic notary seal and signature;~~
18 (6) ~~Verify the authorization of a North Carolina notary to perform electronic notary acts by logging on~~
19 ~~to the Department's website and comparing the name, notary commission number and commission~~
20 ~~expiration date with the information on the Electronic Notary Certificate to Perform Electronic~~
21 ~~Notary Acts prior to authorizing an electronic notary seal and signature;~~
22 (7) ~~Provide prorated fees to align the usage and cost of the electronic notary system or solution with the~~
23 ~~commission term limit of the electronic notary purchasing the electronic notary seal and signature;~~
24 (8) ~~Suspend the use of any electronic notarization system or solution for any notary whose commission~~
25 ~~has been revoked or suspended by the North Carolina Secretary of State; and~~
26 (9) ~~Submit an exemplar of the electronic notary signature and the electronic notary seal to the~~
27 ~~Department for each electronic notary who subscribes to the provider's electronic notary solution.~~

28 All technology provider applications shall include:

- 29 (1) the provider's name in its state or jurisdiction of formation; and
30 (2) the names required by 18 NCAC 07B .0422(3)(c).

31
32 *History Note:* Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126(d); 10B-126; 10B-134.15; 10B-134.17; 10B-
33 134.19; 10B-134.21; 10B-134.23; 47-16.5; 47-16.7; 147-36; 15 USC 7002;

34 *Eff. January 1, 2007;*

35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
36 *6, 2016;*

37 *Transferred from 18 NCAC 07C .0502 Eff. June 1, 2023- 2023;*

1 18 NCAC 07J .0606 is adopted as published in 39:13 NCR 842-843 as follows:

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3 **18 NCAC 07J .0606 TECHNOLOGY PROVIDER WEB PAGE**

4 A technology provider shall create a publicly accessible web page or pages containing the information required by
5 Rule .0607 of this Section.

6

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

1 18 NCAC 07J .0608 is adopted with changes as published in 39:13 NCR 843 as follows:

2

3 **18 NCAC 07J .0608 WEBSITE CONTENT**

4 A technology provider's website shall include the following content in the order set out in this Rule:

- 5 (1) the provider's name;
- 6 (2) the provider's contact information, including:
- 7 (a) a general telephone number;
- 8 (b) a sales number, if different; and
- 9 (c) a support or help desk number;
- 10 (3) the types of authorized electronic notary solution offered and each product name;
- 11 (4) if applicable, a notice that North Carolina notaries may use only electronic notary solutions
- 12 authorized by the Department;
- 13 (5) a product description, including the functions offered;
- 14 (6) service sectors served by the products described;
- 15 (7) the minimum technical specifications for use of the electronic notary solution by:
- 16 (a) a notary public;
- 17 (b) a principal; and
- 18 (c) other participants in an electronic notarial transaction;
- 19 (8) a direct link to the service level agreement required by Rule .0109 of this Subchapter;
- 20 (9) either the disclosures required by the following rules in this Subchapter or a link to them:
- 21 (a) Rule .1208;
- 22 (b) Rule .1427;
- 23 (c) ~~Rule .1611~~; Rule .1613
- 24 (d) Rule .1812; and
- 25 (e) Rule .2021;
- 26 (10) either the instructions for use and demonstrations or tutorials or links to them; and
- 27 (11) other information that the provider wishes to provide, such as pricing.

28

29 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-*
30 *134.21; 10B-134.23;*
31 *Eff. July 1, 2025.*

1 18 NCAC 07J .0616 is adopted as published in 39:13 NCR 844 as follows:

2

3 **18 NCAC 07J .0616 CONFIGURATION MANAGEMENT PLAN**

4 A technology provider shall maintain a configuration management plan for systems supporting the electronic notary
5 solution that addresses:

6 (1) maintenance of an accurate inventory of items including:

7 (a) software;

8 (b) hardware; and

9 (c) network components;

10 (2) establishment of configuration settings that reflect the most restrictive mode consistent with its
11 operational requirements;

12 (3) use of automated mechanisms to detect inventory and configuration changes;

13 (4) prevention of unauthorized changes to the systems; and

14 (5) evaluation of the potential security impact of proposed changes.

15

16 History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-
17 134.21; 10B-134.23;

18 Eff. July 1, 2025.

1 18 NCAC 07J .0619 is adopted as published in 39:13 NCR 844 as follows:

2

3 **18 NCAC 07J .0619 VULNERABILITY DETECTION AND REMEDIATION**

4 A technology provider shall:

5 (1) scan for vulnerabilities of the systems supporting the electronic notary solution at least weekly; and

6 (2) detect and remediate IT security vulnerabilities.

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 07J .0624 is adopted as published in 39:13 NCR 845 as follows:

2

3 **18 NCAC 07J .0624 SECURITY PLAN**

4 A technology provider shall maintain a security plan specifying how it will comply with laws, rules, and the

5 Department's protocols related to:

6 (1) physical security; and

7 (2) IT security.

8

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

10 134.21; 10B-134.23;

11 Eff. July 1, 2025.

1 18 NCAC 07J .0625 is adopted as published in 39:13 NCR 845 as follows:

2

3 **18 NCAC 07J .0625 SECURITY BOUNDARY AND THREAT PROTECTION TECHNOLOGY**

4 A technology provider shall use security boundary and threat protection technology.

5

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

7 134.21; 10B-134.23;

8 Eff. July 1, 2025.

1 18 NCAC 07J .0810 is adopted as published in 39:13 NCR 847 as follows:

2

3 **18 NCAC 07J ~~.0811~~ 18 NCAC 07J .0810 SEGREGATION OF ENTRIES**

4 An IPEN or platform provider shall ensure that entries in its electronic journals can be designated separately from
5 other entries. Note: An example of separate designation would be flagging entries subject to a litigation hold.

6

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

1 18 NCAC 07J .0904 is adopted as published in 39:13 NCR 848 as follows:

2

3 **18 NCAC 07J .0904 VIDEO CUSTOMIZATION STANDARD**

4 A platform provider's communication technology shall include a feature that:

5 (1) allows each participant to lock the size and position of a priority video window; and

6 (2) can be located easily by a participant in a notarial transaction.

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 07J .1004 is adopted as published in 39:13 NCR 849 as follows:

2

3 **18 NCAC 07J .1004 SESSION RECORD PRESUMPTION**

4 The Department shall consider a session record to be the presumptive record of a notarial act if the session record:

5 (1) is unmodified and intact; and

6 (2) documents the circumstances of each notarial act occurring within the session.

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 07J .1006 is adopted with changes as published in 39:13 NCR 849-850 as follows:

2
3 **18 NCAC 07J .1006 SEARCHABLE SESSION RECORD FIELDS**

4 A depository shall make session records searchable and identifiable by the following fields:

- 5 (1) the session identifier required pursuant to Rule .1005 of this Section;
- 6 (2) the commission name of the notary public;
- 7 (3) the county of the notary's commission;
- 8 ~~(4) the number of notarial acts performed as entered by the notary public;~~
- 9 ~~(5)~~(4) the names of the remotely located principals as they appear on the credentials presented for
10 credential analysis;
- 11 ~~(6)~~(5) the time of day when the session ended;
- 12 ~~(7)~~(6) whether the session was performed in the conduct of the business of a notary's employer;
- 13 ~~(8)~~(7) the name of the employer, if applicable;
- 14 ~~(9)~~(8) the types of notarial acts, or cancellation of the session; and
- 15 ~~(10)~~(9) whether the electronic notarial act was:
 - 16 (a) an electronic notarial act; or
 - 17 (b) a remote electronic notarial act:
 - 18 (i) pursuant to G.S. 10B-134.9(d) for which no electronic journal entry is made; or
 - 19 (ii) other remote electronic notarial act pursuant to Article 4A of Chapter 10B of the
20 General Statutes; or
- 21 ~~(11)~~(10) whether the session record is for a supplemental journal entry.

22
23 History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-
24 134.21; 10B-134.23;
25 Eff. July 1, 2025.

1 18 NCAC 07J .1104 is adopted as published in 39:13 NCR 852 as follows:

2

3 **18 NCAC 07J .1104 APPLICATION REQUIRED UPON CHANGES**

4 If an existing technology provider operating pursuant to Rule .1101 of this Section undergoes a change reportable
5 pursuant to Rule .0201 of this Subchapter, it shall file an application pursuant to Section .1300 of this Subchapter.

6

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

1 18 NCAC 07J .1401 is adopted with changes as published in 39:13 NCR 855 as follows:

2
3 **SECTION .1400 – PLATFORM STANDARDS**

4
5 **18 NCAC 07J .1401 REQUIRED GENERAL PLATFORM FUNCTIONS**

6 A platform provider shall integrate into its platform each of the following functions:

- 7 (1) use of communication ~~technology~~; technology as defined in G.S. 10B-134.1(2) that complies with
8 Section .0900 of this Subchapter;
- 9 (2) use of geolocation ~~when a remotely located principal connects to the platform using a GPS-enabled~~
10 ~~device~~; as defined in G.S. 10B-134.1(4a) and Rule .0101(9) of this Subchapter that
11 complies with the requirements of this Subchapter;
- 12 (3) use of credential ~~analysis~~; analysis as defined in G.S. 10B-134.1(3) that complies with Section .1600
13 of this Subchapter;
- 14 (4) use of identity ~~proofing~~; proofing as defined in G.S. 10B-134.1(5) that complies with Section .1800
15 of this Subchapter;
- 16 (5) an electronic ~~journal~~; journal as defined in G.S. 10B-134.1(4) that complies with Section .0800 of
17 this Subchapter;
- 18 (6) the capability to attach or logically associate the electronic notary public’s electronic signature and
19 seal; ~~and seal that complies with Section .0700 of this Subchapter; and~~
- 20 (7) a depository ~~services~~; as defined in Rule .0101(5) of this Subchapter that complies with Section
21 .1000 of this Subchapter.

22
23 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21;*
24 *10B-134.23;*
25 *Eff. July 1, 2025.*

1 18 NCAC 07J .1406 is adopted as published in 39:13 NCR 856 as follows:

2

3 **18 NCAC 07J .1406 GEOLOCATION DETECTION**

4 A platform provider shall detect whether any device used by a principal during the notarial transaction process is:

5 (1) GPS-enabled; and

6 (2) capable of geolocation at the time of the remote electronic notarial act.

7

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

9 10B-134.23;

10 Eff. July 1, 2025.

1 18 NCAC 07J .1420 is adopted with changes as published in 39:13 NCR 857-858 as follows:

2

3 **18 NCAC 07J .1420 ~~PLATFORM COUNT OF NOTARIAL ACTS~~ **FIELD FOR COUNT OF OATHS OR****
4 **AFFIRMATIONS WITHOUT PRINCIPAL SIGNATURES**

5 A platform shall design its system to provide a field for a notary public to enter the count of oaths or affirmations
6 administered to principals without principal signatures.

7 ~~A platform provider shall automatically tabulate the number of notarial acts completed during each notarial session~~
8 ~~by:~~

9 ~~(1) — tabulating the number of all journal entries associated with the session; and~~

10 ~~(2) — subtracting from the number in Item (1) of this Rule:~~

11 ~~(a) — the number of journal entries for cancelled notarial transactions; and~~

12 ~~(b) — the number of supplemental journal entries.~~

13

14 History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-
15 134.21; 10B-134.23;
16 Eff. July 1, 2025.

1 18 NCAC 07J .1428 is adopted as published in 39:13 NCR 858-859 as follows:

2
3 **18 NCAC 07J .1428 CONTENT OF ADDITIONAL PLATFORM DISCLOSURES**

4 A platform's additional disclosures pursuant to Rule .1427 of this Section shall include information regarding:

5 (1) records retention:

6 (a) whether the platform retains a copy of the notarized document upon conclusion of the
7 notarial session and, if so, for how long; and

8 (b) whether the platform retains the principal's personal information upon conclusion of the
9 notarial session and, if so, for how long;

10 (2) devices for use with the platform:

11 (a) the electronic device types required for the principal to complete a notarial transaction.
12 Note: Examples of such designations include "computer only," "mobile device only,"
13 "computer or mobile device," or "computer and mobile device"; and

14 (b) the types of auxiliary aids that have been successfully tested with the platform. Note:
15 Examples of auxiliary aids include screen reader software and magnification software;

16 (3) availability:

17 (a) projected platform unavailability due to monthly scheduled maintenance;

18 (b) the business hours during which a customer support representative is available for
19 consultation; and

20 (c) the average wait time during business hours for a response from a customer support
21 representative;

22 (4) the maximum number of remote connections that the platform can simultaneously support for a
23 single notarial transaction; and

24 (5) the platform provider's technical issue resolution targets, which shall include:

25 (a) categorization of service disruptions based on a numeric scale or denoted by single words
26 such as "critical," "high," "medium," and "low;"

27 (b) a plain language description of each category; and

28 (c) the maximum projected response time for issues encountered in each category.

29
30 History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-
31 134.21; 10B-134.23;

32 Eff. July 1, 2025.

1 18 NCAC 07J .1501 is adopted as published in 39:13 NCR 859 as follows:

2
3 **SECTION .1500 – APPLICATION FOR PLATFORM LICENSURE**

4
5 **18 NCAC 07J .1501 PLATFORM LICENSURE REQUIREMENTS**

6 A platform provider applicant shall establish through its application and demonstration that its platform meets all
7 requirements established in:

- 8 (1) Article 2 of Chapter 10B of the General Statutes;
9 (2) the applicable provisions of the Department's Protocols; and
10 (3) the rules in this Subchapter except:
11 (a) Section .1100;
12 (b) Section .1200;
13 (c) Section .1300;
14 (d) Section .2000;
15 (e) Section .2100; and
16 (f) Section .2200.

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

1 18 NCAC 07J .1603 is adopted with changes as published in 39:13 NCR 861 as follows:

2

3 **18 NCAC 07J .1603 CREDENTIAL ANALYSIS SOLUTION TRIAL PROCESS**

4 A credential analysis solution provider shall conduct, or have a third-party conduct, a trial of its solution by presenting
5 the solution with no less than 100 subjects to be evaluated:

6 (1) who are real individuals:

7 (a) whose ages, races, and ~~genders~~ sexes are generally proportionate to the population of ~~North~~
8 ~~Carolina~~ the United States as established by the most recent United States decennial census;
9 and

10 (b) at least 18 years old; and

11 (2) with no less than:

12 (a) 10 percent of the credentials presented being inauthentic or modified; and

13 (b) 10 percent of the credentials presented being authentic but not belonging to the individual
14 depicted in the authentic credential with the individual presenting the credential being:

15 (i) of the same race and ~~gender~~ sex as the genuine owner of the credential; and

16 (ii) within five years of age of the individual depicted.

17

18 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21;*
19 *10B-134.23;*

20 *Eff. July 1, 2025.*

1 18 NCAC 07J .1701 is adopted as published in 39:13 NCR 863 as follows:

2
3 **SECTION .1700 — APPLICATION FOR CREDENTIAL ANALYSIS AUTHORIZATION**

4
5 **18 NCAC 07J .1701 REQUIREMENTS FOR AUTHORIZATION TO PROVIDE CREDENTIAL**
6 **ANALYSIS SERVICES**

7 A credential analysis provider applicant shall meet requirements established in:

- 8 (1) Article 2 of Chapter 10B of the General Statutes;
9 (2) the applicable standards set forth in the Department's Protocols; and
10 (3) the rules in this Subchapter except:
11 (a) Sections .0700-.1500; and
12 (b) Sections .1800-.2200.

13
14 History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-
15 134.21; 10B-134.23;
16 Eff. July 1, 2025.

1 18 NCAC 07J .1803 is adopted with changes as published in 39:13 NCR 864 as follows:

2

3 **18 NCAC 07J .1803 IDENTITY PROOFING SOLUTION TRIAL PROCESS**

4 An identity proofing solution provider shall conduct, or have a third-party conduct, a trial of its solution by presenting
5 the solution with no less than 100 subjects to be evaluated:

6 (1) who are real individuals:

7 (a) whose ages, races, and ~~genders~~ sexes are generally proportionate to the adult population of
8 ~~North Carolina~~ the United States as established by the most recent United States decennial
9 census; and

10 (b) at least 18 years old; and

11 (2) with no less than 10 percent of the tests assessing imposters who attempt to complete the identity
12 proofing process using the personal information of other individuals.

13

14 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-*
15 *134.21; 10B-134.23;*
16 *Eff. July 1, 2025.*

1 18 NCAC 07J .1901 is adopted as published in 39:13 NCR 865-866 as follows:

2
3 **SECTION .1900 – APPLICATION FOR IDENTITY PROOFING SOLUTION AUTHORIZATION**

4
5 **18 NCAC 07J .1901 REQUIREMENTS FOR AUTHORIZATION TO PROVIDE IDENTITY**
6 **PROOFING SERVICES**

7 An identity proofing provider applicant shall meet requirements established in:

- 8 (1) Article 2 of Chapter 10B of the General Statutes;
9 (2) applicable standards set forth in the Department's Protocols; and
10 (3) the rules in this Subchapter except:
11 (a) Sections .0700-.1700; and
12 (b) Sections .2000-.2200.

13
14 History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-
15 134.21; 10B-134.23;
16 Eff. July 1, 2025.

1 18 NCAC 07J .2002 is adopted as published in 39:13 NCR 866 as follows:

2

3 **18 NCAC 07J .2002 RECEIPT FROM CUSTODIAN TRANSFEREE**

4 A custodian transferee shall create a receipt and provide it to the transferor confirming that:

5 (1) the custodian has received from the depository or custodian transferor:

6 (a) one or more session records; and

7 (b) a copy of the session record logs associated with the session records; and

8 (2) the session records and associated session record logs have been:

9 (a) received; and

10 (b) validated.

11

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

13 134.21; 10B-134.23;

14 Eff. July 1, 2025.

1 18 NCAC 07J .2009 is adopted with changes as published in 39:13 NCR 867 as follows:

2

3 **18 NCAC 07J .2009 SESSION RECORD DELETION BY CUSTODIAN UPON TRANSFER**

4 A custodian that transfers a session record to another custodian shall delete the record only after receiving confirmation
5 from the ~~custodian~~ transferee that the record has been:

6 (1) accepted; and

7 (2) validated.

8

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

11 *Eff. July 1, 2025.*

1 18 NCAC 07J .2021 is adopted with changes as published in 39:13 NCR 868 as follows:

2

3 **18 NCAC 07J .2021 CONTENT OF ADDITIONAL CUSTODIAN DISCLOSURES**

4 A custodian's additional disclosure pursuant to Rule .2020 of this Section shall include information regarding:

5 ~~(1)~~ ~~availability:~~

6 ~~(a)~~(1) projected time that the custodial services solution will be unavailable for use to the notary due to
7 scheduled maintenance each month;

8 ~~(b)~~(2) the business hours during which a customer support representative is available for consultation; ~~and~~

9 ~~(c)~~(3) the average wait time during business hours for a response from a customer support representative;
10 and

11 ~~(2)~~(4) the custodian's technical issues resolution targets, which shall include:

12 (a) categorization of service disruptions based on a numeric scale or denoted by single words
13 such as "critical," "high," "medium," and "low;"

14 (b) a plain language description of each category; and

15 (c) the maximum projected resolution time for issues encountered in each category.

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 07J .2101 is adopted as published in 39:13 NCR 868 as follows:

2
3 **SECTION .2100 – APPLICATION FOR CUSTODIAL SERVICES AUTHORIZATION**

4
5 **18 NCAC 07J .2101 REQUIREMENTS FOR AUTHORIZATION TO PROVIDE CUSTODIAL**
6 **SERVICES**

7 A custodial services applicant shall meet the requirements established in:

- 8 (1) Article 2 of Chapter 10B of the General Statutes;
9 (2) the applicable standards set forth in the Department's Protocols; and
10 (3) the rules in this Subchapter, except:
11 (a) Sections .0700-.1900; and
12 (b) Section .2200.

13
14 History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-
15 134.21; 10B-134.23;
16 Eff. July 1, 2025.