

1 18 NCAC 07K .0101 is amended with changes as published in 39:13 NCR 870 as follows:

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3 **18 NCAC 07K .0101 DEFINITIONS**

4 For purposes of Chapter 10B of the General Statutes and the Rules in this Chapter:

- 5 (1) "Approved" means that an applicant has been authorized by the Department to provide services as
6 a technology provider in compliance with Chapter 10B of the General Statutes and the rules in this
7 Chapter. Technology providers licensed by the Department are deemed approved.
- 8 (2) "Armed Forces of the United States" means the persons described in 10 U.S.C. 101(a)(4) and G.S.
9 143B-1224(2), including their reserve components.
- 10 (3) "Bank or financial institution" means a "depository institution" as defined in G.S. 53-208.42(7).
- 11 (4) "Certificate of appointment" means a document issued by the Department notifying a Register of
12 Deeds that:
- 13 (a) the named appointee is authorized to take the oath of office; and
- 14 (b) the Register of Deeds or designee shall provide the commission certificate to the notary
15 public after:
- 16 (i) administering the oath of office to the appointee; and
- 17 (ii) signing of the certificate by both the Register of Deeds or designee, and the notary.
- 18 (5) "Commission certificate" means the document confirming that an individual:
- 19 (a) has complied with all applicable requirements of Chapter 10B of the General Statutes and
20 the rules in this Chapter; and
- 21 (b) is authorized to act as a notary public.
- 22 (6) "Commit" means the ~~final step in the notarial act after which:~~ act of the electronic notary public to
23 make complete and permanent:
- 24 (a) ~~the notarial act is complete;~~ affixing of the electronic [notarial] notary's electronic
25 signature and [electronic notary] seal [to an electronic record;] as required by Rule .0703
26 of this Subchapter;
- 27 (b) ~~all entries are permanent; and the entry required by 18 NCAC 07D .0507;~~
- 28 (c) ~~no changes can be made to the entries made permanent pursuant to Sub Item (b) of this~~
29 ~~Item.~~ the electronic journal entry; and
- 30 (d) the communication technology recording.
- 31 (7) "Dishonored payment" or "payment that has been dishonored" means money tendered to the
32 Department by any means that is refused, rejected, or failed to be paid to the Department.
- 33 (8) "Enter information" means to:
- 34 (a) handwrite, type, or input data;
- 35 (b) ~~confirm that pre populated words or numbers are correct. Note: An example would be~~
36 ~~clicking a checkbox to select the correct date;~~

- 1 ~~(e)~~(b) select or confirm applicable options from among offered options. Note: An example would
2 be selecting "oath or affirmation" from a drop-down list of the types of notarial acts; or
3 ~~(d)~~(c) include in the electronic journal acknowledged signatures of:
4 (i) principals;
5 (ii) a designee of a principal; or
6 (iii) a credible witness.
- 7 (9) "Federal business mileage rate" means the business mileage rate set by the U.S. Internal Revenue
8 Service (IRS).
- 9 (10) "Federally recognized Indian tribe" means a tribe on the list published in the Federal Register by the
10 U.S. Secretary of the Interior pursuant to 25 U.S.C. 5131.
- 11 (11) "File" means the date upon which a filing submitted to the Department is deemed complete by the
12 Department. Note: "File" shall not mean that the Department has determined that the filer is qualified
13 and will be appointed, registered, approved, or licensed.
- 14 (12) "Filer" means a person that submits a filing to the Department.
- 15 (13) "Filing" means a form or other document required or permitted to be filed with the Department
16 pursuant to Chapter 10B of the General Statutes or the rules in this Chapter.
- 17 (14) "Form" means a departmental data collection instrument that requires or requests information,
18 without regard to the format.
- 19 (15) "Form preparer" means an individual who enters information on a form:
20 (a) at the direction of another; and
21 (b) without exercising independent judgment or discretion as to the content entered.
- 22 (16) "Information technology" or "IT" means that term as defined in G.S. 143B-1320(a)(11).
- 23 (17) "Information technology security" or "IT security" means the tools, techniques, and strategies used
24 to protect the confidentiality, integrity, and availability of data, information systems, and digital
25 assets from:
26 (a) internal and external threats; and
27 (b) unauthorized access, use, disclosure, disruption, modification, or destruction.
- 28 (18) "Initial appointment" means the first issuance by the Department of a commission certificate to a
29 notary public.
- 30 (19) "Instructor," "certified notary public instructor," "certified instructor," "notary instructor," and
31 "certified notary instructor" mean a notary public who has complied with:
32 (a) the requirements of G.S. 10B-14; and
33 (b) the rules in Subchapter 07E of this Chapter.
- 34 (20) "Location" means a description establishing that a principal is present in a jurisdiction where the
35 notarial act may take place. Note: A ~~statement~~ self-attestation pursuant to the rules in Subchapter
36 07H of this Chapter stating that the principal is then located inside the U.S. embassy in Paris, France,

- 1 would suffice to establish the ~~principal is present in a jurisdiction where the notary act may take~~
2 ~~place.~~ principal's location.
- 3 (21) "Long-term" means a period of at least one year.
- 4 (22) "Notarial transaction process" ~~[includes:]~~ consists of:
- 5 (a) steps before the notarial act takes ~~[place.]~~ place: [Note: The interactions establishing the
6 date and location of a notarial act, obtaining advance consent to travel fees, and the steps
7 required by G.S. 10B-134.9(a) are examples of steps before the notarial act;]
- 8 (b) the notarial act; and
- 9 (c) steps following the notarial act. ~~Note: Affixing the notary's seal and signature are examples~~
10 ~~of steps following the notarial act.~~
- 11 Note: The interactions establishing the date and location of a notarial act, obtaining advance consent
12 to travel fees, and the steps required by G.S. 10B-134.9(a) are examples of steps before the notarial
13 act.
- 14 (23) "Person" means the term as defined in G.S. 12-3(6).
- 15 (24) "State recognized tribe" means a group listed in G.S. 143B-407(a).
- 16 (25) "Successfully complete" and "successful completion" mean that ~~a notarial an~~ applicant has complied
17 with Chapter 10B and the rules in this Chapter and has:
- 18 (a) presented satisfactory evidence of identity as defined in G.S. 10B-3(22) or ~~be~~ is personally
19 known as defined in G.S. 10B-3(17);
- 20 (b) attended a notarial course taught by a certified notary instructor; and
- 21 (c) achieved a passing grade on the course examination as described in G.S. 10B-8(a).
- 22 (26) "Technological failure" means a deficiency in:
- 23 (a) any component of the electronic ~~notarization system;~~ notary solution;
- 24 (b) any component of the computer systems of the notary or principals; or
- 25 (c) the connections linking the components described in Sub-Items (a) and (b) of this Item.
- 26 For purposes of this Rule, "component of the electronic ~~notarization system~~ notary solution" means
27 any combination of hardware, software, a notary public's electronic journal, and communications
28 technology recordings.
- 29 (27) "Technology provider" ~~means:~~ means the person providing a solution for:
- 30 (a) IPEN;
- 31 ~~(a)(b)~~ a platform;
- 32 ~~(b)~~ a depository;
- 33 ~~(c)~~ a custodial service; or credential analysis;
- 34 ~~(d)~~ an AVEN as defined in 18 NCAC 07F .0102(1); identity proofing; or
- 35 ~~(e)~~ custodial services.
- 36 (28) "Termination of employment" means the cessation of permanent or temporary work for another,
37 whether compensated or not, for any reason, including voluntary and involuntary cessation of work.

- 1 (29) "Traditional notarization" means a notarial act in which:
2 (a) there is personal appearance as defined in G.S. 10B-3(16); and
3 (b) one of the following occurs:
4 (i) a document is executed and notarized with ink signatures signed by hand ~~or~~
5 ~~facsimile stamp~~ and affixed with the physical notary seal as defined in G.S. 10B-
6 3(23);
7 (ii) an oath or affirmation is administered without the execution of a document; or
8 (iii) ~~creating an inventory~~ a certificate for a safe deposit box inventory is prepared as
9 described in G.S. 53C-6-13(a).
10 (30) "Traditional notary public" means an individual commissioned to perform traditional ~~notarizations.~~
11 notarizations and who has not been registered as an electronic notary public.
12 (31) "Type of notarial act" means an acknowledgement, an oath or affirmation, verification or proof,
13 inventory of an abandoned safe deposit box, or notarization of an absentee ballot.
14 (32) "Under the exclusive control of the notary" means accessible by and attributable solely to the notary
15 public to the exclusion of all other persons through being:
16 (a) in the case of a physical seal:
17 (i) in the direct physical custody of the notary; or
18 (ii) physically secured; or
19 (b) in the case of an electronic seal or electronic signature, secured with one or more methods
20 of authentication in an approved electronic ~~notarization system.~~ notary solution.
21 (33) "United States" or "U.S." means the term as defined in G.S. 12-3(11).
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23 *History Note: Authority G.S. 10B-4; 10B-14; 10B-36; 10B-38; 10B-106; 10B-125; 10B-126; 10B-134.15;*
24 *10B134.19; 10B-134.21;*
25 *Eff. July 1, ~~2024~~ 2024;*
26 *Amended Eff. July 1, 2025.*