

1 18 NCAC 07F .0101 is amended as published in 38:04 NCR 197 as follows:

2

3 **18 NCAC 07F .0101 SCOPE**

4 ~~(a) The rules in this Subchapter implement G.S. Chapter 10B, Article 2, of the General Statutes, the Electronic Notary~~
5 ~~Act, and G.S. 47-16.1. Act.~~

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

8

9 *History Note: Authority G.S. 10B-4; 10B-125(b); 47-16.5; 47-16.7; 147-36; 15 USC 7002; 10B-126; 10B-134.15;*
10 *10B-134.17; 10B-134.21;*

11 *Eff. April 1, 2007;*

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

14 *Transferred from 18 NCAC 07C .0101 Eff. June 1, ~~2023.~~ 2023;*

15 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0102 is amended with changes as published in 38:04 NCR 197-198 as follows:

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

4 ~~In addition to terms defined in Article 1 of Chapter 10B of the General Statutes and for~~ For purposes of Article 2 of
5 Chapter 10B of the General Statutes and this Subchapter:

6 (1) ~~"Applicant" means a person applying for registration as a North Carolina electronic notary.~~

7 (2)(1) ~~"Approved Electronic Notary Solution Provider" "Approved vendor for electronic notarizations,"~~
8 ~~"approved electronic notary solution provider," or "AVEN" means a person or entity approved by~~
9 ~~the Department to provide an Electronic Notarization System by the Department~~ electronic
10 notarization system pursuant to Article 2 of Chapter 10B of the General Statutes ~~and Article 1A of~~
11 ~~Chapter 47 of the General Statutes.~~

12 (3)(2) ~~"Biometric Authentication" means proving the identity of a user by requiring verification of the~~
13 ~~user's identity through technologies that require measurement and analysis of one or more human~~
14 ~~physiological or behavioral characteristics of the user in order to access and use an electronic~~
15 ~~notarization system. Biometric authentication technologies include fingerprint scanning devices,~~
16 ~~retinal scanning devices, and handwriting analysis devices.~~

17 (4) ~~"Department" means the North Carolina Department of the Secretary of State. Unless specifically~~
18 ~~noted in rule text, for the purposes of this Subchapter "Department" means the notary public section~~
19 ~~of the Department's certification and filing division.~~

20 (5)(3) ~~"Electronic Notarization System" notarization [system -] system" means a set of applications,~~
21 ~~programs, hardware, software, or technology designed to enable a notary to perform electronic or~~
22 ~~remote electronic notarizations. notarizations approved by the Department.~~

23 (4) ~~"Electronic notary applicant" means a commissioned North Carolina notary public who applies to~~
24 ~~be registered or reregistered [re-registered] as an electronic notary public.~~

25 (5) ~~"Electronic notary's electronic signature" means:~~

26 (a) ~~an electronic image of the handwritten signature of the electronic notary public in the name~~
27 ~~of the notary as it appears on the notary's commission; and~~

28 (b) ~~the AVEN's or other technology provider's security features attached to the signature in~~
29 ~~[SubItem (5)(a)] Sub-Item (5)(a) of this Rule.~~

30 (6) ~~"Independently Verifiable" verifiable" means capable of government or third-party authentication~~
31 ~~of a notarial act, a an electronic notary's identity, identity and a notary's relevant authority. current~~
32 ~~status with the Department.~~

33 (7) ~~"In the presence of the electronic notary at the time of notarization" means that an individual and an~~
34 ~~electronic notary public are in close physical proximity to one another without using technology to~~
35 ~~establish personal appearance.~~

36 (7)(8) ~~"Password Authentication" authentication" means requiring the user to enter a secret word, phrase,~~
37 ~~or symbol set in order to access and use an electronic notarization system.~~

1 ~~(8)~~(9) "~~Token Authentication~~" authentication" means requiring use of a physical device in addition to a
2 password or personal identification number ("PIN" number) in order to access and use an electronic
3 notarization system. Physical devices used in token authentication technologies include magnetic
4 cards or "smart cards" and Universal Serial Bus (USB) memory sticks or "USB ~~keys~~". keys."

5 ~~(9)~~ "~~Under the exclusive control of the notary~~", for the purposes of the Department's interpretation of
6 the requirements of G.S. 10B-126(b), means "~~under the notary public's sole control~~" as defined in
7 this subchapter.

8 ~~(10)~~ "~~Under the notary public's sole control~~" means ~~accessible by and attributable solely to the notary to~~
9 ~~the exclusion of all other persons and entities, either through being in the direct physical custody of~~
10 ~~the notary or through being secured with one or more biometric, password, token, or other~~
11 ~~authentication technologies in an electronic notarization system provided by an approved electronic~~
12 ~~notary solution provider approved pursuant to the Act and this Subchapter.~~

13
14 *History Note:* ~~Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-125(b); 10B-126(d); 10B-126; 10B-134.15; 10B-~~
15 ~~134.17; 10B-134.21; 47-16.5; 47-16.7; 147-36; 15-150-7002;~~
16 ~~Eff. January 1, 2007;~~
17 ~~Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December~~
18 ~~6, 2016;~~
19 ~~Transferred from 18 NCAC 07C .0102 Eff. June 1, 2023. 2023;~~
20 ~~Amended Eff. July 1, 2024.~~

1 18 NCAC 07F .0103 is adopted with changes as published in 38:04 NCR 198 as follows:

2

3 **18 NCAC 07F .0103 ELECTRONIC NOTARIES PERFORMING REMOTE ELECTRONIC**
4 **NOTARIAL ACTS**

5 An electronic notary public shall not perform a remote electronic notarial act until the notary has complied with the
6 requirements of this Chapter.

7

8 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;*
9 *Eff. July 1, 2024.*

1 18 NCAC 07F .0201 is amended as published in 38:04 NCR 198 as follows:

2

3 **18 NCAC 07F .0201 VALID COMMISSION**

4 ~~(a) Qualifications.~~ An electronic notary applicant shall ~~provide:~~

5 (1) ~~All information required for registration pursuant to G.S. 10B-106(d);~~

6 (2) ~~Verification that the applicant holds~~ hold a valid North Carolina notary commission and shall affirm
7 that the applicant continues to meet the qualifications to hold the notary ~~commission;~~ commission.

8 (3) ~~Verification that the applicant is in compliance with all provisions of the Notary Act;~~

9 (4) ~~Any other information requested by the Department to prove the qualifications of the applicant.~~

10

11 *History Note: Authority G.S. ~~10B-4; 10B-106; 10B-125(b); 10B-125(b); 10B-126(d); 10B-126; 10B-134.15; 10B-~~*
12 *~~134.17; 10B-134.21; 47-16.5; 47-16.7; 147-36; 15 USC 7002;~~*

13 *Eff. January 1, 2007;*

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

16 *Transferred from 18 NCAC 07C .0201(a) Eff. June 1, ~~2023;~~ 2023;*

17 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0301 is amended with changes as published in 38:04 NCR 198 as follows:

2
3 **SECTION .0300 – EDUCATION OF ELECTRONIC NOTARIES PUBLIC**

4
5 **18 NCAC 07F .0301 APPROVED COURSE OF STUDY FOR ELECTRONIC NOTARIES PUBLIC**

6 (a) The Department shall develop ~~administer~~ the training course and testing for applicants for electronic notary public
7 registration.

8 (b) ~~Upon the Secretary's determination of a need for additional instructors, the~~ The Department ~~may~~ shall train
9 certified notary ~~public~~ instructors who are also registered as electronic notaries public to ~~administer~~ teach the training
10 course and administer testing ~~for applicants~~ for electronic notary ~~registration~~ applicants.

11
12 *History Note: Authority G.S. 10B-4; 10B-14; ~~10B-107; 10B-125; [10B-125;]~~ 10B-126; 10B-134.21; ~~47-16.5; 47-~~
13 ~~16.7; 147-36; 15 USC 7002;~~
14 *Eff. January 1, 2007;*
15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
16 *6, 2016;*
17 *Transferred from 18 NCAC 07C .0301 Eff. June 1, ~~2023~~, 2023;*
18 *Amended Eff. July 1, 2024.**

1 18 NCAC 07F .0302 is adopted with changes as published in 38:04 NCR 198 as follows:

2

3 **18 NCAC 07F .0302 COURSES TO BE TAUGHT BY CERTIFIED NOTARY INSTRUCTORS**

4 Before submitting an application for registration as an electronic notary public, an individual shall attend and
5 successfully complete an electronic notary course taught by a certified notary instructor.

6

7 *History Note: Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; ~~10B-134.15; 10B-134.17~~; 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07F .0303 is adopted with changes as published in 38:04 NCR 199 as follows:

2

3 **18 NCAC 07F .0303 ELECTRONIC NOTARY COURSE**

4 Before performing a remote electronic notarization, Electronic electronic notaries registered prior to July 1, 2024,
5 shall either:

6 (1) successfully complete a remote electronic notarization course module; ~~module before performing a~~
7 ~~remote electronic notarization~~; or

8 (2) successfully complete an electronic notary class including training on remote electronic ~~notarization~~
9 ~~before performing a remote electronic~~ notarization.

10

11 History Note: Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; 10B-134.21;

12 Eff. July 1, 2024.

1 18 NCAC 07F .0304 is adopted as published in 38:04 NCR 199 as follows:

2

3 **18 NCAC 07F .0304 STUDENT IDENTITY**

4 Each electronic notary course student shall:

5 (1) be personally known to the certified notary instructor; or

6 (2) present satisfactory evidence of identity to the certified notary instructor.

7

8 History Note: Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; 10B-134.21;

9 Eff. July 1, 2024.

1 18 NCAC 07F .0305 is adopted with changes as published in 38:04 NCR 199 as follows:

2

3 **18 NCAC 07F .0305 PASSING SCORE ON EXAMINATION**

4 A passing score on the electronic notary course examination shall be 80 ~~percent.~~ percent or higher.

5

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

7 Eff. July 1, 2024.

1 18 NCAC 07F .0401 is amended with changes as published in 38:04 NCR 199 as follows:

2

3 **SECTION .0400 – APPLICATION FOR REGISTRATION AS ELECTRONIC NOTARY PUBLIC**

4

5 **18 NCAC 07F .0401 SUBMISSION**

6 The electronic notary applicant shall electronically submit the electronic notary registration form, **described at 18**
7 NCAC 07B .0404.

8 ~~Submission. The applicant shall:~~

9 (1) Complete the **registration form on line;**

10 (2) ~~Print the form.~~

11 (3) ~~Have the form notarized; and~~

12 (4) ~~Submit the form by:~~

13 (A) ~~U.S. mail.~~

14 (B) ~~In person delivery; or~~

15 (D) ~~Courier service.~~

16

17 *History Note: Authority G.S. 10B-4; **10B-106**; ~~10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15-USC 7002;~~*

18 *Eff. January 1, 2007;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
20 *6, 2016;*

21 *Transferred from 18 NCAC 07C .0201(b) Eff. June 1, ~~2023~~; 2023;*

22 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0402 is adopted with changes as published in 38:04 NCR 199 as follows:

2

3 **18 NCAC 07F .0402 TIMING OF APPLICATION**

4 An electronic notary applicant shall submit an application to be registered as an electronic notary within 90 days of
5 successfully completing the electronic notary course.

6

7 *History Note: Authority G.S. 10B-4; 10B-106; 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07F .0403 is adopted with changes as published in 38:04 NCR 199 as follows:

2

3 **18 NCAC 07F .0403 NOTICE TO DEPARTMENT OF CHANGES**

4 An electronic notary applicant shall have ~~notified~~ provided all notices to the Department ~~of changes~~ as required by
5 Chapter 10B of the General Statutes and the Rules in this Chapter before submitting an application.

6

7 *History Note: Authority G.S. 10B-4; 10B-50; 10B-51; 10B-52; 10B-53; 10B-106; 10B-126(d); 10B-127; 10B-*
8 *134.15; 10B-134.21;*
9 *Eff. July 1, 2024.*

1 18 NCAC 07F .0404 is adopted as published in 38:04 NCR 199 as follows:

2

3 **18 NCAC 07F .0404 FAILURE TO SUBMIT APPLICATION IN TIME**

4 The Department shall deny an application that does not comply with Rule .0402 of this Section. If the applicant
5 reapplies, the electronic notary applicant shall comply with the following:

6 (1) successfully complete the electronic notary course again;

7 (2) submit a new application; and

8 (3) tender applicable fees.

9

10 History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.21;

11 Eff. July 1, 2024.

1 18 NCAC 07F .0503 is adopted with changes as published in 38:04 NCR 199 as follows:

2
3 **SECTION .0500 – REGISTRATION AND OATH**

4
5 **18 NCAC 07F .0503 NOTICE OF DEPARTMENT'S ACTIONS FOR QUALIFIED ~~ENOTARY~~**
6 **ELECTRONIC NOTARY APPLICANTS**

7 The Department shall notify the notary public electronically or in writing within five days of the decision that the
8 notary is qualified ~~that~~ by electronically issuing an electronic notary registration certificate to the electronic notary
9 public.

10 (1) ~~the Department has:~~

11 (a) ~~appointed the notary as an electronic notary public; public by issuing an electronic notary~~
12 ~~registration certificate; and~~

13 (b) ~~provided the registration certificate of appointment to the Register of Deeds. Deeds; and~~

14 (2) ~~the appointee shall take the oath of office in the Register of Deeds office within 45 days of the issue~~
15 ~~date on the notice of appointment.~~

16
17 *History Note: Authority G.S. 10B-4; ~~10B-10; 10B-105; 10B-106; 10B-125; 10B-126; 10B-134.21;~~*

18 *Eff. July 1, 2024.*

1 18 NCAC 07F .0505 was published for amendment in 38:04 NCR 200 but is repealed as follows:

2

3 **18 NCAC 07F .0505 OATHS TIMING**

4

5 *History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;*

6 *Eff. January 1, 2007;*

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

8 *6, 2016;*

9 *Transferred from 18 NCAC 07C .0202(a) Eff. June 1, 2023. 2023;*

10 *Repealed Eff. July 1, 2024.*

1 18 NCAC 07F .0506 was published for amendment in 38:04 NCR 200 but is repealed as follows:

2

3 **18 NCAC 07F .0506 EVIDENCE OF IDENTITY**

4

5 *History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;*

6 *Eff. January 1, 2007;*

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

8 *6, 2016;*

9 *Transferred from 18 NCAC 07C .0202(b) Eff. June 1, 2023. 2023;*

10 *Repealed Eff. July 1, 2024.*

1 18 NCAC 07F .0507 was published for amendment in 38:04 NCR 200 but is repealed as follows:

2

3 **18 NCAC 07F .0507 CERTIFICATE DELIVERY**

4

5 *History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;*

6 *Eff. January 1, 2007;*

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

8 *6, 2016;*

9 *Transferred from 18 NCAC 07C .0202(c) Eff. June 1, 2023. 2023;*

10 *Repealed Eff. July 1, 2024.*

1 18 NCAC 07F .0508 was published for amendment in 38:04 NCR 200 but is repealed as follows:

2

3 **18 NCAC 07F .0508 REGISTRATION EFFECTIVE DATE**

4

5 *History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;*

6 *Eff. January 1, 2007;*

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

8 *6, 2016;*

9 *Transferred from 18 NCAC 07C .0202(d) Eff. June 1, 2023. 2023;*

10 *Repealed Eff. July 1, 2024.*

1 18 NCAC 07F .0509 is adopted with changes as published in 38:04 NCR 200 as follows:

2

3 **18 NCAC 07F .0509 REGISTRATION EFFECTIVE DATE**

4 The ~~appointee's~~ applicant's electronic notary public registration shall ~~not~~ be effective as of the date stated on the
5 registration certificate. ~~until the appointee takes the oath of office.~~

6

7 *History Note: Authority G.S. 10B-4; ~~10B-10~~; 10B-106; 10B-134.21;*

8 *Eff. July 1, 2024.*

1 18 NCAC 07F .0512 is adopted with changes as published in 38:04 NCR 200 as follows:

2

3 **18 NCAC 07F .0512 CONFIRMATION OF ELECTRONIC NOTARY STATUS**

4 ~~Upon electronic request of a technology provider, The the~~ Department shall ~~confirm report to a technology provider~~
5 a notary public's ~~active~~ status as an electronic notary public registered to perform electronic and remote electronic
6 ~~notarizations only if:~~ notarizations.

7 (1) ~~the Department has received the completed certificate of appointment from the Register of Deeds;~~

8 ~~or~~

9 (2) ~~the notary has presented the notary's commission certificate to the Department in the event of the~~
10 ~~failure of the Register of Deeds to provide the completed certificate of appointment to the~~
11 ~~Department.~~

12

13 *History Note: Authority G.S. 10B-4; ~~10B-10;~~ 10B-106; 10B-134.15; 10B-134.17; 10B-134.21;*

14 *Eff. July 1, 2024.*

1 18 NCAC 07F .0513 is adopted with changes as published in 38:04 NCR 200 as follows:

2

3 **18 NCAC 07F .0513 PERFORMING ELECTRONIC AND REMOTE ELECTRONIC NOTARIAL**
4 **ACTS**

5 A notary public shall not perform any electronic or remote electronic notarial act until:

6 (1) the notary has received the electronic notary registration certificate; taken the oath of office as an
7 electronic notary public; and

8 (2) the electronic notary public has provided notice to the Department of all technology providers
9 pursuant to Rule .0601 of this Subchapter. ~~complied with the requirements of Sections .0600 through~~
10 ~~.0800 of this Subchapter.~~

11

12 *History Note: Authority G.S. 10B-4; ~~10B-10~~; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;*

13 *Eff. July 1, 2024.*

1 18 NCAC 07F .0601 is adopted with changes as published in 38:04 NCR 200-201 as follows:

2
3 **SECTION .0600 – SELECTION AND USE OF TECHNOLOGY PROVIDER TO PERFORM**
4 **ELECTRONIC NOTARIAL ACTS**

5
6 **18 NCAC 07F .0601 NOTICE TO DEPARTMENT OF TECHNOLOGY PROVIDER**

7 An electronic notary public shall use the form described in 18 NCAC 07B .0405 to provide notice to the Department
8 of all technology providers used:

9 (1) to affix the electronic notary's electronic ~~signature and seal~~; signature;

10 ~~(2)~~ (2) to affix the electronic notary's seal;

11 ~~(2)(3)~~ (3) as the means to create and maintain the electronic notary's electronic journal and a backup copy of
12 the journal;

13 ~~(3)(4)~~ (4) as the custodian of the electronic notary's journal; and

14 ~~(4)(5)~~ (5) as the platform that the electronic notary will use if the notary intends to perform remote notarial
15 acts.

16
17 *History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.17; 10B-134.21;*
18 *Eff. July 1, 2024.*

1 18 NCAC 07F .0602 is adopted with changes as published in 38:04 NCR 201 as follows:

2

3 **18 NCAC 07F .0602 APPROVED TECHNOLOGY PROVIDER**

4 An electronic notary public shall use only technology providers approved or licensed by the Department and listed on
5 the Department's website.

6

7 *History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.15; 10B-134.17; ~~10B-134.19~~; 10B-134.21; 10B-*

8 *134.23;*

9 *Eff. July 1, 2024.*

1 18 NCAC 07F .0701 is amended with changes as published in 38:04 NCR 201 as follows:

2

3 **18 NCAC 07F .0701 UNIQUE SIGNATURE**

4 The electronic notary signature shall be independently verifiable and specific ~~unique~~ to each ~~the~~ electronic ~~notary~~.
5 notary public.

6

7 *History Note: Authority G.S. ~~10B-4; 10B-125(b); 10B-125(b); 10B-126(d); 10B-127; 47-16.5; 47-16.7; 147-36;~~*
8 *~~15 USC 7002; 10B-134.21;~~*

9 *Eff. January 1, 2007;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
11 *6, 2016;*

12 *Transferred from 18 NCAC 07C .0401(a) Eff. June 1, ~~2023;~~ 2023;*

13 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0702 is amended with changes as published in 38:04 NCR 702 as follows:

2

3 **18 NCAC 07F .0702 SOLE CONTROL**

4 The electronic notary public signature shall be retained retain under the exclusive control of the electronic notary
5 [public] signature such that the electronic signature can be attributed solely to the electronic notary. ~~electronic notary's~~
6 sole control.

7

8 *History Note: Authority G.S. ~~10B-4; 10B-125(b); 10B-125(b); 10B-126(d); 10B-127; 47-16.5; 47-16.7; 147-36;~~*
9 *~~15 USC 7002; 10B-134.21;~~*

10 *Eff. January 1, 2007;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
12 *6, 2016;*

13 *Transferred from 18 NCAC 07C .0401(b) Eff. June 1, ~~2023;~~ 2023;*

14 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0703 is repealed as published in 38:04 NCR 201 as follows:

2

3 **18 NCAC 07F .0703 EXCLUSIVE**

4

5 *History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;*

6 *Eff. January 1, 2007;*

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

8 *6, 2016;*

9 *Transferred from 18 NCAC 07C .0401(c) Eff. June 1, ~~2023~~ 2023;*

10 *Repealed Eff. July 1, 2024.*

1 18 NCAC 07F .0704 is amended with changes as published in 38:04 NCR 201 as follows:

2

3 **18 NCAC 07F .0704 LOGICALLY ATTACHED ELECTRONIC ATTRIBUTES OF ELECTRONIC**
4 **SIGNATURE**

5 The electronic notary public's signature ~~shall~~ shall:

6 (1) be attached to, or logically associated ~~with the document~~, with, the notarized document; and
7 (2) ~~linking link~~ link the data in such a manner that any subsequent alterations are observable through visual
8 examination of:

9 (a) ~~to the underlying document~~ document; or

10 (b) the electronic notary ~~certificate~~ certificate. ~~are observable through visual examination.~~

11

12 *History Note: Authority G.S. ~~10B-4; 40B-125(b); 10B-125(b); 10B-126(d); 10B-127; [10B-136]; 10B-134.21; 47-~~*
13 *~~16.5; 47-16.7; 147-36; 15 USC 7002;~~*
14 *Eff. January 1, 2007;*
15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
16 *6, 2016;*
17 *Transferred from 18 NCAC 07C .0401(d) Eff. June 1, ~~2023-~~ 2023;*
18 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0705 is amended with changes as published in 38:04 NCR 201 as follows:

2

3 **18 NCAC 07F .0705** **IMAGE APPEARANCE OF ELECTRONIC SIGNATURE**

4 An ~~image of the electronic notary's handwritten signature shall~~ notary **public** shall:

5 (1) ~~electronically sign the appear on any visual or printed representation of an electronic notary~~
6 ~~certificate certificate;~~ **and**

7 (2) ~~regardless of the technology being used to affix~~ **[view]** ~~the electronic notary's~~ **electronic** signature.
8 ~~[signature after signing; and]~~

9 ~~[(3)]~~ ~~verify that the image of the electronic notary's handwritten electronic signature is an accurate~~
10 ~~[representation;]~~ **representation of the notary's handwritten signature.**

11

12 *History Note: Authority G.S. 10B-4; ~~40B-125(b); 10B-125(b); 10B-126(d); 10B-127; [40B-136;]~~ 10B-134.21; 47-*
13 *16.5; 47-16.7; 147-36; 15 USC 7002;*

14 *Eff. January 1, 2007;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
16 *6, 2016;*

17 *Transferred from 18 NCAC 07C .0401(e) Eff. June 1, ~~2023.~~ 2023;*

18 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0706 is adopted with changes as published in 38:04 NCR 201 as follows:

2

3 **18 NCAC 07F .0706 SIGNATURE COMPLIANCE**

4 An electronic notary public shall ensure that the electronic notary's electronic signature complies with Chapter 10B of
5 the General Statutes and the Rules in this Subchapter each time it is affixed.

6

7 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); ~~10B-127~~; 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07F .0707 is adopted with changes as published in 38:04 NCR 201 as follows:

2

3 **18 NCAC 07F .0707 SIGNATURE REVIEW BEFORE USE**

4 An electronic notary public shall review the electronic notary's electronic signature for accuracy before the signature
5 is used for the first time.

6

7 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07F .0708 is adopted with changes as published in 38:04 NCR 201 as follows:

2

3 **18 NCAC 07F .0708 AFFIXING ELECTRONIC SIGNATURE**

4 An electronic notary public shall not affix the electronic notary's electronic signature until:

5 (1) the principals have appeared before the electronic notary as required by Article 2 of Chapter 10B of
6 the General Statutes;

7 (2) the principals have been identified;

8 (3) the oath or affirmation has been administered, if required;

9 (4) the principals have affixed their signatures to the electronic document or acknowledged them, if
10 applicable;

11 ~~(5) any fees have been collected;~~ and

12 ~~(6)~~(5) the journal entry has been made in accordance with the Rules in Subchapter I of this Chapter.

13

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

15 *Eff. July 1, 2024.*

1 18 NCAC 07F .0709 is adopted with changes as published in 38:04 NCR 201-202 as follows:

2

3 **18 NCAC 07F .0709 REVIEW AFTER AFFIXING ELECTRONIC SIGNATURE**

4 After the electronic notary public affixes the notary's electronic signature, and before the electronic signature is
5 committed by the notary, the electronic notary shall review the electronic signature to ensure that it:

- 6 (1) is present on the ~~notarial~~ notary certificate;
- 7 (2) is legible; and
- 8 (3) does not obscure:
 - 9 (a) the ~~notarial~~ notary certificate;
 - 10 (b) any content in the ~~notarial~~ notary certificate; or
 - 11 (c) any content in the document being notarized.

12

13 *History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127; 10B-134.21;
14 *Eff. July 1, 2024.*

1 18 NCAC 07F .0801 is adopted with changes as published in 38:04 NCR 202 as follows:

2

3 **18 NCAC 07F .0801 UNIQUE SEAL**

4 The electronic notary seal shall be independently verifiable and ~~unique~~ specific to ~~each the~~ electronic ~~notary~~. notary
5 public.

6

7 *History Note: Authority G.S. 10B-4; ~~10B-125(b)~~; 10B-125(b); 10B-126(d); 10B-127; 10B-134.21; ~~47-16.5~~; ~~47-~~
8 ~~16.7~~; ~~147-36~~; ~~15-USC 7002~~;*

9 *Eff. January 1, 2007;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
11 *6, 2016;*

12 *Transferred from 18 NCAC 07C .0402(a) Eff. June 1, ~~2023~~; 2023;*

13 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0802 is amended as published in 38:04 NCR 202 as follows:

2

3 **18 NCAC 07F .0802 SOLE CONTROL**

4 The electronic notary ~~public seal~~ shall ~~be retained~~ retain ~~under the~~ exclusive control of the electronic notary seal such
5 that the electronic notary seal can be attributed solely to the electronic notary. ~~electronic notary's sole control.~~

6

7 *History Note: Authority G.S. 10B-4; ~~10B-125(b); 10B-125(b); 10B-126(d); 10B-127; 10B-134.17; 10B-134.21;~~*
8 *47-16.5; 47-16.7; 147-36; 15 USC 7002;*

9 *Eff. January 1, 2007;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
11 *6, 2016;*

12 *Transferred from 18 NCAC 07C .0402(b) Eff. June 1, ~~2023;~~ 2023;*

13 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0803 is repealed as published in 38:04 NCR 202 as follows:

2

3 **18 NCAC 07F .0803 EXCLUSIVE**

4

5 *History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;*

6 *Eff. January 1, 2007;*

7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
8 *6, 2016;*

9 *Transferred from 18 NCAC 07C .0402(c) Eff. June 1, ~~2023~~ 2023;*

10 *Repealed Eff. July 1, 2024.*

1 18 NCAC 07F .0804 is amended with changes as published in 38:04 NCR 202 as follows:

2

3 **18 NCAC 07F .0804 LOGICALLY ATTACHED ~~[ELECTRONIC]~~ ATTRIBUTES OF ~~ELECTRONIC~~**
4 **SEAL**

5 The electronic notary seal ~~shall~~ shall:

6 (1) be attached to, or logically associated ~~with the document~~, with, ~~[the]~~ a notarized document; and

7 (2) ~~linking link~~ link the data in such a manner that any subsequent alterations are observable through visual
8 examination of:

9 (a) ~~to the underlying document~~ document; or

10 (b) the electronic notary certificate. ~~certificate are observable through visual examination.~~

11

12 *History Note: Authority G.S. ~~10B-4; 10B-125(b); 10B-125(b); 10B-126(d); 10B-127; [10B-136]; 10B-134.21; 47-~~*
13 *~~16.5; 47-16.7; 147-36; 15 USC 7002;~~*

14 *Eff. January 1, 2007;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
16 *6, 2016;*

17 *Transferred from 18 NCAC 07C .0402(d) Eff. June 1, ~~2023-~~ 2023;*

18 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0805 is amended with changes as published in 38:04 NCR 202 as follows:

2

3 **18 NCAC 07F .0805** **IMAGE APPEARANCE OF ELECTRONIC NOTARY SEAL**

4 An ~~image of the electronic notary's electronic seal~~ notary public shall:

5 (1) ~~electronically affix~~ appear on any visual or printed representation of the electronic notary certificate
6 seal; ~~and~~

7 (2) ~~regardless of the technology being used to affix~~ [view] the electronic notary's electronic seal. [image
8 of the seal after affixing it; and]

9 [(3)] ~~verify that the image is an accurate representation of the seal.~~

10

11 *History Note:* Authority G.S. ~~10B-4; 40B-125(b); 10B-125(b); 10B-126(d); 10B-134.21; 47-16.5; 47-16.7; 147-~~
12 ~~36; 15 USC 7002;~~

13 *Eff. January 1, 2007;*

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

16 *Transferred from 18 NCAC 07C .0402(e) Eff. June 1, 2023; 2023;*

17 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0806 was proposed for amendment as published in 38:04 NCR 202 but is repealed as follows:

2

3 **18 NCAC 07F .0806 PERIMETER**

4

5 *History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;*

6 *Eff. January 1, 2007;*

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

8 *6, 2016;*

9 *Transferred from 18 NCAC 07C .0402(f) Eff. June 1, ~~2023~~ 2023;*

10 *Repealed Eff. July 1, 2024.*

1 18 NCAC 07F .0807 is amended with changes as published in 38:04 NCR 202 as follows:

2
3 **18 NCAC 07F .0807 CONTENTS OF ELECTRONIC NOTARY SEAL**

4 ~~The~~ An electronic notary public shall ensure that the electronic notary's electronic notary seal ~~must have,~~ has:

5 (1) ~~within its border;~~ a visible border:

6 (a) having a physical appearance of the seal that replicates the appearance of an inked seal on
7 paper;

8 ~~(a)~~ (b) with the size and shape required by G.S. 10B-37(c); and

9 ~~(b)~~ (c) that includes an identifier assigned by the Department to the producer of the electronic seal;
10 [~~the AVEN or technology provider;~~] and

11 (2) ~~within~~ inside its border, border:

12 (a) ~~the electronic notary's name exactly as commissioned,~~ the information required by G.S.
13 10B-117(1), (2), and (4);

14 (b) ~~the words "Electronic Notary Public,"~~ words:

15 (i) "State of North Carolina";

16 (ii) "North Carolina" "Carolina"; or

17 (iii) the abbreviation "N.C.";

18 (c) the name of the county of commission ~~including~~ with either:

19 (i) the word "County" "County"; or

20 (ii) the abbreviation "Co.;" and

21 (d) the expiration date of the electronic notary's commission.

22
23 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15-150-7002;*

24 *Eff. January 1, 2007;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
26 *6, 2016;*

27 *Transferred from 18 NCAC 07C .0402(g) Eff. June 1, 2023- 2023;*

28 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0808 is amended as published in 38:04 NCR 202 as follows:

2

3 **18 NCAC 07F .0808 ELECTRONIC NOTARY SEALS ARE PRIVATE PROPERTY**

4 The electronic notary seal is the private property of the electronic notary public, ~~and shall be subject to laws governing~~
5 ~~private property.~~

6

7 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); ~~47-16.5; 47-16.7; 147-36; 15-UNC 7002~~;*

8 *Eff. January 1, 2007;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
10 *6, 2016;*

11 *Transferred from 18 NCAC 07C .0602 Eff. June 1, ~~2023~~; 2023;*

12 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0809 is adopted with changes as published in 38:04 NCR 202 as follows:

2

3 **18 NCAC 07F .0809 SEAL COMPLIANCE**

4 An electronic notary public shall ensure that the electronic notary's electronic seal complies with Chapter 10B of the
5 General Statutes and the ~~rules~~ Rules in this Subchapter each time it is affixed.

6

7 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07F .0810 is adopted with changes as published in 38:04 NCR 203 as follows:

2

3 **18 NCAC 07F .0810 SEAL LIMITATION**

4 An electronic ~~notary's~~ notary public's electronic seal shall include no information or images other than those required

5 ~~by:~~ by

6 (1) ~~— G.S. 10B-117; and~~

7 (2) ~~the Rules .0806 and Rule .0807 of in this Subchapter. Section.~~

8

9 *History Note:* Authority *G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;*

10 *Eff. July 1, 2024.*

1 18 NCAC 07F .0811 is adopted with changes as published in 38:04 NCR 203 as follows:

2

3 **18 NCAC 07F .0811 SEAL REVIEW BEFORE USE**

4 An electronic notary public shall review the notary's electronic seal for compliance with the Rules in this Section
5 before the seal is used for the first time.

6

7 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07F .0812 is adopted with changes as published in 38:04 NCR 203 as follows:

2

3 **18 NCAC 07F .0812 AFFIXING ELECTRONIC SEAL**

4 An electronic notary public shall not affix the notary's electronic seal until:

5 (1) the principals have appeared before the notary as required by Article 2 of Chapter 10B of the General
6 Statutes;

7 (2) the principals have been identified;

8 (3) the oaths or affirmations have been administered, if required;

9 (4) the principals have affixed their signatures to the electronic document or acknowledged them if
10 applicable;

11 ~~(5)~~ any fees have been collected; and

12 ~~(6)~~(5) the journal entry has been made in accordance with the ~~rules~~ Rules in Subchapter I of this Chapter.

13

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

15 *Eff. July 1, 2024.*

1 18 NCAC 07F .0813 is adopted with changes as published in 38:04 NCR 203 as follows:

2

3 **18 NCAC 07F .0813 REVIEW AFTER AFFIXING ELECTRONIC SEAL**

4 After the electronic notary public affixes the notary's electronic seal, and before the electronic notary commits the
5 electronic seal, the electronic notary shall review the notary's electronic seal to ensure that it:

- 6 (1) is present on the ~~notarial~~ notary certificate;
- 7 (2) is legible; and
- 8 (3) does not obscure:
 - 9 (a) the ~~notarial~~ notary certificate;
 - 10 (b) any content in the ~~notarial~~ notary certificate; or
 - 11 (c) any content in the document being notarized.

12

13 *History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;
14 *Eff. July 1, 2024.*

1 18 NCAC 07F .0814 is adopted with changes as published in 38:04 NCR 203 as follows:

2

3 **18 NCAC 07F .0814 COMMITMENT**

4 After an electronic notary public has complied with the requirements of Sections .0700 and .0800 of this Subchapter
5 with regard to review of signatures and seals after affixing them, the notary shall:

6 (1) ensure that the required journal entry has been made; and

7 (2) then commit:

8 (a) the electronic notarial signature;

9 (b) the electronic notarial seal; and

10 (c) the content of the journal entry.

11

12 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;*

13 *Eff. July 1, 2024.*

1 18 NCAC 07F .0901 is amended with changes as published in 38:04 NCR 203 as follows:

2

3 SECTION .0900 – ~~RE-REGISTRATION~~ **REREGISTRATION** AS ELECTRONIC NOTARY

4

5 18 NCAC 07F .0901 ~~RE-REGISTRATION~~ **REREGISTRATION**

6 ~~A~~ An electronic notary **public** applying to ~~re-register~~ **reregister** as an electronic notary [**public**] shall comply with
7 application ~~procedures~~ procedures found in the Act

8 (1) in Chapter 10B of the General Statutes; and

9 (2) in this Subchapter.

10

11 *History Note:* Authority G.S. ~~10B-4; 10B-125;~~ **10B-106;** ~~10B-125;~~ 10B-126; **10B-134.21;** ~~47-16.5; 47-16.7; 147-~~
12 ~~36; 15 USC 7002;~~

13 *Eff. January 1, 2007;*

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

16 *Transferred from 18 NCAC 07C .0203 Eff. June 1, ~~2023;~~ 2023;*

17 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0902 is adopted with changes as published in 38:04 NCR 203 as follows:

2

3 **18 NCAC 07F .0902 TIMING OF ~~RE-REGISTRATION~~ REREGISTRATION**

4 An electronic notary public desiring to ~~re-register~~ reregister and who does not apply for ~~re-registration~~ reregistration
5 at the same time the notary applies for ~~re-commissioning~~ recommissioning shall comply with Rule .0905 of this
6 Section.

7

8 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.21;*

9 *Eff. July 1, 2024.*

1 18 NCAC 07F .0903 is adopted with changes as published in 38:04 NCR 203 as follows:

2

3 **18 NCAC 07F .0903 FORM**

4 An electronic notary public shall use the form described in 18 NCAC 07B .0404 to apply ~~to be re-registered for~~
5 reregistration as an electronic notary.

6

7 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07F .0904 is adopted with changes as published in 38:04 NCR 203 as follows:

2

3 **18 NCAC 07F .0904 EDUCATION**

4 An applicant for ~~re-registration~~ reregistration as an electronic notary public shall successfully complete the electronic
5 notary course again before applying.

6

7 *History Note: Authority G.S. 10B-4; ~~10B-125~~, 10B-125; 10B-126; 10B-134.21;*

8 *Eff. July 1, 2024.*

1 18 NCAC 07F .0905 is adopted with changes as published in 38:04 NCR 203 as follows:

2

3 **18 NCAC 07F .0905 ELECTRONIC NOTARY ~~RE-REGISTRATION~~ REREGISTRATION OTHER**
4 **THAN AT RECOMMISSIONING**

5 An electronic notary public who does not apply for ~~re-registration~~ reregistration as an electronic notary at the same
6 time that the notary applies for ~~re-commissioning~~ recommissioning as a traditional notary and who later desires to ~~re-~~
7 ~~register~~ reregister as an electronic notary shall:

- 8 (1) successfully complete the electronic notary course again;
9 (2) apply for ~~re-registration~~ reregistration; and
10 (3) pay the applicable ~~fees~~ fee.

11

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

13 *Eff. July 1, 2024.*

1 18 NCAC 07F .0906 is adopted with changes as published in 38:04 NCR 203 as follows:

2

3 **18 NCAC 07F .0906 REGISTRATION ~~AND OATH~~**

4 Section .0500 of this Subchapter shall apply to an electronic notary applicant who is ~~appointed as a re-registered~~
5 reregistered as an electronic notary. notary public.

6

7 *History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07F .1001 is amended with changes as published in 38:04 NCR 204 as follows:

2

3 **18 NCAC 07F .1001 EMPLOYERS OF ELECTRONIC NOTARIES**

4 (a) Neither the employer nor any of the employer's employees or agents shall use or permit the use of an electronic
5 notary seal or **electronic notary** signature by anyone other than the electronic notary public to whom it is registered.

6 (b) Upon the cessation of employment of an electronic ~~notary~~, notary public, the employer of the electronic notary
7 shall:

8 (1) ~~Relinquish~~ **have no** control of the electronic ~~[notary public's]~~ notary's electronic notary seal;

9 ~~(2) Transfer possession of the electronic notary seal to the electronic notary; [notary public;]~~ or

10 ~~[(3)](2) Eliminate~~ **eliminate** the ability of any other person to use the former electronic notary ~~[public]~~
11 employee's electronic notary seal **and electronic notary's electronic signature**. ~~if the electronic~~
12 ~~notarization system used [provided] by the employer does not permit transfer of possession of the~~
13 ~~electronic notary seal. [seal to the electronic notary former employee.]~~

14

15 *History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.15; 10B-134.17; 10B-134.21; 47-16.5;
16 47-16.7; 147-36; 15 USC 7002;

17 *Eff. January 1, 2007;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
19 *6, 2016;*

20 *Transferred from 18 NCAC 07C .0603 Eff. June 1, ~~2023~~ 2023;*

21 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .1002 is amended with changes as published in 38:04 NCR 204 as follows:

2

3 **18 NCAC 07F .1002 ~~PROTECTED~~ **PROTECTING ACCESS****

4 An electronic notary public shall limit Access access to the electronic notary signatures, electronic notary electronic
5 seals, and journals by complying with the provider's requirements for the use of means of authentication approved by
6 the Department. shall be protected by the use of a password, token, biometric, or other form of authentication approved
7 by the Department according to Article 2 of Chapter 10B of the General Statutes, and Article 1A of Chapter 47 of the
8 General Statutes.

9

10 *History Note: Authority G.S. ~~10B-4; 10B-125(b); 10B-125; 10B-126(d); 10B-126; 10B-134.15; 10B-134.17; 10B-~~*
11 *~~134.21; 47-16.5; 47-16.7; 147-36; 15-USC 7002;~~*
12 *~~Eff. January 1, 2007;~~*
13 *~~Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December~~*
14 *~~6, 2016;~~*
15 *~~Transferred from 18 NCAC 07C .0604 Eff. June 1, ~~2023.~~ 2023;~~*
16 *~~Amended Eff. July 1, 2024.~~*

1 18 NCAC 07F .1003 is adopted with changes as published in 38:04 NCR 204 as follows:

2

3 **18 NCAC 07F .1003 RETENTION OF ELECTRONIC JOURNAL**

4 An electronic notary public shall maintain a copy of the notary's electronic journal for 10 years after the last notarial
5 act.

6

7 *History Note: Authority G.S. 10B-4; ~~10B-125(b)~~; 10B-126(d); 10B-134.15; 10B-134.17; 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07F .1004 is adopted with changes as published in 38:04 NCR 204 as follows:

2

3 **18 NCAC 07F .1004 NOTARY CREDENTIAL SHARING FORBIDDEN**

4 An electronic notary public shall not share the means of authentication that the notary uses to access an electronic
5 notarization system with anyone.

6

7 *History Note: Authority G.S. 10B-4; ~~10B-125~~; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07F .1101 is amended with changes as published in 38:04 NCR 204 as follows:

2

3 **18 NCAC 07F .1101 ~~PHYSICAL PRESENCE REQUIREMENT FOR ELECTRONIC NOTARIZATION~~**

4 When an electronic notary **public** performs an electronic notarization, the principal ~~and the electronic notary~~ shall be
5 in ~~each other's~~ the physical presence of the electronic notary ~~during the entire electronic~~ at the time of notarization so
6 ~~that that~~:

- 7 (1) the principal and the electronic notary can see, hear, and communicate ~~with,~~ with each other; ~~and~~
- 8 (2) the principal can ~~give~~ physically provide to the electronic notary identification documents as
9 required under G.S. ~~10B-3(22)~~ 10B-3(22). ~~to each other without the use of electronic devices such~~
10 ~~as telephones, computers, video cameras, or facsimile machines.~~

11

12 *History Note:* Authority G.S. [~~10B-3;~~] ~~10B-4;~~ [~~10B-102;~~] ~~10B-116(1);~~ 10B-125(b); 10B-126(d); ~~47-16.5; 47-~~
13 ~~16.7; 147-36; 15 USC 7002;~~

14 *Eff. January 1, 2007;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
16 *6, 2016;*

17 *Transferred from 18 NCAC 07C .0403 Eff. June 1, ~~2023.~~ 2023.*

18 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .1102 is amended with changes as published in 38:04 NCR 204 as follows:

2

3 **18 NCAC 07F .1102** ~~SEPARATE ATTESTATIONS~~ **PRESENCE REQUIREMENT FOR REMOTE**
4 **ELECTRONIC NOTARIZATION**

5 When an electronic notary public performs a remote electronic notarization, the remotely located principal shall appear
6 before the electronic notary at the time of notarization using communication technology. Each electronic signature
7 requiring notarization and attestation in the form of an acknowledgment shall be individually affixed to the electronic
8 document by the principal signer and shall be acknowledged separately by the principal signer, except in the following
9 situation:

10 (1) ~~The notarized document is executed on behalf of an entity as defined in G.S. 55-1-40(9)(a) or (c);~~
11 and

12 (2) ~~The notarized document does not adversely affect the claim, right or obligation of another.~~

13

14 *History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21; 47-16.5; 47-16.7; 147-36; 15-USC
15 7002;

16 *Eff. January 1, 2007;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
18 *6, 2016;*

19 *Transferred from 18 NCAC 07C .0601 Eff. June 1, 2023- 2023;*

20 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .1103 is adopted with changes as published in 38:04 NCR 204 as follows:

2

3 **18 NCAC 07F .1103 INDIVIDUAL PRINCIPAL SIGNATURES FOR ELECTRONIC**
4 **ACKNOWLEDGEMENTS NOTARIAL ACT**

5 An electronic notary public who performs an electronic or remote electronic ~~acknowledgment~~ notarial act shall require
6 the principal to affix each signature individually.

7

8 *History Note: Authority G.S. ~~10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d); 47-16.5; 47-16.7;~~*
9 *~~147-36; 15-USC 7002;~~*

10 *Eff. July 1, 2024.*

1 18 NCAC 07F .1104 is adopted with changes as published in 38:04 NCR 204-205 as follows:

2

3 **18 NCAC 07F .1104 ADDITIONAL OBLIGATIONS**

4 In addition to complying with the continuing obligations imposed by the ~~rules~~ Rules in Subchapter 07D of this Chapter,
5 an electronic notary public shall comply with the requirements of Subchapter 07I of this Chapter.

6

7 *History Note:* *Authority G.S. ~~10B-3; 10B-4; 10B-102; 10B-116(1); 10B-106(f); 10B-125(b); 10B-126(d); 10B-~~*
8 *~~134.15; 10B-134.17; 10B-134.21; 47-16.5; 47-16.7; 147-36; 15 USC 7002;~~*
9 *Eff. July 1, 2024.*

1 18 NCAC 07F .1105 is adopted with changes as published in 38:04 NCR 205 as follows:

2

3 **18 NCAC 07F .1105 NO ELECTRONIC NOTARIZATION OF INK SIGNATURE**

4 An electronic notary public shall not use the notary's electronic signature and electronic seal to notarize an ink
5 signature signed by hand.

6

7 *History Note: Authority G.S. ~~10B-3~~; 10B-4; ~~10B-102~~; ~~10B-116(1)~~; 10B-125(b); 10B-126(d);*
8 *Eff. July 1, 2024.*

1 18 NCAC 07F .1106 is adopted with changes as published in 38:04 NCR 205 as follows:

2

3 **18 NCAC 07F .1106 NOTICE OF CHANGES**

4 Within 10 business days of an electronic notary public choosing to use a different technology provider, An an
5 electronic notary shall notify the Department using the form described in ~~18 NCAC 07B .0406~~ 18 NCAC 07B .0406.
6 ~~within 10 business days of the notary choosing to use a different technology provider.~~

7

8 *History Note: Authority G.S. ~~10B-3; 10B-4; 10B-102; 10B-106(f); 10B-116(1); 10B-125(b); 10B-126(d); 10B-~~*
9 *134.15; 10B-134.17; 10B-134.21;*

10 *Eff. July 1, 2024.*

1 18 NCAC 07F .1108 is adopted with changes as published in 38:04 NCR 205 as follows:

2

3 **18 NCAC 07F .1108 RESOLUTION OF TECHNOLOGICAL ISSUES ~~ELECTRONIC OR REMOTE~~**
4 **~~ELECTRONIC NOTARIAL ACT CAN CONTINUE IF TECHNOLOGICAL~~**
5 **~~ISSUE RESOLVED OR NON IMPAIRING~~**

6 An electronic notary public may continue and complete an electronic or remote electronic notarial transaction if the
7 electronic notary concludes that any technological failure:

- 8 (1) has been resolved; ~~and~~
9 (2) will not impair performance of the notarial ~~act,~~ act; ~~and~~
10 (3) will not discredit the integrity of the notary certificate, seal, or journal.

11

12 *History Note: Authority G.S. ~~10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d); 10B-134.21; 47-~~*
13 *~~16.5; 47-16.7; 147-36; 15 USC 7002;~~*
14 *Eff. July 1, 2024.*

1 18 NCAC 07F .1109 is adopted with changes as published in 38:04 NCR 205 as follows:

2

3 **18 NCAC 07F .1109 CEASING TO USE A TECHNOLOGY PROVIDER**

4 An electronic notary public shall notify the Department within 10 business days of the date on which:

5 (1) the electronic notary cancels a contract or subscription with a technology provider; or

6 (2) the electronic notary is prevented by the provider from accessing the technology provider's services.

7

8 *History Note: Authority G.S. ~~10B-3~~; 10B-4; ~~10B-102~~; 10B-106(f); ~~10B-116(1)~~; 10B-125(b); 10B-126(d); 10B-*

9 *127(b); 10B-134.21;*

10 *Eff. July 1, 2024.*

1 18 NCAC 07F .1110 is adopted with changes as published in 38:04 NCR 205 as follows:

2

3 **18 NCAC 07F .1110 NOTICE OF CANCELLATION BY PROVIDER**

4 An electronic notary public shall notify the Department within 10 business days if the technology provider takes
5 actions that:

- 6 (1) suspend or halt the provider's operations or the availability of its technology; or
- 7 (2) ~~make changes to the technology that~~ impair the ability of the electronic notary to perform notarial
8 functions.

9

10 *History Note: Authority G.S. ~~10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d); 10B-127(b); 10B-~~*
11 *134.21;*
12 *Eff. July 1, 2024.*

1 18 NCAC 07F .1111 is adopted with changes as published in 38:04 NCR 205 as follows:

2

3 **18 NCAC 07F .1111 CONTENT OF NOTICE**

4 A notice pursuant to ~~the Rules .1109 or Rule~~ .1110 of this Section shall include:

5 (1) the reason for the notice; and

6 (2) any other information the electronic notary public thinks may help the Department to assess the
7 action of the provider.

8

9 *History Note:* *Authority G.S. ~~10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d); 10B-127(b); 10B-~~*
10 *134.21;*

11 *Eff. July 1, 2024.*