

1 18 NCAC 07B .0101 is amended with changes as published in 38:09 NCR 550 as follows:

2
3 **18 NCAC 07B .0101 SCOPE**

4 The rules in this Subchapter implement Chapter 10B of the General Statutes, the Notary Public and Electronic Notary
5 ~~Acts, Statutes.~~ The rules ~~govern~~ govern:

- 6 (1) the qualification, commissioning, notarial acts, ~~conduct~~ conduct, and discipline of notaries public
7 as Constitutional officers of the ~~State.~~ State;
- 8 (2) the qualification, certification, and discipline of certified notary instructors; and
- 9 (3) the qualification, approval or licensing, conduct, and discipline of technology providers.

10
11 *History Note: Authority G.S. ~~10B-2~~; 10B-4; 10B-14(f); ~~10B-102~~; 10B-106; 10B-125(b); 10B-126; 10B-134.15;*
12 *10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;*
13 *Eff. April 1, 2007;*
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
15 *6, 2016. 2016;*
16 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0102 is amended with changes as published in 38:09 NCR 550-553 as follows:

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

4 ~~(a) The~~ In addition to the definitions in G.S. 10B-3, 10B-101, and 10B-134.1, and apply to this Subchapter.

5 ~~(b) For~~ for purposes of Chapter 10B of the General Statutes and Subchapters 07B and 07C of this Chapter:

6 (1) ~~"Applicant" means an individual who seeks appointment or reappointment to the office of notary~~
7 ~~public;~~

8 ~~(2)~~ "Appoint" or "Appointment" means the naming of an individual to the office of notary public after
9 determination that the individual has complied with Chapter 10B of the General Statutes and
10 Subchapter 07B, 07C of this Chapter. For the purposes of these Rules, the [Rules] rules in this
11 Chapter, the terms "appoint", "reappoint", "appointment", "reappointment", "commission",
12 "recommission", "commissioning", "appoint," "reappoint," "appointment," "reappointment,"
13 "commission," "recommission," "commissioning," and "recommissioning" all refer to the term
14 "commission" as defined in G.S. 10B-3(4) or to the process of acquiring or maintaining such the
15 commission; commission.

16 ~~(3)(2)~~ "Appointee" means an individual who has been appointed or reappointed to the office of notary
17 public but has not yet taken the oath of office to be commissioned; commissioned.

18 (3) "Authorization" means a notary commission, an electronic notary registration, an instructor
19 certification, an approval, or a license issued by the Department pursuant to Chapter 10B of the
20 General Statutes.

21 (4) "Authorize" means the Department's action to issue an authorization.

22 ~~(4)(5)~~ "Commissioning" "Commission date" means the beginning date of commissioning or
23 recommissioning as entered on a commission certificate; certificate.

24 (6) "Court" means a tribunal of a locality, state, the Armed Forces of the United States, a federally
25 recognized tribe, or any nation.

26 ~~(5)(7)~~ "Crime" means a crime or: means:

27 (a) an offense designated by law as a felony or misdemeanor;

28 ~~(A)(b)~~ Attempt an attempt to commit a crime; an offense;

29 ~~(B)(c)~~ Accessory an accessory to commission of a crime; an offense;

30 ~~(C)(d)~~ Aiding aiding and abetting of a crime; an offense;

31 ~~(D)(e)~~ Conspiracy conspiracy to commit a crime; an offense; or

32 ~~(E)(f)~~ Solicitation solicitation to commit a crime; an offense; or

33 (g) threat to commit an offense.

34 An infraction as defined in G.S. 14-3.1 is not a crime.

35 (6) "Division" means the Notary Public Section of the North Carolina Department of the Secretary of State.

36 (8) "Crime involving dishonesty" means a [criminal offense] crime that [implicates untruthfulness or]
37 involves untruthfulness, deceit, fraud, false dealing, cheating or stealing.

- 1 (9) “Criminal convictions” means the following dispositions of criminal ~~charges;~~ charges entered or
2 accepted by a court:
3 (a) adjudications of ~~guilt by a court;~~ guilt;
4 (b) pleas of nolo contendere;
5 (c) pleas of admission;
6 (d) Alford pleas;
7 (e) conditional discharges;
8 (f) prayers for judgment continued; and
9 (g) dispositions denominated differently but equivalent to Sub-Items (a)-(f) in this ~~Item~~
10 entered by a court; Item.
11 (10) “Denial” with regard to public office means an individualized action:
12 (a) to disqualify an individual from:
13 (i) being a candidate for an elected public office; or
14 (ii) holding or filling a public office; and
15 (b) that is taken by:
16 (i) a governmental agency, a legislative body, or a member of the executive branch
17 of any locality, state, federally recognized tribe, or nation; or
18 (ii) a court.
19 (11) “Disciplinary action” means an official action by a court, legislative body, governmental agency
20 agency, board, or commission of any locality, state, federally recognized tribe, or nation, or court
21 nation resulting in:
22 (a) a disciplinary order;
23 (b) a censure;
24 (c) a reprimand;
25 (d) an admonition;
26 (e) a resignation in lieu of termination or revocation;
27 (f) a denial;
28 (g) a written warning; or
29 (h) actions denominated differently but equivalent to Sub-Items (a)–(g) in this Item.
30 (12) “Disciplinary order” means a directive or its equivalent that:
31 (a) is directed to a holder of a professional licensee license or a commissioned notary public;
32 (b) prohibits or conditions an individual professional licensee or commissioned notary public
33 from engaging in the practice of the licensee’s profession or acting as a notary public for
34 any amount of time;
35 (c) is issued by a court or government agency agency, board, or commission of any locality,
36 state, federally recognized tribe, or nation with authority to discipline or sanction the
37 professional licensee individual or commissioned notary public; and

(d) is not stayed, rescinded, reversed, or expunged.

NOTE: Suspensions, restrictions, and revocations of commissions or licenses are examples of disciplinary orders.

(13) “Family member” means an individual related by blood, marriage, or adoption.

(14) “Finding” means a decision, conclusion, or opinion by a court, legislative body, or governmental agency agency, board, or commission of any locality, state, federally recognized tribe, or nation that is based upon review of evidence in an investigation, quasi-judicial, or judicial proceeding resulting in a determination that:

(a) a fact has been proved according to the applicable legal standard; or

(b) a law applies to the specific facts in a matter.

(15) “Harm” means:

(a) loss or damage to a person affecting:

(i) liberty;

(ii) child custody, parental rights, child support, or visitation;

(iii) reputation;

(iv) money;

(v) property;

(vi) time; or

(vii) a contract or transaction; or

(b) an act that undermines public confidence in the reliability of notarial acts or notarial instructor certification.

(16) “Issuance” with regard to public office means an action:

(a) to certify the results of an election signifying that an individual has been elected to the public office; or

(b) to appoint an individual to fill a public office; and

(c) that is taken by:

(i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or

(ii) a court.

(17) “Licensed member of the North Carolina State Bar” means an active member as defined in 27 NCAC 01A .0201(b).

(18) “Name for use on a notary public commission” means: or “commission name” means the name chosen by a commission applicant as the applicant’s commission name and consisting of:

(a) the full legal name of the commission applicant; or

(b) a combination of the applicant’s surname and:

(i) full first or middle name; or

(ii) full first or middle name and one or more ~~initials.~~ initials derived from the applicant's full legal name.

NOTE: Full legal names, full first names, and full middle names shall not include nicknames.

(19) "Notarial act" means, in addition to those acts listed in G.S. 10B-3(11), an act authorized by:

(a) G.S. 163-231(a); and

(b) G.S. 53C-6-13(a).

(20) "Notary course" means a course taught by a certified notary instructor for purposes of:

(a) commissioning or recommissioning a notary public; or

(b) registering or reregistering an electronic notary public.

(21) "Probation" with regard to criminal convictions means active supervision by a governmental agency or its legally authorized designee in lieu of jail or prison.

(22) "Professional license" means an issuance that involves a grant of authority by a governmental ~~agency~~ agency, board, or commission of any locality, state, federally recognized tribe, or nation, to an individual to act in a fiduciary capacity, or in a capacity that affects the public interest or public trust, and that regards an occupation requiring training and formal qualification. Professional licenses are:

(a) attorney;

(b) appraiser;

(c) architect;

(d) boiler inspector;

(e) building, electrical, fire, mechanical, or plumbing inspector;

(f) certified nursing assistant;

(g) certified public accountant;

(h) code enforcement official;

(i) electrical contractor;

(j) engineer;

(k) general contractor;

(l) geologist;

(m) insurance agent;

(n) insurance company adjuster;

(o) interpreter or transliterator;

(p) investment advisor;

(q) locksmith;

(r) motor vehicle damage appraiser;

(s) on-site wastewater contractor inspector;

(t) pharmacist;

(u) physician;

- 1 (v) physician assistant;
2 (w) plumbing, heating, and fire sprinkler contractor;
3 (x) private investigator;
4 (y) professional bondsman;
5 (z) real estate broker;
6 (aa) registered nurse, licensed practical nurse, nurse practitioner;
7 (bb) securities broker, dealer, salesman;
8 (cc) self-employed insurance adjuster;
9 (dd) surety bondsman;
10 (ee) sworn law enforcement officer; and
11 (ff) teacher.
- 12 (23) “Public office” means a [position] position:
13 (a) created by law to which an individual has been elected or [appointed, and that involves]
14 appointed;
15 (b) involving a delegation to the individual of some of the functions of government to be
16 exercised by the individual for the benefit of the [public] public; and
17 (c) [that are] with authority that is not solely advisory.
- 18 (24) “Restriction” with regard to public office means an individualized action:
19 (a) to restrain an individual from serving in public office; and
20 (b) that is taken by:
21 (i) a governmental agency, board, or commission, a legislative body, or a member of
22 the executive branch of any locality, state, federally recognized tribe, or nation;
23 or
24 (ii) a court.
- 25 (25) “Release from prison, probation or parole” means:
26 (a) completion of all terms of a sentence or [judgement] judgment entered as part of a
27 disposition of a criminal charge;
28 (b) a certificate or order related to a criminal charge evidencing the individual’s unconditional
29 [discharge and specifying the restoration of the individual’s rights of citizenship pursuant
30 to G.S. 13-2;] discharge;
31 (c) a certificate of relief pursuant to G.S. 15A-173.4;
32 (d) an endorsement from the Governor after satisfaction of conditions of a conditional pardon
33 pursuant to G.S. 13-4;
34 (e) an unconditional pardon pursuant to G.S. 13-3;
35 (f) an order that a conviction is vacated; [or] and
36 (g) the individual’s citizenship has been restored pursuant to G.S. 13-1;

- 1 (h) an action that is equivalent to Sub-Items (a)-(f) of this Item entered by a court, or an official
2 or body of a state, federally recognized tribe, or nation with the authority to grant pardons.
- 3 (26) “Residence address” [or “residential address”] means a physical location with a street name, and a
4 number designating the building in which an individual resides, including an apartment or unit
5 number if applicable, the city, state, zip code, and nation if not the United States.
- 6 (27) “Revocation” with regard to an individual’s capacity to serve in a public office means an
7 individualized action:
8 (a) to void or cancel a certification of election to office; or
9 (b) to remove an individual from a public office; and
10 (c) that is taken by:
11 (i) a governmental agency, board, or commission, a legislative body, or a member of
12 the executive branch of any locality, state, federally recognized tribe, or nation;
13 or
14 (ii) a court.
- 15 (28) “Suspension” with regard to a public office means an individualized action:
16 (a) to prohibit, for a finite period of time, an individual’s authority to serve in a public office;
17 and
18 (b) that is taken by:
19 (i) a governmental agency, board, or commission, legislative body, or a member of
20 the executive branch of any locality, state, federally recognized tribe, or nation;
21 or
22 (ii) a court.

23

24 *History Note: Authority G.S. 10B-4; 10B-14(f); 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-*
25 *134.19; 10B-134.21; 10B-134.23;*
26 *Eff. April 1, 2007;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
28 *6, ~~2016~~. 2016;*
29 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0103 is amended with changes as published in 38:09 NCR 553 as follows:

2
3 **18 NCAC 07B .0103 OPERATING HOURS AND GENERAL CONTACT INFORMATION**

4 (a) ~~Mailing Address. The mailing address for the Division of Certification and Filing, Notary Public Section is P.O.~~
5 ~~Box 29626, Raleigh, NC 27626-0626.~~

6 (b) ~~Hours. Office~~ Departmental hours **for the public** are 8:00 a.m. to 4:00 ~~5:00 p.m.~~ 5:00 p.m., Monday through ~~Friday~~
7 ~~Friday~~, with the exception of ~~state~~ State holidays.

8 (c) ~~(b) Contacting the Division. In addition to contacting the Division by mail as provided in Paragraph (a) of this~~
9 ~~Rule, contact with the Division may be by:~~

10 (1) ~~On line information service: The Department provides on line information services at its~~
11 ~~website. The Department's website is: www.sosnc.gov.~~

12 (2) ~~Electronic Mail:~~

13 (c) ~~Email address: For basic information the~~ The Department Notary Public Section may be contacted by email for
14 notary-related issues at notary@sosnc.gov. ~~Electronic mail Unless specifically permitted by a rule in this Chapter,~~
15 email shall not be used for ~~filing~~ submitting applications.

16 (3) ~~(d) Telephone Number: number: The telephone number for Notary Customer Service [departmental] the~~
17 Department's customer service unit is (919) 814-5400.

18 (4) ~~Fax Number: To send information to the Notary Public Section via fax, the number is 919 814-~~
19 ~~5597.~~

20 (e) Physical address. The Department is located at 2 South Salisbury Street, Raleigh, NC 27601.

21 (f) Mailing address. The Department's mailing address is P.O. Box 29626, Raleigh, NC 27626-0626.

22
23 *History Note: Authority G.S. ~~10B-14(f); 147-34; 10B-4;~~*

24 *Eff. April 1, 2007;*

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

27 *Amended Eff. July 1, 2024; February 1, 2021; October 1, 2019.*

1 18 NCAC 07B .0104 is adopted with changes as published in 38:09 NCR 553 as follows:

2
3 **18 NCAC 07B .0104 ADA ACCOMMODATION**

4 An applicant to become a notary public, electronic ~~notary~~, notary public, or certified notary instructor who needs
5 accommodation pursuant to the Americans with Disabilities Act shall:

6 (1) with regard to a notary course and exam accommodation request, direct the request to the institution
7 offering the course and exam, in which instance the institution may consult with the Department
8 about the accommodation requested; or

9 (2) with regard to the online recommissioning exam, certified notary instructor initial or recertification
10 oral presentation or written exam, contact the Department and request an accommodation.

11
12 *History Note:* *Authority G.S. 10B-4; 10B-14(f); 10B-107; 10B-134.21;*
13 *Eff. July 1, 2024.*

1 18 NCAC 07B .0105 is adopted with changes as published in 38:09 NCR 553 as follows:

2
3 **18 NCAC 07B .0105 OBTAINING REQUESTED INFORMATION**

4 A filer shall:

- 5 (1) use reasonable efforts to obtain information requested by the Department;
- 6 (2) deliver to the Department all requested information that is available to the filer; and
- 7 (3) if unable to obtain requested information, describe to the Department the ~~reasonable~~ efforts taken to
- 8 obtain the information.

9
10 *History Note:* *Authority G.S. 10B-4; 10B-14(f); 10B-107; 10B-134.21;*
11 *Eff. July 1, 2024.*

1 18 NCAC 07B .0106 is amended as published in 38:09 NCR 553 as follows:

2
3 **18 NCAC 07B .0106 WAIVER**

4 The ~~Director~~ Department may waive any rule in this ~~Subchapter~~ Chapter that is not statutorily required on request of
5 a filer or on its own initiative based on the factors set forth in Rule ~~.0901~~ .0108 of this ~~Chapter~~ Section.

6
7 *History Note: Authority G.S. 10B-4; ~~10B-14(f); 147-36~~;*

8 *Eff. April 1, 2007;*

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

10 *6, ~~2016~~ 2016;*

11 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0107 is adopted with changes as published in 38:09 NCR 554 as follows:

2
3 **18 NCAC 07B .0107 CONTENTS OF WAIVER REQUEST**

4 A request for waiver of a rule in this Chapter shall be in writing and shall include:

- 5 (1) the requestor's:
- 6 (a) name;
- 7 (b) mailing address;
- 8 (c) email address; and
- 9 (d) preferred telephone number for contact;
- 10 (2) for a request filed on behalf of an entity:
- 11 (a) the name of the entity;
- 12 (b) the requestor's position with the entity and authority to file the request on behalf of the
- 13 entity;
- 14 (c) the mailing and business addresses of the entity;
- 15 (d) the telephone number for the entity; and
- 16 (e) the email address for the entity;
- 17 (3) the specific rule and paragraph number for which waiver is requested;
- 18 (4) an explanation of the reason for the request, including facts supporting the request;
- 19 (5) any additional information related to the factors in Rule .0108 of this Section that the requestor
- 20 wishes the Department to consider;
- 21 (6) supporting documentation, if any;
- 22 (7) ~~whether the requestor has filed any other waiver requests with the Department and a description of~~
- 23 ~~those any previous~~ waiver requests; requests filed with the Department; and
- 24 (8) the signature of the requestor and the date signed.
- 25

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

27 *Eff. July 1, 2024.*

1 18 NCAC 07B .0108 is adopted with changes as published in 38:09 NCR 554 as follows:

2
3 **18 NCAC 07B .0108 FACTORS USED IN CONSIDERING WAIVER REQUESTS**

4 Factors to be considered when the Department considers a waiver request are:

- 5 (1) information about the requestor and the request, including the requestor's:
- 6 (a) explanation of the reasons for the request;
- 7 (b) control over the circumstances leading to the request;
- 8 (c) experience with the Notary Act and the ~~Rules~~ rules in this Chapter;
- 9 (d) record of timeliness, completeness, and accuracy of filings with the Department;
- 10 (e) history of waiver requests, if any; and
- 11 (f) impact of granting or denying the request on the requestor; and
- 12 (2) impact on the public by granting or denying the request, including:
- 13 (a) harm or benefit to the public;
- 14 (b) consistency of implementation and enforcement of Chapter 10B of the General Statutes
- 15 and the ~~Rules~~ rules in this Chapter; and
- 16 (c) the harm to the Department if a waiver is ~~granted~~ granted or denied.
- 17

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

19 *Eff. July 1, 2024.*

1 18 NCAC 07B .0109 is adopted with changes as published in 38:09 NCR 554 as follows:

2
3 **18 NCAC 07B .0109 COMPUTATION OF TIME PERIODS**

4 The Department shall calculate time periods based on G.S. 1A-1, Rule 6, unless otherwise noted in the ~~Rules~~ rules in
5 this Chapter.

6
7 *History Note: Authority G.S. 10B-4;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07B .0110 is amended with changes as published in 38:09 NCR 554 as follows:

2
3 **18 NCAC 07B .0110 REQUEST TO DEPARTMENT FOR CONFIDENTIAL PUBLIC INFORMATION**

4 ~~(a) The information that the Department shall make available on individual notaries public include:~~

- 5 ~~(1) — Full legal name;~~
6 ~~(2) — County of Commission;~~
7 ~~(3) — Employer's Name;~~
8 ~~(4) — Employer's street and mailing addresses;~~
9 ~~(5) — Employer's phone number;~~
10 ~~(6) — Status of Commission;~~
11 ~~(7) — Disciplinary action, if any.~~

12 ~~(b) A request to the Department for confidential notary information about a notary that is confidential pursuant to~~
13 ~~G.S. 10B-7, G.S. 10B-60, G.S. 10B-106, or that is personally identifiable information shall shall:~~

- 14 ~~(1) be in writing writing;~~
15 ~~(2) and shall include documentation of the name of the requestor and contact information for the~~
16 ~~requestor; and~~
17 ~~(3) document the right of the requestor to receive the confidential notary information, including;~~
18 ~~information.~~
19 ~~(1) — Authorization of the notary that the person is an agent of the notary authorized to request and receive~~
20 ~~the information;~~
21 ~~(2) — Subpoena or court order;~~
22 ~~(3) — Statement of authority from a law enforcement or government agency; or~~
23 ~~(4) — N.C. State Bar applicant "Release of Information" form.~~

24
25 *History Note: Authority G.S. ~~10B-2; 10B-4; 10B-7(b); 10B-14(f); 10B-106;~~*

26 *Eff. April 1, 2007;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
28 *6, 2016;*

29 *Transferred from 18 NCAC 07B .1001 Eff. June 1, ~~2023;~~ 2023;*

30 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0407 is adopted with changes as published in 38:09 NCR 554-555 as follows:

2
3 **18 NCAC 07B .0407 INITIAL APPLICATION FOR NOTARY COMMISSION FORM**

4 The initial application for notary commission form requires:

- 5 (1) the information required by G.S. 10B-5, 10B-6, and 10B-7;
- 6 (2) from the commission applicant:
- 7 (a) whether the applicant is a licensed member of the North Carolina State Bar;
- 8 (b) a personal cell phone number, if the applicant uses that number as ~~the applicant's~~
9 ~~residential telephone number;~~ number for the applicant's residence;
- 10 (c) the ~~most recent~~ North Carolina notary commission number, if one was ~~issued;~~ issued, and
11 more than 12 months have elapsed since expiration;
- 12 (d) occupation;
- 13 (e) applicant's employer or status as:
- 14 (i) self-employed;
- 15 (ii) unemployed;
- 16 (iii) retired; or
- 17 (iv) a student;
- 18 (f) North Carolina county where employed;
- 19 (g) with regard to the notary course attended:
- 20 (i) the name of the eligible institution that offered the course;
- 21 (ii) the number of course hours;
- 22 (iii) the printed or typed name of the course instructor; and
- 23 (iv) the date the course was successfully completed;
- 24 (h) a description of included attachments, if any; and
- 25 (i) the declaration required by G.S. 10B-12; and
- 26 (3) from the notary course instructor:
- 27 (a) certification that:
- 28 (i) the date, eligible institution, and printed name of the instructor are correct; and
- 29 (ii) the applicant successfully completed the course and therefore qualifies for
30 consideration for a notary commission; and
- 31 (b) the course instructor's signature as required by G.S. 10B-6 and the date of the signature.
- 32

33 *History Note: Authority G.S. 10B-4;*
34 *Eff. July 1, 2024.*

1 18 NCAC 07B .0408 is adopted as published in 38:09 NCR 555 as follows:

2
3 **18 NCAC 07B .0408 AFFIDAVIT OF MORAL CHARACTER**

4 The affidavit of moral character form requires:

- 5 (1) the applicant's name for use on a notary public commission, if available, or the full legal name of
6 the individual about whom the affidavit is prepared;
7 (2) information about the character witness:
8 (a) the affiant's name, contact information, and occupation;
9 (b) how the affiant knows the individual;
10 (c) how long the affiant has known the individual;
11 (d) how the affiant has had the opportunity to form an opinion of the individual's character;
12 and
13 (e) whether the affiant is aware of criminal charges against, or criminal convictions of, the
14 individual;
15 (3) the affiant's opinion whether the charges against, or convictions of, the individual will affect the
16 ability of the individual to comply with Chapter 10B of the General Statutes;
17 (4) a declaration whether the affiant personally recommends the individual for an authorization
18 requiring honesty, integrity, trustworthiness, and high standards of moral character;
19 (5) the signature of the affiant and the date signed; and
20 (6) a declaration under penalty of perjury that the information provided is true and complete to the best
21 of the affiant's knowledge and belief.

22
23 History Note: Authority G.S. 10B-4;

24 Eff. July 1, 2024.

1 18 NCAC 07B .0409 is adopted with changes as published in 38:09 NCR 555 as follows:

2
3 **18 NCAC 07B .0409 APPLICATION FOR RECOMMISSIONING AS NOTARY PUBLIC**

4 The form for application for recommissioning as a notary public ~~form~~ before expiration of a commission or within 12
5 months of commission expiration requires:

- 6 (1) information regarding the applicant's current or, if expired, the ~~immediately preceding~~ most recent
7 commission, including the commission number;
- 8 (2) an imprint or stamp from the applicant's current seal or most recently expired seal if the applicant
9 currently possesses a seal;
- 10 (3) information required pursuant to G.S. 10B-11;
- 11 (4) the instructor's signature, if the applicant takes the notary course as part of the recommissioning
12 process;
- 13 (5) information required pursuant to Rule .0407 of this Section that is not otherwise included in Items
14 (1)-(3) of this Rule; and
- 15 (6) the declaration under penalty of perjury that is required by G.S. 10B-12.

16
17 *History Note: Authority G.S. 10B-4;*
18 *Eff. July 1, 2024.*

1 18 NCAC 07B .0410 is adopted with changes as published in 38:09 NCR 555-556 as follows:

2
3 **18 NCAC 07B .0410 NOTICE OF ~~CHANGE~~ CHANGES IN ~~GENERAL NOTARY INFORMATION~~**
4 **REQUIRED BY 18 NCAC 07D .0301**

5 The form for notice of change in ~~general notary~~ the information ~~requires:~~ required by 18 NCAC 07D .0301:

- 6 (1) the ~~notary's~~ notary public's commission name and county of commission;
- 7 (2) the notary's commission number;
- 8 (3) contact information for the notary;
- 9 (4) last four digits of the notary's SSN;
- 10 (5) for ~~changes~~ each change: ~~required to be reported pursuant to G.S. 10B-50, 10B-51, 10B-52, or 18~~
11 ~~NCAC 07D .0301:~~
- 12 (a) which item of information regarding the notary has changed;
- 13 (b) the information as it existed before the change; and
- 14 (c) the information after the change; and
- 15 (6) the printed name and signature of the notary and the date signed.

16
17 *History Note: Authority G.S. 10B-4;*
18 *Eff. July 1, 2024.*

1 18 NCAC 07B .0411 is adopted with changes as published in 38:09 NCR 556 as follows:

2
3 **18 NCAC 07B .0411 NOTICE OF CHANGES REGARDING CRIMINAL HISTORY RECORD**

4 The form for notice of changes in criminal history record requires:

- 5 (1) the name of the individual;
- 6 (2) if a commissioned ~~notary~~, notary public the notary's commission number;
- 7 (3) the last four digits of the individual's SSN;
- 8 (4) contact information for the individual;
- 9 (5) for a previously unreported criminal charge:
- 10 (a) the date of the charge;
- 11 (b) the court in which the charge is filed;
- 12 (c) whether the charge is for a felony or misdemeanor;
- 13 (d) what the charge is;
- 14 (e) whether the charge has been set for a hearing or trial and, if yes, the scheduled date; and
- 15 (f) the case number;
- 16 (6) for notice of a disposition of a criminal charge:
- 17 (a) the date of the disposition;
- 18 (b) the name of the court and the case number;
- 19 (c) if the disposition resulted in a conviction:
- 20 (i) whether the conviction was for a felony or misdemeanor; and
- 21 (ii) the sentence imposed;
- 22 (d) a copy of the disposition document;
- 23 (e) a copy of any document restoring citizenship rights; and
- 24 (7) the signature of the individual and the date signed.
- 25

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

27 *Eff. July 1, 2024.*

1 18 NCAC 07B .0412 is adopted with changes as published in 38:09 NCR 556 as follows:

2
3 **18 NCAC 07B .0412 NOTICE OF CHANGES REGARDING PROFESSIONAL LICENSES, NOTARY**
4 **COMMISSIONS, OR PUBLIC OFFICES**

5 The form for notice of changes regarding professional licenses, notary commissions, or public offices requires:

- 6 (1) the name of the individual;
7 (2) if a commissioned ~~notary~~, notary public, the notary's commission number;
8 (3) the last four digits of the individual's SSN;
9 (4) contact information for the individual;
10 (5) for a change in any information required by G.S. 10B-7(10), the information required by Section
11 .0700 of this Subchapter; and
12 (6) the printed name and signature of the individual and the date signed.

13
14 *History Note: Authority G.S. 10B-4;*
15 *Eff. July 1, 2024.*

1 18 NCAC 07B .0413 is adopted with changes as published in 38:09 NCR 556 as follows:

2
3 **18 NCAC 07B .0413 NOTICE OF CHANGES REGARDING FINDINGS OR ADMISSIONS OF**
4 **DECEIT, OFFICIAL MISCONDUCT, FALSE OR MISLEADING ADVERTISING,**
5 **OR UNAUTHORIZED PRACTICE OF LAW**

6 The form for notice of changes regarding findings or admissions of deceit, official misconduct, false or misleading
7 advertising, or unauthorized practice of law requires:

- 8 (1) the ~~notary's~~ notary public's commission name and county of commission;
9 (2) the notary's commission number;
10 (3) last four digits of the notary's SSN;
11 (4) contact information for the notary;
12 (5) the information required pursuant to:
13 (a) 18 NCAC 07C .0207 for a finding or admission of liability against the notary pursuant to
14 G.S. 10B-5(d)(3);
15 (b) 18 NCAC 07C .0208 for a finding of official misconduct by the ~~notary public~~; notary;
16 (c) 18 NCAC 07C .0209 for a finding of unauthorized practice of law by the notary; and
17 (d) 18 NCAC 07C .0210 for a finding or charge of false or misleading advertising by the
18 notary; and
19 (6) the printed name and signature of the commission applicant or notary and the date signed.

20
21 *History Note: Authority G.S. 10B-4;*
22 *Eff. July 1, 2024.*

1 18 NCAC 07B .0414 is adopted with changes as published in 38:09 NCR 556-557 as follows:

2
3 **18 NCAC 07B .0414 APPLICATION FOR CERTIFICATION AS NOTARY INSTRUCTOR**

4 The application for certification as a notary instructor form requires:

- 5 (1) the information required by Rule .0407(1)–(2)(i) of this Section;
- 6 (2) whether the applicant is currently employed as:
- 7 (a) a register of deeds or clerk of court; or
- 8 (b) an employee of the Department and ~~who~~ is authorized by the Secretary to serve as an
- 9 instructor;
- 10 (3) the eligible institution for which the applicant will teach if certified as an instructor;
- 11 (4) the name, telephone number, and email address of a contact person at the eligible institution who is
- 12 knowledgeable about the conditional hiring of the applicant to teach notary courses;
- 13 (5) whether the applicant has a personal copy of the most recent notary public manual approved by the
- 14 Department and, if yes, the year and edition number;
- 15 (6) whether the applicant has active experience as a ~~notary~~; notary public;
- 16 (7) whether the applicant has notified the Department of changes as required by Chapter 10B of the
- 17 General Statutes and the ~~Rules~~ rules in this Chapter or is submitting a change form with the
- 18 application;
- 19 (8) the printed name and signature of the applicant and the date signed; and
- 20 (9) a declaration under penalty of perjury that:
- 21 (a) the information provided is true and complete to the best of the applicant’s knowledge and
- 22 belief;
- 23 (b) the applicant remains qualified to be commissioned as a notary public; and
- 24 (c) the applicant will perform the duties and responsibilities of a certified notary instructor.
- 25

26 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*

27 *Eff. July 1, 2024.*

1 18 NCAC 07B .0415 is adopted with changes as published in 38:09 NCR 557 as follows:

2
3 **18 NCAC 07B .0415 RECOMMENDATION OF NOTARY INSTRUCTOR APPLICANT**

4 The recommendation of notary instructor applicant form requires:

- 5 (1) the instructor applicant's commission name;
- 6 (2) the name and contact information for the individual completing the form;
- 7 (3) the individual's basis for recommending the applicant, including:
- 8 (a) a declaration that the individual is not a family member of the applicant;
- 9 (b) how the individual knows the applicant; and
- 10 (c) whether and how the individual has knowledge of the applicant's teaching skills;
- 11 (4) whether, in the opinion of the individual, the applicant has the skills to be an effective teacher of
- 12 notary applicants;
- 13 (5) a declaration that the individual personally recommends the applicant to be a notary instructor;
- 14 (6) the printed name and signature of the ~~applicant~~ individual and the date signed; and
- 15 (7) a declaration under penalty of perjury that the information provided is true and complete to the best
- 16 of the ~~affiant's~~ individual's knowledge and belief.

17
18 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*
19 *Eff. July 1, 2024.*

1 18 NCAC 07B .0416 is adopted with changes as published in 38:09 NCR 557 as follows:

2
3 **18 NCAC 07B .0416 EMPLOYER AFFIDAVIT REGARDING INSTRUCTOR APPLICANT ACTIVE**
4 **EXPERIENCE FORM**

5 The form for the employer affidavit regarding active experience requires:

- 6 (1) the name of the person employing the applicant;
- 7 (2) information about the affiant, consisting of the following:
- 8 (a) the full printed name of the affiant;
- 9 (b) the affiant's title and position with the employer; ~~and~~
- 10 (c) the ~~address,~~ address and telephone ~~number, and email address~~ number of the ~~affiant~~
- 11 employer; and
- 12 (d) the email address of the affiant;
- 13 (3) an explanation of the reasons the instructor applicant has performed notarial acts while employed
- 14 by the employer;
- 15 (4) a statement specifying which of the preceding twelve months the instructor applicant performed
- 16 notarial acts for the employer;
- 17 (5) a declaration that:
- 18 (a) the affiant has the authority to sign; and
- 19 (b) the affiant has knowledge of the matters described in the affidavit;
- 20 (6) the signature of the affiant and date on which the affiant signed; and
- 21 (7) a jurat certificate.

22
23 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*
24 *Eff. July 1, 2024.*

1 18 NCAC 07B .0417 is adopted as published in 38:09 NCR 557 as follows:

2
3 **18 NCAC 07B .0417 STUDENT EVALUATION OF NOTARY INSTRUCTOR FORM**

4 The student evaluation of notary instructor form requests the following information from a student:

5 (1) the name of the instructor;

6 (2) the date of the course;

7 (3) the name of the institution;

8 (4) rating of the instructor's:

9 (a) professionalism;

10 (b) subject matter knowledge;

11 (c) use of audio-visuals, handouts, and other materials; and

12 (d) responsiveness to questions from students;

13 (5) rating of the course materials;

14 (6) other information or comments that the student wishes to add; and

15 (7) the student's name and contact information if the student is willing to be contacted by the
16 Department with follow-up questions.

17
18 History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

19 Eff. July 1, 2024.

1 18 NCAC 07B .0418 is adopted with changes as published in 38:09 NCR 557-558 as follows:

2
3 **18 NCAC 07B .0418 APPLICATION FOR RECERTIFICATION AS NOTARY INSTRUCTOR**

4 The notary instructor application for recertification form requires:

- 5 (1) the information specified in Rule .0414 of this Section;
- 6 (2) verification that the applicant has taught the notary instructor course at least twice a year during the
- 7 current two-year certification period;
- 8 (3) the date of initial certification as an instructor;
- 9 (4) whether certification has been continuous;
- 10 (5) a declaration under penalty of perjury that:
- 11 (a) the information provided is true, ~~complete, and correct;~~ true and complete;
- 12 (b) the applicant remains qualified to be commissioned as a notary public; and
- 13 (c) the applicant:
- 14 (i) understands the official duties and responsibilities of a notary public and notary
- 15 public instructor in North Carolina; and
- 16 (ii) will perform to the best of the applicant's ability all responsibilities of teaching
- 17 the notary courses in accordance with the law.

18
19 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*
20 *Eff. July 1, 2024.*

1 18 NCAC 07B .0501 is adopted with changes as published in 38:09 NCR 558 as follows:

3 **SECTION .0500 – ~~COMMISSIONS~~ CRIMINAL RECORDS**

5 **18 NCAC 07B .0501 CRIMES**

6 For purposes of applications and discipline under Chapter 10B of the General Statutes and the ~~Rules~~ rules in this
7 Chapter, each of the following offenses ~~are examples of, and~~ shall be classified ~~as, either~~ as a crime involving “moral
8 turpitude” as defined in G.S. 10B-3(9) or a “crime involving dishonesty” as defined in Rule .0102(8) of this

9 Subchapter:

- 10 (1) arson;
- 11 (2) assault;
- 12 (3) battery;
- 13 (4) burglary;
- 14 (5) carrying a concealed weapon without a permit;
- 15 (6) child molestation;
- 16 (7) child pornography;
- 17 (8) discharge of a firearm in a public place or into a dwelling;
- 18 (9) domestic violence;
- 19 (10) driving under the influence;
- 20 (11) embezzlement;
- 21 (12) failure to comply with a court order;
- 22 (13) failure to pay child support;
- 23 (14) failure to return to confinement;
- 24 (15) false financial statement;
- 25 (16) forgery;
- 26 (17) fraud;
- 27 (18) hit and run;
- 28 (19) identity theft;
- 29 (20) impersonation of a law enforcement officer;
- 30 (21) kidnapping;
- 31 (22) practicing law without a license;
- 32 (23) prostitution;
- 33 (24) rape;
- 34 (25) receipt of stolen goods or property;
- 35 (26) resisting arrest;
- 36 (27) robbery;
- 37 (28) tax evasion;

- 1 (29) terrorist threat or act;
- 2 (30) unlawful possession or sale of drug; and
- 3 (31) worthless check.

4

5 *History Note:* *Authority G.S. 10B-4;*
6 *Eff. July 1, 2024.*

1 18 NCAC 07B .0502 is adopted with changes as published in 38:09 NCR 558 as follows:

2
3 **18 NCAC 07B .0502 ADDITIONAL REQUIREMENTS FOR AN INDIVIDUAL LISTING**
4 **CONVICTIONS**

5 An individual required to provide a criminal history record pursuant to Chapter 10B of the General Statutes and the
6 ~~Rules~~ rules in this Chapter shall include:

- 7 (1) a complete listing of felony convictions of the individual and the name under which each conviction
8 was entered;
- 9 (2) a complete listing of misdemeanor convictions of the individual and the name under which each
10 conviction was entered;
- 11 (3) if the individual's criminal history record includes a conviction in North Carolina, a copy of the
12 individual's criminal history record prepared by the North Carolina State Bureau of Investigation;
- 13 (4) if the individual has a criminal conviction in a jurisdiction other than North Carolina, a copy of the
14 individual's criminal history record from a criminal history record registry or repository of record
15 reflecting the conviction; and
- 16 (5) the signed explanation required by Rule .0503 of this Section.

17
18 *History Note:* *Authority G.S. 10B-4;*
19 *Eff. July 1, 2024.*

1 18 NCAC 07B .0503 is adopted with changes as published in 38:09 NCR 558 as follows:

2
3 **18 NCAC 07B .0503 EXPLANATION OF CONVICTIONS**

4 An individual who submits a criminal history record shall include an explanation for each criminal conviction with:

- 5 (1) the individual's signature and the date on which the individual signed the explanation;
- 6 (2) for each felony conviction:
- 7 (a) the date of the conviction and the court where the conviction was entered;
- 8 (b) the name of the court and the case number;
- 9 (c) the charge upon which the conviction was entered;
- 10 (d) a description of the circumstances surrounding the commission of the crime;
- 11 (e) the sentence imposed;
- 12 (f) a copy of the document showing the date of release from probation, parole, incarceration,
- 13 or completion of the terms of the ~~applicant's~~ individual's sentence for each conviction; and
- 14 (g) a copy of any document restoring the individual's citizenship rights; and
- 15 (3) for each misdemeanor conviction the information required in Items (2)(a)-(f) of this Rule.

16
17 *History Note: Authority G.S. 10B-4;*
18 *Eff. July 1, 2024.*

1 18 NCAC 07B .0504 is adopted as published in 38:09 NCR 558-559 as follows:

2
3 **18 NCAC 07B .0504 ADDITIONAL DOCUMENTATION FOR CONVICTIONS**

4 For an individual listing a criminal conviction, an affidavit of moral character shall be:

5 (1) completed by three individuals, none of whom is a family member, using the form specified in Rule
6 .0408 of this Subchapter; and

7 (2) submitted to the Department by the individual listing a criminal conviction or the individuals
8 completing the affidavits.

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

11 Eff. July 1, 2024.

1 18 NCAC 07B .0505 is adopted with changes as published in 38:09 NCR 559 as follows:

2
3 **18 NCAC 07B .0505 REQUIREMENTS FOR INDIVIDUAL WITH PENDING CRIMINAL CHARGES**

4 An individual required to provide a criminal history record who has a pending criminal charge in a court shall, for
5 each pending criminal charge:

6 (1) notify the ~~Department~~ Department:

7 (a) at the time of application to the Department; or

8 (b) within 45 days ~~of the charge~~; if a charge is brought after the application has been filed; and

9 (2) provide the information specified in the form in Rule .0411 of this Subchapter.
10

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

12 *Eff. July 1, 2024.*

1 18 NCAC 07B .0506 is adopted with changes as published in 38:09 NCR 559 as follows:

2
3 **18 NCAC 07B .0506 NOTICE TO DEPARTMENT OF DISPOSITION OF PENDING CHARGE**

4 An individual ~~who has provided~~ required to provide the Department with information regarding a pending charge
5 pursuant to Rule .0505 of this Section shall:

- 6 (1) notify the Department within 45 calendar days of the final disposition of the charge;
7 (2) provide the information specified in the form in Rule .0411 of this Subchapter;
8 (3) provide a copy of the document reflecting the final disposition of the charge; and
9 (4) if convicted, comply with Rules .0503 and .0504 of this Section.

10
11 *History Note: Authority G.S. 10B-4;*
12 *Eff. July 1, 2024.*

1 18 NCAC 07B .0601 is amended with changes as published in 38:09 NCR 559 as follows:

2
3 **SECTION .0600 —~~REJECTIONS, DENIALS, DISCIPLINE, AND ENFORCEMENT~~**

4
5 **18 NCAC 07B .0601 ~~FACTORS CONSIDERED IN~~ FOR DISCIPLINARY ACTIONS**

6 When determining whether and what ~~to deny an application or take disciplinary action against a notary,~~ disciplinary
7 action to take, the ~~Director~~ Department ~~may shall consider~~ consider: a variety of factors including:

8 (1) the qualifications of the person;

9 ~~(1)(2) Nature, the nature, number number, timing,~~ and severity of any acts, offenses, official ~~misconduct~~
10 misconduct, or crimes under consideration;

11 ~~(2)(3) Evidencee~~ evidence pertaining to the honesty, credibility, truthfulness, and integrity of the person;
12 applicant or notary public;

13 ~~(3)(4) Actual actual~~ or potential ~~monetary or other harm to the general public, group, individual, or client;~~
14 harm;

15 ~~(4)(5) History the history~~ of complaints against the person received by the Department;

16 ~~(5)(6) Prior disciplinary the record or warning from the Department; of prior disciplinary actions against~~
17 the person;

18 ~~(6)(7) Evidencee~~ evidence in mitigation;

19 ~~(7)(8) Evidencee~~ evidence in aggravation;

20 ~~(8)(9) Occupational, occupational,~~ vocational, or professional license disciplinary record;

21 ~~(9)(10) Evidencee evidence of rehabilitation. rehabilitation; NOTE: Examples include reference letters and~~
22 proof of class attendance;

23 ~~(10)(11) Criminal criminal~~ [record;] history record;

24 ~~(11)(12) Reports information and reports received~~ from other law enforcement agencies;

25 ~~(12)(13) Willfulness; willfulness;~~

26 ~~(13)(14) Negligence. negligence;~~

27 (15) the response of the person to any alleged violations; and

28 (16) whether the person self-reported a matter affecting qualification or the performance of an activity
29 pursuant to authorization.

30
31 *History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60;*

32 *Eff. April 1, 2007;*

33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
34 *6, 2016;*

35 *Transferred from 18 NCAC 07B .0901 Eff. June 1, 2023- 2023;*

36 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0602 is amended with changes as published in 38:09 NCR 559-560 as follows:

2
3 **18 NCAC 07B .0602 GENERAL APPLICATION DENIAL DENIALS**

4 ~~(1)(a)~~ The ~~Director~~ Department shall deny an application in which an applicant willfully and knowingly contains
5 provided false information about about: the applicant's

6 (1) _____ a criminal ~~record~~ [history] history record; or

7 (2) _____ a record of civil lawsuit official findings or admissions of liability ~~based on~~ related to the applicant's
8 deceit; or deceit, dishonesty, or intentional disclosure of confidential information to a person not
9 legally entitled to the information.

10 ~~(2)(b)~~ The ~~Director~~ Department may deny an application ~~which that~~ contains misleading ~~information; information.~~

11 (A) ~~The applicant's criminal record, including whether all charges were dismissed or consolidated~~
12 or whether all terms and conditions of a judgment have been completed

13 (B) ~~Misstatement or omission of a nonmaterial fact;~~

14 (C) ~~Whether a civil lawsuit included findings based on the applicant's deceit; or~~

15 (D) ~~Whether, in a civil lawsuit or settlement of a civil lawsuit, an applicant made admissions~~
16 ~~of liability related to the applicant's deceit.~~

17 ~~(d)(c)~~ Applicant notarization. The ~~Director~~ Department shall deny an application ~~if if:~~

18 (1) _____ the Department determines that the applicant is not qualified for the authorization issued pursuant
19 to the Constitution of the State of North Carolina, Chapter 10B of the General Statutes, [and] or the
20 [Rules] rules in this Chapter; or

21 (2) _____ the an applicant notarizes ~~his or her~~ the applicant's own signature.

22 ~~(e)~~ The ~~Director~~ shall deny an application if the applicant:

23 (1) ~~Leaves three or more sections of the application incomplete;~~

24 (2) ~~Fails to submit an application for initial appointment within 90 days of class; or~~

25 (3) ~~Fails to submit complete and correct information on an application for initial appointment or~~
26 ~~reappointment after three submissions by the applicant.~~

27
28 *History Note: Authority G.S. 10B-4; 10B-5; 10B-14(f); 10B-126; 10B-134.19; 10B-134.21;*

29 *Eff. April 1, 2007;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
31 *6, 2016;*

32 *Transferred from 18 NCAC 07B .0902 Eff. June 1, ~~2023;~~ 2023;*

33 *Amended Eff. July 1, 2024.*

18 NCAC 07B .0603 is amended with changes as published in 38:09 NCR 560 as follows:

18 NCAC 07B .0603 ~~EXECUTED DOCUMENT VIOLATIONS~~ LEVELS OF ENFORCEMENT

~~The Director shall revoke the commission of a notary who performs a notarial act knowing that the document or information contained in it is false or fraudulent, or that the intent of the executed document is dishonest. Acts of fraud or dishonesty include:~~

- ~~(1) Notarizing a blank DMV vehicle title document;~~
- ~~(2) Embezzlement;~~
- ~~(3) Forgery;~~
- ~~(4) Fraud;~~
- ~~(5) Identity theft;~~
- ~~(6) Impersonation of a law enforcement officer;~~
- ~~(7) Receiving stolen goods or property; and~~
- ~~(8) Theft.~~

Upon consideration of the evidence before it, the purposes and requirements of Chapter 10B of the General Statutes, and the **Rules** rules in this Chapter, the Department may:

- (1) upon a finding of a violation of Chapter 10B of the General Statutes or the **Rules** rules in this Chapter:
 - (a) issue a letter of caution to a person along with:
 - (i) a request for compliance; and
 - (ii) a statement that future noncompliance may lead to disciplinary action by the Department;
 - (b) issue a letter of warning to a person, with or without a corrective action plan. NOTE: A requirement for additional education is an example of a corrective action plan;
 - (c) suspend a person's authorization and bar the grant of an authorization for a specific period of time not to exceed 24 months, with or without a corrective action plan;
 - (d) issue a revocation of a person's authorization;
 - (e) issue a permanent revocation of a person's authorization;
 - (f) issue an order restricting an unauthorized person from submitting an application or from becoming authorized for a specific period of time; or
 - (g) issue an order permanently restricting an unauthorized person from submitting an application or from becoming authorized; and
- (2) use the factors in Rule .0601 of this Section to take action to withdraw, stay, rescind, or expunge a disciplinary action.

History Note: Authority G.S. ~~10B-2; 10B-5(d); 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;~~ Eff. April 1, 2007;

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
2 *6, 2016;*
3 *Transferred from 18 NCAC 07B .0903 Eff. June 1, ~~2023~~, 2023;*
4 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0604 is amended with changes as published in 38:09 NCR 560 as follows:

2
3 **18 NCAC 07B .0604 ~~COMPLETE AND LAWFUL NOTARIAL ACT VIOLATIONS~~ LETTER OF**
4 **CAUTION**

5 ~~(a) The Director~~ Department may issue a letter of caution to a person for a violation of the requirements of Chapter
6 10B of the General Statutes or the [Rules] rules in this Chapter in circumstances that do not merit take disciplinary
7 action action. against a notary for an offense relating to failure to meet the statutory requirements for a notarial act.

8 ~~(b) Offenses relating to failure to meet the statutory requirements for a complete and lawful notarial act include:~~

- 9 ~~(1) Incomplete attestation;~~
10 ~~(2) Improper acknowledgment language;~~
11 ~~(3) Incorrect signature;~~
12 ~~(4) Incorrect expiration date;~~
13 ~~(5) Failure to administer an oath or affirmation;~~
14 ~~(6) Failure to verify identification;~~
15 ~~(7) Failure to require personal appearance;~~
16 ~~(8) Notarization of a document in which the notary is a named, interested, or signed party;~~
17 ~~(9) Notarization of a "non-signature" or a copy of a signature;~~
18 ~~(10) Charging a fee in excess of that which is set by law, including fees for mileage or travel;~~
19 ~~(11) Acting as a notary when not commissioned;~~
20 ~~(12) Unauthorized use of a seal.~~

21
22 *History Note: Authority G.S. ~~10B-2; 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;~~*

23 *Eff. April 1, 2007;*

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

26 *Transferred from 18 NCAC 07B .0904 Eff. June 1, ~~2023~~ 2023;*

27 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0605 is amended with changes as published in 38:09 NCR 560 as follows:

2
3 **18 NCAC 07B .0605 ~~OTHER VIOLATIONS~~ [WARNINGS] WARNING**

4 The ~~Director~~ Department may ~~take disciplinary action against a notary~~ issue a warning to a person for [any] a violation
5 [violations] of Chapter 10B of the General Statutes or the [Rules] rules in this Chapter. Subchapter, including failure
6 to provide information required by Rule .0107 of this Subchapter.

7
8 *History Note: Authority G.S. ~~10B-2; 10B-4; 10B-5(d); 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;~~*

9 *Eff. April 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 07B .0905 Eff. June 1, ~~2023; 2023;~~*

13 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0606 is amended with changes as published in 38:09 NCR 561 as follows:

2
3 **18 NCAC 07B .0606 ~~MINIMUM SANCTION~~ SUSPENSION**

4 ~~(a) If a notary commits a combination of acts of official misconduct, the notary shall receive, at a minimum, the~~
5 ~~maximum penalty of the lesser of the acts committed.~~

6 ~~(b) Nothing in this Section shall restrict the Secretary from using any other statutory penalty available.~~

7 After consideration of the factors in Rule .0601 of this Section, the Department may issue a suspension to a person
8 who:

9 (1) violates [the requirements] **a requirement** of Chapter 10B of the General Statutes or the [Rules] **rules**
10 in this Chapter; or

11 (2) has a criminal conviction.
12

13 *History Note: Authority G.S. ~~10B-2~~; 10B-4; 10B-14(f); ~~10B-60~~; 10B-126; 10B-134.19; 10B-134.21;*

14 *Eff. April 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 07B .0906 Eff. June 1, ~~2023~~ 2023;*

18 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0607 is amended as published in 38:09 NCR 561 as follows:

2
3 **18 NCAC 07B .0607 APPEAL PROCEDURES RESTRICTION**

4 ~~(a) Applicants for commissioning or recommissioning whose applications have been denied and notaries who have~~
5 ~~received disciplinary action by the Director have the right to file a petition for a contested case hearing pursuant to~~
6 ~~Article 3 of Chapter 150B of the General Statutes.~~

7 ~~(b) Petition forms may be obtained from the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh,~~
8 ~~NC 27699-6700; 1711 New Hope Church Road, Raleigh, NC 27609; 984-236-1850; <https://www.oah.nc.gov>.~~

9 ~~(c) A copy of a Petition filed with the Office of Administrative Hearings must also be served on the process agent for~~
10 ~~the Department of the Secretary of State.~~

11 Upon a finding that the person has acted without being authorized by the Department, the Department may restrict
12 that person from applying for authorization or from becoming authorized to:

13 (1) perform a notarial act;

14 (2) teach a notarial course;

15 (3) offer an electronic notarization system to an electronic notary public; or

16 (4) act as a depository.

17
18 *History Note: Authority ~~G.S. 40B-2; 10B-4; 10B-14(f); 10B-126; 10B-134.19; 10B-134.21;~~*

19 *Eff. April 1, 2007;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
21 *6, 2016;*

22 *Amended Eff. October 1, 2019; Eff. February 1, 2021;*

23 *Transferred from 18 NCAC 07B .0907 Eff. June 1, ~~2023; 2023;~~*

24 *Amended Eff. July 1, 2024.*

1 18 NCAC 07B .0608 is adopted with changes as published in 38:09 NCR 561 as follows:

2
3 **18 NCAC 07B .0608 MANDATORY REVOCATION**

4 The Department shall revoke an authorization of:

- 5 (1) a person who is convicted of a crime related to performance of an act pursuant to, or in relation to,
6 an authorization issued by the Department;
7 (2) a notary public who notarizes the notary's own signature;
8 (3) a notary who performs a notarial act and either:
9 (a) fails to require the personal appearance of the principal; or
10 (b) performs a remote electronic notarial act without requiring the appearance of a principal
11 by an authorized communication technology; or
12 (4) a person who performs an act permitted by an authorization issued by the Department knowing that:
13 (a) the act, a document associated with the act, or information contained in a document
14 associated with the act is false or fraudulent; or
15 (b) the intent of the act or document is to perpetrate a ~~crime of dishonesty~~ crime.

16
17 *History Note: Authority G.S. 10B-4; 10B-14(f); 10B-126; 10B-134.19; 10B-134.21;*
18 *Eff. July 1, 2024.*

1 18 NCAC 07B .0701 is amended with changes as published in 38:09 NCR 561-562 as follows:

2
3 **SECTION .0700 – REPORTING PROFESSIONAL LICENSES, CIVIL AND CRIMINAL HISTORY**
4 **PUBLIC OFFICES, AND NOTARY COMMISSIONS**
5

6 **18 NCAC 07B .0701 GENERAL**

7 ~~(a) Other Professional Licenses.~~ An applicant for a notary commission shall include with the list on his or her
8 application all suspensions, revocations and other disciplinary actions taken against the applicant regarding the
9 applicant's current or former professional licenses, a list of all professional licenses, public offices, and notary
10 commissions as required by G.S. 10B-7(10), together with the information required by the [Rules] rules in this Section.

11 ~~(b) Criminal Record.~~ An applicant shall list on his or her application all misdemeanor and felony convictions related
12 ~~to crimes of dishonesty and moral turpitude.~~ For purposes of this Chapter, those crimes include:

- 13 ~~(1) Arson;~~
- 14 ~~(2) Assault;~~
- 15 ~~(3) Battery;~~
- 16 ~~(4) Burglary;~~
- 17 ~~(5) Carrying a concealed weapon without a permit;~~
- 18 ~~(6) Child molestation;~~
- 19 ~~(7) Child pornography;~~
- 20 ~~(8) Discharge of a firearm in a public place or into a dwelling;~~
- 21 ~~(9) Domestic violence;~~
- 22 ~~(10) Driving under the influence;~~
- 23 ~~(11) Unlawful possession or sale of drugs;~~
- 24 ~~(12) Embezzlement;~~
- 25 ~~(13) Failure to comply with a court order;~~
- 26 ~~(14) Failure to pay child support;~~
- 27 ~~(15) Failure to return to confinement;~~
- 28 ~~(16) False financial statements;~~
- 29 ~~(17) Forgery;~~
- 30 ~~(18) Fraud;~~
- 31 ~~(19) Identity theft;~~
- 32 ~~(20) Impersonation of a law enforcement officer;~~
- 33 ~~(21) Hit and run;~~
- 34 ~~(22) Kidnapping;~~
- 35 ~~(23) Prostitutions;~~
- 36 ~~(24) Multiple worthless checks showing a pattern of behavior indicating moral turpitude and dishonesty;~~
- 37 ~~(25) A worthless check in excess of five hundred dollars (\$500.00);~~

- 1 ~~(26) Possession of an unregistered firearm;~~
2 ~~(27) Practicing law without a license;~~
3 ~~(28) Rape;~~
4 ~~(29) Receipt of stolen goods or property;~~
5 ~~(30) Resisting arrest;~~
6 ~~(31) Robbery;~~
7 ~~(32) Statutory rape;~~
8 ~~(33) Tax evasion;~~
9 ~~(34) Terrorist threats or acts;~~
10 ~~(35) Theft;~~
11 ~~(36) Threats to commit a crime or cause bodily injury;~~
12 ~~(37) Spousal abuse.~~

13 ~~(e) In considering whether to appoint or reappoint an applicant to the office of notary public, the Director may consider~~
14 ~~the factors set forth in Rule .0901 of this Subchapter.~~

15
16 *History Note:* Authority G.S. 10B-4; 10B-5(d); 10B-7; 10B-11; 10B-14(f); 10B-106; 10B-134.19; 10B-134.21;

17 Eff. April 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 07B .0201 Eff. June 1, 2023; 2023;

21 Amended Eff. July 1, 2024.

1 18 NCAC 07B .0702 is adopted with changes as published in 38:09 NCR 562 as follows:

2
3 **18 NCAC 07B .0702 REQUIREMENTS REGARDING PROFESSIONAL LICENSES AND NOTARIAL**
4 **COMMISSIONS**

5 An individual required to provide information to the Department about professional licenses and notarial commissions
6 that the individual presently holds, has held, or has applied for shall include the following, to the extent the information
7 is available to the individual after reasonable efforts, for each license and notarial commission listed:

- 8 (1) the name under which each license or notarial commission was issued;
9 (2) the state, federally recognized tribe, or nation that issues or grants each listed license or commission;
10 (3) the name of the governmental ~~agency~~ agency, board, or commission that issued each license or
11 granted each commission;
12 (4) the name of the professional license or notary commission;
13 (5) the license or commission number, if one is assigned by the issuing ~~agency~~; agency, board, or
14 commission;
15 (6) the expiration dates for all licenses or commissions listed; and
16 (7) whether, to the knowledge of the individual, there is an open investigation by the issuing ~~agency~~
17 agency, board, or commission into use or misuse by the individual of a license or commission listed.

18
19 *History Note:* *Authority G.S. 10B-4;*
20 *Eff. July 1, 2024.*

1 18 NCAC 07B .0703 is adopted with changes as published in 38:09 NCR 562 as follows:

2
3 **18 NCAC 07B .0703 DISCIPLINARY ACTION INVOLVING A PROFESSIONAL LICENSE OR**
4 **NOTARY COMMISSION**

5 For each professional license or notary commission listed by the applicant pursuant to Rule .0701 of this Section, and
6 for which the individual has been the subject of a disciplinary ~~action~~, action by a court, legislative body, governmental
7 agency, board, or commission, the individual shall include:

- 8 (1) the date of each disciplinary action;
- 9 (2) the disciplinary action taken;
- 10 (3) a copy of each disciplinary action;
- 11 (4) if not included in the copy of the disciplinary action provided:
- 12 (a) the reason given for the disciplinary action; ~~by the issuing agency;~~
- 13 (b) an explanation of the circumstances that led to the disciplinary action; and
- 14 (c) the name of the ~~court, legislative body, or governmental agency that issued or took the~~
15 ~~action;~~ issuing entity;
- 16 (5) whether the disciplinary action included any corrective action or conditions on the license or
17 commission;
- 18 (6) whether the individual has complied with the corrective actions or conditions;
- 19 (7) the date on which compliance with the corrective actions or conditions was satisfied;
- 20 (8) whether the individual would be eligible for relicensure or ~~recommissioning by the issuing agency;~~
21 recommissioning; and
- 22 (9) other information that the individual wishes to include in order to aid the Department in assessing
23 the individual's professional license and notary commission history.
- 24

25 *History Note: Authority G.S. 10B-4; 10B-134.21; 10B-134.23;*
26 *Eff. July 1, 2024.*

1 18 NCAC 07B .0704 is adopted as published in 38:09 NCR 562 as follows:

2
3 **18 NCAC 07B .0704 PUBLIC OFFICES**

4 An individual shall include on the application for authorization:

5 (1) a list of each public office that the individual presently holds or has held;

6 (2) the name under which each public office is or was held;

7 (3) the locality, state, federally recognized tribe, or nation in which the public office is or was held;

8 (4) the title of the public office;

9 (5) the beginning and ending dates of the term of each public office; and

10 (6) whether, to the knowledge of the individual, there is an open investigation by a government or law
11 enforcement agency into the use or misuse by the individual of the public office.

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

14 Eff. July 1, 2024.

1 18 NCAC 07B .0705 is adopted as published in 38:09 NCR 562 as follows:

2
3 **18 NCAC 07B .0705 DENIALS OF PUBLIC OFFICES**

4 If an individual was denied a public office, the individual shall include with the application:

5 (1) the name of the public office that was denied;

6 (2) the locality, state, federally recognized tribe, or nation where the public office is or was located;

7 (3) the date of the denial;

8 (4) the name used when the denial occurred;

9 (5) the reason for the denial; and

10 (6) other information that the individual wishes to include in order to aid the Department in assessing
11 the individual's qualification for authorization.

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

14 Eff. July 1, 2024.

1 18 NCAC 07B .0706 is adopted as published in 38:09 NCR 563 as follows:

2
3 **18 NCAC 07B .0706 RESIGNATIONS FROM PUBLIC OFFICES**

4 If an individual resigned from a public office in lieu of disciplinary action, the individual shall include:

5 (1) the name of the public office from which the individual resigned;

6 (2) the locality, state, federally recognized tribe, or nation where the public office is or was located;

7 (3) the date of the resignation;

8 (4) the name used when the resignation occurred;

9 (5) the reason for the resignation; and

10 (6) other information that the individual wishes to include in order to aid the Department in assessing
11 the individual's qualification for authorization.

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

14 Eff. July 1, 2024.

1 18 NCAC 07B .0707 is adopted as published in 38:09 NCR 563 as follows:

2
3 **18 NCAC 07B .0707 DISCIPLINARY ACTION INVOLVING A PUBLIC OFFICE**

4 For each public office listed pursuant to Rule .0701 of this Section and for which the individual has been the subject
5 of a disciplinary action, the individual shall include:

- 6 (1) the date of each disciplinary action;
7 (2) the disciplinary action taken;
8 (3) a copy of each disciplinary action;
9 (4) if not otherwise set out in the copy of the disciplinary action provided:
10 (a) the reason given for the disciplinary action; and
11 (b) an explanation of the circumstances that led to the disciplinary action;
12 (5) whether the disciplinary action included any corrective actions or conditions;
13 (6) whether the individual complied with the corrective actions or conditions;
14 (7) the date on which compliance with the corrective actions or conditions was satisfied;
15 (8) whether the individual would be eligible to hold public office again; and
16 (9) other information that the individual wishes to include in order to aid the Department in assessing
17 the individual's qualification for authorization.

18
19 History Note: Authority G.S. 10B-4;
20 Eff. July 1, 2024.

1 18 NCAC 07C .0101 is adopted with changes as published in 38:09 NCR 563 as follows:

2
3 **SUBCHAPTER 07C – ~~ELECTRONIC NOTARY STANDARDS~~ PROCESS TO BECOME A NOTARY AND**
4 **RENEW A NOTARY COMMISSION**

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

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

9 This Subchapter sets requirements for the application, commissioning, and recommissioning process for traditional
10 ~~notaries.~~ notaries public.

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

13 *Eff. July 1, 2024.*

1 18 NCAC 07C .0102 is adopted as published in 38:09 NCR 563 as follows:

2
3 **18 NCAC 07C .0102 DEFINITIONS RELATED TO APPLICATION AND RECOMMISSIONING**
4 **PROCESS**

5 For purposes of this Subchapter:

6 (1) “Commission applicant” is an applicant for an initial commission or for recommissioning as a
7 traditional notary public.

8 (2) “Exam” means a test prepared by the Department and administered by:

9 (a) a certified notary instructor; or

10 (b) the Department or its designee.

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

13 Eff. July 1, 2024.

1 18 NCAC 07C .0201 is amended with changes as published in 38:09 NCR 563 as follows:

2
3 **18 NCAC 07C .0201 INITIAL APPLICATION**

4 ~~(a) Application Form.~~

5 ~~(1) Applicants~~ An applicant for initial appointment as a traditional notary public who is not a licensed member of the
6 North Carolina State Bar ~~shall use the application form designated by the Division for that purpose and may download~~
7 ~~the application form from the Department's website. shall:~~

8 (1) ~~possess a current personal copy of the North Carolina notary public manual applicable to traditional~~
9 ~~notaries;~~

10 (2) ~~Applicants for initial appointment who are members of the North Carolina State Bar may download~~
11 ~~the application form from the Department's website and may file the completed application without~~
12 ~~first obtaining a signature from a notary instructor. successfully complete the notary course and~~
13 ~~exam; and~~

14 (3) ~~All other applicants for initial appointment who download the application form from the~~
15 ~~Department's website shall obtain a signature on the application from a notary instructor certifying~~
16 ~~that the applicant successfully completed the required course of instruction before the applicant may~~
17 ~~file the form with the Department. submit the application form specified in 18 NCAC 07B .0407.~~

18 ~~(b) Submission of Application. An applicant for an initial appointment shall submit his or her application by:~~

19 ~~(1) U.S. mail;~~

20 ~~(2) In person delivery; or~~

21 ~~(3) Courier service.~~

22
23 *History Note: Authority G.S. 10B-4; ~~10B-14(f)~~;*

24 *Eff. April 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 07B .0301 Eff. June 1, 2023- 2023;*

28 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0202 is amended with changes as published in 38:09 NCR 563-564 as follows:

2
3 **18 NCAC 07C .0202 TIMING**

4 ~~Submission deadline.~~ An applicant for initial appointment ~~who is not a licensed member of the North Carolina State~~
5 ~~Bar shall~~ as a traditional notary public shall:

6 (1) submit an application within three months after ~~passing~~ successfully completing the notary course
7 and examination required by G.S. 10B-8, exam; or

8 (2) if a licensed member of the North Carolina State Bar, comply with the rules in Section .0700 of this
9 Subchapter.

10
11 *History Note: Authority G.S. ~~10B-4; 10B-8; 10B-14(f);~~*

12 *Eff. April 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 07B .0302(a) Eff. June 1, ~~2023;~~ 2023;*

16 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0203 is amended with changes as published in 38:09 NCR 564 as follows:

2
3 **18 NCAC 07C .0203 APPLICATION — RECEIPT — DATE REQUIREMENTS FOR APPLICANTS**
4 **RESIDING OUTSIDE NORTH CAROLINA**

5 Applications shall not be deemed received until complete. A commission applicant who resides outside the State of
6 North Carolina and has a regular place of work or business in North Carolina shall submit an affidavit from the
7 applicant's employer that ~~[shall:]~~ shall be on the employer's business letterhead, and include:

8 (1) ~~[be on the employer's business letterhead that includes:]~~

9 ~~[(a)]~~ the ~~[name]~~ name, address, and telephone number of the employer's business;

10 ~~[(b)]~~ the address of the employer's business; and

11 ~~[(c)]~~ a telephone number and email address for the business; and]

12 (2) ~~[include:]~~

13 ~~[(a)]~~ the name of the applicant;

14 ~~[(b)]~~ (3) affirmation that:

15 ~~[(i)]~~ (a) the applicant works for the employer;

16 ~~[(ii)]~~ (b) the applicant regularly spends all or part of the applicant's work time working for the
17 employer in a physical location within the State of North Carolina; and

18 ~~[(iii)]~~ (c) the street address of the physical location within North Carolina at which the applicant
19 works; and

20 ~~[(e)]~~ (4) the printed name and the signature of the individual signing the statement;

21 ~~[(d)]~~ (5) the title of the individual signing the statement;

22 ~~[(e)]~~ (6) a statement that the signer has the authority to sign on behalf of the employer;

23 ~~[(f)]~~ (7) a telephone number and email address at which the signer can be contacted; and

24 ~~[(g)]~~ (8) a jurat certificate.

25
26 *History Note:* *Authority G.S. 10B-4; ~~10B-14(f)~~;*

27 *Eff. April 1, 2007;*

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

30 *Transferred from 18 NCAC 07B .0502(b) Eff. June 1, ~~2023~~. 2023;*

31 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0204 is adopted with changes as published in 38:09 NCR 564 as follows:

2
3 **18 NCAC 07C .0204 ADDITIONAL REQUIREMENTS FOR APPLICANTS LISTING CONVICTIONS**

4 A commission applicant who submits a criminal history record shall include with the application the information
5 required by 18 NCAC 07B .0500.

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

8 *Eff. July 1, 2024.*

1 18 NCAC 07C .0205 is adopted as published in 38:09 NCR 564 as follows:

2
3 **18 NCAC 07C .0205 REQUIREMENTS FOR APPLICANT WITH PENDING CRIMINAL CHARGES**

4 A commission applicant who has pending criminal charges in a court shall comply with 18 NCAC 07B .0505.

5
6 History Note: Authority G.S. 10B-4;

7 Eff. July 1, 2024.

1 18 NCAC 07C .0206 is adopted with changes as published in 38:09 NCR 564 as follows:

2
3 **18 NCAC 07C .0206 REQUIREMENTS FOR APPLICANTS REGARDING PROFESSIONAL**
4 **LICENSES, NOTARIAL COMMISSIONS, AND PUBLIC OFFICES**

5 A commission applicant who has applied for, holds, or has held a professional license, a notarial commission, or a
6 public office, shall comply with Section .0700 of Subchapter 07B 07B, ~~Section .0700~~, of this Chapter.

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

1 18 NCAC 07C .0207 is adopted with changes as published in 38:09 NCR 564 as follows:

2
3 **18 NCAC 07C .0207 FINDINGS OR ADMISSIONS OF LIABILITY AGAINST THE APPLICANT**
4 **BASED ON THE APPLICANT'S DECEIT**

5 A commission applicant ~~against whom~~ for whom, in a civil lawsuit, there has been a finding or admission of fault or
6 liability based on the applicant's deceit in a civil lawsuit regarding the applicant's activity as a notary public based on
7 ~~the applicant's deceit~~ shall include with the application:

- 8 (1) a list of each finding or admission;
- 9 (2) a copy of the document containing the finding or admission;
- 10 (3) a brief description of the circumstances surrounding the finding or admission;
- 11 (4) if not included in the document in Item (2) of this Rule:
 - 12 (a) the date on which the finding or admission was made;
 - 13 (b) the ~~governmental agency or~~ court in which the civil lawsuit was filed; and
 - 14 (c) the case name and docket number; and
- 15 (5) any additional information that the applicant wishes the Department to consider.

16
17 *History Note: Authority G.S. 10B-4;*
18 *Eff. July 1, 2024.*

1 18 NCAC 07C .0208 is adopted with changes as published in 38:09 NCR 564-565 as follows:

2
3 **18 NCAC 07C .0208 FINDINGS THAT THE APPLICANT ENGAGED IN OFFICIAL MISCONDUCT**

4 A commission applicant who is, has previously been, or has acted in the capacity as a notary public of any locality,
5 state, federally recognized tribe, or nation, and who has listed on the application findings of official misconduct, civil
6 findings, or admissions of fault or liability regarding the applicant's activities as a notary, ~~misconduct as a notary on~~
7 the application, shall include with the application:

- 8 (1) the name of the court or governmental ~~agency~~ agency, board, or commission that made the finding;
9 (2) a copy of the document in which the official misconduct finding was made;
10 (3) if not included in the document in Item (2) of this Rule:
11 (a) the date on which the finding or admission was made;
12 (b) the court or governmental ~~agency or court~~ agency, board or commission that made the
13 finding; and
14 (c) the case name and docket number, or similar unique designation;
15 (4) a description of the circumstances surrounding the finding; and
16 (5) any additional information that the applicant wishes the Department to consider.

17
18 *History Note: Authority G.S. 10B-4;*
19 *Eff. July 1, 2024.*

1 18 NCAC 07C .0209 is adopted with changes as published in 38:09 NCR 565 as follows:

2
3 **18 NCAC 07C .0209 FINDING OF UNAUTHORIZED PRACTICE OF LAW**

4 A commission applicant against whom a finding has been made that the applicant engaged in the unauthorized practice
5 of law shall include with the application:

- 6 (1) the name of the court or governmental agency or court agency, board, or commission that made the
7 finding;
8 (2) a copy of the finding;
9 (3) the date of the finding, if not included in the copy provided pursuant to Item (2) of this Rule;
10 (4) a description of the circumstances surrounding the finding; and
11 (5) any additional information that the applicant wishes the Department to consider.

12
13 *History Note: Authority G.S. 10B-4;*

14 *Eff. July 1, 2024.*

1 18 NCAC 07C .0210 is adopted with changes as published in 38:09 NCR 565 as follows:

2
3 **18 NCAC 07C .0210 FINDING OF FALSE OR MISLEADING ADVERTISING**

4 A commission applicant against whom a charge or finding has been made that as a notary public, the notary knowingly
5 used false or misleading advertising that represents that the notary has powers, duties, rights, or privileges not
6 conveyed by law, shall include with the application:

- 7 (1) the name of the court or governmental agency or court agency, board, or commission in which the
8 charge or finding is made;
9 (2) a copy of the charge or finding;
10 (3) the date of the charge or finding, if not included in the copy provided pursuant to Item (2) of this
11 Rule;
12 (4) a description of the circumstances surrounding the charge or finding; and
13 (5) any additional information that the applicant wishes the Department to consider.
14

15 *History Note: Authority G.S. 10B-4;*
16 *Eff. July 1, 2024.*

1 18 NCAC 07C .0301 is adopted with changes as published in 38:09 NCR 565 as follows:

2
3 **18 NCAC 07C .0301 COURSES TAUGHT BY CERTIFIED NOTARY INSTRUCTORS**

4 An applicant for an initial notary commission shall successfully complete a notary course taught by a certified notary
5 instructor before submitting an initial commission application to the Department.

6
7 *History Note: Authority G.S. 10B-4;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07C .0302 is adopted with changes as published in 38:09 NCR 565 as follows:

2
3 **18 NCAC 07C .0302 NOTARY COURSES TAKEN BY FORMERLY COMMISSIONED NOTARIES**

4 A formerly commissioned notary public who fails to be recommissioned within 12 months of the expiration of the
5 notary's former commission and who seeks recommissioning shall successfully complete a notary course taught by a
6 certified notary instructor.

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

1 18 NCAC 07C .0303 is adopted as published in 38:09 NCR 565 as follows:

2
3 **18 NCAC 07C .0303 PRESENTATION OF SATISFACTORY EVIDENCE OF IDENTITY IN**
4 **CONNECTION WITH NOTARY COURSE**

5 A commission applicant who is not personally known to the certified notary instructor shall present satisfactory
6 evidence of identity to the notary instructor:

- 7 (1) before the course begins;
8 (2) before the instructor signs the application; and
9 (3) upon request of the instructor at any other time during the course.

10
11 History Note: Authority G.S. 10B-4;
12 Eff. July 1, 2024.

1 18 NCAC 07C .0304 is adopted as published in 38:09 NCR 565 as follows:

2
3 **18 NCAC 07C .0304 SATISFACTORY EVIDENCE PRESENTED TO INSTRUCTOR**

4 The satisfactory evidence of identity presented to a certified notary instructor pursuant to Rule .0303 of this Section
5 shall match the applicant's name for use on a notary public commission.

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

8 Eff. July 1, 2024.

1 18 NCAC 07C .0305 is adopted with changes as published in 38:09 NCR 565 as follows:

2
3 **18 NCAC 07C .0305 RETESTING**

4 A notary applicant who fails to achieve a passing grade on the notary course exam and who wishes to be commissioned
5 as a notary public may retake the exam if:

- 6 (1) the institution at which the course is taught permits retesting; and
7 (2) the retest is taken within 30 days of the date of the exam failure.

8
9 *History Note: Authority 10B-4;*

10 *Eff. July 1, 2024.*

1 18 NCAC 07C .0401 is amended with changes as published in 38:09 NCR 565 as follows:

2
3 **18 NCAC 07C .0401 APPOINTMENT**

4 ~~(a) Upon determination that an applicant has complied with all requirements of the Act and this Subchapter, the~~
5 ~~Director~~ The Department shall appoint or reappoint ~~the~~ an applicant to the office of notary public after reviewing the
6 application submitted by the applicant and determining that: ~~and issue a commissioning certificate.~~

7 (1) the application is accepted; and

8 (2) the applicant is qualified to be appointed pursuant to N.C. Const. Art. VI, Sec. 8, Chapter 10B of
9 the General Statutes, and the [Rules] rules in this Chapter.

10 ~~(b) The Division shall send the commissioning certificate to the Register of Deeds in the county of commissioning.~~

11 ~~(c) The Division shall send the appointee notice that:~~

12 ~~(1) The commissioning certificate has been issued; and~~

13 ~~(2) The appointee shall appear within 45 days of the commissioning date to take the oath of office before~~
14 ~~the Register of Deeds in the county of commissioning.~~

15
16 *History Note: Authority G.S. ~~10B-2; 10B-4; 10B-5; 10B-10; 10B-11; 10B-14(f);~~*

17 *Eff. April 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 NCA 07B .0501~~ 18 NCAC 07B .0501 Eff. June 1, ~~2023;~~ 2023;*

21 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0402 is adopted with changes as published in 38:09 NCR 566 as follows:

2
3 **18 NCAC 07C .0402 ISSUANCE OF CERTIFICATES**

4 The Department shall provide:

- 5 (1) to the Register of Deeds in the county of the ~~notary's~~ notary public's commissioning:
- 6 (a) a certificate of appointment that includes the appointee's full legal name and the
- 7 commission name of the appointee; and
- 8 (b) a commission certificate in the commission name of the appointee to be used by the
- 9 Register of Deeds to document that the notary oath has been administered to the appointee;
- 10 and
- 11 (2) a duplicate commission certificate to a notary public, upon request to the Department.
- 12

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

14 *Eff. July 1, 2024.*

1 18 NCAC 07C .0403 is adopted as published in 38:09 NCR 566 as follows:

2
3 **18 NCAC 07C .0403 NOTICE TO APPOINTEE**

4 The Department shall send the appointee notice that:

5 (1) the certificate of appointment has been issued; and

6 (2) the appointee shall appear before the Register of Deeds in the county of commissioning and take the
7 oath of office within 45 days of the certificate of appointment issuance date.

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

10 Eff. July 1, 2024.

1 18 NCAC 07C .0404 is amended as published in 38:09 NCR 566 as follows:

2
3 **18 NCAC 07C .0404 ~~NO BACK-DATING~~ COMMISSION CERTIFICATE**

4 ~~A commissioning certificate shall not be back dated.~~

5 A commission certificate:

6 (1) shall not be valid until the oath of office has been taken; and

7 (2) shall include:

8 (a) the appointee's name for use on a notary public commission;

9 (b) the county of commissioning;

10 (c) the beginning date of the commission; and

11 (d) the expiration date of the commission.

12
13 *History Note: Authority G.S. 10B-4; ~~10B-14(f)~~;*

14 *Eff. April 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 07B .0502(a) Eff. June 1, ~~2023~~ 2023;*

18 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0405 is amended as published in 38:09 NCR 566 as follows:

2
3 **18 NCAC 07C .0405 SATISFACTORY EVIDENCE OF IDENTITY**

4 ~~(a)~~ Before taking the oath of office, an appointee ~~shall~~ shall:

5 (1) present satisfactory evidence matching the appointee's name on the certificate of appointment to the
6 Register of Deeds Deeds, assistant Register of Deeds, or deputy Register of Deeds who will
7 administer the oath of office; or satisfactory evidence of the appointee's identity as set out in G.S.
8 10B-3(22).

9 (2) be personally known to the Register of Deeds, assistant Register of Deeds, or deputy Register of
10 Deeds who will administer the oath of office.

11 ~~(b) The Register of Deeds shall document the type of evidence provided by the appointee on the form provided by the~~
12 ~~Department.~~

13 ~~(c) After administering the oath of office the Register of Deeds shall deliver the commissioning certificate to the notary~~
14 ~~public.~~

15
16 *History Note: Authority G.S. ~~10B-2; 10B-3(22); 10B-4; 10B-9; 10B-10; 10B-11; 10B-14(f);~~*

17 *Eff. April 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 07B .0503 Eff. June 1, ~~2023;~~ 2023;*

21 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0406 is adopted with changes as published in 38:09 NCR 566 as follows:

2
3 **18 NCAC 07C .0406 REGISTER OF DEEDS**

4 After administering the oath of office, the Register of Deeds, assistant Register of Deeds, or deputy Register of Deeds
5 shall:

- 6 (1) require that the notary public sign the certificate of appointment;
7 (2) sign and date the certificate of appointment;
8 (3) record the certificate of appointment as required by G.S. 10B-10(c);
9 (4) deliver the commission certificate to the ~~notary public~~, notary, and
10 (5) deliver notice to the Department as required by G.S. 10B-10(d).

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

13 *Eff. July 1, 2024.*

1 18 NCAC 07C .0407 is adopted as published in 38:09 NCR 566 as follows:

2
3 **18 NCAC 07C .0407 PERFORMING TRADITIONAL NOTARIAL ACTS**

4 No individual may perform a notarial act unless the individual is in possession of a valid commission certificate.

5
6 History Note: Authority G.S. 10B-4;

7 Eff. July 1, 2024.

1 18 NCAC 07C .0409 is amended with changes as published in 38:09 NCR 566 as follows:

2
3 **18 NCAC 07C .0409 TERM OF ~~OFFICE~~ COMMISSION**

4 (a) ~~A notary's commission or recommission shall not be effective until the oath of office has been administered.~~

5 (b) A ~~notary's~~ notary public shall have a commission ~~five year~~ term ~~of office begins on that~~ shall be calculated from
6 the date on the commissioning certificate. [an] that the commission application is [accepted] filed pursuant to 18
7 NCAC 07B .0312 [or the day immediately following the expiration date of a commission, whichever is later.] unless
8 Rule .0410 of this Subchapter applies.

9
10 *History Note: Authority G.S. 10B-4; ~~10B-14(f)~~;*

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 07B .0505 Eff. June 1, ~~2023~~; 2023;*

15 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0410 is adopted with changes as published in 38:09 NCR 566 as follows:

2
3 **18 NCAC 07C .0410 TERM OF REAPPOINTMENT COMMISSION**

4 A recommissioning ~~notary's~~ notary public's five year term shall begin on the day following the expiration of the
5 existing commission if:

6 (1) the application for reappointment has been ~~accepted~~ filed before the expiration of the existing
7 commission; and

8 (2) the notary takes the oath of office for recommissioning within 45 days of the issuance date on the
9 certificate of appointment.

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

12 *Eff. July 1, 2024.*

1 18 NCAC 07C .0411 is adopted with changes as published in 38:09 NCR 567 as follows:

2
3 **18 NCAC 07C .0411 NOTARIAL ACTS PROHIBITED DURING GAPS BETWEEN COMMISSION**
4 **TERMS**

5 A notary public shall not perform a notarial act after the expiration of the notary's commission until the notary has
6 been reappointed and has taken the oath for a subsequent commission.

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

1 18 NCAC 07C .0502 is amended with changes as published in 38:09 NCR 567 as follows:

2
3 **18 NCAC 07C .0502 LATE APPLICATION**

4 ~~An~~ A commission applicant for an initial appointment who ~~applies~~ submits an application more than three months
5 after ~~compliance with G.S. 10B-8(a)~~ successfully completing the notary course shall

6 (1) ~~Comply~~ comply again with ~~G.S. 10B-8(a)~~; the requirements for initial appointment in G.S. 10B-6
7 and the [Rules] rules in this Subchapter.

8 (2) ~~Submit an application for initial appointment; and~~

9 (3) ~~Pay the application fee.~~

10
11 *History Note: Authority G.S. ~~10B-4; 10B-8; 10B-14(f)~~;*

12 *Eff. April 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 07B .0302(b) Eff. June 1, ~~2023~~, 2023;*

16 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0504 is amended with changes as published in 38:09 NCR 567 as follows:

2
3 **18 NCAC 07C .0504 APPLICATION AFTER ~~REAPPOINTMENT~~ RECOMMISSIONING DENIAL**
4 **BASED ON FAILING TEST EXAM**

5 An applicant for ~~reappointment~~ recommissioning whose application is denied due to failure to pass the ~~reappointment~~
6 recommissioning test exam within the time frame established in Rule .0605 of this Subchapter may reapply ~~by~~ by
7 complying again with the requirements for ~~reappointment~~ recommissioning in G.S. 10B-11 and the [Rules] rules in
8 this Subchapter.

9 ~~(1) Complying with G.S. 10B-8(a);~~

10 ~~(2) Submitting an application for reappointment; and~~

11 ~~(3) Paying the application fee.~~

12
13 *History Note: Authority G.S. ~~10B-2; 10B-4; 10B-5; 10B-6; 10B-8; 10B-13; 10B-14(f);~~*

14 *Eff. April 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 07B .0403 Eff. June 1, ~~2023~~ 2023;*

18 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0505 is amended with changes as published in 38:09 NCR 567 as follows:

2
3 **18 NCAC 07C .0505 ~~FAILURE TO TAKE TIMELY OATH~~ APPLICATION FOR**
4 **RECOMMISSIONING WITHIN [TWELVE] 12 MONTHS OF COMMISSION**
5 **EXPIRATION OR PURSUANT TO G.S. 10B-53**

6 ~~(a) An appointee who fails to take the oath of office within 45 days of the commissioning certificate date may~~
7 ~~reapply for reappointment.~~

8 ~~(b) Reapplication within one year of commission date. If an appointee seeks reappointment more than 45 days and~~
9 ~~less than one year after the commissioning certificate date, the appointee shall:~~

10 ~~(1) Apply for reappointment;~~

11 ~~(2) Submit another application fee; and~~

12 ~~(3) Pass the reappointment test.~~

13 ~~(c) Reapplication one year or more after commissioning certificate date. If an appointee seeks reappointment one year~~
14 ~~or more after the commissioning certificate date, the appointee shall:~~

15 ~~(1) Comply with the requirements of G.S. 10B-8(a);~~

16 ~~(2) Apply for reappointment; and~~

17 ~~(3) Submit another application fee.~~

18 A notary **public** may seek recommissioning by complying with G.S. 10B-11 and the **[Rules]** **rules** in this Subchapter
19 if:

20 (1) the notary's commission has **[expired; expired]** and

21 **[(2)]** less than **[twelve] 12** months have elapsed since the expiration of the prior **[commission;]**
22 **commission; or**

23 **(2) the notary seeks recommissioning pursuant to G.S. 10B-53.**
24

25 *History Note: Authority G.S. ~~10B-4; 10B-11; 10B-14(f);~~*

26 *Eff. April 1, 2007;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
28 *6, 2016;*

29 *Transferred from 18 NCAC 07B .0504 Eff. June 1, ~~2023.~~ 2023;*

30 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0506 is adopted with changes as published in 38:09 NCR 567 as follows:

2
3 **18 NCAC 07C .0506 RECOMMISSIONING EDUCATIONAL REQUIREMENT**

4 A notary public seeking recommissioning pursuant to Rule .0505 of this Section need not attend a notary ~~course~~.
5 course but shall pass the online recommissioning exam, unless the exception in G.S. 10B-11(b)(3) applies to the
6 notary.

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

1 18 NCAC 07C .0507 is adopted with changes as published in 38:09 NCR 567 as follows:

2
3 **18 NCAC 07C .0507 APPLICATION FOR RECOMMISSIONING MORE THAN ~~TWELVE~~ 12**
4 **MONTHS AFTER COMMISSION EXPIRATION**

5 If an applicant seeks recommissioning one year or more after the expiration of a prior commission, the applicant shall:

- 6 (1) comply with the requirements of G.S. 10B-8(a);
7 (2) apply for appointment using the form described in 18 NCAC 07B .0407; ~~and~~
8 (3) include on the form the applicant's commission number; and
9 (4) submit another application fee.

10
11 *History Note: Authority G.S. 10B-4;*
12 *Eff. July 1, 2024.*

1 18 NCAC 07C .0508 is adopted as published in 38:09 NCR 567 as follows:

2
3 **18 NCAC 07C .0508 CANCELLATION OF COMMISSION**

4 If the Department has not received notice from the Register of Deeds that an appointee took the oath within 45 days
5 of the certificate of appointment issuance date, the Department shall:

6 (1) cancel the commission; and

7 (2) notify the appointee of the cancellation.

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

10 Eff. July 1, 2024.

1 18 NCAC 07C .0509 is adopted with changes as published in 38:09 NCR 567 as follows:

2
3 **18 NCAC 07C .0509 RESCIND CANCELLATION OF CERTIFICATE OF APPOINTMENT**

4 If a notary public presents the Department with the notary's valid commission certificate, the Department shall rescind
5 the cancellation of the notary's commission previously made pursuant to Rule .0508 of this Section.

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

8 *Eff. July 1, 2024.*

1 18 NCAC 07C .0510 is adopted as published in 38:09 NCR 567 as follows:

2
3 **18 NCAC 07C .0510 CONFIRMATION OF NOTARY STATUS**

4 The Department shall confirm a notary public's commission status upon written request.

5
6 History Note: Authority G.S. 10B-4;

7 Eff. July 1, 2024.

1 18 NCAC 07C .0601 is amended with changes as published in 38:09 NCR 568 as follows:

2
3 **SECTION .0600 – STEPS FOR ~~REAPPOINTMENT~~ RECOMMISSIONING**

4
5 **18 NCAC 07C .0601 APPLICATION STEPS FOR ~~REAPPOINTMENT~~ RECOMMISSIONING**

6 ~~Application for Reappointment.~~

7 ~~(1) An applicant for A notary public seeking reappointment recommissioning within the time permitted by G.S. 10B-~~
8 ~~11 and the [Rules] rules in this Subchapter shall submit an the reappointment recommissioning application for~~
9 ~~reappointment. specified in 18 NCAC 07B .0409.~~

10 ~~(2) — Applicants for reappointment may apply on line on the Department's website.~~

11
12 *History Note: Authority G.S. 10B-4; ~~10B-11~~; ~~10B-14(f)~~;*

13 *Eff. April 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 07B .0401(a) Eff. June 1, ~~2023~~, 2023;*

17 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0602 is amended as published in 38:09 NCR 568 as follows:

2
3 **18 NCAC 07C .0602 ~~TIMING OF APPLICATION FOR~~ METHOD OF TAKING REAPPOINTMENT**
4 **RECOMMISSIONING EXAM**

5 ~~Timing of Application for Reappointment. An applicant for The reappointment recommissioning exam shall apply for~~
6 ~~reappointment no earlier than 10 weeks before the expiration date of the applicant's commission. be taken on the~~
7 Department's website.

8
9 *History Note: Authority G.S. 10B-4; ~~10B-11~~; ~~10B-14(f)~~;*

10 *Eff. April 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 07B .0401(b) Eff. June 1, ~~2023~~; 2023;*

14 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0603 is amended as published in 38:09 NCR 568 as follows:

2
3 **18 NCAC 07C .0603 COURSE AS ALTERNATIVE TO REAPPOINTMENT RECOMMISSIONING**
4 **TEST EXAM**

5 ~~(a) Attorneys who are licensed members of the North Carolina State Bar do not have to take a reappointment test.~~

6 ~~(b) The~~ An applicant for reappointment recommissioning test may be taken either: comply with the Rules in Section
7 .0300 of this Subchapter in lieu of taking or retaking the recommissioning exam.

8 (1) ~~By completing the on-line test on the Department's website;~~

9 (2) ~~By completing a paper test at the Department's offices at a time based upon:~~

10 (A) ~~The availability of the Division's staff; and~~

11 (B) ~~The availability of the applicant; or~~

12 (3) ~~By completing a paper test at a time and place mutually agreed upon by the applicant and a certified~~
13 ~~notary public instructor.~~

14 ~~(c) An applicant for reappointment shall have 30 minutes to complete the test. An applicant needing accommodation~~
15 ~~pursuant to the Americans with Disabilities Act shall contact the Division and request the accommodation.~~

16 ~~(d) If an applicant fails the reappointment test, the applicant may re-take the test no more than two times within 30~~
17 ~~days of the date on which the test is first taken.~~

18 ~~(e) If the applicant fails to pass the reappointment test within 30 days, the applicant shall not be reappointed and the~~
19 ~~application shall be denied.~~

20
21 *History Note: Authority G.S. ~~10B-2; 10B-4; 10B-8; 10B-14(f); 168A-7; 42 USC 12132;~~*

22 *Eff. April 1, 2007;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
24 *6, 2016;*

25 *Transferred from 18 NCAC 07B .0402 Eff. June 1, ~~2023; 2023;~~*

26 *Amended Eff. July 1, 2024.*

1 18 NCAC 07C .0604 is adopted with changes as published in 38:09 NCR 568 as follows:

2
3 **18 NCAC 07C .0604 EXAM LENGTH AND PASSING SCORE**

4 A notary public seeking recommissioning and taking the recommissioning exam shall:

- 5 (1) have 30 minutes to complete the recommissioning exam; and
6 (2) achieve a passing score of at least 80 percent on the exam.

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

1 18 NCAC 07C .0605 is adopted as published in 38:09 NCR 568 as follows:

2
3 **18 NCAC 07C .0605 RETAKING RECOMMISSIONING EXAM AFTER FAILURE**

4 If an applicant for recommissioning fails the recommissioning exam, the applicant may take the exam up to 2
5 additional times within 30 days of the date on which the exam is first taken.

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

8 Eff. July 1, 2024.

1 18 NCAC 07C .0606 is adopted with changes as published in 38:09 NCR 568 as follows:

2
3 **18 NCAC 07C .0606 FAILURE TO PASS EXAM WITHIN 30 DAYS**

4 If a notary public seeking recommissioning fails to pass the recommissioning or notary course exam within 30 days
5 of the date on which the exam was first taken, the application shall be denied.

6
7 *History Note: Authority G.S. 10B-4;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07C .0607 is adopted with changes as published in 38:09 NCR 568 as follows:

2
3 **18 NCAC 07C .0607 INDIVIDUAL WHO FAILS TO SEEK RECOMMISSIONING WITHIN ONE**
4 **YEAR**

5 An individual who fails to seek recommissioning within one year of commission expiration may be commissioned as
6 a notary public only upon completion of all requirements for an initial notary commission.

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

1 18 NCAC 07C .0701 is adopted with changes as published in 38:09 NCR 568-569 as follows:

2
3 **SECTION .0700 —~~RECORDS OF ELECTRONIC NOTARIAL ACTS—RESERVED~~ ATTORNEY**
4 **NOTARIES**
5

6 **18 NCAC 07C .0701 ATTORNEY APPLICATION FOR INITIAL APPOINTMENT**

7 Notary applicants for initial appointment who are licensed members of the North Carolina State Bar shall:

- 8 (1) maintain a personal copy of the most recent notary public manual approved by the Department; and
9 (2) either:
10 (a) submit a completed notarial commission application form described in 18 NCAC 07B
11 .0407 ~~without:~~ any of the following being required:
12 (i) attending the notary course;
13 (ii) passing the notary course exam; and
14 (iii) obtaining a signature from a notary instructor; or
15 (b) comply with the ~~Rules~~ rules in this Subchapter for an individual who is not a licensed
16 member of the State Bar.
17

18 *History Note: Authority G.S. 10B-4;*
19 *Eff. July 1, 2024.*

1 18 NCAC 07C .0702 is adopted with changes as published in 38:09 NCR 569 as follows:

2
3 **18 NCAC 07C .0702 RECOMMISSIONING OF ATTORNEY NOTARIES**

4 Licensed members of the North Carolina State Bar who are commissioned notaries public may apply for
5 recommissioning by complying with the Rules in this Subchapter, ~~provided~~ except that licensed members of the State
6 Bar ~~need not~~ shall not be required to take any course or exam prior to recommissioning.

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

1 18 NCAC 07C .0703 is adopted with changes as published in 38:09 NCR 569 as follows:

2
3 **18 NCAC 07C .0703 ATTORNEYS WHO FAIL TO TAKE NOTARIAL OATH TIMELY**

4 A licensed member of the North Carolina State Bar who fails to take the oath of office within 45 days of the issuance
5 date on a certificate of appointment or reappointment shall submit a new application and fee in compliance with the
6 ~~Rules~~ rules in this Subchapter.

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

1 18 NCAC 07C .0704 is adopted with changes as published in 38:09 NCR 569 as follows:

2
3 **18 NCAC 07C .0704 ATTORNEYS SEEKING REGISTRATION OR REREGISTRATION AS**
4 **ELECTRONIC NOTARIES**

5 A licensed member of the North Carolina State Bar who applies to be registered or reregistered as an electronic notary
6 public shall:

- 7 (1) comply with the ~~Rules~~ rules in Subchapter 07F of this Chapter;
- 8 (2) successfully complete the electronic notary course and exam;
- 9 (3) possess a current and personal copy of the North Carolina notary manual applicable to electronic
10 notaries; and
- 11 (4) submit an electronic notary application and fee.

12
13 *History Note: Authority G.S. 10B-4; 10B-126; 10B-134.21;*
14 *Eff. July 1, 2024.*

1 18 NCAC 07D .0101 is adopted with changes as published in 38:09 NCR 569 as follows:

2
3 **SECTION .0100 – GENERAL OBLIGATIONS**

4
5 **18 NCAC 07D .0101 SCOPE**

6 The ~~Rules~~ rules in this Subchapter set forth the continuing obligations of notaries public.

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

9 *Eff. July 1, 2024.*

1 18 NCAC 07D .0102 is adopted with changes as published in 38:09 NCR 569 as follows:

2
3 **18 NCAC 07D .0102 RESPONSE TO DEPARTMENT REQUESTS**

4 A notary public shall respond to a request by the Department for information, records, or an interview relating to
5 qualifications to be a notary or performance of notarial acts:

- 6 (1) in the manner and within the time period set by the Department; or
7 (2) as provided in an extension granted pursuant to Rule .0104 of this Section.

8
9 *History Note:* *Authority G.S. 10B-4; 10B-126(f); 10B-134.17(c);*
10 *Eff. July 1, 2024.*

1 18 NCAC 07D .0103 is adopted with changes as published in 38:09 NCR 569 as follows:

2
3 **18 NCAC 07D .0103 EXTENSION REQUEST TO DEPARTMENT**

4 (a) A notary public may submit a request for an extension of time to respond to a Department request pursuant to
5 Rule .0102 of this Section.

6 (b) A request pursuant to Paragraph (a) of this Rule shall:

7 (1) be for an extension lasting no more than 30 days; and

8 (2) include the reason an extension is necessary.

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

11 *Eff. July 1, 2024.*

1 18 NCAC 07D .0104 is adopted as published in 38:09 NCR 569 as follows:

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

4 When deciding whether to grant an extension request, the Department shall consider the factors listed in 18 NCAC
5 07B .0108.

6
7 History Note: Authority G.S. 10B-4; 10B-126(f); 10B-134.17(c);
8 Eff. July 1, 2024.

1 18 NCAC 07D .0301 is amended with changes as published in 38:09 NCR 569-570 as follows:

2
3 **18 NCAC 07D .0301 GENERAL ~~[NOTICE OF CHANGE]~~ OBLIGATIONS TO GIVE NOTICE OF**
4 **CHANGES IN PRIMARY INFORMATION**

5 ~~(a) A notary shall notify the Director of changes in name, address or county as required by G.S. 10B-50, 10B-51, and~~
6 ~~10B-53.~~

7 ~~(b) A notary shall notify the Director that the notary has been convicted of a crime as set out in G.S. 10B-3(9) and~~
8 ~~Rule .0201 of this Subchapter, within 45 days of the date on which judgment is entered.~~

9 ~~(c) A notary~~ **applicant or notary public** ~~shall use the form specified in 18 NCAC 07B .0410 to notify the Director~~
10 ~~Department within 45 calendar days of changes in:~~ in the **applicant's or** notary's:

11 (1) ~~Residency or place of work to a location outside the State of North Carolina;~~

12 (2) ~~Residency status in the United States;~~

13 (3) ~~Ability to speak, read and write the English language;~~

14 (4) ~~A finding or admission of liability in a civil lawsuit based upon the notary's deceit;~~

15 (5) ~~Revocation, suspension, restriction, or denial of a professional license by the State of North Carolina~~
16 ~~or any other state or nation;~~

17 (6) ~~A finding that the notary has engaged in official misconduct, whether or not disciplinary action~~
18 ~~resulted;~~

19 (7) ~~A finding or a charge that a notary has knowingly used false or misleading advertising in which the~~
20 ~~notary was represented as having powers, duties, rights or privileges that a North Carolina notary,~~
21 ~~by law, does not possess; or~~

22 (8) ~~The North Carolina State Bar or the courts of North Carolina or the bar or courts of any other state~~
23 ~~or nation finding that the notary has engaged in the unauthorized practice of law.~~

24 (1) name;

25 (2) mailing or street address;

26 (3) county of commission;

27 (4) residential or mobile telephone number;

28 (5) personal or business email address;

29 (6) status as a resident of the United States;

30 (7) ability to speak, read and write in the English language; or

31 (8) employer regarding:

32 (a) change of employer;

33 (b) change in employer business name. NOTE: A business changing from ABC, Inc. to ABC,
34 LLC is an example of a change in employer business name;

35 (c) change in employer street or mailing address; or

36 (d) change in employer telephone number.

1 ~~(d) A notary shall respond within the time period set out in a request from the Director for information, including a~~
2 ~~request for information regarding wrongful notarial acts alleged to have been performed by the notary.~~

3
4 *History Note: Authority G.S. 10B-4; ~~10B-14(f)~~;*

5 *Eff. April 1, 2007;*

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

8 *Transferred from 18 NCAC 07B .0107 Eff. June 1, ~~2023~~, 2023;*

9 *Amended Eff. July 1, 2024.*

1 18 NCAC 07D .0302 is adopted with changes as published in 38:09 NCR 570 as follows:

2
3 **18 NCAC 07D .0302 NOTICE TO DEPARTMENT OF PENDING CRIMINAL CHARGES**

4 A notary applicant or notary public shall notify the Department within 45 calendar days of a previously unreported
5 pending criminal charge against the applicant or notary by complying with 18 NCAC 07B .0505.

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

8 *Eff. July 1, 2024.*

1 18 NCAC 07D .0303 is adopted with changes as published in 38:09 NCR 570 as follows:

2
3 **18 NCAC 07D .0303 NOTICE TO DEPARTMENT OF CRIMINAL CHARGE DISPOSITION**

4 Within 45 calendar days of the date of the final disposition of a criminal charge against a ~~notary~~, notary applicant or
5 a notary public, the applicant or notary shall notify the Department by complying with 18 NCAC 07B .0506.

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

8 *Eff. July 1, 2024.*

1 18 NCAC 07D .0304 is adopted with changes as published in 38:09 NCR 570 as follows:

2
3 **18 NCAC 07D .0304 NOTICE TO DEPARTMENT OF FINDINGS OR ADMISSIONS OF DECEIT**

4 A notary ~~applicant or a notary~~ public shall use the form specified in 18 NCAC 07B .0413 to notify the Department
5 within 45 calendar days of a finding or admission of fault or liability in a civil lawsuit ~~regarding the notary's activity~~
6 ~~as a notary public~~ based on the applicant's or notary's deceit.

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

1 18 NCAC 07D .0305 is adopted with changes as published in 38:09 NCR 570 as follows:

2
3 **18 NCAC 07D .0305 NOTICE TO DEPARTMENT OF CHANGES TO PROFESSIONAL LICENSES,**
4 **NOTARY COMMISSIONS, OR PUBLIC OFFICES**

5 A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0412 to notify the Department
6 within 45 calendar days of an issuance, a denial, a revocation, a suspension, a restriction, or a resignation of the
7 applicant's or notary's professional license, notary commission, or public office.

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

10 *Eff. July 1, 2024.*

1 18 NCAC 07D .0306 is adopted with changes as published in 38:09 NCR 570 as follows:

2
3 **18 NCAC 07D .0306 NOTICE TO DEPARTMENT OF OFFICIAL MISCONDUCT**

4 A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department
5 within 45 calendar days of a finding that the applicant or notary has engaged in official misconduct and shall provide
6 the Department with the documents and information required by 18 NCAC 07C .0208.

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

1 18 NCAC 07D .0307 is adopted with changes as published in 38:09 NCR 570 as follows:

2
3 **18 NCAC 07D .0307 NOTICE TO DEPARTMENT OF FALSE OR MISLEADING ADVERTISING**

4 A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department
5 within 45 calendar days of a finding or a charge that the applicant or notary has knowingly used false or misleading
6 advertising that represents that the applicant or notary has powers, duties, rights, or privileges the applicant or notary
7 does not possess by law.

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

10 *Eff. July 1, 2024.*

1 18 NCAC 07D .0308 is adopted with changes as published in 38:09 NCR 570 as follows:

2
3 **18 NCAC 07D .0308 NOTICE TO DEPARTMENT REGARDING UNAUTHORIZED PRACTICE OF**
4 **LAW**

5 A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department
6 within 45 calendar days of a finding by a court or the attorney-licensing agency of any state, federally recognized
7 tribe, or nation, that the applicant or notary has engaged in the unauthorized practice of law.

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

10 *Eff. July 1, 2024.*

1 18 NCAC 07E .0101 is amended as published in 38:09 NCR 571 as follows:

2
3 **18 NCAC 07E .0101 INSTRUCTOR CERTIFICATION – SCOPE AND DEFINITIONS**

4 (a) ~~Except as otherwise provided in G.S. 10B-14 and this Section, notaries public shall comply with all~~
5 This Subchapter sets the requirements for certification ~~or~~ and recertification as a notary public instructor as set forth
6 in this Chapter, and for requesting that the Department offer certified notary instructor courses.

7 (b) ~~A notary public who is a licensed member of the North Carolina State Bar shall comply with all requirements of~~
8 ~~this Chapter in order to obtain certification or recertification as a notary public instructor. For purposes of this~~
9 Subchapter:

10 (1) “Active experience as a notary” means either:

11 (A) performance in North Carolina of at least 1 notarial act in each of the immediately
12 preceding 12 months; or

13 (B) active experience as a certified notary instructor.

14 (2) “Active experience as a certified notary instructor” means teaching at least two notary courses for
15 each of the two 12-month periods during which an instructor holds an instructor certification.

16 (3) “Affidavit of moral character form” means the form specified in 18 NCAC 07B .0408.

17 (4) “Eligible institution” or “institution” means:

18 (A) a community college established pursuant to G.S. 115D-4;

19 (B) a constituent institution of the University of North Carolina established pursuant to G.S.
20 116-4;

21 (C) an eligible private postsecondary institution as defined by G.S. 116-280(3); or

22 (D) a public school system authorized to conduct adult education programs pursuant to G.S.
23 115C-231.

24 (5) “Instructor applicant” means an applicant for initial certification or for recertification as a notary
25 instructor.

26 (6) “Instructor application form” means the form specified in 18 NCAC 07B .0414.

27 (7) “Instructor course” means the initial notary public instructor certification course and the
28 recertification course.

29 (8) “Instructor recertification application form” means the form specified in 18 NCAC 07B .0418.

30 (9) “Recommendation form” means the form specified in 18 NCAC 07B .0415.

31 (10) “Successfully complete” means, when used to describe an instructor applicant, that an instructor
32 applicant has complied with Chapter 10B and the rules in this Subchapter and has:

33 (A) presented satisfactory evidence of identity;

34 (B) attended a notary instructor certification or recertification course; and

35 (C) achieved passing grades on the written and oral instructor certification or recertification
36 course exams.

1 *History Note:* *Authority G.S. 10B-4; ~~10B-8~~; 10B-14; 10B-134.21;*
2 *Eff. January 1, 2008;*
3 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
4 *6, 2016;*
5 *Transferred from 18 NCAC 07B .0701 Eff. June 1, ~~2023~~. 2023;*
6 *Amended Eff. July 1, 2024.*

1 18 NCAC 07E .0102 is adopted with changes as published in 38:09 NCR 571 as follows:

2
3 **18 NCAC 07E .0102 CONDITIONS FOR BECOMING NOTARY INSTRUCTOR**

4 A commissioned notary public may become a certified notary instructor upon meeting the following conditions:

- 5 (1) an eligible institution nominates the notary to the Department by written request pursuant to Rule
6 .0103 of this Section; and
7 (2) the Department determines that the nominee meets the criteria in G.S. 10B-14 and the ~~Rules~~ rules
8 in this Subchapter.
9

10 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*

11 *Eff. July 1, 2024.*

1 18 NCAC 07E .0103 is adopted with changes as published in 38:09 NCR 571 as follows:

2
3 **18 NCAC 07E .0103 NOMINATION BY ELIGIBLE INSTITUTION**

4 An eligible institution may nominate a notary public to be certified as a notary instructor by:

- 5 (1) submitting a written request to the Department addressed to the Director; and
- 6 (2) including in its request:
- 7 (a) the full name of the institution;
- 8 (b) a request that the nominated notary be enrolled in an instructor course;
- 9 (c) the name of the proposed notary instructor as it appears on the notary's commission;
- 10 (d) a statement that the nominated instructor has consented to be nominated and has been
- 11 directed to contact the Department to request an application form;
- 12 (e) the name, title, signature, and contact information for the ~~person~~ individual submitting the
- 13 request;
- 14 (f) the name and contact information for the notary course administrator of the institution, if
- 15 different from the ~~person~~ individual submitting the request;
- 16 (g) the date of the request; and
- 17 (h) a statement that upon certification as a notary instructor, the nominee will be employed by
- 18 the institution as a certified notary instructor.

19
20 *History Note:* *Authority: G.S. 10B-4; 10B-14; 10B-134.21;*
21 *Eff. July 1, 2024.*

1 18 NCAC 07E .0104 is amended with changes as published in 38:09 NCR 571-572 as follows:

2
3 **18 NCAC 07E .0104 FEES FEE - EXEMPTION AND FAILURE TO PAY**

4 (a) ~~The fee required by G.S. 10B-14 for certification and recertification as a notary public instructor shall be paid in~~
5 ~~accordance with Rule .0105 of this Chapter.~~

6 (b) ~~A person asserting that he or she is not required to submit a~~ An instructor applicant who asserts exemption from
7 the fee pursuant to G.S. 10B-14(c) shall include verification certify on the instructor certification or recertification
8 application form that as of the date of ~~application~~ application, the applicant is currently employed ~~as a register of deed,~~
9 ~~clerk of court or is the Director or an authorized employee of the Secretary as set forth in G.S. 10B-14(c).~~ as:

10 (1) a register of deeds;

11 (2) a clerk of court; or

12 (3) an employee of the Department and is authorized by the Secretary to teach notary courses as set
13 forth in G.S. 10B-14(c).

14 (e)(b) ~~The Secretary Department may~~ shall refuse to administer the notary public instructor certification ~~examination~~
15 ~~exam~~ to an applicant who has failed to pay the fee required for certification or recertification as a notary ~~public~~
16 instructor before the ~~examination~~ exam date.

17
18 *History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*

19 *Eff. January 1, ~~2008;~~ 2008;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
21 *6, 2016;*

22 *Transferred from 18 NCAC 07B .0705 Eff. June 1, ~~2023.~~ 2023;*

23 *Amended Eff. July 1, 2024.*

1 18 NCAC 07E .0105 is amended with changes as published in 38:09 NCR 572 as follows:

2
3 **18 NCAC 07E .0105 INSTRUCTOR CERTIFICATION - GENERAL REQUIREMENTS**

4 ~~Applicants~~ An applicant for initial notary ~~public~~ instructor certification shall:

5 (1) be nominated by an eligible institution;

6 ~~(1)(2) Complete~~ complete and submit the Department's notary ~~public~~ instructor application form specified
7 in 18 NCAC 07B .0414; and submit it to the Department;

8 ~~(2)(3) Comply with the requirements of Rule .0708 through Rule .0711 of this Chapter regarding~~
9 ~~verification of 12 months of experience; provide proof of active experience as a notary public using~~
10 ~~any combination of the methods set out in Section .0200 of this Subchapter;~~

11 ~~(3)(4) Comply with the requirements of Rule .0712 of this Chapter regarding recommendations; submit~~
12 ~~three recommendations supporting the applicant from nonfamily members in compliance with Rule~~
13 ~~.0112 of this Section;~~

14 ~~(4) Comply with the requirements of Rule .0713 of this Chapter regarding an oral presentation of a~~
15 ~~notary ~~public~~ course curriculum lesson;~~

16 (5) have read:

17 (a) Chapter 10B of the General Statutes;

18 (b) the [Rules] rules in this Chapter; and

19 (c) the current edition of the approved notary manual for traditional notaries; and

20 ~~(5)(6) Make a passing grade on the final examination in~~ successfully complete the notary ~~public~~ instructor
21 ~~certification course as set forth in Rule .0714 of this Chapter; and course.~~

22 ~~(6) Except as otherwise provided in G.S. 10B-14(c) and Rule .0705 of this Chapter, pay the required~~
23 ~~fee.~~

24
25 *History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*

26 *Eff. January 1, 2008;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
28 *6, 2016;*

29 *Transferred from 18 NCAC 07B .0702 Eff. June 1, ~~2023~~. 2023;*

30 *Amended Eff. July 1, 2024.*

1 18 NCAC 07E .0106 is amended with changes as published in 38:09 NCR 572 as follows:

2
3 **18 NCAC 07E .0106 ~~TIMING~~ MANDATORY DEPARTMENT DENIAL OF INSTRUCTOR**
4 **CERTIFICATION APPLICATION**

5 The Department shall deny a ~~An application for~~ notary public instructor certification or recertification application
6 ~~shall not be submitted to the Division during the period of any sanction issued by the Division.~~ if any of the following
7 apply:

- 8 (1) the applicant has not held a notary commission for at least one calendar year;
9 (2) the applicant does not have active experience as a [notary:] notary public;
10 (3) an investigation is pending into the applicant's performance of the duties as a [notary public:] notary,
11 an electronic notary public, or a notary public instructor;
12 (4) the applicant has not completed the conditions of any disciplinary action issued by the Department;
13 or
14 (5) any reason for which a notary commission may be denied pursuant to Chapter 10B of the General
15 Statutes or the [Rules] rules in this Chapter.

16
17 *History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*

18 *Eff. January 1, 2008;*

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 07B .0703 Eff. June 1, ~~2023.~~ 2023;*

22 *Amended Eff. July 1, 2024.*

1 18 NCAC 07E .0107 is repealed as published in 38:09 NCR 572 as follows:

2
3 **18 NCAC 07E .0107 DEPARTMENT REJECTION OF APPLICATIONS**

4
5 *History Note: Authority G.S. 10B-8; 10B-14;*

6 *Eff. January 1, 2008;*

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 07B .0704 Eff. June 1, ~~2023~~ 2023;*

10 *Repealed Eff. July 1, 2024.*

1 18 NCAC 07E .0108 is amended with changes as published in 38:09 NCR 572-573 as follows:

2
3 **18 NCAC 07E .0108 VERIFICATION THAT INSTRUCTOR APPLICANT CONTINUES TO MEET**
4 **REQUIREMENTS FOR A NOTARY COMMISSION**

5 An instructor applicant ~~for notary public instructor certification or recertification~~ shall verify ~~that:~~ under oath on the
6 instructor application form specified in 18 NCAC 07B .0414 that:

7 (1) the information on the application is true and complete; and

8 ~~(1)(2)~~ the applicant ~~continues to meet each of the qualifications for a notary commission in G.S. 10B-5~~
9 ~~and 10B-7; and will perform the responsibilities of [an] a certified notary~~ instructor as set out in
10 Chapter 10B of the General Statutes and the [Rules] rules in this Chapter to the best of the applicant's
11 ability.

12 ~~(2) With regard to changes requiring notification to the Division pursuant to Rule .0107 of this Chapter,~~
13 ~~verify:~~

14 ~~(a) That there have been no changes requiring notification to the Department;~~

15 ~~(b) That there have been changes requiring notification to the Department and that the~~
16 ~~applicant has made all required notifications; or~~

17 ~~(c) That there have been changes requiring notification to the Department and the applicant~~
18 ~~has not previously made the required notification to the Department but is including the~~
19 ~~notification with the application.~~

20
21 *History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*

22 *Eff. January 1, 2008;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
24 *6, 2016;*

25 *Transferred from 18 NCAC 07B .0706 Eff. June 1, ~~2023~~ 2023;*

26 *Amended Eff. July 1, 2024.*

1 18 NCAC 07E .0109 is adopted as published in 38:09 NCR 573 as follows:

2
3 **18 NCAC 07E .0109 CHANGE IN INSTRUCTOR'S ELIGIBLE INSTITUTION**

4 Within 45 days of a change in the eligible institution listed on the notary instructor application, an instructor applicant
5 or certified notary instructor shall notify the Department in writing of:

6 (1) the change in eligible institution;

7 (2) the date that the change is effective; and

8 (3) the name and contact information for the notary course administrator at the eligible institution.

9 For purposes of this Rule, "change in the eligible institution" means:

10 (1) that the applicant or certified notary instructor will not teach at the institution named in the
11 application; or

12 (2) that the applicant or certified notary instructor will teach at another institution.

13
14 History Note Authority G.S. 10B-4; 10B-14; 10B-134.21;

15 Eff. July 1, 2024.

1 18 NCAC 07E .0111 is repealed as published in 38:09 NCR 573 as follows:

2
3 **18 NCAC 07E .0111 OTHER VERIFICATIONS**

4
5 *History Note: Authority G.S. 10B-8; 10B-14;*

6 *Eff. January 1, 2008;*

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 07B .0707 Eff. June 1, ~~2023~~ 2023;*

10 *Repealed Eff. July 1, 2024.*

1 18 NCAC 07E .0112 is amended as published in 38:09 NCR 573 as follows:

2
3 **18 NCAC 07E .0112 RECOMMENDATIONS**

4 A ~~An~~ notary public instructor certification applicant shall ~~submit~~ include three recommendations ~~on the Division's~~
5 ~~recommendation form from persons unrelated to the applicant by birth, marriage or adoption. individuals who are not~~
6 family members of the applicant. The recommendations shall be submitted on the Department's recommendation form
7 specified in 18 NCAC 07B .0415.

8 For purposes of this Rule, either the applicant or the individual making the recommendation may submit the
9 recommendation form to the Department.

10
11 *History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*

12 *Eff. January 1, 2008;*

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 07B .0712 Eff. June 1, ~~2023~~, 2023;*

16 *Amended Eff. July 1, 2024.*

1 18 NCAC 07E .0113 is adopted as published in 38:09 NCR 573 as follows:

2
3 **18 NCAC 07E .0113 INSTRUCTORS AS REGISTERED ELECTRONIC NOTARIES**

4 An instructor applicant shall:

5 (1) be a registered electronic notary public at the time of application; or

6 (2) comply with all requirements for registration as an electronic notary within three months of
7 successfully completing the instructor certification course.

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

10 Eff. July 1, 2024.

1 18 NCAC 07E .0201 is amended with changes as published in 38:09 NCR 573 as follows:

2
3 **SECTION .0200 – ~~NOTARY~~ INSTRUCTOR APPLICANT VERIFICATION OF EXPERIENCE**

4
5 **18 NCAC 07E .0201 EVIDENCE OF ~~MINIMUM~~ ACTIVE EXPERIENCE AS A NOTARY**

6 ~~(a) For purposes of these Rules a notarial act is an act set out in G.S. 10B-20(a).~~

7 ~~(b) For purposes of demonstrating the experience required by G.S. 10B-14(a)(2), an applicant shall show evidence of~~
8 ~~performing notarial acts during each month of the 12 months immediately preceding the application to become a~~
9 ~~certified notary instructor.~~

10 ~~(c) Evidence of performance of notarial acts shall be presented by one of the methods set forth in Rule .0709 through~~
11 ~~Rule .0711 of this Chapter.~~

12 Active experience as a notary public shall be established by the applicant pursuant to the [Rules] rules in this Section
13 by presenting any combination of the following evidence:

14 (1) journal entries;

15 (2) employer affidavits; or

16 (3) an alternative method as set out in the [Rules] rules in this Section.

17
18 *History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*

19 *Eff. January 1, 2008;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
21 *6, 2016;*

22 *Transferred from 18 NCAC 07B .0708 Eff. June 1, ~~2023~~ 2023;*

23 *Amended Eff. July 1, 2024.*

1 18 NCAC 07E .0202 is adopted with changes as published in 38:09 NCR 573 as follows:

2
3 **18 NCAC 07E .0202 JOURNAL AS EVIDENCE OF ACTIVE EXPERIENCE**

4 An instructor applicant may present evidence of active experience as a notary public by submitting:

- 5 (1) a complete copy of a journal for the year immediately preceding the date on which the application
6 is submitted; and
7 (2) an affidavit under oath that the entries in the journal submitted are accurate.

8
9 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*
10 *Eff. July 1, 2024.*

1 18 NCAC 07E .0204 is amended with changes as published in 38:09 NCR 573 as follows:

2
3 **18 NCAC 07E .0204 MINIMUM CONTENTS OF NOTARY JOURNAL SUBMITTED AS EVIDENCE**
4 **OF EXPERIENCE**

5 ~~(a) An applicant for notary public instructor certification may submit a~~ A journal of notarial acts submitted as evidence
6 of active experience ~~performing notarial acts.~~ as a notary **public** shall comply with 18 NCAC 07I.

7 ~~(b) The submitted journal shall, at a minimum, include:~~

8 ~~(1) — The dates on which notarial acts were performed;~~

9 ~~(2) — The type of notarial act performed; and~~

10 ~~(3) — The name(s) of the party(ies) for whom each notarial act was performed.~~

11 ~~(c) The applicant shall submit an affidavit verifying that the information in the journal submitted in compliance with~~
12 ~~this Rule is true and correct.~~

13
14 *History Note: Authority G.S. 10B-4; ~~10B-8~~; 10B-14; 10B-134.21;*

15 *Eff. January 1, 2008;*

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

18 *Transferred from 18 NCAC 07B .0709 Eff. June 1, ~~2023~~ 2023;*

19 *Amended Eff. July 1, 2024.*

1 18 NCAC 07E .0205 is adopted with changes as published in 38:09 NCR 573-574 as follows:

2
3 **18 NCAC 07E .0205 EMPLOYER AFFIDAVIT AS EVIDENCE OF EXPERIENCE**

4 An employer affidavit submitted as evidence of active experience as a notary public shall be submitted on the form
5 specified in 18 NCAC 07B .0416.

6
7 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07E .0206 is adopted as published in 38:09 NCR 574 as follows:

2
3 **18 NCAC 07E .0206 EMPLOYER AFFIDAVIT REGARDING NOTARIAL ACTS FOR EMPLOYER**

4 An employer affidavit submitted pursuant to Rule .0205 of this Section:

5 (1) shall refer to notarial acts performed for the employer; and

6 (2) may refer to other notarial acts of the instructor applicant of which the employer affiant is personally
7 aware.

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

10 Eff. July 1, 2024.

1 18 NCAC 07E .0207 is adopted as published in 38:09 NCR 574 as follows:

2
3 **18 NCAC 07E .0207 EMPLOYER AFFIDAVIT MAY INCLUDE RECOMMENDATION**

4 An employer affidavit submitted pursuant to Rule .0205 of this Section may include a recommendation from the
5 employer pursuant to Rule .0112 of this Subchapter.

6
7 History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

8 Eff. July 1, 2024.

1 18 NCAC 07E .0209 is amended as published in 38:09 NCR 574 as follows:

2
3 **18 NCAC 07E .0209 SUBMITTAL OF EMPLOYER AFFIDAVIT AS EVIDENCE OF EXPERIENCE**

4 ~~(a) An applicant for notary public instructor certification may submit an affidavit from his or her employer verifying~~
5 ~~that the applicant has had experience performing notarial acts.~~

6 ~~(b) The submitted affidavit shall, at a minimum, include the following:~~

7 ~~(1) The name of the corporation, business, individual or entity employing the applicant;~~

8 ~~(2) The full name of the person verifying the applicant's experience;~~

9 ~~(3) The authority of the person to verify the applicant's experience, including his or her title;~~

10 ~~(4) The address, telephone number and, if applicable, email address of the person verifying the~~
11 ~~applicant's experience;~~

12 ~~(5) A narrative description of the reasons the applicant has performed notarial acts while employed by~~
13 ~~the person or entity submitting the affidavit; and~~

14 ~~(6) Verification that the applicant has performed at least one notarial act during each of the 12~~
15 ~~immediately preceding months.~~

16 ~~(c) The submitted affidavit may also contain a recommendation pursuant to Rule .0712 of this Chapter.~~

17 An instructor applicant who relies upon an employer affidavit pursuant to Rule .0205 of this Section shall either submit
18 it to the Department or have the employer affiant directly submit it to the Department.

19
20 *History Note: Authority G.S. 10B-4; ~~10B-8~~; 10B-14; 10B-134.21;*

21 *Eff. January 1, 2008;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
23 *6, 2016;*

24 *Transferred from 18 NCAC 07B .0710 Eff. June 1, ~~2023~~. 2023;*

25 *Amended Eff. July 1, 2024.*

1 18 NCAC 07E .0212 is amended with changes as published in 38:09 NCR 574 as follows:

2
3 **18 NCAC 07E .0212 ALTERNATIVE AFFIDAVITS AS EVIDENCE OF EXPERIENCE**

4 An instructor applicant ~~for notary public instructor certification~~ may submit evidence of active experience ~~performing~~
5 ~~notarial acts as a notary~~ **public** ~~other than a journal or employer affidavit, provided the evidence includes: that is not~~
6 a journal or employer affidavit if:

7 ~~(2)(1)~~ An affidavit from the evidence consists of at least one or more affidavits from nonfamily members
8 ~~person unrelated to the applicant by birth, marriage or adoption which that comply with Rule .0213~~
9 of this Section and that together establishes establish that the instructor applicant has ~~performed at~~
10 ~~least one notarial act during each of the 12 months immediately preceding the application. active~~
11 experience as a notary; and

12 ~~(1)(2)~~ An an affidavit from the instructor applicant verifying that the applicant has performed at least one
13 ~~notarial act in each of the 12 immediately preceding months; and that complies with Rule .0214 of~~
14 this Section.

15
16 *History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*

17 *Eff. January 1, 2008;*

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 07B .0711 Eff. June 1, ~~2023;~~ 2023;*

21 *Amended Eff. July 1, 2024.*

1 18 NCAC 07E .0213 is adopted with changes as published in 38:09 NCR 574 as follows:

2
3 **18 NCAC 07E .0213 ~~AFFIDAVITS~~ AFFIDAVIT OF EXPERIENCE FROM NONFAMILY ~~MEMBERS~~**
4 **MEMBER**

5 An instructor applicant who submits alternative evidence of experience pursuant to Rule .0212 of this Section shall
6 submit an affidavit from at least one individual who is not a family member that includes:

- 7 (1) the ~~name of the applicant as it appears on the applicant's notary commission;~~ commission name;
8 (2) the affiant's printed name;
9 (3) the affiant's address, telephone number, and email address;
10 (4) a brief explanation describing how the affiant knows the applicant;
11 (5) each month and year in which the affiant knows that the applicant performed at least one notarial
12 act;
13 (6) an explanation of how the affiant knows that at least one notarial act was performed during each of
14 the months listed in response to Item (5) of this Rule;
15 (7) the signature of the affiant and the date on which the affiant signed; and
16 (8) a jurat certificate.

17
18 *History Note:* *Authority G.S. 10B-4; 10B-14; 10B-134.21;*
19 *Eff. July 1, 2024.*

1 18 NCAC 07E .0214 is adopted with changes as published in 38:09 NCR 574-575 as follows:

2
3 **18 NCAC 07E .0214 ALTERNATIVE EVIDENCE AFFIDAVIT FROM INSTRUCTOR APPLICANT**

4 An instructor applicant who presents alternative evidence of active experience as a notary public pursuant to Rule
5 .0212 of this Section shall submit the applicant's own affidavit consisting of:

- 6 (1) the ~~name of the applicant as it appears on the~~ applicant's ~~notary commission;~~ commission name;
7 (2) a declaration of the applicant's active experience as a ~~notary;~~ notary public;
8 (3) an explanation for how the applicant knows that at least 1 notarial act was performed in each of the
9 12 months preceding the application;
10 (4) the signature of the applicant and the date on which the applicant signed; and
11 (5) a jurat certificate.

12 NOTE: To satisfy Item (3) of this Rule, the applicant might refer to a calendar with notes of notarial acts.

13
14 *History Note:* *Authority G.S. 10B-4; 10B-14; 10B-134.21;*
15 *Eff. July 1, 2024.*

1 18 NCAC 07E .0301 is adopted with changes as published in 38:09 NCR 575 as follows:

2
3 **18 NCAC 07E .0301 ~~INSTRUCTOR APPLICANT TO ATTEND DEPARTMENT~~ INSTRUCTOR**
4 **COURSE REQUIREMENT**

5 An instructor applicant shall attend the entirety of, and successfully complete, a North Carolina notary instructor
6 course approved by the Department.

7
8 *History Note:* *Authority G.S. 10B-4; 10B-14; 10B-134.21;*
9 *Eff. July 1, 2024.*

1 18 NCAC 07E .0302 is amended as published in 38:09 NCR 575 as follows:

2
3 **18 NCAC 07E .0302 NOTARY ~~PUBLIC~~ INSTRUCTOR CERTIFICATION AND RECERTIFICATION**
4 **EXAMINATIONS EXAM PASSING SCORE**

5 ~~(a) A passing grade score on the notary public instructor certification or recertification final examination shall be 90~~
6 ~~percent. percent or higher on each of the notary instructor certification and recertification written exams.~~

7 ~~(b) A notary public instructor certification or recertification applicant who fails to achieve a passing grade on the final~~
8 ~~examination may apply to take the test one additional time within three months.~~

9
10 *History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*

11 *Eff. January 1, 2008;*

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 07B .0714 Eff. June 1, ~~2023;~~ 2023;*

15 *Amended Eff. July 1, 2024.*

18 NCAC 07E .0303 is amended with changes as published in 38:09 NCR 575 as follows:

18 NCAC 07E .0303 ORAL PRESENTATION REQUIREMENT FOR INSTRUCTOR APPLICANT

~~(a) A As part of the notary public instructor certification student course exam, a notary instructor applicant shall provide make an oral presentation of a section of the notary public curriculum which shall be evaluated according to the standards set forth in Paragraph (c) of this Rule. that complies with the [Rules] rules in this Section by presenting on a notary public curriculum topic selected by the applicant from a list provided by the Department.~~

~~(b) A passing grade on the notary public instructor certification oral presentation shall be 80 percent.~~

~~(c) The oral presentation of a notary public instructor certification student shall be graded for instructional ability using standards including the notary public instructor student's:~~

~~(1) Voice quality (projection, articulation, speech rate);~~

~~(2) Verbal skill (fluency and clarity);~~

~~(3) Physical appearance and mannerisms (attire, posture, body language, eye contact, movement) to project a professional demeanor;~~

~~(4) Professional qualities of the instructor (knowledge, self confidence, tact, enthusiasm, sensitivity);~~

~~(5) Selection and use of training aids (use of writing surface and other aids, effective use of multimedia, transparencies, and slides, relates aids to objectives, and use of aids when scheduled);~~

~~(6) Presentation of information in logical sequence;~~

~~(7) Timing of presentation to allow for sufficient time for questions and discussion;~~

~~(8) Transition of subjects with continuous progression and development of lesson;~~

~~(9) Emphasis of key points and frequent summarization of topics to entire lesson or course and use of examples to clarify the subjects;~~

~~(10) Frequent establishment of relevance of the topics to entire lesson or course and use of examples to clarify the subjects; and~~

~~(11) Following the Division's notary public curriculum.~~

~~(d) A notary public instructor student who fails the oral presentation portion of the notary public instructor certification course may schedule one additional oral presentation within three months of the failure to complete the oral presentation requirement as required by Paragraph (b) of this Rule.~~

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

Eff. January 1, 2008;

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

Transferred from 18 NCAC 07B .0713 Eff. June 1, ~~2023~~; 2023;

Amended Eff. July 1, 2024.

1 18 NCAC 07E .0304 is adopted as published in 38:09 NCR 575 as follows:

2
3 **18 NCAC 07E .0304 NOTARY INSTRUCTOR ORAL PRESENTATION PASSING SCORE**

4 The Department or its designee shall evaluate the oral presentation portion of the instructor exam on a pass-fail basis
5 using the factors in Rules .0306 through .0312 of this Section.

6
7 History note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

8 Eff. July 1, 2024.

1 18 NCAC 07E .0306 is adopted as published in 38:09 NCR 575 as follows:

2
3 **18 NCAC 07E .0306 FACTORS RELATING TO VOICE**

4 An instructor applicant's oral presentation shall be evaluated on voice quality, consisting of projection, diction, pitch,
5 and rate of speech.

6
7 History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

8 Eff. July 1, 2024.

1 18 NCAC 07E .0307 is adopted as published in 38:09 NCR 575 as follows:

2
3 **18 NCAC 07E .0307 FACTORS RELATING TO VERBAL SKILL**

4 An instructor applicant's oral presentation shall be evaluated on verbal skill, consisting of fluency, clarity, and
5 vocabulary appropriate for the audience.

6
7 History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

8 Eff. July 1, 2024.

1 18 NCAC 07E .0308 is adopted as published in 38:09 NCR 575-576 as follows:

2
3 **18 NCAC 07E .0308 FACTORS RELATING TO PHYSICAL APPEARANCE AND MANNERISMS**

4 An instructor applicant's oral presentation shall be evaluated on professional appearance and mannerisms. For
5 purposes of this Rule, "professional appearance and mannerisms" means:

6 (1) attire appropriate to the adult education setting. NOTE: Professional and office casual attire are
7 examples of appropriate attire; and

8 (2) posture, body language, eye contact, and movement that projects a professional demeanor that will
9 engage the students.

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

12 Eff. July 1, 2024.

1 18 NCAC 07E .0309 is adopted with changes as published in 38:09 NCR 576 as follows:

2
3 **18 NCAC 07E .0309 FACTORS RELATING TO PROFESSIONAL QUALITIES OF THE**
4 **INSTRUCTOR**

5 An instructor applicant's oral presentation shall be evaluated on the applicant's professional qualities. For purposes
6 of this Rule, "professional qualities" means the applicant's demonstration of:

- 7 (1) knowledge of the notary course curriculum, the notary manual, Chapter 10B of the General Statutes,
8 and the ~~Rules~~ rules in this Chapter;
9 (2) projection of confidence in presenting the materials, admitting areas of uncertainty and willingness
10 to get and provide answers;
11 (3) tact and sensitivity that respects individuals while also respecting the time of the other students when
12 responding to questions or issues that arise in the class; and
13 (4) enthusiasm for the subject matter and for teaching, so that students are engaged.

14
15 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*
16 *Eff. July 1, 2024.*

1 18 NCAC 07E .0310 is adopted with changes as published in 38:09 NCR 576 as follows:

2
3 **18 NCAC 07E .0310 FACTORS RELATING TO SELECTION AND USE OF TRAINING AIDS**

4 An instructor applicant's oral presentation shall be evaluated on the applicant's selection and use of technology and
5 training ~~aids~~ aids, such as the applicable notary ~~manuals~~, manual and approved ~~handouts~~, handouts and instructional
6 ~~videos, and classroom technology~~. videos.

7
8 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*
9 *Eff. July 1, 2024.*

1 18 NCAC 07E .0311 is adopted as published in 38:09 NCR 576 as follows:

2
3 **18 NCAC 07E .0311 FACTORS RELATING TO SEQUENCE**

4 An instructor applicant's oral presentation shall be evaluated on the applicant's presentation of information in a logical
5 sequence. For purposes of this Rule, "presentation of information in logical sequence" means the applicant:

6 (1) follows in order the curriculum and lesson plan provided by the Department;

7 (2) transitions without effort between topics; and

8 (3) returns to the initial sequence after appropriately addressing the student's issue if a student raises an
9 issue out of order.

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

12 Eff. July 1, 2024.

1 18 NCAC 07E .0312 is adopted with changes as published in 38:09 NCR 576 as follows:

2
3 **18 NCAC 07E .0312 ~~FACTORS RELATING TO EMPHASIS, SUMMARIZATION, AND EXAMPLE~~**
4 **EXAMPLES, AND SUMMARIZATION**

5 An instructor applicant's oral presentation shall be evaluated on the applicant's:

- 6 (1) emphasis on key points;
7 (2) use of examples relevant to the topic of the presentation; and
8 (3) summarization of topics.

9
10 *History Note:* *Authority G.S. 10B-4; 10B-14; 10B-134.21;*
11 *Eff. July 1, 2024.*

1 18 NCAC 07E .0401 is adopted as published in 38:09 NCR 576 as follows:

2
3 **SECTION .0400 – CONSEQUENCES OF FAILING INSTRUCTOR’S EXAM**
4

5 **18 NCAC 07E .0401 RETAKING WRITTEN CERTIFICATION OR RECERTIFICATION EXAM**

6 An instructor applicant who fails the written certification or recertification exam may schedule one additional written
7 exam within one month of the date of the failed exam by:

8 (1) making a written request to the Department addressed to the Director; and

9 (2) submitting the request within one week of the date of the failed written exam.
10

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

12 Eff. July 1, 2024.

1 18 NCAC 07E .0402 is adopted as published in 38:09 NCR 576 as follows:

2
3 **18 NCAC 07E .0402 CONSEQUENCE OF FAILING TO PASS WRITTEN INSTRUCTOR EXAM**

4 An instructor applicant who fails to pass the written instructor exam within one month of the date on which the written
5 exam is first taken and wishes to become a certified instructor shall comply again with Rule .0105 of this Subchapter.

6
7 History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

8 Eff. July 1, 2024.

1 18 NCAC 07E .0403 is adopted as published in 38:09 NCR 576 as follows:

2
3 **18 NCAC 07E .0403 SCHEDULING ADDITIONAL ORAL PRESENTATION UPON FAILURE**

4 An instructor applicant who fails to pass the oral presentation may schedule one additional oral presentation by:

5 (1) making a written scheduling request to the Department addressed to the Director;

6 (2) submitting the request within one week of the date of the failed oral presentation; and

7 (3) making the second oral presentation within one month of the date on which the first oral presentation
8 was made.

9
10 History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

11 Eff. July 1, 2024.

1 18 NCAC 07E .0404 is adopted as published in 38:09 NCR 576 as follows:

2
3 **18 NCAC 07E .0404 REPEAT ORAL PRESENTATION**

4 An instructor applicant who schedules an additional oral presentation pursuant to Rule .0403 of this Section shall
5 make a presentation on a topic selected by the Department from the notary instructor curriculum.

6
7 History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

8 Eff. July 1, 2024.

1 18 NCAC 07E .0405 is adopted as published in 38:09 NCR 576 as follows:

2
3 **18 NCAC 07E .0405 EVALUATION OF REPEAT ORAL PRESENTATION**

4 An instructor applicant who makes an additional oral presentation pursuant to Rule .0404 of this Section shall be
5 evaluated pursuant to the factors set out in Section .0300 of this Subchapter.

6
7 History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

8 Eff. July 1, 2024.

1 18 NCAC 07E .0406 is adopted as published in 38:09 NCR 576-577 as follows:

2
3 **18 NCAC 07E .0406 CONSEQUENCE OF FAILING TO PASS SECOND ORAL PRESENTATION**

4 An instructor applicant who fails to pass the second oral presentation within the time set in Rule .0403 of this Section
5 and who wishes to become a certified instructor shall comply again with Rule .0105 of this Subchapter.

6
7 History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

8 Eff. July 1, 2024.

1 18 NCAC 07E .0407 is adopted as published in 38:09 NCR 577 as follows:

2
3 **18 NCAC 07E .0407 CONSEQUENCES OF FAILING TO RECERTIFY**

4 An instructor applicant who does not comply with the requirements for instructor recertification before expiration of
5 the existing certification shall:

6 (1) notify the institutions at which the instructor taught prior to the expiration; and

7 (2) not teach a notary course before becoming certified as a notary instructor again.

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

10 Eff. July 1, 2024.

18 NCAC 07E .0601 is amended as published in 38:09 NCR 577 as follows:

18 NCAC 07E .0601 MINIMUM INSTRUCTIONAL DUTIES OF CERTIFIED NOTARY PUBLIC INSTRUCTORS

(a) A certified notary ~~public~~ instructor shall verify the identity of each student in a notary course during the first instructional period by:

(1) requiring satisfactory evidence of identity as defined in ~~G.S. 10B-3(22)(a)~~ G.S. 10B-3(22)a; or

(2) having personal knowledge of the student as defined in G.S. 10B-3(17).

(b) A certified notary instructor shall verify the identity of each student in a traditional notary course and again prior to administration of the notary public examination by requiring satisfactory evidence of identity as defined in G.S. 10B-3(22)(a); signing the application of a traditional notary applicant.

~~(b) A certified notary public instructor shall follow the Division supplied curriculum for notary public instruction unless the instructor has been granted approval by the Division for a variance.~~

(c) ~~While performing their duties as certified notary public instructors, A certified instructors instructor shall comply with applicable State and federal laws relating to adult education. the eligible institution's requirements regarding audits of courses, provided that the instructor shall not permit a student who is auditing to:~~

(1) see or take the notary course exam; or

(2) remain in the classroom during the notary course exam.

~~(d) When administering the notary public examination, a certified notary public instructor shall take steps to prevent cheating by students taking the notary public examination.~~

~~(e) When administering the notary public examination, a certified notary public instructor shall report to the Division within two business days if the instructor has reason to believe that there has been cheating on a notary public examination by any student, and shall provide:~~

(1) ~~The name, address and contact information for any student suspected of cheating; and~~

(2) ~~A narrative description of the instructor's reasons for believing cheating may have occurred.~~

~~(f) Notary public instructors shall submit student notary public examination grades to the Division within two business days after the examination has been administered.~~

~~(g) A notary public instructor shall demonstrate a professional demeanor at all times during instruction and administration of the duties of a certified notary public instructor.~~

~~(h) A notary public instructor shall not use profanity or obscene language when instructing the notary public course or administering the notary public examination.~~

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

Eff. January 1, 2008;

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

Transferred from 18 NCAC 07B .0716 Eff. June 1, ~~2023;~~ 2023;

1 18 NCAC 07E .0602 is adopted as published in 38:09 NCR 577 as follows:

2
3 **18 NCAC 07E .0602 ADHERENCE TO CURRICULUM**

4 A certified notary instructor shall follow the Department curriculum for notary courses unless the Department grants
5 a written variance to the instructor pursuant to the Rules in Section .0800 of this Subchapter.

6
7 History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

8 Eff. July 1, 2024.

1 18 NCAC 07E .0603 is adopted with changes as published in 38:09 NCR 577 as follows:

2
3 **18 NCAC 07E .0603 PROCTORING EXAM**

4 When administering the notary course exam, a certified notary instructor shall:

- 5 (1) comply with the requirements of the institution regarding proctoring exams;
- 6 (2) if the institution does not have requirements regarding exam proctoring, take steps to prevent
- 7 cheating on the exam; and
- 8 (3) take other measures to prevent cheating that the instructor deems appropriate.
- 9

10 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*

11 *Eff. July 1, 2024.*

1 18 NCAC 07E .0604 is adopted with changes as published in 38:09 NCR 577 as follows:

2
3 **18 NCAC 07E .0604 SUBMISSION OF GRADES TO DEPARTMENT**

4 ~~Notary~~ Certified notary instructors shall:

- 5 (1) grade notary course exams administered on paper;
- 6 (2) review grades for notary course exams administered electronically on the Department's website;
- 7 and
- 8 (3) electronically submit accurate student exam grades to the Department within two business days after
- 9 the exams have been administered.

10
11 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*
12 *Eff. July 1, 2024.*

1 18 NCAC 07E .0605 is adopted with changes as published in 38:09 NCR 577-578 as follows:

2
3 **18 NCAC 07E .0605 REPORTING SUSPECTED CHEATING**

4 A certified notary instructor shall:

5 (1) comply with the institution's reporting requirements regarding suspected cheating; and

6 (2) report to the Department within two business days if the instructor has reason to believe that there
7 has been cheating by any student on a notary course exam, and include:

8 (a) the name and, if available, address and contact information, for any student suspected of
9 cheating;

10 (b) a narrative description of the instructor's reasons for believing cheating may have occurred;

11 ~~(c)~~—— ~~additional supporting evidence;~~

12 ~~(d)~~(c) whether, when, and to whom the instructor reported the possible cheating at the institution;
13 and

14 ~~(e)~~(d) any other information such as additional supporting evidence that the instructor believes
15 may aid the Department in investigating the report.

16 NOTE: For purposes of this Rule, "additional supporting evidence" includes evidence such as videos, student
17 admissions, and witness reports.

18
19 *History Note:* *Authority G.S. 10B-4; 10B-14; 10B-134.21;*
20 *Eff. July 1, 2024.*

1 18 NCAC 07E .0701 is amended with changes as published in 38:09 NCR 578 as follows:

2
3 **18 NCAC 07E .0701 ADDITIONAL REQUIREMENTS RESPONSE TO COMPLAINTS**

4 If the ~~Division~~ Department receives information or a complaint regarding a certified notary instructor's qualifications
5 as an instructor or [notary,] notary public, or performance as an instructor, that gives reason to question the notary
6 public instructor's eligibility or ability to perform the duties of a notary public instructor, the Division may require the
7 notary public instructor to: shall, as directed by the [Department,] Department, perform any combination of the
8 following:

- 9 (1) ~~Submit~~ submit to an interview;
10 (2) ~~Submit~~ submit additional requested information; or
11 (3) ~~Submit~~ submit audio and visual documentation such as a video of actual instruction to the extent
12 available.

13
14 *History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*

15 *Eff. January 1, 2008;*

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

18 *Transferred from 18 NCAC 07B .0716 Eff. June 1, ~~2023~~, 2023;*

19 *Amended Eff. July 1, 2024.*

1 18 NCAC 07E .0702 is adopted as published in 38:09 NCR 578 as follows:

2
3 **18 NCAC 07E .0702 INSTRUCTOR CONDUCT**

4 During instruction and administration of the duties of a certified notary instructor, an instructor shall demonstrate a
5 professional demeanor.

6 For purposes of this Rule, “professional demeanor” means exhibiting behaviors consistent with the factors on which
7 an instructor applicant’s oral presentation is evaluated pursuant to Rules .0306 through .0312 of this Subchapter.

8
9 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*

10 *Eff. July 1, 2024.*

1 18 NCAC 07E .0801 is adopted with changes as published in 38:09 NCR 578 as follows:

2
3 **SECTION .0800 – NOTARY INSTRUCTOR REQUESTS FOR APPROVAL OF INSTRUCTIONAL AIDS**

4
5 **18 NCAC 07E .0801 REQUEST FOR VARIANCE FROM APPROVED INSTRUCTIONAL AIDS**

6 ~~Instructors~~ Certified notary instructors may submit a written request addressed to the Director requesting that the
7 Department approve a variance allowing use of instructional aids in addition to or differing from those established by
8 the Department.

9
10 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*

11 *Eff. July 1, 2024.*

1 18 NCAC 07E .0802 is adopted with changes as published in 38:09 NCR 578 as follows:

2
3 **18 NCAC 07E .0802 VARIANCE REQUEST - EXEMPLAR REQUIRED**

4 ~~An instructor~~ A certified notary instructor who submits a request for variance pursuant to this Section shall include a
5 complete copy of the proposed instructional aid in its original size and colors.

6
7 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*

8 *Eff. July 1, 2024.*

1 18 NCAC 07E .0803 is adopted with changes as published in 38:09 NCR 578 as follows:

2
3 **18 NCAC 07E .0803 VARIANCE REQUEST - EXPLANATION OF VALUE**

4 ~~An instructor~~ A certified notary instructor who submits a variance request shall explain to the Department how the
5 revised or new aid:

6 (1) will be used by the instructor; and

7 (2) will assist notary course students in understanding the role and responsibilities of a notary ~~public~~.
8 public or an electronic notary public.

9
10 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*

11 *Eff. July 1, 2024.*

1 18 NCAC 07E .0804 is adopted with changes as published in 38:09 NCR 578 as follows:

2
3 **18 NCAC 07E .0804 VARIANCE REQUEST – APPROVAL CRITERIA**

4 The Department shall approve or deny a variance request using the following criteria:

- 5 (1) conformity with Chapter 10B of the General Statutes and the ~~Rules~~ rules in this Chapter;
- 6 (2) the value added to the curriculum;
- 7 (3) the impact of the change on the length of the course; and
- 8 (4) the quality of visual or audio ~~elements; and elements.~~
- 9 ~~(5) — avoidance of confusion.~~

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

12 Eff. July 1, 2024.

1 18 NCAC 07E .0901 is adopted with changes as published in 38:09 NCR 578 as follows:

2
3 **SECTION .0900 – NOTARY INSTRUCTOR OBLIGATIONS TO STUDENTS**

4
5 **18 NCAC 07E .0901 ~~PREREQUISITES~~ PREREQUISITE FOR INSTRUCTOR APPLICATION**
6 **SIGNATURE**

7 ~~An instructor~~ A certified notary instructor shall sign a student's notary application only after the student has
8 successfully completed the course.

9
10 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*

11 *Eff. July 1, 2024.*

1 18 NCAC 07E .0902 is adopted with changes as published in 38:09 NCR 578 as follows:

2
3 **18 NCAC 07E .0902 INSTRUCTOR VERIFICATION OF STUDENT NAME**

4 A certified notary instructor ~~An instructor~~ shall not sign a student's notary application if the name on the satisfactory
5 evidence presented does not match the student's name for use on a notary commission.

6
7 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*

8 *Eff. July 1, 2024.*

1 18 NCAC 07E .0903 is adopted as published in 38:09 NCR 579 as follows:

2
3 **18 NCAC 07E .0903 RETESTING STUDENTS WHO FAIL NOTARY COURSE EXAM**

4 The institution where a notary course is taught shall determine whether a certified notary instructor may administer a
5 retest to a student who fails a notary course exam.

6
7 History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;

8 Eff. July 1, 2024.

1 18 NCAC 07E .0904 is adopted with changes as published in 38:09 NCR 579 as follows:

2
3 **18 NCAC 07E .0904 NOTICE TO DEPARTMENT OF RETESTING**

4 If a certified notary instructor retests a student who fails a notary course exam, the instructor shall:

- 5 (1) retest the student within 30 days ~~after~~ of the date of the course and failed exam; and
- 6 (2) submit the results of the retest to the Department within two business days of the date on which the
- 7 student retook the exam.

8
9 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*

10 *Eff. July 1, 2024.*

1 18 NCAC 07E .1001 is amended as published in 38:09 NCR 579 as follows:

2
3 **18 NCAC 07E .1001 STUDENT EVALUATIONS OF INSTRUCTION INSTRUCTORS**

4 ~~(a) If the employer of a certified notary public instructor conducts a written performance evaluation of the instructor~~
5 ~~at least once per calendar year, the instructor shall submit a copy of the performance evaluation to the Department~~
6 ~~within 30 days after receipt of the written performance evaluation from the employer.~~

7 ~~(b) If the employer of a certified notary public instructor does not conduct a written performance evaluation of the~~
8 ~~instructor at least once per calendar year, the~~ A certified notary instructor shall:

- 9 (1) ~~Require in each year of certification require that his or her notary public course students in at least~~
10 ~~one of the instructor's notary courses class each calendar year complete the Division's~~ Department's
11 ~~student evaluation of notary public course instructor form; form specified in 18 NCAC 07B .0417,~~
12 ~~unless the instructor's employer institution obtains student evaluations during the same period; and~~
13 (2) ~~Shall submit to the Department copies of all completed student evaluation forms completed pursuant~~
14 ~~to Item (1) of this Rule to the Division within 30 45 days of receipt of the completed forms. NOTE:~~
15 ~~Where the employer institution obtains student evaluations more frequently than once per~~
16 ~~certification year, evaluations for a single class in the certification year satisfy the requirements of~~
17 ~~this Item.~~

18 ~~(c) The Department may conduct evaluations of instructional performance of certified notary public instructors by~~
19 ~~methods including:~~

- 20 (1) ~~Surveys of notary public students;~~
21 (2) ~~Requests for audio visual recordings of courses; and~~
22 (3) ~~Observation of classroom instruction.~~

23
24 *History Note: Authority G.S. 10B-4; 40B-8; 10B-14; 10B-134.21;*

25 *Eff. January 1, 2008;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
27 *6, 2016;*

28 *Transferred from 18 NCAC 07B .0717 Eff. June 1, ~~2023;~~ 2023;*

29 *Amended Eff. July 1, 2024.*

1 18 NCAC 07E .1002 is adopted with changes as published in 38:09 NCR 579 as follows:

2
3 **18 NCAC 07E .1002 DEPARTMENTAL USE OF STUDENT EVALUATIONS**

4 In order to determine whether ~~an~~ a certified notary instructor shall receive coaching, counseling, or be subject to action
5 pursuant to G.S. 10B-60, the Department shall review student evaluations of the instructor for consistency with the
6 factors on which an instructor applicant's oral presentation is evaluated pursuant to Rules .0306 through .0312 of this
7 Subchapter.

8
9 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*

10 *Eff. July 1, 2024.*

1 18 NCAC 07E .1101 is amended with changes as published in 38:09 NCR 579 as follows:

2
3 **SECTION .1100 – NOTARY INSTRUCTOR ~~RE-CERTIFICATION~~ RE-CERTIFICATION**

4
5 **18 NCAC 07E .1101 ~~ELIGIBILITY~~ INELIGIBILITY FOR ~~RE-CERTIFICATION~~**
6 **RE-CERTIFICATION AS NOTARY INSTRUCTOR**

7 A certified notary ~~public~~ instructor shall not be eligible for recertification as a notary ~~public~~ instructor if the notary
8 ~~public~~ instructor:

- 9 (1) ~~Has failed to submit notary public student examination grades or notary public instructor evaluations~~
10 ~~to the Division as required by Rules .0716 and .0717 of this Chapter;~~
11 (2) ~~Has been subject to disciplinary action by the Division in relation to:~~
12 ~~(a) The performance of notary public duties pursuant to Chapter 10B of the General Statutes~~
13 ~~or this Chapter; or~~
14 ~~(b) The performance of notary public instructor duties; or~~
15 (3) ~~Has failed to comply with other requirements imposed upon a notary or notary public instructor~~
16 ~~pursuant to law or rule.~~
17 (1) no longer qualifies for initial commissioning as a notary public;
18 (2) has not taught at least two notary courses in each of the two immediately preceding instructor
19 certification years; or
20 (3) has failed to comply with other requirements imposed upon a notary or notary public instructor
21 pursuant to G.S. 10B-14 or the [Rules] rules in this Chapter.
22

23 *History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*

24 *Eff. January 1, 2008;*

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 07B .0718 Eff. June 1, 2023- 2023;*

28 *Amended Eff. July 1, 2024.*

1 18 NCAC 07E .1102 is amended as published in 38:09 NCR 579-580 as follows:

2
3 **18 NCAC 07E .1102 NOTARY PUBLIC INSTRUCTOR ~~RE-CERTIFICATION~~ RE-CERTIFICATION**
4 **REQUIREMENTS**

5 An applicant for recertification as a notary ~~public~~ instructor shall:

- 6 (1) ~~Complete~~ complete the Department's notary ~~public~~ instructor ~~application~~ recertification form
7 specified in 18 NCAC 07B .0418 and submit it to the Department; Department prior to lapse of
8 certification;
9 (2) ~~Comply with the requirements of Rule .0708 through Rule .0711 of this Chapter regarding~~
10 ~~verification of 12 months of experience performing notarial acts; successfully complete the notary~~
11 ~~instructor recertification course; and~~
12 (3) ~~Comply with the requirements of Rule .0713 of this Chapter regarding an oral presentation of a~~
13 ~~notary public course lesson;~~
14 (5) ~~Make a passing grade on the final examination in the notary public instructor certification~~
15 ~~recertification course as set forth in Rule .0714 of this Chapter;~~
16 (6)(3) ~~Except except~~ as otherwise provided in Rule .0705 of this Chapter, by G.S. 10B-14, pay the required
17 fee; and fee.
18 (7) ~~Submit an affidavit verifying that the applicant has taught the notary public instructor course at least~~
19 ~~twice a year during the two year certification period.~~

20
21 *History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*

22 *Eff. January 1, 2008;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
24 *6, 2016;*

25 *Transferred from 18 NCAC 07B .0719 Eff. June 1, ~~2023~~ 2023;*

26 *Amended Eff. July 1, 2024.*

1 18 NCAC 07E .1103 is amended as published in 38:09 NCR 580 as follows:

2
3 **18 NCAC 07E .1103 ~~DENIAL OF NOTARY PUBLIC INSTRUCTOR CERTIFICATION OR RE-~~**
4 **CERTIFICATION EQUIVALENCE**

5 ~~An application for notary public instructor certification or recertification may be denied:~~

6 (1) ~~For any reason for which an application for commissioning or recommissioning of a notary public~~
7 ~~may be denied; or~~

8 (2) ~~If an applicant no longer meets the requirements or fails to comply with the requirements to be a~~
9 ~~certified notary public instructor.~~

10 (a) Successful completion of the notary instructor course shall satisfy the requirements for successful completion of
11 the notary recommissioning exam and electronic notary course and exam.

12 (b) Paragraph (a) of this Rule shall apply only to a notary who:

13 (1) is a certified notary instructor when applying for recommissioning as a notary or reregistration as
14 an electronic notary; and

15 (2) is a certified notary instructor at the time of taking the recommissioning oath.

16
17 *History Note: Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21;*

18 *Eff. January 1, 2008;*

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 07B .0719 Eff. June 1, ~~2023;~~ 2023;*

22 *Amended Eff. July 1, 2024.*

1 18 NCAC 07E .1104 is adopted with changes as published in 38:09 NCR 580 as follows:

2
3 **18 NCAC 07E .1104 NOTARY INSTRUCTOR RECERTIFICATION COURSE ORAL**
4 **PRESENTATION**

5 The notary instructor recertification course shall include an oral presentation in addition to the written exam for:

- 6 (1) ~~an instructor's~~ a certified notary instructor's first recertification;
7 (2) an instructor who has taught no more than two notary courses in each of the two immediately
8 preceding certification years;
9 (3) an instructor whose student grades have on average been less than 85 percent;
10 (4) an instructor whose student evaluations for a single course have had a majority of ratings of less
11 than "Good" on:
12 (a) any one category of the evaluation form; or
13 (b) any combination of the evaluation form categories; or
14 (5) an instructor subject to Rule .1105 of this Section.

15
16 *History Note:* *Authority G.S. 10B-4; 10B-14; 10B-134.21;*
17 *Eff. July 1, 2024.*

1 18 NCAC 07E .1105 is adopted with changes as published in 38:09 NCR 580 as follows:

2
3 **18 NCAC 07E .1105 NOTARY INSTRUCTOR WITH LAPSE IN CERTIFICATION**

4 (a) A certified notary instructor who has a lapse between certification terms shall comply with the requirements for
5 initial certification as a notary instructor.

6 (b) Notwithstanding Paragraph (a) of this Rule, if the lapse is for less than six months and the instructor otherwise
7 qualifies, the instructor:

- 8 (1) may take the recertification course instead of the initial certification course; and
9 (2) shall make an oral presentation during the course.

10
11 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*
12 *Eff. July 1, 2024.*

1 18 NCAC 07E .1202 is adopted with changes as published in 38:09 NCR 580 as follows:

2
3 **SECTION .1200 – INSTRUCTOR APPLICATION DENIALS**

4
5 **18 NCAC 07E .1202 APPLICATION DENIAL – FAILURE TO NOTIFY DEPARTMENT OF**
6 **CHANGES**

7 The Department shall deny an application for notary instructor certification or recertification if the notary public or
8 instructor has failed to notify the Department of changes as required by Chapter 10B of the General Statutes or the
9 ~~Rules~~ rules in this Chapter.

10
11 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*
12 *Eff. July 1, 2024.*

1 18 NCAC 07E .1203 is adopted with changes as published in 38:09 NCR 580 as follows:

2
3 **18 NCAC 07E .1203 APPLICATION DENIAL – TERMINATION FOR CAUSE**

4 The Department shall deny an application for notary instructor recertification if the certified notary instructor has been
5 terminated by an eligible institution for cause.

6
7 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*
8 *Eff. July 1, 2024.*

1 18 NCAC 07E .1204 is adopted with changes as published in 38:09 NCR 580 as follows:

2
3 **18 NCAC 07E .1204 APPLICATION DENIAL – FAILURE TO SUBMIT EXAM GRADES**

4 The Department shall deny the application for recertification of ~~an~~ a certified notary instructor if the instructor
5 applicant has failed to submit student exam grades in accordance with Rule .0604 of this Subchapter more than once
6 in a certification year.

7
8 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*
9 *Eff. July 1, 2024.*

1 18 NCAC 07E .1205 is adopted with changes as published in 38:09 NCR 580 as follows:

2
3 **18 NCAC 07E .1205 APPLICATION DENIAL – DISCIPLINARY ACTION**

4 The Department shall deny an application for instructor certification or recertification if the notary public has been
5 the subject of a disciplinary action, other than a warning or denial, that is related to performance as a notary public,
6 an electronic notary public, or a notary instructor.

7
8 *History Note: Authority G.S. 10B-4; 10B-14; 10B-134.21;*
9 *Eff. July 1, 2024.*