1   18 NCAC 07J .1101 is adopted as published in 39:13 NCR 852 as follows:

2

3   **SECTION .1100 – BRIDGE PROVISIONS**

4

5   **18 NCAC 07J .1101   SAFE HARBOR**

6   An existing technology provider may continue to provide its IPEN solution under its previous approval until:

7   (1)   its first complete application submitted pursuant to Rule .1303 of this Subchapter has been approved

8   or denied;

9   (2)   it discontinues offering its IPEN solution in North Carolina and provides notice pursuant to Rules

10   .0215 and .0216 of this Subchapter; or

11   (3)   July 1, 2026, whichever is earlier.

12

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

14   *134.21; 10B-134.23;*

15   *Eff. July 1, 2025.*

1 18 NCAC 07J .1102 is adopted as published in 39:13 NCR 852 as follows:

2

3 **18 NCAC 07J .1102   DEADLINE FOR EXISTING TECH PROVIDER APPLICATIONS**

4 An existing technology provider shall:

5   (1)   submit an application for authorization of its IPEN solution:

6   (a)   no earlier than the effective date of the rules in this Subchapter; and

7   (b)   no later than April 1, 2026; or

8   (2)   provide notice no later than April 1, 2026, pursuant to Rules .0215 and .0216 of this Subchapter that

9   it will discontinue offering its IPEN solution in North Carolina.

10

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

12   *134.21; 10B-134.23;*

13   *Eff. July 1, 2025.*

18 NCAC 07J .1103 is adopted as published in 39:13 NCR 852 as follows:

18 NCAC 07J .1103   COMPLIANCE WITH RULES DURING BRIDGE PERIOD

An existing technology provider shall comply with the following rules between the effective date of the rules in this Subchapter and the applicable date in Rule .1102 of this Section:

        (1)   Rules .0101-.0102, .0104-.0108, and .0110 of this Subchapter;

        (2)   Rules .0201-.0202 of this Subchapter;

        (3)   Rule .0602 of this Subchapter;

        (4)   Rules .0701-.0706 of this Subchapter;

        (5)   Rules .1101-.1104 of this Section; and

        (6)   Rule .1202(2)-(4) and (6)-(8) of this Subchapter and Rules .1203-.1205 of this Subchapter.

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

Eff. July 1, 2025.

1   18 NCAC 07J .1104 is adopted <u>with changes</u> as published in 39:13 NCR 852 as follows:

2

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

4   If an existing technology provider operating pursuant to Rule .1101 of this Section undergoes a change reportable

5   pursuant to Rule .0201 of this Subchapter, it shall file an application pursuant to Section .1300 of this ~~Subchapter.~~

6   <u>Subchapter and not implement the change without Departmental approval of the application.</u>

7

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

9   *134.21; 10B-134.23;*

10   *Eff. July 1, 2025.*

1   18 NCAC 07J .1201 is adopted <u>with changes</u> as published in 39:13 NCR 852-853 as follows:

2

3   **SECTION .1200 – IPEN SOLUTION STANDARDS**

4

5   **18 NCAC 07J .1201   IPEN SOLUTION ACCOUNT CREATION**

6   An IPEN solution provider shall create an account for an electronic notary public only after it:

7   (1)   confirms the electronic notary's identity by using approved credential analysis and identity proofing

8   solutions;

9   (2)   receives the ~~electronic notary's commission certificate and~~ electronic notary registration certificate

10   from the electronic notary;

11   (3)   uses the Department's online database of notaries to:

12   (a)   search for the electronic notary by commission name and number;

13   (b)   verify whether the electronic notary:

14   (i)   is in active status as an electronic notary;

15   (ii)   the expiration date of the ~~individuals'~~ <u>individual's</u> commission certificate; and

16   (iii)   the county of commissioning of the electronic notary;

17   (4)   documents the electronic notary's designated custodian;

18   (5)   acquires an image of the electronic notary's handwritten signature or arranges for the electronic

19   notary to use its device to, by hand, electronically sign notarial certificates;

20   (6)   creates an image of the electronic notary's electronic notary seal that complies with 18 NCAC 07F

21   .0807;

22   (7)   provides to the Department an exemplar of:

23   (a)   the electronic notary's electronic signature; and

24   (b)   the electronic notary's electronic seal; and

25   (8)   receives confirmation of receipt of the electronic notary's signature and seal exemplars from the

26   Department.

27

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

29   *134.21; 10B-134.23;*

30   *Eff. July 1, 2025.*

1   18 NCAC 07J .1202 is adopted <u>with changes</u> as published in 39:13 NCR 853 as follows:

2

3   **18 NCAC 07J .1202**   **CHANGES TO ~~NOTARY COMMISSION~~ <u>ELECTRONIC REGISTRATION</u>**

4   **CERTIFICATE PRESENTED TO IPEN SOLUTION PROVIDER**

5   Upon receiving ~~a commission certificate or~~ <u>an</u> electronic notary registration certificate that differs from that previously

6   presented by an electronic notary public, the IPEN solution provider shall comply again with Rule .1201 of this

7   Section.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .1203 is adopted as published in 39:13 NCR 853 as follows:

2

3   **18 NCAC 07J .1203   VERIFICATION OF NOTARY STATUS**

4   When an electronic notary public initiates a notarial session, an IPEN solution provider shall use the Department's

5   notary public database to verify whether the electronic notary is in active status as an electronic notary.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .1204 is adopted <u>with changes</u> as published in 39:13 NCR 853 as follows:

2

3   **18 NCAC 07J .1204   INABILITY TO VERIFY ACTIVE STATUS**

4   If an IPEN solution provider cannot verify the active status of an electronic notary public, the provider shall:

5   (1)   not allow the <u>electronic</u> notary to proceed with the notarial session; and

6   (2)   enable the <u>electronic</u> notary's access to the IPEN solution only to search, view, print, and download

7   existing records.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .1205 is adopted as published in 39:13 NCR 853 as follows:

2

3   **18 NCAC 07J .1205   WHEN PROVIDER MAY RE-ENABLE FULL ACCESS**

4   An IPEN solution provider may re-enable an electronic notary public's full access to the solution if it can verify active

5   status pursuant to Rule .1203 of this Section.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .1206 is adopted as published in 39:13 NCR 853 as follows:

2

3   **18 NCAC 07J .1206   IPEN VERIFICATION OF CUSTODIAN**

4   If an IPEN solution provider does not offer custodial services, it shall not allow an electronic notary <u>public</u> to begin a

5   notarial session until:

6   (1)   the electronic notary discloses the name of the custodian with whom the notary has contracted for

7   custodial services; or

8   (2)   the electronic notary ~~states~~ <u>discloses</u> that he or she will be a custodial notary.

9

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

11   *134.21; 10B-134.23;*

12   *Eff. July 1, 2025.*

1   18 NCAC 07J .1207 is adopted as published in 39:13 NCR 853 as follows:

2

3   **18 NCAC 07J .1207   FORMAT OF SESSION RECORD**

4   An IPEN solution shall render a session record tamper evident by:

5   (1)   preserving it in PDF/A format; and

6   (2)   signing the PDF/A with a verifiable digital certificate to indicate the IPEN solution from which the

7   notarized electronic record originated and prevent further alteration.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .1208 is adopted as published in 39:13 NCR 853-854 as follows:

2

3   **18 NCAC 07J .1208   IPEN SOLUTION DISCLOSURE**

4   Following the information required by Rule .0608 of this Subchapter, an IPEN solution provider shall:

5   (1)   publish the information required by Rule .1209 of this Section; and

6   (2)   display the information as required by Rule .1210 of this Section.

7

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

9   *134.21; 10B-134.23;*

10   *Eff. July 1, 2025.*

1   18 NCAC 07J .1209 is adopted as published in 39:13 NCR 854 as follows:

2

3   **18 NCAC 07J .1209   CONTENT OF ADDITIONAL IPEN SOLUTION DISCLOSURES**

4   An IPEN solution provider's additional disclosures pursuant to Rule .1208 of this Section shall include information

5   regarding:

6   (1)   records retention:

7   (a)   whether the IPEN solution retains a copy of the notarized document upon conclusion of

8   the notarial session and, if so, for how long; and

9   (b)   whether the IPEN solution retains the principal's personal information upon conclusion of

10   the notarial session and, if so, for how long;

11   (2)   availability:

12   (a)   projected IPEN solution unavailability due to monthly scheduled maintenance;

13   (b)   the business hours during which a customer support representative is available for

14   consultation; and

15   (c)   average wait time during business hours for a response from a customer support

16   representative; and

17   (3)   the IPEN solution provider's technical issue resolution targets, which shall include:

18   (a)   categorization of issue severity based on a numeric scale or denoted by single words such

19   as "critical," "high," "medium," and "low;"

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

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

22

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

24   *134.21; 10B-134.23;*

25   *Eff. July 1, 2025.*

1   18 NCAC 07J .1210 is adopted <u>with changes</u> as published in 39:13 NCR 854 as follows:

2

3   **18 NCAC 07J .1210   IPEN SOLUTION DISCLOSURE FORMAT**

4   An IPEN solution provider shall present the additional disclosures required by Rule .1208 of this Section in tabular

5   form in the order shown in the table in this Rule:

6   (1)   add horizontal rows in the service disruption response time section as needed to describe each

7   category;

8   (2)   engineer as specified in the Department's protocols to support accommodation pursuant to G.S. 10B-

9   134.1(1); and

10   (3)   replace the rule references with the provider's ~~response to the question in the first column.~~ <u>responses.</u>

11

[Insert Technology Provider Name]		
IPEN Solution Disclosures		
Does IPEN solution retain a copy of the notarized document?	[Rule .1209(1)(a) of this Section]	
Does IPEN solution retain principals' personal information?	[Rule .1209(1)(b) of this Section]	
Projected monthly unavailability due to maintenance?	[Rule .1209(2)(a) of this Section]	
Customer support hours?	[Rule .1209(2)(b) of this Section]	
Average customer support response time?	[Rule .1209(2)(c) of this Section]	
Unscheduled Service Disruption Response Times		
Service Disruption Categorization?	**Category Description?**	**Projected Response Time?**
[Rule .1209(3)(a)]	[Rule .1209(3)(b)]	[Rule .1209(3)(c)]

12

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

14   *134.21; 10B-134.23;*

15   *Eff. July 1, 2025.*

1   18 NCAC 07J .1301 is adopted as published in 39:13 NCR 854 as follows:

2

3   **SECTION .1300 – APPLICATION FOR IN-PERSON ELECTRONIC NOTARIZATION SERVICES**
4   **AUTHORIZATION**

5

6   **18 NCAC 07J .1301   REQUIREMENTS FOR AUTHORIZATION TO PROVIDE IPEN SERVICES**

7   An IPEN provider applicant shall meet requirements established in:

8   (1)   Article 2 of Chapter 10B of the General Statutes; and

9   (2)   the rules in this Subchapter, except:

10   (a)   Section .0900; and

11   (b)   Sections .1400-.2200.

12

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

1   18 NCAC 07J .1302 is adopted as published in 39:13 NCR 854 as follows:

2

3   **18 NCAC 07J .1302   DURATION OF IPEN SOLUTION APPROVAL**

4   The Department's approval of an IPEN solution authorizes the IPEN solution provider to offer its solution to North

5   Carolina notaries public for three years from the date of the approval.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .1303 is adopted as published in 39:13 NCR 854 as follows:

2

3   **18 NCAC 07J .1303   APPLICATION FORM FOR IPEN SERVICES**

4   An IPEN provider applicant shall complete and submit the form described in 18 NCAC 07B .0423.

5

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

7   *134.21; 10B-134.23;*

8   *Eff. July 1, 2025.*

1   18 NCAC 07J .1304 is adopted as published in 39:13 NCR 855 as follows:

2

3   **18 NCAC 07J .1304   IDENTIFICATION OF KEY INDIVIDUALS**

4   An IPEN provider applicant shall list key individuals in its application by reference to:

5   (1)   the applicant's organizational structure; and

6   (2)   the duties of its officers, directors, and employees.

7

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

9   *10B-134.23;*

10   *Eff. July 1, 2025.*

1   18 NCAC 07J .1305 is adopted as published in 39:13 NCR 855 as follows:

2

3   **18 NCAC 07J .1305   APPLICATION REQUIREMENTS FOR IPEN PROVIDER KEY INDIVIDUALS**

4   An IPEN provider applicant shall provide to the Department the following information for each key individual

5   identified pursuant to Rule .1304 of this Subchapter:

6   (1)   the information required by 18 NCAC 07B .0402(1);

7   (2)   the key individual's position title;

8   (3)   a nationwide criminal history record for a key individual residing in the United States that:

9   (a)   includes applicable records from all United States jurisdictions;

10   (b)   is prepared at the applicant's expense; and

11   (c)   is issued no more than 90 days before the application date;

12   (4)   a criminal history record for a key individual residing outside the United States with:

13   (a)   a nationwide criminal history record from their country of residence; and

14   (b)   the nationwide criminal history record required by Item (3) of this Rule; and

15   (5)   a written statement by each key individual certifying under penalty of perjury:

16   (a)   whether the criminal history record submitted is complete or incomplete; and

17   (b)   that the key individual has provided the applicant with the information required by 18

18   NCAC 07B Section .0500, including submission of affidavits of moral character if

19   applicable.

20

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

22   *10B-134.23;*

23   *Eff. July 1, 2025.*

1   18 NCAC 07J .1306 is adopted <u>with changes</u> as published in 39:13 NCR 855 as follows:

2

3   **18 NCAC 07J .1306**   **FREQUENCY OF CRIMINAL HISTORY RECORD CHECKS FOR KEY**
4   **INDIVIDUALS**

5   Criminal history record checks for key individuals that are submitted by an IPEN provider applicant shall:

6   (1)   be valid for three years; or

7   (2)   be updated <u>as required</u> pursuant to 18 NCAC 07B .0505 and .0506.

8

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

1   18 NCAC 07J .1307 is adopted as published in 39:13 NCR 855 as follows:

2

3   **18 NCAC 07J .1307**   **WHEN   MORE   FREQUENT   CRIMINAL   HISTORY   RECORD   CHECKS**
4   **REQUIRED**

5   An IPEN provider's notice of changes pursuant to Item (2) of Rule .0203 of this Subchapter shall be made:

6   (1)   within the time set forth in Rule .0203 of this Subchapter; and

7   (2)   using the form specified in 18 NCAC 07B .0411.

8

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

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

2

3   **SECTION .1400 – PLATFORM STANDARDS**

4

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

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

7   (1)   <u>use of</u> communication ~~technology;~~ <u>technology as defined in G.S. 10B-134.1(1) that complies with</u>

8   <u>Section .0900 of this Subchapter;</u>

9   (2)   <u>use of</u> geolocation ~~when a remotely located principal connects to the platform using a GPS-enabled~~

10   ~~device;~~ <u>as defined in G.S. 10B-134.1(4a) and Rule .0101(9) of this Subchapter that</u>

11   <u>complies with the requirements of this Subchapter;</u>

12   (3)   <u>use of</u> credential ~~analysis;~~ <u>analysis as defined in G.S. 10B-134.1(3) that complies with Section .1600</u>

13   <u>of this Subchapter;</u>

14   (4)   <u>use of</u> identity ~~proofing;~~ <u>proofing as defined in G.S. 10B-134.1(5) that complies with Section .1800</u>

15   <u>of this Subchapter;</u>

16   (5)   <u>an</u> electronic ~~journal;~~ <u>journal as defined in G.S. 10B-134.1(4) that complies with Section .0800 of</u>

17   <u>this Subchapter;</u>

18   (6)   <u>the capability to attach or logically associate the electronic notary public's</u> electronic signature and

19   ~~seal; and~~ <u>seal that complies with Section .0700 of this Subchapter; and</u>

20   (7)   <u>a</u> depository ~~services.~~ <u>as defined in Rule .0101(5) of this Subchapter that complies with Section</u>

21   <u>.1000 of this Subchapter.</u>

22

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

24   *10B-134.23;*

25   *Eff. July 1, 2025.*

1   18 NCAC 07J .1402 is adopted as published in 39:13 NCR 855 as follows:

2

3   **18 NCAC 07J .1402   PLATFORM FUNCTIONS FOR TRADITIONAL NOTARY**

4   (a) A platform provider shall allow a traditional notary public with whom it has a contract to:

5   (1)   use its platform to administer an oath or affirmation pursuant to G.S. 10B-134.9(d);

6   (2)   search, review, download, and print the notary's electronic journal entries, if any.

7   (b) A traditional notary may make an entry into an electronic journal offered by the platform only if the notary

8   designates a custodian.

9

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

11   *10B-134.23;*

12   *Eff. July 1, 2025.*

1   18 NCAC 07J .1403 is adopted <u>with changes</u> as published in 39:13 NCR 855 as follows:

2

3   18 NCAC 07J .1403   PLATFORM SESSION RECORD FOR TRADITIONAL NOTARY

4   A platform provider shall create a session record for a notarial session in which a traditional notary makes ~~a~~ <u>an</u>

5   <u>electronic</u> journal entry pursuant to ~~Rule .1402~~ <u>Rule .1402(b)</u> of this Section.

6

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

8   *10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .1404 is adopted as published in 39:13 NCR 855-856 as follows:

2

3   **18 NCAC 07J .1404   PLATFORM FUNCTIONS UNAVAILABLE TO TRADITIONAL NOTARY**

4   A platform shall not allow a traditional notary public to:

5   (1)   create an electronic signature or seal for use in performing electronic or remote electronic notarial

6   acts;

7   (2)   apply an electronic notary seal; or

8   (3)   perform a remote notarial act other than as provided in Rule .1402 of this Section.

9

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

11   *10B-134.23;*

12   *Eff. July 1, 2025.*

1   18 NCAC 07J .1405 is adopted as published in 39:13 NCR 856 as follows:

2

3   **18 NCAC 07J .1405   REASONABLE ACCOMMODATION**

4   A platform provider shall accommodate a principal with vision, hearing, or speech impairment using:

5   (1)   auxiliary aids;

6   (2)   interpreters or transliteraters; or

7   (3)   CART captioning.

8

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

10   *10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .1406 is adopted <u>with changes</u> as published in 39:13 NCR 856 as follows:

2

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

4   A platform provider shall detect whether any device used by a principal <u>to connect with the platform</u> during the notarial

5   transaction process is:

6   (1)   GPS-enabled; and

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

8

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

10   *10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .1407 is adopted as published in 39:13 NCR 856 as follows:

2

3   **18 NCAC 07J .1407   GEOLOCATION COMMUNICATION TO NOTARY**

4   A platform provider shall take the following steps after making the determination required by Rule .1406 of this

5   Section:

6   (1)   communicate the location of the principal to the notary public by displaying it on a map; or

7   (2)   inform the notary that the principal:

8   (a)   is not using a GPS-enabled device; or

9   (b)   has disabled location services on a GPS-enabled device.

10

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

12   *10B-134.23;*

13   *Eff. July 1, 2025.*

1   18 NCAC 07J .1408 is adopted <u>with changes</u> as published in 39:13 NCR 856 as follows:

2

3   **18 NCAC 07J .1408   NOTICE OF IMAGE OR VOICE ALTERATION**

4   A platform shall notify the notary if it detects that the image or voice of a remotely located principal ~~has been~~ <u>appears</u>

5   <u>to be</u> altered, ~~filtered,~~ <u>unnatural,</u> or simulated.

6

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

8   *10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .1409 is adopted as published in 39:13 NCR 856 as follows:

2

3   **18 NCAC 07J .1409   PERSONAL KNOWLEDGE**

4   A platform shall provide a means to bypass credential analysis and identity proofing functions if the traditional notary

5   public or electronic notary public confirms that the principal is personally known to the notary.

6

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

8   *10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .1410 is adopted <u>with changes</u> as published in 39:13 NCR 856 as follows:

2

3   **18 NCAC 07J .1410**   **PLATFORM ACCOUNT CREATION FOR ELECTRONIC NOTARY**

4   A platform provider shall create an account for an electronic notary public only after it:

5   (1)   confirms the electronic notary's identity by using approved credential analysis and identity proofing

6   solutions;

7   (2)   receives the ~~electronic notary's commission certificate and~~ electronic notary registration certificate

8   from the <u>electronic</u> notary;

9   (3)   uses the Department's online database of notaries to:

10   (a)   search for the electronic notary by commission name and number;

11   (b)   verify:

12   (i)   whether the electronic notary is in active status as an electronic notary;

13   (ii)   the expiration date of the electronic notary's commission certificate; and

14   (iii)   the county of the commissioning of the electronic notary;

15   (4)   documents the electronic notary's designated custodian;

16   (5)   acquires an image of the electronic notary's handwritten signature or arranges for the electronic

17   notary to use its device to, by hand, electronically sign notarial certificates;

18   (6)   creates an image of the electronic notary's seal that complies with 18 NCAC 07F .0807;

19   (7)   provides to the Department an exemplar ~~of:~~ <u>that is:</u>

20   (a)   the <u>image of the</u> electronic notary's ~~signature; and~~ <u>signature created pursuant to Item (5) of</u>

21   <u>this Rule; and</u>

22   (b)   ~~an~~ <u>the</u> image of the electronic notary's ~~seal;~~ <u>seal created pursuant to Item (6) of this Rule;</u>

23   and

24   (8)   receives confirmation of receipt of the electronic notary's signature and seal exemplars from the

25   Department.

26

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

28   *10B-134.23;*

29   *Eff. July 1, 2025.*

1   18 NCAC 07J .1411 is adopted as published in 39:13 NCR 856-857 as follows:

2

3   **18 NCAC 07J .1411   PLATFORM ACCOUNT CREATION FOR TRADITIONAL NOTARY**

4   A platform provider shall create an account for a traditional notary public only after it:

5   (1)   confirms the notary's identity by using approved credential analysis and identity proofing solutions;

6   (2)   receives the notary's commission certificate from the notary;

7   (3)   uses the Department's online database of notaries to verify:

8   (a)   whether the notary is in active status as a notary;

9   (b)   the expiration date of the notary's commission certificate; and

10   (c)   the county of the commissioning of the notary; and

11   (4)   documents the notary's designated custodian, if the notary will use the platform's electronic journal.

12

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

14   *10B-134.23;*

15   *Eff. July 1, 2025.*

1   18 NCAC 07J .1412 is adopted as published in 39:13 NCR 857 as follows:

2

3   **18 NCAC 07J .1412   CHANGES   TO   COMMISSION   OR   REGISTRATION   CERTIFICATE**
4   **PRESENTED TO PLATFORM**

5   Upon receiving a commission certificate or electronic notary registration certificate that differs from that previously

6   presented by a traditional notary public or an electronic notary public, the platform provider shall comply again with

7   Rules .1410-.1411 of this Section, as applicable.

8

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

1   18 NCAC 07J .1413 is adopted as published in 39:13 NCR 857 as follows:

2

3   **18 NCAC 07J .1413   VERIFICATION OF NOTARY STATUS**

4   When a traditional notary public or an electronic notary public initiates a notarial session, a platform shall use the

5   Department's notary public database to verify whether:

6   (1)   the notary public is in active status; and

7   (2)   if the notary is an electronic notary, whether the notary is in active status as an electronic notary.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .1414 is adopted as published in 39:13 NCR 857 as follows:

2

3   **18 NCAC 07J .1414   INABILITY TO VERIFY ELECTRONIC NOTARY STATUS**

4   If a platform cannot verify that an electronic notary public is in active status as an electronic notary, the platform shall

5   not allow the electronic notary to perform any remote electronic notarial acts other than oaths and affirmations

6   pursuant to G.S. 10B-134.9(d).

7

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

9   *134.21; 10B-134.23;*

10   *Eff. July 1, 2025.*

1   18 NCAC 07J .1415 is adopted as published in 39:13 NCR 857 as follows:

2

3   18 NCAC 07J .1415   PLATFORM ACCESS FOR NOTARY NOT IN ACTIVE STATUS

4   If, pursuant to Rule .1413 of this Section, a platform provider is unable to determine that a notary public is in active

5   status, the platform:

6   (1)   shall not allow the notary to administer oaths or affirmations pursuant to G.S. 10B-134.9(d); and

7   (2)   shall allow the notary access to any of the notary's existing journal entries on the platform depository

8   to search, review, print, or download until the entries are transferred to a custodian.

9

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

11   *134.21; 10B-134.23;*

12   *Eff. July 1, 2025.*

1   18 NCAC 07J .1416 is adopted <u>with changes</u> as published in 39:13 NCR 857 as follows:

2

3   **18 NCAC 07J .1416   VERIFICATION PRIOR TO REMOTELY ADMINISTERING JUDICIAL OATHS**
4   **AND AFFIRMATIONS**
5   After verifying the status of a notary public, a platform shall allow a traditional notary in active status or an electronic
6   notary whose registration is not active but whose notary commission is active only to:
7   (1)   proceed with the session and administer oaths or affirmations pursuant to G.S. 10B-134.9(d);
8   (2)   create an electronic journal ~~entry,~~ <u>entry for an oath or affirmation pursuant to Item (1),</u> if applicable;
9   and
10   (3)   search, review, print, or download existing journal entries, if applicable.

11

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

1   18 NCAC 07J .1417 is adopted as published in 39:13 NCR 857 as follows:

2

3   **18 NCAC 07J .1417   WHEN PROVIDER MAY RE-ENABLE FUNCTIONS**

4   A platform provider may restore a notary's or electronic notary's privileges at any time after verifying through the

5   Department's notary database that the notary or electronic notary is in active status.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .1418 is adopted as published in 39:13 NCR 857 as follows:

2

3   18 NCAC 07J .1418   FORMAT OF SESSION RECORD

4   A platform shall render a session record tamper evident by:

5   (1)   preserving it in PDF/A format; and

6   (2)   signing the PDF/A with a verifiable digital certificate to indicate the platform from which the

7   notarized electronic record originated and prevent further alteration.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .1419 is adopted <u>with changes</u> as published in 39:13 NCR 857 as follows:

2

3   **18 NCAC 07J .1419   NOTARY COUNT OF NOTARIAL ACTS**

4   ~~(a)~~ A platform shall require the notary public to enter the number of ~~notarial acts performed during a notarial session.~~

5   <u>oaths or affirmations administered without a principal's signature.</u>

6   ~~(b) A platform shall not populate the entry field in Paragraph (a) of this Rule nor disclose its automatic tabulation of~~

7   ~~notarial acts to the notary public before the end of the notarial session.~~

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

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

2

3   **18 NCAC 07J .1420**   ~~**PLATFORM COUNT OF NOTARIAL ACTS**~~ <u>**FIELD FOR COUNT OF OATHS OR**</u>

4   <u>**AFFIRMATIONS WITHOUT PRINCIPAL SIGNATURES**</u>

5   <u>A platform shall design its system to provide a field for a notary public to enter the count of oaths or affirmations</u>

6   <u>administered to principals without principal signatures.</u>

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

8   ~~by:~~

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

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

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

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

13

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

15   *134.21; 10B-134.23;*

16   *Eff. July 1, 2025.*

1   18 NCAC 07J .1421 is adopted <u>with changes</u> as published in 39:13 NCR 858 as follows:

2

3   **18 NCAC 07J .1421   PLATFORM PROVIDER CALCULATION OF MONTHLY ~~FEES~~ <u>FEE</u>**

4   **REMISSION OWED TO THE DEPARTMENT**

5   When a platform calculates the total amount of monthly fees owed to the Department, the platform shall multiply <u>the</u>

6   five ~~dollars~~ <u>dollar</u> ($5.00) <u>fee</u> per notarial act by the count of notarial acts entered pursuant to ~~Rule .1419~~ <u>Rule .1017(3)</u>

7   of this ~~Section~~ <u>Subchapter</u> by all notaries using the platform in the preceding calendar month.

8

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

10 *134.21; 10B-134.23;*

11 *Eff. July 1, 2025.*

1   18 NCAC 07J .1422 is adopted <u>with changes</u> as published in 39:13 NCR 858 as follows:

2

3   **18 NCAC 07J .1422   PLATFORM FEES INDEPENDENT OF NOTARY FEES PAID BY PRINCIPALS**

4   A platform shall not deduct the five ~~dollars~~ <u>dollar</u> ($5.00) ~~fees~~ <u>fee</u> owed to the Department from ~~fees~~ <u>the fee</u> paid by

5   principals to notaries public <u>for any notarial act</u> pursuant to G.S. 10B-31.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .1423 is adopted as published in 39:13 NCR 858 as follows:

2

3   **18 NCAC 07J .1423   TIMING OF MONTHLY FEE REMISSION**

4   A platform provider shall make the remittance pursuant to G.S. 10B-134.19(g) no later than 30 days after the calendar

5   month for which fees shall be remitted.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .1424 is adopted as published in 39:13 NCR 858 as follows:

2

3   **18 NCAC 07J .1424   FEE REMISSION LOG**

4   A platform provider shall submit a fee remission log to the Department summarizing its monthly fee remission.

5

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

7   *134.21; 10B-134.23;*

8   *Eff. July 1, 2025.*

1   18 NCAC 07J .1425 is adopted <u>with changes</u> as published in 39:13 NCR 858 as follows:

2

3   **18 NCAC 07J .1425   FEE REMISSION LOG CONTENTS**

4   A platform's fee remission log shall include:

5   (1)   for each session record:

6   (a)   the session record identifier;

7   (b)   each journal entry identifier;

8   (c)   whether the notarial acts were completed;

9   (d)   whether the session record identifier applies to a supplemental journal entry;

10   (e)   whether the session record identifier applies to administration of oaths or affirmations

11   pursuant to G.S. 10B-134.9(d) for which no electronic journal entry was made;

12   (2)   the number of completed notarial acts for the month calculated pursuant to ~~Rule .1419~~ Rule .1017(3)

13   of this ~~Section;~~ Subchapter; and

14   ~~(3)   the number of completed notarial acts for the month calculated pursuant to Rule .1420 of this~~

15   ~~Section; and~~

16   ~~(4)~~(3) the total fee remitted to the Department pursuant to Rule .1421 of this Section.

17

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

19   *134.21; 10B-134.23;*

20   *Eff. July 1, 2025.*

1   18 NCAC 07J .1426 is adopted as published in 39:13 NCR 858 as follows:

2

3   **18 NCAC 07J .1426   FEE REMISSION LOG RETENTION**

4   A platform provider shall maintain a copy of each fee remission log submitted to the Department for no less than five

5   years.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .1427 is adopted as published in 39:13 NCR 858 as follows:

2

3   **18 NCAC 07J .1427   ADDITIONAL PLATFORM DISCLOSURES**

4   Following the information required for the provider's webpage by Rule .0608 of this Subchapter, a platform shall:

5   (1)   publish the information required by Rule .1428 of this Section or a link to it; and

6   (2)   display the information as required by Rule .1429 of this Section.

7

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

9   *134.21; 10B-134.23;*

10   *Eff. July 1, 2025.*

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

2

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

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

5   (1)   records retention:

6   (a)   whether the platform retains a copy of the notarized document upon conclusion of the

7   notarial session and, if so, for how long; and

8   (b)   whether the platform retains the principal's personal information upon conclusion of the

9   notarial session and, if so, for how long;

10   (2)   devices for use with the platform:

11   (a)   the electronic device types required for the principal to complete a notarial transaction.

12   Note: Examples of such designations include "computer only," "mobile device only,"

13   "computer or mobile device," or "computer and mobile device"; and

14   (b)   the types of auxiliary aids that have been successfully tested with the platform. Note:

15   Examples of auxiliary aids include screen reader software and magnification software;

16   (3)   availability:

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

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

19   consultation; and

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

21   representative;

22   (4)   the maximum number of remote connections that the platform can simultaneously support for a

23   single notarial transaction; and

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

25   (a)   categorization of service disruptions based on a numeric scale or denoted by single words

26   such as "critical," "high," "medium," and "low;"

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

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

29

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

31   *134.21; 10B-134.23;*

32   *Eff. July 1, 2025.*

1   18 NCAC 07J .1429 is adopted <u>with changes</u> as published in 39:13 NCR 859 as follows:

2

3   **18 NCAC 07J .1429   PLATFORM DISCLOSURE FORMAT**

4   A platform provider shall present the additional disclosures required by Rule .1427 of this Section in tabular form in

5   the order shown in the table in this Rule:

6   (1)   add horizontal rows to the table of service disruption response times as needed to describe each

7   category;

8   (2)   engineer the table as specified in the Department's protocols to support accommodation pursuant to

9   G.S. 10B-134.1(1); and

10   (3)   replace the rule references with the provider's ~~response to the question in the first column.~~ <u>responses.</u>

11

[**Insert Technology Provider Name**]	
Platform Disclosures	
Does platform retain a copy of the notarized document?	[Rule .1428(1)(a) of this Section]
Does platform retain principal's personal information?	[Rule .1428(1)(b) of this Section]
What devices may a principal use to complete a notarial transaction?	[Rule .1428(2)(a) of this Section]
Which auxiliary aids have been successfully tested for use with the platform?	[Rule .1428(2)(b) of this Section]
Projected monthly unavailability due to maintenance?	[Rule .1428(3)(a) of this Section]
Customer support hours?	[Rule .1428(3)(b) of this Section]
Average customer support response time?	[Rule .1428(3)(c) of this Section]
Number of connections supported for a single notarial session?	[Rule .1428(4) of this Section]

Unscheduled Service Disruption Response Times		
Service Disruption Categorization?	**Category Description?**	**Projected Response Time?**
[Rule .1428(5)(a) of this Section]	[Rule .1428(5)(b) of this Section]	[Rule .1428(5)(c) of this Section]

12

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

14   *134.21; 10B-134.23;*

15   *Eff. July 1, 2025.*

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

2

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

4

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

6   A platform provider applicant shall establish through its application and demonstration that its platform meets all

7   requirements established in:

8   (1)   Article 2 of Chapter 10B of the General Statutes;

9   (2)   the applicable provisions of the Department's Protocols; and

10   (3)   the rules in this Subchapter except:

11   (a)   Section .1100;

12   (b)   Section .1200;

13   (c)   Section .1300;

14   (d)   Section .2000;

15   (e)   Section .2100; and

16   (f)   Section .2200.

17

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

19   *134.21; 10B-134.23;*

20   *Eff. July 1, 2025.*

1 18 NCAC 07J .1502 is adopted <u>with changes</u> as published in 39:13 NCR 859 as follows:

2

3 **18 NCAC 07J .1502 DURATION OF PLATFORM LICENSE**

4 A platform license from the Department authorizes the platform provider to ~~directly or indirectly~~ offer its platform

5 ~~solution~~ <u>solution, directly or indirectly,</u> to North Carolina notaries public for one year from the date of its approval.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1 18 NCAC 07J .1503 is adopted as published in 39:13 NCR 859-860 as follows:

2

3 **18 NCAC 07J .1503 APPLICATION FORM FOR PLATFORM LICENSE**

4 An applicant for a platform license shall complete and submit the form described in 18 NCAC 07B .0424.

5

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

7 *134.21; 10B-134.23;*

8 *Eff. July 1, 2025.*

1   18 NCAC 07J .1504 is adopted as published in 39:13 NCR 860 as follows:

2

3   **18 NCAC 07J .1504   IDENTIFICATION OF KEY INDIVIDUALS**

4   A platform provider applicant shall list key individuals in its application by reference to:

5   (1)   the applicant's organizational structure; and

6   (2)   the duties of its officers, directors, and employees.

7

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

9   *134.21; 10B-134.23;*

10   *Eff. July 1, 2025.*

1   18 NCAC 07J .1505 is adopted as published in 39:13 NCR 860 as follows:

2

3   **18 NCAC 07J .1505   APPLICATION REQUIREMENTS FOR PLATFORM KEY INDIVIDUALS**

4   A platform provider applicant shall provide to the Department the following information for each key individual

5   identified pursuant to Rule .1504 of this Subchapter:

6   (1)   the information required by 18 NCAC 07B .0402(1);

7   (2)   the key individual's position title;

8   (3)   the key individual's country of residence;

9   (4)   a nationwide criminal history record for a key individual residing in the United States that:

10   (a)   includes applicable records from all United States jurisdictions;

11   (b)   is prepared at the applicant's expense; and

12   (c)   is issued no more than 90 days before the application date;

13   (5)   a criminal history record for a key individual residing outside the United States with:

14   (a)   a nationwide criminal history record from their country of residence; and

15   (b)   the nationwide criminal history record required by Item (4) of this Rule; and

16   (6)   written statement by each key individual certifying under penalty of perjury:

17   (a)   whether the criminal history record submitted is complete or incomplete; and

18   (b)   that the key individual has provided the applicant with the information required by 18

19   NCAC 07B Section .0500 including submission of affidavits of moral character if

20   applicable.

21

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

23   *10B-134.23;*

24   *Eff. July 1, 2025.*

1   18 NCAC 07J .1506 is adopted <u>with changes</u> as published in 39:13 NCR 860 as follows:

2

3   **18 NCAC 07J .1506   FREQUENCY   OF   CRIMINAL   HISTORY   RECORD   CHECKS   FOR   KEY**

4   **INDIVIDUALS**

5   Criminal history record checks for key individuals that are submitted by a platform provider applicant shall:

6   (1)   be valid for three years; or

7   (2)   be updated <u>as required</u> pursuant to 18 NCAC 07B .0505 and .0506.

8

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

10   *10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .1507 is adopted as published in 39:13 NCR 860 as follows:

2

3   18 NCAC 07J .1507   WHEN MORE FREQUENT CRIMINAL HISTORY RECORD CHECKS
4   REQUIRED

5   A platform's notice of changes pursuant to Item (2) of Rule .0203 of this Subchapter shall be made:

6   (1)   within the time set forth in Rule .0203 of this Subchapter; and

7   (2)   using the form specified in 18 NCAC 07B .0411.

8

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

10   *10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .1601 is adopted as published in 39:13 NCR 860-861 as follows:

2

3   **SECTION .1600 – CREDENTIAL ANALYSIS STANDARDS**

4

5   **18 NCAC 07J .1601   SECTION DEFINITIONS**

6   For the purposes of the rules in this Section:

7   (1)   "Credential verification false negative rate" means the number of authentic credentials that fail the

8   credential analysis trial process divided by the number of authentic credentials tested.

9   (2)   "Credential verification false positive rate" means the total number of inauthentic or modified

10   credentials that pass the credential analysis trial process divided by the number of inauthentic or

11   modified credentials tested.

12   (3)   "Facial match false negative rate" means the number of times a credential is presented by the

13   individual to whom the credential belongs, and fails the facial match test, divided by the number of

14   tests in which the credential depicts the individual offering the credential.

15   (4)   "Facial match false positive rate" means the number of times a credential is presented by an

16   individual to whom the credential does not belong and passes the facial match test, divided by the

17   number of tests in which the credential does not depict the individual presenting the credential.

18   (5)   "Overall success rate" means:

19   (a)   The sum of the number of tests in which the results are as set out in Sub-item (b) of this

20   Item divided by the total number of tests presented to the solution.

21   (b)   The tests to be summed for Sub-item (a) of this Item are the number of times the credential

22   analysis solution accurately:

23   (i)   verifies a credential and matches the credential to the individual to whom it

24   belongs;

25   (ii)   identifies an inauthentic or modified credential; and

26   (iii)   identifies a credential that does not belong to the individual who presented the

27   credential.

28   (6)   "System error rate" means the number of times the solution fails to complete the credential analysis

29   process divided by the number of tests presented to the solution.

30   (7)   "Test" means a credential analysis solution evaluation of a credential pursuant to Rule .1606 of this

31   Section.

32   (8)   "Trial" means an analysis of the performance of the credential analysis solution pursuant to Rule

33   .1602 of this Section.

34

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

36   *10B-134.23;*

37   *Eff. July 1, 2025.*

1   18 NCAC 07J .1602 is adopted as published in 39:13 NCR 861 as follows:

2

3   18 NCAC 07J .1602   CREDENTIAL ANALYSIS SOLUTION – GENERAL

4   A credential analysis solution provider shall conduct a trial of its credential analysis solution pursuant to Rule .1603

5   of this Section before submitting its application for authorization.

6

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

8   *10B-134.23;*

9   *Eff. July 1, 2025.*

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

2

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

4   A credential analysis solution provider shall conduct, or have a third-party conduct, a trial of its solution by presenting

5   the solution with no less than 100 subjects to be evaluated:

6   (1)   who are real individuals:

7   (a)   whose ages, races, and ~~genders~~ <u>sexes</u> are ~~proportionate to~~ <u>within five percent of the</u>

8   <u>proportion of ages, races, and sexes of</u> the population of ~~North Carolina~~ <u>the United States</u>

9   <u>that is 18 years or older,</u> as established by the most recent United States decennial census;

10   and

11   (b)   at least 18 years old; and

12   (2)   with no less than:

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

14   (b)   10 percent of the credentials presented being authentic but not belonging to the individual

15   depicted in the authentic credential with the individual presenting the credential being:

16   (i)   of the same race and ~~gender~~ <u>sex</u> as the genuine owner of the credential; and

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

18

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

20   *10B-134.23;*

21   *Eff. July 1, 2025.*

1   18 NCAC 07J .1604 is adopted as published in 39:13 NCR 861 as follows:

2

3   **18 NCAC 07J .1604   EVALUATION OF CREDENTIAL ANALYSIS TRIAL**

4   The results of a credential analysis trial shall describe:

5   (1)   the overall success rate of the trial;

6   (2)   the credential analysis verification false positive rate;

7   (3)   the credential analysis verification false negative rate;

8   (4)   the facial match false positive rate;

9   (5)   the facial match false negative rate; and

10   (6)   the system error rate.

11

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

13   *10B-134.23;*

14   *Eff. July 1, 2025.*

1   18 NCAC 07J .1605 is adopted as published in 39:13 NCR 861 as follows:

2

3   **18 NCAC 07J .1605   FREQUENCY OF CREDENTIAL ANALYSIS SOLUTION TRIALS**

4   At least once every three years, a credential analysis solution provider shall:

5   (1)   conduct a trial of its approved solution to assess the reliability of the approved version of the

6   credential analysis solution;

7   (2)   conduct a trial of the credential analysis solution in connection with a material change that is

8   reported to the Department pursuant to Rules .0201 and .0202 of this Subchapter; and

9   (3)   update its disclosures pursuant to Rule .1611 of this Section.

10

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

12   *10B-134.23;*

13   *Eff. July 1, 2025.*

1   18 NCAC 07J .1606 is adopted as published in 39:13 NCR 861 as follows:

2

3   18 NCAC 07J .1606   CREDENTIAL ANALYSIS TEST

4   A credential analysis solution shall test a credential presented by an individual pursuant to Rule .1607 of this Section.

5

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

7   *10B-134.23;*

8   *Eff. July 1, 2025.*

1   18 NCAC 07J .1607 is adopted <u>with changes</u> as published in 39:13 NCR 861-862 as follows:

2

3   **18 NCAC 07J .1607   CREDENTIAL ANALYSIS**

4   A credential analysis solution shall:

5   (1)   require the individual to:

6   (a)   describe the type of credential being presented; and

7   (b)   be in real-time, physical control of his or her credential at the time the credential is

8   presented;

9   (2)   ensure that the credential complies with ~~G.S. 10B-3(22)(a);~~ <u>G.S. 10B-3(22)a;</u>

10   (3)   evaluate, in order to authenticate:

11   (a)   the integrity of the visual, physical, and security features of the credential;

12   (b)   whether the credential is fraudulent or modified;

13   (c)   the validity of the credential in comparison to any available information published by the

14   issuing source;

15   (4)   compare the photograph from the individual's authenticated credential to the individual's facial

16   features;

17   (5)   use liveness detection technology if the individual is remotely located;

18   (6)   present the image of the individual's credential to the ~~notary;~~ <u>notary public;</u> and

19   (7)   comply with ~~Rules .1607 and .1608~~ <u>Rule .1608</u> of this Section.

20

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

22   *10B-134.23;*

23   *Eff. July 1, 2025.*

1   18 NCAC 07J .1608 is adopted as published in 39:13 NCR 862 as follows:

2

3   **18 NCAC 07J .1608   CREDENTIAL ANALYSIS OUTCOME**

4   After the process described in Rule .1607 of this Section is concluded, the credential analysis solution shall provide

5   the outcome of credential analysis testing:

6   (1)   of a principal, to a notary public prior to a notarial transaction; and

7   (2)   of a notary public to:

8   (a)   an IPEN solution provider pursuant to Rule .1201 of this Subchapter; or

9   (b)   a platform provider pursuant to Rules .1410 and .1411 of this Subchapter.

10

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

12   *10B-134.23;*

13   *Eff. July 1, 2025.*

1   18 NCAC 07J .1609 is adopted <u>with changes</u> as published in 39:13 NCR 862 as follows:

2

3   **18 NCAC 07J .1609   NOTIFICATION OF IMAGE ALTERATION**

4   A credential analysis solution shall:

5   (1)   detect whether the image of a remotely located principal, whether on screen or as presented on the

6   credential, ~~has been:~~ <u>appears to be:</u>

7   (a)   altered;

8   (b)   ~~filtered;~~ <u>unnatural;</u> or

9   (c)   simulated; and

10   (2)   <u>pursuant to Rule .1608, report</u> ~~notify the notary public~~ if ~~it finds~~ <u>credential analysis finds the</u>

11   <u>appearance of</u> alteration, ~~filtering,~~ <u>unnaturalness,</u> or simulation of the image of the principal.

12

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

14   *10B-134.23;*

15   *Eff. July 1, 2025.*

1   18 NCAC 07J .1610 is adopted <u>with changes</u> as published in 39:13 NCR 862 as follows:

2

3   **18 NCAC 07J .1610   VERIFICATION DATA CONFIDENTIAL**

4   The credential analysis solution shall keep confidential all information specific to the notary public or the principal

5   that is ~~used or~~ acquired <u>or used</u> during the credential analysis process.

6

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

8   *10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .1611 is adopted as published in 39:13 NCR 862 as follows:

2

3   **18 NCAC 07J .1611   DATA STORAGE PROHIBITED FOR CREDENTIAL ANALYSIS SOLUTION**

4   A credential analysis solution shall not store any data specific to the notary public or the principal that is acquired

5   from the credential analysis process after the conclusion of the process.

6

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

8   *10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .1612 is adopted as published in 39:13 NCR 862 as follows:

2

3   **18 NCAC 07J .1612   ADDITIONAL CREDENTIAL ANALYSIS DISCLOSURES**

4   Following the information required by Rule .0608 of this Subchapter, a credential analysis solution provider shall:

5   (1)   publish the information required by Rule .1613 of this Section or a link to it; and

6   (2)   display the information as required by Rule .1614 of this Section.

7

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

9   *10B-134.23;*

10   *Eff. July 1, 2025.*

1   18 NCAC 07J .1613 is adopted as published in 39:13 NCR 862 as follows:

2

3   18 NCAC 07J .1613   CONTENT OF ADDITIONAL CREDENTIAL ANALYSIS DISCLOSURES

4   A credential analysis solution provider's additional disclosures pursuant to Rule .1612 of this Section shall include:

5   (1)   the results of the credential analysis solution trial required by Rule .1602 of this Section;

6   (2)   whether the trial of the credential analysis solution was performed by the solution provider or by a

7   third party, and the name and contact information for the third party, if applicable;

8   (3)   the year in which the trial was conducted; and

9   (4)   for each type of electronic device that the individual presenting the credential may use to capture

10   credential and facial images, the results of the credential analysis trial evaluation as required by

11   Rules .1603 and .1604 of this Section.

12

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

14   *10B-134.23;*

15   *Eff. July 1, 2025.*

1   18 NCAC 07J .1614 is adopted <u>with changes</u> as published in 39:13 NCR 862-863 as follows:

2

3   **18 NCAC 07J .1614   CREDENTIAL ANALYSIS DISCLOSURE FORMAT**

4   A credential analysis solution provider shall:

5   (1)   present the additional disclosures required by Rule .1611 of this Section in tabular form in the order

6   shown in the table in this Rule;

7   (2)   place the results described in Rule .1604 of this Section in the table in this Rule in the appropriate

8   location; and

9   (3)   engineer the table in this Rule as specified in the Department's protocols to support accommodation

10   pursuant to G.S. 10B-134.1(1).

11

[Insert Technology Provider Name] Credential Analysis Performance Disclosures		
Overall Success Rate: [result from Rule .1604(1)] %		
	Score	Number of Tests
Credential verification false positive rate:	[result from Rule .1604(2)] %	[divisor in Rule .1604(2) as defined at Rule .1601(2)]
Credential verification false negative rate:	[result from ~~Rule.1604(3)~~ <u>Rule .1604(3)</u>] %	[divisor in ~~Rule.1604(3)~~ <u>Rule .1604(3)</u> as defined at Rule .1601(1)]
Facial match false positive rate:	[result from ~~Rule.1604(4)~~ <u>Rule .1604(4)</u>]%	[divisor in Rule .1604(4) as defined at Rule .1601(4)]
Facial match false negative rate:	[result from ~~Rule.1604(5)~~ <u>Rule .1604(5)</u>] %	[divisor in Rule .1604(5) as defined at Rule .1601(3)]
System error rate:	[result from Rule .1604(6) as defined at Rule .1601(6)]	
Total number of credential analysis tests:	[divisor from ~~Rule.1603~~ <u>Rule .1603</u>]	
Entity conducting the credential analysis trial:	[See Rule .1613(2)]	
Year of credential analysis trial:	[See Rule .1613(3)]	

12

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

14   *   10B-134.23;*

15   *   Eff. July 1, 2025.*

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

2

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

4

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

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

8   (1)   Article 2 of Chapter 10B of the General Statutes;

9   (2)   the applicable standards set forth in the Department's Protocols; and

10   (3)   the rules in this Subchapter except:

11   (a)   Sections .0700-.1500; and

12   (b)   Sections .1800-.2200.

13

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

1   18 NCAC 07J .1702 is adopted as published in 39:13 NCR 863 as follows:

2

3   **18 NCAC 07J .1702   DURATION OF CREDENTIAL ANALYSIS APPROVAL**

4   An approval from the Department of a credential analysis solution authorizes the credential analysis provider to

5   directly or indirectly offer its credential analysis solution to North Carolina notaries public for three years from the

6   date of its approval.

7

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

9   *134.21; 10B-134.23;*

10   *Eff. July 1, 2025.*

1   18 NCAC 07J .1703 is adopted <u>with changes</u> as published in 39:13 NCR 863 as follows:

2

3   **18 NCAC 07J .1703   APPLICATION FORM FOR CREDENTIAL ANALYSIS SERVICES**

4   A ~~credential analysis solution provider applicant~~ <u>person applying</u> for authorization of its credential analysis solution

5   shall complete and submit the form described in 18 NCAC 07B .0425.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .1801 is adopted <u>with changes</u> as published in 39:13 NCR 863 as follows:

2

3   **SECTION .1800 – IDENTITY PROOFING STANDARDS**

4

5   **18 NCAC 07J .1801   SECTION DEFINITIONS**

6   For the purposes of the rules in this Section:

7   (1)   "Identity proofing false negative rate" means the total number of times authentic individuals ~~fails~~

8   <u>fail</u> the identity proofing process based on their own information, divided by the number of authentic

9   individuals tested.

10   (2)   "Identity proofing false positive rate" means the total number of imposters that pass the identity

11   proofing process divided by the number of imposters tested.

12   (3)   "Overall success rate" means:

13   (a)   the sum of the number of tests in which the identity proofing solution:

14   (i)   accurately verifies the identity of an individual; and

15   (ii)   accurately screens out an imposter; and

16   (b)   divided by the total number of tests presented to the solution.

17   (4)   "System error rate" means the number of times the identity proofing solution fails to process data

18   needed to complete the identity proofing process, divided by the number of tests presented to the

19   solution.

20   (5)   "Test" means an identity proofing solution evaluation of identity pursuant to Rule .1806 of this

21   Section.

22   (6)   "Trial" means an analysis of the performance of the identity proofing solution pursuant to Rule

23   .1802 of this Section.

24

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

26   *134.21; 10B-134.23;*

27   *Eff. July 1, 2025.*

1   18 NCAC 07J .1802 is adopted as published in 39:13 NCR 863 as follows:

2

3   **18 NCAC 07J .1802   IDENTITY PROOFING SOLUTION TRIAL – GENERAL**

4   An identity proofing solution provider shall conduct a trial of its identity proofing solution pursuant to Rules .1803

5   and .1804 of this Section before submitting its application for authorization.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

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

2

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

4   An identity proofing solution provider shall conduct, or have a third-party conduct, a trial of its solution by presenting

5   the solution with no less than 100 subjects to be evaluated:

6   (1)   who are real individuals:

7   (a)   whose ages, races, and ~~genders~~ <u>sexes</u> are ~~proportionate to~~ <u>within five percent of the</u>

8   <u>proportion of ages, races, and sexes to that of</u> the ~~adult~~ population of ~~North Carolina~~ <u>the</u>

9   <u>United States that is 18 years or older,</u> as established by the most recent United States

10   decennial census; and

11   (b)   at least 18 years old; and

12   (2)   with no less than 10 percent of the tests assessing imposters who attempt to complete the identity

13   proofing process using the personal information of other individuals.

14

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

16   *134.21; 10B-134.23;*

17   *Eff. July 1, 2025.*

1   18 NCAC 07J .1804 is adopted as published in 39:13 NCR 864 as follows:

2

3   **18 NCAC 07J .1804   EVALUATION OF IDENTITY PROOFING TRIAL**

4   The results of an identity proofing solution trial shall describe:

5   (1)   the overall success rate of the trial;

6   (2)   the identity proofing false positive rate;

7   (3)   the identity proofing false negative rate; and

8   (4)   the system error rate.

9

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

11   *134.21; 10B-134.23;*

12   *Eff. July 1, 2025.*

1   18 NCAC 07J .1805 is adopted as published in 39:13 NCR 864 as follows:

2

3   **18 NCAC 07J .1805**   **FREQUENCY OF IDENTITY PROOFING SOLUTION TRIALS**

4   At least once every three years, an identity proofing solution provider shall:

5   (1)   conduct a trial of its approved solution to assess the reliability of the approved version of the identity

6   proofing solution;

7   (2)   conduct a trial of the identity proofing solution in connection with a material change that is reported

8   to the Department pursuant to Rules .0201 and .0202 of this Subchapter; and

9   (3)   update its disclosures pursuant to Rule .1812 of this Section.

10

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

12   *134.21; 10B-134.23;*

13   *Eff. July 1, 2025.*

1   18 NCAC 07J .1806 is adopted as published in 39:13 NCR 864 as follows:

2

3   **18 NCAC 07J .1806   IDENTITY PROOFING TEST**

4   An identity proofing solution shall test the identity of individuals who present themselves to the solution pursuant to

5   Rules .1807-.1809 of this Section.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .1807 is adopted <u>with changes</u> as published in 39:13 NCR 864 as follows:

2

3   **18 NCAC 07J .1807**   **IDENTITY**   **PROOFING**   **PROCESS**   **USING**   **KNOWLEDGE-BASED**

4   **AUTHENTICATION**

5   An identity proofing solution using knowledge-based authentication to comply with ~~G.S. 10B-134.11(a)(2)(b)~~ <u>G.S.</u>

6   <u>10B-134.11(a)(2)b</u> shall:

7   (1)   require the remotely located individual to attempt an online quiz meeting the requirements of Item

8   (2) of this Rule;

9   (2)   present a quiz to the remotely located individual that shall:

10   (a)   consist of a minimum of five questions:

11   (i)   related to the individual's personal history or identity; and

12   (ii)   formulated from public or private data sources;

13   (b)   have a minimum of five possible answer choices for each question;

14   (c)   require the individual to submit all answers within two minutes;

15   (d)   require at least 80 <u>percent</u> of the questions to be answered correctly in order to receive a

16   passing score; and

17   (3)   inform the individual whether the quiz has been passed or failed, and if failed, of the option to retake

18   the quiz pursuant to Rule .1808 of this Section.

19

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

21   *134.21; 10B-134.23;*

22   *Eff. July 1, 2025.*

1   18 NCAC 07J .1808 is adopted <u>with changes</u> as published in 39:13 NCR 864 as follows:

2

3   **18 NCAC 07J .1808   RE-TAKING OF QUIZ BY INDIVIDUAL**

4   An identity proofing solution using knowledge-based authentication to comply with ~~G.S. 10B-134.11(a)(2)(b)~~ <u>G.S.</u>

5   <u>10B-134.11(a)(2)b</u> shall:

6   (1)   allow an individual who failed a first attempt to make a single subsequent attempt to pass the quiz

7   if the attempt is initiated within one minute of the first failed quiz; and

8   (2)   ensure that at least 40 percent of the questions from the first quiz are replaced for the second quiz.

9

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

11   *134.21; 10B-134.23;*

12   *Eff. July 1, 2025.*

1   18 NCAC 07J .1809 is adopted <u>with changes</u> as published in 39:13 NCR 864-865 as follows:

2

3   **18 NCAC 07J .1809   NOTICE OF IDENTITY PROOFING METHODS AND OUTCOMES**

4   After one or more ~~identity proofing~~ <u>identity proofing</u> tests are concluded, an identity proofing solution shall provide

5   the methods and outcomes of all identity proofing tests:

6   (1)   for a principal, to ~~a~~ <u>the</u> notary public <u>performing the notarial act</u> prior to a notarial transaction; and

7   (2)   for a notary ~~public~~ <u>public,</u> to ~~a~~ <u>the</u> technology solution provider pursuant to:

8   (a)   Rule .1201 of this Subchapter; or

9   (b)   Rules .1410 and .1411 of this Subchapter.

10

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

12   *134.21; 10B-134.23;*

13   *Eff. July 1, 2025.*

1   18 NCAC 07J .1810 is adopted <u>with changes</u> as published in 39:13 NCR 865 as follows:

2

3   **18 NCAC 07J .1810   VERIFICATION DATA CONFIDENTIAL**

4   The identity proofing solution shall keep confidential all information specific to the notary public or the principal that

5   is ~~used or~~ acquired <u>or used</u> during the identity proofing process.

6

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

8   *   134.21; 10B-134.23;*

9   *   Eff. July 1, 2025.*

1   18 NCAC 07J .1811 is adopted as published in 39:13 NCR 865 as follows:

2

3   **18 NCAC 07J .1811   DATA STORAGE PROHIBITED FOR IDENTITY PROOFING SOLUTION**

4   An identity proofing solution shall not store any data specific to the notary public or the principal that is acquired from

5   the identity proofing process after the conclusion of the process.

6

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

8   *   134.21; 10B-134.23;*

9   *   Eff. July 1, 2025.*

1   18 NCAC 07J .1812 is adopted as published in 39:13 NCR 865 as follows:

2

3   **18 NCAC 07J .1812   ADDITIONAL IDENTITY PROOFING DISCLOSURES**

4   Immediately after the information required by Rule .0608 of this Subchapter, an identity proofing solution provider

5   shall:

6   (1)   publish the information required by Rule .1813 of this Section; and

7   (2)   display the information as required by Rule .1814 of this Section.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

1 18 NCAC 07J .1813 is adopted as published in 39:13 NCR 865 as follows:

2

3 18 NCAC 07J .1813 CONTENT OF ADDITIONAL IDENTITY PROOFING DISCLOSURES

4 An identity proofing solution provider's additional disclosures pursuant to Rule .1812 of this Section shall include:

5   (1) the method of identity proofing used. Note: Examples of identity proofing methods may be

6   described as biometric or knowledge-based authentication;

7   (2) the results of the identity proofing solution trial required by Rule .1805 of this Section;

8   (3) whether the trial of the identity proofing solution was performed by the solution provider or by a

9   third party, and the name and contact information for the third party, if applicable; and

10   (4) the year in which the trial was conducted.

11

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

13   *134.21; 10B-134.23;*

14   *Eff. July 1, 2025.*

1   18 NCAC 07J .1814 is adopted <u>with changes</u> as published in 39:13 NCR 865 as follows:

2

3   **18 NCAC 07J .1814   IDENTITY PROOFING DISCLOSURE FORMAT**

4   An identity proofing solution provider shall:

5   (1)   present the additional disclosures required by Rule .1813 of this Section in tabular form in the order

6   shown in the table in this Rule;

7   (2)   place the results described in Rule .1804 of this Section in the table in this Rule in the appropriate

8   location; and

9   (3)   engineer the table in this Rule as specified in the Department's protocols to support accommodation

10   pursuant to G.S. 10B-134.1(1).

11

[Insert Technology Provider Name] Identity Proofing Performance Disclosures		
Overall Success Rate: [result from Rule .1804(1)] %		
Method of Identity Proofing [Insert method from Rule 18 NCAC .1813(1)]		
	Score	Number of Tests
Identity proofing false positive rate:	[result from Rule .1804(2)] %	[divisor in Rule .1804(3) as defined in Rule .1801(2)]
Identity proofing false negative rate:	[result from ~~Rule .1804(23~~ <u>Rule .1804(3)</u>]%	[divisor in Rule .1804(2) as defined in Rule .1801(1)]
System error rate:	[result from Rule .1804(4)]	
Total number of identity proofing tests:	[divisor from Rule .1803]	
Entity conducting the identity proofing trial:	[See ~~Rule .1803)~~ <u>Rule .1813(3)</u>]	
Year of identity proofing trial:	[See ~~Rule.1805~~ <u>Rule .1813(4)</u>]	

12

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

14   *   134.21; 10B-134.23;*

15   *   Eff. July 1, 2025.*

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

SECTION .1900 – APPLICATION FOR IDENTITY PROOFING SOLUTION AUTHORIZATION

18 NCAC 07J .1901   REQUIREMENTS FOR AUTHORIZATION TO PROVIDE IDENTITY PROOFING SERVICES

An identity proofing provider applicant shall meet requirements established in:

(1)   Article 2 of Chapter 10B of the General Statutes;

(2)   applicable standards set forth in the Department's Protocols; and

(3)   the rules in this Subchapter except:

(a)   Sections .0700-.1700; and

(b)   Sections .2000-.2200.

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

Eff. July 1, 2025.

1   18 NCAC 07J .1902 is adopted as published in 39:13 NCR 866 as follows:

2

3   **18 NCAC 07J .1902   DURATION OF IDENTITY PROOFING APPROVAL**

4   An approval from the Department of an identity proofing solution authorizes the identity proofing provider to directly

5   or indirectly offer its identity proofing solution to North Carolina notaries public for three years from the date of its

6   approval.

7

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

9   *134.21; 10B-134.23;*

10   *Eff. July 1, 2025.*

1   18 NCAC 07J .1903 is adopted as published in 39:13 NCR 866 as follows:

2

3   **18 NCAC 07J .1903   APPLICATION FORM FOR IDENTITY PROOFING SERVICES**

4   An applicant for identity proofing services shall complete and submit the form described in 18 NCAC 07B .0426.

5

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

7   *134.21; 10B-134.23;*

8   *Eff. July 1, 2025.*

1   18 NCAC 07J .2001 is adopted <u>with changes</u> as published in 39:13 NCR 866 as follows:

2

3   **SECTION .2000 – CUSTODIAL SERVICES STANDARDS**

4

5   **18 NCAC 07J .2001   CUSTODIAN REQUIREMENTS**

6   The rules in this Section apply to third-party ~~custodians,~~ <u>custodians</u> and ~~to~~ IPEN solutions and platforms that are or

7   become custodians.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .2002 is adopted <u>with changes</u> as published in 39:13 NCR 866 as follows:

2

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

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

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

6   (a)   one or more session records; and

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

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

9   (a)   received; and

10   (b)   ~~validated.~~ <u>verified as unmodified and uncorrupted.</u>

11

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

13   *134.21; 10B-134.23;*

14   *Eff. July 1, 2025.*

1   18 NCAC 07J .2003 is adopted <u>with changes</u> as published in 39:13 NCR 866 as follows:

2

3   **18 NCAC 07J .2003   AUTHENTICITY OF CUSTODIAN RECORDS**

4   A custodian shall ensure each session record <u>obtained from a transferring depository or custodian</u> is stored unchanged

5   upon ~~receipt from a transferring depository or custodian.~~ <u>receipt.</u>

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .2004 is adopted as published in 39:13 NCR 866 as follows:

2

3   **18 NCAC 07J .2004   NOTARY ACCESS TO SESSION RECORD FROM CUSTODIAN**

4   A custodian shall allow a notary public to view, copy, print, and download any of the notary's session records in its

5   possession within 48 hours of a request by the notary at no cost.

6   Note: This rule shall not apply to planned service outages for which notice is provided pursuant to Rule .0205 of this

7   Subchapter.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .2005 is adopted <u>with changes</u> as published in 39:13 NCR 866 as follows:

2

3   **18 NCAC 07J .2005**   **SEARCHABLE SESSION RECORDS**

4   The custodian shall ensure that a notary public's session records may be searched by any field <u>described</u> in Rule .1006

5   of this Subchapter.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .2006 is adopted as published in 39:13 NCR 866 as follows:

2

3   **18 NCAC 07J .2006   SESSION RECORD STORAGE LOCATIONS**

4   A custodian shall maintain copies of each session record and session record log in two or more geographically

5   separated data facilities.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .2007 is adopted as published in 39:13 NCR 866 as follows:

2

3   **18 NCAC 07J .2007   DURATION OF STORAGE FOR CUSTODIAN**

4   Unless it transfers the session record to another custodian, a custodian shall not delete the record until a minimum of

5   10 years have elapsed since the last committed journal entry associated with that record, whether original or

6   supplemental.

7

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

9   *134.21; 10B-134.23;*

10   *Eff. July 1, 2025.*

1   18 NCAC 07J .2008 is adopted as published in 39:13 NCR 866 as follows:

2

3   **18 NCAC 07J .2008   TIME LIMIT FOR TRANSFER FROM CUSTODIAN**

4   A custodian shall transfer a session record and associated session record log to another custodian designated by a

5   notary public no later than 10 days from the earlier of:

6   (1)   receipt of a written request from the notary public to transfer the record; or

7   (2)   the expiration of the custodian's contract with the notary.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

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

2

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

4   A custodian that transfers a session record to another custodian shall delete the record only after receiving confirmation

5   from the ~~custodian~~ <u>transferee</u> that the record has been:

6   (1)   accepted; and

7   (2)   ~~validated.~~ <u>verified as unmodified and uncorrupted.</u>

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .2010 is adopted <u>with changes</u> as published in 39:13 NCR 867 as follows:

2

3   **18 NCAC 07J .2010   OPTIONAL EXTENDED RETENTION OF SESSION RECORDS**

4   A custodian may preserve a session record longer than the retention time established by the rules in this Subchapter

5   ~~if:~~ <u>if the electronic notary public:</u>

6   (1)   ~~the electronic notary public~~ authorizes the extended retention period in writing; and

7   (2)   ~~the electronic notary~~ specifies the duration of the extended retention period.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .2011 is adopted as published in 39:13 NCR 867 as follows:

2

3   **18 NCAC 07J .2011   SESSION RECORD MARKED FOR EXTENDED RETENTION**

4   A custodian shall provide a means to designate session records that are subject to mandatory retention pursuant to

5   Rule .2012 of this Section.

6

7   *History Note: Authority G.S. 10B-4; 10B-1. 06; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19;*

8   *10B-134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .2012 is adopted <u>with changes</u> as published in 39:13 NCR 867 as follows:

2

3   **18 NCAC 07J .2012   MANDATORY EXTENDED RETENTION OF SESSION RECORD UPON**
4   **   NOTIFICATION**

5   A custodian shall retain a session record longer than the time period identified by Rule .2007 of this Section:

6   (1)   if directed by the Department to retain the records pursuant to an investigation authorized by G.S.
7   10B-60; or

8   (2)   upon receipt of a legal notification requiring the custodian, ~~notary,~~ <u>notary public,</u> or principal to
9   preserve the record.

10

11 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-*
12 *   134.21; 10B-134.23;*
13 *   Eff. July 1, 2025.*

1   18 NCAC 07J .2013 is adopted as published in 39:13 NCR 867 as follows:

2

3   **18 NCAC 07J .2013   DELETION UPON EXPIRATION OF MANDATORY EXTENDED RETENTION**

4   If a custodian is required to preserve a session record pursuant to Rule .2012 of this Section, the custodian shall not

5   delete the record until:

6   (1)   the Department notifies the custodian that the investigation is concluded; or

7   (2)   the custodian has no further legal obligation to preserve the record.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .2014 is adopted as published in 39:13 NCR 867 as follows:

2

3   **18 NCAC 07J .2014   DELETION OF SESSION RECORD ENTRY IN LOG**

4   A custodian shall enter in the associated session record log the date that a session record is deleted.

5

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

7   *134.21; 10B-134.23;*

8   *Eff. July 1, 2025.*

1   18 NCAC 07J .2015 is adopted as published in 39:13 NCR 867 as follows:

2

3   **18 NCAC 07J .2015   SESSION RECORD LOG RETENTION BY CUSTODIAN**

4   Each session record log shall be retained by the custodian for no less than 15 years from the date of the notarial session

5   that the entry describes.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .2016 is adopted as published in 39:13 NCR 867 as follows:

2

3   **18 NCAC 07J .2016   TRANSFER OF DEPOSITORY SESSION RECORD LOG BY CUSTODIAN**

4   The depository session record log shall accompany each session record transferred by a transferor custodian to

5   custodian transferee.

6

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

8   *   134.21; 10B-134.23;*

9   *   Eff. July 1, 2025.*

1   18 NCAC 07J .2017 is adopted as published in 39:13 NCR 867 as follows:

2

3   18 NCAC 07J .2017   CUSTODIAN ENTRY IN DEPARTMENT'S DATABASE

4   Upon validation pursuant to Rules .1012 and .2002 of this Subchapter, a custodian that is a transferee or a transferor

5   shall update the Department's database with the following information:

6   (1)   the session identifier;

7   (2)   the four-digit identifying number assigned to the technology provider making the entry into the

8   Department's database;

9   (3)   the four-digit identifying number assigned to the transferor;

10   (4)   for the transferee the four-digit identifying number assigned to the transferee custodian; and

11   (5)   the date and time of the transfer.

12

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

14   *134.21; 10B-134.23;*

15   *Eff. July 1, 2025.*

1   18 NCAC 07J .2018 is adopted <u>with changes</u> as published in 39:13 NCR 867 as follows:

2

3   **18 NCAC 07J .2018   NOTICE OF CESSATION OF CUSTODIAL SERVICES**

4   A custodian shall provide 60 days of notice to its subscribers <u>and notary public account holders</u> before it ceases to

5   provide custodial services due to:

6   (1)   bankruptcy;

7   (2)   discontinuation of custodial services to North Carolina ~~notaries public;~~ <u>notaries;</u> or

8   (3)   going out of business.

9

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

11   *134.21; 10B-134.23;*

12   *Eff. July 1, 2025.*

1   18 NCAC 07J .2019 is adopted as published in 39:13 NCR 868 as follows:

2

3   **18 NCAC 07J .2019   CUSTODIAN CONTINUITY OF SERVICES**

4   A custodian shall not discontinue its custodial services to North Carolina notaries public until all session records and

5   associated session record log entries in its possession are transferred to the custodians designated by the notaries.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .2020 is adopted <u>with changes</u> as published in 39:13 NCR 868 as follows:

2

3   **18 NCAC 07J .2020   ADDITIONAL CUSTODIAN DISCLOSURES**

4   Immediately ~~after~~ <u>following</u> the information required by Rule .0608 of this Subchapter, a custodial services provider

5   shall:

6   (1)   publish <u>on its website</u> the information required by Rule .2021 of this Section; and

7   (2)   format the information as required by Rule .2022 of this Section.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

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

2

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

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

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

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

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

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

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

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

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

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

16

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

1   18 NCAC 07J .2022 is adopted <u>with changes</u> as published in 39:13 NCR 868 as follows:

2

3   **18 NCAC 07J .2022   CUSTODIAN DISCLOSURE FORMAT**

4   A custodian shall:

5   (1)   present the additional disclosures required by Rule .2020 of this Section in tabular form in the order

6   shown in the table in this Rule;

7   (2)   place the ~~results~~ <u>provider's responses</u> described in Rule .2021 of this Section in the table in this Rule

8   in the appropriate location; and

9   (3)   engineer the table in this Rule as specified in the Department's protocols to support accommodation

10   pursuant to G.S. 10B-134.1(1).

11

[Insert Technology Provider Name]		
Custodian Disclosures		
Projected monthly maintenance downtime: Customer support hours: Average customer support wait time:	[Rule .2021(1)(a) of this Section] [See Rule .2021(1)(b) of this Section] [See ~~Rule .2021(1)(c)~~ <u>Rule .2021(1)(c)</u> of this Section]	
Service Disruption Response Times		
Category	Category Description	Projected Resolution Time
[See Rule .2021(2)(a) of this Section]	[See Rule .2021(2)(b) of this Section]	[See ~~Rule .2021(2)(c)~~ <u>Rule .2021(2)(c)</u> of this Section]

12

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

14   *134.21; 10B-134.23;*

15   *Eff. July 1, 2025.*

1   18 NCAC 07J .2101 is adopted as published in 39:13 NCR 868 as follows:

2

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

4

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

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

8   (1)   Article 2 of Chapter 10B of the General Statutes;

9   (2)   the applicable standards set forth in the Department's Protocols; and

10   (3)   the rules in this Subchapter, except:

11   (a)   Sections .0700-.1900; and

12   (b)   Section .2200.

13

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

1   18 NCAC 07J .2102 is adopted as published in 39:13 NCR 868 as follows:

2

3   **18 NCAC 07J .2102   DURATION OF CUSTODIAN APPROVAL**

4   A custodial services solution approval authorizes the custodian to directly or indirectly offer its custodial services

5   solution to North Carolina notaries public for three years from the date of its approval.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1 18 NCAC 07J .2103 is adopted <u>with changes</u> as published in 39:13 NCR 869 as follows:

2

3 **18 NCAC 07J .2103   APPLICATION FORM FOR CUSTODIAL SERVICES**

4 A <u>person applying to provide</u> custodial services ~~provider applicant~~ shall complete and submit the form described in

5 18 NCAC 07B .0427.

6

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

8 *134.21; 10B-134.23;*

9 *Eff. July 1, 2025.*

1   18 NCAC 07J .2201 is adopted <u>with changes</u> as published in 39:13 NCR 869 as follows:

2

3   **SECTION .2200 – CUSTODIAL NOTARIES**

4

5   **18 NCAC 07J .2201   SCOPE**

6   The rules in this Section shall apply only to an electronic notary public who ~~self designates as~~ <u>is approved as</u> a

7   custodial notary.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .2202 is adopted <u>with changes</u> as published in 39:13 NCR 869 as follows:

2

3   **18 NCAC 07J .2202   CUSTODIAL NOTARY DEEMED APPROVED**

4   A notary public shall be deemed to have applied and been approved as that notary's own custodian if the ~~notary public:~~

5   <u>notary:</u>

6   (1)   complies with 18 NCAC 07H .0506; and

7   (2)   agrees in writing to comply with the rules of this Subchapter applicable to custodial notaries.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .2203 is adopted <u>with changes</u> as published in 39:13 NCR 869 as follows:

2

3   **18 NCAC 07J .2203**   **CUSTODIAL NOTARY AS CUSTODIAN AND TECHNOLOGY PROVIDER**

4   A custodial notary shall be deemed a custodian and technology provider ~~subject to rules of this Chapter as specified~~

5   ~~in~~ <u>and comply with</u> Rule .2204 of this Section.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .2204 is adopted as published in 39:13 NCR 869 as follows:

2

3   **18 NCAC 07J .2204   RULES APPLICABLE TO CUSTODIAL NOTARIES**

4   A custodial notary shall comply with the following rules:

5   (1)   18 NCAC 07H Section .0500;

6   (2)   Rules .0101, .0104, .0106-.0108, .0112, and .0115 of this Subchapter;

7   (3)   Rule .0208 of this Subchapter;

8   (4)   Rules .0611(1) and .0612 of this Subchapter; and

9   (5)   Rule .2007 of this Subchapter.

10

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

12   *134.21; 10B-134.23;*

13   *Eff. July 1, 2025.*

1   18 NCAC 07J .2205 is adopted <u>with changes</u> as published in 39:13 NCR 869 as follows:

2

3   **18 NCAC 07J .2205   CUSTODIAL NOTARY SESSION RECORD STORAGE LOCATIONS**

4   (a) A custodial notary shall maintain two copies of each session record ~~and supplemental journal entry session record~~

5   that shall not be stored on the same device.

6   (b) A custodial notary shall ensure that at least one of the two session record ~~and supplemental journal entry session~~

7   ~~record~~ copies is maintained in ~~digital~~ <u>electronic</u> form.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .2206 is adopted as published in 39:13 NCR 869 as follows:

2

3   **18 NCAC 07J .2206   PROVIDING   CUSTODIAL   SERVICES   AFTER   ELECTRONIC   NOTARY**
4   **REGISTRATION TERMINATION**
5   An electronic notary public may continue serving as a custodial notary for session records in the notary's possession
6   after the termination of the notary's electronic notary registration so long as the individual continues to comply with
7   the rules applicable to custodial notaries.

8

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

1   18 NCAC 07J .2207 is adopted as published in 39:13 NCR 869 as follows:

2

3   **18 NCAC 07J .2207   EFFECT OF DISCIPLINARY ACTION ON SERVICE AS CUSTODIAL NOTARY**

4   An electronic notary public shall not continue serving as a custodial notary if specifically prohibited by departmental

5   disciplinary action.

6

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

8   *134.21; 10B-134.23;*

9   *Eff. July 1, 2025.*

1   18 NCAC 07J .2208 is adopted <u>with changes</u> as published in 39:13 NCR 869 as follows:

2

3   **18 NCAC 07J .2208   LIMITATION ON CUSTODIAL NOTARY AFTER REGISTRATION**

4   **EXPIRATION**

5   A former electronic notary public who is a custodial notary shall not take custody of additional session records after

6   the electronic ~~notary~~ notary's registration ends.

7

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

9   *134.21; 10B-134.23;*

10   *Eff. July 1, 2025.*

1   18 NCAC 07J .2209 is adopted <u>with changes</u> as published in 39:13 NCR 869 as follows:

2

3   **18 NCAC 07J .2209   CUSTODIAL NOTARY ANNUAL VERIFICATION FORM**

4   A custodial notary ~~shall~~ <u>shall, using the form described in 18 NCAC 07B .0428,</u> annually:

5   (1)   verify that the electronic notary has complied with ~~the~~ <u>all</u> rules <u>applicable to custodial notaries in</u>

6   this ~~Section applicable to custodial notaries;~~ <u>Section;</u> and

7   (2)   provide information regarding the electronic notary's continuation of service as a custodial notary.

8

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

10   *134.21; 10B-134.23;*

11   *Eff. July 1, 2025.*

1   18 NCAC 07J .2210 is adopted as published in 39:13 NCR 869 as follows:

2

3   **18 NCAC 07J .2210   SUBMISSION OF ANNUAL VERIFICATION**

4   A custodial notary shall submit the form described in 18 NCAC 07B .0428 on or before December 31st of each year.

5

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

7   *134.21; 10B-134.23;*

8   *Eff. July 1, 2025.*

1   18 NCAC 07J .2211 is adopted as published in 39:13 NCR 869-870 as follows:

2

3   **18 NCAC 07J .2211   FINAL CUSTODIAL NOTARY VERIFICATION FORM**

4   An electronic notary public's obligations as a custodial notary cease when the electronic notary submits the form

5   described in 18 NCAC 07B .0428 confirming that:

6   (1)   the required retention period for all session records in the custodial notary's possession has expired;

7   or

8   (2)   the custodial notary has transferred all session records to an approved custodian.

9

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

11   *134.21; 10B-134.23;*

12   *Eff. July 1, 2025.*