

1 18 NCAC 07B .0101 is amended as published in 39:13 NCR 804 as follows:

2
3 **SUBCHAPTER 07B – GENERAL REQUIREMENTS**

4
5 **SECTION .0100 – GENERAL PROVISIONS**

6
7 **18 NCAC 07B .0101 SCOPE**

8 The rules in this Subchapter implement Chapter 10B of the General Statutes. The rules govern:

- 9 (1) the qualification, commissioning, notarial acts, conduct, and discipline of notaries public as public
10 officers of the State;
- 11 (2) the qualification, certification, and discipline of certified notary instructors; ~~and~~
- 12 (3) the qualification, approval or licensing, conduct, and discipline of technology ~~providers.~~ providers;
13 and
- 14 (4) the conduct and discipline of manufacturers and vendors of notary public seals.

15
16 *History Note: Authority G.S. 10B-4; 10B-14(f); 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-*
17 *134.19; 10B-134.21; 10B-134.23;*
18 *Eff. April 1, 2007;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
20 *6, 2016;*
21 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07B .0102 is amended with changes as published in 39:13 NCR 804-807 as follows:

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

4 For purposes of this Chapter:

- 5 (1) "Appoint" or "Appointment" means the naming of an individual to the office of notary public after
6 determination that the individual has complied with Chapter 10B of the General Statutes and
7 Subchapter 07C of this Chapter. For the purposes of the rules in this Chapter, the terms "appoint,"
8 "reappoint," "appointment," "reappointment," "commission," "recommission," "commissioning,"
9 and "recommissioning" all refer to the term "commission" as defined in G.S. 10B-3(4) or to the
10 process of acquiring or maintaining the commission.
- 11 (2) "Appointee" means an individual who has been appointed or reappointed to the office of notary
12 public but has not yet taken the oath of office to be commissioned.
- 13 (3) "Authorization" means a notary commission, an electronic notary registration, an instructor
14 certification, an approval, a manufacturer or vendor registration, or a license issued by the
15 Department pursuant to Chapter 10B of the General Statutes.
- 16 (4) "Authorize" means the Department's action to issue an authorization.
- 17 (5) "Commission date" means the beginning date of commissioning or recommissioning as entered on
18 a commission certificate.
- 19 (6) "Court" means a tribunal of a locality, state, the Armed Forces of the United States, a federally
20 recognized tribe, or any nation.
- 21 (7) "Crime" means:
- 22 (a) an offense designated by law as a felony or misdemeanor;
 - 23 (b) an attempt to commit an offense;
 - 24 (c) an accessory to commission of an offense;
 - 25 (d) aiding and abetting of an offense;
 - 26 (e) conspiracy to commit an offense;
 - 27 (f) solicitation to commit an offense; or
 - 28 (g) threat to commit an offense.
- 29 An infraction as defined in G.S. 14-3.1 is not a crime.
- 30 (8) "Crime involving dishonesty" means a crime that involves untruthfulness, deceit, fraud, false
31 dealing, cheating or stealing.
- 32 (9) "Criminal convictions" means the following dispositions of criminal charges:
- 33 (a) adjudications of guilt;
 - 34 (b) pleas of nolo contendere;
 - 35 (c) pleas of guilty;
 - 36 (d) Alford pleas;
 - 37 (e) conditional discharges;

- 1 (f) prayers for judgment continued; and
2 (g) dispositions denominated differently but equivalent to Sub-Items (a)-(f) in this Item.
- 3 (10) "Denial" with regard to public office means an individualized action:
4 (a) to disqualify an individual from:
5 (i) being a candidate for an elected public office; or
6 (ii) holding or filling a public office; and
7 (b) that is taken by:
8 (i) a governmental agency, board, or commission, a legislative body, or a member of
9 the executive branch of any locality, state, federally recognized tribe, or nation;
10 or
11 (ii) a court.
- 12 (11) "Disciplinary action" means an official action by a court, legislative body, governmental agency,
13 board, or commission of any locality, state, federally recognized tribe, or nation resulting in:
14 (a) a disciplinary order;
15 (b) a censure;
16 (c) a reprimand;
17 (d) an admonition;
18 (e) a resignation in lieu of termination or revocation;
19 (f) a denial;
20 (g) a written warning; ~~or~~
21 (h) a civil penalty or fine; or
22 ~~(h)(i)~~ actions denominated differently but equivalent to Sub-Items (a)-(g)(h) in this Item.
- 23 (12) "Disciplinary order" means a directive or its equivalent that:
24 (a) is directed to a holder of a professional license or a commissioned notary public;
25 (b) prohibits or conditions an individual from engaging in the practice of the profession or
26 acting as a notary public for any amount of time;
27 (c) is issued by a court or government agency, board, or commission of any locality, state,
28 federally recognized tribe, or nation with authority to discipline or sanction the individual
29 or notary public; and
30 (d) is not stayed, rescinded, reversed, or expunged.
- 31 Note: Suspensions, restrictions, and revocations of commissions or licenses are examples of
32 disciplinary orders.
- 33 (13) "Family member" means an individual related by blood, marriage, or adoption.
- 34 (14) "Finding" means a decision, conclusion, or opinion by a court, legislative body, or governmental
35 agency, board, or commission of any locality, state, federally recognized tribe, or nation that is based
36 upon a review of evidence in an investigation, a quasi-judicial proceeding, or a judicial proceeding
37 resulting in a determination that:

- 1 (a) a fact has been proved according to the applicable legal standard; or
2 (b) a law applies to the specific facts in a matter.
- 3 (15) "Harm" means:
4 (a) loss or damage to a person affecting:
5 (i) liberty;
6 (ii) child custody, parental rights, child support, or visitation;
7 (iii) reputation;
8 (iv) money;
9 (v) property;
10 (vi) time; or
11 (vii) a contract or transaction; or
12 (b) an act that undermines public confidence in the reliability of notarial acts or notarial
13 instructor certification.
- 14 (16) "IPEN" means an in-person electronic notary solution, comprised of an electronic notary public seal,
15 an electronic notary signature, and an electronic notary journal.
- 16 ~~(16)~~(17) "Issuance" with regard to public office means an action:
17 (a) to certify the results of an election signifying that an individual has been elected to the
18 public office; or
19 (b) to appoint an individual to fill a public office; and
20 (c) that is taken by:
21 (i) a governmental agency, board, or commission, a legislative body, or a member of
22 the executive branch of any locality, state, federally recognized tribe, or nation;
23 or
24 (ii) a court.
- 25 (18) "Journal" means a collection of entries describing notarial acts that is created and maintained by a
26 notary public. [public in compliance with Chapter 10B of the General Statutes and the rules in this
27 Chapter.]
- 28 ~~(17)~~(19) "Licensed member of the North Carolina State Bar" means an active member as defined in 27 NCAC
29 01A .0201(b).
- 30 ~~(18)~~(20) "Name for use on a notary public commission" or "commission name" means the name chosen by
31 a commission applicant as the applicant's commission name and consisting of:
32 (a) the full legal name of the commission applicant; or
33 (b) a combination of the applicant's surname and:
34 (i) full first or middle name; or
35 (ii) full first or middle name and one or more initials derived from the applicant's full
36 legal name.

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

1 ~~(19)~~(21) "Notarial act" means, in addition to those acts listed in G.S. 10B-3(11), acts authorized to be
2 performed by a notary public pursuant to:

- 3 (a) G.S. 163-231(a); and
- 4 (b) G.S. 53C-6-13(a).

5 ~~(20)~~(22) "Notary course" means a course taught by a certified notary instructor for purposes of:

- 6 (a) commissioning or recommissioning a notary public; ~~or~~
- 7 (b) registering or reregistering an electronic notary ~~public~~; public; or
- 8 (c) educating a compliance contact of a platform or IPEN regarding Chapter 10B of the
9 General Statutes and the rules in this Chapter.

10 ~~(21)~~(23) "Probation" with regard to criminal convictions means active supervision by a governmental agency
11 or its legally authorized designee in lieu of jail or prison.

12 ~~(22)~~(24) "Professional license" means an issuance that involves a grant of authority by a governmental
13 agency, board, or commission of any locality, state, federally recognized tribe, or nation, to an
14 individual to act in a fiduciary capacity, or in a capacity that affects the public interest or public
15 trust, and that regards an occupation requiring training and formal qualification. Professional
16 licenses are:

- 17 (a) attorney;
- 18 (b) appraiser;
- 19 (c) architect;
- 20 (d) boiler inspector;
- 21 (e) building, electrical, fire, mechanical, or plumbing inspector;
- 22 (f) certified nursing assistant;
- 23 (g) certified public accountant;
- 24 (h) code enforcement official;
- 25 (i) electrical contractor;
- 26 (j) engineer;
- 27 (k) general contractor;
- 28 (l) geologist;
- 29 (m) insurance agent;
- 30 (n) insurance company adjuster;
- 31 (o) interpreter or transliterator;
- 32 (p) investment advisor;
- 33 (q) locksmith;
- 34 (r) motor vehicle damage appraiser;
- 35 (s) on-site wastewater contractor inspector;
- 36 (t) pharmacist;
- 37 (u) physician;

- 1 (v) physician assistant;
- 2 (w) plumbing, heating, and fire sprinkler contractor;
- 3 (x) private investigator;
- 4 (y) professional bondsman;
- 5 (z) real estate broker;
- 6 (aa) registered nurse, licensed practical nurse, nurse practitioner;
- 7 (bb) securities broker, dealer, salesman;
- 8 (cc) self-employed insurance adjuster;
- 9 (dd) surety bondsman;
- 10 (ee) sworn law enforcement officer; and
- 11 (ff) teacher.

12 ~~(23)~~(25) "Public office" means a position:

- 13 (a) created by law to which an individual has been elected or appointed;
- 14 (b) involving a delegation to the individual of some of the functions of government to be
- 15 exercised by the individual for the benefit of the public; and
- 16 (c) with authority that is not solely advisory.

17 ~~(24)~~ — "Restriction" with regard to public office means an individualized action:

- 18 ~~(a)~~ — to restrain an individual from serving in public office; and
- 19 ~~(b)~~ — that is taken by:
 - 20 ~~(i)~~ — a governmental agency, board, or commission, a legislative body, or a member of
 - 21 the executive branch of any locality, state, federally recognized tribe, or nation;
 - 22 or
 - 23 ~~(ii)~~ — a court.

24 ~~(25)~~(26) "Release from prison, probation or parole" means:

- 25 (a) completion of all terms of a sentence or judgment entered as part of a disposition of a
- 26 criminal charge;
- 27 (b) a certificate or order related to a criminal charge evidencing the individual's unconditional
- 28 discharge;
- 29 (c) a certificate of relief pursuant to G.S. 15A-173.4;
- 30 (d) an endorsement from the Governor after satisfaction of conditions of a conditional pardon
- 31 pursuant to G.S. 13-4;
- 32 (e) an unconditional pardon pursuant to G.S. 13-3;
- 33 (f) an order that a conviction is vacated; and
- 34 (g) the individual's citizenship has been restored pursuant to G.S. 13-1;
- 35 (h) an action that is equivalent to Sub-Items (a)-(f) of this Item entered by a court, or an official
- 36 or body of a state, federally recognized tribe, or nation with the authority to grant pardons.

1 ~~(26)~~(27) "Residence address" means a physical location with a street name, and a number designating the
2 building in which an individual resides, resides (no P.O. boxes), including an apartment or unit
3 number if applicable, the city, state, zip code, and nation if not the United States.

4 (28) "Restriction" with regard to public office means an individualized action:

5 (a) _____ to restrain an individual from serving in public office; and

6 (b) _____ that is taken by:

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

9 or

10 (ii) _____ a court.

11 ~~(27)~~(29) "Revocation" with regard to an individual's capacity to serve in a public office means an
12 individualized action:

13 (a) to void or cancel a certification of election to office; or

14 (b) to remove an individual from a public office; and

15 (c) that is taken by:

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

18 or

19 (ii) a court.

20 ~~(28)~~(30) "Suspension" with regard to a public office means an individualized action:

21 (a) to prohibit, for a finite period of time, an individual's authority to serve in a public office;
22 and

23 (b) that is taken by:

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

26 or

27 (ii) a court.

28
29 *History Note:* Authority G.S. 10B-4; 10B-14(f); 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-
30 134.19; 10B-134.21; 10B-134.23;

31 *Eff. April 1, 2007;*

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

34 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07B .0105 is amended as published in 39:13 NCR 807 as follows:

2

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

4 A ~~filer~~ person responding to a departmental information request shall:

5 (1) use reasonable efforts to obtain information requested by the Department;

6 (2) deliver to the Department all requested information that is available to the ~~filer~~; person; and

7 (3) if unable to obtain requested information, describe to the Department the efforts taken to obtain the
8 information.

9

10 *History Note:* *Authority G.S. 10B-4; 10B-14(f); 10B-107; 10B-134.21;*

11 *Eff. July 1, ~~2024~~. 2024;*

12 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0110 is amended as published in 39:13 NCR 807 as follows:

2

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

4 A request to the Department for information about a notary public or a technology provider that is confidential
5 pursuant to ~~G.S. 10B 7, G.S. 10B 60, G.S. 10B 106~~, law, rule, or regulation or that is personally identifiable
6 information shall:

- 7 (1) be in writing;
- 8 (2) include the name of the requestor and contact information for the requestor; and
- 9 (3) document the right and authority of the requestor to receive the confidential information.

10 Note: Confidentiality laws include: G.S. 10B-7, G.S. 10B-60, G.S. Chapter 66, Article 24, G.S. 132-1.2.

11

12 *History Note: Authority G.S. 10B-4; 10B-106;*
13 *Eff. April 1, 2007;*
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
15 *6, 2016;*
16 *Transferred from 18 NCAC 07B .1001 Eff. June 1, 2023;*
17 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07B .0111 is adopted with changes as published in 39:13 NCR 807 as follows:

2

3 **18 NCAC 07B .0111 PROPERTY OF NOTARY PUBLIC**

4 A notary public's ~~traditional-notarial~~ physical notary seal, electronic notary seal and signature, journals,
5 communication technology recordings, session records, notarial records and any information in them are the personal
6 property of the notary.

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 07B .0305 is amended as published in 39:13 NCR 807-808 as follows:

2

3 **18 NCAC 07B .0305 **RESPONSE TO QUESTIONS AND REQUESTS FOR INFORMATION****

4 A ~~file~~ person responding to a departmental information request shall respond to departmental requests for information
5 within the time and in the manner specified based upon the Department's consideration of:

- 6 (1) the nature of the information requested;
- 7 (2) the urgency of the Department's need for the information; and
- 8 (3) the ease of production by the recipient of the request.

9

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

11 *Eff. July 1, ~~2024~~ 2024;*

12 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0308 is amended as published in 39:13 NCR 808 as follows:

2

3 **18 NCAC 07B .0308 SIGNATURE FOR ENTITY**

4 (a) If ~~a person~~ an individual is signing a form or other filing document for a technology provider or other business
5 entity:

6 (1) the signer shall be duly authorized by law or the entity to sign; and

7 (2) the signer shall state the signer's title, position, and authorization to sign.

8 (b) For purposes of this Rule, "duly authorized by law" means as required by G.S. 55D-10(b)(5) for an entity, by the
9 owner for a sole proprietorship, or by a general partner for a general partnership.

10

11 *History Note: Authority G.S. 10B-4; 10B-6; 10B-106; 10B-125; 10B-134.19; 10B-134.21;*

12 *Eff. July 1, ~~2024~~. 2024;*

13 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0310 is amended as published in 39:13 NCR 808 as follows:

2

3 **18 NCAC 07B .0310 INCOMPLETE FILINGS**

4 The Department shall consider a filing incomplete for:

5 (1) failure to provide information required pursuant to Chapter 10B of the General Statutes or the rules
6 in this Chapter;

7 (2) failure to tender any fee required by Chapter 10B of the General Statutes or the rules in this Chapter;

8 ~~(2)(3)~~ lack of a signature required by Chapter 10B of the General Statutes or the rules in this Chapter; or

9 ~~(3)(4)~~ lack of a notarial act where required by Chapter 10B or the rules in this Chapter.

10

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

12 *Eff. July 1, ~~2024~~ 2024;*

13 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0313 is adopted as published in 39:13 NCR 808 as follows:

2

3 **18 NCAC 07B .0313 EXTENSION REQUEST TO DEPARTMENT**

4 (a) A person responding to a departmental information request may submit a request for an extension of time to
5 respond to a Department request pursuant to Rule .0305 of this Section.

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

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

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

9 (c) This rule does not apply to Department investigations made pursuant to G.S. 10B-60.

10

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

12 *Eff. July 1, 2025.*

1 18 NCAC 07B .0314 is adopted as published in 39:13 NCR 808 as follows:

2

3 **18 NCAC 07B .0314 DEPARTMENT RESPONSE TO EXTENSION REQUEST**

4 When deciding whether to grant an extension request, the Department shall consider the factors listed in Rule .0108
5 of this Subchapter.

6

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

8 Eff. July 1, 2025.

1 18 NCAC 07B .0402 is amended with changes as published in 39:13 NCR 808-809 as follows:

2
3 **SECTION .0400 – FORMS**

4
5 **18 NCAC 07B .0402 CONTACT INFORMATION**

6 For purposes of the rules in this Section, unless otherwise indicated, "contact information" means:

7 (1) for ~~a key an~~ individual who is identified pursuant to ~~G.S. 10B-134.19(e)(2);~~ G.S. 10B-134.19(c)(2)
8 by a platform, by an IPEN, or for key individuals operating a sole proprietorship or general
9 partnership:

- 10 (a) the full name of the individual;
- 11 (b) the following addresses:
- 12 (i) residential address;
- 13 (ii) business address;
- 14 (iii) mailing address;
- 15 (c) business telephone numbers;
- 16 (d) business email addresses;
- 17 (e) any other names by which the individual is known, including nicknames;

18 (2) for a business entity:

- 19 (a) the name of the entity on record with the Secretary of State, formation or filing office in its
20 state, federally recognized tribe, or country of formation;
- 21 (b) the name of the state, federally recognized tribe, or country of formation;
- 22 (c) the year of formation;
- 23 ~~(e)(d)~~ the street address, and the mailing address if different, of the entity's principal office;
- 24 ~~(d)(e)~~ the street address, and the mailing address if different, of the entity's registered office;
- 25 ~~(e)(f)~~ the principal office telephone number of the entity;
- 26 ~~(f)(g)~~ the email address of the entity;
- 27 ~~(g)(h)~~ the URL for the entity's website, if any;
- 28 ~~(h)(i)~~ the name of an individual who is designated by the entity as the primary contact between
29 the Department and the entity, and for that individual:
- 30 (i) title and position;
- 31 (ii) telephone number;
- 32 (iii) mailing address if different from the addresses provided in Sub-Items (2)(c) and
33 (d) of this Item;
- 34 (iv) primary email address;
- 35 (v) secondary email address, if applicable;

- 1 ~~(j)~~(j) the name of an individual designated as the secondary contact between the Department and
- 2 the entity if the individual named in ~~Sub-Item (2)(h)~~ Sub-Item (2)(i) of this Item is not
- 3 available; and
- 4 ~~(j)~~(k) the information in ~~Sub-Item (2)(h)~~ Sub-Item (2)(i) of this Item for the secondary contact
- 5 individual named in ~~Sub-Item (i)~~ Sub-Item (2)(j) of this Item; or
- 6 (3) for a technology provider's, or traditional physical seal manufacturer manufacturer's or vendor's
- 7 registered agent listed on an ~~application filed pursuant to G.S. 10B-134.19:~~ application:
- 8 (a) the name of the registered agent;
- 9 (b) the registered office address for the registered agent and mailing address if different; and
- 10 (c) a business email address for the registered agent.

11
12 *History Note:* *Authority G.S. 10B-4; 10B-134.21;*
13 *Eff. July 1, ~~2024~~ 2024;*
14 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0405 is amended with changes as published in 39:13 NCR 809 as follows:

2

3 **18 NCAC 07B .0405 FORM NOTIFYING DEPARTMENT OF SELECTION OF TECHNOLOGY**
4 **PROVIDERS BY ~~ELECTRONIC NOTARIES~~ NOTARY PUBLIC**

5 The form notifying the Department of the selection of technology providers by ~~an electronic~~ a notary public includes:

- 6 (1) the name on the notary's commission;
- 7 (2) the notary's commission number;
- 8 (3) the name of the technology providers selected by the notary to provide:
 - 9 (a) ~~electronic signatures;~~ signatures and
 - 10 ~~(b)~~ electronic seals; and
 - 11 ~~(c)~~(b) electronic journals;
- 12 (4) the name of the custodian selected by the notary to provide custodial services ~~for~~ for:
 - 13 (a) ~~electronic journals;~~ journals and their backups, if applicable;
 - 14 (b) communication technology recordings and their backups, if applicable;
- 15 (5) if the notary named himself or herself in Sub-Item (4)(a) of this Rule as custodian of the notary's
16 electronic journals and journal backups, the notary's certification that the notary shall:
 - 17 (a) serve as a custodial notary; and
 - 18 (b) comply with all custodial notary rules in 18 NCAC 07J Section .2200;
- 19 ~~(5)(6)~~ for an electronic notary who plans to perform remote electronic notarial acts, the names of the
20 technology providers selected by the notary to provide platform services;
- 21 ~~(6)(7)~~ the anticipated dates on which the notary will begin using the technology providers;
- 22 ~~(7)(8)~~ the signature of the notary; and
- 23 ~~(8)(9)~~ the date on which the notary signs the form.

24

25 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.21; 10B-*
26 *134.23;*
27 *Eff. March 1, 2025. 2025;*
28 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0408 is amended as published in 39:13 NCR 809 as follows:

2

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

4 The affidavit of moral character form requires:

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

24

25 *History Note: Authority G.S. 10B-4; 10B-134.19;*
26 *Eff. July 1, ~~2024~~ 2024;*
27 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0409 is amended with changes as published in 39:13 NCR 809-810 as follows:

2

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

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

6 (1) information regarding the applicant's current or, if expired, the most recent commission, including
7 the commission number;

8 (2) an imprint or stamp from the applicant's current seal, or most recently expired seal, if the applicant
9 currently possesses a seal;

10 (3) information required pursuant to G.S. 10B-11;

11 (4) the instructor's signature, if the applicant takes the notary course as part of the recommissioning
12 process;

13 (5) information required pursuant to Rule .0407 of this Section that is not otherwise included in Items
14 (1)-(3) of this Rule; ~~and~~

15 (6) for recommissioning for a traditional notary who is not also an electronic notary, a statement with
16 regard to technology [providers:] providers (Note: An example would be a traditional notary who
17 administers oaths or affirmations in G.S. 10B-134.9(d) judicial actions or proceedings):

18 (a) the notary will continue to use:

19 (i) the name of the technology provider for which the notary has previously provided
20 notice; and

21 (ii) the custodian for the electronic journal for which the notary has previously
22 provided notice;

23 (b) the name of the technology provider that the notary will now use; or

24 (c) at this time, the notary does not have a technology provider; and

25 ~~(6)(7)~~ the declaration under penalty of perjury that is required by G.S. 10B-12.

26

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

28 *Eff. July 1, 2024. 2024;*

29 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0411 is amended with changes as published in 39:13 NCR 810 as follows:

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

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

- 5 (1) the name of the individual;
- 6 (2) if a commissioned notary public the notary's commission number;
- 7 (3) the last four digits of the individual's SSN;
- 8 (4) contact information for the individual;
- 9 (5) for a previously unreported criminal charge:
- 10 (a) the date of the charge;
- 11 (b) the court in which the charge is filed;
- 12 (c) whether the charge is for a felony or misdemeanor;
- 13 (d) the name of the charge;
- 14 (e) whether the charge has been set for a hearing or trial and, if yes, the scheduled date; and
- 15 (f) the case number;
- 16 (6) for notice of a disposition of a criminal charge:
- 17 (a) the date of the disposition;
- 18 (b) the name of the court and the case number;
- 19 (c) if the disposition resulted in a conviction:
- 20 (i) whether the conviction was for a felony or misdemeanor; and
- 21 (ii) the sentence imposed;
- 22 (d) a copy of the disposition document or judgment;
- 23 (e) a copy of any document restoring citizenship rights; ~~and~~
- 24 (7) a declaration under penalty of perjury that the information provided is true and [correct]
- 25 complete to the best of the affiant's knowledge and belief; and
- 26 ~~(7)~~(8) the signature of the individual and the date signed.

27
28 *History Note: Authority G.S. 10B-4;*
29 *Eff. July 1, ~~2024~~ 2024;*
30 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0414 is amended as published in 39:13 NCR 810 as follows:

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

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

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

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

27 *Eff. March 1, 2025. 2025;*

28 *Amended Eff. July 1, 2025.*

1 18 NCAC 07B .0420 is adopted as published in 39:13 NCR 810-811 as follows:

2

3 **18 NCAC 07B .0420 NOTARY FORM TO REPORT TECHNOLOGY DYSFUNCTIONS**

4 The form notaries public and electronic notaries public use to report technology dysfunctions pursuant to 18 NCAC
5 07D .0309 requires:

6 (1) the notary's commission name;

7 (2) the name of the technology provider with which the notary is experiencing dysfunctions;

8 (3) a description of the dysfunction;

9 (4) the basis for concern if a dysfunction is suspected to involve security, privacy or accuracy of
10 credential verification or identity proofing;

11 (5) the dates, times, and duration of the dysfunctions; and

12 (6) the efforts undertaken to resolve the dysfunctions by the notary or the technology provider.

13

14 History Note: Authority G.S. 10B-4; 10B-134.19;

15 Eff. July 1, 2025.

1 18 NCAC 07B .0421 is adopted with changes as published in 39:13 NCR 811 as follows:

2

3 **18 NCAC 07B .0421 STAND-ALONE NOTARIAL CERTIFICATE**

4 If the notarial certificate selected by the principal is on a page separate from the document being notarized, then the
5 notary public shall include on or near the ~~notary~~ notarial certificate the following descriptive language:

- 6 (1) the title or type of document;
- 7 (2) the number of pages of the document being notarized, exclusive of the certificate;
- 8 (3) the names of the principal signers; and
- 9 (4) the date the principals signed.

10

11 *History Note:* Authority G.S. 10B-2; 10B-4; 10B-134.19;

12 *Eff. July 1, 2025.*

1 18 NCAC 07B .0422 is adopted as published in 39:13 NCR 811-812 as follows:

2
3 **18 NCAC 07B .0422 APPLICATION FOR TECHNOLOGY PROVIDER AUTHORIZATION –**
4 **GENERAL**

5 Technology provider application forms shall require:

- 6 (1) the type or types of authorization to which the application applies:
7 (a) IPEN;
8 (b) platform;
9 (c) credential analysis;
10 (d) identity proofing; or
11 (e) custodian;
12 (2) contact information:
13 (a) the information specified in Rule .0402(2) of this Section for the applicant;
14 (b) the information specified in Rule .0402(3) of this Section for the registered agent of a
15 business entity that is an applicant;
16 (c) the information specified in Rule .0402(1) of this Section for:
17 (i) the applicant's key individuals; and
18 (ii) the applicant's compliance contact employee designated pursuant to Item (4)(b)
19 of this Rule, except that the residential address shall not be required; and
20 (3) the following general information about the technology provider applicant and its business:
21 (a) the type of business entity;
22 (b) all states and nations in which the technology provider applicant has obtained a certificate
23 of authority to do business, or its equivalent;
24 (c) all assumed business names, trade names, or "doing business as" names used by the
25 applicant in North Carolina, other states, or nations;
26 (d) all fictitious or equivalent names registered with the Department or other states or nations
27 because the business' legal name is not available. Note: An example would be a fictitious
28 name registered with the Department pursuant to G.S. 55D-22(a)(6);
29 (e) for legal actions, the information required by 18 NCAC 07J .0416;
30 (f) for debarment involving the applicant or the applicant's key individuals, the information
31 specified in 18 NCAC 07J .0414;
32 (g) for disciplinary actions, the information specified in 18 NCAC 07J .0418;
33 (h) for voluntary exclusion in lieu of debarment involving the applicant or the applicant's key
34 individuals, the information specified in 18 NCAC 07J .0415;
35 (i) for bankruptcy, the information required by 18 NCAC 07J .0420;
36 (j) a summary of its most recent IT security audit as required by 18 NCAC 07J .0621;
37 (4) the following information related to the authorization that the applicant seeks:

- 1 (a) the name of the product and the version number for which authorization is sought;
2 (b) the full name of the compliance contact who meets the requirements of, and has the duties
3 set forth in, 18 NCAC 07J .0406;
4 (c) minimum hardware and software specifications as required by 18 NCAC 07J .0608;
5 (5) the following information regarding the applicant's provision of the same or similar notarial services
6 in jurisdictions other than North Carolina:
7 (a) the name of each state, tribe or nation; and
8 (b) for each named jurisdiction, the information required by 18 NCAC 07J .0405;
9 (6) a URL link to the information that the applicant is required to provide pursuant to 18 NCAC 07J
10 .0607;
11 (7) information regarding whether the applicant's services as a technology provider have within the
12 preceding five years been the subject of:
13 (a) a security breach; or
14 (b) a ransomware attack, as defined at G.S. 143B-1320(a)(14a);
15 (8) identification and information for third-party vendors, supporting vendors, and businesses pursuant
16 to 18 NCAC 07J .0408-.0411;
17 (9) the applicant's certifications, compliance reports, or equivalents by independent third-party entities
18 with:
19 (a) the information required by 18 NCAC .07J .0413; and
20 (b) if the certifications, compliance reports, or equivalents have levels, grades, or annotations,
21 those applicable to the applicant;
22 Note: Examples of acceptable certifications are ISO 270001 and SOC2;
23 (10) the applicant's certification that it complies with the requirements to have and implement the plans
24 required by 18 NCAC 07J Section .0600; and
25 (11) signature by a key individual employed by the technology provider applicant who has the authority
26 to:
27 (a) bind the applicant;
28 (b) make certifications required by this rule and the rules in 18 NCAC Subchapter 07J; and
29 (c) declare under penalty of perjury that:
30 (i) the information provided is true and complete to the best of the signer's knowledge
31 and belief;
32 (ii) the application was prepared under the signer's authority and supervision;
33 (iii) the applicant agrees that representations, promises and assurances of performance
34 in the application are binding on it; and
35 (d) the date on which the application was signed.
36

37 History Note: Authority G.S. 10B-4; 10B-126(d); 10B-134.19; 10B-134.21; 10B-134.23(b);

Eff. July 1, 2025.

1 18 NCAC 07B .0423 is adopted with changes as published in 39:13 NCR 812 as follows:

2

3 **18 NCAC 07B .0423 APPLICATION FOR IPEN AUTHORIZATION**

4 The form used to apply for authorization as an IPEN technology provider requires:

- 5 (1) the information required by Rule .0422 of this Section;
- 6 (2) for each of the technology provider's key individuals:
 - 7 (a) the information required by 18 NCAC 07J .1304;
 - 8 (b) a brief description of the individuals' duties; and
 - 9 (c) the information required by Section .0700 of this Subchapter; and
- 10 (3) the information required by ~~the rules in 18 NCAC 07J .1303.~~ 18 NCAC 07J .1301.

11

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

13 *Eff. July 1, 2024.*

1 18 NCAC 07B .0424 is adopted with changes as published in 39:13 NCR 812 as follows:

2

3 **18 NCAC 07B .0424 APPLICATION FOR PLATFORM LICENSE**

4 The form used to apply for authorization as a licensed platform requires:

- 5 (1) the information required by Rule .0422 of this Section;
- 6 (2) for each of the technology provider's key individuals:
- 7 (a) the information required by 18 NCAC 07J .1505;
- 8 (b) a brief description of the individuals' duties; and
- 9 (c) the information required by 18 NCAC 07B Section .0700; and
- 10 (3) the information required by ~~18 NCAC 07J~~ 18 NCAC 07J .1501.

11

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

13 *Eff. July 1, 2025.*

1 18 NCAC 07B .0425 is adopted as published in 39:13 NCR 812 as follows:

2

3 **18 NCAC 07B .0425 APPLICATION FOR CREDENTIAL ANALYSIS AUTHORIZATION**

4 The form used to apply for authorization as an approved credential analysis provider requires:

5 (1) the information required by Rule .0422 of this Section; and

6 (2) the information required by 18 NCAC 07J .1701.

7

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

9 Eff. July 1, 2025.

1 18 NCAC 07B .0426 is adopted as published in 39:13 NCR 812 as follows:

2

3 **18 NCAC 07B .0426 APPLICATION FOR IDENTITY PROOFING AUTHORIZATION**

4 The form used to apply for authorization as an approved identity proofing provider requires:

5 (1) the information required by Rule .0422 of this Section; and

6 (2) the information required by 18 NCAC 07J .1901.

7

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

9 Eff. July 1, 2025.

1 18 NCAC 07B .0427 is adopted as published in 39:13 NCR 812 as follows:

2

3 **18 NCAC 07B .0427 APPLICATION FOR CUSTODIAN AUTHORIZATION**

4 The form used to apply for authorization as an approved custodian requires:

5 (1) the information required by Rule .0422 of this Section; and

6 (2) the information required by 18 NCAC 07J .2101.

7

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

9 Eff. July 1, 2025.

1 18 NCAC 07B .0428 is adopted with changes as published in 39:13 NCR 812-813 as follows:

2

3 **18 NCAC 07B .0428 CUSTODIAL NOTARY ANNUAL REPORT FORM**

4 The form for annual reports by custodial notaries public requires:

- 5 (1) the commission name and number of the custodial notary;
- 6 (2) the calendar year covered by the annual report;
- 7 (3) the information required by 18 NCAC 07D Section .0300;
- 8 (4) certification that the custodial notary:
- 9 (a) intends to continue serving as a custodial notary and will continue to comply with the
- 10 custodial notary rules in 18 NCAC 07H and 18 NCAC 07J;
- 11 (b) will cease serving within the next 12 months as a custodial notary, and, unless the retention
- 12 period pursuant to 18 NCAC 07I .0212 will expire during that period, the name of the
- 13 approved custodian to which the custodial notary will transfer the notary's records and the
- 14 projected date of transfer;
- 15 (c) if the notary has already ceased serving as a custodial notary, the date on which the notary's
- 16 records were transferred to an approved custodian and the name of the approved custodian,
- 17 unless the retention period pursuant to 18 NCAC 07I .0212 has expired; or
- 18 (d) has ceased serving as a custodial notary because the period of retention for all records has
- 19 expired;
- 20 (5) certification that the information provided in the form is true and ~~correct~~, complete; and
- 21 (6) the signature of the custodial notary and the date signed.

22

23 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a);*
24 *Eff. July 1, 2025.*

1 18 NCAC 07B .0429 is adopted with changes as published in 39:13 NCR 813 as follows:

2

3 **18 NCAC 07B .0429 TECHNOLOGY PROVIDERS OTHER THAN PLATFORMS VERIFYING**
4 **CONTINUING COMPLIANCE**

5 The form for technology providers other than platforms verifying their continuing compliance requires:

- 6 (1) the name of the technology provider;
- 7 (2) the electronic notary solution for which the provider has been approved;
- 8 (3) the information required by 18 NCAC 07J .0211;
- 9 (4) either a statement that the Department has been notified of changes as required in 18 NCAC 07J
10 .0203 or inclusion of required notice of changes;
- 11 (5) the signature of the compliance officer and the date signed;
- 12 (6) certification that the information provided in the form is true and ~~correct~~, complete; and
- 13 (7) the signature of a key individual employed by the technology provider who has the authority to bind
14 the technology provider and the date signed.

15

16 *History Note: Authority G.S. 10B-4; 10B-126(d); 10B-134.21; 10B-134.23(b);*
17 *Eff. July 1, 2025.*

1 18 NCAC 07B .0431 is adopted as published in 39:13 NCR 813-814 as follows:

2
3 **18 NCAC 07B .0431 FORM FOR NOTARY REPORTABLE INCIDENTS**

4 The form for a notary public notifying the Department of reportable incidents pursuant to 18 NCAC 07D .0310
5 requires:

- 6 (1) the notary's commission name and commission number;
7 (2) how the notary discovered the reportable incident;
8 (3) the date of the last notarization performed by the notary before the reportable incident occurred or
9 was discovered;
10 (4) the date on which the notary discovered the reportable incident regarding the notary's physical seal,
11 electronic seal, signature, journal, notarial records, or communication technology recording;
12 (5) the date on which the reportable incident occurred, if different from the date of discovery;
13 (6) the date on which the notary reported to:
14 (a) the Register of Deeds, and the county of that Register of Deeds; and
15 (b) law enforcement, if applicable, including the name of the law enforcement agency and a
16 copy of the law enforcement report if available;
17 (7) how the notary discovered the reportable incident;
18 (8) any other information that the notary believes may be useful to the Department in assessing the
19 reportable incident; and
20 (9) the notary's signature and the date of the report to the Department.

21
22 History Note: Authority G.S. 10B-4; 10B-36; 10B-125(b); 10B-126(d); 10B-134.21;
23 Eff. July 1, 2025.

1 18 NCAC 07B .0601 is amended as published in 39:13 NCR 814 as follows:

2
3 **SECTION .0600 – DENIALS, DISCIPLINE, AND ENFORCEMENT**

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

6 When determining whether and what disciplinary action to take, the Department shall consider:

- 7 (1) the qualifications of the person;
- 8 (2) the nature, number, timing, and severity of any acts, offenses, official misconduct, or crimes under
9 consideration;
- 10 (3) evidence pertaining to the honesty, credibility, truthfulness, and integrity of the person;
- 11 (4) actual or potential harm;
- 12 (5) the history of complaints against the person received by the Department;
- 13 (6) the record of prior disciplinary actions against the person;
- 14 (7) evidence in mitigation;
- 15 (8) evidence in aggravation;
- 16 (9) occupational, vocational, or professional license disciplinary record;
- 17 (10) evidence of rehabilitation;
- 18 (11) criminal history record;
- 19 (12) information and reports received from other law enforcement agencies;
- 20 (13) willfulness;
- 21 (14) negligence;
- 22 (15) the response of the person to any alleged violations; ~~and~~
- 23 (16) whether the person self-reported a matter affecting qualification or the performance of an activity
24 pursuant to ~~authorization.~~ authorization; and
- 25 (17) the purposes of the Notary Act as set forth in G.S. 10B-2.

26
27 *History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60;*

28 *Eff. April 1, 2007;*

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

30 *Eff. December 6, 2016;*

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

32 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07B .0603 is amended as published in 39:13 NCR 814 as follows:

2
3 **18 NCAC 07B .0603 LEVELS OF ENFORCEMENT**

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

- 6 (1) upon a finding of a violation of Chapter 10B of the General Statutes or the rules in this Chapter:
- 7 (a) issue a letter of caution to a person along with:
 - 8 (i) a request for compliance; and
 - 9 (ii) a statement that future noncompliance may lead to disciplinary action by the
10 Department;
 - 11 (b) issue a letter of warning to a person, with or without a corrective action plan. Note: A
12 requirement for additional education is an example of a corrective action plan;
 - 13 (c) suspend a person's authorization and bar the grant of an authorization for a specific period
14 of time not to exceed 24 months, with or without a corrective action plan;
 - 15 (d) issue a revocation of a person's authorization;
 - 16 (e) issue a permanent revocation of a person's authorization;
 - 17 (f) issue an administrative action restricting, for a specific period of time, an unauthorized
18 person from submitting an application or from being becoming authorized; or
 - 19 (g) issue an administrative action permanently restricting an unauthorized person from
20 submitting an application or from becoming authorized; and
 - 21 (h) issue a civil penalty pursuant to G.S. 10B-60(m) or 10B-134.23(c)(4); and
- 22 (2) use the factors in Rule .0601 of this Section to take action to withdraw, stay, rescind, or expunge a
23 disciplinary action.

24 Note: An application submitted in violation of an administrative action pursuant to Paragraphs (f) and (g) of this Rule
25 shall be denied by the Department immediately upon identification of the applicant as being subject to the
26 administrative action during the period of time applicable to the action. The application fee shall not be refunded.

27
28 *History Note: Authority G.S. 10B-4; 10B-14(f); 10B-60; 10B-126; 10B-134.19; 10B-134.21;*
29 *Eff. April 1, 2007;*
30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
31 *6, 2016;*
32 *Transferred from 18 NCAC 07B .0903 Eff. June 1, 2023;*
33 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07B .0607 is amended as published in 39:13 NCR 814 as follows:

2

3 **18 NCAC 07B .0607 RESTRICTION**

4 Upon a finding that the person has acted without being authorized by the Department, the Department may issue an
5 administrative action to restrict that person from applying for authorization or from becoming authorized to:

- 6 (1) perform a notarial act;
- 7 (2) teach a notarial course;
- 8 (3) offer an electronic ~~notarization system~~ notary solution to an electronic notary public; or
- 9 (4) act as a ~~depository~~ depository or custodian.

10

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

12 *Eff. April 1, 2007;*

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

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

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

17 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07B .0609 is adopted as published in 39:13 NCR 815 as follows:

2

3 **18 NCAC 07B .0609 FAILURE TO REMIT FEES**

4 (a) Failure of a platform provider to remit fees in accordance with G.S. 10B-134.19 and the rules in this Chapter shall
5 be a basis for the Department to revoke a platform license.

6 (b) Revocation shall not preclude other disciplinary action or remedies available to the Department.

7

8 History Note: Authority G.S. 10B-4;10B-134.19;

9 Eff. July 1, 2025.

1 18 NCAC 07B .0610 is adopted with changes as published in 39:13 NCR 815 as follows:

2

3 **18 NCAC 07B .0610 FAILURE TO VERIFY**

4 A technology provider, or physical seal manufacturer or vendor shall be deemed to have knowingly created,
5 manufactured or distributed a notary seal in violation of G.S. 10B-60(n) if the ~~provider~~ provider, manufacturer, or
6 vendor fails to comply with, as applicable:

7 (1) 18 NCAC 07J .1202 for IPEN account creation;

8 (2) 18 NCAC 07J .1410 for platform account creation for an electronic notary;

9 (3) 18 NCAC 07J .1411 for platform account creation for a traditional notary;

10 (4) ~~18 NCAC 07J .1203 for change of name on~~ 18 NCAC 07J .1202 for changes to notary commission
11 or registration certificate presented to the IPEN solution;

12 (5) ~~18 NCAC 07J .1414 for change of name on platform for an electronic notary;~~ 18 NCAC 07J .1412
13 for changes to commission or registration certificate presented to the platform; and

14 (6) ~~18 NCAC 07J .1415 for change of name on platform for a traditional notary; and~~

15 ~~(7)~~(6) 18 NCAC 07G.

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 07B .0801 is adopted with changes as published in 39:13 NCR 815 as follows:

2
3 **SECTION .0800 – INVESTIGATIONS – RESERVED ACCOMMODATIONS FOR PRINCIPALS**

4
5 **18 NCAC 07B .0801 DEFINITIONS**

6 For the purpose of this Chapter, the following definitions shall apply:

- 7 (1) "Accessibility", "accommodation", and "reasonable accommodation" mean actions facilitating
8 participation in a remote electronic notarial act by a remotely located principal with a vision,
9 hearing, or speech impairment.
- 10 (2) "Auxiliary aid" means a device or tool to enable an individual with vision, hearing, or speech
11 impairments to communicate with a notary public and participate in the notarial transaction process
12 but does not mean ~~interpretation or transliteration~~ interpretation, transliteration, or CART
13 captioning. Note: Examples are screen reader software, magnification software, optical readers for
14 an individual with low vision or a portable device that either writes or produces speech for an
15 individual with speech impairment.
- 16 (3) "CART" or "Communication Access Realtime Translation" means live translation of the spoken
17 English language into English text by an individual certified as a captioner by the National Court
18 Reporters Association and made available on screen with video to a remotely located principal with
19 hearing loss.
- 20 (4) "Interpreter" means an individual:
21 (a) with a full North Carolina interpreter license as defined at 21 NCAC 25 .0101(b)(7);
22 (b) interpreting, as defined at G.S. 90D-3(5), to a remotely located principal with vision,
23 hearing, or speech impairments; and
24 (c) who does not have a provisional interpreting license.
- 25 (5) "Transliterater" means an individual:
26 (a) with a full North Carolina transliterater license as defined at 21 NCAC 25 .0101(b)(7);
27 (b) transliterating, as defined at G.S. 90D-3(9), to a remotely located principal with vision,
28 hearing, or speech impairments; and
29 (c) who does not have a provisional transliterating license.

30
31 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
32 *Eff. July 1, 2025.*

1 18 NCAC 07B .0802 is adopted with changes as published in 39:13 NCR 815 as follows:

2

3 **18 NCAC 07B .0802 PRINCIPAL SEEKING ACCOMMODATION**

4 (a) Before performing a notarial act, a notary public shall require a principal needing reasonable accommodation for
5 vision, hearing, or speech impairments to ~~describe:~~ disclose:

6 (1) any auxiliary aid that the principal ~~is using;~~ has chosen for use in connection with the notarial act;
7 and

8 (2) any interpreter, transliterator, or CART captioner that the principal ~~is using;~~ has chosen for use in
9 connection with the notarial act.

10 (b) If the notarial act is a remote notarial act, ~~then~~ the notary shall comply with Paragraph (a) of this Rule before
11 starting the communication technology recording.

12 (c) A notary public may rely on representations made by an interpreter, transliterator, or certified CART captioner
13 pursuant to this Section.

14

15 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
16 *Eff. July 1, 2025.*

1 18 NCAC 07B .0803 is adopted as published in 39:13 NCR 815 as follows:

2

3 **18 NCAC 07B .0803 PRINCIPAL USE OF CERTAIN ACCOMMODATIONS PERMITTED**

4 A notary public may perform a notarization for a principal with a vision, hearing, or speech impairment whose
5 communications are accurately conveyed by:

6 (1) an auxiliary aid; or

7 (2) an interpreter, transliterator, or certified CART captioner.

8

9 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23

10 Eff. July 1, 2025.

1 18 NCAC 07B .0804 is adopted as published in 39:13 NCR 815-816 as follows:

2

3 **18 NCAC 07B .0804 PROHIBITION ON USE OF ACCOMMODATION AS INTERMEDIARY**
4 **LANGUAGE**

5 An interpreter, transliterator, or CART captioner shall not act as a bridge or relay interpreter to facilitate
6 communication between a notary public and a principal who do not share a common language. This rule does not
7 prohibit interpretation by an interpreter between a principal who uses American Sign Language and a notary who
8 speaks English.

9 Note: An example of a bridge or relay interpretation between a notary and principal who do not share a common
10 language would be an interpreter who translates a principal's Chinese into English for a notary and the notary's English
11 into Chinese sign language for the principal with hearing impairment.

12

13 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23

14 Eff. July 1, 2025.

1 18 NCAC 07B .0805 is adopted with changes as published in 39:13 NCR 816 as follows:

2

3 **18 NCAC 07B .0805 PROHIBITION ON USE OF AUXILIARY AID FOR INTERMEDIARY**
4 **LANGUAGE**

5 A notary public shall not allow a principal to use an auxiliary aid to act as a bridge or to provide relay interpretation
6 to facilitate communication between a notary public and a principal who do not share a common language.

7 Note: An example of an auxiliary aid acting as a bridge or relay between a principal with speech impairment whose
8 language of communication is German and a notary who speaks English, and the aid translates the German into spoken
9 English for the notary and the English into German for the principal.

10

11 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23*

12 *Eff. July 1, 2025.*

1 18 NCAC 07B .0806 is adopted with changes as published in 39:13 NCR 816 as follows:

2

3 **18 NCAC 07B .0806 INTERPRETER OR TRANSLITERATOR INFORMATION**

4 (a) Before performing a notarial act, a notary public shall require any interpreter or transliterator used by a principal
5 to state:

- 6 (1) the name of the interpreter or transliterator as it appears on the North Carolina license;
- 7 (2) the license number; and
- 8 (3) that the interpreter or transliterator has no financial interest in the notarial acts to be performed for
9 the principal.

10 (b) If the notarial act is a remote notarial act, then the notary shall comply with Paragraph (a) of this Rule before
11 starting the communication technology ~~recording~~, recording, if applicable.

12

13 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
14 *Eff. July 1, 2025.*

1 18 NCAC 07B .0807 is adopted with changes as published in 39:13 NCR 816 as follows:

2

3 **18 NCAC 07B .0807 CART CAPTIONER INFORMATION**

4 (a) Before performing a notarial act, a notary public shall require any CART captioner used by a remotely located
5 principal to state:

6 (1) the CART captioner's name as it appears on the National Court Reporters Association certification;

7 (2) the National Court Reporters Association identification number;

8 (3) the CART captioner's status as a National Court Reporters Association-certified realtime captioner;
9 and

10 (4) that the CART captioner has no financial interest in the notarial acts to be performed for the
11 principal.

12 (b) If the notarial act is a remote notarial act, then the notary shall comply with Paragraph (a) of this Rule before
13 starting the communication technology ~~recording~~, recording, if applicable.

14

15 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*

16 *Eff. July 1, 2025.*

1 18 NCAC 07B .0808 is adopted with changes as published in 39:13 NCR 816 as follows:

2

3 **18 NCAC 07B .0808 LIMITS ON ACCOMMODATIONS**

4 A notary public shall not perform a notarial act if an individual identified pursuant to Rules .0806 and .0807 of this

5 ~~Section is:~~ Section:

6 (1) is not certified as a CART captioner;

7 (2) is not licensed as an interpreter or a transliterator; or

8 (3) indicates or is known to the ~~electronic~~ notary to have a financial interest in the transactions that are
9 subject to the notarial acts.

10

11 *History Note:* Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

12 *Eff. July 1, 2025.*

1 18 NCAC 07B .0809 is adopted as published in 39:13 NCR 816 as follows:

2

3 **18 NCAC 07B .0809 JOURNAL ENTRY REQUIRED REGARDING ACCOMMODATIONS**

4 A notary public shall document within each journal entry any accommodations used by a principal during the notarial
5 transaction.

6

7 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

8

Eff. July 1, 2025.

1 18 NCAC 07B .0810 is adopted as published in 39:13 NCR 816 as follows:

2

3 **18 NCAC 07B .0810 CONTENTS OF JOURNAL ENTRY REGARDING ACCOMMODATIONS**

4 A notary public's journal entry pursuant to Rule .0809 of this Section shall include:

5 (1) the type of auxiliary aid specified by the principal;

6 (2) the information regarding a transliterator or interpreter required by Rule .0806 of this Section; and

7 (3) the information regarding a CART captioner required by Rule .0807 of this Section.

8

9 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

10 Eff. July 1, 2025.

1 18 NCAC 07C .0801 is adopted with changes as published in 39:13 NCR 816 as follows:

2

3 **SECTION .0800 – ~~ELECTRONIC NOTARY ACT INVESTIGATION AND ENFORCEMENT~~–**

4 **RESERVED [TRADITIONAL] PHYSICAL NOTARY SEAL**

5

6 **18 NCAC 07C .0801 INITIAL SEAL**

7 An applicant or appointee for an initial commission as a notary public shall not order or purchase a seal until the
8 applicant or appointee has complied with the requirements of Section .0400 of this Subchapter.

9

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

11 *Eff. July 1, 2025.*

1 18 NCAC 07C .0802 is adopted as published in 39:13 NCR 817 as follows:

2

3 **18 NCAC 07C .0802 SEAL IMAGE**

4 A notary public's seal shall be deemed by the Department to comply with G.S. 10B-37 if it contains the words "State
5 of North Carolina" in lieu of the designations in G.S. 10B-37(b)(4).

6

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

8

Eff. July 1, 2025.

1 18 NCAC 07C .0803 is adopted as published in 39:13 NCR 817 as follows:

2

3 **18 NCAC 07C .0803 SEAL LIMITATION**

4 A notary public's seal manufactured after the effective date of this Rule shall include no information or images other
5 than those required or permitted by G.S. 10B-37 and Rule .0802 of this Section.

6

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

8

Eff. July 1, 2025.

1 18 NCAC 07C .0804 is adopted as published in 39:13 NCR 817 as follows:

2

3 **18 NCAC 07C .0804 OBTAINING SEAL**

4 A notary public who seeks to order or purchase a seal shall:

5 (1) select a seal manufacturer or vendor from among the registered seal manufacturers and vendors
6 listed on the Department's website; and

7 (2) present the notary's commission certificate to the manufacturer or vendor.

8

9 History Note: Authority G.S. 10B-4; 10B-36;

10 Eff. July 1, 2025.

1 18 NCAC 07C .0805 is adopted as published in 39:13 NCR 817 as follows:

2

3 **18 NCAC 07C .0805 IN-PERSON SEAL PURCHASE**

4 If a notary public seeks to order or purchase a seal in person, the notary shall comply with Rule .0804 of this Section
5 and:

6 (1) be personally known to the manufacturer or vendor; or

7 (2) present satisfactory evidence of identity to the manufacturer or vendor.

8

9 *History Note: Authority G.S. 10B-4; 10B-36;*

10 *Eff. July 1, 2025.*

1 18 NCAC 07D .0103 is repealed as published in 39:13 NCR 817 as follows:

2

3

SUBCHAPTER 07D – CONTINUING OBLIGATIONS OF NOTARIES

4

5

SECTION .0100 – GENERAL OBLIGATIONS

6

7

18 NCAC 07D .0103 EXTENSION REQUEST TO DEPARTMENT

8

9

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

10

Eff. July 1, ~~2024~~ 2024;

11

Repealed Eff. July 1, 2025.

1 18 NCAC 07D .0104 is repealed as published in 39:13 NCR 817 as follows:

2

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

4

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

6 *Eff. July 1, ~~2024~~ 2024;*

7 *Repealed Eff. July 1, 2025.*

1 18 NCAC 07D .0105 is adopted as published in 39:13 NCR 817 as follows:

2

3 **18 NCAC 07D .0105 NOTARIZATION OF OPEN VEHICLE TITLE PROHIBITED**

4 A notary public shall not notarize an assignment and warranty of title on the reverse of the certificate of title form
5 approved by the Division of Motor Vehicles unless the following fields have been completed by an individual other
6 than the notary:

7 (1) the name and address of the buyer or transferee, except as provided in G.S. 20-72(b) for insurers
8 and used motor vehicle dealers;

9 (2) the required odometer reading disclosures;

10 (3) the required disclosures about repairs, flood, and reconstruction or salvage;

11 (4) the date the vehicle was delivered to the buyer or transferred;

12 (5) the printed name of the seller; and

13 (6) the signature of the seller.

14

15 History Note: Authority G.S. 10B-2; 10B-4; 20-72(b);

16 Eff. July 1, 2025.

1 18 NCAC 07D .0106 is adopted as published in 39:13 NCR 817 as follows:

2

3 **18 NCAC 07D .0106 NO USE OF FOREIGN LANGUAGE TRANSLATORS**

4 A notary public shall not allow a principal or remotely located principal to communicate with the notary by means of
5 an individual converting one language to a different language, orally or in writing. An interpreter, transliterator, or
6 CART captioner may facilitate communication between the notary and principal in compliance with 18 NCAC 07B
7 Section .0800.

8

9 *History Note: Authority G.S. 10B-2; 10B-4;*

10 *Eff. July 1, 2025.*

1 18 NCAC 07D .0309 is adopted as published in 39:13 NCR 817 as follows:
2

3 **SECTION .0300 – NOTICE TO DEPARTMENT OF CHANGES**
4

5 **18 NCAC 07D .0309 NOTIFICATION OF ELECTRONIC NOTARY SOLUTION SERIOUS SERVICE**
6 **PERFORMANCE PROBLEMS**

7 An electronic notary public shall use the form described in 18 NCAC 07B .0420 to notify the Department of any
8 electronic notary solution dysfunction that the electronic notary considers:

9 (1) to be persistent and disruptive; or

10 (2) to indicate possible problems with security, privacy, or accuracy of credential verification or identity
11 proofing.

12 Note: For purposes of this rule, persistent and disruptive dysfunctions include repeated abnormal system interruptions
13 or stoppages, extremely slow system responses, and other unusual system interactions that delay or hinder the notarial
14 act, as determined by the electronic notary.

15
16 History Note: Authority G.S. 10B-4; 10B-36;

17 Eff. July 1, 2025.

1 18 NCAC 07D .0310 is adopted with changes as published in 39:13 NCR 817-818 as follows:

2

3 **18 NCAC 07D .0310 NOTARY REPORT OF LOSS, THEFT AND SIMILAR ISSUES**

4 Within 10 days of discovery, a notary public shall report to the Department using the form specified in 18 NCAC 07B
5 .0431:

- 6 (1) for a physical notary seal or journal, its unauthorized use, loss, theft, or vandalism;
- 7 (2) for an electronic notary seal or signature, its unauthorized use, loss of use, compromise of security,
8 ~~unauthorized use~~, or having been rendered incapable of affixing a legible image; or
- 9 (3) for an electronic notary journal, a communication technology recording, a session record, or other
10 notarial records:
 - 11 (a) the permanent loss of data, use, or access;
 - 12 (b) compromise of security or unauthorized use; or
 - 13 (c) theft.

14

15 *History Note: Authority G.S. 10B-4; 10B-36; 10B-125(b); 10B-126(d); 10B-134.21;*

16 *Eff. July 1, 2025.*

17 *July 1, 2025.*

18

1 18 NCAC 07D .0401 is adopted with changes as published in 39:13 NCR 818 as follows:

2

3

SECTION .0400 – GENERAL REQUIREMENTS FOR USE OF TECHNOLOGY

4

18 NCAC 07D .0401 ELECTRONIC NOTARY SEAL

6 An electronic notary public shall:

7

(1) obtain an electronic notary seal only from an authorized IPEN solution or platform provider;

8

(2) present the electronic notary's ~~commission certificate and~~ registration certificate to the provider; and

9

(3) undergo credential analysis and identity proofing upon:

10

(a) account creation with the provider;

11

(b) presentation of:

12

(i) a commission certificate with a name, county, or expiration date change; or

13

(ii) a recommissioning certificate; and

14

(c) at any time requested by the provider.

15

16 *History Note: Authority G.S. 10B-4; 10B-125(b);*

17

Eff. July 1, 2025.

1 18 NCAC 07D .0402 is adopted as published in 39:13 NCR 818 as follows:

2

3 **18 NCAC 07D .0402 LICENSED PLATFORM USE FOR REMOTE OATHS AND AFFIRMATIONS**
4 **PURSUANT TO G.S. 10B-134.9(D)**

5 A notary public shall use a licensed platform for administration of oaths or affirmations pursuant to G.S. 10B-134.9(d)
6 and comply with the rules in Section .0500 of this Subchapter.

7

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

9 Eff. July 1, 2025.

1 18 NCAC 07D .0403 is adopted as published in 39:13 NCR 818 as follows:

2

3 **18 NCAC 07D .0403 TRADITIONAL NOTARY PUBLIC USE OF APPROVED CUSTODIAN FOR**
4 **JOURNAL**

5 Any custodial services used by a traditional notary public shall have been approved by the Department.

6

7 History Note: Authority G.S. 10B-4; 10B-134.19; 10B-134.21;

8 Eff. July 1, 2025.

1 18 NCAC 07D .0404 is adopted with changes as published in 39:13 NCR 818 as follows:

2

3 **18 NCAC 07D .0404 NOTARY USE OF IDENTITY PROOFING AND CREDENTIAL ANALYSIS**
4 **INDEPENDENT OF PLATFORM**

5 A notary public ~~electing to~~ shall use approved identity proofing or credential analysis solutions when performing an
6 in-person notarial act ~~shall~~; if the notary:

7 (1) ~~not use identity proofing and credential analysis as a replacement for the notary's independent~~
8 ~~evaluation of whether~~ verifies the identity of the principal using personal knowledge or satisfactory
9 ~~evidence of identification has been met; evidence;~~

10 (2) ~~use only approved~~ uses the identity proofing or credential analysis ~~vendors and solutions; only as a~~
11 supplement to, and not a replacement for, the identification process described in Item (1) of this
12 Rule; and

13 (3) ~~comply~~ complies with G.S. 10B-134.11(a)(2).

14

15 History Note: Authority G.S. 10B-4; 10B-134.21; 10B-134.23;

16 Eff. July 1, 2025.

1 18 NCAC 07D .0405 is adopted as published in 39:13 NCR 818 as follows:

2

3 **18 NCAC 07D .0405 APPROVED OR LICENSED TECHNOLOGY TO BE USED BY AN**
4 **ELECTRONIC NOTARY PUBLIC**

5 An electronic notary public shall use only authorized technology providers when performing electronic notarial acts
6 and remote electronic notarial acts.

7

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

9 Eff. July 1, 2025.

1 18 NCAC 07D .0406 is adopted as published in 39:13 NCR 818 as follows:

2

3 **18 NCAC 07D .0406 NOTIFICATION TO TECHNOLOGY PROVIDER OF CHANGES**

4 Prior to conducting any electronic notarial act, a notary public shall have provided the notary's technology providers
5 with a copy of any new commission certificate reflecting changes to the notary's:

6 (1) commission name;

7 (2) commission county; or

8 (3) commission expiration date.

9

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

11 Eff. July 1, 2025.

1 18 NCAC 07D .0501 is adopted as published in 39:13 NCR 818 as follows:
2

3 **SECTION .0500 – REQUIREMENTS FOR GS 10B-134.9(D) OATHS AND AFFIRMATIONS**
4

5 **18 NCAC 07D .0501 NOTARY ADMINISTRATION OF REMOTE OATH OR AFFIRMATION**
6 **PURSUANT TO G.S. 10B-134.9(D)**

7 A notary public administering a remote oath or affirmation pursuant to G.S. 10B-134.9(d) shall comply with:

8 (1) the rules in this Section; and

9 (2) the rules in 18 NCAC 07H, with the exception of Sections .0500 and .0600.
10

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

12 Eff. July 1, 2025.

1 18 NCAC 07D .0502 is adopted as published in 39:13 NCR 818 as follows:

2

3 **18 NCAC 07D .0502 DECLARATION OF JUDICIAL OFFICIAL OR OFFICER OF THE COURT**

4 A notary public may administer a remote oath or affirmation pursuant to G.S. 10B-134.9(d) only if:

5 (1) the notarial act is requested by a judicial officer or an officer of the court; and

6 (2) the requesting officer declares to the notary prior to the administration of the remote oath or
7 affirmation that:

8 (a) the oath or affirmation is one that will be performed in the course of a judicial action or
9 proceeding; and

10 (b) the oath or affirmation will not involve the notarization of a document.

11

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

13 Eff. July 1, 2025.

1 18 NCAC 07D .0503 is adopted with changes as published in 39:13 NCR 819 as follows:

2

3 **18 NCAC 07D .0503 PLATFORM CONFIRMATION OF NOTARY STATUS**

4 Before completing the platform account registration process in order to administer an oath or affirmation pursuant to
5 G.S. 10B-134.9(d), a notary public shall:

6 (1) undergo credential analysis and identity proofing by the platform upon initial account creation;

7 (2) present ~~the notary's commission certificate and registration certificate, if applicable, to the platform;~~
8 ~~and platform:~~

9 (a) for an electronic notary public, the electronic notary's registration certificate; and

10 (b) for a traditional notary, the notary's commission certificate; and

11 (3) if the notary will use the platform's journal, inform the platform and provide the platform with the
12 name of the notary's approved custodian.

13

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

15 *Eff. July 1, 2025.*

1 18 NCAC 07D .0504 is adopted as published in 39:13 NCR 819 as follows:

2

3 **18 NCAC 07D .0504 TRAINING REQUIREMENT FOR NOTARY PUBLIC ADMINISTERING A G.S.**
4 **10B-134.9(D) OATH OR AFFIRMATION**

5 A notary public shall not administer a remote oath or affirmation pursuant to G.S. 10B-134.9(d) unless the notary has
6 completed the Department's educational module specific to G.S. 10B-134.9(d).

7 Note: The educational module may be taken separately or as part of the electronic notary public course.

8

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

10 Eff. July 1, 2025.

1 18 NCAC 07D .0505 is adopted as published in 39:13 NCR 819 as follows:

2

3 **18 NCAC 07D .0505 DOCUMENTATION OF REMOTE OATH OR AFFIRMATION PURSUANT TO**
4 **G.S. 10B-134.9(D)**

5 An entry shall be made in a notarial journal for each administration of a remote oath or affirmation pursuant to G.S.
6 10B-134.9(a) by any notary public who keeps a journal.

7

8 History Note: Authority G.S. 10B-4; 10B-134.15(b); 10B-134.21;
9 Eff. July 1, 2025.

1 18 NCAC 07D .0506 is adopted as published in 39:13 NCR 819 as follows:

2

3 **18 NCAC 07D .0506 JOURNAL ENTRY**

4 An entry in a notarial journal pursuant to Rule .0505 of this Section shall include the name of the judicial official or
5 officer of the court who made the declaration pursuant to Rule .0502 of this Section.

6

7 History Note: Authority G.S. 10B-4; 10B-134.15(b); 10B-134.21;

8

Eff. July 1, 2025.

1 18 NCAC 07D .0507 is adopted with changes as published in 39:13 NCR 819 as follows:

2

3 **18 NCAC 07D .0507 RECORDING COUNT OF NOTARIAL ACTS**

4 Before ending a session in which remote oaths or affirmations are administered pursuant to G.S. 10B-134.9(d), a
5 notary public shall:

6 (1) count the number of ~~notarial acts performed;~~ oaths or affirmations administered that do not include
7 a principal signature; and

8 (2) enter ~~the~~ that number of notarial acts in the field designated by the platform for that purpose.

9

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

11 *Eff. July 1, 2025.*

1 18 NCAC 07D .0601 is adopted as published in 39:13 NCR 819 as follows:

2
3 **SECTION .0600 – ACCESS TO NOTARIAL RECORDS**

4
5 **18 NCAC 07D .0601 DISCLOSURE OF CONFIDENTIAL INFORMATION**

6 A notary public may disclose confidential information or provide a copy of a journal, a journal entry, or notarial
7 records only pursuant to:

8 (1) G.S. 10B-20(p)(1)-(5);

9 (2) a waiver of information confidentiality that complies with Rule .0602 of this Section;

10 (3) a request that complies with Rule .0603 of this Section; or

11 (4) a request for an electronic journal by an employer of the electronic notary public that is made
12 pursuant to G.S. 10B-134.15(c) and Rules .0603 and .0604 of this Section.

13
14 History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.15(d); 10B-134.21;

15 Eff. July 1, 2025.

1 18 NCAC 07D .0602 is adopted as published in 39:13 NCR 819 as follows:

2
3 **18 NCAC 07D .0602 RELEASE OF CONFIDENTIAL INFORMATION ON REQUEST OF**
4 **PRINCIPALS**

5 A notary public may release confidential information learned from the principals or records generated during a notarial
6 transaction only if:

- 7 (1) all principals who participated in the notarial transaction agree;
8 (2) the request is provided to the notary in writing with a statement signed and dated by each principal
9 with:
10 (a) the printed name of each principal who participated in the transaction;
11 (b) the date of the transaction;
12 (c) a description of the types of notarial acts performed by the notary during the transaction;
13 (d) a description of the confidential information sought; and
14 (e) an instruction stating to whom the confidential information may be delivered; and
15 (3) the principal provides any other information that the notary may request for purposes of determining
16 the information to be provided or to whom it is to be provided.

17
18 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.15(d); 10B-134.21;*
19 *Eff. July 1, 2025.*

1 18 NCAC 07D .0603 is adopted as published in 39:13 NCR 819-820 as follows:

2

3 **18 NCAC 07D .0603 EMPLOYER REQUEST FOR JOURNAL ENTRIES**

4 An electronic notary may provide the electronic notary's former employer with a copy of work-related entries in the
5 electronic notary's electronic journal upon:

6 (1) leaving employment with the employer; and

7 (2) request of the employer.

8 Note: For purposes of this rule, "work-related" means electronic notarial acts and remote electronic notarial acts
9 performed for the electronic notary public's employer in the course of the electronic notary's employment.

10

11 History Note: Authority G.S. 10B-4; 10B-38; 10B-126(a); 10B-134.15(a);

12 Eff. July 1, 2025.

1 18 NCAC 07D .0604 is adopted as published in 39:13 NCR 820 as follows:

2

3 **18 NCAC 07D .0604 ADDITIONAL ELECTRONIC NOTARY OBLIGATIONS UPON EMPLOYER**
4 **REQUEST**

5 An electronic notary public shall not provide the electronic notary's work-related electronic journal entries to the
6 electronic notary's employer unless the notary retains a backup copy as required by G.S. 10B-134.15(c).

7

8 History Note: Authority G.S. 10B-4; 10B-38; 10B-126(a); 10B-134.15(a);

9 Eff. July 1, 2025.

1 18 NCAC 07D .0605 is adopted as published in 39:13 NCR 820 as follows:

2

3 **18 NCAC 07D .0605 SUPPLEMENTAL ENTRIES RE ACCESS TO JOURNALS**

4 Upon releasing confidential information pursuant to this Section of this Subchapter and unless directed otherwise by
5 court order or the Department, a notary public or electronic notary public shall make a supplemental entry in:

6 (1) the electronic notary's electronic journal; or

7 (2) the traditional notary's journal, if any.

8

9 *History Note: Authority G.S. 10B-4; 10B-38; 10B-126(a); 10B-134.15(a);*

10 *Eff. July 1, 2025.*

1 18 NCAC 07F .0102 is amended with changes as published in 39:13 NCR 820 as follows:

2
3 **SUBCHAPTER 07F – ELECTRONIC NOTARY PUBLIC REQUIREMENTS**

4
5 **SECTION .0100 – GENERAL**

6
7 **18 NCAC 07F .0102 DEFINITIONS**

8 For purposes of Article 2 of Chapter 10B of the General ~~Statutes and this Subchapter:~~ Statutes, this Subchapter, and
9 Subchapters 07H and 07J of this Chapter:

10 ~~(1) — "Approved vendor for electronic notarizations," "approved electronic notary solution provider," or~~
11 ~~"AVEN" means a person approved by the Department to provide an electronic notarization system~~
12 ~~pursuant to Article 2 of Chapter 10B of the General Statutes.~~

13 ~~(2)~~⁽¹⁾ "Biometric authentication" means proving the identity of a user by requiring verification of the user's
14 identity through technologies that require measurement and analysis of one or more human
15 physiological or behavioral characteristics of the user in order to access and use an electronic
16 notarization system. Note: Biometric authentication technologies include fingerprint scanning
17 devices, devices and retinal scanning devices, and handwriting analysis devices. devices.

18 ~~(3) — "Electronic notarization system" means a set of applications, programs, hardware, software, or~~
19 ~~technology approved by the Department that is designed to enable a notary to perform electronic or~~
20 ~~remote electronic notarizations.~~

21 ~~(4)~~⁽⁴⁾~~(2)~~ "Electronic notary applicant" means a commissioned North Carolina notary public who applies
22 to be registered or reregistered as an electronic notary public.

23 ~~(5)~~⁽²⁾~~(3)~~ "Electronic notary's electronic signature" means:

- 24 (a) an electronic image of the handwritten signature of the electronic notary public in the name
25 of the notary as it appears on the notary's commission; and
26 (b) the AVEN's or other technology provider's security features attached to the signature in
27 ~~Sub-Item (5)(a)~~ Sub-Item (2)(a) of this Rule.

28 ~~(6)~~⁽³⁾~~(4)~~ "Independently verifiable" means capable of government or third-party authentication of a
29 notarial act, an electronic notary's identity and current status with the Department.

30 ~~(7)~~⁽⁴⁾~~(5)~~ "In the presence of the electronic notary at the time of notarization" means that an individual
31 and an electronic notary public are in close physical proximity to one another without using
32 technology to establish personal appearance.

33 ~~(8) — "Password authentication" means requiring the user to enter a secret word, phrase, or symbol set in~~
34 ~~order to access and use an electronic notary solution.~~

35 ~~(9) — "Token authentication" means requiring use of a physical device in addition to a password or~~
36 ~~personal identification number ("PIN" number) in order to access and use an electronic notary~~

1 ~~solution. Note: Physical devices used in token authentication technologies include magnetic cards~~
2 ~~or "smart cards" and Universal Serial Bus (USB) memory sticks or "USB keys."~~

3
4 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;*
5 *Eff. January 1, 2007;*
6 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*
7 *Eff. December 6, 2016;*
8 *Transferred from 18 NCAC 07C .0102 Eff. June 1, 2023;*
9 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07F .0103 is amended as published in 39:13 NCR 820-821 as follows:

2

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

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

7 (1) this Subchapter; and

8 (2) 18 NCAC 07D Section .0400 and 18 NCAC 07H.

9

10 *History Note:* Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;

11 *Eff. July 1, ~~2024~~ 2024;*

12 *Amended Eff. July 1, 2025.*

1 18 NCAC 07F .0202 is adopted as published in 39:13 NCR 821 as follows:
2

3 **SECTION .0200 – QUALIFICATIONS TO BE ELECTRONIC NOTARY**
4

5 **18 NCAC 07F .0202 CURRENT PERSONAL COPY OF MANUAL**

6 An electronic notary applicant shall possess a current and personal copy of the North Carolina notary manual
7 applicable to electronic notaries.

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

10 Eff. July 1, 2025.

1 18 NCAC 07F .0303 is amended as published in 39:13 NCR 821 as follows:

2

3

SECTION .0300 – EDUCATION OF ELECTRONIC NOTARIES PUBLIC

4

18 NCAC 07F .0303 ELECTRONIC NOTARY COURSE

6 Before performing a remote electronic notarization, electronic notaries public registered prior to July 1, ~~2024~~, 2025,
7 shall either:

8 (1) successfully complete a remote electronic notarization course ~~module~~; module taught by a certified
9 notary instructor or designee of the Department; or

10 (2) successfully complete an electronic notary ~~class including training on remote electronic~~
11 ~~notarization~~. course pursuant to Rule .0302 of this Section.

12

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

14 *Eff. March 1, ~~2025~~; 2025;*

15 *Amended Eff. July 1, 2025.*

1 18 NCAC 07F .0601 is amended with changes as published in 39:13 NCR 821 as follows:

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

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

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

- 9 (1) to affix the electronic notary's electronic ~~signature~~; signature and
10 ~~(2) to affix the~~ electronic notary's seal;
11 ~~(3)(2)~~ as the means to create and maintain the electronic notary's electronic journal and a backup copy of
12 the journal;
13 ~~(4)(3)~~ as the custodian of the electronic notary's journal; **and**
14 ~~(5)(4)~~ as the platform that the electronic notary will use if the notary intends to perform remote electronic
15 notarial **acts, acts; and**
16 ~~(5) for identity proofing and credential analysis technologies not otherwise associated with platforms~~
17 disclosed in Item (4) of this Rule.

18
19 *History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.17; 10B-134.21;*
20 *Eff. March 1, ~~2025~~; 2025;*
21 *Amended Eff. July 1, 2025.*

1 18 NCAC 07F .0704 is amended as published in 39:13 NCR 821 as follows:

2
3 **SECTION .0700 – ELECTRONIC NOTARY SIGNATURE**

4
5 **18 NCAC 07F .0704 ELECTRONIC SIGNATURE**

6 The electronic notary ~~public's~~ public shall apply the electronic notary's electronic signature ~~shall~~ to the document
7 being notarized and upon commitment the signature shall be permanently affixed to the document.

8 ~~(1) be applied to and logically associated electronically with the notarized document; and~~

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

11 ~~(a) the underlying document; or~~

12 ~~(b) the electronic notary certificate.~~

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

15 *Eff. January 1, 2007;*

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

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

19 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07F .0710 is adopted with changes as published in 39:13 NCR 821 as follows:

2

3 **18 NCAC 07F .0710 PLACEMENT OF ELECTRONIC SIGNATURE**

4 Before committal, the electronic notary shall ~~move or delete and reaffix an~~ ensure that the electronic notary's
5 electronic signature does not obscure any text or signatures on ~~to ensure that no portion of the electronic record is~~
6 ~~illegible or obscured.~~ record.

7

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

9 Eff. July 1, 2025.

1 18 NCAC 07F .0804 is amended with changes as published in 39:13 NCR 821 as follows:

2
3 **SECTION .0800 – ELECTRONIC NOTARY SEAL**

4
5 **18 NCAC 07F .0804 ATTRIBUTES OF ELECTRONIC SEAL**

6 The electronic notary seal shall: [public shall apply the electronic notary's electronic seal to the document being
7 notarized and upon commitment the seal shall be permanently affixed to the document.]

8 (1) ~~be attached to, or logically associated with, a notarized document; and~~

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

11 (a) ~~the underlying document; or~~

12 (b) ~~the electronic notary certificate.~~

13 (a) After completing a notarial certificate for an in-person electronic or remote electronic notarial act, the
14 electronic notary public shall do the following in this order:

15 (1) apply an image of the notary's electronic seal;

16 (2) apply an image of the notary's electronic signature;

17 (3) review the notarial certificate and images of the notary's electronic seal and signature for accuracy;

18 and

19 (4) digitally sign, or authorize the platform or IPEN solution to digitally sign, the certificate.

20 (b) An electronic notary shall not exit the notarial session before satisfying the requirements of Paragraph (a)
21 of this Rule.

22 (c) For purposes of Paragraph (a)(4) of this Rule, "digitally sign" means creating a digital signature on the
23 electronically notarized record using the private key of the electronic notary's digital certificate.

24
25 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127; 10B-134.21;*

26 *Eff. January 1, 2007;*

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

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

30 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07F .0807 is amended as published in 39:13 NCR 821-822 as follows:

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

4 ~~An electronic notary public shall ensure that the electronic notary's electronic notary seal has:~~ When the electronic
5 record to which the electronic notary's electronic seal is affixed is printed on an 8 and one-half by 11 sheet of paper,
6 the notary's seal shall have:

- 7 (1) a visible border:
- 8 (a) having a physical appearance of the seal that replicates the appearance of an inked seal on
 - 9 paper;
 - 10 (b) with the size and shape required by G.S. 10B-37(c); and
 - 11 (c) that includes an identifier in no less than an 8 point type assigned by the Department to the
 - 12 producer of the electronic seal; and
- 13 (2) ~~inside its border:~~ border with a minimum 8 point type:
- 14 (a) the information required by G.S. 10B-117(1), (2), and (4);
 - 15 (b) the words:
 - 16 (i) "State of North Carolina";
 - 17 (ii) "North Carolina"; or
 - 18 (iii) the abbreviation "N.C.";
 - 19 (c) the name of the county of commission with either:
 - 20 (i) the word "County"; or
 - 21 (ii) the abbreviation "Co."; and
 - 22 (d) the expiration date of the electronic notary's commission.

23
24 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d);*
25 *Eff. January 1, 2007;*
26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
27 *6, 2016;*
28 *Transferred from 18 NCAC 07C .0402(g) Eff. June 1, 2023;*
29 *Amended Eff. July 1, 2025; March 1, 2025.*

1 18 NCAC 07F .0814 is amended with changes as published in 39:13 NCR 822 as follows:

2

3 **18 NCAC 07F .0814 ~~COMMITMENT~~ FINALIZATION OF NOTARIAL SESSION**

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

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

7 (2) ~~then~~ commit:

8 (a) the notary's electronic ~~notarial~~ signature;

9 (b) the notary's electronic ~~notarial~~ seal; and

10 (c) the content of the journal ~~entry~~; entry; and

11 (3) apply the notary's digital certificate to the electronic record to which the notary has applied his or
12 her electronic notary seal and signature.

13

14 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.5(b); 10B-134.21;*

15 *Eff. July 1, ~~2024~~, 2024;*

16 *Amended Eff. July 1, 2025.*

1 18 NCAC 07F .0815 is adopted with changes as published in 39:13 NCR 822 as follows:

2

3 **18 NCAC 07F .0815 PLACEMENT OF ELECTRONIC SEAL**

4 Before committal, the electronic notary shall ~~move or delete and reaffix an~~ ensure that the electronic notary's
5 electronic seal to ensure that no portion of does not obscure any text or signatures on the electronic record is illegible
6 ~~or obscured.~~ record.

7

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

9 Eff. July 1, 2025.

1 18 NCAC 07F .0816 is adopted with changes as published in 39:13 NCR 822 as follows:

2

3 **18 NCAC 07F .0816 APPLICATION OF ELECTRONIC NOTARY'S DIGITAL CERTIFICATE**

4 An electronic notary public shall apply, or allow the platform or IPEN provider to apply, the electronic notary's digital
5 certificate to ~~a document~~ an electronic record after the electronic notary's electronic signature and seal ~~has~~ have been:

6 (1) affixed; and

7 (2) reviewed.

8

9 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.5(b); 10B-134.21;*

10 *Eff. July 1, 2025.*

1 18 NCAC 07F .1003 is adopted as published in 39:13 NCR 822 as follows:

2

3

SECTION .1000 – CONFIDENTIALITY, SECURITY, AND RECORDS RETENTION

4

18 NCAC 07F .1003 RETENTION OF ELECTRONIC JOURNAL

6 An electronic notary public shall maintain a copy of the electronic notary's electronic journal and the backup copy of
7 the journal for at least 10 years after the last notarial act.

8

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

10 *Eff. July 1, ~~2024~~ 2024;*

11 *Amended Eff. July 1, 2025.*

1 18 NCAC 07F .1004 is amended as published in 39:13 NCR 822 as follows:

2

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

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

6

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

8 *Eff. July 1, ~~2024~~ 2024;*

9 *Amended Eff. July 1, 2025.*

1 18 NCAC 07G .0101 is adopted as published in 39:13 NCR 822 as follows:
2

3 **SUBCHAPTER 07G - NOTARY SEAL MANUFACTURERS AND VENDORS**
4

5 **18 NCAC 07G .0101 SCOPE**

6 The rules in this Subchapter govern notary public seals made, offered for sale, sold, or delivered for use by North
7 Carolina notaries public by:

- 8 (1) manufacturers of physical notary public seals;
9 (2) vendors of physical notary public seals; and
10 (3) platforms and IPENs providing electronic notary public seals.

11
12 *History Note: Authority G.S. 10B-4; 10B-36; 10B-125(b);*

13 *Eff. July 1, 2025.*

1 18 NCAC 07G .0102 is adopted as published in 39:13 NCR 822 as follows:

2

3 **18 NCAC 07G .0102 PHYSICAL SEAL REQUIREMENTS**

4 A manufacturer or vendor of physical notary public seals shall not offer, sell, or deliver a physical notary public seal
5 to a North Carolina notary public unless the seal complies with G.S. 10B-36 and 10B-37.

6

7 History Note: Authority G.S. 10B-4; 10B-36; 10B-125(b);

8 Eff. July 1, 2025.

1 18 NCAC 07G .0103 is adopted with changes as published in 39:13 NCR 822 as follows:

2

3 **18 NCAC 07G .0103 ELECTRONIC NOTARY SEAL REQUIREMENTS**

4 A platform or IPEN provider shall not provide an electronic notary seal unless the seal complies with:

5 (1) G.S. 10B-117(1)-(4);

6 (2) ~~18 NCAC 07F .0804 .0807 and .0810~~; 18 NCAC 07F Section .0800; and

7 (3) ~~18 NCAC 07J .2600~~; 18 NCAC 07J Section .0700.

8

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

10 *Eff. July 1, 2025.*

1 18 NCAC 07G .0104 is adopted with changes as published in 39:13 NCR 823 as follows:

2

3 **18 NCAC 07G .0104 REQUIREMENTS FOR SALE OF PHYSICAL SEAL TO NORTH CAROLINA**
4 **NOTARY**

5 A manufacturer or vendor shall comply with the requirements in Rule .0105 of this Subchapter before offering for
6 sale, selling, mailing, or delivering a physical notary public seal to an individual claiming to be a North Carolina
7 notary.

8

9 *History Note:* *Authority G.S. 10B-4; 10B-36(e)(2);*

10 *Eff. July 1, 2025.*

1 18 NCAC 07G .0105 is adopted as published in 39:13 NCR 823 as follows:

2

3 **18 NCAC 07G .0105 IDENTIFICATION OF NOTARY PUBLIC APPEARING IN PERSON**

4 A manufacturer or vendor shall not provide a physical notary seal to an individual claiming to be a North Carolina
5 notary public appearing in person for the purchase unless:

6 (1) the individual is personally known to the manufacturer or vendor and the individual's information
7 matches the information on the notary commission certificate presented; or

8 (2) the individual:

9 (a) presents documents qualifying as satisfactory evidence of identity as defined in G.S. 10B-
10 3(22);

11 (b) the manufacturer compares the face and name of the individual to information on the
12 document; and

13 (c) the manufacturer or vendor confirms the identity of the individual.

14

15 History Note: Authority G.S. 10B-4; 10B-36(e)(2);

16 Eff. July 1, 2025.

1 18 NCAC 07G .0106 is adopted as published in 39:13 NCR 823 as follows:

2

3 **18 NCAC 07G .0106 NOTARY COMMISSION CERTIFICATE RECEIPT BY MANUFACTURER OR**
4 **VENDOR**

5 A manufacturer or vendor shall require any individual claiming to be a North Carolina notary public purchasing or
6 ordering a physical notary public seal to present:

7 (1) for an in-person purchase, the original notary commission certificate from the Department; and

8 (2) for an order by mail or delivery service, an exact, legible copy of the original commission certificate
9 from the Department.

10

11 *History Note: Authority G.S. 10B-4; 10B-36(e)(2);*

12 *Eff. July 1, 2025.*

1 18 NCAC 07G .0107 is adopted as published in 39:13 NCR 823 as follows:

2

3 **18 NCAC 07G .0107 MAKING AND RETAINING COPY OF NOTARY COMMISSION CERTIFICATE**

4 A manufacturer or vendor shall retain a copy of the commission certificate in its records for 10 years.

5

6 History Note: Authority G.S. 10B-4; 10B-36(e)(2);

7 Eff. July 1, 2025.

1 18 NCAC 07G .0108 is adopted as published in 39:13 NCR 823 as follows:

2

3 **18 NCAC 07G .0108 CONFIRMATION OF NOTARY'S ACTIVE STATUS WITH THE DEPARTMENT**

4 A manufacturer or vendor shall not deliver a physical seal to an individual claiming to be a North Carolina notary
5 public until the manufacturer has:

6 (1) obtained the commission number from the notarial commission certificate;

7 (2) entered the commission number found on the notarial commission certificate into the search field in
8 the Department's online notary confirmation tool;

9 (3) compared the information returned by the Department's online notary confirmation tool to the
10 information on the commission certificate to determine if there is an exact match between the
11 commission certificate, the individual's order form, and the information returned by the search for:

12 (a) the name of the notary;

13 (b) the commission expiration date; and

14 (c) the county of the notary's commission; and

15 (4) confirmed that the notary is in active status with the Department.

16

17 History Note: Authority G.S. 10B-4; 10B-36(e)(2);

18 Eff. July 1, 2025.

1 18 NCAC 07G .0109 is adopted with changes as published in 39:13 NCR 823 as follows:

2

3 **18 NCAC 07G .0109 REGISTRATION WITH THE DEPARTMENT**

4 Prior to making or selling a physical seal to a North Carolina ~~notary~~, notary public, the manufacturer or vendor shall
5 register with the Department by electronically submitting the form specified in ~~18 NCAC 07B .0429~~. 18 NCAC 07B
6 .0430.

7

8 *History Note:* *Authority G.S. 10B-4; 10B-36(e)(2);*

9 *Eff. July 1, 2025.*

1 18 NCAC 07G .0110 is adopted with changes as published in 39:13 NCR 823 as follows:

2

3 **18 NCAC 07G .0110 ANNUAL REGISTRATION UPDATE**

4 On or before the first day of July each year, a manufacturer or vendor shall electronically update its registration with
5 the Department by electronically submitting the form specified in ~~18 NCAC 07B .0429~~ 18 NCAC 07B .0430 to inform
6 the Department of any changes since its registration in the prior year.

7

8 *History Note: Authority G.S. 10B-4; 10B-36(e)(2);*

9 *Eff. July 1, 2025.*

1 18 NCAC 07H .0101 is adopted as published in 39:13 NCR 823 as follows:
2

3 **SUBCHAPTER 07H - REMOTE ELECTRONIC NOTARIAL ACT AND IPEN REQUIREMENTS**
4

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

7 **18 NCAC 07H .0101 SCOPE**

8 (a) The rules in this Subchapter implement Part 4A, Remote Electronic Notarization of Article 2, Electronic Notary
9 Act, of Chapter 10B of the General Statutes.

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

12
13 History Note: Authority G.S. 10B-4; 10B-134.21;

14 Eff. July 1, 2025.

1 18 NCAC 07H .0102 is adopted as published in 39:13 NCR 824 as follows:

2

3 **18 NCAC 07H .0102 REQUIREMENTS FOR ELECTRONIC NOTARIES PERFORMING REMOTE**
4 **ELECTRONIC NOTARIAL ACTS**

5 Before performing a remote electronic notarial act, other than one subject to 18 NCAC 07D .0500, an electronic notary
6 public shall comply with the applicable rules in:

7 (1) this Subchapter; and

8 (2) Subchapter 07F of this Chapter.

9

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

11 Eff. July 1, 2025.

1 18 NCAC 07H .0103 is adopted with changes as published in 39:13 NCR 824 as follows:

2

3 **18 NCAC 07H .0103 DEFINITIONS**

4 For purposes of this Subchapter:

5 (1) "Active duty" means that term as it is defined in 10 U.S.C. 101(d)(1).

6 (2) "Armed Forces" means that term as it is defined in 18 NCAC 07K .0101(2).

7 (3) "Credential" or "credentials" means a document presented as satisfactory evidence of identity
8 pursuant to G.S. 10B-3(22)(a) and ~~G.S. 10B-134.11(a)(2)(a)~~ G.S. 10B-134.11(a)(2)a.

9 (4) "Dependent" means that term as it is defined in 37 U.S.C. 401.

10 (5) "Military orders" means that term as it is defined in 50 U.S.C. 3955(i)(1), except that it shall not
11 include orders for separation or retirement.

12

13 *History Note:* Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

14 *Eff. July 1, 2025.*

1 18 NCAC 07H .0104 is adopted with changes as published in 39:13 NCR 824 as follows:

2

3 **18 NCAC 07H .0104 ~~PROHIBITIONS ON TYPES OF REMOTE ELECTRONIC NOTARIAL~~**
4 **PROHIBITED ACTS**

5 A notary public shall not perform a remote electronic notarial act if the act:

6 (1) _____ is prohibited by G.S. 10B-20, 10B-22, 10B-23, 10B-134.3, or 163-231; or

7 (2) _____ is an inventory of a safe deposit box as described in G.S. 53C-6-13(a).

8

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

10 *Eff. July 1, 2025.*

1 18 NCAC 07H .0201 is adopted with changes as published in 39:13 NCR 824 as follows:

2

3 **18 NCAC 07H .0201 TIMING OF VERIFICATION OF LOCATION**

4 ~~(a) An electronic A~~ notary public shall: shall

5 (1) ~~as a preliminary matter,~~ verify the location of a principal seeking a remote electronic
6 notarization as required by ~~G.S. 10B-134.9(a)(6);~~ G.S. 10B-134.9(a)(6) before beginning a
7 remote electronic notarial act.

8 ~~(2)(b) state~~ An electronic notary public shall state, during the recorded recitation required by Rule .0607 of this
9 Subchapter, how the location was verified during the recorded recitation required by Rule .0607 of this Subchapter.
10 verified.

11

12 *History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
13 *Eff. July 1, 2025.*

1 18 NCAC 07H .0202 is adopted with changes as published in 39:13 NCR 824 as follows:

2

3 **18 NCAC 07H .0202 MEANS OF DETERMINING PRINCIPAL LOCATION**

4 ~~An electronic~~ A notary public shall determine the location of a principal seeking a remote electronic notarization by:

5 (1) geolocation if the principal is using a GPS-enabled device; or

6 (2) self-attestation if the principal is not using a GPS-enabled device.

7

8 *History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*

9 *Eff. July 1, 2025.*

1 18 NCAC 07H .0203 is adopted with changes as published in 39:13 NCR 824 as follows:

2

3 **18 NCAC 07H .0203 PROCEDURE WHEN PRINCIPAL USES GPS-ENABLED DEVICE**

4 Unless an exception in Rule .0204 of this Section applies, ~~an electronic~~ a notary public shall terminate a notarial
5 transaction if:

6 (1) the platform indicates that the principal has a GPS-enabled device capable of geolocation that:

7 (a) has the GPS location feature disabled; and

8 (b) the principal declines to enable the GPS-location feature of the device; or

9 (2) the principal is not in a permitted location pursuant to G.S. 10B-134.1(10).

10

11 *History Note: Authority G.S. 10B-4; 10B-134.9; 0B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*

12 *Eff. July 1, 2025.*

1 18 NCAC 07H .0204 is adopted with changes as published in 39:13 NCR 824 as follows:

2

3 **18 NCAC 07H .0204 EXCEPTION TO RULE .0203**

4 ~~An electronic~~ A notary public shall not terminate a notarial transaction pursuant to Rule .0203 of this Section if the
5 principal seeking a remote electronic notarization makes a self-attestation pursuant to Rules .0206 or .0207 of this
6 Section.

7

8 *History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
9 *Eff. July 1, 2025.*

1 18 NCAC 07H .0205 is adopted with changes as published in 39:13 NCR 824-825 as follows:

2
3 **18 NCAC 07H .0205 CONTENTS OF ATTESTATION OF LOCATION**

4 A principal's self-attestation of current location shall consist of:

- 5 (1) the name of the principal who is identified to the ~~electronic~~ notary public;
- 6 (2) a statement that the principal is currently located:
- 7 (a) inside the United States including:
- 8 (i) the name of the state, territory, or federally recognized tribal area in which the
- 9 principal is located; and
- 10 (ii) the name of the county, parish, or equivalent governmental subdivision;
- 11 (b) outside the United States in a ~~United States~~ U.S. embassy, consulate or diplomatic mission
- 12 including:
- 13 (i) whether the principal is located in a U.S. embassy, a U.S. consulate, or a U.S.
- 14 diplomatic mission;
- 15 (ii) the name of the country and city in which the embassy, consulate, or diplomatic
- 16 mission is located; and
- 17 (iii) the name of the U.S. embassy, consulate, or diplomatic mission; or
- 18 (3) the information required by Rule .0206 of this Section for a principal on a United States military
- 19 installation or vessel outside the United States.

20
21 *History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*

22 *Eff. July 1, 2025.*

1 18 NCAC 07H .0206 is adopted with changes as published in 39:13 NCR 825 as follows:

2

3 **18 NCAC 07H .0206 CONTENTS OF ATTESTATION OF LOCATION ON U.S. MILITARY**
4 **INSTALLATION OR VESSEL**

5 Self-attestation by a principal of current location on a United States military installation or vessel outside the United
6 States shall consist of:

- 7 (1) the name of the principal making the attestation to the ~~electronic~~ notary public;
- 8 (2) whether the principal is:
- 9 (a) a member of the Armed Forces of the United States; or
- 10 (b) a dependent of a member of the Armed Forces, and the name of the member;
- 11 (3) the branch of the Armed Forces in which the member serves;
- 12 (4) that the principal is physically located outside the United States on:
- 13 (a) a U.S. military installation; or
- 14 (b) a U.S. military vessel; and
- 15 (5) unless Rule .0207 of this Section applies, the name of:
- 16 (a) the installation and the country in which the installation is located; or
- 17 (b) the name of the vessel; and
- 18 (6) that the principal is on the named installation or vessel pursuant to military orders assigning the
19 member to active duty for more than 120 days.

20

21 *History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
22 *Eff. July 1, 2025.*

1 18 NCAC 07H .0207 is adopted with changes as published in 39:13 NCR 825 as follows:

2

3 **18 NCAC 07H .0207 EXCEPTION TO RULE .0206**

4 If a principal cannot provide the information in Rule .0206 of this Section for reasons of ~~U.S.~~ United States national
5 security, the principal may attest that:

6 (1) the principal is on a U.S. military installation or vessel pursuant to military orders assigning the
7 member to active duty for more than 120 days; and

8 (2) the name and location cannot be divulged for reasons of national security.

9

10 *History Note: Authority G.S. 10B-4; 10B-134.9; 10B-134.17; 10B-134.21; 10B-134.23;*

11 *Eff. July 1, 2025.*

1 18 NCAC 07H .0208 is adopted with changes as published in 39:13 NCR 825 as follows:

2

3 **18 NCAC 07H .0208 ADDITIONAL REQUIREMENTS FOR WRITTEN ATTESTATION OF**
4 **LOCATION**

5 A remotely located principal may self-attest to the principal's location by using communication technology to deliver
6 a writing to the ~~electronic~~ notary public that conforms to Rules .0205 or .0206 of this Section and, in addition, contains:

- 7 (1) the printed name of the principal;
- 8 (2) the signature of the principal; and
- 9 (3) the date on which the principal signed the self-attestation, which shall be the same date as the remote
10 electronic ~~notarization~~ notarial act.

11

12 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*

13 *Eff. July 1, 2025.*

1 18 NCAC 07H .0301 is adopted with changes as published in 39:13 NCR 825 as follows:

2

3

SECTION .0300 – IDENTITY VERIFICATION

4

18 NCAC 07H .0301 VERIFICATION OF IDENTITY BY ~~ELECTRONIC~~ NOTARY PUBLIC

6 Prior to performing a remote electronic notarial act, ~~an electronic~~ a notary public shall identify the remotely located
7 principal by:

8

(1) personal knowledge as defined in G.S. 10B-3(17); or

9

(2) reviewing to the satisfaction of the notary:

10

(a) all results, both separately and together, provided by the technology provider for:

11

(i) credential analysis; and

12

(ii) identity proofing;

13

(b) comparing the face of the remotely located principal to the image on the credential

14

uploaded for credential analysis; and

15

(c) any additional information or identification credentials that the notary deems necessary to

16

confirm the identity of the remotely located principal.

17

18 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*

19

Eff. July 1, 2025.

1 18 NCAC 07H .0302 is adopted with changes as published in 39:13 NCR 825 as follows:

2

3 **18 NCAC 07H .0302 CREDIBLE WITNESS PROHIBITED FOR IDENTITY VERIFICATION OF**
4 **REMOTE PRINCIPALS**

5 For purposes of identifying a remotely located principal, ~~an electronic~~ a notary public shall not rely upon a credible
6 witness.

7

8 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*

9 *Eff. July 1, 2025.*

1 18 NCAC 07H .0303 is adopted with changes as published in 39:13 NCR 826 as follows:

2

3 ~~18 NCAC 07H .0304~~ **18 NCAC 07H .0303** NOTARY REQUEST FOR ADDITIONAL INFORMATION

4 If ~~an electronic~~ a notary public determines that additional ~~information~~ information, identity proofing, or identification
5 credentials are necessary to confirm the identity of the remotely located principal, then the ~~electronic~~ notary shall:

6 (1) require the principal to:

7 (a) provide additional information; or

8 (b) undergo additional identity proofing, credential ~~analysis~~ analysis, or both by the technology
9 provider; or

10 (2) cancel the remote notarial transaction if:

11 (a) the principal refuses to provide additional information or undergo additional credential
12 analysis; or

13 (b) the notary decides the principal's identity has not been verified.

14

15 *History Note:* Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

16 *Eff. July 1, 2025.*

1 18 NCAC 07H .0401 is adopted with changes as published in 39:13 NCR 826 as follows:

2

3 **SECTION .0400 – CONTINUOUS COMMUNICATION BETWEEN NOTARY AND PRINCIPAL**

4

5 **18 NCAC 07H .0401 UNOBSTRUCTED VIEW**

6 Except as noted in Rule .0406 of this Section, ~~an electronic~~ a notary public shall not perform a remote electronic
7 notarization unless, in the judgment of the ~~electronic~~ notary, there is a clear and unobstructed view of:

- 8 (1) all principals;
- 9 (2) any interpreter or transliterator who is interpreting for a principal; and
- 10 (3) the text that a CART captioner is providing to the principal.

11

12 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*

13 *Eff. July 1, 2025.*

1 18 NCAC 07H .0402 is adopted with changes as published in 39:13 NCR 826 as follows:

2

3 **18 NCAC 07H .0402 MODIFIED IMAGE OF PRINCIPAL**

4 ~~An electronic~~ A notary public shall not perform a remote electronic notarization if, in the judgment of the ~~electronic~~
5 notary, the live on-screen image of the remotely located principal:

6 (1) appears to be:

7 (a) altered;

8 (b) ~~filtered~~; unnatural; or

9 (c) simulated; or

10 (2) does not accurately reflect a real-time two-way communication between the ~~electronic~~ notary and
11 the principal.

12

13 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

14 Eff. July 1, 2025.

1 18 NCAC 07H .0403 is adopted with changes as published in 39:13 NCR 826 as follows:

2

3 **18 NCAC 07H .0403 AUDIO IMPAIRMENT**

4 ~~An electronic~~ A notary public shall not perform a remote electronic notarization ~~if~~ if, in the judgment of the notary,
5 the quality and clarity of the audio communication technology does not provide sound clear enough that prevents each
6 participant ~~can hear and understand~~ from hearing and understanding all other participants. ~~For purposes of this Rule,~~
7 "sound clear enough" shall be as determined by the electronic notary.

8

9 *History Note:* Authority G.S. 10B-4; 10B-134.5; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

10 Eff. July 1, 2025.

1 18 NCAC 07H .0404 is adopted with changes as published in 39:13 NCR 826 as follows:

2

3 **18 NCAC 07H .0404 MODIFIED VOICE OF PRINCIPAL**

4 Except as permitted in Rule .0405 of this Section, ~~an electronic~~ a notary public shall not perform a remote electronic
5 notarization if, in the judgment of the ~~electronic~~ notary, the voice of the remotely located principal:

6 (1) appears to be:

7 (a) altered;

8 (b) ~~filtered;~~ unnatural; or

9 (c) simulated; or

10 (2) does not accurately reflect a live two-way communication between the ~~electronic~~ notary and the
11 remotely located principal.

12

13 *History Note:* Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

14 *Eff. July 1, 2025.*

1 18 NCAC 07H .0405 is adopted with changes as published in 39:13 NCR 826 as follows:

2

3 **18 NCAC 07H .0405 EXCEPTION TO RULE .0404**

4 ~~An electronic notary public may perform a remote electronic notarization if the electronic notary concludes that any~~
5 ~~alteration, filtration, simulation, or asynchronicity of a principal's voice is otherwise in compliance with the~~
6 ~~accommodation rules in 18 NCAC 07B .0800.~~

7 A notary public may perform a remote electronic notarization for a principal who, in order to be accommodated
8 pursuant to G.S. 134.1(1), must use a technology that:

9 (1) filters, alters, or simulates the principal's voice or produces speech that is asynchronous with the
10 video communication;

11 (2) is under the control of the principal; and

12 (3) is otherwise compliant with 18 NCAC 07B .0800.

13 Note: An example of a principal using this exception would be an individual with ALS who uses eye movements to
14 manipulate a computer to speak.

15

16 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

17 Eff. July 1, 2025.

1 18 NCAC 07H .0406 is adopted with changes as published in 39:13 NCR 826 as follows:

2

3 **18 NCAC 07H .0406 PRINCIPAL DISAPPEARANCE OR EXIT**

4 ~~An electronic~~ A notary public shall terminate the remote electronic notarial transaction process if the remotely located
5 principal:

6 (1) disappears from the ~~electronic~~ notary's view for an excessive amount of time, as determined by the
7 ~~electronic~~ notary; or

8 (2) exits the session.

9 Note: Examples of disappearing would be moving out of view or turning off the camera.

10

11 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*

12 *Eff. July 1, 2025.*

1 18 NCAC 07H .0501 is adopted as published in 39:13 NCR 827 as follows:
2

3 **SECTION .0500 – ELECTRONIC NOTARY PUBLIC STORAGE OF RECORDS**
4

5 **18 NCAC 07H .0501 DESIGNATION OF APPROVED CUSTODIAN**

6 An electronic notary public shall designate an approved custodian to maintain the electronic notary's records, using
7 the form described 18 NCAC 07B .0405.

8
9 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

10 Eff. July 1, 2025.

1 18 NCAC 07H .0502 is adopted as published in 39:13 NCR 827 as follows:

2

3 **18 NCAC 07H .0502 CUSTODIAN DESIGNATION LIMITATION**

4 An electronic notary public shall designate as custodian only an approved custodian that has agreed to provide
5 custodial services to the electronic notary.

6

7 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

8 Eff. July 1, 2025.

1 18 NCAC 07H .0503 is adopted as published in 39:13 NCR 827 as follows:

2

3 **18 NCAC 07H .0503 NOTICE TO DEPARTMENT OF CUSTODIAN**

4 An electronic notary public shall use the form in 18 NCAC 07B .0405 to notify the Department of:

5 (1) designation of an approved custodian for the electronic notary's records;

6 (2) designation of the electronic notary as a custodial notary; or

7 (3) designation of a new approved custodian upon a change in custodians.

8

9 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

10 Eff. July 1, 2025.

1 18 NCAC 07H .0504 is adopted with changes as published in 39:13 NCR 827 as follows:

2

3 **18 NCAC 07H .0504 SELF-DESIGNATION AS CUSTODIAL NOTARY**

4 An electronic notary public may be designated as custodian of the electronic notary's own electronic journal consisting
5 solely of IPEN acts only if the electronic notary:

- 6 (1) lists the electronic notary's name as custodial notary on the form described in 18 NCAC 07B .0405;
- 7 (2) agrees to comply with the rules of this Subchapter applicable to custodial notaries; and
- 8 (3) complies with the requirements of the custodial notary rules in ~~18 NCAC 07J Section .2200.~~ 18
9 NCAC 07J Section .2200.

10

11 *History Note:* Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;
12 *Eff. July 1, 2025.*

1 18 NCAC 07H .0505 is adopted as published in 39:13 NCR 827 as follows:

2

3 **18 NCAC 07H .0505 CUSTODIAL NOTARY PROHIBITIONS**

4 A custodial notary shall not serve as the custodian for:

5 (1) the records of another notary public; or

6 (2) the records of a remote electronic notarial act.

7

8 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

9 Eff. July 1, 2025.

1 18 NCAC 07H .0506 is adopted as published in 39:13 NCR 827 as follows:

2

3 **18 NCAC 07H .0506 ELECTRONIC NOTARY NOTICE TO PLATFORM OR IPEN PROVIDER OF**
4 **CUSTODIAN**

5 An electronic notary public shall notify the electronic notary's designated platform or IPEN provider of the name of
6 the electronic notary's custodian:

7 (1) before the first use of the platform or IPEN solution; and

8 (2) before a change in custodian that will require transfer of records to a different custodian.

9

10 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

11 Eff. July 1, 2025.

1 18 NCAC 07H .0508 is adopted as published in 39:13 NCR 827 as follows:

2

3 **18 NCAC 07H .0508 TRANSFER OF RECORDS FOR WHICH RETENTION PERIOD HAS NOT**
4 **ENDED**

5 If the retention period for an electronic notary public's records has not expired, an electronic notary public shall:

6 (1) transfer the records only to another approved custodian; and

7 (2) notify the Department of the change in custodian as required by Rule .0503 of this Section.

8

9 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

10 Eff. July 1, 2025.

1 18 NCAC 07H .0509 is adopted with changes as published in 39:13 NCR 827 as follows:

2

3 **18 NCAC 07H .0509 RECORDS FOR WHICH RETENTION PERIOD HAS ENDED**

4 An electronic notary public shall, with regard to session records for which the retention period has expired:

- 5 (1) direct the custodian to ~~destroy~~ securely delete the records;
- 6 (2) if a custodial notary, ~~destroy~~ securely delete the records; or
- 7 (3) retain or arrange for further retention of the records.

8

9 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*

10 *Eff. July 1, 2025.*

1 18 NCAC 07H .0510 is adopted as published in 39:13 NCR 828 as follows:

2

3 **18 NCAC 07H .0510 NO DELETION OF SESSION RECORDS PRIOR TO EXPIRATION OF**
4 **RETENTION PERIOD**

5 An electronic notary public shall not direct a custodian to delete a session record or its backup prior to the end of the
6 retention period established by Rule .0507 of this Section.

7

8 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

9

Eff. July 1, 2025.

1 18 NCAC 07H .0511 is adopted as published in 39:13 NCR 828 as follows:

2

3 **18 NCAC 07H .0511 CUSTODIAL NOTARY LIMITATIONS ON DELETION OF SESSION RECORD**

4 A custodial notary shall not delete a session record or its backup prior to the end of the retention period established
5 by Rule .0507 of this Section.

6

7 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

8 Eff. July 1, 2025.

1 18 NCAC 07H .0512 is adopted with changes as published in 39:13 NCR 828 as follows:

2

3 **18 NCAC 07H .0512 ELECTRONIC NOTARY DIRECTION OF DELETION OF RECORDS AFTER**
4 **TRANSFER TO CUSTODIAN**

5 After a session record has been transferred to a custodian, ~~then~~ an electronic notary public may direct a depository to
6 securely delete any of the notary's journal convenience copies.

7

8 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*
9 *Eff. July 1, 2025.*

1 18 NCAC 07H .0601 is adopted as published in 39:13 NCR 828 as follows:
2

3 **SECTION .0600 – COMMUNICATION TECHNOLOGY RECORDINGS**
4

5 **18 NCAC 07H .0601 SCOPE**

6 The rules in this Section of this Subchapter shall apply to communication technology recordings and shall not apply
7 to recordings of remote oaths or affirmations administered pursuant to G.S. 10B-134.9(d).

8
9 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

10 Eff. July 1, 2025.

1 18 NCAC 07H .0602 is adopted as published in 39:13 NCR 828 as follows:

2

3 **18 NCAC 07H .0602 PRINCIPAL REFUSAL TO BE RECORDED**

4 If a remotely located principal refuses to be recorded, the electronic notary public shall cancel the remote electronic
5 notarization.

6

7 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

8

Eff. July 1, 2025.

1 18 NCAC 07H .0603 is adopted as published in 39:13 NCR 828 as follows:

2

3 **18 NCAC 07H .0603 REQUESTS FOR ATTORNEY**

4 If a remotely located principal requests the presence of an attorney, the electronic notary public shall not proceed with
5 the remote electronic notarial transaction process unless:

6 (1) the attorney is present:

7 (a) physically in the same place with the principal; or

8 (b) through the communication technology; or

9 (2) the principal withdraws the request.

10

11 *History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;*

12 *Eff. July 1, 2025.*

1 18 NCAC 07H .0604 is adopted as published in 39:13 NCR 828 as follows:

2

3 **18 NCAC 07H .0604 RECORDING SHALL START BEFORE NOTARIAL ACT IS PERFORMED**

4 An electronic notary public shall begin the communication technology recording before performing a remote
5 electronic notarial act.

6

7 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

8

Eff. July 1, 2025.

1 18 NCAC 07H .0605 is adopted as published in 39:13 NCR 828 as follows:

2

3 **18 NCAC 07H .0605 RECORDING SHALL BE CONTINUOUS**

4 Once an electronic notary public starts a communication technology recording, the electronic notary shall not end the
5 recording until:

6 (1) all remote electronic notarial acts comprising the remote electronic notarial transaction have been
7 completed; or

8 (2) the remote electronic notarial transaction has been canceled.

9

10 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

11 Eff. July 1, 2025.

1 18 NCAC 07H .0606 is adopted as published in 39:13 NCR 828 as follows:

2

3 **18 NCAC 07H .0606 COMMUNICATION RECORDING PREFACE TO REMOTE ELECTRONIC**
4 **NOTARIAL ACT**

5 When an electronic notary public starts a communication technology recording of a remote electronic notarial act, the
6 electronic notary shall:

7 (1) state the information required by Rule .0607 of this Section; and

8 (2) direct the remotely located principal to provide the information required by Rule .0608 of this
9 Section.

10

11 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

12 Eff. July 1, 2025.

1 18 NCAC 07H .0607 is adopted as published in 39:13 NCR 828-829 as follows:

2

3 **18 NCAC 07H .0607 ELECTRONIC NOTARY RECITATION FOR COMMUNICATION**
4 **TECHNOLOGY RECORDING**

5 Immediately after initiating a communication technology recording, an electronic notary public shall state:

6 (1) the electronic notary's commission name;

7 (2) that the electronic notary is then located in the State of North Carolina and the county in which the
8 electronic notary is located;

9 (3) the names of all participants;

10 (4) that all individuals present have been informed that the remote notarization will be recorded;

11 (5) the date on which the notarial act is being performed;

12 (6) whether the remote electronic notarial act will be performed on an electronic record;

13 (7) how the remotely located principal for whom the notarial act is being performed has been identified;
14 and

15 (8) whether the principal's location was verified by geolocation or self-attestation.

16

17 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

18 Eff. July 1, 2025.

1 18 NCAC 07H .0608 is adopted as published in 39:13 NCR 829 as follows:

2

3 **18 NCAC 07H .0608 REMOTELY LOCATED PRINCIPAL'S DECLARATION FOR**
4 **COMMUNICATION TECHNOLOGY RECORDING**

5 Prior to performing any remote electronic notarial act, the electronic notary public shall direct each remotely located
6 principal to state:

7 (1) the remotely located principal's name as it appears on the credential presented by the principal for
8 credential analysis;

9 (2) that the principal agrees to be recorded;

10 (3) if an attorney is not present, that the principal was informed of the right to have an attorney present
11 and declined;

12 (4) the documents being signed or a description of the general nature of the transaction;

13 (5) the principal's location; and

14 (6) if the principal's location is not established by geolocation, the principal's self-attestation
15 establishing location pursuant to Section .0200 of this Subchapter.

16

17 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

18 Eff. July 1, 2025.

1 18 NCAC 07H .0609 is adopted as published in 39:13 NCR 829 as follows:

2

3 **18 NCAC 07H .0609 IDENTIFYING INDIVIDUALS IN SAME LOCATION AS PRINCIPAL**

4 While recording the remote electronic notarial transaction process, an electronic notary public shall direct the remotely
5 located principal to:

6 (1) state the names of any individuals who are then physically present at the same place as the principal,
7 if known; and

8 (2) inform the electronic notary if any other individuals become physically present with the principal
9 during the notarial session and their names, if known.

10

11 *History Note:* Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

12 Eff. July 1, 2025.

1 18 NCAC 07H .0610 is adopted as published in 39:13 NCR 829 as follows:

2

3 **18 NCAC 07H .0610 STATEMENT FROM NON-PRINCIPALS APPEARING VIA COMMUNICATION**
4 **TECHNOLOGY**

5 After the communication technology recording begins, the electronic notary public shall direct all participants who
6 are not principals to state:

7 (1) their names; and

8 (2) their role, if any, with respect to the notarial act.

9

10 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

11 Eff. July 1, 2025.

1 18 NCAC 07H .0611 is adopted as published in 39:13 NCR 829 as follows:

2

3 **18 NCAC 07H .0611 ACKNOWLEDGMENT – ADDITIONAL REQUIREMENTS FOR**
4 **COMMUNICATION TECHNOLOGY RECORDING**

5 An electronic notary public performing a remote acknowledgment for a remotely located principal shall require the
6 principal to acknowledge during the communication technology recording:

7 (1) that the signature on the record being notarized is that of the principal; and

8 (2) the date the principal signed the record being notarized.

9

10 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23

11 Eff. July 1, 2025.

1 18 NCAC 07H .0612 is adopted as published in 39:13 NCR 829 as follows:

2

3 **18 NCAC 07H .0612 COMMUNICATION TECHNOLOGY RECORDING OWNERSHIP**

4 A communication technology recording shall be the private property of the electronic notary public.

5

6 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

7 Eff. July 1, 2025.

1 18 NCAC 07H .0701 is adopted as published in 39:13 NCR 829 as follows:

2

3

SECTION .0700 - SECURITY AND CONFIDENTIALITY REQUIREMENTS

4

18 NCAC 07H .0701 ACCESS TO COMMUNICATION TECHNOLOGY RECORDINGS

6 An electronic notary public shall not permit access to communication technology recordings by any person unless
7 allowed pursuant to G.S. 10B-20(p) and the rules in this Chapter.

8

9 History Note: Authority G.S. 10B-4; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23;

10 Eff. July 1, 2025.

1 18 NCAC 07I .0102 is amended with changes as published in 39:13 NCR 829-830 as follows:

2
3 **SUBCHAPTER 07I – ~~JOURNAL REQUIREMENTS~~ JOURNALS**

4
5 **SECTION .0100 – GENERAL**

6
7 **18 NCAC 07I .0102 DEFINITIONS**

8 The definitions in this Rule apply to this ~~Subchapter~~ Subchapter, and Subchapters 07H and 07J of this Chapter:

9 (1) "Canceled act" means an instance where a notary public or a principal begins the notarial transaction
10 process and halts it for any reason. Note: An example of a canceled act would be one where the
11 notary is not able to establish the identity of the signer as required by G.S. 10B-20.

12 ~~(2) "Journal" means a record of notarial acts that is created and maintained by a notary public in~~
13 ~~compliance with Chapter 10B of the General Statutes and the rules in this Subchapter.~~

14 ~~(3)~~(2) "Mode of notarial act" means a traditional notarization, an in-person electronic notarization, or a
15 remote electronic notarization.

16 ~~(4)~~(3) Supplemental "Supplemental information" means information that a notary public enters into a
17 journal:

- 18 (a) as a separate entry that is not for a notarial act;
19 (b) that relates to a prior notarial act recorded in the journal; and
20 (c) that may be appended to the prior notarial act entry in the electronic journal.

21 Note: An entry six months after the initial committed entry stating that the notary public received a subpoena
22 for that initial committed journal entry is an example of supplemental information.

23
24 *History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*

25 *Eff. July 1, ~~2024~~ 2024;*

26 *Amended Eff. July 1, 2025.*

1 18 NCAC 07I .0106 is amended with changes as published in 39:13 NCR 830 as follows:

2

3 **18 NCAC 07I .0106 EXCEPTIONS TO RULE .0105**

4 Exceptions to Rule .0105 of this Section shall be limited ~~to~~ to entries in traditional journals of in-person notarizations
5 consisting of the following:

- 6 (1) ~~the signatures of~~ by ~~the~~ principals;
- 7 (2) ~~the signatures of~~ by credible witnesses; and or
- 8 (3) ~~the signatures of~~ by ~~the~~ designees of the principals pursuant to G.S. 10B-20(e).

9

10 *History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*

11 *Eff. July 1, ~~2024~~ 2024;*

12 *Amended Eff. July 1, 2025.*

1 18 NCAC 07I .0207 is amended with changes as published in 39:13 NCR 830 as follows:

2
3 **SECTION .0200 – JOURNAL BASICS**

4
5 **18 NCAC 07I .0207 ACTS INCLUDED IN JOURNAL**

6 The journal shall contain entries by the notary public that document all notarial acts completed by the notary or
7 canceled. [A notary public or an electronic notary public shall make a separate entry for each notarial act performed
8 or canceled in the notary's journal, if any, or electronic notary's journal.]

9 (a) A traditional notary public who chooses to maintain a journal in accordance with the rules in this Chapter shall
10 make a separate entry in the notary's journal for each notarial act performed or canceled.

11 (b) An electronic notary public shall make a separate entry in the notary's journal for each notarial act performed or
12 canceled.

13
14 *History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
15 *Eff. July 1, ~~2024~~, 2024;*
16 *Amended Eff. July 1, 2025.*

1 18 NCAC 07I .0302 is amended with changes as published in 39:13 NCR 830 as follows:

2
3 **SECTION .0300 – GENERAL JOURNAL CONTENTS**

4
5 **18 NCAC 07I .0302 CONTENTS OF JOURNAL**

6 Notaries public who maintain a journal in compliance with the rules in this Chapter shall enter the following
7 information in the journal for each notarial act:

- 8 (1) the date and time at the notary's location that the notarial act occurs;
- 9 (2) the name of each principal; principal and designee, if any;
- 10 (3) the type and mode of notarial act performed;
- 11 (4) the title of the document notarized, if any;
- 12 (5) how the identity of each principal was determined;
- 13 (6) if satisfactory evidence of the principal's identity was presented:
- 14 (a) the type of satisfactory evidence;
- 15 (b) the addresses of each ~~principal~~ principal:
- 16 (i) as shown on any documents used as satisfactory evidence; and
- 17 (ii) the address as stated by the principal if the principal indicates the address on the
- 18 documents used as satisfactory evidence is incorrect;
- 19 (c) where the satisfactory evidence was based on the sworn statement of a credible witness;
- 20 witness in a traditional or in-person electronic notarial act:
- 21 (i) the name of the credible witness;
- 22 (ii) the contact information of the credible witness;
- 23 (iii) the signature of the credible witness in a traditional notary's journal; or
- 24 (iv) the signature of the credible witness has been added to the electronic journal by
- 25 the notary;
- 26 (7) the signature of each principal ~~in a tangible journal or the notary's addition of each principal's~~
- 27 ~~acknowledged signature to an electronic journal; as specified in Rule .0404 of this Subchapter;~~
- 28 (8) the address of the designee, if any;
- 29 (8)(9) information required by ~~18 NCAC 07K .0203~~ 18 NCAC 07D .0203 for any fees charged; and
- 30 (9)(10) designation of each notarial act as employer-related or non-employer related if the journal includes
- 31 both categories of notarial ~~acts.~~ acts and which employer the notarial act is related to, if any.

32
33 *History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
34 *Eff. July 1, 2024. 2024;*
35 *Amended Eff. July 1, 2025.*

1 18 NCAC 07I .0303 is amended with changes as published in 39:13 NCR 830-831 as follows:
2

3 **18 NCAC 07I .0303 ADDITIONAL JOURNAL CONTENTS FOR REMOTE ELECTRONIC**
4 **NOTARIZATIONS**

5 In addition to the requirements of Rule .0302 of this Section, for each remote electronic notarial act completed, an
6 electronic notary public shall enter in the journal:

- 7 (1) the locations of the principals and **electronic** notary at the time of the act;
- 8 (2) the method of establishing the location of the remotely located principals;
- 9 (3) the names of any individuals ~~who are physically present at the same place as the remotely located~~
10 ~~principals; identified pursuant to 18 NCAC 07H .0609 and .0610; and~~
- 11 (4) ~~the names of any individuals in addition to the principals and those listed in Item (3) of this Rule~~
12 ~~who are present remotely using the communication technology during the notarial transaction~~
13 ~~process. the total number of [notarial acts,] oaths or affirmations administered to individual~~
14 ~~principals that do not include a principal signature in connection with each oath or affirmation.~~

15
16 *History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
17 *Eff. March 1, ~~2025.~~ 2025;*
18 *Amended Eff. July 1, 2025.*

1 18 NCAC 07I .0308 is amended as published in 39:13 NCR 831 as follows:

2

3 **18 NCAC 07I .0308 JOURNAL SUPPLEMENTS**

4 A notary public may add supplemental information to a journal if:

- 5 (1) the notary ~~does not in any way change the original committed journal entry;~~ and
6 ~~(2)~~ specifies the journal entry to which the supplemental information ~~relates.~~ relates;
7 ~~(2)~~ for an electronic notarial act or a remote electronic notarial act, the notary includes the applicable
8 journal entry or session record identifier; and
9 ~~(3)~~ the notary enters the names of the principals in the notarial session to whom the supplemental entry
10 relates.

11

12 *History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*

13 *Eff. July 1, ~~2024.~~ 2024;*

14 *Amended Eff. July 1, 2025.*

1 18 NCAC 07I .0404 is amended with changes as published in 39:13 NCR 831 as follows:

2
3 **SECTION .0400 – ELECTRONIC JOURNAL REQUIREMENTS**

4
5 **18 NCAC 07I .0404 INCLUDING SIGNATURES IN JOURNAL**

6 A notary public who maintains an electronic journal shall ensure that:

- 7 (1) the principals acknowledge that their electronic signatures have been included in the journal as
8 signed on the documents in the transaction;
- 9 (2) with regard to designees signing on behalf of a principal:
- 10 (a) the designee signs the principal's name ~~pursuant to G.S. 10B-20(e) as signed~~ on the
11 documents in the transaction being notarized pursuant to G.S. 10B-20(e), and the notary
12 then includes the signature in the journal; ~~or and~~
- 13 (b) the designee signs his or her own name on the electronic notary solution for capture and
14 the notary then includes the signature of the designee in the journal; and
- 15 (3) the credible witness signs his or her own name on ~~[the electronic notary solution]~~ an electronic
16 journal for capture and the notary then includes the signature of the credible witness in the journal.
17 journal where the notarial act is in person.

18
19 *History Note: Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*
20 *Eff. July 1, ~~2024~~ 2024;*
21 *Amended Eff. July 1, 2025.*

1 18 NCAC 07J .0101 is adopted as published in 39:13 NCR 831-832 as follows:

2
3 **SUBCHAPTER 07J – REQUIREMENTS FOR TECHNOLOGY TO CONDUCT ELECTRONIC**
4 **NOTARIZATION TECHNOLOGY PROVIDER REQUIREMENTS**

5
6 **SECTION .0100 – GENERAL RULES**

7
8 **18 NCAC 07J .0101 DEFINITIONS**

9 For purposes of this Subchapter:

10 (1) "Break in service" means:

11 (a) the technology provider is subject to a disciplinary action by the Department that:

12 (i) restricts its services;

13 (ii) suspends its services; or

14 (iii) revokes its authorization;

15 (b) the technology provider has been denied a subsequent license or approval by the
16 Department;

17 (c) the technology provider has not submitted an application to the Department for a renewed
18 license or approval; or

19 (d) the technology provider has discontinued providing its authorized solution in North
20 Carolina or support for the solution for any reason.

21 (2) "Communication technology recording" means a data file that contains the audio, video, and written
22 communication that occurred during a remote notarial transaction process via the communication
23 technology in a platform.

24 (3) "Custodial notary" means an electronic notary public who designates himself or herself as a
25 custodian of the electronic notary's own session records pursuant to 18 NCAC 07H .0504.

26 (4) "Cybersecurity incident" means an occurrence defined in G.S. 143B-1320(a)(4a).

27 (5) "Depository" means a storage services solution for electronic journal entries and communication
28 technology recordings, if applicable, that is offered by an IPEN solution provider or a platform
29 provider.

30 (6) "Electronic notary solution" means any of the following products or services:

31 (a) an IPEN solution that is:

32 (i) available from an existing technology provider subject to Section .1100 of this
33 Subchapter; or

34 (ii) subject to approval pursuant to Rule .1301 of this Subchapter;

35 (b) a platform as defined in G.S. 10B-134.1(6) and subject to approval pursuant to Rule .1501
36 of this Subchapter;

1 (c) an identity proofing solution as defined in G.S. 10B-134.1(5) and subject to approval
2 pursuant to Rule .1901 of this Subchapter;

3 (d) a credential analysis solution as defined in G.S. 10B-134.1(3) and subject to approval
4 pursuant to Rule .1701 of this Subchapter; and

5 (e) custodial services as defined in G.S. 10B-134.1(3a) and subject to approval pursuant to
6 Rule .2101 of this Subchapter.

7 (7) "Encryption" shall have the meaning in G.S. 75-61(8).

8 (8) "Existing technology providers" means IPEN solution providers approved before the effective date
9 of these rules.

10 (9) "Geolocation" means technology that identifies the location of remotely located principals
11 connecting to a platform using a GPS-enabled device with an accuracy rate of within 100 feet.

12 (10) "Journal convenience copy" means a collection of a notary's electronic journal entries hosted by a
13 depository in an electronic format for use by the notary as a convenience and that may be retained
14 or deleted by the depository at the notary's discretion. The journal convenience copy is not a session
15 record.

16 (11) "Key individuals" are those individuals who are identified by a platform provider or an IPEN
17 solution provider as meeting the criteria identified in G.S. 10B-134.19(c)(2).

18 (12) "Protocols" or "Department's Scientific, Architectural, and Engineering Protocols for Technology
19 Providers" means a document prepared by the Department and made available to the public that
20 contains scientific, architectural, and engineering standards, forms, or procedures related to
21 information technology for technology providers.

22 (13) "Session record" means the electronic journal entries for a notarial session preserved in PDF/A
23 format in accordance with the Department's protocols, including any embedded communication
24 technology recording and associated metadata.

25 (14) "Supporting vendor" means a person that provides an electronic service to a technology provider:
26 (a) upon which the provider relies to provide the notarial service for which the provider seeks
27 or has approval or licensure; and
28 (b) that must be reported to the Department pursuant to Rule .0410 of this Subchapter.

29 (15) "Transferee" means a custodian that receives a session record from a depository or a custodian.

30 (16) "Transferor" means a depository or a custodian that transfers a session record to a custodian.

31
32 History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-
33 134.21; 10B-134.23;
34 Eff. July 1, 2025.

1 18 NCAC 07J .0102 is adopted as published in 39:13 NCR 832 as follows:

2

3 **18 NCAC 07J .0102 TECHNOLOGY PROVIDERS LICENSED OR APPROVED**

4 Only authorized technology providers may offer electronic notary solutions to any North Carolina notary public.

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 .0103 is adopted as published in 39:13 NCR 832 as follows:

2

3 **18 NCAC 07J .0103 MULTIPLE SERVICES**

4 A technology provider that seeks or has authorization for a product or service that offers one or more types of electronic
5 notary solution shall comply with the rules in this Subchapter applicable to each solution.

6 Note: An IPEN solution that includes credential analysis and identity proofing services is an example of a solution to
7 which this rule applies.

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 .0104 is adopted as published in 39:13 NCR 832 as follows:

2

3 **18 NCAC 07J .0104 NO TRANSFER OF LICENSE OR APPROVAL**

4 A technology provider shall not assign, transfer, or sell its authorization to offer an electronic notary solution in North
5 Carolina.

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 .0105 is adopted as published in 39:13 NCR 832-833 as follows:

2

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

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

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

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

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

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

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

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

13

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

16 Eff. July 1, 2025.

1 18 NCAC 07J .0106 is adopted as published in 39:13 NCR 833 as follows:

2

3 **18 NCAC 07J .0106 AUTHORIZATION DOES NOT MEAN ENDORSEMENT**

4 A technology provider shall not state or imply that the Department endorses the services of the technology provider.

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 .0107 is adopted as published in 39:13 NCR 833 as follows:

2

3 **18 NCAC 07J .0107 TIMELY RESPONSE REQUIRED**

4 A technology provider or applicant shall respond to any inquiry from the Department in the manner and within the
5 time set by the Department. Extensions may be requested and granted pursuant to 18 NCAC 07B .0313 and .0314,
6 respectively.

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 .0108 is adopted with changes as published in 39:13 NCR 833 as follows:

2

3 **18 NCAC 07J .0108 SUBPOENA OR WARRANT**

4 Within three business days after receiving a subpoena, warrant, or court order that is related to a notary public's
5 records, a technology provider shall notify the notary in writing of the subpoena, warrant, or court order, ~~unless;~~
6 unless:

- 7 (1) the subpoena, warrant, or court order is issued in relation to an investigation by the Department
8 pursuant to G.S. 10B-60; or
9 (2) notice is otherwise prohibited by law.

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 .0109 is adopted as published in 39:13 NCR 833 as follows:

2

3 **18 NCAC 07J .0109 SERVICE LEVEL AGREEMENT**

4 A technology provider's service level agreement shall include:

5 (1) guaranteed uptime for the electronic notary solution; and

6 (2) terms and conditions for crediting or reimbursing a notary public for unscheduled service outages.

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 .0110 is adopted with changes as published in 39:13 NCR 833 as follows:

2

3 ~~18 NCAC 07J .0111~~ **18 NCAC 07J .0110 ADVERTISING RESTRICTION**

4 A technology provider shall not display any of the following on screen during an electronic notarial transaction:

- 5 (1) its own logos or those of another;
- 6 (2) its own symbols or those of another;
- 7 (3) advertising for itself or others; or
- 8 (4) pre-recorded audio or video.

9 Note: Display of text from chats between transaction participants or text from a CART captioner shall not ~~be affected~~
10 ~~by this rule.~~ constitute a violation of this Rule.

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 .0111 is adopted as published in 39:13 NCR 833 as follows:

2

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

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

8

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

1 18 NCAC 07J .0112 is adopted as published in 39:13 NCR 833 as follows:

2

3 ~~18 NCAC 07J .0113~~ **18 NCAC 07J .0112** IMPLEMENTATION OF POLICIES AND PLANS

4 A technology provider shall implement all plans and policies required by the rules in this Subchapter.

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 .0113 is adopted as published in 39:13 NCR 833 as follows:

2

3 ~~18 NCAC 07J .0114~~ **18 NCAC 07J .0113** CONTINUITY OF SERVICE

4 In the event of a break in service, a technology provider shall, pursuant to Rule .0207 of this Subchapter, ensure that
5 notaries public using its authorized services:

6 (1) have continuous access to the notaries' records; and

7 (2) have assistance, if requested by a notary public, to transfer the notary's records to an approved
8 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 .0114 is adopted as published in 39:13 NCR 833 as follows:

2

3 ~~18 NCAC 07J .0115~~ **18 NCAC 07J .0114** WHEN PROVIDER MAY USE INFORMATION

4 Facilitating a notarial transaction and mitigating fraud are the only reasons that a technology provider or its supporting
5 vendor may use, disclose, or permit disclosure of information that has not been anonymized and that is specific to:

- 6 (1) the contents of a notarial transaction;
- 7 (2) a transaction participant;
- 8 (3) credentials of a notarial transaction participant; or
- 9 (4) a notarial transaction record or electronic 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 .0115 is adopted with changes as published in 39:13 NCR 834 as follows:

2

3 ~~18 NCAC 07J .0116~~ **18 NCAC 07J .0115 WHEN PROVIDER MAY RETAIN BACKUP COPIES OF DATA**

4 A technology provider may retain backup copies of data associated with the notarial transaction process longer than
5 the retention period otherwise specified in this Subchapter only if:

- 6 (1) the backup copies of the data are retained offline;
- 7 (2) the provider has a backup retention policy; and
- 8 (3) the offline backup copies are securely deleted in accordance with the provider's backup policy.

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 .0116 is adopted with changes as published in 39:13 NCR 834 as follows:

2

3 ~~18 NCAC 07J .0117~~ **18 NCAC 07J .0116** DATA DELETION REQUIREMENT

4 A technology provider shall securely delete data upon the finalization of the notarial session record if there is no
5 retention requirement in the rules in 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 .0201 is amended as published in 39:13 NCR 834 as follows:

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

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

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

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

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

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

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

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

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

22 (1) functionality;

23 (2) security; or

24 (3) reliability.

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

28 *Eff. January 1, 2007;*

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

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

32 *Amended Eff. July 1, 2025.*

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

2

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

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

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

12

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

1 18 NCAC 07J .0203 is adopted as published in 39:13 NCR 834 as follows:

2

3 **18 NCAC 07J .0203 NOTICE TO DEPARTMENT OF BUSINESS INFORMATION CHANGES**

4 After authorization by the Department, a technology provider shall provide written notice to the Department:

5 (1) within five business days of changes to:

6 (a) the information required by 18 NCAC 07B .0402(2);

7 (b) the information required by 18 NCAC 07B .0402(3);

8 (c) conversion to an alternate type of business entity;

9 (d) conversion to a foreign entity;

10 (e) failure to remain active and current with the Department's Business Registration Division;

11 (f) merger with another business entity;

12 (g) filing of a bankruptcy petition; or

13 (h) a change in the technology provider's controlling ownership; and

14 (2) within 45 calendar days of changes to any other information on the provider's application for
15 authorization.

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 .0204 is adopted as published in 39:13 NCR 834-835 as follows:

2

3 **18 NCAC 07J .0204 CONTENTS OF NOTICE OF CHANGES**

4 A technology provider's written notice pursuant to Rule .0203 of this Section shall state:

5 (1) what has changed; and

6 (2) the correct information after the change.

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 .0205 is adopted with changes as published in 39:13 NCR 835 as follows:

2

3 **18 NCAC 07J .0205 NOTICE TO NOTARIES OF PLANNED SERVICE OUTAGES**

4 (a) A technology provider shall provide at least five calendar days' notice to its subscribers and electronic notaries
5 public that its systems will be unavailable due to planned ~~maintenance, and shall include:~~ maintenance.

6 (b) The notice required under Paragraph (a) shall include:

7 (1) the date that the service will begin to be unavailable; and

8 (2) the approximate amount of time during which the service is expected to be unavailable.

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 .0206 is adopted as published in 39:13 NCR 835 as follows:

2

3 **18 NCAC 07J .0206 SERVICE OUTAGE NOTIFICATION TO THE DEPARTMENT**

4 As specified in the Department's authorization letter, a technology provider shall notify the Department immediately
5 of any service outage or lack of accessibility to notaries public:

6 (1) when the outage exceeds four consecutive hours; and

7 (2) when service to notaries is restored.

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 .0207 is adopted as published in 39:13 NCR 835 as follows:

2
3 **18 NCAC 07J .0207 NOTICE TO NOTARIES OF BREAK IN SERVICE**

4 A technology provider subject to Rule .0114 of this Subchapter shall notify notaries public using its authorized services
5 within three days of the occurrence of a break in service and include:

6 (1) the reason for the break in service;

7 (2) whether the break in service is for a specific time period or is permanent;

8 (3) whether the notaries:

9 (a) can continue using the provider's authorized services:

10 (i) with limits and what the limits are; or

11 (ii) without limits; or

12 (b) cannot continue to use the provider's authorized services and, where the provider is a
13 depository or custodian:

14 (i) will have 60 days to transfer any records maintained by the provider to a
15 custodian; and

16 (ii) that the notaries may continue to access the records maintained by the provider
17 until they are transferred; and

18 (4) any actions the provider requires the notaries to take.

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 .0208 is adopted with changes as published in 39:13 NCR 835 as follows:

2

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

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

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

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

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

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

10 (b) theft;

11 (c) loss; or

12 (d) compromise; or

13 (3) a cybersecurity incident.

14

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

17 *Eff. July 1, 2025.*

1 18 NCAC 07J .0209 is adopted as published in 39:13 NCR 835 as follows:

2

3 **18 NCAC 07J .0209 CONTENT OF NOTIFICATION TO DEPARTMENT**

4 Notification to the Department pursuant to Rule .0208 of this Section shall include the following information when
5 available:

6 (1) the names of the affected notaries public including their notary commission numbers;

7 (2) a description of the affected records, data, or solution;

8 (3) a copy of any law enforcement report made in connection with the incident;

9 (4) a description of how the reportable incident occurred;

10 (5) the duration of the reportable incident;

11 (6) a description of actions taken to prevent or mitigate a similar reportable incident;

12 (7) when the reportable incident occurred; and

13 (8) a point of contact for the technology provider who has knowledge of:

14 (a) the reportable incident;

15 (b) actions taken to address the reportable incident; and

16 (c) actions to be taken to address the reportable incident.

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 .0210 is adopted as published in 39:13 NCR 835-836 as follows:

2

3 **18 NCAC 07J .0210 NOTIFICATION TO OTHER PARTIES**

4 Technology providers shall notify affected persons of a reportable incident as required by applicable law, rule, or
5 regulation. Note: The Identity Theft Protection Act, Chapter 75, Article 2A of the General Statutes is an example of
6 an applicable law.

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 .0211 is adopted as published in 39:13 NCR 836 as follows:

2

3 **18 NCAC 07J .0211 VERIFICATION OF CONTINUING COMPLIANCE**

4 A technology provider shall:

5 (1) annually verify its compliance with the rules in this Subchapter for each approved electronic notary
6 solution, by submitting the form in 18 NCAC 07B .0429; or

7 (2) submit notice that it will not apply again pursuant to Rule .0215 of this Subchapter.

8 Item (1) of this Rule shall not apply to licensed platforms.

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 .0212 is adopted as published in 39:13 NCR 836 as follows:

2

3 **18 NCAC 07J .0212 TIMING OF VERIFICATION OF CONTINUING COMPLIANCE**

4 A technology provider's verification of compliance pursuant to Rule .0211 of this Section shall be submitted to the

5 Department:

6 (1) no more than 60 days before the expiration of its approval; or

7 (2) as part of its application for a subsequent approval.

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 .0213 is adopted as published in 39:13 NCR 836 as follows:

2

3 **18 NCAC 07J .0213 DUE DILIGENCE**

4 A technology provider's verification pursuant to Rule .0211 of this Section shall be made only after the exercise of
5 due diligence to enable the signer to comply with Rule .0214 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 .0214 is adopted with changes as published in 39:13 NCR 836 as follows:

2

3 **18 NCAC 07J .0214 SIGNER OF VERIFICATION**

4 A technology provider's verification pursuant to Rule .0211 of this Section shall be signed by a person with the
5 authority to bind the provider and who certifies under penalty of perjury that the information on the form is true and
6 complete ~~correct~~ to the best of the signer's knowledge and belief.

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 .0215 is adopted as published in 39:13 NCR 836 as follows:

2

3 **18 NCAC 07J .0215 NOTICE TO DEPARTMENT THAT PROVIDER WILL NOT RENEW**

4 At least 90 days before its existing authorization expires, a technology provider shall notify the Department in writing:

5 (1) if it declines to apply for a subsequent authorization of its electronic notary solution;

6 (2) the date on which it will cease offering its electronic notary solution to North Carolina notaries
7 public; and

8 (3) that it has complied with Rule .0216 of this Section.

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 .0216 is adopted as published in 39:13 NCR 836 as follows:

2

3 **18 NCAC 07J .0216 NOTICE TO SUBSCRIBERS AND NOTARIES OF NONRENEWAL**

4 No later than the date that a technology provider gives notice to the Department pursuant to Rule .0215 of this Section,
5 the provider shall:

6 (1) notify each subscriber and notary public account holder in writing that it will cease offering its
7 electronic notary solution to North Carolina notaries public;

8 (2) specify the date on which it will cease offering its electronic notary solution; and

9 (3) comply with the rules in this Subchapter regarding notary access to records and transfer of records
10 to a custodian.

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 .0301 is adopted with changes as published in 39:13 NCR 836 as follows:

2

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

4

PROCEDURES

5

6 **18 NCAC 07J .0301 APPLICATION PROCESS**

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

8

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

9

(2) demonstrate the electronic notary solution to the Department to enable it to evaluate ~~the~~ compliance with applicable laws, rules, and protocols; and

10

11

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

12

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

14

134.21; 10B-134.23;

15

Eff. July 1, 2025.

1 18 NCAC 07J .0302 is adopted with changes as published in 39:13 NCR 836 as follows:

2

3 **18 NCAC 07J .0302 SEPARATE APPLICATIONS FOR EACH SOLUTION TYPE**

4 A technology provider shall complete an application designating each type of electronic notary solution for which it
5 seeks 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 .0303 is adopted as published in 39:13 NCR 836 as follows:

2

3 **18 NCAC 07J .0303 APPLICATION FEES**

4 (a) Each application for a platform license shall be accompanied by a non-refundable five thousand dollar (\$5,000)
5 fee pursuant to G.S. 10B-134.19(b).

6 (b) No fee is required to accompany an application for any other electronic notary solution.

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 .0304 is adopted as published in 39:13 NCR 837 as follows:

2

3 **18 NCAC 07J .0304 BINDING REPRESENTATIONS IN APPLICATION**

4 All representations, promises and assurances of performance made to the Department by a technology provider during
5 the application process shall be binding and made under penalty of perjury.

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 .0305 is adopted as published in 39:13 NCR 837 as follows:

2

3 **18 NCAC 07J .0305 LIMIT ON DESIGNATION OF TRADE SECRET OR CONFIDENTIAL**
4 **INFORMATION**

5 A technology provider applicant shall not designate its entire application as:

6 (1) _____ a trade secret; or

7 (2) _____ confidential information.

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 .0306 is adopted as published in 39:13 NCR 837 as follows:

2

3 **18 NCAC 07J .0306 DESIGNATION OF CONFIDENTIAL OR TRADE SECRET INFORMATION**

4 A technology provider applicant shall designate each specific item on its application, attachments, and other filings
5 for which confidentiality or trade secret protection is claimed. Each designation shall comply with:

6 (1) the North Carolina Trade Secrets Protection Act, Chapter 66, Article 24 of the General Statutes; or

7 (2) the confidentiality provisions of G.S. 132-1.2.

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 .0307 is adopted as published in 39:13 NCR 837 as follows:

2

3 **18 NCAC 07J .0307 REDACTED COPY**

4 A technology provider applicant that designates information as confidential or trade secret shall submit:

5 (1) the unredacted filing with the confidential and trade secret designations; and

6 (2) an exact duplicate of the filing with redactions of the confidential and trade secret information.

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 .0308 is adopted as published in 39:13 NCR 837 as follows:

2

3 **18 NCAC 07J .0308 DESIGNATION OF REDACTED COPY**

4 For any redacted document submitted pursuant to Rule .0307 of this Section, a technology provider applicant shall
5 include the word "redacted" in:

6 (1) the document title;

7 (2) the document digital file name; and

8 (3) a header on each page.

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 .0309 is adopted as published in 39:13 NCR 837 as follows:

2

3 **18 NCAC 07J .0309 GOOD FAITH BASIS FOR CONFIDENTIAL OR TRADE SECRET**
4 **DESIGNATION**

5 If a technology provider designates items on its application as confidential or trade secret, the applicant shall certify
6 on the application that it has formed a good faith opinion that the information claimed as confidential or trade secret
7 meets the requirements for designation under the laws specified in Rule .0306 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 .0310 is adopted as published in 39:13 NCR 837 as follows:

2

3 **18 NCAC 07J .0310 SOURCES OF CONFIDENTIAL INFORMATION**

4 If designated as confidential or trade secret, the Department shall presume that the following plans and documents are
5 confidential information or trade secrets:

6 (1) configuration management plan required by Rule .0616 of this Subchapter;

7 (2) information technology security audit and summary required by Rules .0620 and .0621 of this
8 Subchapter;

9 (3) security plan required by Rule .0624 of this Subchapter;

10 (4) security incident response plan required by Rule .0626 of this Subchapter; and

11 (5) contingency plan required by Rule .0628 of this Subchapter.

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 .0311 is adopted as published in 39:13 NCR 837 as follows:

2

3 **18 NCAC 07J .0311 APPLICATION CHANGES PRIOR TO LICENSURE OR APPROVAL**

4 If information in a technology provider's application changes before the Department's decision on the application, the
5 provider shall inform the Department in writing, and:

6 (1) state what has changed; and

7 (2) state the correct information after the change.

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 .0312 is adopted as published in 39:13 NCR 837 as follows:

2

3 **18 NCAC 07J .0312 APPLICATION WITHDRAWAL**

4 A technology provider applicant may withdraw its application:

5 (1) before receiving notice of the Department's decision on its application; and

6 (2) by providing written notice:

7 (a) with the effective date of the withdrawal; and

8 (b) signed by a person with the authority to bind the applicant.

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 .0313 is adopted as published in 39:13 NCR 838 as follows:

2

3 **18 NCAC 07J .0313 APPLICATION RESUBMISSION**

4 A technology applicant may resubmit its application without a new application fee if the resubmission is delivered
5 within 45 days of:

6 (1) the application initially being rejected as incomplete; or

7 (2) the application being withdrawn.

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 .0314 is adopted as published in 39:13 NCR 838 as follows:

2

3 **18 NCAC 07J .0314 NOTICE OF DEPARTMENT DECISION**

4 The Department shall notify a technology provider applicant whether its application is:

5 (1) rejected as incomplete, with:

6 (a) information regarding the areas in which the application is incomplete; and

7 (b) a time within which the application must be amended to include the information;

8 (2) denied, in which case the Department shall provide reasons for the denial; or

9 (3) approved.

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 .0315 is adopted as published in 39:13 NCR 838 as follows:

2

3 **18 NCAC 07J .0315 TIMING OF SUBMISSION OF APPLICATION FOR SUBSEQUENT**
4 **AUTHORIZATION**

5 A technology provider's application for a subsequent authorization shall be submitted:

6 (1) no earlier than 120 days before its existing authorization expires; and

7 (2) no later than 90 days before its existing authorization expires.

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 .0401 is adopted as published in 39:13 NCR 838 as follows:

2

3 **SECTION .0400 – ~~IN PERSON ELECTRONIC NOTARIZATION (AVEN) PROVIDER REQUIREMENTS~~**

4

GENERAL APPLICATION CONTENTS

5

6 **18 NCAC 07J .0401 CONTENTS OF ALL TECHNOLOGY PROVIDER APPLICATIONS**

7 All technology provider applicants shall submit applications that include the information required by:

8

(1) this Section; and

9

(2) 18 NCAC 07B .0422.

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 .0402 is adopted as published in 39:13 NCR 838-839 as follows:

2
3 **18 NCAC 07J .0402 ~~CRITERIA FOR APPROVAL OF ELECTRONIC NOTARY SOLUTION~~**
4 **PROVIDERS PROVIDER NAME**

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

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

28 All technology provider applications shall include:

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

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

34 *Eff. January 1, 2007;*

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

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

1 18 NCAC 07J .0403 is adopted with changes as published in 39:13 NCR 839 as follows:

2

3 **18 NCAC 07J .0403 CONTACT INFORMATION**

4 A technology provider's application shall include the contact information required by ~~18 NCAC 07B .0422~~, 18 NCAC
5 07B .0402.

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 .0404 is adopted as published in 39:13 NCR 839 as follows:

2

3 **18 NCAC 07J .0404 CERTIFICATION OF STANDING**

4 A technology provider applicant shall certify in its application that it:

5 (1) is currently registered to do business in North Carolina or has a certificate of authority to do business
6 in North Carolina; and

7 (2) is in current-active status with the Department and the business registrar in the jurisdiction where
8 formed, if not North Carolina.

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 .0405 is adopted as published in 39:13 NCR 839 as follows:

2
3 **18 NCAC 07J .0405 NOTARY SERVICES IN OTHER JURISDICTIONS**

4 A technology provider applicant's application shall provide the following information for each state, federally
5 recognized tribe, or nation in which it has offered the same or similar services within the previous 10 years:

- 6 (1) the types of service provided;
7 (2) the month and year in which the technology provider received its most recent license or approval or
8 a statement that a license or approval is not required;
9 (3) the expiration date of the most recent required license, approval, or equivalent, if any;
10 (4) whether any application for a required license, approval, or equivalent has been denied;
11 (5) whether the applicant has discontinued a service and if applicable:
12 (a) an explanation of the discontinuance of the service; and
13 (b) the month and year in which the applicant discontinued services; and
14 (6) for any open, pending, or active governmental or authorizing entity's investigations in relation to the
15 applicant's provision of services in another jurisdiction and of which the applicant is aware at the
16 time of application:
17 (a) the name of the governmental or authorizing entity; and
18 (b) a brief description of what the applicant believes is being investigated.

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 .0406 is adopted as published in 39:13 NCR 839 as follows:

2

3 **18 NCAC 07J .0406 COMPLIANCE CONTACT**

4 A technology provider applicant shall name a compliance contact on its application who shall:

5 (1) be an employee;

6 (2) be a key individual;

7 (3) successfully complete the Department's electronic notary public course; and

8 (4) successfully complete the Department's technology provider course.

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 .0407 is adopted as published in 39:13 NCR 839 as follows:

2

3 **18 NCAC 07J .0407 COMPLIANCE CONTACT DUTIES**

4 A technology provider's compliance contact shall, for the duration of the provider's authorization:

5 (1) have the duty to monitor the provider's compliance with:

6 (a) Chapter 10B of the General Statutes; and

7 (b) the rules in this Chapter;

8 (2) ensure that notices are provided to the Department as required by the rules in this Subchapter; and

9 (3) receive notices from the Department made pursuant to the rules in this Chapter.

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 .0408 is adopted as published in 39:13 NCR 839 as follows:

2

3 **18 NCAC 07J .0408 THIRD-PARTY VENDORS INCLUDED IN ELECTRONIC NOTARY SOLUTION**

4 A technology provider applicant shall list on its application any third-party vendors providing services to the
5 technology provider in connection with the electronic notary solution for which it seeks 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 .0409 is adopted as published in 39:13 NCR 839 as follows:

2

3 **18 NCAC 07J .0409 THIRD-PARTY VENDOR INFORMATION**

4 A technology provider applicant shall provide the following information for each third-party vendor listed on its
5 application:

6 (1) the type of service that the vendor provides to the applicant; and

7 (2) which, if any, of the third-party vendors used by the solution are:

8 (a) currently approved by the Department;

9 (b) currently under consideration for approval by the Department; or

10 (c) being submitted by the applicant with its application for approval by the Department.

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 .0410 is adopted as published in 39:13 NCR 840 as follows:

2

3 **18 NCAC 07J .0410 SUPPORTING VENDORS**

4 A technology provider applicant shall list on its application any supporting vendors providing the following services
5 to the technology provider in connection with the electronic notary solution for which it seeks authorization:

6 (1) cloud services;

7 (2) geolocation services;

8 (3) communication technology;

9 (4) communication recording technology;

10 (5) electronic journal;

11 (6) digital certificate authorities; and

12 (7) electronic signature and electronic seal.

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 .0411 is adopted as published in 39:13 NCR 840 as follows:

2

3 **18 NCAC 07J .0411 SUPPORTING VENDOR INFORMATION**

4 A technology provider applicant shall specify the type of service provided by each supporting vendor listed on its
5 application.

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 .0412 is adopted as published in 39:13 NCR 840 as follows:

2

3 **18 NCAC 07J .0412 VENDORS WITH ACCESS TO NOTARIAL TRANSACTION DATA**

4 A technology provider applicant shall disclose on its application the names of all vendors, business entities, and any
5 of their affiliates that will have access to notarial transaction data when at rest.

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 .0413 is adopted as published in 39:13 NCR 840 as follows:

2

3 **18 NCAC 07J .0413 DISCLOSURE OF CERTIFICATIONS AND COMPLIANCE REPORTS**

4 A technology provider applicant shall disclose on its application each independent third-party certification, SOC 2
5 Type 2 compliance report, or equivalent pertaining to the electronic notary solution for which authorization is sought,
6 with:

7 (1) the name of the issuer of the certification, compliance report, or equivalent;

8 (2) the name or title of the certification, compliance report, or equivalent;

9 (3) the date of its issuance; and

10 (4) its expiration date, if applicable.

11 Note: FIPS validation, NSA approval, FedRAMP, ISO 27001, or HITRUST are examples of an independent third-
12 party certification or equivalent.

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 .0414 is adopted as published in 39:13 NCR 840 as follows:

2

3 **18 NCAC 07J .0414 DISCLOSURE OF DEBARMENTS**

4 A technology provider applicant shall disclose on its application if it or any of its key individuals is now or has ever
5 been the subject of a debarment by a state, federally recognized tribe, or nation, and for each:

6 (1) whether the debarment was for the applicant or a key individual, and the name of the key individual;

7 (2) the name of each government that debarred the applicant or the key individual;

8 (3) an explanation of the reason for each debarment; and

9 (4) the start and end dates of each debarment.

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 .0415 is adopted as published in 39:13 NCR 840 as follows:

2

3 **18 NCAC 07J .0415 DISCLOSURE OF VOLUNTARY EXCLUSIONS IN LIEU OF DEBARMENT**

4 A technology provider applicant shall disclose on its application:

5 (1) whether, within 10 years of its application, the applicant or any of its key individuals have agreed
6 to voluntary exclusion in lieu of debarment being taken against it or any of its key individuals by a
7 state, federally recognized tribe, or nation; and

8 (2) for each disclosed voluntary exclusion of the applicant or its key individuals:

9 (a) the name of the person for whom any voluntary exclusion was agreed to;

10 (b) the name of each governmental entity for which the applicant or the key individual agreed
11 to voluntary exclusion in lieu of debarment;

12 (c) an explanation of the reason for each voluntary exclusion; and

13 (d) the start and end dates of each voluntary exclusion.

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 .0416 is adopted as published in 39:13 NCR 840 as follows:

2

3 **18 NCAC 07J .0416 DISCLOSURE OF CIVIL LEGAL ACTIONS**

4 A technology provider applicant shall disclose on its application all findings in civil legal actions, including arbitration:

5 (1) made within 10 years of its application date;

6 (2) that are against the applicant or any of its key individuals for:

7 (a) activity involving dishonesty, untruthfulness, deceit, fraud, false dealing, cheating,
8 stealing, or insider trading;

9 (b) mishandling or misuse of customer data; or

10 (c) failure of the platform to perform as warranted.

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 .0417 is adopted as published in 39:13 NCR 841 as follows:

2

3 **18 NCAC 07J .0417 CONTENT OF CIVIL LEGAL ACTION DISCLOSURES**

4 A technology provider's application disclosure pursuant to Rule .0416 of this Section shall include:

5 (1) a description of each finding or admission;

6 (2) a copy of the document containing the finding or admission;

7 (3) a brief description of the circumstances surrounding the finding or admission;

8 (4) if not included in the document in Item (2) of this Rule:

9 (a) the date on which the finding or admission was made;

10 (b) the court in which the civil lawsuit was filed; and

11 (c) the case name and docket number; and

12 (5) any additional information that the applicant wishes the Department to consider.

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 .0418 is adopted as published in 39:13 NCR 841 as follows:

2

3 **18 NCAC 07J .0418 DISCLOSURE OF DISCIPLINARY ACTIONS**

4 A technology provider shall disclose on its application any disciplinary actions:

5 (1) _____ taken against it or any of its key individuals by any state, federally recognized tribe, or nation's
6 government; and

7 (2) _____ concluded within 10 years of the application date.

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 .0419 is adopted as published in 39:13 NCR 841 as follows:

2

3 **18 NCAC 07J .0419 CONTENT OF DISCIPLINARY ACTION DISCLOSURES**

4 For each disciplinary action listed pursuant to Rule .0418 of this Section, a technology provider shall disclose:

5 (1) the date of each disciplinary action;

6 (2) the disciplinary action taken;

7 (3) a copy of each disciplinary action;

8 (4) if not included in the copy of the disciplinary action provided:

9 (a) the reason given for the disciplinary action;

10 (b) an explanation of the circumstances that led to the disciplinary action; and

11 (c) the name of the issuing entity;

12 (5) where the disciplinary action included any corrective action or conditions:

13 (a) whether the applicant or key individual has complied with the corrective actions or
14 conditions; and

15 (b) the date on which compliance with the corrective actions or conditions was satisfied;

16 (6) whether the applicant or key individual would be eligible for relicensure or recommissioning; and

17 (7) other information that the applicant wishes to include in order to aid the Department in assessing
18 the application.

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 .0420 is adopted as published in 39:13 NCR 841 as follows:

2

3 **18 NCAC 07J .0420 DISCLOSURE OF BANKRUPTCY**

4 A technology provider applicant shall disclose on its application whether the applicant is in, or has previously exited
5 within the past 10 years, bankruptcy proceedings pursuant to the laws of the United States or other nation.

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 .0421 is adopted as published in 39:13 NCR 841 as follows:

2

3 **18 NCAC 07J .0421 CONTENTS OF BANKRUPTCY DISCLOSURE**

4 A technology provider applicant that discloses a bankruptcy pursuant to Rule .0420 of this Section shall state:

5 (1) the status of the matter;

6 (2) the style of the case, including the case number; and

7 (3) the court in which the bankruptcy was filed.

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 .0422 is adopted as published in 39:13 NCR 841 as follows:

2

3 **18 NCAC 07J .0422 WEBSITE INFORMATION**

4 The application of a technology provider applicant shall include:

5 (1) the single URL link required by Rule .0607 of this Subchapter; and

6 (2) the form required by 18 NCAC 07B .0422(6).

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 .0423 is adopted with changes as published in 39:13 NCR 841 as follows:

2

3 **18 NCAC 07J .0423 IT SECURITY AUDIT SUMMARY**

4 The application of a technology provider applicant shall ~~include~~; include:

- 5 (1) how often the applicant conducts IT security audits; and
- 6 (2) the IT security audit summary required by Rule .0621 of this Subchapter.

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 .0501 is adopted as published in 39:13 NCR 841-842 as follows:

2

3 **SECTION .0500 – ~~RESERVED FOR FUTURE CODIFICATION~~ TECHNOLOGY DEMONSTRATION**

4

5 **18 NCAC 07J .0501 SOLUTION AVAILABILITY REQUIRED**

6 After submitting its application, a technology provider applicant shall make its electronic notary solution available to
7 the Department for evaluation as specified in the rules in this 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 .0502 is adopted as published in 39:13 NCR 842 as follows:

2

3 **18 NCAC 07J .0502 DEMONSTRATION CONTENT**

4 A technology provider's demonstration of its electronic notary solution shall establish that the features, functionality,
5 and instructional materials for users comply with the rules in 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 .0503 is adopted as published in 39:13 NCR 842 as follows:

2

3 **18 NCAC 07J .0503 DEMONSTRATION TO INCLUDE USE OF SOLUTION IN NOTARIAL**
4 **TRANSACTION**

5 A technology provider's demonstration of its electronic notary solution shall include a step-by-step exhibition of how
6 the electronic notary solution will be used for notarial transactions.

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 .0504 is adopted as published in 39:13 NCR 842 as follows:

2

3 **18 NCAC 07J .0504 ADDITIONAL DEMONSTRATIONS**

4 Upon request by the Department, a technology provider applicant shall provide additional demonstrations of its
5 electronic notary solution to establish:

6 (1) resolution of issues identified in a prior demonstration; and

7 (2) compliance with the rules in this 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 .0505 is adopted as published in 39:13 NCR 842 as follows:

2

3 **18 NCAC 07J .0505 WAIVER OF DEMONSTRATION REQUIREMENT**

4 The Department may waive the requirement that a technology provider applicant provide the demonstration required
5 by Rule .0501 of this Section based upon the factors in 18 NCAC 07B .0108.

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 .0601 is amended as published in 39:13 NCR 842 as follows:

2
3 **SECTION .0600 – CONTINUING OBLIGATIONS OF ELECTRONIC NOTARIZATION TECHNOLOGY**
4 **PROVIDERS TECHNOLOGY PROVIDER STANDARDS**

5
6 **18 NCAC 07J .0601 ELECTRONIC NOTARY SOLUTION PROVIDER CHANGES SCOPE**

7 ~~(a) An electronic notary solution provider shall notify the Department within 45 days of changes, modifications or~~
8 ~~updates to information previously submitted to the Department.~~

9 ~~(b) An approved electronic notary solution provider shall obtain approval of the Department pursuant to the Act and~~
10 ~~this Subchapter before making available to North Carolina electronic notaries any updates or subsequent versions of~~
11 ~~the provider's electronic notarization system. The rules in this Section apply to electronic notary solutions.~~

12
13 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); ~~10B-126(d)~~; 10-126; 10B-134.15; 10B-134.17; 10B-*
14 *134.19; 10B-134.21; 10B-134.23; 47-16.5; 47-16.7; 147-36; 15 USC 7002;*

15 *Eff. January 1, 2007;*

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

18 *Transferred from 18 NCAC 07C .0503 Eff. June 1, ~~2023~~; 2023;*

19 *Amended Eff. July 1, 2025.*

1 18 NCAC 07J .0602 is adopted as published in 39:13 NCR 842 as follows:

2

3 **18 NCAC 07J .0602 NOTARY ACCOUNT ACCESS**

4 A technology provider shall ensure that only the notary public, the technology provider, or a person authorized by law
5 can access the notary's:

6 (1) account information;

7 (2) journals;

8 (3) communication technology recordings;

9 (4) session records; or

10 (5) metadata associated with the notarial transaction.

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 .0603 is adopted as published in 39:13 NCR 842 as follows:

2

3 **18 NCAC 07J .0603 REQUIRE NOTARY MULTI-FACTOR AUTHENTICATION**

4 A technology provider shall require multi-factor authentication before a notary public may access the notary's account.

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 .0604 is adopted as published in 39:13 NCR 842 as follows:

2

3 **18 NCAC 07J .0604 INACTIVITY WARNING TIMING**

4 A technology provider's electronic notary solution shall issue a warning on screen to a notary public:

5 (1) _____ who is logged into the notary's account; and

6 (2) _____ has been inactive longer than 15 minutes.

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 .0605 is adopted as published in 39:13 NCR 842 as follows:

2

3 **18 NCAC 07J .0605 PROVIDER ACTION AFTER WARNING**

4 No more than five minutes after the on screen warning in Rule .0604 of this Section, a technology provider's electronic
5 notary solution shall:

6 (1) determine whether there has been activity by the notary public in that five minutes; and

7 (2) log the notary out if there has been no activity.

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 .0606 is adopted as published in 39:13 NCR 842-843 as follows:

2

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

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

6

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

1 18 NCAC 07J .0607 is adopted as published in 39:13 NCR 843 as follows:

2

3 **18 NCAC 07J .0607 SINGLE LINK AND SUBMISSION TO DEPARTMENT**

4 A technology provider shall ensure that the primary website page required by Rule .0606 of this Section is accessible
5 through a single link provided to the Department:

6 (1) for inclusion on the Department's authorized technology provider web page; and

7 (2) with any sub-pages directly accessible through the single linked page.

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 .0608 is adopted with changes as published in 39:13 NCR 843 as follows:

2

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

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

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

28

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

1 18 NCAC 07J .0609 is adopted as published in 39:13 NCR 843 as follows:

2

3 **18 NCAC 07J .0609 UPDATING SINGLE LINK URL**

4 A technology provider shall notify the Department within five business days of a change in the URL of the information
5 required by Rule .0606 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 .0610 is adopted with changes as published in 39:13 NCR 843 as follows:

2

3 **18 NCAC 07J .0610 ENCRYPTION OF DATA**

4 A technology provider shall securely encrypt data while it is at rest and ~~while it is~~ in transit.

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 .0611 is adopted as published in 39:13 NCR 843 as follows:

2

3 **18 NCAC 07J .0611 DATA STORED DOMESTICALLY**

4 A technology provider shall:

5 (1) store all data associated with the notarial transaction process in the United States while the data is
6 at rest; and

7 (2) certify compliance with Item (1) of this Rule:

8 (a) on its initial and subsequent applications; and

9 (b) on its verification of compliance pursuant to Rule .0211 of this Subchapter, if applicable.

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 .0612 is adopted as published in 39:13 NCR 843 as follows:

2

3 **18 NCAC 07J .0612 DATA STORAGE FACILITY REQUIREMENTS**

4 A technology provider shall store all data associated with a notarial session in facilities that are:

5 (1) climate-controlled; and

6 (2) secure from unauthorized physical access.

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 .0613 is adopted as published in 39:13 NCR 843 as follows:

2

3 **18 NCAC 07J .0613 DATA CENTER SECURITY**

4 A technology provider shall ensure that each data center it uses has physical security measures in place that include:

5 (1) restricting physical system access to personnel authorized by the provider to access the data center's
6 system;

7 (2) monitoring and logging physical access to the data center's information systems;

8 (3) maintaining the physical access logs for five years; and

9 (4) monitoring and responding to:

10 (a) physical intrusion alarms; and

11 (b) surveillance system observations and alerts.

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 .0614 is adopted as published in 39:13 NCR 844 as follows:

2

3 **18 NCAC 07J .0614 CERTIFICATION RE DATA CENTER SECURITY**

4 A technology provider shall certify its compliance with Rules .0612 and .0613 of this Section on its:

5 (1) initial and subsequent applications; and

6 (2) verification of compliance pursuant to Rule .0211 of this Subchapter, if applicable.

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 .0615 is adopted as published in 39:13 NCR 844 as follows:

2

3 **18 NCAC 07J .0615 MAINTENANCE OF SOFTWARE AND HARDWARE**

4 A technology provider's hardware, software, and firmware for systems supporting the electronic notary solution shall:

5 (1) not be classified as end-of-life by their manufacturers;

6 (2) still be eligible for vendor security patches; and

7 (3) comply with the "N-1" principle that states that all systems should be running either the newest
8 stable release or one version prior to that release.

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 .0616 is adopted as published in 39:13 NCR 844 as follows:

2

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

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

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

7 (a) software;

8 (b) hardware; and

9 (c) network components;

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

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

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

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

15

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

18 Eff. July 1, 2025.

1 18 NCAC 07J .0617 is adopted as published in 39:13 NCR 844 as follows:

2

3 **18 NCAC 07J .0617 IDENTIFICATION AND ACCESS CONTROL**

4 A technology provider shall implement personnel identification and access control measures for systems supporting
5 the electronic notary solution that:

6 (1) designate and authorize users;

7 (2) assign access to its data and systems based on users' roles;

8 (3) restrict non-privileged users from performing privileged functions;

9 (4) review, manage, and monitor users' role-based access;

10 (5) restrict notarial transaction process-related data access to authorized persons; and

11 (6) delete, revise, or remove access for users:

12 (a) whose role changes; or

13 (b) who are no longer employed with the provider.

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 .0618 is adopted as published in 39:13 NCR 844 as follows:

2

3 **18 NCAC 07J .0618 IDENTIFICATION AND ACCESS CONTROL BY THIRD-PARTY VENDORS**
4 **AND SUPPORTING VENDORS**

5 A technology provider shall confirm that each of its third-party and supporting vendors maintain and implement
6 identification and access control measures equivalent to or more stringent than those required by Rule .0617 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 .0619 is adopted as published in 39:13 NCR 844 as follows:

2

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

4 A technology provider shall:

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

6 (2) detect and remediate IT security vulnerabilities.

7

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

9 134.21; 10B-134.23;

10 Eff. July 1, 2025.

1 18 NCAC 07J .0620 is adopted as published in 39:13 NCR 844 as follows:

2

3 **18 NCAC 07J .0620 IT SECURITY AUDIT**

4 A technology provider shall have a third-party audit of its IT security conducted at least once every three years:

5 (1) _____ sufficient to comply with Rule .0622 of this Section; and

6 (2) _____ by Certified Information Systems Auditors or the equivalent.

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 .0621 is adopted as published in 39:13 NCR 844 as follows:

2

3 **18 NCAC 07J .0621 SUMMARY OF IT SECURITY AUDIT**

4 A technology provider shall provide a summary to the Department of its most recent IT security audit, which shall not
5 be more than three years old:

6 (1) _____ on its initial and subsequent applications; and

7 (2) _____ on its verification of compliance pursuant to Rule .0211 of this Section, if 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 .0622 is adopted as published in 39:13 NCR 845 as follows:

2

3 **18 NCAC 07J .0622 CONTENTS OF IT SECURITY AUDIT SUMMARY**

4 (a) The IT audit summary provided to the Department pursuant to Rule .0620 of this Section shall include:

5 (1) the date of the audit;

6 (2) the third-party audit standards by which the audit was conducted;

7 (3) the name, contact information, and title or role of a representative of the organization conducting
8 the audit;

9 (4) the IT security audit findings; and

10 (5) any plan of action including a timeline to address all findings.

11 (b) For purposes of this Rule, "finding" means:

12 (1) a deficiency in internal control;

13 (2) noncompliance with applicable laws and rules; or

14 (3) instances of fraud.

15

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

18 Eff. July 1, 2025.

1 18 NCAC 07J .0623 is adopted as published in 39:13 NCR 845 as follows:

2

3 **18 NCAC 07J .0623 CYBERSECURITY INCIDENT PREVENTION**

4 A technology provider shall take steps to prevent cybersecurity incidents by:

5 (1) logging and monitoring access to the system; and

6 (2) detecting, tracking, and addressing security flaws.

7

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

9 134.21; 10B-134.23;

10 Eff. July 1, 2025.

1 18 NCAC 07J .0624 is adopted as published in 39:13 NCR 845 as follows:

2

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

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

5 Department's protocols related to:

6 (1) physical security; and

7 (2) IT security.

8

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

10 134.21; 10B-134.23;

11 Eff. July 1, 2025.

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

2

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

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

5

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

7 134.21; 10B-134.23;

8 Eff. July 1, 2025.

1 18 NCAC 07J .0626 is adopted as published in 39:13 NCR 845 as follows:

2

3 **18 NCAC 07J .0626 SECURITY INCIDENT RESPONSE PLAN**

4 A technology provider shall maintain a security incident response plan that:

5 (1) addresses the capabilities required by the rules in this Section;

6 (2) includes annual testing; and

7 (3) is revised annually, as needed.

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 .0627 is adopted as published in 39:13 NCR 845 as follows:

2

3 **18 NCAC 07J .0627 CYBERSECURITY INCIDENT RESPONSE**

4 A technology provider shall:

5 (1) detect and respond to any cybersecurity incident;

6 (2) store evidence related to a cybersecurity incident in a manner that:

7 (a) establishes chain of custody; and

8 (b) preserves chain of custody; and

9 (3) retain security logs and other data related to cybersecurity incidents and response for at least three

10 years.

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 .0628 is adopted as published in 39:13 NCR 845 as follows:

2

3 **18 NCAC 07J .0628 CONTINGENCY PLAN REQUIREMENT**

4 A technology provider shall maintain a contingency plan for recovery to a functional state in the event of a
5 cybersecurity incident or other service disruption of:

6 (1) its authorized electronic notary solutions;

7 (2) the following businesses upon which its electronic notary solutions are reliant:

8 (a) critical infrastructure companies, as defined in G.S. 166A-19.70A; and

9 (b) supporting vendors listed pursuant to Rule .0410 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 .0629 is adopted as published in 39:13 NCR 845 as follows:

2

3 **18 NCAC 07J .0629 CONTENTS OF CONTINGENCY PLAN**

4 A technology provider's contingency plan shall include:

5 (1) the manner in which it will recover its authorized services to a functional state;

6 (2) a projected timeline for recovery to a functional state; and

7 (3) required notices to the Department and notaries public pursuant to Section .0200 of this 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 .0701 is adopted as published in 39:13 NCR 845-846 as follows:

2

3

SECTION .0700 – ELECTRONIC SIGNATURE AND SEAL STANDARDS

4

18 NCAC 07J .0701 APPLICATION OF ELECTRONIC SEAL

6 An electronic notary seal shall be applied only by an electronic notary using an IPEN or platform provider's electronic
7 notary solution.

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 .0702 is adopted as published in 39:13 NCR 846 as follows:

2

3 **18 NCAC 07J .0702 COMPLIANCE WITH ELECTRONIC SIGNATURE AND SEAL RULES**

4 An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to comply with the
5 following rules:

6 (1) 18 NCAC 07F Section .0700, Electronic Notary Signature;

7 (2) 18 NCAC 07F Section .0800, Electronic Notary Seal; and

8 (3) 18 NCAC 07F Section .1000, Confidentiality, Security, and Records Retention.

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 .0703 is adopted with changes as published in 39:13 NCR 846 as follows:

2

3 **18 NCAC 07J .0703 APPLICATION OF ELECTRONIC SIGNATURE**

4 An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to affix the
5 electronic notary's electronic signature on an electronic notarial certificate.

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 .0704 is adopted with changes as published in 39:13 NCR 846 as follows:

2

3 **18 NCAC 07J .0704 ELECTRONIC SIGNATURE APPEARANCE**

4 An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to apply the
5 electronic notary's electronic signature to ~~a document~~ an electronic record being notarized only if:

6 (1) the electronic signature is an exact copy of the electronic notary's handwritten signature delivered
7 pursuant to Rules .1201 and .1410 of this Subchapter; or

8 (2) the signature is handwritten by the electronic notary using electronic means during the notarial
9 transaction.

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 .0705 is adopted with changes as published in 39:13 NCR 846 as follows:

2

3 **18 NCAC 07J .0705 ELECTRONIC SIGNATURE AND SEAL REVIEW**

4 An IPEN or platform provider's electronic notary solution shall enable an electronic notary public to comply with 18
5 NCAC 07F .0710 and .0815 by permitting the electronic notary to:

6 (1) view the electronic signature and seal after application; and

7 (2) delete and reapply the electronic signature and seal before committal.

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 .0706 is adopted with changes as published in 39:13 NCR 846 as follows:

2

3 **18 NCAC 07J .0706 ELECTRONIC SIGNATURE AND SEAL CHANGES**

4 If an IPEN or platform provider's electronic notary solution receives a ~~commission certificate~~ and registration
5 certificate reflecting a change in an electronic notary public's name, county, or expiration date, the provider shall:

- 6 (1) use the Department's notary public database to:
- 7 (a) verify that the electronic notary's information has changed as shown on the certificate; and
- 8 (b) verify that the electronic notary continues to be in active status with the Department;
- 9 (2) generate a new electronic seal reflecting the changed information;
- 10 (3) obtain an updated handwritten signature from the electronic notary in compliance with Rule
11 .1201(5) or .1410(5) of this Subchapter, as applicable, if the notary's name has changed;
- 12 (4) provide exemplars of the updated signature and seal to the Department; and
- 13 (5) reconfirm the Department's receipt of the exemplars.

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 .0801 is adopted with changes as published in 39:13 NCR 846 as follows:

2

3

SECTION .0800 – ELECTRONIC JOURNAL STANDARDS

4

18 NCAC 07J .0801 ELECTRONIC JOURNAL REQUIRED

6 An IPEN or platform provider's electronic notary solution shall provide an electronic journal in which an electronic
7 notary can record all completed and ~~cancelled~~ canceled electronic notarial transactions.

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 .0802 is adopted as published in 39:13 NCR 846 as follows:

2

3 **18 NCAC 07J .0802 COMPLIANCE WITH JOURNAL RULES**

4 An IPEN or platform provider shall design its electronic journals in a way that enables an electronic notary public to
5 comply with the journal rules in this Chapter.

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 .0803 is adopted as published in 39:13 NCR 846 as follows:

2

3 **18 NCAC 07J .0803 JOURNAL ENTRY FOR EACH NOTARIAL TRANSACTION**

4 An IPEN or platform provider shall design its electronic journals to require a single journal entry for each:

5 (1) notarial act;

6 (2) canceled notarial act; and

7 (3) supplemental journal entry.

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 .0804 is adopted with changes as published in 39:13 NCR 847 as follows:

2

3 ~~18 NCAC 07J .0805~~ **18 NCAC 07J .0804** CLASSIFICATION OF JOURNAL ENTRIES

4 An IPEN solution or platform provider shall design its electronic journals to enable ~~an electronic~~ a notary public to
5 classify each journal entry as:

- 6 (1) a completed notarial act;
- 7 (2) a ~~cancelled~~ canceled notarial transaction; or
- 8 (3) a supplemental journal entry.

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 .0805 is adopted as published in 39:13 NCR 847 as follows:

2

3 ~~18 NCAC 07J .0806~~ **18 NCAC 07J .0805** **MINIMUM LENGTH OF NOTES FIELD**

4 An IPEN solution or platform provider shall design its electronic journals to provide a notes field:

5 (1) that allows a notary to enter observations about a notarial transaction; and

6 (2) that accommodates at least 3,000 characters.

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 .0806 is adopted as published in 39:13 NCR 847 as follows:

2

3 ~~18 NCAC 07J .0807~~ **18 NCAC 07J .0806 JOURNAL DATA VALIDATION**

4 An IPEN or platform provider shall design its electronic journal to allow a notary public to review, amend, or confirm
5 information in all fields contained within a journal entry before committing it.

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 .0807 is adopted as published in 39:13 NCR 847 as follows:

2

3 ~~18 NCAC 07J .0808.~~ **18 NCAC 07J .0807** COMMITTED JOURNAL ENTRY AMENDMENTS
4 **PROHIBITED**

5 An IPEN or platform provider shall design its electronic journal to prohibit amendment of an electronic journal entry
6 after it is committed by the notary public.

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 .0808 is adopted as published in 39:13 NCR 847 as follows:

2

3 **18 NCAC 07J ~~.0809~~ 18 NCAC 07J .0808 PRINTING OF ELECTRONIC JOURNAL INFORMATION**

4 An IPEN or platform provider shall design its electronic journal to permit the notary public to print a tangible and
5 legible copy of each journal entry selected by the 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 .0809 is adopted as published in 39:13 NCR 847 as follows:

2

3 ~~18 NCAC 07J .0810~~ **18 NCAC 07J .0809** JOURNAL SEARCH

4 An IPEN or platform provider shall ensure that its electronic journal can be searched based on the information entered
5 by a notary public in any field in the journal.

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 .0810 is adopted as published in 39:13 NCR 847 as follows:

2

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

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

6

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

1 18 NCAC 07J .0811 is adopted as published in 39:13 NCR 847 as follows:

2

3 ~~18 NCAC 07J .0812~~ **18 NCAC 07J .0811** NOTARY ACCESS TO JOURNAL

4 During the contract period in which a notary public has use of an IPEN or platform provider's electronic journal, the
5 provider shall make the entries and journal:

6 (1) viewable by the notary;

7 (2) printable by the notary;

8 (3) available for download; and

9 (4) available for transfer to a custodian.

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 .0812 is adopted as published in 39:13 NCR 847 as follows:

2

3 ~~18 NCAC 07J .0813~~ **18 NCAC 07J .0812** **TERMINATION OF RELATIONSHIP WITH NOTARY**

4 An IPEN or platform provider shall do the following upon the termination of its relationship with a notary public:

5 (1) within 45 days, transfer the notary's electronic journal to a custodian; and

6 (2) delete the electronic journal entries and journal after transfer to a custodian unless retention is
7 permitted pursuant to law or the rules in this Subchapter.

8 Note: For purposes of this rule, termination of relationship means:

9 (1) termination of a contract between the provider and a notary or the notary's employer; or

10 (2) restriction, suspension, or termination of the provider's authorization by the Department or a court
11 of general jurisdiction.

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 .0813 is adopted as published in 39:13 NCR 847-848 as follows:

2

3 ~~18 NCAC 07J .0814~~ **18 NCAC 07J .0813** SUPPLEMENTAL JOURNAL ENTRIES

4 An IPEN or platform provider's electronic journal shall allow a notary public to record one or more supplemental
5 journal entries pursuant to 18 NCAC 07I .0308.

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 .0901 is adopted as published in 39:13 NCR 848 as follows:

2

3

SECTION .0900 – COMMUNICATION TECHNOLOGY STANDARDS

4

18 NCAC 07J .0901 ACCESS LIMITED

6 A platform provider shall limit participation in a notarial session to individuals authorized to have access by:

7 (1) the notary public who will perform the notarial acts;

8 (2) the principals in the notarial transaction; and

9 (3) other parties authorized by the notary or principals.

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 .0902 is adopted as published in 39:13 NCR 848 as follows:

2

3 **18 NCAC 07J .0902 VIEW OF DOCUMENT**

4 The communication technology shall allow an electronic notary public to view the application of the principal's
5 signature to any document being notarized.

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 .0903 is adopted as published in 39:13 NCR 848 as follows:

2

3 **18 NCAC 07J .0903 VIDEO STANDARDS**

4 A platform provider's communication technology shall enable:

5 (1) comparison by the notary of a remotely located principal's facial features with the credential that
6 was used for credential analysis;

7 (2) visual communication between the notary, principals, and any additional participants, including
8 interpreters and transliterators, for the duration of the notarial transaction; and

9 (3) the remotely located principal for whom CART captioning is being provided and the speaker to see
10 the CART captions.

11 Note: Visual communication includes American Sign Language and cued speech.

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 .0904 is adopted as published in 39:13 NCR 848 as follows:

2

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

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

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

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

7

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

9 134.21; 10B-134.23;

10 Eff. July 1, 2025.

1 18 NCAC 07J .0905 is adopted as published in 39:13 NCR 848 as follows:

2

3 **18 NCAC 07J .0905 AUDIO STANDARDS**

4 A platform provider's communication technology shall support audio interactions between all participants in a notarial
5 transaction that:

6 (1) provide live audio transmission for the duration of the notarial transaction;

7 (2) provide clarity and volume so that all participants can hear the audio; and

8 (3) synchronize the audio with the video transmission, except as permitted pursuant to 18 NCAC 07H
9 .0405.

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 .0906 is adopted as published in 39:13 NCR 848 as follows:

2

3 **18 NCAC 07J .0906 WRITTEN COMMUNICATION STANDARD**

4 A platform provider's communication technology shall support:

5 (1) live transmission of on-screen text communication between all participants in a notarial transaction;

6 (2) CART captioning pursuant to Rule .0903 of this Section; and

7 (3) customization by each participant of all text outputs generated by the participants of:

8 (a) the contrast between the text and background;

9 (b) the size of the text; and

10 (c) the text font.

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 .0907 is adopted as published in 39:13 NCR 848 as follows:

2

3 **18 NCAC 07J .0907 RECORDING CAPABILITY**

4 A platform provider's communication technology shall:

5 (1) permit recording of a remote electronic notarial session; and

6 (2) provide the electronic notary public with the controls to:

7 (a) initiate a communication technology recording;

8 (b) conclude a communication technology recording; and

9 (c) allow creation of a session record in accordance with the rules in 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 .0908 is adopted with changes as published in 39:13 NCR 848 as follows:

2

3 **18 NCAC 07J .0908 RECORDING CONTENT**

4 A platform provider's communication technology ~~shall:~~ shall

5 (1) preserve all audio, visual, and written content as it occurred or was presented during the notarial
6 ~~session; and~~ session.

7 ~~(2) exclude or blur the document being notarized.~~

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 .0909 is adopted as published in 39:13 NCR 849 as follows:

2

3 **18 NCAC 07J .0909 RECORDING METADATA**

4 A platform provider's communication technology shall associate metadata to a communication technology recording
5 documenting:

6 (1) the format of the recording; and

7 (2) the length of the recording.

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 .0910 is adopted as published in 39:13 NCR 849 as follows:

2

3 **18 NCAC 07J .0910 RECORDING OF REMOTE JUDICIAL ACTIONS OR PROCEEDINGS**

4 Any recording of a remote judicial action or proceeding authorized by G.S. 10B-134.9(d) shall be exempted from the
5 rules 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 .1001 is adopted as published in 39:13 NCR 849 as follows:

2

3

SECTION .1000 – DEPOSITORY SERVICES STANDARDS

4

18 NCAC 07J .1001 DEPOSITORY REQUIREMENTS

6 Except as noted, the rules in this Section apply to the depositories of IPEN solution providers and platform providers.

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 .1002 is adopted as published in 39:13 NCR 849 as follows:

2

3 **18 NCAC 07J .1002 SESSION RECORD CREATION**

4 (a) A session record shall be created at the end of a notarial session and include:

5 (1) all journal entries made in the session;

6 (2) any communication technology recording made of the session; and

7 (3) metadata as required by Rule .1017 of this Section.

8 (b) A session record shall be created for a traditional notary public using a platform depository's services only if the
9 traditional notary:

10 (1) administers an oath or affirmation pursuant to G.S. 10B-134.9(d);

11 (2) chooses to make an entry in the provider's electronic journal; and

12 (3) designates a custodian.

13 (c) A session record shall be created for each supplemental journal entry.

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 .1003 is adopted with changes as published in 39:13 NCR 849 as follows:

2

3 **18 NCAC 07J .1003 SESSION RECORD DIGITAL SIGNATURE**

4 A depository shall digitally sign each session ~~record created using an Organizational Validation certificate issued to~~
5 ~~it by a trusted certificate authority.~~ record.

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

2

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

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

5 (1) is unmodified and intact; and

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

7

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

9 134.21; 10B-134.23;

10 Eff. July 1, 2025.

1 18 NCAC 07J .1005 is adopted with changes as published in 39:13 NCR 849 as follows:

2

3 **18 NCAC 07J .1005 SESSION IDENTIFIER**

4 A depository shall establish a session identifier for each notarial session or supplemental journal entry by
5 concatenating the following numbers, with no separation or punctuation:

- 6 (1) the four-digit identifying number assigned to the authorized depository by the Department;
- 7 (2) the 12 digit commission number of the notary public who performs notarial acts during the session,
8 padded with leading zeros as necessary;
- 9 (3) the eight-digit date on which the session occurred, comprised of the following numbers in the order
10 listed:
 - 11 (a) the four-digit calendar year;
 - 12 (b) the two-digit month; and
 - 13 (c) the two-digit day; and
- 14 (4) a ~~seven-digit~~ seven-digit sequential session number that is assigned by the depository and that:
 - 15 (a) begins with number 0000001 on the first day of the calendar year; and
 - 16 (b) ends with the last sequential number for sessions in that same calendar year.

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

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

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

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

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

1 18 NCAC 07J .1007 is adopted as published in 39:13 NCR 850 as follows:

2

3 **18 NCAC 07J .1007 SESSION RECORD UNCHANGED**

4 A depository shall ensure that there are no changes to a session record held in its depository from the time the record
5 is created until transfer to a custodian.

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 .1008 is adopted as published in 39:13 NCR 850 as follows:

2

3 **18 NCAC 07J .1008 STORAGE LOCATIONS**

4 A depository 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 .1009 is adopted as published in 39:13 NCR 850 as follows:

2

3 **18 NCAC 07J .1009 TIME LIMIT FOR TRANSFER FROM DEPOSITORY**

4 A depository shall transfer a session record to a custodian selected by a notary public on the earliest of:

5 (1) a time agreed to by the notary;

6 (2) no later than 10 days from receipt of a written transfer request from the notary;

7 (3) one year from the date the session concluded; or

8 (4) the expiration of the provider's contract with the 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 .1010 is adopted as published in 39:13 NCR 850 as follows:

2

3 **18 NCAC 07J .1010 EXCEEDANCE OF STORAGE TIME LIMIT**

4 A depository that is unable to comply with Rule .1009 of this Section shall:

5 (1) notify the Department upon discovering the inability; and

6 (2) comply with the rules for custodians in Section .2000 of this Subchapter.

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 .1011 is adopted with changes as published in 39:13 NCR 850 as follows:

2

3 **18 NCAC 07J .1011 DELETION OF SESSION RECORD**

4 A depository shall securely delete a session record from its depository within 45 days of receiving a confirmation
5 receipt from the electronic notary public's designated transferee custodian.

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 .1012 is adopted as published in 39:13 NCR 850 as follows:

2

3 **18 NCAC 07J .1012 VALIDATION BEFORE DELETION**

4 A depository shall not delete a session record until it receives the transferee custodian's receipt confirming that the
5 record has been:

6 (1) _____ received; and

7 (2) _____ validated.

8

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

11 Eff. July 1, 2025.

1 18 NCAC 07J .1013 is adopted as published in 39:13 NCR 850 as follows:

2

3 **18 NCAC 07J .1013 NOTARY ACCESS TO SESSION RECORD FROM DEPOSITORY**

4 A depository shall allow a notary public to view, copy, print, and download any of the notary's session records in the
5 possession of the depository at any time and 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 .1014 is adopted as published in 39:13 NCR 850 as follows:

2

3 **18 NCAC 07J .1014 DEPOSITORY CONTINUITY OF SERVICES**

4 A depository shall not discontinue operation of its depository until all session records and session record logs are
5 transferred to the custodians designated by the notaries public.

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 .1015 is adopted with changes as published in 39:13 NCR 850 as follows:

2

3 **18 NCAC 07J .1015 JOURNAL ENTRY IDENTIFIER**

4 A depository shall establish a journal entry identifier for each journal entry by concatenating the following numbers
5 in order:

6 (1) the session identifier; and

7 (2) a ~~three-digit~~ four-digit number representing the sequential number of the journal entry within the
8 session record.

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 .1016 is adopted as published in 39:13 NCR 850-851 as follows:

2

3 **18 NCAC 07J .1016 SESSION RECORD LOG FOR WHICH THERE IS NO ELECTRONIC JOURNAL**
4 **ENTRY**

5 If a traditional notary public administers an oath or affirmation pursuant to G.S. 10B-134.9(d) and chooses not to make
6 an electronic journal entry, the platform depository shall create a session record log entry of the oaths or affirmations
7 administered during the 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 .1017 is adopted with changes as published in 39:13 NCR 851 as follows:

2

3 **18 NCAC 07J .1017 REQUIRED METADATA**

4 After the notary public has committed the session record and before the depository digitally signs the PDF/A of the
5 session record, the depository shall add the following metadata:

6 (1) the session identifier;

7 (2) the notary public's name as shown on the notary's commission certificate;

8 (3) the sum of:

9 (a) the platform's count of the number of notarial acts for which the notary's electronic seal
10 was applied with the notary's signature; and

11 (b) the notary's count of the number of ~~notarial acts performed, as applicable;~~ oaths or
12 affirmations administered without a principal signature;

13 (4) the date and time the session record was created and sealed by the depository;

14 (5) a list of the types of notarial acts performed; and

15 (6) whether the notarial acts performed were:

16 (a) electronic notarial acts;

17 (b) remote electronic notarial acts pursuant to G.S. 10B-134.9(d) for which no electronic
18 journal entry is made; or

19 (c) other remote electronic notarial acts.

20

21 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-*
22 *134.21; 10B-134.23;*

23 *Eff. July 1, 2025.*

1 18 NCAC 07J .1018 is adopted as published in 39:13 NCR 851 as follows:

2

3 **18 NCAC 07J .1018 SESSION RECORD LOG**

4 A depository shall establish a session record log for each session as required by Rule .1019 of this Section.

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 .1019 is adopted with changes as published in 39:13 NCR 851 as follows:

2

3 **18 NCAC 07J .1019 CONTENTS OF SESSION RECORD LOG**

4 A session record log shall include:

5 (1) the session record identifier;

6 (2) the time and date that the session:

7 (a) started; and

8 (b) ended;

9 (3) whether a session record was created;

10 (4) the name of the notary public exactly as it appears on the notary's commission certificate;

11 (5) whether the notarial act was performed for the notary's employer, and the name of the employer, if
12 applicable;

13 (6) the types of notarial acts performed during the notarial session as defined in G.S. 10B-3(11);

14 (7) whether the ~~electronic~~ notarial act was:

15 (a) an electronic notarial act; or

16 (b) a remote electronic notarial act:

17 (i) pursuant to G.S. 10B-134.9(d) for which no electronic journal entry is made; or

18 (ii) other remote electronic notarial act pursuant to Article 4A of Chapter 10B of the
19 General Statutes;

20 (8) the IP address of the device used by the notary in the notarial transaction;

21 (9) for each principal in the notarial transaction:

22 (a) the principal's name as it appears on the credentials presented for credential analysis;

23 (b) the IP address of the primary device used by the principal to enter the communication
24 technology of a platform used in the notarial transaction; and

25 (c) the principal's location:

26 (i) as determined by geolocation, if available; or

27 (ii) as entered by the notary if self-attestation is used as the means of verifying the
28 principal's location;

29 (10) the notary's count of the ~~notarial acts performed during the notarial session;~~ oaths or affirmations
30 administered by the notary without principal signatures;

31 (11) the platform's count of the number of notarial acts ~~performed during the notarial session;~~ for which
32 the notary's electronic signature or seal were applied;

33 (12) whether the platform facilitated payment to the notary, and if applicable:

34 (a) the name of the person making the payment;

35 (b) the method of payment:

36 (i) ACH;

37 (ii) credit card; or

- 1 (iii) other electronic method;
2 (c) the name of the financial institution; and
3 (d) the last four digits of the account number used; and
4 (13) the date on which the session record was 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 .1020 is adopted with changes as published in 39:13 NCR 851-852 as follows:

2

3 **18 NCAC 07J .1020 ENTRY TO DEPARTMENT DATABASE**

4 A depository shall update the Department's database at the conclusion of each notarial session with the following
5 information:

6 (1) the session identifier;

7 (2) the date and time that:

8 (a) the session began; and

9 (b) the session ended;

10 (3) whether a session record was created;

11 (4) the IP address of the device used by the notary in the notarial transaction;

12 (5) whether the electronic notarial act was:

13 (a) an electronic notarial act; or

14 (b) a remote electronic notarial act:

15 (i) pursuant to G.S. 10B-134.9(d) for which no electronic journal entry is made; or

16 (ii) other remote electronic notarial act pursuant to Article 4A of Chapter 10B of the
17 General Statutes;

18 (6) the principal names as they appear on the credentials presented for credential analysis; and

19 (7) the ~~notary's~~ count of notarial acts performed during the ~~session~~; and session as described in Rule
20 .1017(3) of this Subchapter.

21 ~~(8) the platform's count of notarial acts performed during the session.~~

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 .1021 is adopted as published in 39:13 NCR 852 as follows:

2

3 **18 NCAC 07J .1021 RETENTION OF SESSION RECORD LOG BY DEPOSITORY**

4 Each session record log shall be retained by the depository for no less than 15 years from the date of the session record
5 log creation.

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 .1022 is adopted as published in 39:13 NCR 852 as follows:

2

3 **18 NCAC 07J .1022 TRANSFER OF SESSION RECORD LOG**

4 A depository shall transfer to a custodian a copy of a session record log together with any associated session record.

5 A depository shall not be required to transfer a copy of a session record log to a custodial notary public.

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 .1023 is adopted as published in 39:13 NCR 852 as follows:

2

3 **18 NCAC 07J .1023 ENTRY IN DEPARTMENT'S DATABASE BY TRANSFEROR**

4 Upon validation pursuant to Rule .1012 of this Section, a transferor shall update the Department's database with the
5 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;

11 (a) the four-digit identifying number assigned to the transferee; or

12 (b) the custodial notary public's commission number, if applicable; and

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

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 .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.

1 18 NCAC 07J .1103 is adopted as published in 39:13 NCR 852 as follows:

2

3 **18 NCAC 07J .1103 COMPLIANCE WITH RULES DURING BRIDGE PERIOD**

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

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

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

8 (3) Rule .0602 of this Subchapter;

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

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

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

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 .1104 is adopted as published in 39:13 NCR 852 as follows:

2

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

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

6

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

1 18 NCAC 07J .1201 is adopted with changes 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'~~ individual's 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 with changes as published in 39:13 NCR 853 as follows:

2

3 **18 NCAC 07J .1202 CHANGES TO ~~NOTARY COMMISSION~~ ELECTRONIC REGISTRATION**
4 **CERTIFICATE PRESENTED TO IPEN SOLUTION PROVIDER**

5 Upon receiving ~~a commission certificate or~~ an 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 with changes 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 electronic notary to proceed with the notarial session; and

6 (2) enable the electronic 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 public 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~~ discloses 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 with changes 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.~~ responses.

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 with changes 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 as required 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 with changes as published in 39:13 NCR 855 as follows:

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

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

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

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

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

1 18 NCAC 07J .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 with changes 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~~ an
5 electronic journal entry pursuant to ~~Rule .1402~~ Rule .1402(b) 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 transliterators; 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 as published in 39:13 NCR 856 as follows:

2

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

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

5 (1) GPS-enabled; and

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

7

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

9 10B-134.23;

10 Eff. July 1, 2025.

1 18 NCAC 07J .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 with changes 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~~ appears
5 to be altered, filtered, unnatural, 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 with changes 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 electronic 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~~ that is:
- 20 (a) the image of the electronic notary's signature; and signature created pursuant to Item (5) of
21 this Rule; and
- 22 (b) ~~an~~ the image of the electronic notary's seal; seal created pursuant to Item (6) of this Rule;
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 with changes 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~~, entry for an oath or affirmation pursuant to Item (1), 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 with changes 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 ~~oaths or affirmations administered without a principal's signature.~~

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 with changes as published in 39:13 NCR 857-858 as follows:

2

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

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

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

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

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

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

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

13

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

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

2

3 **18 NCAC 07J .1421 PLATFORM PROVIDER CALCULATION OF MONTHLY FEES ~~FEE~~**
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 the
6 ~~five dollars~~ dollar (\$5.00) fee per notarial act by the count of notarial acts entered pursuant to ~~Rule .1419~~ Rule .1017(3)
7 of this ~~Section~~ Subchapter 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 with changes 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~~ dollar (\$5.00) ~~fees~~ fee owed to the Department from ~~fees~~ the fee paid by
5 principals to notaries public for any notarial act 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 with changes 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 with changes 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.~~ responses.

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?
[Rule .1428(5)(a) of this Section]	[Rule .1428(5)(b) of this Section]
	Projected Response Time?
	[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 with changes 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~~ solution, directly or indirectly, 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 with changes 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 as required 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 with changes as published in 39:13 NCR 861 as follows:

2

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

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

6 (1) who are real individuals:

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

10 (b) at least 18 years old; and

11 (2) with no less than:

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

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

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

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

17

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

19 *10B-134.23;*

20 *Eff. July 1, 2025.*

1 18 NCAC 07J .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 with changes 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)~~; G.S. 10B-3(22)a;
- 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~~; notary public; and
- 19 (7) comply with ~~Rules .1607 and .1608~~ Rule .1608 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 with changes 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:~~ appears to be:

7 (a) altered;

8 (b) ~~filtered;~~ unnatural; or

9 (c) simulated; and

10 (2) pursuant to Rule .1608, report ~~notify the notary public if it finds~~ credential analysis finds the
11 appearance of alteration, ~~filtering,~~ unnaturalness, 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 with changes 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 or used 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 with changes 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) Rule .1604(3)] %	[divisor in Rule .1604(3) Rule .1604(3) as defined at Rule .1601(1)]
Facial match false positive rate:	[result from Rule .1604(4) Rule .1604(4)] %	[divisor in Rule .1604(4) as defined at Rule .1601(4)]
Facial match false negative rate:	[result from Rule .1604(5) Rule .1604(5)] %	[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 Rule .1603]	
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 with changes 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~~ person applying 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 with changes 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 fail 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 with changes as published in 39:13 NCR 864 as follows:

2

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

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

6 (1) who are real individuals:

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

10 (b) at least 18 years old; and

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

13

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

1 18 NCAC 07J .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 with changes 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)~~ G.S.
6 10B-134.11(a)(2)b 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 percent 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 with changes 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)~~ G.S.
5 10B-134.11(a)(2)b 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 with changes 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~~ identity proofing 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 ~~the~~ the notary public performing the notarial act prior to a notarial transaction; and

7 (2) for a notary ~~public~~ public, to a ~~the~~ the 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 with changes 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 or used 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 with changes 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(2) Rule .1804(3)]%	[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 Rule .1813(3)]	
Year of identity proofing trial:	[See Rule .1805 Rule .1813(4)]	

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 .1901 is adopted as published in 39:13 NCR 865-866 as follows:

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

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

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

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

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

1 18 NCAC 07J .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 with changes as published in 39:13 NCR 866 as follows:

2

3

SECTION .2000 – CUSTODIAL SERVICES STANDARDS

4

18 NCAC 07J .2001 CUSTODIAN REQUIREMENTS

6 The rules in this Section apply to third-party ~~custodians~~, custodians 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 as published in 39:13 NCR 866 as follows:

2

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

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

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

6 (a) one or more session records; and

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

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

9 (a) received; and

10 (b) validated.

11

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

13 134.21; 10B-134.23;

14 Eff. July 1, 2025.

1 18 NCAC 07J .2003 is adopted with changes 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 obtained from a transferring depository or custodian is stored unchanged
5 upon ~~receipt from a transferring depository or custodian.~~ receipt.

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 with changes 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 described 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 with changes as published in 39:13 NCR 867 as follows:

2

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

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

6 (1) accepted; and

7 (2) validated.

8

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

11 *Eff. July 1, 2025.*

1 18 NCAC 07J .2010 is adopted with changes 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~~ if the electronic notary public:

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 with changes 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~~, notary public, 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 with changes 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 and notary public account holders before it ceases to
5 provide custodial services due to:

- 6 (1) bankruptcy;
- 7 (2) discontinuation of custodial services to North Carolina ~~notaries public;~~ notaries; 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 with changes as published in 39:13 NCR 868 as follows:

2

3 **18 NCAC 07J .2020 ADDITIONAL CUSTODIAN DISCLOSURES**

4 Immediately ~~after~~ following the information required by Rule .0608 of this Subchapter, a custodial services provider
5 shall:

6 (1) publish on its website 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 with changes as published in 39:13 NCR 868 as follows:

2

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

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

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

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

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

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

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

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

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

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

16

17 *History Note:* Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-
18 134.21; 10B-134.23;

19 *Eff. July 1, 2025.*

1 18 NCAC 07J .2022 is adopted with changes 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~~ provider's responses 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:	[Rule .2021(1)(a) of this Section]	
Customer support hours:	[See Rule .2021(1)(b) of this Section]	
Average customer support wait time:	[See Rule .2021(1)(e) <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)(e) <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 with changes as published in 39:13 NCR 869 as follows:

2

3 **18 NCAC 07J .2103 APPLICATION FORM FOR CUSTODIAL SERVICES**

4 A person applying to provide 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 with changes as published in 39:13 NCR 869 as follows:

2

3

SECTION .2200 – CUSTODIAL NOTARIES

4

18 NCAC 07J .2201 SCOPE

6 The rules in this Section shall apply only to an electronic notary public who ~~self designates as~~ is approved as 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 with changes 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 notary:

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 with changes 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~~ and comply with 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 with changes 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~~ electronic 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 .2209 is adopted with changes as published in 39:13 NCR 869 as follows:

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3 **18 NCAC 07J .2209 CUSTODIAL NOTARY ANNUAL VERIFICATION FORM**

4 A custodial notary ~~shall~~ shall, using the form described in 18 NCAC 07B .0428, annually:

5 (1) verify that the electronic notary has complied with ~~the~~ all rules applicable to custodial notaries in
6 this Section applicable to custodial notaries; Section; 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:

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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.

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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:

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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.

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

2
3 **18 NCAC 07K .0101 DEFINITIONS**

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

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

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

would suffice to establish the ~~principal is present in a jurisdiction where the notary act may take place.~~ principal's location.

(21) "Long-term" means a period of at least one year.

(22) "Notarial transaction process" ~~[includes:]~~ consists of:

(a) steps before the notarial act takes ~~[place.]~~ place: ~~[Note: The interactions establishing the date and location of a notarial act, obtaining advance consent to travel fees, and the steps required by G.S. 10B-134.9(a) are examples of steps before the notarial act;]~~

(b) the notarial act; and

(c) steps following the notarial act. ~~Note: Affixing the notary's seal and signature are examples of steps following the notarial act.~~

Note: The interactions establishing the date and location of a notarial act, obtaining advance consent to travel fees, and the steps required by G.S. 10B-134.9(a) are examples of steps before the notarial act.

(23) "Person" means the term as defined in G.S. 12-3(6).

(24) "State recognized tribe" means a group listed in G.S. 143B-407(a).

(25) "Successfully complete" and "successful completion" mean that ~~a notarial an~~ applicant has complied with Chapter 10B and the rules in this Chapter and has:

(a) presented satisfactory evidence of identity as defined in G.S. 10B-3(22) or ~~be~~ is personally known as defined in G.S. 10B-3(17);

(b) attended a notarial course taught by a certified notary instructor; and

(c) achieved a passing grade on the course examination as described in G.S. 10B-8(a).

(26) "Technological failure" means a deficiency in:

(a) any component of the electronic ~~notarization system;~~ notary solution;

(b) any component of the computer systems of the notary or principals; or

(c) the connections linking the components described in Sub-Items (a) and (b) of this Item.

For purposes of this Rule, "component of the electronic ~~notarization system~~ notary solution" means any combination of hardware, software, a notary public's electronic journal, and communications technology recordings.

(27) "Technology provider" ~~means:~~ means the person providing a solution for:

(a) IPEN;

~~(a)~~(b) a platform;

~~(b)~~ a depository;

(c) ~~a custodial service;~~ or credential analysis;

(d) ~~an AVEN as defined in 18 NCAC 07F .0102(1);~~ identity proofing; or

~~(e)~~ custodial services.

(28) "Termination of employment" means the cessation of permanent or temporary work for another, whether compensated or not, for any reason, including voluntary and involuntary cessation of work.

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

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23 *History Note: Authority G.S. 10B-4; 10B-14; 10B-36; 10B-38; 10B-106; 10B-125; 10B-126; 10B-134.15;*
24 *10B134.19; 10B-134.21;*
25 *Eff. July 1, ~~2024~~ 2024;*
26 *Amended Eff. July 1, 2025.*