18 NCAC 07D .0103 is proposed for repeal as follows:

18 NCAC 07D .0103 EXTENSION REQUEST TO DEPARTMENT

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

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

Repealed Eff. July 1, 2025.

18 NCAC 07D .0104 is proposed for repeal as follows:

18 NCAC 07D .0104 DEPARTMENT RESPONSE TO EXTENSION REQUEST

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

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

Repealed Eff. July 1, 2025.

18 NCAC 07D .0105 is proposed for adoption as follows:

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

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

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

(2) the required odometer reading disclosures;

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

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

(5) the printed name of the seller; and

(6) the signature of the seller.

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

Eff. July 1, 2025.

18 NCAC 07D .0106 is proposed for adoption as follows:

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

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

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

Eff. July 1, 2025.

18 NCAC 07D .0309 is proposed for adoption as follows:

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

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

(1) to be persistent and disruptive; or

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

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

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

Eff. July 1, 2025.

18 NCAC 07D .0310 is proposed for adoption as follows:

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

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

(1) for a physical notary seal or journal, its unauthorized use, loss, theft, or vandalization;

(2) for an electronic notary seal or signature, its unauthorized use, loss of use, compromise of security, unauthorized use, or having been rendered incapable of affixing a legible image; or

(3) for an electronic notary journal, a communication technology recording, a session record, or other notarial records:

(a) the permanent loss of data, use, or access;

(b) compromise of security or unauthorized use; or

(c) theft.

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

Eff. July 1, 2025.

18 NCAC 07D .0401 is proposed for adoption as follows:

SECTION .0400 – GENERAL REQUIREMENTS FOR USE OF TECHNOLOGY

18 NCAC 07D .0401 ELECTRONIC NOTARY SEAL

An electronic notary public shall:

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

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

(3) undergo credential analysis and identity proofing upon:

(a) account creation with the provider;

(b) presentation of:

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

(ii) a recommissioning certificate; and

(c) at any time requested by the provider.

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

Eff. July 1, 2025.

18 NCAC 07D .0402 is proposed for adoption as follows:

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

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

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

Eff. July 1, 2025.

18 NCAC 07D .0403 is proposed for adoption as follows:

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

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

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

Eff. July 1, 2025.

18 NCAC 07D .0404 is proposed for adoption as follows:

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

A notary public electing to use identity proofing or credential analysis solutions when performing an in-person notarial act shall:

(1) not use identity proofing and credential analysis as a replacement for the notary’s independent evaluation of whether satisfactory evidence of identification has been met;

(2) use only approved identity proofing or credential analysis vendors and solutions; and

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

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

Eff. July 1, 2025.

18 NCAC 07D .0405 is proposed for adoption as follows:

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

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

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

Eff. July 1, 2025.

18 NCAC 07D .0406 is proposed for adoption as follows:

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

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

(1) commission name;

(2) commission county; or

(3) commission expiration date.

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

Eff. July 1, 2025.

18 NCAC 07D .0501 is proposed for adoption as follows:

SECTION .0500 – REQUIREMENTS FOR GS 10B-134.9(d) OATHS AND AFFIRMATIONS

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

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

(1) the rules in this Section of this Subchapter; and

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

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

Eff. July 1, 2025.

18 NCAC 07D .0502 is proposed for adoption as follows:

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

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

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

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

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

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

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

Eff. July 1, 2025.

18 NCAC 07D .0503 is proposed for adoption as follows:

18 NCAC 07D .0503 PLATFORM CONFIRMATION OF NOTARY STATUS

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

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

(2) present the notary’s commission certificate and registration certificate, if applicable, to the platform; and

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

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

Eff. July 1, 2025.

18 NCAC 07D .0504 is proposed for adoption as follows:

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

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

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

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

Eff. July 1, 2025.

18 NCAC 07D .0505 is proposed for adoption as follows:

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

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

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

Eff. July 1, 2025.

18 NCAC 07D .0506 is proposed for adoption as follows:

18 NCAC 07D .0506 JOURNAL ENTRY

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

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

Eff. July 1, 2025.

18 NCAC 07D .0507 is proposed for adoption as follows:

18 NCAC 07D .0507 RECORDING COUNT OF NOTARIAL ACTS

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

(1) count the number of notarial acts performed; and

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

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

Eff. July 1, 2025.

18 NCAC 07D .0601 is proposed for adoption as follows:

SECTION .0600 – ACCESS TO NOTARIAL RECORDS

18 NCAC 07D .0601 DISCLOSURE OF CONFIDENTIAL INFORMATION

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

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

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

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

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

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

Eff. July 1, 2025.

18 NCAC 07D .0602 is proposed for adoption as follows:

18 NCAC 07D .0602 RELEASE OF CONFIDENTIAL INFORMATION ON REQUEST OF PRINCIPALS

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

(1) all principals who participated in the notarial transaction agree;

(2) the request is provided to the notary in writing with a statement signed and dated by each principal with:

(a) the printed name of each principal who participated in the transaction;

(b) the date of the transaction;

(c) a description of the types of notarial acts performed by the notary during the transaction;

(d) a description of the confidential information sought; and

(e) an instruction stating to whom the confidential information may be delivered; and

(3) the principal provides any other information that the notary may request for purposes of determining the information to be provided or to whom it is to be provided.

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

Eff. July 1, 2025.

18 NCAC 07D .0603 is proposed for adoption as follows:

18 NCAC 07D .0603 EMPLOYER REQUEST FOR JOURNAL ENTRIES

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

(1) leaving employment with the employer; and

(2) request of the employer.

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

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

Eff. July 1, 2025.

18 NCAC 07D .0604 is proposed for adoption as follows:

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

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

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

Eff. July 1, 2025.

18 NCAC 07D .0605 is proposed for adoption as follows:

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

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

(1) the electronic notary’s electronic journal; or

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

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

Eff. July 1, 2025.

18 NCAC 07D .0606 is proposed for adoption as follows:

18 NCAC 07D .0606 CONTENTS OF SUPPLEMENTAL ENTRY RE RELEASE OF CONFIDENTIAL INFORMATION

A notary public or an electronic notary public who makes a supplemental journal entry pursuant to Rule .0606 of this Section shall include the following in the entry:

(1) the name of the requestor;

(2) the dates of the request and the notary’s response to the request;

(3) the information requested; and

(4) any other information that the notary determines necessary to include.

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

Eff. July 1, 2025.