18 NCAC 07F .0102 is proposed for amendment as follows:

18 NCAC 07F .0102 DEFINITIONS

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

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

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

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

~~(4)~~(1) "Electronic notary applicant" means a commissioned North Carolina notary public who applies to be registered or reregistered as an electronic notary public.

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

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

(b) the ~~AVEN’s or other~~ technology provider’s security features attached to the signature in ~~Sub-Item (5)(a)~~ Sub-Item (2)(a) of this Rule.

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

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

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

~~(9) "Token authentication" means requiring use of a physical device in addition to a password or personal identification number ("PIN" number) in order to access and use an electronic notary solution. Note: Physical devices used in token authentication technologies include magnetic cards or "smart cards" and Universal Serial Bus (USB) memory sticks or "USB keys."~~

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

Eff. January 1, 2007;

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

Eff. December 6, 2016;

Transferred from 18 NCAC 07C .0102 Eff. June 1, 2023;

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

18 NCAC 07F .0103 is proposed for amendment as follows:

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

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

(1) this Subchapter; and

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

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

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

Amended Eff. July 1, 2025.

18 NCAC 07F .0202 is proposed for adoption as follows:

18 NCAC 07F .0202 CURRENT PERSONAL COPY OF MANUAL

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

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

Eff. July 1, 2025.

18 NCAC 07F .0303 is proposed for amendment as follows:

18 NCAC 07F .0303 ELECTRONIC NOTARY COURSE

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

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

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

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

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

Amended Eff. July 1, 2025.

18 NCAC 07F .0601 is proposed for amendment as follows:

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

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

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

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

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

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

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

(5) for identity proofing and credential analysis technologies not otherwise associated with platforms disclosed in Item (4) of this Rule.

History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.17; 10B-134.21;

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

Amended Eff. July 1, 2025.

18 NCAC 07F .0704 is proposed for amendment as follows:

18 NCAC 07F .0704 ELECTRONIC SIGNATURE

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

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

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

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

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

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

Eff. January 1, 2007;

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

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

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

18 NCAC 07F .0710 is proposed for adoption as follows:

18 NCAC 07F .0710 PLACEMENT OF ELECTRONIC SIGNATURE

Before committal, the electronic notary shall move or delete and reaffix an electronic signature to ensure that no portion of the electronic record is illegible or obscured.

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

Eff. July 1, 2025.

18 NCAC 07F .0804 is proposed for amendment as follows:

18 NCAC 07F .0804 ATTRIBUTES OF ELECTRONIC SEAL

The electronic notary ~~seal shall:~~ public shall apply the electronic notary’s electronic seal to the document being notarized and upon commitment the seal shall be permanently affixed to the document.

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

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

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

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

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

Eff. January 1, 2007;

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

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

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

18 NCAC 07F .0807 is proposed for amendment as follows:

18 NCAC 07F .0807 CONTENTS OF ELECTRONIC NOTARY SEAL

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

(1) a visible border:

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

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

(c) that includes an identifier in no less than an 8 point type assigned by the Department to the producer of the electronic seal; and

(2) inside its ~~border:~~ border with a minimum 8 point type:

(a) the information required by G.S. 10B-117(1), (2), and (4);

(b) the words:

(i) "State of North Carolina";

(ii) "North Carolina"; or

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

(c) the name of the county of commission with either:

(i) the word "County"; or

(ii) the abbreviation "Co."; and

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

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

Eff. January 1, 2007;

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

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

Amended Eff. July 1, 2025; March 1, 2025.

18 NCAC 07F .0814 is proposed for amendment as follows:

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

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

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

(2) ~~then~~ commit:

(a) the electronic notarial signature;

(b) the electronic notarial seal; and

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

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

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

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

Amended Eff. July 1, 2025.

18 NCAC 07F .0815 is proposed for adoption as follows:

18 NCAC 07F .0815 PLACEMENT OF ELECTRONIC SEAL

Before committal, the electronic notary shall move or delete and reaffix an electronic seal to ensure that no portion of the electronic record is illegible or obscured.

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

Eff. July 1, 2025.

18 NCAC 07F .0816 is proposed for adoption as follows:

18 NCAC 07F .0816 APPLICATION OF ELECTRONIC NOTARY’S DIGITAL CERTIFICATE

An electronic notary public shall apply, or allow the platform or IPEN provider to apply, the electronic notary’s digital certificate to a document after the electronic notary’s electronic signature and seal has been:

(1) affixed; and

(2) reviewed.

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

Eff. July 1, 2025.

18 NCAC 07F .1003 is proposed for amendment as follows:

18 NCAC 07F .1003 RETENTION OF ELECTRONIC JOURNAL

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

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

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

Amended Eff. July 1, 2025.

18 NCAC 07F .1004 is proposed for amendment as follows:

18 NCAC 07F .1004 NOTARY CREDENTIAL SHARING FORBIDDEN

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

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

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

Amended Eff. July 1, 2025.