

rules - RENA Vendor comments to proposed act

From: Bill Gimbel <bill.gimbel@securedsigning.com>
To: "rules@sosnc.gov" <rules@sosnc.gov>
Date: 8/15/2023 6:33 PM
Subject: RENA Vendor comments to proposed act
Attachments: NC RENA Proposed Act with comments.pdf

To whom it will concern:

Attached is your preliminary rule making with my comments/concerns incorporated. I do have a follow up question, have you completed the RENA vendor requirements/submission process. If so, can you forward them to me or advise when they may become available.

Respectfully,

William H Gimbel

VP Business Development

Taking Signing Seriously



800 W. El Camino Real, Suite 180, Mountain View,, CA 94040, US

Phone Number + 650.835.7295 **Direct** [+1 949-534-0409](tel:+19495340409)

e-mail bill.gimbel@securedsigning.com **web site:** www.securedsigning.com

Book a meeting: https://or.securedsigning.com/c/bill_gimbel



CHAPTER 07 - NOTARY PUBLIC DIVISION

SUBCHAPTER 07F – ELECTRONIC NOTARY PUBLIC REQUIREMENTS

SECTION .0100 – GENERAL PROVISIONS

18 NCAC 07F .0101 SCOPE

(a) The rules in this Subchapter implement G.S. Chapter 10B, Article 2, of the General Statutes, the Electronic Notary Act, and G.S. 47-16.1, Act.

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

History Note: Authority G.S. 10B-4; 10B-125(b); 47-16.5; 47-16.7; 147-36; 15 USC 7002; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;
 Eff. April 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 .0101 Eff. June 1, ~~2023~~; 2023;
 Amended Eff. July 1, 2024.

18 NCAC 07F .0102 DEFINITIONS

In addition to terms defined in Article 1 of Chapter 10B of the General Statutes and for For purposes of Article 2 of Chapter 10B of the General Statutes and this Subchapter:

- (1) ~~"Applicant" means a person applying for registration as a North Carolina electronic notary.~~
- (2)(1) ~~"Approved Electronic Notary Solution Provider" "Approved vendor for electronic notarizations," "approved electronic notary solution provider," or "AVEN" means a person or entity approved by the Department to provide an Electronic Notarization System by the Department~~ electronic notarization system pursuant to Article 2 of Chapter 10B of the General Statutes and Article 1A of Chapter 47 of the General Statutes.
- (3)(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. Biometric authentication technologies include fingerprint scanning devices, retinal scanning devices, and handwriting analysis devices.
- (1) "Department" ~~means the North Carolina Department of the Secretary of State. Unless specifically noted in rule text, for the purposes of this Subchapter "Department" means the notary public section of the Department's certification and filing division.~~
- (5)(3) ~~"Electronic Notarization System" "notarization system" means a set of applications, programs, hardware, software, or technology designed to enable a notary to perform electronic or remote electronic notarizations.~~
- (4) "Electronic notary applicant" means a commissioned North Carolina notary public who applies to be registered or re-registered as an electronic notary public.
- (5) "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 SubItem (5)(a) of this Rule.
- (6) "Independently Verifiable" verifiable" means capable of government or third-party authentication of a notarial act, a an electronic notary's identity, identity and a notary's relevant authority. current status with the Department.
- (7) "In the presence of the electronic notary at the time of notarization" means that an individual and an electronic notary are in close physical proximity to one another without using technology to establish personal appearance.
- (7)(8) ~~"Password Authentication" authentication" means requiring the user to enter a secret word, phrase, or symbol set in order to access and use an electronic notarization system.~~
- (8)(9) ~~"Token Authentication" 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 notarization system. Physical devices used in token authentication technologies include magnetic cards or "smart cards" and Universal Serial Bus (USB) memory sticks or "USB keys". keys."~~
- (9) ~~"Under the exclusive control of the notary", for the purposes of the Department's interpretation of the requirements of G.S. 10B-126(b), means "under the notary public's sole control" as defined in this subchapter.~~
- (10) ~~"Under the notary public's sole control" means accessible by and attributable solely to the notary to the exclusion of all other persons and entities, either through being in the direct physical custody of the notary or through being secured with one or more biometric, password, token, or other authentication technologies in an electronic notarization system provided by an approved electronic notary solution provider approved pursuant to the Act and this Subchapter.~~

History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-125(b); 10B-126(d); 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; 47-16.5; 47-16.7; 147-36; 15 USC 7002;

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~~, 2023;
Amended Eff. July 1, 2024.

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 notary has complied with the requirements of this Chapter.

History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;
Eff. July 1, 2024.

SECTION .0200 – QUALIFICATIONS TO BE ELECTRONIC NOTARY

18 NCAC 07F .0201 VALID COMMISSION

~~(a) Qualifications. An electronic notary applicant shall provide:~~

- ~~(1) All information required for registration pursuant to G.S. 10B-106(d);~~
- ~~(2) Verification that the applicant holds hold a valid North Carolina notary commission and shall affirm that the applicant continues to meet the qualifications to hold the notary ~~commission~~; commission.~~
- ~~(3) Verification that the applicant is in compliance with all provisions of the Notary Act;~~
- ~~(4) Any other information requested by the Department to prove the qualifications of the applicant.~~

History Note: Authority G.S. 10B-4; 10B-106; ~~10B-125(b); 10B-125(b); 10B-126(d); 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; 47-16.5; 47-16.7; 147-36; 15 USC 7002;~~
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 .0201(a) Eff. June 1, ~~2023~~, 2023;
Amended Eff. July 1, 2024.

SECTION .0300 – EDUCATION OF ELECTRONIC NOTARIES PUBLIC

18 NCAC 07F .0301 APPROVED COURSE OF STUDY FOR ELECTRONIC NOTARIES PUBLIC

- (a) The Department shall ~~develop~~ administer the training course and testing for applicants for electronic notary registration.
- (b) ~~Upon the Secretary's determination of a need for additional instructors, the~~ The Department may shall train certified notary public instructors who are ~~also~~ registered as electronic notaries public to ~~administer~~ teach the training course and administer testing ~~for applicants for electronic notary registration.~~ applicants.

History Note: Authority G.S. 10B-4; 10B-14; ~~10B-107; 10B-125; 10B-125; 10B-126; 47-16.5; 47-16.7; 147-36; 15 USC 7002;~~
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 .0301 Eff. June 1, ~~2023~~, 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0302 COURSES TO BE TAUGHT BY CERTIFIED NOTARY INSTRUCTORS

Before submitting an application for registration as an electronic notary public, an individual shall attend an electronic notary course taught by a certified notary instructor.

History Note: Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07F .0303 ELECTRONIC NOTARY COURSE

Electronic notaries registered prior to July 1, 2024, shall either:

- (1) successfully complete a remote electronic notarization course module before performing a remote electronic notarization; or
- (2) successfully complete an electronic notary class including training on remote electronic notarization before performing a remote electronic notarization.

History Note: Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07F .0304 STUDENT IDENTITY

Each electronic notary course student shall:

- (1) be personally known to the certified notary instructor; or
- (2) present satisfactory evidence of identity to the certified notary instructor.

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

Eff. July 1, 2024.

18 NCAC 07F .0305 PASSING SCORE ON EXAMINATION

A passing score on the electronic notary course examination shall be 80 percent.

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

SECTION .0400 – APPLICATION FOR REGISTRATION AS ELECTRONIC NOTARY PUBLIC

18 NCAC 07F .0401 SUBMISSION

The electronic notary applicant shall electronically submit the electronic notary registration form, 18 NCAC 07B .0404.

Submission. The applicant shall:

- (1) Complete the registration form on line;
- (2) Print the form.
- (3) Have the form notarized; and
- (4) Submit the form by:
 - (A) U.S. mail.
 - (B) In person delivery; or
 - (D) Courier service.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15-USC 7002;
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 .0201(b) Eff. June 1, 2023; 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0402 TIMING OF APPLICATION

An electronic notary applicant shall submit an application to be registered as an electronic notary within 90 days of successfully completing the electronic notary course.

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

18 NCAC 07F .0403 NOTICE TO DEPARTMENT OF CHANGES

An electronic notary applicant shall have notified the Department of changes as required by Chapter 10B of the General Statutes and the Rules in this Chapter before submitting an application.

History Note: Authority G.S. 10B-4; 10B-50; 10B-51; 10B-52; 10B-53; 10B-106; 10B-126(d); 10B-127; 10B-134.15;
Eff. July 1, 2024.

18 NCAC 07F .0404 FAILURE TO SUBMIT APPLICATION IN TIME

The Department shall deny an application that does not comply with Rule .0402 of this Section. If the applicant reapplies, the electronic notary applicant shall comply with the following:

- (1) successfully complete the electronic notary course again;
- (2) submit a new application; and
- (3) tender applicable fees.

History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.21;
Eff. July 1, 2024.

SECTION .0500 – REGISTRATION AND OATH

18 NCAC 07F .0501 APPOINTMENT

The Department shall appoint qualified notaries to the office of electronic notary public.

History Note: Authority G.S. 10B-4; 10B-5; 10B-10; 10B-105; 10B-106; 10B-125; 10B-126; 10B-134.121;
Eff. July 1, 2024.

18 NCAC 07F .0502 ISSUANCE OF CERTIFICATES

The Department:

- (1) shall provide the Register of Deeds in the county of the notary's commissioning with:
 - (a) a certificate of appointment; and
 - (b) a commission certificate in the name of the appointee to be used to confirm that the electronic notary oath has been administered to the appointee by the Register of Deeds; and
- (2) may provide a notary public a duplicate commission certificate.

History Note: Authority G.S. 10B-4; 10B-10; 10B-11; 10B-105; 10B-106; 10B-107; 10B-108;
Eff. July 1, 2024.

18 NCAC 07F .0503 NOTICE OF DEPARTMENT'S ACTIONS FOR QUALIFIED ENOTARY APPLICANTS

The Department shall notify the notary electronically or in writing within five days of the decision that the notary is qualified that:

- (1) the Department has:
 - (a) appointed the notary as an electronic notary public;
 - (b) provided the certificate of appointment to the Register of Deeds; and
- (2) the appointee shall take the oath of office in the Register of Deeds office within 45 days of the issue date on the notice of appointment.

History Note: Authority G.S. 10B-4; 10B-10; 10B-105; 10B-106;
Eff. July 1, 2024.

18 NCAC 07F .0505 OATHS OATH TIMING

The ~~applicant appointee~~ shall take the oath in the Register of Deeds office within 45 days of the issue date on the ~~electronic notary oath notification letter.~~ notice of appointment.

History Note: Authority G.S. 10B-4; 10B-10; 10B-105; ~~10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;~~
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 .0202(a) Eff. June 1, ~~2023;~~ 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0506 EVIDENCE OF IDENTITY

Before taking the oath of office, ~~an applicant shall;~~ the appointee shall:

- (1) be personally known to the Register of Deeds; or
- (2) present to the Register of Deeds with satisfactory evidence of the appointee's identity, ~~applicant's identity as defined in G.S. 10B-3(22).~~

History Note: Authority G.S. 10B-4; 10B-10; 10B-106; ~~10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;~~
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 .0202(b) Eff. June 1, ~~2023;~~ 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0507 ~~CERTIFICATE DELIVERY~~ ADMINISTRATION OF OATH

After administering the oath of office, the Register of Deeds shall ~~deliver the electronic notary registration certificate to the electronic notary.~~ The Register of Deeds shall administer an oath to an appointee registered to perform electronic and remote electronic notarizations.

History Note: Authority G.S. 10B-4; 10B-10; ~~10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;~~
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 .0202(c) Eff. June 1, ~~2023;~~ 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0508 ~~REGISTRATION EFFECTIVE DATE~~ CERTIFICATE DELIVERY

The ~~applicant's electronic notary registration shall not be effective until the applicant takes the oath.~~ After administering the oath of office, the Register of Deeds shall:

- (1) require that the electronic notary public sign the certificate of appointment;
- (2) sign the certificate of appointment;
- (3) file the certificate of appointment as required by G.S. 10B-10(c);
- (4) deliver the commission certificate to the oath taker; and
- (5) deliver notice to the Department as required by G.S. 10B-10(d).

History Note: Authority G.S. 10B-4; 10B-10; 10B-106; ~~10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;~~
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 .0202(d) Eff. June 1, ~~2023;~~ 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0509 REGISTRATION EFFECTIVE DATE

The appointee's electronic notary registration shall not be effective until the appointee takes the oath of office.

History Note: Authority G.S. 10B-4; 10B-10; 10B-106;

Eff. July 1, 2024.

18 NCAC 07F .0510 CANCELLATION OF CERTIFICATE

The Department shall notify the appointee of cancellation of the certificate of appointment in writing within 45 days of the appointee's failure to take the oath by the 45th day after the issuance of the certificate.

History Note: Authority G.S. 10B-4; 10B-10; 10B-106;
Eff. July 1, 2024.

18 NCAC 07F .0511 CANCELLATION OF CERTIFICATE OF APPOINTMENT RESCINDED

A notary who has taken the oath but upon contacting a technology provider is told that the provider contacted the Department and the notary was not an active notary may contact the Department and present the notary's commission certificate to the Department.

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

18 NCAC 07F .0512 CONFIRMATION OF ELECTRONIC NOTARY STATUS

The Department shall confirm to a technology provider a notary public's active status as an electronic notary registered to perform electronic and remote electronic notarizations only if:

- (1) the Department has received the completed certificate of appointment from the Register of Deeds; or
- (2) the notary has presented the notary's commission certificate to the Department in the event of the failure of the Register of Deeds to provide the completed certificate of appointment to the Department.

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

18 NCAC 07F .0513 PERFORMING ELECTRONIC AND REMOTE ELECTRONIC NOTARIAL ACTS

A notary shall not perform any electronic or remote electronic notarial act until:

- (1) the notary has taken the oath of office as an electronic notary public; and
- (2) the electronic notary has complied with the requirements of Sections .0600 through .0800 of this Subchapter.

History Note: Authority G.S. 10B-4; 10B-10; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;
Eff. July 1, 2024.

SECTION .0600 – SELECTION AND USE OF TECHNOLOGY PROVIDER TO PERFORM ELECTRONIC NOTARIAL ACTS

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

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

- (1) to affix the electronic notary's electronic signature and seal;
- (2) as the means to create and maintain the electronic notary's electronic journal and a backup copy of the journal;
- (3) as the custodian of the electronic notary's journal; and
- (4) as the platform that the notary will use if the notary intends to perform remote notarial acts.

History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.17; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07F .0602 APPROVED TECHNOLOGY PROVIDER

An electronic notary public shall use only technology providers approved or licensed by the Department and listed on the Department's website.

History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;
Eff. July 1, 2024.

SECTION .0700 – ELECTRONIC NOTARY SIGNATURE

18 NCAC 07F .0701 UNIQUE SIGNATURE

The electronic notary signature shall be independently verifiable and specific unique to each the electronic notary. notary public.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-125(b); 10B-126(d); 10B-127; 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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(a) Eff. June 1, 2023- 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0702 SOLE CONTROL

The electronic notary public signature shall be retained retain under the exclusive control of the electronic notary public signature such that the electronic signature can be attributed solely to the electronic notary. electronic notary's sole control.

History Note: Authority G.S. ~~10B-4; 10B-125(b);~~ 10B-125(b); 10B-126(d); 10B-127; 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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(b) Eff. June 1, ~~2023;~~ 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0703 EXCLUSIVE

History Note: Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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(c) Eff. June 1, ~~2023;~~ 2023;
Repealed Eff. July 1, 2024.

18 NCAC 07F .0704 LOGICALLY ATTACHED ELECTRONIC ATTRIBUTES OF SIGNATURE

The electronic notary signature shall ~~shall~~ shall:

- (1) be attached ~~to,~~ or logically associated ~~with the document,~~ with, the notarized document; and
- (2) ~~linking~~ link the data in such a manner that any subsequent alterations are observable through visual examination of:
 - (a) ~~to the underlying document~~ document; or
 - (b) ~~electronic notary certificate~~ certificate. ~~are observable through visual examination.~~

History Note: Authority G.S. ~~10B-4; 10B-125(b);~~ 10B-125(b); 10B-126(d); 10B-127; 10B-136; 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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;~~ 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0705 IMAGE

An ~~image of the electronic notary's handwritten signature shall~~ notary shall:

- (1) ~~electronically sign the appear on any visual or printed representation of an electronic notary certificate~~ certificate;
- (2) ~~regardless of the technology being used to affix~~ view the ~~electronic notary's~~ electronic signature. ~~signature after signing; and~~
- (3) verify that the image of the electronic notary's handwritten electronic signature is an accurate representation.

History Note: Authority G.S. ~~10B-4; 10B-125(b);~~ 10B-125(b); 10B-126(d); 10B-127; 10B-136; 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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(e) Eff. June 1, ~~2023;~~ 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0706 SIGNATURE COMPLIANCE

An electronic notary shall ensure that the electronic notary's electronic signature complies with Chapter 10B of the General Statutes and the Rules in this Subchapter each time it is affixed.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127; 47-16.5; 47-16.7; 147-36; 15-7002;
Eff. July 1, 2024.

18 NCAC 07F .0707 SIGNATURE REVIEW BEFORE USE

An electronic notary shall review the electronic notary's electronic signature for accuracy before the signature is used for the first time.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07F .0708 AFFIXING ELECTRONIC SIGNATURE

An electronic notary shall not affix the electronic notary's electronic signature until:

- (1) the principals have appeared before the notary as required by Article 2 of Chapter 10B of the General Statutes;
- (2) the principals have been identified;
- (3) the oath or affirmation has been administered, if required;
- (4) the principals have affixed their signatures to the electronic document or acknowledged them, if applicable;
- (5) any fees have been collected; and

(6) the journal entry has been made in accordance with the Rules in Subchapter I of this Chapter.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07F .0709 REVIEW AFTER AFFIXING ELECTRONIC SIGNATURE

After the electronic notary affixes the notary's electronic signature, and before the electronic signature is committed by the notary, the electronic notary shall review the electronic signature to ensure that it:

- (1) is present on the notarial certificate;
- (2) is legible; and
- (3) does not obscure:
 - (a) the notarial certificate;
 - (b) any content in the notarial certificate; or
 - (c) any content in the document being notarized.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127;
Eff. July 1, 2024.

SECTION .0800 – ELECTRONIC NOTARY SEAL

18 NCAC 07F .0801 UNIQUE SEAL

The electronic notary seal shall be independently verifiable and ~~unique specific to each the electronic notary.~~ notary public.

History Note: Authority G.S. 10B-4; ~~10B-125(b);~~ 10B-125(b); 10B-126(d); 10B-127; 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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(a) Eff. June 1, ~~2023;~~ 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0802 SOLE CONTROL

The electronic notary ~~public seal shall be retained~~ retain under the exclusive control of the electronic notary seal such that the electronic notary seal can be attributed solely to the electronic notary. ~~electronic notary's sole control.~~

History Note: Authority G.S. 10B-4; ~~10B-125(b);~~ 10B-125(b); 10B-126(d); 10B-127; 10B-134.17; 10B-134.21; 47-16.5; 47-16.7;
147-36; 15 USC 7002;
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(b) Eff. June 1, ~~2023;~~ 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0803 EXCLUSIVE

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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(c) Eff. June 1, ~~2023;~~ 2023;
Repealed Eff. July 1, 2024.

18 NCAC 07F .0804 LOGICALLY ATTACHED ELECTRONIC ATTRIBUTES OF SEAL

The electronic notary seal ~~shall~~ shall:

- (1) be attached to, or logically associated with the document, with, the notarized document; and
- (2) linking link the data in such a manner that any subsequent alterations are observable through visual examination of:
 - (a) to the underlying ~~document~~ document; or
 - (b) electronic notary ~~certificate.~~ certificate are observable through visual examination.

History Note: Authority G.S. 10B-4; ~~10B-125(b);~~ 10B-125(b); 10B-126(d); 10B-127; 10B-136; 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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;~~ 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0805 IMAGE

An ~~image of the electronic notary's electronic seal~~ notary shall:

- (1) electronically affix ~~appear on any visual or printed representation of the electronic notary certificate seal;~~
- (2) regardless of the technology being used to affix ~~view the electronic notary's electronic seal.~~ image of the seal after

- (3) affixing it; and
verify that the image is an accurate representation of the seal.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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(e) Eff. June 1, ~~2023~~; 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0806 PERIMETER

~~The~~ An electronic notary public shall ensure that the perimeter of the electronic notary seal shall contain a border such that the physical appearance of the seal replicates the appearance of an inked seal on paper.

History Note: Authority G.S. 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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(f) Eff. June 1, ~~2023~~; 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0807 CONTENTS

~~The~~ An electronic notary shall ensure that the electronic notary's electronic notary seal ~~must have, has:~~

- (1) ~~within its border;~~ a visible border:
 - (a) with the size and shape required by G.S. 10B-37(c); and
 - (b) that includes an identifier assigned by the Department to the AVEN or technology provider;
- (2) ~~within inside its border, border:~~
 - (a) the electronic notary's name exactly as commissioned, the information required by G.S. 10B-117(1), (2), and (4);
 - (b) the words "Electronic Notary Public," words:
 - (i) "State of North Carolina";
 - (ii) "North Carolina" "Carolina"; or
 - (iii) the abbreviation "N.C.";
 - (c) the name of the county of commission including with either:
 - (i) the word "County" "County"; or
 - (ii) the abbreviation "Co.";
 - (d) the expiration date of the electronic notary's commission.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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~~; 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0808 ELECTRONIC NOTARY SEALS ARE PRIVATE PROPERTY

The electronic notary seal is the private property of the electronic notary public. ~~and shall be subject to laws governing private property.~~

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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 .0602 Eff. June 1, ~~2023~~; 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0809 SEAL COMPLIANCE

An electronic notary shall ensure that the electronic notary's electronic seal complies with Chapter 10B of the General Statutes and the rules in this Subchapter each time it is affixed.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d);
Eff. July 1, 2024.

18 NCAC 07F .0810 SEAL LIMITATION

An electronic notary's electronic seal shall include no information or images other than those required by:

- (1) G.S. 10B-117; and
- (2) the Rules in this Section.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d);
Eff. July 1, 2024.

18 NCAC 07F .0811 SEAL REVIEW BEFORE USE

An electronic notary shall review the notary's electronic seal for compliance with the Rules in this Section before the seal is used for the first time.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d);
Eff. July 1, 2024.

18 NCAC 07F .0812 AFFIXING ELECTRONIC SEAL

An electronic notary public shall not affix the notary's electronic seal until:

- (1) the principals have appeared before the notary as required by Article 2 of Chapter 10B of the General Statutes;
- (2) the principals have been identified;
- (3) the oaths or affirmations have been administered, if required;
- (4) the principals have affixed their signatures to the electronic document or acknowledged them if applicable;
- (5) any fees have been collected; and
- (6) the journal entry has been made in accordance with the rules in Subchapter I of this Chapter.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.15;
Eff. July 1, 2024.

18 NCAC 07F .0813 REVIEW AFTER AFFIXING ELECTRONIC SEAL

After the electronic notary affixes the notary's electronic seal, and before the electronic notary commits the electronic seal, the electronic notary shall review the notary's electronic seal to ensure that it:

- (1) is present on the notarial certificate;
- (2) is legible; and
- (3) does not obscure:
 - (a) the notarial certificate;
 - (b) any content in the notarial certificate; or
 - (c) any content in the document being notarized.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d);
Eff. July 1, 2024.

18 NCAC 07F .0814 COMMITMENT

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 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.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d);
Eff. July 1, 2024.

SECTION .0900 – RE-REGISTRATION AS ELECTRONIC NOTARY

18 NCAC 07F .0901 RE-REGISTRATION

A An electronic notary applying to re-register as an electronic notary public shall comply with application procedures procedures: found in the Act

- (1) in Chapter 10B of the General Statutes; and
- (2) in this Subchapter.

History Note: Authority G.S. 10B-4; ~~10B-125~~; 10B-125; 10B-126; 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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 .0203 Eff. June 1, ~~2023~~; 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .0902 TIMING OF RE-REGISTRATION

An electronic notary desiring to re-register who does not apply for re-registration at the same time the notary applies for re-commissioning shall comply with Rule .0905 of this Section.

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

18 NCAC 07F .0903 FORM

An electronic notary shall use the form in 18 NCAC 07B .0404 to apply to be re-registered as an electronic notary.

History Note: Authority G.S. 10B-4; 10B-125; 10B-126;
Eff. July 1, 2024.

18 NCAC 07F .0904 EDUCATION

An applicant for re-registration as an electronic notary shall successfully complete the electronic notary course again before applying.

History Note: Authority G.S. 10B-4; 10B-125, 10B-126;
Eff. July 1, 2024.

18 NCAC 07F .0905 ELECTRONIC NOTARY RE-REGISTRATION OTHER THAN AT RECOMMISSIONING

An electronic notary who does not apply for re-registration as an electronic notary at the same time that the notary applies for re-commissioning as a traditional notary and who later desires to re-register as an electronic notary shall:

- (1) successfully complete the electronic notary course again;
- (2) apply for re-registration; and
- (3) pay the applicable fees.

History Note: Authority G.S. 10B-4; 10B-125; 10B-126;
Eff. July 1, 2024.

18 NCAC 07F .0906 REGISTRATION AND OATH

Section .0500 of this Subchapter shall apply to an electronic notary applicant who is appointed as a re-registered electronic notary.

History Note: Authority G.S. 10B-4; 10B-125, 10B-126;
Eff. July 1, 2024.

SECTION .1000 – CONFIDENTIALITY, SECURITY, AND RECORDS RETENTION

18 NCAC 07F .1001 EMPLOYERS OF ELECTRONIC NOTARIES

(a) Neither the employer nor any of the employer's employees or agents shall use or permit the use of an electronic notary seal or signature by anyone other than the electronic notary public to whom it is registered.

(b) Upon the cessation of employment of an electronic ~~notary~~, notary public, the employer of the electronic notary shall:

- (1) Relinquish control of the electronic notary public's electronic notary seal;
- (2) Transfer possession of the electronic notary seal to the electronic ~~notary~~; notary public; or
- (3) Eliminate the ability of any other person to use the former electronic notary public employee's electronic notary seal if the electronic notarization system ~~used~~ provided by the employer does not permit transfer of possession of the electronic notary ~~seal~~; seal to the electronic notary former employee.

History Note: Authority G.S. 10B-125(b); 10B-126(d); 10B-134.15; 10B-134.17; 10B-134.21; 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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 .0603 Eff. June 1, 2023; 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .1002 ~~PROTECTED~~ PROTECTING ACCESS

An electronic notary shall ~~limit~~ Access ~~access~~ to the electronic notary signatures, ~~electronic notary~~ seals, and journals by complying with the provider's requirements for the use of means of authentication approved by the Department. ~~shall be protected by the use of a password, token, biometric, or other form of authentication approved by the Department according to Article 2 of Chapter 10B of the General Statutes, and Article 1A of Chapter 47 of the General Statutes.~~

History Note: Authority G.S. 10B-4; ~~10B-125(b);~~ 10B-125; ~~10B-126(d);~~ 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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 .0604 Eff. June 1, 2023; 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .1003 RETENTION OF ELECTRONIC JOURNAL

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

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.15; 10B-134.17; 10B-134.21;
Eff. July 1, 2024.

18 NCAC 07F .1004 NOTARY CREDENTIAL SHARING FORBIDDEN

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

History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;
Eff. July 1, 2024.

SECTION .1100 – CONTINUING OBLIGATIONS OF ELECTRONIC NOTARIES

18 NCAC 07F .1101 PHYSICAL PRESENCE REQUIREMENT FOR ELECTRONIC NOTARIZATION

When an electronic notary performs an electronic notarization, the principal and the electronic notary shall be in each other's the physical presence of the electronic notary during the entire electronic at the time of notarization so that that:

- (1) the principal and the electronic notary can see, hear, and communicate with, with each other; and
- (2) the principal can give the electronic notary identification documents as required under G.S. ~~10B-3(22)~~ 10B-3(22). to each other without the use of electronic devices such as telephones, computers, video cameras, or facsimile machines.

History Note: Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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 .0403 Eff. June 1, ~~2023~~ 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .1102 SEPARATE ATTESTATIONS PRESENCE REQUIREMENT FOR REMOTE ELECTRONIC NOTARIZATION

When an electronic notary performs a remote electronic notarization, the remotely located principal shall appear before the electronic notary at the time of notarization using communication technology. Each electronic signature requiring notarization and attestation in the form of an acknowledgment shall be individually affixed to the electronic document by the principal signer and shall be acknowledged separately by the principal signer, except in the following situation:

- (1) The notarized document is executed on behalf of an entity as defined in G.S. 55-1-40(9)(a) or (c); and
- (2) The notarized document does not adversely affect the claim, right or obligation of another.

History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
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 .0601 Eff. June 1, 2023. 2023;
Amended Eff. July 1, 2024.

18 NCAC 07F .1103 INDIVIDUAL PRINCIPAL SIGNATURES FOR ELECTRONIC ACKNOWLEDGEMENTS

An electronic notary public who performs an electronic or remote electronic acknowledgment shall require the principal to affix each signature individually.

History Note: Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002;
Eff. July 1, 2024.

18 NCAC 07F .1104 ADDITIONAL OBLIGATIONS

In addition to complying with the continuing obligations imposed by the rules in Subchapter 07D of this Chapter, an electronic notary shall comply with the requirements of Subchapter 07I of this Chapter.

History Note: Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 7002;
Eff. July 1, 2024.

18 NCAC 07F .1105 NO ELECTRONIC NOTARIZATION OF INK SIGNATURE

An electronic notary shall not use the notary's electronic signature and seal to notarize an ink signature signed by hand.

History Note: Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d);
Eff. July 1, 2024.

18 NCAC 07F .1106 NOTICE OF CHANGES

An electronic notary shall notify the Department using the form in 18 NCAC 07B .0406 within 10 business days of the notary choosing to use a different technology provider.

History Note: Authority G.S. 10B-3; 10B-4; 10B-102; 10B-106(f); 10B-116(1); 10B-125(b); 10B-126(d);
Eff. July 1, 2024.

18 NCAC 07F .1107 TECHNOLOGICAL ISSUE AS REASON TO HALT ELECTRONIC OR REMOTE ELECTRONIC NOTARIAL ACT

An electronic notary public shall not perform an electronic notarial act or a remote notarial act if there is:

- (1) a complete technological failure that impedes the performance of the notarial act; or
- (2) a partial technological failure if the electronic notary decides that the failure warrants termination of the transaction.

History Note: Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d);
Eff. July 1, 2024.

18 NCAC 07F .1108 ELECTRONIC OR REMOTE ELECTRONIC NOTARIAL ACT CAN CONTINUE IF TECHNOLOGICAL ISSUE RESOLVED OR NON-IMPAIRING

An electronic notary may continue and complete an electronic or remote electronic notarial transaction if the electronic notary concludes that any technological failure:

- (1) has been resolved; and
- (2) will not impair performance of the notarial act.

History Note: Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 7002;
Eff. July 1, 2024.

18 NCAC 07F .1109 CEASING TO USE A TECHNOLOGY PROVIDER

An electronic notary shall notify the Department within 10 business days of the date on which:

- (1) the notary cancels a contract or subscription with a technology provider; or
- (2) the notary is prevented by the provider from accessing the technology provider's services.

History Note: Authority G.S. 10B-3; 10B-4; 10B-102; 10B-106(f); 10B-116(1); 10B-125(b); 10B-126(d); 10B-127(b);
Eff. July 1, 2024.

18 NCAC 07F .1110 NOTICE OF CANCELLATION BY PROVIDER

An electronic notary shall notify the Department within 10 business days if the technology provider takes actions that:

- (1) suspend or halt the provider's operations or the availability of its technology; or
- (2) make changes to the technology that impair the ability of the notary to perform notarial functions.

History Note: Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d); 10B-127(b);
Eff. July 1, 2024.

18 NCAC 07F .1111 CONTENT OF NOTICE

A notice pursuant to the Rule .1110 of this Section shall include:

- (1) the reason for the notice; and
- (2) any other information the notary thinks may help the Department to assess the action of the provider.

History Note: Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d);
Eff. July 1, 2024.