18 NCAC 07D .0101 is adopted with changes as published in 38:09 NCR 569 as follows:

SECTION .0100 – GENERAL OBLIGATIONS

18 NCAC 07D .0101 SCOPE

The ~~Rules~~ rules in this Subchapter set forth the continuing obligations of notaries public.

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

Eff. July 1, 2024.

18 NCAC 07D .0102 is adopted with changes as published in 38:09 NCR 569 as follows:

18 NCAC 07D .0102 RESPONSE TO DEPARTMENT REQUESTS

A notary public shall respond to a request by the Department for information, records, or an interview relating to qualifications to be a notary or performance of notarial acts:

(1) in the manner and within the time period set by the Department; or

(2) as provided in an extension granted pursuant to Rule .0104 of this Section.

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

Eff. July 1, 2024.

18 NCAC 07D .0103 is adopted with changes as published in 38:09 NCR 569 as follows:

18 NCAC 07D .0103 EXTENSION REQUEST TO DEPARTMENT

(a) A notary public may submit a request for an extension of time to respond to a Department request pursuant to Rule .0102 of this Section.

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

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

(2) include the reason an extension is necessary.

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

Eff. July 1, 2024.

18 NCAC 07D .0104 is adopted as published in 38:09 NCR 569 as follows:

18 NCAC 07D .0104 DEPARTMENT RESPONSE TO EXTENSION REQUEST

When deciding whether to grant an extension request, the Department shall considerthe factors listed in 18 NCAC 07B .0108.

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

Eff. July 1, 2024.

18 NCAC 07D .0301 is amended with changes as published in 38:09 NCR 569-570 as follows:

18 NCAC 07D .0301 ~~GENERAL~~ [~~NOTICE OF CHANGE~~] OBLIGATIONS to give notice of changes in primary information

~~(a) A notary shall notify the Director of changes in name, address or county as required by G.S. 10B-50, 10B-51, and 10B-53.~~

~~(b) A notary shall notify the Director that the notary has been convicted of a crime as set out in G.S. 10B-3(9) and Rule .0201 of this Subchapter, within 45 days of the date on which judgment is entered.~~

~~(c)~~ A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0410 to notify the ~~Director~~ Department within 45 calendar days of changes ~~in:~~ inthe applicant’s or notary’s:

~~(1) Residency or place of work to a location outside the State of North Carolina;~~

~~(2) Residency status in the United States;~~

~~(3) Ability to speak, read and write the English language;~~

~~(4) A finding or admission of liability in a civil lawsuit based upon the notary's deceit;~~

~~(5) Revocation, suspension, restriction, or denial of a professional license by the State of North Carolina or any other state or nation;~~

~~(6) A finding that the notary has engaged in official misconduct, whether or not disciplinary action resulted;~~

~~(7) A finding or a charge that a notary has knowingly used false or misleading advertising in which the notary was represented as having powers, duties, rights or privileges that a North Carolina notary, by law, does not possess; or~~

~~(8) The North Carolina State Bar or the courts of North Carolina or the bar or courts of any other state or nation finding that the notary has engaged in the unauthorized practice of law.~~

(1) name;

(2) mailing or street address;

(3) county of commission;

(4) residential or mobile telephone number;

(5) personal or business email address;

(6) status as a resident of the United States;

(7) ability to speak, read and write in the English language; or

(8) employer regarding:

(a) change of employer;

(b) change in employer business name**.** NOTE: A business changing from ABC, Inc. to ABC, LLC is an example of a change in employer business name;

(c) change in employer street or mailing address; or

(d) change in employer telephone number.

~~(d) A notary shall respond within the time period set out in a request from the Director for information, including a request for information regarding wrongful notarial acts alleged to have been performed by the notary.~~

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

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 07B .0107 Eff. June 1, ~~2023.~~ 2023;

Amended Eff. July 1, 2024.

18 NCAC 07D .0302 is adopted with changes as published in 38:09 NCR 570 as follows:

18 NCAC 07D .0302 NOTICE TO DEPARTMENT OF PENDING CRIMINAL CHARGES

A notary applicant or notary public shall notify the Department within 45 calendar days of a previously unreported pending criminal charge against the applicant or notary by complying with 18 NCAC 07B .0505.

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

Eff. July 1, 2024.

18 NCAC 07D .0303 is adopted with changes as published in 38:09 NCR 570 as follows:

18 NCAC 07D .0303 NOTICE TO DEPARTMENT OF CRIMINAL CHARGE DISPOSITION

Within 45 calendar days of the date of the final disposition of a criminal charge against a ~~notary,~~ notary applicant or a notary public, the applicant or notary shall notify the Department by complying with 18 NCAC 07B .0506.

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

Eff. July 1, 2024.

18 NCAC 07D .0304 is adopted with changes as published in 38:09 NCR 570 as follows:

18 NCAC 07D .0304 NOTICE TO DEPARTMENT OF FINDINGS OR ADMISSIONS OF DECEIT

A notary applicant or a notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding or admission of fault or liability in a civil lawsuit ~~regarding the notary’s activity as a notary public~~ based on the applicant’s or notary’s deceit.

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

Eff. July 1, 2024.

18 NCAC 07D .0305 is adopted with changes as published in 38:09 NCR 570 as follows:

18 NCAC 07D .0305 NOTICE TO DEPARTMENT OF CHANGES TO PROFESSIONAL LICENSES, NOTARY COMMISSIONS, OR PUBLIC OFFICES

A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0412 to notify the Department within 45 calendar days of an issuance, a denial, a revocation, a suspension, a restriction, or a resignation of the applicant’s or notary’s professional license, notary commission, or public office.

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

Eff. July 1, 2024.

18 NCAC 07D .0306 is adopted with changes as published in 38:09 NCR 570 as follows:

18 NCAC 07D .0306 NOTICE TO DEPARTMENT OF OFFICIAL MISCONDUCT

A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding that the applicant or notary has engaged in official misconduct and shall provide the Department with the documents and information required by 18 NCAC 07C .0208.

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

Eff. July 1, 2024.

18 NCAC 07D .0307 is adopted with changes as published in 38:09 NCR 570 as follows:

18 NCAC 07D .0307 NOTICE TO DEPARTMENT OF FALSE OR MISLEADING ADVERTISING

A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding or a charge that the applicant or notary has knowingly used false or misleading advertising that represents that the applicant or notary has powers, duties, rights, or privileges the applicant or notary does not possess by law.

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

Eff. July 1, 2024.

18 NCAC 07D .0308 is adopted with changes as published in 38:09 NCR 570 as follows:

18 NCAC 07D .0308 NOTICE TO DEPARTMENT REGARDING UNAUTHORIZED PRACTICE OF LAW

A notary applicant or notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding by a court or the attorney-licensing agency of any state, federally recognized tribe, or nation, that the applicant or notary has engaged in the unauthorized practice of law.

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

Eff. July 1, 2024.