

18 NCAC 07B .0201 is amended with changes as published in 38:04 NCR 193 as follows:

**SECTION .0200 – FEES PAID TO THE ~~DIVISION~~ DEPARTMENT**

**18 NCAC 07B .0201     ~~US~~ U.S. CURRENCY**

Fees ~~Filers shall be paid by a personal or business check, a money order, or a cashier's check~~ tender fees in U.S. dollars and cents. ~~cents made payable to the N.C. Department of the Secretary of State.~~

*History Note:     Authority G.S. 10B-4; ~~[10B-13;]~~ ~~10B-14(f);~~ ~~[10B-108; 10B-134.19(b), (f), (g);]~~ ~~25-3-506; 147-37;~~  
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 .0105(a) Eff. June 1, ~~2023.~~ 2023;  
Amended Eff. July 1, 2024.*

18 NCAC 07B .0202 is amended with changes as published in 38:04 NCR 193 as follows:

**18 NCAC 07B .0202     ONLINE FEE PAYMENT**

Fees ~~for on line applications may be paid by~~ Filers who tender fees online shall pay by:

- (1)     an automated clearinghouse debit account ~~(ACH).~~ (ACH);
- (2)     a credit card; or
- (3)     a debit card.

*History Note:     Authority G.S. 10B-4; ~~[10B-13;]~~ ~~10B-14(f);~~ ~~[10B-108; 10B-134.19(b), (f), (g);]~~ ~~25-3-506; 147-37;~~  
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 .0105(b) Eff. June 1, ~~2023.~~ 2023;  
Amended Eff. July 1, 2024.*

18 NCAC 07B .0203 is adopted with changes as published in 38:04 NCR 193 as follows:

**18 NCAC 07B .0203     FEES PAID IN PERSON**

Filers who tender fees in person shall pay with:

- (1)     one of the following types of checks, made payable to the N.C. Department of the Secretary of State:
  - (a)     a personal or business check; or
  - (b)     ~~a money order;~~

- (e) a cashier's check;
- (2) cash; ~~or~~
- (3) money order; or
- ~~(3)~~(4) a credit or debit card.

*History Note: Authority G.S. 10B-4; 10B-13; 10B-14(b); 10B-108; 10B-134.19(b), (f), (g); 25-3-506; 147-37; Eff. July 1, 2024.*

18 NCAC 07B .0204 is adopted with changes as published in 38:04 NCR 193-194 as follows:

**18 NCAC 07B .0204 FEES PAID BY USPS OR BY DELIVERY SERVICE**

Filers who tender fees through delivery by United States Postal Service (USPS) or by a designated delivery service authorized pursuant to 26 U.S.C. 7502(f)(2) shall pay with using one of the following ~~types of checks, methods,~~ made payable to the N.C. Department of the Secretary of State:

- (1) a personal or business check;
- (2) a money order; or
- (3) a cashier's check.

*History Note: Authority G.S. 10B-4; 10B-13; 10B-14(b); 10B-108; 10B-134.19(b), (f), (g); 25-3-506; 147-37; Eff. July 1, 2024.*

18 NCAC 07B .0205 is amended with changes as published in 38:04 NCR 194 as follows:

**18 NCAC 07B .0205 UNPAID FEES FEE FOR DISHONORED PAYMENT**

Pursuant to G.S. 25-3-506, the Department may charge a thirty-five dollar (\$35.00) processing fee to a filer if a tendered payment is dishonored by a bank or financial institution. If a fee is paid with a check or other instrument which is returned by the institution upon which it was issued for "insufficient funds" or for other similar reason:

- (1) ~~The Division shall issue a notice of intent to deny the application or revoke the commission; and~~
- (2) ~~The Division shall issue a denial or revocation if the fee is not paid in full within 10 business days after the date on the notice of intent to deny or revoke.~~
- (3) ~~The Division shall charge a twenty five dollar (\$25.00) fee for which payment has been refused by the payer's bank for insufficient funds or for no account.~~

*History Note: Authority G.S. 10B-4; [10B-13; 10B-14(b);] 10B-14(f); [10B-108; 10B-134.19(b), (f), (g);] 25-3-506; 147-37; 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 .0105(c) Eff. June 1, ~~2023~~; 2023;*  
*Amended Eff. July 1, 2024.*

18 NCAC 07B .0206 is adopted with changes as published in 38:04 NCR 194 as follows:

**18 NCAC 07B .0206 FILING NOT PROCESSED IF PAYMENT DISHONORED**

The Department shall not continue to process a filing for which processing has not been completed if the Department receives notice that a payment has been dishonored.

*History Note: Authority G.S. 10B-4; ~~10B-13; 10B-14(b); 10B-108; 10B-134.19(b), (f), (g); 25-3-506; 147-37;~~*  
*Eff. July 1, 2024.*

18 NCAC 07B .0207 is adopted with changes as published in 38:04 NCR 194 as follows:

**18 NCAC 07B .0207 DEPARTMENT ACTIONS UPON DISHONORED PAYMENT**

If the Department has received notice that a tendered payment has been dishonored, regardless of whether the Department has completed processing the filing:

- (1) the filing shall be deemed incomplete;
- (2) the filing shall be voided if payment is not made in full within 15 calendar days of the dishonor pursuant to Rule .0208 of this Section; and
- (3) if any information has been posted on the Department's website indicating that commissioning, registration, licensure, or approval has occurred, the Department shall:
  - (a) remove the information from the website; or
  - (b) annotate the entry as incomplete or void.

*History Note: Authority G.S. 10B-4; ~~10B-13; 10B-14(b); 10B-108; 10B-134.19(b), (f), (g); 25-3-506; 147-37;~~*  
*Eff. July 1, 2024.*

18 NCAC 07B .0208 is adopted with changes as published in 38:04 NCR 194 as follows:

**18 NCAC 07B .0208 NOTICE TO FILER OF DISHONORED PAYMENT**

Upon receipt of notice of dishonor of a tendered payment, the Department shall notify a filer orally or in writing that:

- (1) the payment the filer tendered has been ~~dishonored~~ dishonored; ~~by a bank or financial institution;~~  
and
- (2) the filing shall:

- (a) not be ~~deemed completed or processed~~ or deemed completed until the filer has tendered in full the payment and the fee in Rule .0205 of this Section; and
- (b) be voided if payment and fees are not tendered in full within 15 calendar days of the date the Department orally or in writing notifies the filer of the dishonor.

*History Note:* Authority G.S. 10B-4; ~~10B-13; 10B-108; 10B-134.19(b), (f), (g); 25-3-506; 147-37;~~  
 Eff. July 1, 2024.

18 NCAC 07B .0301 is adopted with changes as published in 38:04 NCR 194 as follows:

**SECTION .0300 – FILING, SIGNATURES ON FILINGS, AND RESPONSES TO REQUESTS FOR INFORMATION**

**18 NCAC 07B .0301 FORM USE REQUIRED**

A filer shall use a form in Section .0400 of this Subchapter ~~unless;~~ unless

- (1) there is not a form for the filer's purpose in Section .0400 of this ~~Subchapter;~~ Subchapter.
- (2) ~~there is an exception in Chapter 10B of the General Statutes or a rule in this Chapter.~~

*History Note:* Authority G.S. 10B-4; 10B-14(a), (f); 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;  
 Eff. July 1, 2024.

18 NCAC 07B .0302 is adopted with changes as published in 38:04 NCR 194 as follows:

**18 NCAC 07B .0302 MODE OF FILING**

Filers shall submit filings electronically by means established by the Department unless paper filing is permitted pursuant to:

- (1) Chapter 10B of the General Statutes; or
- (2) Rule .0303 of this Section.

*History Note:* Authority G.S. 10B-4; 10B-6; ~~10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;~~  
 Eff. July 1, 2024.

18 NCAC 07B .0303 is adopted with changes as published in 38:04 NCR 194-195 as follows:

**18 NCAC 07B .0303 PAPER FILINGS PERMITTED**

Paper filings shall be permitted:

- (1) where the Department has not established electronic means for submittal of a filing; or
- (2) in the case of a traditional notary public:
  - (a) initial applications;
  - (b) ~~re-commissioning~~ recommissioning applications; and
  - (c) ~~documents~~ affidavits, criminal records, and other documents required to ~~verify be submitted with applications by~~ qualifications of a notary notary, applicant, an electronic ~~notary notary, applicant,~~ or a notary instructor ~~applicant~~ applicant applicants pursuant to Chapter 10B of the General Statutes or the Rules in this Chapter.

*History Note:* Authority G.S. 10B-4; 10B-5(e); ~~10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;~~  
Eff. July 1, 2024.

18 NCAC 07B .0304 is adopted with changes as published in 38:04 NCR 195 as follows:

#### **18 NCAC 07B .0304 INAPPLICABLE QUESTIONS**

If a question or item is not applicable to a filer, the filer shall not leave the question or item blank but shall respond ~~not applicable~~ “not applicable” or N/A. “N/A.”

*History Note:* Authority G.S. 10B-4; 10B-5(e); 10B-6; ~~10B-14; 10B-23; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21;~~  
Eff. July 1, 2024.

18 NCAC 07B .0305 is adopted with changes as published in 38:04 NCR 195 as follows:

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

A filer shall respond to departmental requests for information within the time and in the manner specified ~~by the Department, after~~ based upon the Department’s consideration of:

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

*History Note:* Authority G.S. 10B-4; ~~10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;~~ Myers v. Holshouser, 25 N.C. App. 683, 214 S.E.2d 630 (1975); cert den. 287 N.C. 664 (1975);  
Eff. July 1, 2024.

18 NCAC 07B .0306 is adopted with changes as published in 38:04 NCR 195 as follows:

#### **18 NCAC 07B .0306 ATTACHMENTS**

If a form does not include enough space to provide a complete and accurate response to a question or request for information from the Department, a filer shall use include an attachment with the form. ~~to a form to provide a complete and accurate response to a question or request for information from the Department if additional space is needed.~~

*History Note:* Authority G.S. 10B-4; 10B-6; ~~10B-14~~; 10B-106; 10B-125; ~~10B-126~~; ~~10B-134.15~~; ~~10B-134.17~~; 10B-134.19; 10B-134.21; ~~10B-134.23~~;  
Eff. July 1, 2024.

18 NCAC 07B .0307 is adopted with changes as published in 38:04 NCR 195 as follows:

#### **18 NCAC 07B .0307 NOTICE OF ATTACHMENT**

A filer shall:

- (1) make a note at the location of a question or request for information that an attachment has been added in order to fully respond. ~~NOTE:~~ Note: ~~an~~ An example is "See Attachment 1"; and
- (2) ~~make a note~~ identify on the attachment as to which question or request for information the additional information relates.

*History Note:* Authority G.S. 10B-4; 10B-6; ~~10B-14~~; 10B-106; 10B-125; ~~10B-126~~; ~~10B-134.15~~; ~~10B-134.17~~; 10B-134.19; 10B-134.21; ~~10B-134.23~~;  
Eff. July 1, 2024.

18 NCAC 07B .0308 is adopted with changes as published in 38:04 NCR 195 as follows:

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

(a) If a person is signing a form or other document for a technology ~~provider:~~ provider or other business entity:

- (1) the signer shall be duly authorized by law or the entity to sign; and
- (2) the signer shall state ~~on the form~~ the signer's title, position, and authorization to sign.

(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 owner for a sole proprietorship, or by a general partner for a general partnership.

*History Note:* Authority G.S. 10B-4; 10B-6; ~~10B-14~~; 10B-106; 10B-125; ~~10B-126~~; ~~10B-134.15~~; ~~10B-134.17~~; 10B-134.19; 10B-134.21; ~~10B-134.23~~;

*Eff. July 1, 2024.*

18 NCAC 07B .0309 is adopted with changes as published in 38:04 NCR 195 as follows:

**18 NCAC 07B .0309 FORM PREPARER SIGNATURE REQUIRED**

A form preparer signing for a technology provider or other business entity shall:

- (1) sign in the space provided for a preparer's signature on a form; or
- (2) document and note "form preparer" next to the signature in the space provided for a preparer's signature on a form.

*History Note: Authority G.S. 10B-4; ~~10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;~~  
Eff. July 1, 2024.*

18 NCAC 07B .0310 is adopted with changes as published in 38:04 NCR 195 as follows:

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

The Department shall consider a filing incomplete for:

- (1) failure to provide information required pursuant to Chapter 10B of the General Statutes or the Rules in this Chapter; ~~or~~
- (2) lack of a signature required by Chapter 10B of the General Statutes or the Rules in this Chapter.  
Chapter; or
- (3) lack of a notarial act where required by Chapter 10B or the Rules in this Chapter.

*History Note: Authority G.S. 10B-4; ~~10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;~~  
Eff. July 1, 2024.*

18 NCAC 07B .0311 is adopted with changes as published in 38:04 NCR 195 as follows:

**18 NCAC 07B .0311 REJECTION OF INCOMPLETE FILINGS**

The Department shall reject a filing if it is incomplete and not remedied by the ~~filer.~~ filer within the time specified by the Department.

*History Note: Authority G.S. 10B-4; ~~10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;~~  
Eff. July 1, 2024.*

18 NCAC 07B .0312 is adopted with changes as published in 38:04 NCR 195 as follows:

**18 NCAC 07B .0312 FILING DATE OF DOCUMENT**

A form or document is deemed filed on the day that it is deemed complete pursuant to Section .0200 of the Rules in this Chapter and this Section and shall not relate back to the date the filing was received.

*History Note: Authority G.S. 10B-4; ~~10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; 147-36; 150B-2(8a)(d);~~  
Eff. July 1, 2024.*

18 NCAC 07B .0401 is amended with changes as published in 38:04 NCR 195-196 as follows:

**18 NCAC 07B .0401 GENERAL**

All forms issued pursuant to Chapter 10B of the General Statutes may be found on the Department's website ~~or~~ or, where not available through the website, may be obtained by contacting the Department using one of the means set out in ~~Rule .0103~~ Section .0100 of this Subchapter.

*History Note: Authority G.S. ~~10B-2; 10B-4; 10B-5(e); 10B-6; [10B-14; 10B-14(f); 10B-106; 10B-125; [10B-126; 10B-134.15;] 10B-134.17; [10B-134.19;] 10B-134.21; [10B-134.23;]~~  
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 .0104 Eff. June 1, ~~2023~~, 2023;  
Amended Eff. July 1, 2024.*

18 NCAC 07B .0402 is adopted with changes as published in 38:04 NCR 196 as follows:

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

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

- (1) for an individual who is identified pursuant to G.S. 10B-134.19(c)(2):
  - (a) the full name of the individual;
  - (b) the following addresses:
    - (i) physical residential ~~address that is not a post office box~~; address;
    - (ii) business address;
    - (iii) mailing address;
  - (c) business telephone numbers;



- (d) business email addresses;
- (e) any other names by which the individual is known, including nicknames;
- (2) for a business entity:
  - (a) the name of the entity on record with the Secretary of ~~State~~ State, formation or filing office in its state, federally recognized tribe, or country of formation;
  - (b) the name of the state, federally recognized tribe, or country of formation;
  - (c) the street address, and the mailing address if different, of the entity's principal office;
  - (d) the street address, and the mailing address if different, of the entity's registered office;
  - ~~(e) the name, street address, and mailing address if different, of the entity's registered agent;~~
  - ~~(f)~~(e) the principal office telephone ~~numbers~~ number of the entity;
  - ~~(g)~~(f) the email address of the entity;
  - ~~(h)~~(g) the URL for the entity's website, if any;
  - ~~(i)~~(h) the name of ~~the~~ an individual who is designated by the entity as the primary contact between the Department and the entity, and for that individual:
    - (i) title and position;
    - (ii) telephone number;
    - (iii) mailing address if different from the addresses provided in ~~SubItems~~ Sub-Items (2)(c) and (d) of this Item;
    - (iv) primary email address;
    - (v) secondary email address, if applicable;
  - ~~(j)~~(i) the name of an individual designated as the secondary contact between the Department and the entity if the individual named in ~~SubItem (2)(i)~~ Sub-Item (2)(h) of this Item is not available; and
  - ~~(k)~~(j) the information in ~~SubItem (2)(i)~~ Sub-Item (2)(h) of this Item for the secondary contact individual named in ~~SubItem (j)~~ Sub-Item (i) of this ~~Rule; Item;~~ Item; or
- (3) for a registered agent listed on an application filed pursuant to G.S. 10B-134.19:
  - (a) the name of the registered agent;
  - (b) the registered office address for the registered agent and mailing address if different; and
  - (c) a business email address for the registered agent.

*History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-127; 10B-134.17; 10B-134.19; 10B-134.21; Eff. July 1, 2024.*

18 NCAC 07B .0403 is adopted with changes as published in 38:04 NCR 196 as follows:

**18 NCAC 07B .0403 CERTIFICATE OF APPOINTMENT FORM**

The certificate of appointment form includes:

- (1) space for the entry by the Register of Deeds in the county of the commission to enter:
  - (a) the name of the ~~Register of Deeds or designee~~ individual administering the oath;
  - (b) the title of the ~~Register of Deeds or designee~~ individual administering the oath;
  - (c) the name of the appointee who appeared before the ~~Register of Deeds or designee~~ individual and took the oath; and
  - (d) the signature of the ~~Register of Deeds or designee~~ individual who administers the oath; and
- (2) space for the signature of the notary public after the oath has been ~~administered by the Register of Deeds or designee.~~ administered.

*History Note: Authority G.S. 10B-4; ~~10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.21; 10B-134.23;~~  
Eff. July 1, 2024.*

18 NCAC 07B .0404 is adopted with changes as published in 38:04 NCR 196-197 as follows:

**18 NCAC 07B .0404 ELECTRONIC NOTARY PUBLIC REGISTRATION FORM**

An electronic notary public applicant registration form includes:

- (1) the name on the applicant's commission;
- (2) the applicant's commission number; ~~number of the individual~~;
- (3) whether the applicant has any changes to report under G.S. 10B-50, G.S. 10B-51, G.S. 10B-52, G.S. 10B-53, G.S. 10B-54, ~~18 NCAC 07F .0404~~, 18 NCAC 07F .0403, 18 NCAC 07F .1106, 18 NCAC 07F .1109, or 18 NCAC 07F .1110;
- (4) for reapplications, a statement with regard to technology providers that:
  - (a) the notary will continue to use:
    - (i) the electronic notarization system of the technology provider for which the notary has previously provided notice; and
    - (ii) the custodian for the electronic journal for which the notary has previously provided notice;
  - (b) the names of the technology provider that the notary will now use; or
  - (c) at this time, the notary does not have a technology provider;
- (5) the signature of the electronic ~~notary~~; notary applicant; and
- (6) the date on which the ~~notary~~ applicant signs the form.

*History Note: Authority G.S. 10B-4; ~~10B-14; 10B-106; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21;~~  
Eff. July 1, 2024.*

18 NCAC 07B .0405 is adopted with changes as published in 38:04 NCR 197 as follows:

**18 NCAC 07B .0405      NOTICE FORM NOTIFYING DEPARTMENT OF SELECTION OF TECHNOLOGY PROVIDERS BY ELECTRONIC NOTARIES FORM**

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

- (1) the name on the ~~electronic~~ notary's commission;
- (2) the notary's commission ~~number of the electronic notary;~~ number;
- (3) the name of the technology providers selected by the ~~electronic~~ notary to provide:
  - (a) ~~electronic signatures~~ signatures;
  - (b) ~~and~~ electronic seals; and
  - ~~(b)~~(c) electronic journals;
- (4) the name of the custodian selected by the ~~electronic~~ notary to provide custodial services for electronic journals;
- (5) for an electronic notary who plans to perform remote electronic notarial acts, the names of the technology providers selected by the notary to provide platform services;
- (6) the anticipated dates on which the notary will begin using the technology providers;
- (7) the signature of the ~~electronic~~ notary; and
- (8) the date on which the ~~electronic~~ notary signs the form.

*History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-127; 10B-134.15; ~~10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23;~~  
Eff. July 1, 2024.*

18 NCAC 07B .0406 is adopted with changes as published in 38:04 NCR 197 as follows:

**18 NCAC 07B .0406      NOTICE TO DEPARTMENT OF CHANGE BY ELECTRONIC NOTARY IN TECHNOLOGY PROVIDER**

The notice to the Department of change by an electronic notary in technology provider form includes:

- (1) the name of the technology provider that the electronic notary previously notified the Department the notary would use;
- (2) the type of service the technology provider previously provided to the notary;
- (3) the date on which the notary stopped or will stop using the technology provider to perform electronic notarizations;
- (4) the name of the technology provider that the notary will now use;
- (5) the date on which the notary anticipates beginning to use the new technology provider;
- (6) the signature of the notary; and

(7) the date on which the notary signs the form.

*History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; ~~10B-127; 10B-134.17; 10B-134.19; 10B-134.21;~~  
Eff. July 1, 2024.*