

18 NCAC 07B .0102 DEFINITIONS

For purposes of this Chapter:

- (1) "Appoint" or "Appointment" means the naming of an individual to the office of notary public after determination that the individual has complied with Chapter 10B of the General Statutes and Subchapter 07C of this Chapter. For the purposes of the rules in this Chapter, the terms "appoint," "reappoint," "appointment," "reappointment," "commission," "recommission," "commissioning," and "recommissioning" all refer to the term "commission" as defined in G.S. 10B-3(4) or to the process of acquiring or maintaining the commission.
- (2) "Appointee" means an individual who has been appointed or reappointed to the office of notary public but has not yet taken the oath of office to be commissioned.
- (3) "Approved" means that an applicant has been authorized by the Department to provide services as a technology provider in compliance with Chapter 10B of the General Statutes and the rules in this Chapter. Technology providers licensed by the Department are deemed approved.
- (4) "Armed Forces of the United States" means the persons described in 10 U.S.C. 101(a)(4) and G.S. 143B-1224(2), including their reserve components.
- (5) "Authorization" means a notary commission, an electronic notary registration, an instructor certification, an approval, a manufacturer or vendor registration, or a license issued by the Department pursuant to Chapter 10B of the General Statutes.
- (6) "Authorize" means the Department's action to issue an authorization.
- (7) "Bank or financial institution" means a "depository institution" as defined in G.S. 53-208.42(7).
- (8) "Certificate of appointment" means a document issued by the Department notifying a Register of Deeds that:
 - (a) the named appointee is authorized to take the oath of office; and
 - (b) the Register of Deeds or designee shall provide the commission certificate to the notary public after:
 - (i) administering the oath of office to the appointee; and
 - (ii) signing of the certificate by both the Register of Deeds or designee, and the notary.
- (9) "Commission certificate" means the document confirming that an individual:
 - (a) has complied with all applicable requirements of Chapter 10B of the General Statutes and the rules in this Chapter; and
 - (b) is authorized to act as a notary public.
- (10) "Commission date" means the beginning date of commissioning or recommissioning as entered on a commission certificate.
- (11) "Commit" means the act of the electronic notary public to make complete and permanent:
 - (a) the affixing of the electronic notary's electronic signature and seal as required by 18 NCAC 07J .0702;
 - (b) the entry required by 18 NCAC 07D .0507;
 - (c) the electronic journal entry; and
 - (d) the communication technology recording.
- (12) "Court" means a tribunal of a locality, state, the Armed Forces of the United States, a federally recognized tribe, or any nation.
- (13) "Crime" means:
 - (a) an offense designated by law as a felony or misdemeanor;
 - (b) an attempt to commit an offense;
 - (c) an accessory to commission of an offense;
 - (d) aiding and abetting of an offense;
 - (e) conspiracy to commit an offense;
 - (f) solicitation to commit an offense; or
 - (g) threat to commit an offense.An infraction as defined in G.S. 14-3.1 is not a crime.
- (14) "Crime involving dishonesty" means a crime that involves untruthfulness, deceit, fraud, false dealing, cheating or stealing.
- (15) "Criminal convictions" means the following dispositions of criminal charges:
 - (a) adjudications of guilt;
 - (b) pleas of nolo contendere;

- (c) pleas of guilty;
 - (d) Alford pleas;
 - (e) conditional discharges;
 - (f) prayers for judgment continued; and
 - (g) dispositions denominated differently but equivalent to Sub-Items (a)-(f) in this Item.
- (16) "Denial" with regard to public office means an individualized action:
- (a) to disqualify an individual from:
 - (i) being a candidate for an elected public office; or
 - (ii) holding or filling a public office; and
 - (b) that is taken by:
 - (i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.
- (17) "Disciplinary action" means an official action by a court, legislative body, governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation resulting in:
- (a) a disciplinary order;
 - (b) a censure;
 - (c) a reprimand;
 - (d) an admonition;
 - (e) a resignation in lieu of termination or revocation;
 - (f) a denial;
 - (g) a written warning; or
 - (h) a civil penalty or fine; or
 - (i) actions denominated differently but equivalent to Sub-Items (a)-(h) in this Item.
- (18) "Disciplinary order" means a directive or its equivalent that:
- (a) is directed to a holder of a professional license or a commissioned notary public;
 - (b) prohibits or conditions an individual from engaging in the practice of the profession or acting as a notary public for any amount of time;
 - (c) is issued by a court or government agency, board, or commission of any locality, state, federally recognized tribe, or nation with authority to discipline or sanction the individual or notary public; and
 - (d) is not stayed, rescinded, reversed, or expunged.
- Note: Suspensions, restrictions, and revocations of commissions or licenses are examples of disciplinary orders.
- (19) "Dishonored payment" or "payment that has been dishonored" means money tendered to the Department by any means that is refused, rejected, or failed to be paid to the Department.
- (20) "Enter information" means to:
- (a) handwrite, type, or input data;
 - (b) select or confirm applicable options from among offered options. Note: An example would be selecting "oath or affirmation" from a drop-down list of the types of notarial acts; or
 - (c) include in the electronic journal acknowledged signatures of:
 - (i) principals;
 - (ii) a designee of a principal; or
 - (iii) a credible witness.
- (21) "Family member" means an individual related by blood, marriage, or adoption.
- (22) "Federal business mileage rate" means the business mileage rate set by the U.S. Internal Revenue Service (IRS).
- (23) "Federally recognized Indian tribe" means a tribe on the list published in the Federal Register by the U.S. Secretary of the Interior pursuant to 25 U.S.C. 5131.
- (24) "File" means the date upon which a filing submitted to the Department is deemed complete by the Department. Note: "File" shall not mean that the Department has determined that the filer is qualified and will be appointed, registered, approved, or licensed.
- (25) "Filer" means a person that submits a filing to the Department.

- (26) "Filing" means a form or other document required or permitted to be filed with the Department pursuant to Chapter 10B of the General Statutes or the rules in this Chapter.
- (27) "Finding" means a decision, conclusion, or opinion by a court, legislative body, or governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation that is based upon a review of evidence in an investigation, a quasi-judicial proceeding, or a judicial proceeding resulting in a determination that:
 - (a) a fact has been proved according to the applicable legal standard; or
 - (b) a law applies to the specific facts in a matter.
- (28) "Form" means a departmental data collection instrument that requires or requests information, without regard to the format.
- (29) "Form preparer" means an individual who enters information on a form:
 - (a) at the direction of another; and
 - (b) without exercising independent judgment or discretion as to the content entered.
- (30) "Harm" means:
 - (a) loss or damage to a person affecting:
 - (i) liberty;
 - (ii) child custody, parental rights, child support, or visitation;
 - (iii) reputation;
 - (iv) money;
 - (v) property;
 - (vi) time; or
 - (vii) a contract or transaction; or
 - (b) an act that undermines public confidence in the reliability of notarial acts or notarial instructor certification.
- (31) "Information technology" or "IT" means that term as defined in G.S. 143B-1320(a)(11).
- (32) "Information technology security" or "IT security" means the tools, techniques, and strategies used to protect the confidentiality, integrity, and availability of data, information systems, and digital assets from:
 - (a) internal and external threats; and
 - (b) unauthorized access, use, disclosure, disruption, modification, or destruction.
- (33) "Initial appointment" means the first issuance by the Department of a commission certificate to a notary public.
- (34) "Instructor," "certified notary public instructor," "certified instructor," "notary instructor," and "certified notary instructor" mean a notary public who has complied with:
 - (a) the requirements of G.S. 10B-14; and
 - (b) the rules in Subchapter 07E of this Chapter.
- (35) "IPEN" means an in-person electronic notary solution, comprised of an electronic notary public seal, an electronic notary signature, and an electronic notary journal.
- (36) "Issuance" with regard to public office means an action:
 - (a) to certify the results of an election signifying that an individual has been elected to the public office; or
 - (b) to appoint an individual to fill a public office; and
 - (c) that is taken by:
 - (i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.
- (37) "Journal" means a collection of entries describing notarial acts that is created and maintained by a notary public.
- (38) "Licensed member of the North Carolina State Bar" means an active member as defined in 27 NCAC 01A .0201(b).
- (39) "Location" means a description establishing that a principal is present in a jurisdiction where the notarial act may take place. Note: A self-attestation pursuant to the rules in Subchapter 07H of this Chapter stating the principal is then located inside the U.S. embassy in Paris, France, would suffice to establish the principal's location.
- (40) "Long-term" means a period of at least one year.

- (41) "Name for use on a notary public commission" or "commission name" means the name chosen by a commission applicant as the applicant's commission name and consisting of:
- (a) the full legal name of the commission applicant; or
 - (b) a combination of the applicant's surname and:
 - (i) full first or middle name; or
 - (ii) full first or middle name and one or more initials derived from the applicant's full legal name.
- Note: Full legal names, full first names, and full middle names shall not include nicknames.
- (42) "Notarial act" means, in addition to those acts listed in G.S. 10B-3(11), acts authorized to be performed by a notary public pursuant to:
- (a) G.S. 163-231(a); and
 - (b) G.S. 53C-6-13(a).
- (43) "Notarial transaction process" consists of:
- (a) steps before the notarial act takes place;
 - (b) the notarial act; and
 - (c) steps following the notarial act.
- Note: The interactions establishing the date and location of a notarial act, obtaining advance consent to travel fees, and the steps required by G.S. 10B-134.9(a) are examples of steps before the notarial act.
- (44) "Notary course" means a course taught by a certified notary instructor for purposes of:
- (a) commissioning or recommissioning a notary public;
 - (b) registering or reregistering an electronic notary public; or
 - (c) educating a compliance contact of a platform or IPEN regarding Chapter 10B of the General Statutes and the rules in this Chapter.
- (45) "Person" means the term as defined in G.S. 12-3(6).
- (46) "Probation" with regard to criminal convictions means active supervision by a governmental agency or its legally authorized designee in lieu of jail or prison.
- (47) "Professional license" means an issuance that involves a grant of authority by a governmental agency, board, or commission of any locality, state, federally recognized tribe, or nation, to an individual to act in a fiduciary capacity, or in a capacity that affects the public interest or public trust, and that regards an occupation requiring training and formal qualification. Professional licenses are:
- (a) attorney;
 - (b) appraiser;
 - (c) architect;
 - (d) boiler inspector;
 - (e) building, electrical, fire, mechanical, or plumbing inspector;
 - (f) certified nursing assistant;
 - (g) certified public accountant;
 - (h) code enforcement official;
 - (i) electrical contractor;
 - (j) engineer;
 - (k) general contractor;
 - (l) geologist;
 - (m) insurance agent;
 - (n) insurance company adjuster;
 - (o) interpreter or transliterator;
 - (p) investment advisor;
 - (q) locksmith;
 - (r) motor vehicle damage appraiser;
 - (s) on-site wastewater contractor inspector;
 - (t) pharmacist;
 - (u) physician;
 - (v) physician assistant;
 - (w) plumbing, heating, and fire sprinkler contractor;
 - (x) private investigator;

- (y) professional bondsman;
 - (z) real estate broker;
 - (aa) registered nurse, licensed practical nurse, nurse practitioner;
 - (bb) securities broker, dealer, salesman;
 - (cc) self-employed insurance adjuster;
 - (dd) surety bondsman;
 - (ee) sworn law enforcement officer; and
 - (ff) teacher.
- (48) "Public office" means a position:
- (a) created by law to which an individual has been elected or appointed;
 - (b) involving a delegation to the individual of some of the functions of government to be exercised by the individual for the benefit of the public; and
 - (c) with authority that is not solely advisory.
- (49) "Release from prison, probation or parole" means:
- (a) completion of all terms of a sentence or judgment entered as part of a disposition of a criminal charge;
 - (b) a certificate or order related to a criminal charge evidencing the individual's unconditional discharge;
 - (c) a certificate of relief pursuant to G.S. 15A-173.4;
 - (d) an endorsement from the Governor after satisfaction of conditions of a conditional pardon pursuant to G.S. 13-4;
 - (e) an unconditional pardon pursuant to G.S. 13-3;
 - (f) an order that a conviction is vacated; and
 - (g) the individual's citizenship has been restored pursuant to G.S. 13-1;
 - (h) an action that is equivalent to Sub-Items (a)-(f) of this Item entered by a court, or an official or body of a state, federally recognized tribe, or nation with the authority to grant pardons.
- (50) "Residence address" means a physical location with a street name, and a number designating the building in which an individual resides (no P.O. boxes), including an apartment or unit number if applicable, the city, state, zip code, and nation if not the United States.
- (51) "Restriction" with regard to public office means an individualized action:
- (a) to restrain an individual from serving in public office; and
 - (b) that is taken by:
 - (i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.
- (52) "Revocation" with regard to an individual's capacity to serve in a public office means an individualized action:
- (a) to void or cancel a certification of election to office; or
 - (b) to remove an individual from a public office; and
 - (c) that is taken by:
 - (i) a governmental agency, board, or commission, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.
- (53) "State recognized tribe" means a group listed in G.S. 143B-407(a).
- (54) "Successfully complete" and "successful completion" mean that an applicant has complied with Chapter 10B and the rules in this Chapter and has:
- (a) presented satisfactory evidence of identity as defined in G.S. 10B-3(22) or is personally known as defined in G.S. 10B-3(17);
 - (b) attended a notarial course taught by a certified notary instructor; and
 - (c) achieved a passing grade on the course examination as described in G.S. 10B-8(a).
- (55) "Suspension" with regard to a public office means an individualized action:
- (a) to prohibit, for a finite period of time, an individual's authority to serve in a public office; and

- (b) that is taken by:
 - (i) a governmental agency, board, or commission, legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
 - (ii) a court.
 - (56) "Technological failure" means a deficiency in:
 - (a) any component of the electronic notary solution;
 - (b) any component of the computer systems of the notary or principals; or
 - (c) the connections linking the components described in Sub-Items (a) and (b) of this Item.
- For purposes of this Rule, "component of the electronic notary solution" means any combination of hardware, software, a notary public's electronic journal, and communications technology recordings.
- (57) "Technology provider" means the person providing a solution for:
 - (a) IPEN;
 - (b) a platform;
 - (c) credential analysis;
 - (d) identity proofing; or
 - (e) custodial services.
 - (58) "Termination of employment" means the cessation of permanent or temporary work for another, whether compensated or not, for any reason, including voluntary and involuntary cessation of work.
 - (59) "Traditional notarization" means a notarial act in which:
 - (a) there is personal appearance as defined in G.S. 10B-3(16); and
 - (b) one of the following occurs:
 - (i) a document is executed and notarized with ink signatures signed by hand and affixed with the physical notary seal as defined in G.S. 10B-3(23);
 - (ii) an oath or affirmation is administered without the execution of a document; or
 - (iii) a certificate for a safe deposit box inventory is prepared as described in G.S. 53C-6-13(a).
 - (60) "Traditional notary public" means an individual commissioned to perform traditional notarizations and who has not been registered as an electronic notary public.
 - (61) "Type of notarial act" means an acknowledgement, an oath or affirmation, verification or proof, inventory of an abandoned safe deposit box, or notarization of an absentee ballot.
 - (62) "Under the exclusive control of the notary" means accessible by and attributable solely to the notary public to the exclusion of all other persons through being:
 - (a) in the case of a physical seal:
 - (i) in the direct physical custody of the notary; or
 - (ii) physically secured; or
 - (b) in the case of an electronic seal or electronic signature, secured with one or more methods of authentication in an approved electronic notary solution.
 - (63) "United States" or "U.S." means the term as defined in G.S. 12-3(11).

History Note: Authority G.S. 10B-4; 10B-14(f); 10B-36; 10B-106; 10B-125(b); 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;
Amended Eff. July 1, 2025; July 1, 2024.