

§ 10B-134.3. (Effective July 1, 2024) Types of remote electronic notarial acts; prohibitions.

(a) Upon registration with the Secretary under this Article, an electronic notary may perform any of the notarial acts listed in G.S. 10B-115 by means of communication technology in accordance with this Part. An electronic notary may perform any authorized remote notarial act with respect to electronic documents.

(b) An electronic notary shall not perform a remote electronic notarial act if any of the following applies:

- (1) The remotely located principal's identity cannot be verified under G.S. 10B-134.11.
- (2) Any reason set forth in G.S. 10B-20.
- (3) Any reason set forth in G.S. 10B-134.9.
- (4) The notarial act would be a verification or proof.

(c) Notwithstanding subsection (a) of this section, an electronic notary shall not perform any remote electronic notarial act with regard to any of the following documents:

- (1) A self-proved will executed pursuant to Article 4A of Chapter 31 of the General Statutes.
- (2) A revocable or irrevocable trust or any other document amending the same except for a certification of trust or similar document.
- (3) Repealed by Session Laws 2023-57, s. 9(b), effective July 1, 2024.
- (4) A codicil to a will.
- (5) Any document related to the relinquishment of parental rights under Article 3 of Chapter 48 of the General Statutes.
- (6) Mail-in absentee ballots issued under Article 20 of Chapter 163 of the General Statutes.

(d) The prohibitions in subsection (c) of this section shall not apply when, at the time the remote electronic notarial act is performed, the remotely located principal meets the description in G.S. 10B-134.1(10)b.

(e) No remotely notarized power of attorney may be used by the attorney-in-fact with any other remotely notarized document to convey title to, or transfer any interest in, a remotely located principal's real property. A power of attorney executed by a remotely located principal under this Part shall be recorded in at least one county register of deeds office in this State. This subsection does not apply to powers of attorney executed by a remotely located principal described in G.S. 10B-134.1(10)b. (2022-54, s. 1; 2023-57, ss. 2, 9(b).)