

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 776
Committee Substitute Favorable 5/5/21

Short Title: Remote Online Notarization Act.

(Public)

Sponsors:

Referred to:

May 4, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW REMOTE ONLINE NOTARIZATION.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Chapter 10B of the General Statutes is amended by adding a new
5 Article to read:

6 "Article 4.
7 "Remote Online Notarization Act.
8 "Part 1. General Provisions.

9 **"§ 10B-205. Short title.**

10 This Article is the "Remote Online Notarization Act" and may be cited by that name.

11 **"§ 10B-206. Definitions.**

12 The following definitions apply in this Article:

- 13 (1) Communication technology. – An electronic device, process, or system that
14 allows a remote online notary and a remotely located principal to
15 communicate with each other simultaneously by sight and sound using
16 audiovisual technology and that makes reasonable accommodation for
17 principals with vision, hearing, or speech impairments.
- 18 (2) Communication technology recording. – The simultaneous, synchronous
19 audio and visual recording of a notarial act.
- 20 (3) Credential analysis. – The remote analysis of the characteristics and security
21 features of the identification pursuant to G.S. 10B-3(22)a.
- 22 (4) Electronic. – As defined in G.S. 10B-101(1).
- 23 (5) Electronic document. – As defined in G.S. 10B-101(2).
- 24 (6) Electronic journal. – A secure electronic record of notarial acts that contains
25 the information required under Article 3 of this Chapter and G.S. 10B-230.
- 26 (7) Electronic seal. – As defined in G.S. 10B-101(5).
- 27 (8) Electronic signature. – As defined in G.S. 10B-101(6).
- 28 (9) Identity proofing. – A process or service through which a third party or service
29 affirms the identity of a principal through review of personal information from
30 public or proprietary data sources.
- 31 (10) Outside of the United States. – A location outside the geographic boundaries
32 of the United States, Puerto Rico, the United States Virgin Islands, and any
33 territory, insular possession, or other location subject to the jurisdiction of the
34 United States.



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- 1 (11) Personal appearance. – The use of communication technology by a remotely
 2 located principal to appear before a remote online notary where the remote
 3 online notary is located in the State of North Carolina.
 4 (12) Remote online notarial certificate. – The portion of a notarized electronic
 5 document that is completed by the remote online notary and contains all of the
 6 following:
 7 a. The remote online notary's electronic signature and the remote online
 8 notary's electronic seal.
 9 b. The facts attested to by the remote online notary in a particular
 10 notarization.
 11 c. A statement that a remotely located principal made the
 12 acknowledgment, oath or affirmation, or verification or proof.
 13 d. A statement that the notarization is a remote online notarization
 14 performed using communication technology by a remote online
 15 notary.
 16 (13) Remote online notarization or remote online notarial act. – A notarial act
 17 performed by means of communication technology.
 18 (14) Remote online notary public or remote online notary. – A notary public who
 19 is registered with the Secretary to perform remote online notarizations.
 20 (15) Remote presentation. – Transmission to the remote online notary through
 21 communication technology of an image of a government-issued identification
 22 credential that is of sufficient quality to enable the remote online notary to
 23 perform credential analysis and subsequently identify the principal seeking
 24 the remote online notary public's services.
 25 (16) Remotely located principal. – A principal who is not in the physical presence
 26 of the remote online notary.

27 **"§ 10B-207. Scope of Article.**

28 Articles 1 and 2 of this Chapter apply to all acts authorized under this Article unless the
 29 provisions of Article 1 or Article 2 of this Chapter directly conflict with the provisions of this
 30 Article, in which case provisions of this Article shall control.

31 **"§ 10B-208.** Reserved for future codification purposes.

32 **"§ 10B-209.** Reserved for future codification purposes.

33 "Part 2. Registration.

34 **"§ 10B-210. Qualifications.**

35 A person qualified for a remote online notary registration shall meet all of the qualifications
 36 of Part 2 of Article 2 of this Chapter.

37 **"§ 10B-211.** Reserved for future codification purposes.

38 **"§ 10B-212.** Reserved for future codification purposes.

39 **"§ 10B-213.** Reserved for future codification purposes.

40 **"§ 10B-214.** Reserved for future codification purposes.

41 **"§ 10B-215.** Reserved for future codification purposes.

42 **"§ 10B-216.** Reserved for future codification purposes.

43 **"§ 10B-217.** Reserved for future codification purposes.

44 **"§ 10B-218.** Reserved for future codification purposes.

45 **"§ 10B-219.** Reserved for future codification purposes.

46 "Part 3. Remote Online Notarial Acts; Powers; Limitations.

47 **"§ 10B-220. Types of remote online notarial acts.**

48 (a) The following types of notarial acts may be performed by means of communication
 49 technology:

50 (1) Acknowledgments.

51 (2) Jurats.

1 (3) Verifications or proofs.

2 (4) Oaths or affirmations.

3 (b) A remote online notary may perform any of the notarial acts listed in subsection (a)
4 of this section with respect to tangible records and electronic documents.

5 (c) Upon registration with the Secretary under this Article, a remote online notary may
6 perform any of the notarial acts listed in subsection (a) of this section as an electronic notarization
7 under Article 2 of this Chapter.

8 **"§ 10B-221. Prohibitions.**

9 A remote online notary shall not perform a remote online notarial act if any of the following
10 apply:

11 (1) The principal is not personally known to the remote online notary or identified
12 by satisfactory evidence. A remote online notary who does not have personal
13 knowledge of a principal shall require satisfactory evidence of the principal's
14 identity.

15 (2) Any reason set forth in G.S. 10B-20.

16 (3) Any reason set forth in G.S. 10B-224(b).

17 **"§ 10B-222. Use of communication technology.**

18 (a) The communication technology used by a remote online notary to perform notarial
19 acts for remotely located principals shall, making reasonable accommodations for principals with
20 vision, hearing, or speech impairments, comply with all of the following requirements:

21 (1) Host the meeting between the remote online notary and the remotely located
22 principal in real time.

23 (2) Allow direct interaction between the principal seeking the remote online
24 notary's services and the remote online notary so that each can communicate
25 simultaneously by sight and sound through an electronic device, process, or
26 system.

27 (3) Include audio with sound clear enough that each participant in the remote
28 online notarial act can hear and understand all other participants.

29 (4) Have sufficient quality to allow a clear and unobstructed visual observation
30 of the face of each participant and any identification provided by the principal
31 for a sufficient time to allow the remote online notary to determine if it is
32 satisfactory evidence. The remote online notary shall determine if the time is
33 sufficient.

34 (5) Not include prerecorded video or audio or both.

35 (6) Be capable of recording by the communication technology's recording and
36 storage services.

37 (b) The remote online notary shall take reasonable steps to provide that the
38 communication technology used in a remote online notarization is secure from unauthorized
39 interception. A notary may select one or more tamper-evident technologies to perform notarial
40 acts with respect to electronic documents or to perform remote online notarizations. In addition
41 to any requirements of this Article or established by the Secretary, the communication technology
42 shall provide automated backup of the communication technology recording.

43 (c) No person may require a remote online notary to perform any remote online notarial
44 act using a communication technology the remote online notary has not selected.

45 **"§ 10B-223. Authority to perform remote online notarial acts.**

46 (a) A remote online notary may perform a remote online notarial act authorized under
47 this Article only while the remote online notary is physically located in this State. A remote
48 online notary physically located in this State may perform a remote online notarial act using
49 communication technology for a remotely located principal who is physically located in any of
50 the following places:

51 (1) In this State.

- 1 (2) Outside of this State but within the United States.
2 (3) Outside of the United States, if both of the following apply:
3 a. The remote online notary has no actual knowledge of the remote online
4 notarial act being prohibited in the jurisdiction in which the remotely
5 located principal is physically located.
6 b. The remotely located principal placing an electronic signature on the
7 electronic document confirms to the remote online notary that the
8 requested remote online notarial act and the electronic document are
9 one or more of the following:
10 1. Part of or pertaining to a matter that is to be filed with or is
11 currently before a court, governmental entity, or other entity in
12 the United States.
13 2. Related to real property located in North Carolina.
14 3. Related to property, other than real property, located in the
15 United States.
16 4. Related to a transaction connected to the United States that
17 does not involve the transfer of real property.
18 5. Related to a property right, title, or interest granted by an entity
19 of the United States government or a court in the United States.
20 (b) A remote online notarization performed by a remote online notary of this State
21 according to this Chapter shall be governed by the laws of this State.

22 **"§ 10B-224. Requirements and procedures for remote online notarial acts.**

- 23 (a) All of the following shall occur prior to the performance of a remote online notarial
24 act:
25 (1) The remote online notary shall inform the participants that North Carolina law
26 requires that a communication technology recording be made of the remote
27 online notarization.
28 (2) The remote online notary shall require the principal to demonstrate, to the
29 satisfaction of the remote online notary, that the principal is not under duress
30 and is not otherwise being coerced to complete the transaction.
31 (3) The remote online notary shall verify the identity of the principal as provided
32 in G.S. 10B-225.
33 (4) The principal shall verbally state what documents are being signed for the
34 notarial record or the general nature of the transaction.
35 (b) In addition to the prohibitions contained in G.S. 10B-221, a remote online notary shall
36 refuse to perform a remote online notarial act if any of the following apply:
37 (1) The remote online notary has reasonable grounds to believe the principal is
38 acting under duress or is being coerced into completing the transaction.
39 (2) The remote online notary becomes aware that the communication technology
40 is not secure.
41 (3) The electronic signature of the principal cannot be attached to the electronic
42 document for signature.
43 (4) The remote online notary's electronic notarial certificate and seal cannot be
44 attached to the electronic document using an electronic technology that
45 renders any subsequent change or modification to the document evident.
46 (c) If the notarial act is an oath or affirmation, the remote online notary shall administer
47 the oath or affirmation to the remotely located principal using communication technology.
48 (d) Any failure of the remote online notary to comply with the requirements of the remote
49 online notarization does not invalidate the notarial act or the electronic record that was notarized,
50 but it does not prevent an aggrieved person from seeking to invalidate the record on other
51 substantive grounds.

1 (e) As a public official, a remote online notary shall maintain the confidentiality of a
2 principal's documents at all times.

3 **"§ 10B-225. Verification of identity; identity proofing; credential analysis.**

4 (a) The remote online notary shall verify the principal's identity using one of the
5 following:

6 (1) The remote online notary's personal knowledge of the person creating the
7 electronic signature. A remote online notary may rely on the communication
8 technology to verify the principal's identity unless the remote online notary,
9 in the remote online notary's sole discretion, requires satisfactory evidence.

10 (2) By a verification or oath or affirmation of a credible witness personally
11 appearing before the remote online notary and known to the notary or whom
12 the officer can identify on the basis of a passport, drivers license, or
13 government-issued nondriver identification card, which is current, before
14 performance of the notarial act.

15 (3) Satisfactory evidence as provided in subsection (b) of this section.

16 (b) Satisfactory evidence may be established using either of the methods in subdivisions
17 (1) and (2) of this subsection.

18 (1) Examination of the following which may be remotely presented as further
19 described in this Article:

20 a. Either of the following that contains the signature or a photograph of
21 the principal and is satisfactory to the notary:

22 1. A current passport, drivers license, or government-issued
23 nondriver identification card.

24 2. Another current form of government identification issued to a
25 principal.

26 b. By a verification on oath or affirmation of a credible witness
27 personally appearing before the officer and known to the notary or
28 whom the officer can identify on the basis of a current passport, drivers
29 license, or government-issued nondriver identification card.

30 (2) Two forms of multifactor authentication, identity proofing and credential
31 analysis, approved by the Secretary.

32 (c) Notwithstanding subsection (b) of this section, a remote online notary may require
33 the principal to provide additional information or identification credentials necessary to assure
34 the remote online notary of the identity of the principal.

35 **"§ 10B-226. Notarial components of electronic document.**

36 In performing a remote online notarial act utilizing communication technology under this
37 Article, all of the following components shall be attached to, or logically associated with, the
38 electronic document by the remote online notary, all of which shall be immediately perceptible
39 and reproducible in the electronic record to which the remote online notary's electronic signature
40 is attached:

41 (1) The notary's name, state, and county of commissioning exactly as stated on
42 the commission issued by the Secretary.

43 (2) The words "Remote Online Notary Public Utilizing Communication
44 Technology."

45 (3) The words "State of North Carolina."

46 (4) The expiration date of the commission.

47 (5) The notary's electronic signature.

48 (6) The completed wording of one of the following notarial certificates:

49 a. Acknowledgment.

50 b. Jurat.

51 c. Verification or proof.

1 d. Oath or affirmation.

2 "**§ 10B-227. Electronic notarization and remote online notarization.**

3 When using an electronic notarization as well as conducting a remote online notarization, the
4 remote online notary shall comply with the requirements of Articles 1 and 2 of this Chapter. Each
5 remote online notarization shall include a communication technology recording. There shall be
6 no requirement that the communication technology recording further include any transactions
7 other than the remote online notarial act unless the Secretary specifies a requirement to also
8 record interactions of those particular transactions.

9 "**§ 10B-228.** Reserved for future codification purposes.

10 "**§ 10B-229.** Reserved for future codification purposes.

11 "Part 4. Remote Online Electronic Journal; Recordings; Security.

12 "**§ 10B-230. Electronic journal of remote online notarial acts.**

13 (a) A remote online notary who performs a remote online notarization shall enter
14 information about the remote online notarization in an electronic journal. The electronic journal
15 shall be the exclusive property of the remote online notary. The remote online notary shall not
16 allow another person to make entries in the electronic journal.

17 (b) At a minimum and for each remote online notarization, the remote online notary shall
18 include the following information in the electronic journal:

19 (1) The time of day when the remote online notary observed the signing of the
20 document by each principal and was presented with the principal's satisfactory
21 evidence of identification.

22 (2) The date of the completion of the remote online notarial certificate.

23 (3) The last and first name of each principal.

24 (4) The type of notarial act performed.

25 (5) The type of document notarized or proceeding performed.

26 (6) The type of satisfactory evidence of identification presented, including, if
27 applicable, the issuing agency and identification number on the identification
28 presented.

29 (7) The type of communication technology used during the remote online
30 notarization.

31 (8) Whether any other person was present with the principal at the time of
32 signature and, if so, the name of that person.

33 (9) The fee, if any, charged by the remote online notary.

34 (c) A third party involved in a transaction that utilizes remote online notarization may
35 require additional information regarding that transaction be included in the electronic journal
36 kept by the remote online notary.

37 (d) A remote online notary; guardian, conservator, or agent of a remote online notary; or
38 a personal representative of a deceased remote online notary shall retain a communication
39 technology recording of the performance of each remote online notarial act for 10 years after the
40 performance of the notarial act. A remote online notary; guardian, conservator, or agent of a
41 remote online notary; or a personal representative of a deceased remote online notary may, by
42 written contract, engage a third party, including the communication technology provider, to act
43 as a depository to provide the storage required by this section. The contract shall:

44 (1) Enable the remote online notary; guardian, conservator, or agent of a remote
45 online notary; or a personal representative of a deceased remote online notary
46 to comply with the retention requirements of this section even if the contract
47 is terminated; or

48 (2) Provide that the information will be transferred to the remote online notary;
49 guardian, conservator, or agent of a remote online notary; or a personal
50 representative of a deceased remote online notary if the contract is terminated.

1 (e) On resignation from, or the revocation or suspension of, a remote online notary's
2 commission, the remote online notary shall retain the electronic journal in accordance with the
3 requirements of this section and G.S. 10B-231.

4 (f) A remote online notary may designate a steward to do any of the following:

5 (1) Maintain the electronic journal and any backup copies thereof.

6 (2) Retain a communication technology recording of the notarial act performed
7 and any backup copies thereof.

8 (3) Provide a method by which a remote online notary can do any of the
9 following:

10 a. Access the electronic journal.

11 b. Access the communication technology recording.

12 c. Export the electronic journal.

13 d. Export the communication technology recording.

14 (g) A remote online notary shall designate a steward, who must be a third-party vendor
15 approved by the Secretary, to receive and maintain the remote online notary's electronic journal
16 and all other notarial records under this Article for the time period and in a manner as required
17 by law or by rule adopted by the Secretary as follows:

18 (1) Upon resignation, revocation, or expiration of a notary commission, the
19 remote online notary shall deliver to the steward all notarial records required
20 by statute or rule to the steward.

21 (2) Upon the death or adjudication of incompetency of a current or former remote
22 online notary, the remote online notary's personal representative or guardian
23 or any other person knowingly in possession of the electronic journal and
24 other notarial records shall transmit the same to the steward.

25 **"§ 10B-231. Security measures by notary; surrender of journal; etc.**

26 (a) A remote online notary shall comply with all of the following security requirements:

27 (1) All records of journal entries and communication technology recordings shall
28 be securely stored in a repository under the control of the remote online notary
29 or with a steward duly appointed under the terms of this Article. The steward
30 may be a third-party vendor approved by the Secretary for handling, securely
31 storing, or handling and securely storing the records of remote online
32 notarizations with data protection safeguards consistent with generally
33 accepted information security standards.

34 (2) Take reasonable steps to ensure that the communication technology
35 recordings are secure from interception from an unauthorized third party
36 during transmission between participants involved in a notarial act. The
37 communication technology used by the remote online notary shall employ
38 data protection safeguards consistent with generally accepted information
39 security standards.

40 (3) Retain the electronic journal and a backup copy of the electronic journal in a
41 secure location for 10 years after the last notarization chronicled in the
42 electronic journal. The same requirement applies if the remote online notary
43 also maintained a tangible journal of remote online notarial acts. The notary
44 may maintain an electronic journal in an electronic form in a permanent,
45 tamper-evident electronic format.

46 (b) A remote online notary may surrender the electronic journal to the remote online
47 notary's employer upon termination of employment, but the remote online notary shall also keep
48 and maintain an accurate backup copy of the journal for 10 years.

49 (c) Except as provided in subsection (b) of this section, the notary shall not surrender or
50 destroy the electronic journal or the communication technology recordings of notarial acts except
51 as required by a court order or as allowed under rules adopted by the Secretary.

1 (d) Within 10 days of discovering any permanent loss of data, unauthorized use, loss of
2 use, or compromise of security of the electronic journal or the communication technology
3 recordings of notarial acts, the remote online notary shall do all of the following:

4 (1) Inform the appropriate law enforcement agency in the case of theft, tampering,
5 or vandalism.

6 (2) Notify the appropriate register of deeds and the Secretary in writing and signed
7 in the official name in which the remote online notary was commissioned. The
8 notice shall indicate whether there was any permanent loss of data,
9 unauthorized use, loss of use, or compromise of security of the electronic
10 journal or the communication technology recordings of notarial acts.

11 (e) The failure of a remote online notary to produce within 30 days of the Department's
12 request any record required by a rule adopted under this Article shall result in the suspension of
13 the remote online notary's power to act as a notary under the provisions of this Chapter until the
14 Secretary reinstates the notary's commission.

15 **"§ 10B-232. Security measures by Secretary.**

16 (a) The Secretary may establish guidelines for the secure storage of the electronic journal
17 and communication technology recording associated with the notarial acts that utilizes standard
18 encryption technologies such as Advanced Encryption Standard (AES) or
19 Rivest-Shamir-Adleman (RSA) encryption.

20 (b) The Secretary may establish, supplement, or amend third-party service guidelines for
21 standards and processes for identity proofing and credential analysis services so that third-party
22 vendors interacting with remote online notaries satisfy the security qualifications of establishing
23 the identity of the principal.

24 (c) The Secretary may establish standards and processes for the communication
25 technology to allow real-time communications such that the participants can see and hear notarial
26 acts. The standards and processes shall ensure that the real-time communications are secure from
27 unauthorized interception, access, or viewing. The Secretary may require that the communication
28 technology used to perform online notarial acts is capable of all of the following:

29 (1) Provides for continuous, synchronous audiovisual feeds.

30 (2) Provides sufficient video resolution and audio clarity to enable the notary and
31 the principal to see and speak with each other simultaneously through live,
32 real-time transmission.

33 (3) Provides sufficient captured image resolution for credential analysis to be
34 performed.

35 (4) Includes a means of authentication that reasonably ensures only authorized
36 parties have access to the communication technology and communication
37 technology recordings.

38 (5) Provides some manner of ensuring that the electronic record presented for
39 online notarization is the same record electronically signed by the principal.

40 (6) Securely creating and storing or transmitting securely to be stored a
41 communication technology recording of the communication technology
42 recording, keeping confidential the questions asked as part of any identity
43 proofing and the means and methods used to generate the credential analysis.

44 (d) The Secretary may establish standards for tamper-evident technologies such that any
45 subsequent change or modification to the record is self-evident.

46 (e) A remote online notary shall use a communication technology provided by a
47 third-party vendor that has presented evidence to the Secretary that the communication
48 technology complies with the applicable industry standards for the industry in which it is to be
49 utilized. At a minimum, the communication technology should provide reasonable security
50 measures to prevent unauthorized access to:

51 (1) The live transmission of the remote online notarial act.

1 (2) Any communication technology recording of the remote online notarial act.
2 (3) The verification methods and credentials used to verify the identity of the
3 principal.

4 (4) The electronic documents presented for remote online notarization.

5 (f) The Secretary may adopt other rules necessary to ensure the integrity, security, and
6 authenticity of remote online notarizations. In adopting other rules, the Secretary may impose
7 other education requirements on remote online notaries, prescribe the manner of performing
8 remote online notarial acts, and include provisions relating to the integrity and security of the
9 information. In adopting, amending, or repealing a rule governing the performance of a notarial
10 act with respect to a remotely located principal, the Secretary may consider:

11 (1) The most recent standards promulgated by national standard-setting
12 organizations and the National Association of Secretaries of State.

13 (2) Standards, practices, and customs of other jurisdictions that have laws
14 substantially similar to this Article.

15 (3) The view of government officials and entities and other interested persons.

16 (4) The feedback of the advisory committee which may be created under this
17 Article.

18 (5) What is in the best interest of the State as consistent with G.S. 10B-2. This
19 may be accomplished when and if the Secretary chooses to create an advisory
20 committee consisting of stakeholders from different sectors that may be
21 technology providers, insurance agents, lenders, and other industries that are
22 considered consumers of notarial services. All members of the advisory
23 committee must be residents of this State. Members shall be appointed by the
24 Secretary for a duration of time to be determined by the Secretary and may be
25 removed from the advisory committee at the discretion of the Secretary. The
26 advisory committee shall serve as advisors for the Secretary for purposes of
27 ensuring that the requirements of G.S. 10B-2 are being satisfied. The advisory
28 committee shall have no executive or rulemaking authority.

29 (g) If the Secretary has established standards regarding technology to perform notarial
30 acts with respect to electronic documents or to perform remote online notarizations, the
31 technology chosen by the remote online notary shall conform to those standards. If the Secretary
32 has established standards under this Article for approval of communication technology or identity
33 proofing, the communication technology and identity proofing selected by the notary must
34 conform to the standards.

35 (h) In addition to adopting rules under this Article, the Secretary may adopt rules
36 regarding performance of a notarial act. The rules may:

37 (1) Prescribe the means of performing a notarial act involving a remotely located
38 principal using communication technology.

39 (2) Establish standards for communication technology, identity proofing, and
40 credential analysis.

41 (3) Establish requirements or procedures to approve providers of communication
42 technology and the process of identity proofing and credential analysis.

43 (4) Establish standards and a period for the retention of a communication
44 technology recording created under this Article for notarial acts for a period
45 of no more than 10 years.

46 "§ 10B-233. Reserved for future codification purposes.

47 "§ 10B-234. Reserved for future codification purposes.

48 "§ 10B-235. Reserved for future codification purposes.

49 "§ 10B-236. Reserved for future codification purposes.

50 "§ 10B-237. Reserved for future codification purposes.

51 "§ 10B-238. Reserved for future codification purposes.

1 "§ 10B-239. Reserved for future codification purposes.

2 "Part 5. Papering Out.

3 "§ 10B-240. Papering out of electronic records in tangible form.

4 (a) A paper or tangible copy of an electronic document that an attorney licensed under
5 the laws of this State has certified to be a true and correct copy under subsection (b) of this section
6 satisfies any requirement of law that, as a condition for recording, filing, or submission, the
7 document must comply with all of the following requirements:

8 (1) Is an original or in writing.

9 (2) Is signed or contains an original signature, if the document contains an
10 electronic signature of the person required to sign the document.

11 (3) Is notarized, acknowledged, verified, witnessed, or made under oath, if the
12 document contains an electronic signature of the person authorized to perform
13 that act, and all other information required to be included.

14 (b) An attorney licensed under the laws of this State may certify that a paper or tangible
15 copy of an electronic document is a true and correct copy of the electronic document provided
16 that the attorney has reasonably confirmed that the electronic document is in a tamper-evident
17 format and the attorney:

18 (1) Detected no changes or errors in any electronic signature or other information
19 in the electronic document.

20 (2) Personally printed or supervised the printing of the electronic document onto
21 paper or other tangible medium.

22 (3) Has not made any changes or modifications to the electronic document or to
23 the paper or tangible copy thereof other than the certification described in this
24 subsection.

25 (c) A State or local official charged with recording, filing, or submitting documents who
26 does not have an electronic recording system, if the electronic recording system is not operational
27 at any time, or if the electronic recording system does not accept the type of document being
28 submitted, shall record a paper or tangible copy of a document that is otherwise entitled to be
29 recorded under the laws of this State, provided that the paper or tangible copy has been
30 certified by an attorney who prepared the electronic document or has access to the original
31 electronic document to be a true and correct copy of an electronic document under subsection (b)
32 of this section as evidenced by a certification. The certification shall comply with all of the
33 following requirements:

34 (1) Is signed and dated by the attorney.

35 (2) Identifies the jurisdiction in which the certification is performed.

36 (3) Indicates the capacity in which the attorney is issuing the certification.

37 (d) The following form of certification is sufficient for the purposes of this section, if
38 completed with the information required by subsection (c) of this section:

39 State of _____

40 County of _____

41 I certify that the foregoing and annexed document [entitled _____] [dated
42 _____] [and] containing [] pages is a true and correct copy of an electronic document
43 printed by me or under my supervision. I further certify that, at the time of printing, no security
44 features present on the electronic document indicated any changes or errors in an electronic
45 signature or other information in the electronic document since its creation or execution.

46 _____
47 Signature of Attorney

48 North Carolina State Bar Number

49 Notarial Certificate as required by law

50 (e) If a certification is completed in the manner required by subsection (d) of this section
51 and is attached to or made a part of a paper or tangible document, the certification is prima facie

1 evidence that the requirements of subsection (b) of this section have been satisfied with respect
2 to the document.

3 (f) This section does not apply to a plat, map, or survey of real property if under another
4 law of this State:

5 (1) There are requirements of format or medium for the execution, creation, or
6 recording of such plat, map, or survey beyond the requirements applicable to
7 a deed to real property; or

8 (2) The plat, map, or survey must be recorded in a different location than a deed
9 to real property.

10 (g) As used in this section, "document" shall mean information that is inscribed on a
11 tangible medium or that is stored in an electronic or other medium and is retrievable in
12 perceivable form.

13 "§ 10B-241. Reserved for future codification purposes.

14 "§ 10B-242. Reserved for future codification purposes.

15 "§ 10B-243. Reserved for future codification purposes.

16 "§ 10B-244. Reserved for future codification purposes.

17 "§ 10B-245. Reserved for future codification purposes.

18 "Part 6. Special Situations.

19 "§ 10B-246. Real estate transactions.

20 (a) Nothing in this Article shall be construed to alter or supersede the law as set forth in
21 Chapter 84 of the General Statutes, G.S. 10B-20(i) through (k), G.S. 75-1.1, or any opinion or
22 ruling by the North Carolina State Bar or a North Carolina court of competent jurisdiction and
23 pertaining to the unauthorized practice of law in this State, including, but not limited to, the
24 requirements that a licensed North Carolina attorney shall supervise a residential real estate
25 closing under Authorized Practice Advisory Opinion 2002-1 issued by the North
26 Carolina State Bar and perform any and all services defined as the practice of law for real
27 property located in this State.

28 (b) A remote online notary who is not a licensed North Carolina attorney is prohibited
29 from rendering services or advice that constitutes the practice of law in this State.

30 "§ 10B-247. Reserved for future codification purposes.

31 "§ 10B-248. Reserved for future codification purposes.

32 "§ 10B-249. Reserved for future codification purposes.

33 "§ 10B-250. Reserved for future codification purposes."

34 **SECTION 2.** G.S. 10B-2 reads as rewritten:

35 **"§ 10B-2. Purposes.**

36 This Chapter shall be construed and applied to advance its underlying purposes, which are
37 the following:

38 (1) To promote, serve, and protect the public interests.

39 (2) To simplify, clarify, and modernize the law governing notaries.

40 (3) To prevent fraud and forgery.

41 (4) To foster ethical conduct among notaries.

42 (5) To enhance interstate recognition of notarial acts.

43 (6) To integrate procedures for ~~traditional paper and electronic notarial acts.~~ all of
44 the following notarial acts:

45 a. Traditional paper.

46 b. Electronic.

47 c. Remote online."

48 **SECTION 3.** This act becomes effective January 1, 2022.