§ 10B-134.1. Definitions.

The following definitions shall apply in this Article:

(1) Communication technology. – An electronic device, process, or system that allows an electronic notary and a remotely located principal to communicate with each other simultaneously by sight and sound using audiovisual technology and that makes reasonable accommodations for remotely located principals with vision, hearing, or speech impairments.

(2) Communication technology recording. – The simultaneous, synchronous audio and visual recording of the notarial act.

(3) Credential analysis. – A process or service through which a third-party vendor performs a remote analysis of the characteristics and security features of each identification of the remotely located principal pursuant to G.S. 10B-3(22)a.

(3a) Custodial services. – Services approved by the Secretary and selected by the notary to provide long-term storage of the electronic journal and communications technology recordings.

(3b) Custodian. – The person providing the custodial services. The custodian may but need not be the same as the depository.

(3c) Depository. – The person or platform providing the depository services.

(3d) Depository services. – Storage services provided by the platform of the electronic journal entries and communications technology recordings as they are entered.

(4) Electronic journal. – A secure record of remote electronic notarial acts that contains the information required under G.S. 10B-134.15.

(4a) Geolocation. – Identification of the geographical location of a remotely located principal or device used by a remotely located principal through the use of global positioning systems or other digital information processed via the internet.

(5) Identity proofing. – A process or service through which a third-party vendor affirms the identity of a remotely located principal through review of personal information from public or proprietary data sources.

(6) Platform. – The online platform utilizing the communication technology, credential analysis, and identity proofing and including communication technology recordings, geolocation, electronic journals, and depository services in order to perform the remote electronic notarial act.

(7) Remote electronic notarial certificate. – The portion of a notarized electronic document that is completed by the electronic notary and contains all of the following:

a. The electronic notary's electronic signature and the electronic notary's electronic seal.

b. The facts attested to by the electronic notary in a particular notarization.

c. A statement in the acknowledgement, jurat, or verification certificate identifying where the remotely located principal was physically located at the time of the remote electronic notarization.

d. A statement that the notarization is a remote electronic notarization performed using communication technology by an electronic notary.

(8) Remote electronic notarization or remote electronic notarial act. – A notarial act performed by means of communication technology.

(9) Repealed by Session Laws 2023-57, s. 9(a), effective July 1, 2024.

(10) Remotely located principal. – A principal who is not in the physical presence of the electronic notary and who is located at the time of the remote electronic notarial act in any of the following places:
   a. Inside the United States.
   b. Outside the United States and physically on the military installation or vessel named in the military orders assigning the member to active duty for more than 120 days, provided the remotely located principal is a member, spouse of a member, or dependent of a member of the Armed Forces of the United States.
   c. Outside the United States at any of the following locations:
      1. United States Embassy.
      2. United States Consulate.
      3. United States Diplomatic Mission.

(10a) Self-attestation. – A remotely located principal's written, verbal, or electronic declaration and confirmation of that remotely located principal's geographical location at the time of the remote electronic notarial act given under penalty of perjury.

(11) Tamper-evident. – Any change, interference, or alteration to a record that is patently plain and obvious.

(12) Third-party vendor. – Any person providing credential analysis, identity proofing, or custodial services to electronic notaries. (2022-54, s. 1; 2023-57, ss. 2, 9(a); 2024-47, s. 5(a).)