A BILL TO BE ENTITLED
AN ACT TO ALLOW REMOTE ONLINE NOTARIZATION.

The General Assembly of North Carolina enacts:

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


"§ 10B-205. Short title.
This Article is the "Remote Online Notarization Act" and may be cited by that name.

"§ 10B-206. Definitions.
The following definitions apply in this Article:

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

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

(3) Credential analysis. – The remote analysis of the characteristics and security features of identity cards.

(4) Electronic. – As defined in G.S. 10B-101(1).

(5) Electronic document. – As defined in G.S. 10B-101(2).

(6) Electronic journal. – A secure electronic record of notarial acts that contains the information required under this Article.

(7) Electronic seal. – As defined in G.S. 10B-101(5).

(8) Identity proofing. – A process or service through which a third person affirms the identity of an individual through review of personal information from public or proprietary data sources.

(9) Remote online notarial certificate. – The portion of a notarized electronic document that is completed by the remote online notary and contains all of the following:
   a. The remote online notary's electronic signature and the remote online notary's electronic seal.
   b. A statement of the facts attested to by the remote online notary in a particular notarization.
c. A statement that a remotely located individual made the acknowledgment, oath or affirmation, or verification or proof.

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

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

(11) Remote online notary public or remote online notary. – A notary public who is registered with the Secretary to perform remote online notarizations provided the notary is physically present in this State at the time of the notarial act.

(12) Remote presentation. – Transmission to the remote online notary through communication technology of an image of a government-issued identification credential that is of sufficient quality to enable the remote online notary to identify the individual seeking the remote online notary public's services and perform credential analysis.

(13) Remotely located individual. – An individual who is physically present in this State at the time of the notarial act but is not in the physical presence of the notary.

"§ 10B-207. Scope of Article.

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

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

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

"Part 2. Registration.

"§ 10B-210. Qualifications.

(a) A person qualified for a remote online notary registration shall meet all of the following requirements:

(1) Hold a valid commission as a notary public in the State of North Carolina.

(2) Except as otherwise provided, abide by all the provisions of Article 1, Article 2, or both of this Chapter.

(3) Satisfy the requirements of G.S. 10B-107.

(4) Submit an electronic registration form containing no significant misstatement or omission of fact.

(b) The Secretary may deny a registration as a remote online notary as authorized in G.S. 10B-5(d).

"§ 10B-211. Registration with the Secretary of State.

(a) Before performing remote online notarial acts, a notary shall do all of the following:

(1) Register the capability to perform electronic notarial acts with the Secretary under Article 2 of this Chapter.

(2) Identify the communication technology the notary intends to use to perform remote online notarial acts, identity proofing, and credential analysis.

(b) The term of registration as a remote online notary shall coincide with the term of the notary's commission under Articles 1 and 2 of this Chapter.

(c) A notary may register or reregister the capability to perform remote online notarial acts at the same time the notary applies for recommissioning under the requirements of Articles 1 and 2 of this Chapter.

(d) The registrant shall use an electronic form developed by the Secretary when registering under this Article, and the form shall include at least all of the following:
§ 10B-212. Course of instruction.

(a) Before performing remote online notarial acts, the notary shall take a course of instruction of at least two hours approved by the Secretary and pass an examination of this course. This requirement is in addition to the educational requirements provided in Articles 1 and 2 of this Chapter.

(b) The content of the course and the basis for the examination shall be notarial laws, procedures, technology, and ethics as they pertain to remote online notarization.

(c) The notary may also take necessary courses and receive necessary approvals as may be required by the various notarial communication technologies.

§ 10B-213. Fees for registration.

The fee payable to the Secretary for registering or reregistering as a remote online notary is ten dollars ($10.00), which shall be in addition to the fee required in G.S. 10B-13 and G.S. 10B-108. All funds received by the Secretary under this section shall be deposited into the General Fund.

§ 10B-214. Database of remote online notaries.

The Secretary shall maintain an electronic database that includes all remote online notaries who register under this Article. Any person may use the database to verify the authority of a notary to perform remote online notarial acts. The database shall indicate whether a notary public has notified the commissioning officer or agency that the notary public will be performing notarial acts on electronic documents.


(a) The remote online notary shall register with the Secretary any device employing an approved communication technology.

(b) If the registration of the device used to employ the approved communication technology is either expired or is changed during the remote online notary’s term of office, the notary shall cease performing remote online notarizations until:

(1) A new device is duly issued or registered to the notary; and
An electronically signed notice is sent to the Secretary that shall include the starting and expiration dates of any new registration term.

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

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

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

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

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

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

(a) Except as provided in subsection (b) of this section, the following types of notarial acts may be performed by means of communication technology:

(1) Acknowledgments.
(2) Jurats.
(3) Verifications or proofs.
(4) Oaths or affirmations.

(b) A remote online notary shall not perform any of the notarial acts listed in subsection (a) of this section 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) An advance directive for a natural death executed pursuant to Article 23 of Chapter 90 of the General Statutes.
(3) A health care power of attorney executed pursuant to Article 3 of Chapter 32A of the General Statutes.
(4) A revocable or irrevocable trust or any document amending the same.
(5) A death beneficiary form that requires a acknowledgment.
(6) A durable power of attorney except a statutory limited power of attorney for real estate.
(7) A codicil to a will.
(8) Any document related to the renunciation of parental rights in an adoption.

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

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

"§ 10B-221. Prohibitions.

A remote online notarization shall not be performed if the principal:

(1) Is not personally known to the remote online notary or identified by satisfactory evidence. A remote online notary who has personal knowledge of a principal may rely on the communication technology to verify the principal's identity unless the remote online notary, in the remote online notary's sole discretion, requires satisfactory evidence. A remote online notary who does not have personal knowledge of a principal shall require satisfactory evidence of the principal's identity.

(2) For any reason set forth in G.S. 10B-20.

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

(a) All of the following requirements apply to the use of communication technology for remote online notarial acts:

(1) Occurs in real time.
(2) Allows direct interaction between the principal seeking the remote online notary's services and the remote online notary so that each can communicate simultaneously by sight and sound through an electronic device, process, or system.
(3) Includes audio with sound clear enough that each participant in the remote online notarial act can hear and understand all other participants.

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

(5) Is not prerecorded video or audio or both.

(6) Is capable of recording by means of one of the following:
   a. The communication technology's recording and storage services.
   b. An independent video recording device.
   c. Electronically saved screenshots clearly showing each participant's face, identification presented by the principal, and the notarized document.

(b) The remote online notary shall take reasonable steps to provide that the communication technology used in a remote online notarization is secure from unauthorized interception. A notary may select one or more tamper-evident technologies to perform notarial acts with respect to electronic documents or to perform remote online notarizations. In addition to any requirements of this Article or established by the Secretary, the communication technology shall (i) facilitate the process of collecting any required notarial records, (ii) provide a method by which a remote online notary can access and export the notarial records, and (iii) provide automated backup of the notarial records and communication technology recording to ensure redundancy.

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

§ 10B-223. Requirements and procedures for remote online notarial acts.

(a) All of the following shall occur prior to the performance of a remote online notarial act:

   (1) The principal shall verbally verify that he or she is physically present in North Carolina at the time of the notarial act and also identify the county where he or she is located at the time of the notarial act.

   (2) The remote online notary shall inform the participants whether North Carolina law requires that a communication technology recording be made of the remote online notarization.

   (3) The remote online notary shall require the principal to demonstrate, to the satisfaction of the remote online notary, that the principal is not under duress and is not otherwise being coerced to complete the transaction.

   (4) The remote online notary shall verify the identity of the principal as provided in G.S. 10B-224.

   (5) The principal shall verbally state what documents are being signed for the notarial record or the general nature of the transaction.

(b) In addition to the prohibitions contained in G.S. 10B-221, a remote online notary shall refuse to perform a remote online notarial act if any of the following apply:

   (1) The remote online notary has reasonable grounds to believe the principal is acting under duress or is being coerced into completing the transaction.

   (2) The remote online notary has reasonable grounds to believe the principal is not physically located in North Carolina at the time of the remote online notarization.

   (3) The remote online notary becomes aware that the communication technology is not secure.
(4) The electronic signature of the principal cannot be attached to the electronic document for signature.

(5) The remote online notary’s electronic notarial certificate and seal cannot be attached to the electronic document using an electronic technology that renders any subsequent change or modification to the document evident.

(c) The remote online notary shall use communication technology to observe each principal sign each document that is to be notarized. If the notarial act is an oath or affirmation, the remote online notary shall administer the oath or affirmation to the remotely located individual using communication technology.

(d) The requirement of personal appearance, appear in person before a notary, physical presence, and presence, as those terms are used in this Chapter, are satisfied for the purpose of a remote online notarization if the remote online notary and the remotely located individual are both physically present in North Carolina at the time of the notarial act and both use communication technology that complies with the requirements of this Article.

(e) Any failure of the remote online notary to comply with the requirements of the remote online notarization does not invalidate the notarial act or the electronic record that was notarized, but it does not prevent an aggrieved person from seeking to invalidate the record.

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

§ 10B-224. Verification of identity; identity proofing; credential analysis.

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

1. The remote online notary’s personal knowledge of the person creating the electronic signature.

2. Satisfactory evidence as provided in subsection (c) of this section.

(b) Satisfactory evidence may be established using the methods in subdivision (1) of this subsection, subdivision (2) of this subsection, or both.

1. In-person examination of the following which may be remotely presented as further described in this Article:

   a. Either of the following that contains the signature or a photograph of the individual [current law requires both], and is satisfactory to the notary:
      1. A passport, drivers license, or government-issued nondriver identification card, which is current before performance of the notarial act.
      2. Another form of government identification issued to an individual, which is current before performance of the notarial act.

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

2. Identity proofing and credential analysis pursuant to subsection (c) of this section.

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

(d) A remote online notarial act performed under this Article using identity proofing and credential analysis shall comply with this section unless modified by the Secretary. A notary may obtain satisfactory evidence of the identity of the remotely located individual by using identity...
proofing and credential analysis which are generally accepted in the industry in which the
document is to be utilized.

(1) Identity proofing may include a knowledge-based authentication with these or
greater security characteristics:
   a. The signer must be presented with five or more questions with a
      minimum of five possible answer choices per question.
   b. Each question must be drawn from a third-party provider of public and
      proprietary data sources and be identifiable to the signer's social
      security number or other identification information, or the signer's
      identity and historical events records.
   c. Responses to all questions must be made within a two-minute time
      constraint.
   d. The signer must answer a minimum of eighty percent (80%) of the
      questions correctly.
   e. The signer may be offered an additional attempt in the event of a failed
      first attempt.
   f. During the second attempt, the signer may not be presented with more
      than three questions from the prior attempt.

(2) Credential analysis must confirm that the credential is valid and matches the
   signer's claimed identity using one or more automated software or hardware
   processes that scan the credential, including its format features, data, bar
   codes, or other security elements.


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

(1) The notary's name, State, and county of commissioning exactly as stated on
    the commission issued by the Secretary.
(2) The words "Remote Online Notary Public Utilizing Communication
    Technology."
(3) The words "State of North Carolina."
(4) The expiration date of the commission.
(5) The notary's electronic signature.
(6) The completed wording of one of the following notarial certificates:
   a. Acknowledgment.
   b. Jurat.
   c. Verification or proof.
   d. Oath or affirmation.

"§ 10B-226. Electronic notarization and remote online notarization.

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

"§ 10B-227. Maximum fees.

(a) For performing notarial acts, the maximum fees that may be charged by a notary are as
    follows:
    (1) For acknowledgments, up to fifty dollars ($50.00) per signature.
    (2) For jurats, up to fifty dollars ($50.00) per signature.
1. (3) For verifications or proofs, up to fifty dollars ($50.00) per signature.
2. (4) For oaths or affirmations, up to fifty dollars ($50.00) per signature.
3. (b) The maximum fees for remote online notarization are in addition to the maximum fees for electronic notarization.

"§ 10B-228. Reserved for future codification purposes.
"§ 10B-229. Reserved for future codification purposes.

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

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

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

1. The time of day when the remote online notary observed the signing of the document by each principal and was presented with the principal’s satisfactory evidence of identification.
2. The date of the completion of the remote online notarial certificate.
3. The last and first name of each principal.
4. The type of notarial act performed.
5. The type of document notarized or proceeding performed.
6. The type of satisfactory evidence of identification presented, including, if applicable, the issuing agency and identification number on the identification presented or the identity proofing and credential analysis service provided by third-party vendors.
7. The type of communication technology used during the remote online notarization.
8. A statement that the remote online notary and each principal could see and hear each other.
9. Whether any other person was present with the principal at the time of signature and, if so, the name of that person.
10. The fee, if any, charged by the remote online notary.

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

(d) The remote online notary shall retain a communication technology recording of the performance of each remote online notarial act.

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

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

1. Maintain the electronic journal and any backup copies thereof.
2. Retain a communication technology recording of the notarial act performed and any backup copies thereof.
3. Provide a method by which a remote online notary can do any of the following:
   a. Access the electronic journal.
   b. Access the communication technology recording.
   c. Export the electronic journal.
   d. Export the communication technology recording.
(g) Upon the death or adjudication of incompetency of a current or former remote online notary, the notary's personal representative or guardian, or any other person or custodian knowingly in possession of the electronic journal shall transmit it to the Secretary or otherwise as directed by rules adopted by the Secretary.

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

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

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

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

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

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

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

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

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

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

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

(f) Upon resignation, revocation, or expiration of a notary commission, or death of the notary, all notarial records required by statute or rule shall be delivered to the Secretary.

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

(a) The Secretary may establish guidelines for the secure storage of the electronic journal and communication technology recording associated with the notarial acts that utilizes standard encryption technologies such as Advanced Encryption Standard (AES) or Rivest-Shamir-Adleman (RSA) encryption.
The Secretary may establish, supplement, or amend third-party service guidelines for standards and processes for identity proofing and credential analysis services so that third-party vendors interacting with remote online notaries satisfy the security qualifications of establishing the identity of the principal.

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

1. Provides for continuous, synchronous audio-visual feeds.
2. Provides sufficient video resolution and audio clarity to enable the notary and the principal to see and speak with each other simultaneously through live, real-time transmission.
3. Provides sufficient captured image resolution for credential analysis to be performed.
4. Includes a means of authentication that reasonably ensures only authorized parties have access to the audio-video communication.
5. Provides some manner of ensuring that the electronic record presented for online notarization is the same record electronically signed by the principal.
6. Securely creating and storing or transmitting securely to be stored a communication technology recording of the audio-video communication, keeping confidential the questions asked as part of any identity proofing and the means and methods used to generate the credential analysis.

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

The Secretary may require the remote online notary to use a communication technology provided by a third-party vendor that has presented evidence to the Secretary that the communication technology complies with the applicable industry standards for the industry in which it is to be utilized. At a minimum, the communication technology should provide reasonable security measures to prevent unauthorized access to:

1. The live transmission of the audio-video communication.
2. Any communication technology recording of the audio-video communication.
3. The verification methods and credentials used to verify the identity of the principal.
4. The electronic documents presented for online notarization.

The Secretary may adopt other rules necessary to ensure the integrity, security, and authenticity of remote online notarizations. In adopting other rules, the Secretary may impose other education requirements on remote online notaries, prescribe the manner of performing remote online notarial acts, and include provisions relating to the integrity and security of the information. In adopting other rules, the Secretary may consider the following:

1. The most recent standards promulgated by national standard-setting organizations and the National Association of Secretaries of State.
2. Standards, practices, and customs of other jurisdictions.
3. The view of government officials and entities and other interested persons.
4. The feedback of the advisory committee which may be created under this Article.

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

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

(1) Prescribe the means of performing a notarial act involving a remotely located individual using communication technology.
(2) Establish standards for communication technology, identity proofing, and credential analysis.
(3) Establish requirements or procedures to approve providers of communication technology and the process of identity proofing and credential analysis.
(4) Establish standards and a period for the retention of a communication technology recording created under this Article for notarial acts.

(i) Before adopting, amending, or repealing a rule governing the performance of a notarial act with respect to a remotely located individual, the Secretary may consider:

(1) What is in the best interest of the State of North Carolina as consistent with G.S. 10B-2. This may be accomplished when and if the Secretary chooses to create an Advisory Committee, consisting of stakeholders from different sectors who may be technology providers, insurance agents, lenders, and other industries who are considered consumers of notarial services. At least seventy percent (70%) of the makeup of the Advisory Committee must be residents of the State of North Carolina. Members shall be appointed by the Secretary for a duration of time to be determined by the Secretary and be removed from the committee at the discretion of the Secretary. The Advisory Committee shall serve as advisors for the Secretary for purposes of ensuring that the requirements of G.S. 10B-2 are being satisfied. The Advisory Committee shall have no executive or rulemaking authority.

(2) The most recent standards regarding the performance of a notarial act with respect to a remotely located individual promulgated by national standard-setting organizations and the recommendations of the National Association of Secretaries of State.

(3) Standards, practices, and customs of other jurisdictions that have laws substantially similar to this section.

(4) The views of governmental officials and entities and other interested persons.

By allowing its communication technology or identity proofing and credential analysis to facilitate a notarial act for a remotely located individual or by providing storage of the communication technology recording created under this Article, the provider of the communication technology, identity proofing, credential analysis, or storage appoints the Secretary as the provider's agent for service of process in any civil action in this State related to the notarial act. The Secretary, at the Secretary's discretion, shall retain the right to substitute either another State agency or private party to act as the agent for service of process.

"§ 10B-233. Reserved for future codification purposes.
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"§ 10B-238. Reserved for future codification purposes.
"§ 10B-239. Reserved for future codification purposes.

"Part 5. Papering Out.
"§ 10B-240. Recordation of electronic records in tangible form.
(a) A paper or tangible copy of an electronic document that a notary public has certified to be a true and correct copy under subsection (b) of this section satisfies any requirement of law.
that, as a condition for recording, the document must comply with all of the following requirements:

1. **(1)** Is an original or in writing.
2. **(2)** Is signed or contains an original signature, if the document contains an electronic signature of the person required to sign the document.
3. **(3)** Is notarized, acknowledged, verified, witnessed, or made under oath, if the document contains an electronic signature of the person authorized to perform that act, and all other information required to be included.

(b) A notary public commissioned under the laws of this State may certify that a paper or tangible copy of an electronic document is a true and correct copy of the electronic document provided the notary public has reasonably confirmed that the electronic document is in a tamper-evident format and the notary:

1. **(1)** Detected no changes or errors in any electronic signature or other information in the electronic document.
2. **(2)** Personally printed or supervised the printing of the electronic document onto paper or other tangible medium.
3. **(3)** Has not made any changes or modifications to the electronic document or to the paper or tangible copy thereof other than the certification described in this subsection.

(c) A State or local official charged with recording documents shall record a paper or tangible copy of a document that is otherwise entitled to be recorded under the laws of this State, provided that the paper or tangible copy has been certified by a notary public to be a true and correct copy of an electronic document under subsection (b) of this section as evidenced by a notarial certificate. The certificate must comply with all of the following requirements:

1. **(1)** Is signed and dated by the notary public and is signed in the same manner as on file with the North Carolina Secretary of State.
2. **(2)** Identifies the jurisdiction in which the certification is performed.
3. **(3)** Contains the title of the notary public.
4. **(4)** Indicates the date of expiration, if any, of the notary public's commission.
5. **(5)** Includes the official seal of the notary public affixed to or embossed on the certificate.

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

State of __________________
County of __________________

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

______________________
Signature of Notary Public
[Stamp/seal]
Notary Public
[My commission expires: ________________]
[My notary registration number is: ________________]

(e) If a notarial certificate is completed in the manner required by subsection (d) of this section and is attached to or made a part of a paper or tangible document, the certificate is prima facie evidence that the requirements of subsection (b) of this section have been satisfied with respect to the document.
(f) A document purporting to convey or encumber real property or any interest therein that has been recorded by the register of deeds for the jurisdiction in which the real property is located, although the document may not have been certified in accordance with the provisions of this section, shall impart the same notice to third persons and be effective, from the time of recording, as if the document had been certified in accordance with the provisions of this section.

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

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

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

(h) As used in this section:

1. Document. – Information that is all of the following:
   a. Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
   b. Eligible to be recorded in the office of the register of deeds.

2. Electronic. – Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

3. Electronic document. – A document created, generated, sent, communicated, received, or stored by electronic means.

4. Electronic signature. – Electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document.
a credible witness to vouch for the identity of a principal or subscribing witness."

SECTION 4. This act becomes effective January 1, 2022.