

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 934
Judiciary II Committee Substitute Adopted 5/12/05

Short Title: Notary Public Act.-AB

(Public)

Sponsors:

Referred to:

March 24, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL CHAPTER 10A OF THE GENERAL STATUTES
3 REGARDING THE REGULATION OF NOTARIES PUBLIC, AND TO ENACT
4 CHAPTER 10B RELATING TO NOTARIES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 10A of the General Statutes is repealed.

7 SECTION 2. The General Statutes of North Carolina are amended by
8 adding a new Chapter to read:

9 **"Chapter 10B.**

10 **"Notaries.**

11 **"Article 1.**

12 **"Notary Public Act.**

13 **"Part 1. General Provisions.**

14 **"§ 10B-1. Short title.**

15 This act is the "Notary Public Act" and may be cited by that name.

16 **"§ 10B-2. Purposes.**

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

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

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

21 (3) To prevent fraud and forgery.

22 (4) To foster ethical conduct among notaries.

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

24 (6) To integrate procedures for traditional paper and electronic notarial
25 acts.

26 **"§ 10B-3. Definitions.**

27 The following definitions apply in this Chapter:

28 (1) "Acknowledgment" means a notarial act in which an individual, at a
29 single time and place:

- 1 a. Appears in person before the notary and presents a record; and
2 b. Is personally known to the notary or identified by the notary
3 through satisfactory evidence and indicates to the notary that
4 the signature on the record was voluntarily affixed by the
5 individual for the purposes stated within the record and, if
6 applicable, that the individual had due authority to sign in a
7 particular representative capacity.
- 8 (2) "Affirmation" means a notarial act, or part thereof, which is legally
9 equivalent to an oath and in which an individual at a single time and
10 place:
- 11 a. Appears in person before the notary;
12 b. Is personally known to the notary or identified by the notary
13 through satisfactory evidence; and
14 c. Makes a vow of truthfulness on penalty of perjury, based on
15 personal honor and without invoking a deity or using any form
16 of the word "swear".
- 17 (3) "Commission" means the empowerment to perform notarial acts and
18 the written evidence of authority to perform those acts.
- 19 (4) "Credible witness" means an honest, reliable, and impartial person
20 who is personally known to the notary and takes an oath or affirmation
21 from the notary to confirm a signer's identity.
- 22 (4a) "Department" means the North Carolina Department of the Secretary
23 of State.
- 24 (5) "Director" means the Division Director for the North Carolina
25 Department of the Secretary of state Notary Public Section.
- 26 (6) "Jurat" means a notarial act in which the notary certifies the date,
27 place, and person before whom an affidavit is sworn or affirmed.
- 28 (7) "Moral turpitude" means conduct contrary to expected standards of
29 honesty, morality, or integrity.
- 30 (8) "Nickname" means a descriptive, familiar, or shortened form of a
31 proper name.
- 32 (9) "Notarial act," "notary act," and "notarization" mean any act that a
33 notary is empowered to perform under this Chapter.
- 34 (10) "Notarial certificate" and "certificate" mean the portion of a notarized
35 record that is completed by the notary, bears the notary's signature and
36 seal, and states the facts attested by the notary in a particular
37 notarization.
- 38 (11) "Notary public" and "notary" mean a person commissioned to perform
39 notarial acts under this Chapter. A notary is a public officer of the
40 State of North Carolina and shall act in full and strict compliance with
41 this act.
- 42 (12) "Oath" means a notarial act, or part thereof, which is legally equivalent
43 to an affirmation and in which an individual at a single time and place:
44 a. Appears in person before a notary;

- 1 b. Is personally known to the notary or identified by the notary
2 through satisfactory evidence; and
- 3 c. Makes a vow of truthfulness on penalty of perjury while
4 invoking a deity or using any form of the word "swear".
- 5 (13) "Official misconduct" means either of the following:
- 6 a. A notary's performance of a prohibited act or failure to perform
7 a mandated act set forth in this Chapter or any other law in
8 connection with notarization.
- 9 b. A notary's performance of a notarial act in a manner found by
10 the Secretary to be negligent or against the public interest.
- 11 (14) "Personal appearance" and "appear in person before a notary" mean an
12 individual and a notary are in close physical proximity to one another
13 so that they may freely see and communicate with one another and
14 exchange records back and forth during the notarization process.
- 15 (15) "Personal knowledge of identity" means familiarity with an individual
16 resulting from interactions with that individual over a period of time
17 sufficient to eliminate every reasonable doubt that the individual has
18 the identity claimed.
- 19 (16) "Principal" means a person whose signature is notarized; or a person,
20 other than a credible witness, taking an oath or affirmation from the
21 notary.
- 22 (17) "Record" means information that is inscribed on a tangible medium
23 and called a traditional or paper record.
- 24 (18) "Regular place of work or business" means a location, office or other
25 workspace, where an individual regularly spends all or part of the
26 individual's work time.
- 27 (19) "Satisfactory evidence of a signer's identity" means identification of an
28 individual based on either of the following:
- 29 a. At least one current document issued by a federal, state, or
30 federal- or state-recognized tribal government agency bearing
31 the photographic image of the individual's face and either the
32 signature or a physical description of the individual.
- 33 b. The oath or affirmation of one credible witness unaffected by
34 the record or transaction who is personally known to the notary
35 and who personally knows the individual seeking to be
36 identified.
- 37 (20) "Seal" and "stamp" mean a device for affixing on a paper record an
38 image containing a notary's name, the words "notary public," and other
39 information as required in G.S. 10B-24.
- 40 (21) "Secretary" means the North Carolina Secretary of State or the
41 Secretary's designee.
- 42 (22) "Signature" means the act of personally signing one's name in ink by
43 hand.

1 (23) "Subscribing witness" means a person who either watches another
2 individual sign a record or takes that individual's acknowledgment of
3 an already-signed record and appears before the notary on behalf of the
4 principal. The subscribing witness must sign the document in addition
5 to the principal, must be personally known by the notary or prove
6 identity to the notary by satisfactory evidence, and must take an oath
7 or affirmation stating that he or she witnessed the principal sign.

8 (24) "Verification" or "proof" means a notarial act where a person certifies
9 under oath or affirmation that the person witnessed the principal either
10 execute, record, or acknowledge the principal's signature on an
11 already-executed record.

12 "Part 2. Commissioning.

13 **"§ 10B-4. Qualifications.**

14 (a) Except as provided in subsection (d) of this section, the Secretary shall
15 commission as a notary any qualified person who submits an application in accordance
16 with this Chapter.

17 (b) A person qualified for a notarial commission shall meet all of the following
18 requirements:

19 (1) Be at least 18 years of age or legally emancipated.

20 (2) Reside or have a regular place of work or business in this State.

21 (3) Reside legally in the United States.

22 (4) Speak, read, and write the English language.

23 (5) Possess a high school diploma or equivalent.

24 (6) Pass the course of instruction described in this Article, unless the
25 person is a licensed member of the North Carolina State Bar.

26 (7) Purchase and keep as a reference the most recent manual approved by
27 the Secretary that describes the duties and authority of notaries public.

28 (8) Submit an application containing no significant misstatement or
29 omission of fact. The application form shall be provided by the
30 Secretary and be available at the register of deeds office in each
31 county. Every application shall include the signature of the applicant
32 written with pen and ink, and the signature shall be acknowledged by
33 the applicant before a person authorized to administer oaths. The
34 applicant shall also obtain the recommendation of one publicly elected
35 official in North Carolina whose recommendation shall be contained
36 on the application.

37 (9) Pay a nonrefundable application fee of fifty dollars (\$50.00).

38 (c) The notary shall be commissioned in his or her county of residence, unless
39 the notary is not a North Carolina resident, in which case he or she shall be
40 commissioned in the county of his or her employment or business.

41 (d) The Secretary may deny an application for commission or recommission if
42 any of the following apply to an applicant:

43 (1) Submission of an incomplete application or an application containing
44 material misstatement or omission of fact.

- 1 (2) The applicant's conviction or plea of admission or nolo contendere to a
2 felony or any crime involving dishonesty or moral turpitude. In no
3 case may a commission be issued to an applicant within 10 years after
4 release from prison, probation, or parole, whichever is later.
- 5 (3) A finding or admission of liability against the applicant in a civil
6 lawsuit based on the applicant's deceit.
- 7 (4) The revocation, suspension, restriction, or denial of a notarial
8 commission or professional license by this or any other state or nation.
9 In no case may a commission be issued to an applicant within five
10 years after the completion of all conditions of any disciplinary order.
- 11 (5) A finding that the applicant has engaged in official misconduct,
12 whether or not disciplinary action resulted.
- 13 (6) An applicant knowingly using false or misleading advertising in which
14 the applicant as a notary represents that the applicant has powers,
15 duties, rights, or privileges that the applicant does not possess by law.
- 16 (7) A finding by a state bar or court that the applicant has engaged in the
17 unauthorized practice of law.

18 **"§ 10B-5. Application for commission.**

19 Every application for a notary commission shall be made on paper with original
20 signatures, or in another form determined by the Secretary, and shall include all of the
21 following:

- 22 (1) A statement of the applicant's personal qualifications as required by
23 this Chapter.
- 24 (2) A certificate or signed statement by the instructor evidencing
25 successful completion of the course of instruction as required by this
26 Chapter.
- 27 (3) A notarized declaration of the applicant, as required by this Chapter.
- 28 (4) Any other information that the Secretary deems appropriate.
- 29 (5) The application fee required by this Chapter.

30 **"§ 10B-6. Statement of personal qualification.**

31 (a) The application for a notary commission shall include at least all of the
32 following:

- 33 (1) The applicant's full legal name and the name to be used for
34 commissioning, excluding nicknames.
- 35 (2) The applicant's date of birth.
- 36 (3) The mailing address for the applicant's residence, the street address for
37 the applicant's residence, and the telephone number for the applicant's
38 residence.
- 39 (4) The applicant's county of residence.
- 40 (5) The name of the applicant's employer, the street and mailing address
41 for the applicant's employer, and telephone number for the applicant's
42 employer.
- 43 (6) The applicant's last four digits of the applicant's social security
44 number.

- 1 (7) The applicant's personal and business e-mail addresses.
2 (8) A declaration that the applicant is a citizen of the United States or
3 proof of the applicant's legal residency in this country.
4 (9) A declaration that the applicant can speak, read, and write in the
5 English language.
6 (10) A complete listing of any issuances, denials, revocations, suspensions,
7 restrictions, and resignations of a notarial commission, professional
8 license, or public office involving the applicant in this or any other
9 state or nation.
10 (11) A complete listing of any criminal convictions of the applicant,
11 including any pleas of admission or nolo contendere, in this or any
12 other state or nation.
13 (12) A complete listing of any civil findings or admissions of fault or
14 liability regarding the applicant's activities as a notary, in this or any
15 other state or nation.

16 (b) The information contained in an application under this section is a public
17 record as defined in G.S 132-1. The information contained in subdivisions (2), (3), and
18 (6) of this subsection shall be considered confidential information.

19 **"§ 10B-7. Course of study and examination.**

20 (a) Every applicant for an initial notary commission shall, within the three
21 months preceding application, take a course of classroom instruction of not less than six
22 hours approved by the Secretary and take a written examination approved by the
23 Secretary. An applicant must answer at least eighty percent (80%) of the questions
24 correctly in order to pass the exam. This subsection shall not apply to a licensed
25 member of the North Carolina State Bar.

26 (b) Every applicant for recommissioning shall pass a written examination
27 approved by and administered by or under the direction of the Secretary, unless the
28 person is a licensed member of the North Carolina State Bar.

29 (c) The content of the course of instruction and the written examinations shall be
30 notarial laws, procedures, and ethics.

31 (d) The Secretary may charge such fees as are reasonably necessary to pay the
32 cost associated with developing and administering examinations permitted by this
33 Chapter and for conducting the training of notaries and notary instructors. All funds
34 received by the Secretary under this section shall be deposited into the Notary Public
35 Special Fund and used for the purposes authorized under G.S. 10B-60.

36 **"§ 10B-8. Length of term and jurisdiction.**

37 A person commissioned under this Chapter may perform notarial acts in any part of
38 this State for a term of five years, unless the commission is earlier revoked or resigned.
39 No commissions shall be effective prior to the administration of the oath of office. Any
40 notarial acts performed before the administration of the oath of office, either the original
41 commissioning or recommissioning, are invalid.

42 **"§ 10B-9. Commission; oath of office.**

43 (a) If the Secretary grants a commission to an applicant, the Secretary shall
44 notify the appointee and shall instruct the appointee regarding the proper procedure for

1 taking the oath at the register of deeds office in the county of the appointee's
2 commissioning.

3 (b) The appointee shall appear before the register of deeds no later than 45 days
4 after commissioning and shall be duly qualified by taking the general oath of office
5 prescribed in G.S. 11-11 and the oath prescribed for officers in G.S. 11-7.

6 (c) The register of deeds shall then place the notary record in a book designated
7 for that purpose, or the notary record may be recorded in the Consolidated Document
8 Book and indexed in the Consolidated Real Property Index under the notary's name in
9 the grantor index. The notary record may be kept in electronic format so long as the
10 signature of the notary public may be viewed and printed. The notary record shall
11 contain the name and the signature of the notary as commissioned, the effective date
12 and expiration date of the commission, the date the oath was administered, and the date
13 of any restriction, suspension, revocation, or resignation. The record shall constitute the
14 official record of the qualification of notaries public.

15 (d) The register of deeds shall deliver the commission to the notary following
16 completion of the requirements of this section and shall notify the Secretary of the
17 delivery.

18 (e) If the appointee does not appear before the register of deeds within 45 days of
19 commissioning, the register of deeds must return the commission to the Secretary, and
20 the appointee must reapply for commissioning. If the appointee reapplies within one
21 year of the granting of the commission, the Secretary may waive the educational
22 requirements of this Chapter.

23 (f) As soon as practicable, or within 24 months of the effective date of this act,
24 all North Carolina registers of deeds and clerks of superior court shall submit to the
25 Department for archiving in permanent storage legible and reproducible copies of the
26 pages contained in their "Records of Notaries Public" created prior to 1991. The copies
27 shall be reproduced pursuant to standards set by the Department to ensure the legibility
28 of the copies and the compatibility with the Department's existing systems. The
29 Department shall be responsible for any expense incurred relating to the shipment or
30 transfer of these records.

31 **§ 10B-10. Recommissioning.**

32 (a) A commissioned notary may apply for recommissioning no earlier than 10
33 weeks prior to the expiration date of the notary's commission.

34 (b) A notary whose commission has not expired must comply with the following
35 requirements to be recommissioned:

36 (1) Submit a new application under G.S. 10B-5.

37 (2) Meet the requirements of G.S. 10B-4(b).

38 (3) Pass the written examination required under G.S. 10B-7, unless the
39 notary is a licensed member of the North Carolina State Bar.

40 (c) An individual may apply for recommissioning within one year after the
41 expiration of the individual's commission. The individual must comply with the
42 requirement of subsection (b) of this section. The individual must also fulfill the
43 educational requirement under G.S. 10B-7(a), unless the Secretary waives that
44 requirement.

1 **"§ 10B-11. Notarized declaration.**

2 The application for a notary public commission shall contain the following
3 declaration to be executed by each applicant under oath:

4 **Declaration of Applicant**

5
6 I, _____ (name of applicant), solemnly swear or affirm under
7 penalty of perjury that the information in this application is true, complete, and correct;
8 that I understand the official duties and responsibilities of a notary public in this State,
9 as described in the statutes; and that I will perform to the best of my ability all notarial
10 acts in accordance with the law.

11
12 _____
13 (signature of applicant)

14 **"§ 10B-12. Application fee.**

15 Every applicant for a notary commission shall pay to the Secretary a nonrefundable
16 application fee of fifty dollars (\$50.00).

17 **"§ 10B-13. Instructor's certification.**

18 (a) The course of study required by G.S. 10B-4(b) shall be taught by an
19 instructor certified under rules adopted by the Secretary. An instructor must meet the
20 following requirements to be certified to teach a course of study for notaries public:

- 21 (1) Complete and pass an instructor certification course of not less than six
22 hours taught by the Director or other person approved by the
23 Secretary.
24 (2) Have at least one year of active experience as a notary public.
25 (3) Maintain a current commission as a notary public.
26 (4) Possess the current notary public guidebook.
27 (5) Pay a nonrefundable fee of fifty dollars (\$50.00).

28 (b) Certification to teach a course of study for notaries shall be effective for two
29 years. A certification may be renewed by passing a recertification course taught by the
30 Director or other person approved by the Secretary and by paying a nonrefundable fee
31 of fifty dollars (\$50.00). All funds received by the Secretary under this section shall be
32 deposited into the Notary Public Special Fund and used for the purposes authorized
33 under G.S. 10B-60.

34 (c) The following individuals may be certified to teach a course of study for
35 notaries public without paying the fee required by this section, and they may renew their
36 certification without paying the renewal fee, so long as they remain actively employed
37 in the capacities named:

- 38 (1) Registers of deeds.
39 (2) Clerks of court.
40 (3) The Director and other duly authorized employees of the Secretary.

41 (d) Former registers of deeds and clerks of court who have been certified as
42 notary public instructors must apply for commissioning as a notary public but are
43 exempt from the education requirements of G.S. 10B-7 after successful completion of
44 an examination administered by the Secretary.

1 (e) Assistant and deputy registers of deeds and assistant and deputy clerks of
2 court must have a regular notary commission prior to receiving a certification or
3 recertification as a notary public instructor.

4 (f) The Secretary may suspend or revoke the certification of a notary instructor
5 for violating the provisions of this Chapter or any of the administrative rules
6 implementing it.

7 "Part 3. Notarial Acts, Powers, and Limitations.

8 "**§ 10B-14. Powers and limitations.**

9 (a) A notary may perform any of the following notarial acts:

- 10 (1) Acknowledgments.
- 11 (2) Oaths and affirmations.
- 12 (3) Execute jurats.
- 13 (4) Verifications or proofs.

14 (b) A notarial act shall be attested by all of the following:

- 15 (1) The signature of the notary, exactly as shown on the notary's
16 commission.
- 17 (2) The readable appearance of the notary's name, either from the notary's
18 signature or from the notary's typed or printed name near the signature.
- 19 (3) The clear and legible appearance of the notary's stamp or seal.
- 20 (4) A statement of the date the notary's commission expires.

21 (c) A notary is disqualified from performing a notarial act if any of the following
22 apply:

- 23 (1) The principal or subscribing witness is not in the notary's presence at
24 the time the notarial act is to be performed.
- 25 (2) The principal or subscribing witness is not personally known to the
26 notary or identified by the notary through satisfactory evidence.
- 27 (3) The principal or subscribing witness shows a demeanor that causes the
28 notary to have a compelling doubt about whether the principal knows
29 the consequences of the transaction requiring a notarial act.
- 30 (4) The principal or subscribing witness, in the notary's judgment, is not
31 acting of the principal's or the subscribing witness's own free will.
- 32 (5) The notary is a signer of or is named, other than as a trustee in a deed
33 of trust, in the document that is to be notarized.
- 34 (6) The notary will receive directly from a transaction connected with the
35 notarial act any commission, fee, advantage, right, title, interest, cash,
36 property, or other consideration exceeding in value the fees specified
37 in G.S. 10B-20, other than fees or other consideration paid for services
38 rendered by a licensed attorney, a licensed real estate broker or
39 salesperson, a motor vehicle dealer, or a banker.

40 (d) A notary may certify the affixation of a signature by mark on a record
41 presented for notarization if:

- 42 (1) The mark is affixed in the presence of the notary;
- 43 (2) The notary writes below the mark: "Mark affixed by (name of signer
44 by mark) in presence of undersigned notary"; and

1 (3) The notary notarizes the signature by performing an acknowledgment,
2 oath or affirmation, jurat, or verification or proof.

3 (e) If a principal is physically unable to sign or make a mark on a record
4 presented for notarization, that principal may designate another person as his or her
5 designee, who shall be a disinterested party, to sign on the principal's behalf pursuant to
6 the following procedure:

7 (1) The principal directs the designee to sign the record in the presence of
8 the notary and two witnesses unaffected by the record;

9 (2) The designee signs the principal's name in the presence of the
10 principal, the notary, and the two witnesses;

11 (3) Both witnesses sign their own names to the record near the principal's
12 signature;

13 (4) The notary writes below the principal's signature: "Signature affixed
14 by designee in the presence of (names and addresses of principal and
15 witnesses)"; and

16 (5) The notary notarizes the signature through an acknowledgment, oath
17 or affirmation, jurat, or verification or proof.

18 (f) A notarial act performed in another jurisdiction by a notary public of that
19 jurisdiction is valid to the same extent as if it had been performed by a notary
20 commissioned under this Chapter.

21 (g) Commissioned officers on active duty in the United States armed forces who
22 are authorized to perform notarial acts may perform the acts for persons serving in or
23 with the United States armed forces, their spouses, and their dependents.

24 (h) The Secretary and register of deeds in the county in which a notary qualified
25 may certify to the commission of the notary.

26 (i) A notary public who is not an attorney licensed to practice law in this State
27 who advertises the person's services as a notary public in a language other than English,
28 by radio, television, signs, pamphlets, newspapers, other written communication, or in
29 any other manner, shall post or otherwise include with the advertisement the notice set
30 forth in this subsection in English and in the language used for the advertisement. The
31 notice shall be of conspicuous size, if in writing, and shall state: "I AM NOT AN
32 ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF NORTH
33 CAROLINA, AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR
34 LEGAL ADVICE." If the advertisement is by radio or television, the statement may be
35 modified but must include substantially the same message.

36 (j) A notary public who is not an attorney licensed to practice law in this State is
37 prohibited from representing or advertising that the notary public is an "immigration
38 consultant" or expert on immigration matters unless the notary public is an accredited
39 representative of an organization recognized by the Board of Immigration Appeals
40 pursuant to Title 8, Part 292, section 2(a-e) of the Code of Federal Regulations (8 C.F.R.
41 § 292.2(a-e)).

42 (k) A notary public who is not an attorney licensed to practice law in this State is
43 prohibited from rendering any service that constitutes the unauthorized practice of law.

1 (1) A notary public required to comply with the provisions of subsection (g) of
2 this section shall prominently post at the notary public's place of business a schedule of
3 fees established by law, which a notary public may charge. The fee schedule shall be
4 written in English and in the non-English language in which the notary services were
5 solicited and shall contain the notice required in subsection (i) of this section, unless the
6 notice is otherwise prominently posted at the notary public's place of business.

7 (m) If notarial certificate wording is not provided or indicated for a record, a
8 nonattorney notary shall not determine the type of notarial act or certificate to be used.
9 This does not prohibit a notary from offering the selection of certificate forms
10 recognized in this Chapter or promulgated by the Department of the Secretary.

11 (n) A nonattorney notary shall not assist another person in drafting, completing,
12 selecting, or understanding a record or transaction requiring a notarial act.

13 (o) A notary shall not claim to have powers, qualifications, rights, or privileges
14 that the office of notary does not provide, including the power to counsel on
15 immigration matters.

16 **"§ 10B-15. Notaries ex officio.**

17 (a) The clerks of the superior court may act as notaries public in their several
18 counties by virtue of their offices as clerks and may certify their notarial acts only under
19 the seals of their respective courts. Assistant and deputy clerks of superior court, by
20 virtue of their offices, may perform the following notarial acts and may certify these
21 notarial acts only under the seals of their respective courts:

22 (1) Oaths and affirmations.

23 (2) Verifications or proofs.

24 Upon completion of the course of study provided for in G.S. 10B-4(b), assistant and
25 deputy clerks of superior court may, by virtue of their offices, perform all other notarial
26 acts and may certify these notarial acts only under the seals of their respective courts. A
27 course of study attended only by assistant and deputy clerks of superior court may be
28 taught at any mutually convenient location agreed to by the Secretary and the
29 Administrative Office of the Courts.

30 (b) Registers of deeds may act as notaries public in their several counties by
31 virtue of their offices as registers of deeds and may certify their notarial acts only under
32 the seals of their respective offices. Assistant and deputy registers of deeds, by virtue of
33 their offices, may perform the following notarial acts and may certify these notarial acts
34 only under the seals of their respective offices:

35 (1) Oaths and affirmations.

36 (2) Verifications or proofs.

37 Upon completion of the course of study provided for in G.S. 10B-4(b), assistant and
38 deputy registers of deeds may, by virtue of their offices, perform all other notarial acts
39 and may certify these notarial acts only under the seals of their respective offices. A
40 course of study attended only by assistant and deputy registers of deeds may be taught
41 at any mutually convenient location agreed to by the Secretary and the North Carolina
42 Association of Registers of Deeds.

1 The maximum fees that may be charged by a notary for notarial acts are as follows:

2 (1) For acknowledgments, jurats, verifications or proofs, five dollars
3 (\$5.00) per principal signature.

4 (2) For oaths or affirmations without a signature, five dollars (\$5.00) per
5 person, except for an oath or affirmation administered to a credible
6 witness to vouch for a principal's identity.

7 **"§ 10B-21. Notice of fees.**

8 Notaries who charge for their notarial services shall conspicuously display in their
9 places of business, or present to each principal outside their places of business, an
10 English-language schedule of fees for notarial acts. No part of any notarial fee schedule
11 shall be printed in smaller than 10-point type.

12 "Part 5. Signature and Seal.

13 **"§ 10B-22. Official signature.**

14 When notarizing a paper record, a notary shall sign by hand in ink on the notarial
15 certificate exactly and only the name indicated on the notary's commission. The notary
16 shall print or type his or her name directly below the official signature. The notary shall
17 affix the official signature only at the time the notarial act is performed. The notary shall
18 not sign a paper record using a facsimile stamp or an electronic or other printing
19 method.

20 **"§ 10B-23. Official seal.**

21 (a) A notary shall keep an official seal or stamp (herein "seal") that is the
22 exclusive property of the notary. The notary shall keep the seal in a secure location that
23 is accessible only to the notary. A notary shall not allow another person to use or
24 possess the seal, and shall not surrender the seal to the notary's employer upon
25 termination of employment.

26 (b) The seal shall be impressed only at the time the notarial act is performed. The
27 notary shall place the image or impression of the seal near the notary's signature on
28 every paper record notarized. The seal and the signature shall appear on the same page.

29 (c) A notary shall do the following within 10 days of discovering that the notary's
30 seal has been stolen, lost, damaged, or otherwise rendered incapable of affixing a legible
31 image:

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

34 (2) Notify the appropriate register of deeds and the Secretary in writing
35 and signed in the official name in which he or she was commissioned.

36 (d) As soon as is reasonably practicable after resignation, revocation, or
37 expiration of a notary commission, or death of the notary, the seal shall be delivered to
38 the Secretary for disposal.

39 **"§ 10B-24. Seal image.**

40 (a) Near the notary's official signature on the notarial certificate of a paper
41 record, the notary shall place a sharp, legible, permanent, and photographically
42 reproducible image of the official seal.

43 (b) A notary's official seal shall include the following elements:

44 (1) The notary's name exactly as commissioned;

1 My commission expires the _____ day of _____, 20____.

2
3 **"§ 10B-27. Verification or proof of acknowledgment.**

4 A notary shall use a certificate in substantially the following form in notarizing a
5 signature or mark on an affidavit or other sworn or affirmed written declaration:

6
7 State of North Carolina
8 County

9
10 I, [name of notary], a notary public of _____ County, North Carolina,
11 do certify that on this _____ day of _____, 20____, before me
12 personally appeared _____, (personally known to me)
13 (proved to me by satisfactory evidence) (proved to me on the oath or
14 affirmation of _____, who is personally known to me,) to
15 be the person(s) who signed the preceding or attached record in my presence
16 and who swore or affirmed to me that the signature(s) (is) (are) voluntary and
17 the record truthful.

18
19 (Official Seal)

Official Signature of Notary

20 My commission expires the _____ day of _____, 20____.

21
22 **"§ 10B-28. Subscribing witness of absent signer.**

23 A notary shall use a certificate in substantially the following form to take an oath or
24 affirmation from a subscribing witness that a signer, not appearing before the notary,
25 did in fact execute or sign the record:

26
27 State of North Carolina
28 County

29
30 I, [name of notary], a notary public of _____ County, North Carolina,
31 do certify that on this _____ day of _____, 20____, before me
32 personally appeared _____, (personally known to me) (proved to
33 me by satisfactory evidence) (proved to me on the oath or affirmation of
34 _____, who is personally known to me,) or (proved to me
35 by satisfactory evidence) to be the person whose name is signed on the
36 preceding or attached record as subscribing witness and who declared to me
37 under oath that (he) (she) personally knows _____ (name of
38 signer not appearing before notary), that they are not a named party to this
39 and have no interest in this transaction, and that (he) (she) witnessed that
40 individual sign or acknowledge the record having signed the same as
41 witness.

42
43 _____
Signature of Subscribing Witness

1
2 (Official Seal) Official Signature of Notary
3 My commission expires the _____ day of _____, 20____.

4
5 **"§ 10B-29. Signer by mark; person unable to sign.**

6 As modified by the following provisions, the certificates in this Chapter may be used
7 for signers by mark or persons physically unable to sign or make a mark.

8 (a) A notary may certify the affixation of a signature by mark on a record
9 presented for notarization if:

10 (1) The mark is affixed in the presence of the notary;

11 (2) The notary writes below the mark: "Mark affixed by (name of signer
12 by mark) in presence of undersigned notary"; and

13 (3) The notary notarizes the signature by performing an acknowledgment
14 or jurat.

15 (b) If a principal is physically unable to sign or make a mark on a record
16 presented for notarization, that principal may designate another person as his or her
17 designee, who shall be a disinterested party, to sign on the principal's behalf pursuant to
18 the following procedure:

19 (1) The principal directs the designee to sign the record in the presence of
20 the notary and two witnesses unaffected by the record;

21 (2) The designee signs the principal's name in the presence of the
22 principal, the notary, and the two witnesses;

23 (3) Both witnesses sign their own names to the record near the principal's
24 signature;

25 (4) The notary writes below the principal's signature: "Signature affixed
26 by designee in the presence of (names and addresses of principal and
27 witnesses)"; and

28 (5) The notary notarizes the signature through an acknowledgment or
29 jurat.

30 **"§ 10B-30. Other certificates allowed.**

31 In addition to the notarial certificates contained in this section, a notary public may
32 also use other certificates provided by North Carolina law.

33 "Part 7. Changes in Status.

34 **"§ 10B-31. Change of address.**

35 Within 45 days after the change of a notary's residence, business, or any mailing
36 address or telephone number, the notary shall send to the Secretary by fax, e-mail, or
37 certified mail, return receipt requested, a signed notice of the change, giving both old
38 and new addresses or telephone numbers.

39 **"§ 10B-32. Change of name.**

40 (a) Within 45 days after the legal change of a notary's name, the notary shall send
41 to the Secretary by fax, e-mail, or certified mail, return receipt requested, a signed
42 notice of the change. The notice shall include both the notary's former name and the
43 notary's new name.

1 **(b)** A notary with a new name may continue to use the former name in
2 performing notarial acts until all of the following steps have been completed:

3 **(1)** The notary receives a confirmation of Notary's Name Change from the
4 Secretary.

5 **(2)** The notary obtains a new seal bearing the new name exactly as that
6 name appears in the confirmation from the Secretary.

7 **(3)** The notary appears before the register of deeds to which the
8 commission was delivered within 45 days of the effective date of the
9 change to be duly qualified by taking the general oath of office
10 prescribed in G.S. 11-11 and the oath prescribed for officers in
11 G.S. 11-7 under the new name and to have the notary public record
12 changed to reflect the new commissioned name.

13 **(c)** Upon completion of the requirements in subsection (b) of this section, the
14 notary shall use the new name.

15 **"§ 10B-33. Change of county.**

16 **(a)** A notary who has moved to another county in North Carolina remains
17 commissioned until the current commission expires, is not required to obtain a new seal,
18 and may continue to notarize without changing his or her seal.

19 **(b)** When a notary who has moved applies to be recommissioned, if the
20 commission is granted the, Secretary shall issue a notice of recommissioning. The
21 commission applicant shall then do all of the following:

22 **(1)** Obtain a new seal bearing the new county exactly as in the notice of
23 recommissioning.

24 **(2)** Appear before the register of deeds to which the commission was
25 delivered within 45 days of recommissioning, to be duly qualified by
26 taking the general oath of office prescribed in G.S. 11-11 and the oath
27 prescribed for officers in G.S. 11-7 under the new county and to have
28 the notary public record changed to reflect the new county name.

29 **"10B-34. Change of both name and county.**

30 **(a)** Within 45 days after the legal change of a notary's name, and if the notary has
31 also moved to a different county than as last commissioned, the notary shall submit to
32 the Secretary a recommissioning application and fee pursuant to this Chapter. The
33 notary may continue to perform notarial acts under the notary's previous name and seal
34 until all of the following steps have been completed:

35 **(1)** The notary receives a transmittal receipt of reappointment due to name
36 and county change from the Secretary.

37 **(2)** The notary obtains a new seal bearing the new name and county
38 exactly as those items appear in the transmittal receipt.

39 **(3)** The notary appears before the register of deeds to which the
40 commission was delivered within 45 days of recommissioning to be
41 duly qualified by taking the general oath of office prescribed in
42 G.S. 11-11 and the oath prescribed for officers in G.S. 11-7 under the
43 new name and county and to have the notary public record changed to
44 reflect the new name and county.

1 **"§ 10B-35. Resignation.**

2 (a) A notary who resigns the notary's commission shall send to the Secretary by
3 fax, e-mail, or certified mail, return receipt requested, a signed notice indicating the
4 effective date of resignation.

5 (b) Notaries who cease to reside in or to maintain a regular place of work or
6 business in this State, or who become permanently unable to perform their notarial
7 duties, shall resign their commissions and shall deliver their seals to the Secretary by
8 certified mail, return receipt requested.

9 **"§ 10B-36. Disposition of seal; death of notary.**

10 (a) When a notary commission is resigned or revoked, the notary shall deliver the
11 notary's seal to the Secretary within 45 days of the resignation or revocation. Delivery
12 shall be accomplished by certified mail, return receipt requested. The Secretary shall
13 destroy any seal received under this subsection.

14 (b) A notary whose commission has expired and whose previous commission or
15 application was not revoked or denied by this State, is not required to deliver the seal to
16 the Secretary as provided under subsection (a) of this section if the notary intends to
17 apply to be recommissioned and is recommissioned within three months after the
18 notary's commission expires.

19 (c) If a notary dies while commissioned or before fulfilling the disposition of seal
20 requirements in this section, the notary's estate shall, as soon as is reasonably
21 practicable and no later than the closing of the estate, notify the Secretary in writing of
22 the notary's death and deliver the notary's seal to the Secretary for destruction.

23 "Part 8. Enforcement, Sanctions, and Remedies.

24 **"§ 10B-37. Enforcement and penalties.**

25 (a) The Secretary may warn, restrict, suspend, or revoke a notarial commission
26 for a violation of this Chapter and on any ground for which an application for a
27 commission may be denied under this Chapter. Any period of restriction, suspension, or
28 revocation shall not extend the expiration date of a commission.

29 (b) Except as otherwise permitted by law, a person who commits any of the
30 following acts is guilty of a Class 1 misdemeanor:

31 (1) Holding one's self out to the public as a notary if the person does not
32 have a commission.

33 (2) Performing a notarial act if the person's commission has expired or
34 been suspended.

35 (3) Performing a notarial act before the person had taken the oath of
36 office.

37 (c) Any notary who takes an acknowledgment, performs an oath, affirmation,
38 verification, proof, or jurat without the principal appearing before the notary, without
39 personal knowledge, or without satisfactory evidence of the signer's identity is guilty of
40 a Class 1 misdemeanor.

41 (d) A notary shall be guilty of a Class I felony if the notary does any of the
42 following:

43 (1) Takes an acknowledgment, verification, proof, or jurat, or performs an
44 oath or affirmation if the notary knows it is false or fraudulent.

"Part 2. Registration.

"§ 10B-43. Qualifications.

(a) A person qualified for electronic 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 of this Chapter.
- (3) Satisfy the requirements of G.S. 10B-45.
- (4) Submit an electronic registration form containing no significant misstatement or omission of fact.
- (5) Pay a nonrefundable registration fee of fifty dollars (\$50.00).

(b) The Secretary may deny a registration as an electronic notary as authorized in G.S. 10B-4(d). All funds received by the Secretary under this section shall be deposited into the Notary Public Special Fund and used for the purposes authorized under G.S. 10B-60.

"§ 10B-44. Registration with the Secretary of State.

(a) Before performing notarial acts electronically, a notary shall register the capability to notarize electronically with the Secretary.

(b) The term of registration as an electronic notary shall coincide with the term of the notary's commission under Article 1 of this Chapter.

(c) An electronic notary shall reregister the capability to notarize electronically at the same time the notary applies for recommissioning under the requirements of Article 1 of this Chapter.

(d) An electronic form shall be used by an electronic notary in registering with the Secretary and it shall include, at least all of the following:

- (1) The official name of the registrant.
- (2) The state and county of commissioning of the registrant.
- (3) The expiration date of the registrant's notary commission.
- (4) Proof of successful completion of the course of instruction on electronic notarization as required by this Article.
- (5) A description of the technology the registrant will use to create an electronic signature in performing official acts.
- (6) If the device used to create the registrant's electronic signature was issued or registered through a licensed certification authority, the name of that authority, the source of the license, the starting and expiration dates of the device's term of registration, and any revocations, annulments, or other premature terminations of any registered device of the registrant that was due to misuse or compromise of the device, with the date, cause, and nature of each termination explained in detail.
- (7) The e-mail address of the registrant.

(e) The electronic registration form for an electronic notary shall be transmitted electronically to the Secretary and shall include any decrypting instructions, codes, keys, or software that allow the registration to be read.

1 (f) Within 10 business days after the change of any registration information
2 required of an electronic notary, the notary shall electronically transmit to the Secretary
3 a notice of the change of information signed with the notary's official electronic
4 signature.

5 **"§ 10B-45. Course of instruction.**

6 (a) Before performing electronic notarial acts, a notary shall take a course of
7 instruction of least three hours approved by the Secretary and pass an examination of
8 this course, which shall be in addition to the educational requirements provided in
9 Article 1 of this Chapter.

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

12 **"§ 10B-46. Fees for registration.**

13 The fee payable to the Secretary for registering or reregistering as an electronic
14 notary is fifty dollars (\$50.00). All funds received by the Secretary under this section
15 shall be deposited into the Notary Public Special Fund and used for the purposes
16 authorized under G.S. 10B-60.

17 "Part 3. Electronic Notarial Acts, Powers, and Limitations.

18 **"§ 10B-47. Types of electronic notarial acts.**

19 The following types of notarial acts may be performed electronically:

- 20 (1) Acknowledgments;
- 21 (2) Jurats;
- 22 (3) Verifications or proofs; and
- 23 (4) Oaths or affirmations.

24 **"§ 10B-48. Prohibitions.**

25 An electronic notarization shall not be performed if the signer of the electronic
26 document:

- 27 (1) Is not in the presence of the electronic notary at the time of
28 notarization; and
- 29 (2) Is not personally known to the notary or identified by the evidence in
30 accordance with other provisions of this Chapter.

31 **"§ 10B-49. Notarial components of electronic document.**

32 In performing an electronic notarial act, all of the following components shall be
33 attached to, or logically associated with, the electronic document by the electronic
34 notary, all of which shall be immediately perceptible and reproducible in the electronic
35 record to which the notary's electronic signature is attached:

- 36 (1) The notary's name, state, and county of commissioning exactly as
37 stated on the commission issued by the Secretary;
- 38 (2) The words "Electronic Notary Public";
- 39 (3) The words "State of North Carolina";
- 40 (4) The expiration date of the commission;
- 41 (5) The notary's electronic signature;
- 42 (6) The notary's e-mail address, and
- 43 (7) The completed wording of one of the following notarial certificates:
 - 44 a. General acknowledgment;

- 1 b. Jurat;
2 c. Verification or proof; or
3 d. Oath or affirmation.

4 **"§ 10B-50. Maximum fees.**

5 For performing electronic notarial acts, the maximum fees that may be charged by
6 an electronic notary are as follows:

- 7 (1) For acknowledgments, \$10.00 per signature.
8 (2) For jurats, \$10.00 per signature.
9 (3) For verifications or proofs, \$10.00 per signature.
10 (4) For oaths or affirmations, \$10.00 per signature.

11 "Part 4. Electronic Notary Records, Maintenance, and Disposition.

12 **"§ 10B-51. Electronic signature, electronic seal.**

13 (a) The notary's electronic signature in combination with the electronic notary
14 seal shall be used only for the purpose of performing electronic notarial acts.

15 (b) The Secretary shall adopt rules necessary to establish standards, procedures,
16 practices, forms, and records relating to a notary's electronic signature and electronic
17 seal. The notary's electronic seal and signature shall conform to any standards adopted
18 by the Secretary.

19 **"§ 10B-52. Security measures.**

20 (a) A notary shall safeguard the notary's electronic signature, the notary's
21 electronic seal, and all other notarial records. Notarial records shall be maintained by
22 the notary, and the notary shall not surrender or destroy the records except as required
23 by a court order or as allowed under rules adopted by the Secretary.

24 (b) When not in use, the notary shall keep the notary's electronic signature,
25 electronic seal, and all other notarial records secure, under the exclusive control of the
26 notary, and shall not allow them to be used by any other notary or any other person.

27 (c) Within 10 days after the notary's electronic signature or any other notarial
28 records maintained by the notary are stolen, lost, destroyed, damaged, or otherwise
29 rendered unusable or unreadable, the notary, after informing the appropriate law
30 enforcement agency in the case of theft or vandalism, shall notify the Secretary by any
31 tangible receipt or acknowledgement, including certified mail and electronic
32 transmission, and also provide a copy or number of any pertinent police report.

33 (d) The Secretary may adopt rules necessary to insure the integrity, security, and
34 authenticity of electronic notarizations.

35 (e) The Secretary may require an electronic notary to create and to maintain a
36 record, journal, or entry of each electronic notarial act. The rule-making authority
37 contained in this subsection shall become effective 18 months after the effective date of
38 this act.

39 (f) The failure of an electronic notary to produce within 10 days of the
40 Department's request any record required by a rule adopted under this section shall
41 result in the suspension of the electronic notary's power to act as a notary under the
42 provision of this Chapter until the Secretary reinstates the notary's commission.

1 (g) Upon resignation, revocation, or expiration of an electronic notary
2 commission, or death of the notary, all notarial records required by statute or rule shall
3 be delivered to the Secretary.

4 **"§ 10B-53. Maintenance of electronic device.**

5 (a) An electronic notary shall take reasonable steps to ensure that any registered
6 device used to create the notary's electronic signature is current and has not been
7 revoked or terminated by its issuing or registering authority.

8 (b) If the registration of the device used to create electronic signatures either
9 expires or is changed during the electronic notary's term of office, the notary shall cease
10 performing electronic notarizations until:

11 (1) A new device is duly issued or registered to the notary; and

12 (2) An electronically signed notice is sent to the Secretary that shall
13 include the starting and expiration dates of any new registration term
14 and any other new information at variance with information in the
15 most recently executed electronic registration form.

16 **"§ 10B-54. Disposition of records.**

17 (a) Upon compliance with G.S. 10B-54 and except as provided in subsection (b)
18 of this section, when an electronic notary's commission expires or is resigned or
19 revoked, or when an electronic notary dies, the notary or the notary's duly authorized
20 representative shall erase, delete, or destroy the coding, disk, certificate, card, software,
21 file, or program that enables electronic affixation of the notary's official electronic
22 signature.

23 (b) A former electronic notary whose previous commission or application was
24 not revoked or denied by the Secretary need not erase, delete, or destroy the coding,
25 disk, certificate, card, software, file, or program enabling electronic affixation of the
26 official electronic signature if he or she is recommissioned and reregistered as an
27 electronic notary using the same electronic signature within three months after
28 commission expiration.

29 "Part 5. Certificate Forms.

30 **"§ 10B-55. Validity of notarial certificates.**

31 The provisions contained in Article 1, Part 6, of this Chapter, with regard to notarial
32 certificate forms, are applicable for the purposes of this Article.

33 **"§ 10B-56. Form of evidence of authority of electronic notarial act.**

34 Electronic evidence of the authenticity of the official signature and seal of an
35 electronic notary of this State, if required, shall be attached to, or logically associated
36 with, a notarized electronic document transmitted to another state or nation and shall be
37 in the form of an electronic certificate of authority signed by the Secretary in
38 conformance with any current and pertinent international treaties, agreements, and
39 conventions subscribed to by the government of the United States.

40 **"§ 10B-57. Certificate of authority for electronic notarial act.**

41 (a) An electronic certificate of authority evidencing the authenticity of the
42 official signature and seal of an electronic notary of this State shall contain substantially
43 the following words:

44

Certificate of Authority for an Electronic Notarial Act
I, _____ (name, title, jurisdiction of commissioning official)
certify that _____ (name of electronic notary), the person named as
an electronic notary public in the attached or associated document, was
indeed registered as an electronic notary public for the State of North
Carolina and authorized to act as such at the time of the document's
electronic notarization.

To verify this Certificate of Authority for an Electronic Notarial Act, I
have included herewith my electronic signature this _____ day of
_____, 20____.
(Electronic signature (and seal) of commissioning official)

(b) The Secretary may charge ten dollars (\$10.00) for issuing an electronic
certificate of authority.

"Part 6. Enforcement.

"§ 10B-58. Restriction or revocation of registration.

The Secretary or the Secretary's designee shall have the authority to warn, restrict,
suspend, or revoke an electronic notary registration for a violation of this Chapter and
on any ground for which electronic notary registration may be denied under this
Chapter.

**"§ 10B-59. Wrongful manufacture, distribution, or possession of software or
hardware.**

(a) Any person who knowingly creates, manufactures, or distributes software for
the purpose of allowing a person to act as an electronic notary without being
commissioned and registered in accordance with this act shall be guilty of a Class G
felony.

(b) Any person who wrongfully obtains, conceals, damages, or destroys the
certificate, disk, coding, card, program, software, file, or hardware enabling an
electronic notary to affix an official electronic signature is guilty of a Class I felony.

"Article 3.

"Notary Public Special Fund.

"§ 10B-60. Notary Public Special Fund; established.

There is established the Notary Public Special Fund in the Secretary of State's
Office. The Secretary shall hold the Fund separate and apart from all other moneys,
funds, and accounts. Investment earnings credited to the assets of the Fund shall become
part of the Fund. Any balance remaining in the Fund at the end of any fiscal year shall
be carried-forward in the Fund for the next succeeding fiscal year. Moneys from the
Fund are appropriated annually and shall be used for the administration of this Chapter."

SECTION 3. G.S. 66-271 reads as rewritten:

"§ 66-271. Definitions.

The following definitions apply in this Article:

- ...
- (5) Notary public. – Defined in ~~G.S. 10A-3~~G.S. 10B-3.

...."

SECTION 4. G.S. 66-272 reads as rewritten:

"§ 66-272. Certificate of authentication.

To authenticate a document, the Secretary must compare the official's seal and signature on the document with a specimen of the official's seal and signature on file in the Department. If no specimen is on file in the Department, the Secretary must require that the document be authenticated by an official for whom the Department does have a specimen. The Secretary must also verify the official's authority to perform a particular act when the law of a foreign jurisdiction requires it to be verified before it will recognize the authenticity of the document. When the Secretary is able to authenticate the official's seal, signature, position, and authority, the Secretary shall sign and issue a certificate of authentication. The certificate of authentication ~~may be placed on the document itself, if space is available, or by appending it~~ shall be appended to the document on a separate sheet."

SECTION 5. G.S. 66-273 reads as rewritten:

"§ 66-273. Prerequisites for authentication.

All of the following conditions must be met before a document can be authenticated:

- (1) All seals and signatures must be originals.
- (2) All dates must follow in chronological order on all certifications.
- (3) All acknowledgments to be authenticated by the Secretary shall be in ~~English or accompanied by a certified or notarized English translation.~~ English and must comply with Chapter 10B of the General Statutes.
- (4) Whenever a copy is used, it must include a statement that it is a true and accurate copy.
- (5) Whenever a document is to be authenticated by the United States Department of State, it must comply with all applicable statutes, rules, and regulations of that office."

SECTION 6. G.S. 161-10(a) reads as rewritten:

"(a) Except as provided in G.S. 161-11.1 or 161-11.2, all fees collected under this section shall be deposited into the county general fund. While performing the duties of the office, the register of deeds shall collect the following fees which shall be uniform throughout the State:

...

- (12) Notarial Acts. – For taking an acknowledgment, oath, or affirmation or performing any other notarial act the maximum fee set in ~~G.S. 10A-10.~~ G.S. 10B-20 or G.S. 10B-50 for electronic notarial acts. This fee shall not be charged if the act is performed as a part of one of the services for which a fee is provided by this subsection; except that this fee shall be charged in addition to the fees for registering, filing, or recording instruments or plats as provided by subdivisions (1) and (3) of this subsection.

....

1 (17) Qualification of Notary Public. – For administering the oaths of office
2 to a notary public and making the appropriate record entries as
3 provided in ~~G.S. 10A-8~~ G.S. 10B-9 ten dollars (\$10.00).

4 ..."

5 **SECTION 7.** This act becomes effective December 1, 2005, and applies to
6 notarial acts and applications for notary commissions and recommissions made on or
7 after that date. Notary commissions issued under Chapter 10A of the General Statutes
8 prior to December 1, 2005, shall remain valid unless otherwise revoked or suspended by
9 the Secretary until those commissions expire as provided in Chapter 10A.
10 G.S. 10B-37 and G.S. 10B-59 apply to offenses committed on or after December 1,
11 2005, without regard to whether a commission was issued under Chapter 10A or
12 Chapter 10B of the General Statutes.