

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 776

Short Title: Remote Online Notarization Act. (Public)

Sponsors: Representatives D. Hall, Davis, Hardister, and Reives (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

May 4, 2021

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

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

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

9 **"§ 10B-205. Short title.**

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

11 **"§ 10B-206. Definitions.**

12 The following definitions apply in this Article:

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



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

27 **"§ 10B-207. Scope of Article.**

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

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

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

33 "Part 2. Registration.

34 **"§ 10B-210. Qualifications.**

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

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

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

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

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

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

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

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

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

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

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

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

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

50 (1) Acknowledgments.

51 (2) Jurats.

1 (3) Verifications or proofs.

2 (4) Oaths or affirmations.

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

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

8 **"§ 10B-221. Prohibitions.**

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

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

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

16 **"§ 10B-222. Use of communication technology.**

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

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

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

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

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

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

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

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

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

44 **"§ 10B-223. Authority to perform remote online notarial acts.**

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

49 (1) In this State;

50 (2) Outside of this State but within the United States; or

51 (3) Outside of the United States, if:

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

17 **"§ 10B-224. Requirements and procedures for remote online notarial acts.**

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

- 20 (1) The remote online notary shall inform the participants that North Carolina law
21 requires that a communication technology recording be made of the remote
22 online notarization.
23 (2) The remote online notary shall require the principal to demonstrate, to the
24 satisfaction of the remote online notary, that the principal is not under duress
25 and is not otherwise being coerced to complete the transaction.
26 (3) The remote online notary shall verify the identity of the principal as provided
27 in G.S. 10B-225.
28 (4) The principal shall verbally state what documents are being signed for the
29 notarial record or the general nature of the transaction.

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

- 32 (1) The remote online notary has reasonable grounds to believe the principal is
33 acting under duress or is being coerced into completing the transaction.
34 (2) The remote online notary becomes aware that the communication technology
35 is not secure.
36 (3) The electronic signature of the principal cannot be attached to the electronic
37 document for signature.
38 (4) The remote online notary's electronic notarial certificate and seal cannot be
39 attached to the electronic document using an electronic technology that
40 renders any subsequent change or modification to the document evident.

41 (c) If the notarial act is an oath or affirmation, the remote online notary shall administer
42 the oath or affirmation to the remotely located principal using communication technology.

43 (d) Any failure of the remote online notary to comply with the requirements of the remote
44 online notarization does not invalidate the notarial act or the electronic record that was notarized,
45 but it does not prevent an aggrieved person from seeking to invalidate the record on other
46 substantive grounds.

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

49 **"§ 10B-225. Verification of identity; identity proofing; credential analysis.**

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

- 1 (1) The remote online notary's personal knowledge of the person creating the
2 electronic signature. A remote online notary may rely on the communication
3 technology to verify the principal's identity unless the remote online notary,
4 in the remote online notary's sole discretion, requires satisfactory evidence.
5 (2) By a verification or oath or affirmation of a credible witness personally
6 appearing before the remote online notary and known to the notary or whom
7 the officer can identify on the basis of a passport, drivers license, or
8 government-issued nondriver identification card, which is current, before
9 performance of the notarial act.
10 (3) Satisfactory evidence as provided in subsection (b) of this section.
11 (b) Satisfactory evidence may be established using either of the methods in subdivisions
12 (1) and (2) of this subsection.

- 13 (1) Examination of the following which may be remotely presented as further
14 described in this Article:
15 a. Either of the following that contains the signature or a photograph of
16 the principal and is satisfactory to the notary:
17 1. A current passport, drivers license, or government-issued
18 nondriver identification card.
19 2. Another current form of government identification issued to a
20 principal.
21 b. By a verification on oath or affirmation of a credible witness
22 personally appearing before the officer and known to the notary or
23 whom the officer can identify on the basis of a current passport, drivers
24 license, or government-issued nondriver identification card.

- 25 (2) Two forms of multifactor identification approved by the Secretary.
26 (c) Notwithstanding subsection (b) of this section, a remote online notary may require
27 the principal to provide additional information or identification credentials necessary to assure
28 the remote online notary of the identity of the principal.

29 **"§ 10B-226. Notarial components of electronic document.**

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

- 35 (1) The notary's name, State, and county of commissioning exactly as stated on
36 the commission issued by the Secretary.
37 (2) The words "Remote Online Notary Public Utilizing Communication
38 Technology."
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 completed wording of one of the following notarial certificates:
43 a. Acknowledgment.
44 b. Jurat.
45 c. Verification or proof.
46 d. Oath or affirmation.

47 **"§ 10B-227. Electronic notarization and remote online notarization.**

48 When using an electronic notarization as well as conducting a remote online notarization, the
49 remote online notary shall comply with the requirements of Articles 1 and 2 of this Chapter. Each
50 electronic notarization shall include a communication technology recording. There shall be no

1 requirement that the recording further include any transactions other than the notarial act unless
2 the Secretary specifies a requirement to also record interactions of those particular transactions.

3 "§ 10B-228. Reserved for future codification purposes.

4 "§ 10B-229. Reserved for future codification purposes.

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

6 **"§ 10B-230. Electronic journal of remote online notarial acts.**

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

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

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

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

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

18 (4) The type of notarial act performed.

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

20 (6) The type of satisfactory evidence of identification presented, including, if
21 applicable, the issuing agency and identification number on the identification
22 presented.

23 (7) The type of communication technology used during the remote online
24 notarization.

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

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

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

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

38 (1) Enable the remote online notary; guardian, conservator, or agent of a remote
39 online notary; or a personal representative of a deceased remote online notary
40 to comply with the retention requirements of this section even if the contract
41 is terminated; or

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

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

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

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

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

1 (3) Provide a method by which a remote online notary can do any of the
2 following:
3 a. Access the electronic journal.
4 b. Access the communication technology recording.
5 c. Export the electronic journal.
6 d. Export the communication technology recording.
7 (g) Upon the death or adjudication of incompetency of a current or former remote online
8 notary, the notary's personal representative or guardian or any other person or custodian
9 knowingly in possession of the electronic journal shall transmit it to the Secretary or otherwise
10 as directed by rules adopted by the Secretary.

11 **"§ 10B-231. Security measures by notary; surrender of journal; etc.**

12 (a) A remote online notary shall comply with all of the following security requirements:
13 (1) All records of journal entries and communication technology recordings shall
14 be securely stored in a repository under the control of the remote online notary
15 or with a custodian duly appointed under the terms of this Article. The
16 custodian may be a third-party vendor approved by the Secretary for handling,
17 securely storing, or handling and securely storing the records of remote online
18 notarizations with data protection safeguards consistent with generally
19 accepted information security standards.
20 (2) Take reasonable steps to ensure that the audio-video communications are
21 secure from interception from an unauthorized third party during transmission
22 between participants involved in a notarial act. The communication
23 technology used by the remote online notary shall employ data protection
24 safeguards consistent with generally accepted information security standards.
25 (3) Retain the electronic journal and a backup copy of the electronic journal in a
26 secure location for 10 years after the last notarization chronicled in the
27 electronic journal. The same requirement applies if the remote online notary
28 also maintained a tangible journal of remote online notarial acts. The notary
29 may maintain an electronic journal in an electronic form in a permanent,
30 tamper-evident electronic format.
31 (b) A remote online notary may surrender the electronic journal to the remote online
32 notary's employer upon termination of employment, but the remote online notary shall also keep
33 and maintain an accurate backup copy of the journal for 10 years.
34 (c) Except as provided in subsection (b) of this section, the notary shall not surrender or
35 destroy the electronic journal or the communication technology recordings of notarial acts except
36 as required by a court order or as allowed under rules adopted by the Secretary.
37 (d) Within 10 days of discovering any permanent loss of data, unauthorized use, loss of
38 use, or compromise of security of the electronic journal or the communication technology
39 recordings of notarial acts, the remote online notary shall do all of the following:
40 (1) Inform the appropriate law enforcement agency in the case of theft, tampering,
41 or vandalism.
42 (2) Notify the appropriate register of deeds and the Secretary in writing and signed
43 in the official name in which the remote online notary was commissioned. The
44 notice shall indicate whether there was any permanent loss of data,
45 unauthorized use, loss of use, or compromise of security of the electronic
46 journal or the audio-video recordings of notarial acts.
47 (e) The failure of a remote online notary to produce within 30 days of the Department's
48 request any record required by a rule adopted under this Article shall result in the suspension of
49 the remote online notary's power to act as a notary under the provisions of this Chapter until the
50 Secretary reinstates the notary's commission.

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

3 **"§ 10B-232. Security measures by Secretary.**

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

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

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

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

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

21 (3) Provides sufficient captured image resolution for credential analysis to be
22 performed.

23 (4) Includes a means of authentication that reasonably ensures only authorized
24 parties have access to the audio-video communication.

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

27 (6) Securely creating and storing or transmitting securely to be stored a
28 communication technology recording of the audio-video communication,
29 keeping confidential the questions asked as part of any identity proofing and
30 the means and methods used to generate the credential analysis.

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

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

38 (1) The live transmission of the audio-video communication.

39 (2) Any communication technology recording of the audio-video communication.

40 (3) The verification methods and credentials used to verify the identity of the
41 principal.

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

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

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

- 1 (2) Standards, practices, and customs of other jurisdictions that have laws
2 substantially similar to this Article.
- 3 (3) The view of government officials and entities and other interested persons.
- 4 (4) The feedback of the advisory committee which may be created under this
5 Article.
- 6 (5) What is in the best interest of the State as consistent with G.S. 10B-2. This
7 may be accomplished when and if the Secretary chooses to create an advisory
8 committee consisting of stakeholders from different sectors that may be
9 technology providers, insurance agents, lenders, and other industries that are
10 considered consumers of notarial services. All members of the advisory
11 committee must be residents of this State. Members shall be appointed by the
12 Secretary for a duration of time to be determined by the Secretary and may be
13 removed from the advisory committee at the discretion of the Secretary. The
14 advisory committee shall serve as advisors for the Secretary for purposes of
15 ensuring that the requirements of G.S. 10B-2 are being satisfied. The advisory
16 committee shall have no executive or rulemaking authority.

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

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

- 25 (1) Prescribe the means of performing a notarial act involving a remotely located
26 principal using communication technology.
- 27 (2) Establish standards for communication technology, identity proofing, and
28 credential analysis.
- 29 (3) Establish requirements or procedures to approve providers of communication
30 technology and the process of identity proofing and credential analysis.
- 31 (4) Establish standards and a period for the retention of a communication
32 technology recording created under this Article for notarial acts for a period
33 of no more than 10 years.

34 "§ 10B-233. Reserved for future codification purposes.

35 "§ 10B-234. Reserved for future codification purposes.

36 "§ 10B-235. Reserved for future codification purposes.

37 "§ 10B-236. Reserved for future codification purposes.

38 "§ 10B-237. Reserved for future codification purposes.

39 "§ 10B-238. Reserved for future codification purposes.

40 "§ 10B-239. Reserved for future codification purposes.

41 "Part 5. Papering Out.

42 "§ 10B-240. Papering out of electronic records in tangible form.

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

- 47 (1) Is an original or in writing.
- 48 (2) Is signed or contains an original signature, if the document contains an
49 electronic signature of the person required to sign the document.

(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) An attorney licensed 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 that the attorney has reasonably confirmed that the electronic document is in a tamper-evident format and the attorney:

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

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

(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, filing, or submitting documents who does not have an electronic recording system, if the electronic recording system is not operational at any time, or if the electronic recording system does not accept the type of document being submitted, 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 an attorney who prepared the electronic document or has access to the original electronic document to be a true and correct copy of an electronic document under subsection (b) of this section as evidenced by a certification. The certification shall comply with all of the following requirements:

(1) Is signed and dated by the attorney.

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

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

(d) The following form of certification 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 Attorney

North Carolina State Bar Number

Notarial Certificate as required by law

(e) If a certification 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 certification is prima facie evidence that the requirements of subsection (b) of this section have been satisfied with respect to the document.

(f) 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.

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

4 "§ 10B-241. Reserved for future codification purposes.

5 "§ 10B-242. Reserved for future codification purposes.

6 "§ 10B-243. Reserved for future codification purposes.

7 "§ 10B-244. Reserved for future codification purposes.

8 "§ 10B-245. Reserved for future codification purposes.

9 "Part 6. Special Situations.

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

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

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

21 "§ 10B-247. Reserved for future codification purposes.

22 "§ 10B-248. Reserved for future codification purposes.

23 "§ 10B-249. Reserved for future codification purposes.

24 "§ 10B-250. Reserved for future codification purposes."

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

26 "**§ 10B-2. Purposes.**

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

- 29 (1) To promote, serve, and protect the public interests.
- 30 (2) To simplify, clarify, and modernize the law governing notaries.
- 31 (3) To prevent fraud and forgery.
- 32 (4) To foster ethical conduct among notaries.
- 33 (5) To enhance interstate recognition of notarial acts.
- 34 (6) To integrate procedures for ~~traditional paper and electronic notarial acts.~~ all of
35 the following notarial acts:
 - 36 a. Traditional paper.
 - 37 b. Electronic.
 - 38 c. Remote online."

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