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Short Title: Remote Notarization/Gov't Transparency.

(Public)

Sponsors:

Referred to:

May 4, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW REMOTE ELECTRONIC NOTARIZATION AND TO STRENGTHEN
3 CONFIDENCE IN GOVERNMENT BY INCREASING ACCESSIBILITY TO CERTAIN
4 PUBLIC PERSONNEL PERFORMANCE AND DISMISSAL RECORDS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 2 of Chapter 10B of the General Statutes is amended by adding
7 a new Part to read:

8 "Part 4A. Remote Electronic Notarization.

9 "§ 10B-134. Reserved for future codification purposes.

10 "§ 10B-134.1. Definitions.

11 In addition to the definitions provided in this Article, the following definitions shall apply in
12 this Part:

- 13 (1) Communication technology. – An electronic device, process, or system that
14 allows a remote electronic 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 remotely located 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. – A process or service through which a third party or
21 service performs a remote analysis of the characteristics and security features
22 of the identification pursuant to G.S. 10B-3(22)a.
- 23 (4) Electronic journal. – A secure electronic record of notarial acts that contains
24 the information required under G.S. 10B-134.15.
- 25 (5) Identity proofing. – A process or service through which a third party or service
26 affirms the identity of a remotely located principal through review of personal
27 information from public or proprietary data sources.
- 28 (6) Remote electronic notarial certificate. – The portion of a notarized electronic
29 document that is completed by the remote electronic notary and contains all
30 of the following:
- 31 a. The remote electronic notary's electronic signature and the remote
32 electronic notary's electronic seal.
- 33 b. The facts attested to by the remote electronic notary in a particular
34 notarization.



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- 1 c. A statement that a remotely located principal made the
2 acknowledgment, oath or affirmation, or verification or proof.
3 d. A statement that the notarization is a remote electronic notarization
4 performed using communication technology by a remote electronic
5 notary.
6 e. An attestation by the remote electronic notary that, at the time of the
7 remote electronic notarization, the remote electronic notary was
8 physically located in North Carolina and that the remote electronic
9 notary verified that the remotely located principal was physically
10 located in North Carolina.
11 f. An acknowledgment or jurat certification identifying the North
12 Carolina county where the remotely located principal was physically
13 located at the time of the remote electronic notarization.

- 14 (7) Remote electronic notarization or remote electronic notarial act. – A notarial
15 act performed by means of communication technology.
16 (8) Remote electronic notary public or remote electronic notary. – A notary public
17 who is registered with the Secretary to perform remote electronic
18 notarizations.
19 (9) Remotely located principal. – A principal who is not in the physical presence
20 of the remote electronic notary.
21 (10) Third-party vendor. – Any person providing communication technology,
22 credential analysis, identity proofing, or custodial services to remote
23 electronic notaries.

24 "**§ 10B-134.2.** Reserved for future codification purposes.

25 "**§ 10B-134.3. Types of remote electronic notarial acts; prohibitions.**

26 (a) Upon registration with the Secretary under this Article, a remote electronic notary
27 may perform any of the notarial acts listed in G.S. 10B-115 by means of communication
28 technology in accordance with this Part. A remote electronic notary may perform any authorized
29 remote notarial act with respect to tangible records or electronic documents.

30 (b) A remote electronic notary shall not perform a remote electronic notarial act if any of
31 the following apply:

- 32 (1) The remotely located principal is not physically located in this State.
33 (2) The remotely located principal is not personally known to the remote
34 electronic notary or the remotely located principal's identity cannot be verified
35 under G.S. 10B-134.11.
36 (3) Any reason set forth in G.S. 10B-20.
37 (4) Any reason set forth in G.S. 10B-134.9.

38 (c) Notwithstanding subsection (a) of this section, a remote electronic notary shall not
39 perform any remote electronic notarial act with regard to any of the following documents:

- 40 (1) A self-proved will executed pursuant to Article 4A of Chapter 31 of the
41 General Statutes.
42 (2) An advance directive for a natural death executed pursuant to Article 23 of
43 Chapter 90 of the General Statutes.
44 (3) A health care power of attorney executed pursuant to Article 3 of Chapter 32A
45 of the General Statutes.
46 (4) A revocable or irrevocable trust or any document amending the same.
47 (5) A death beneficiary form that requires an acknowledgment.
48 (6) A durable power of attorney except a statutory limited power of attorney for
49 real estate.
50 (7) A codicil to a will.
51 (8) Any document related to the renunciation of parental rights in an adoption.

1 (9) Mail-in absentee ballots issued under Article 20 of Chapter 163 of the General
2 Statutes.

3 (d) The prohibitions in subdivision (b)(1) of this section and subsection (c) of this section
4 shall not apply when, at the time the remote electronic notarial act is performed, all of the
5 following conditions are met:

6 (1) The remotely located principal is a member of the Armed Forces of the United
7 States or is the spouse of a member of the Armed Forces of the United States.

8 (2) The remotely located principal is located out of this State pursuant to military
9 orders assigning the member of the Armed Forces of the United States to
10 active duty outside this State for more than 120 days.

11 (3) The remotely located principal is physically located on the military
12 installation or vessel named in the military orders.

13 (e) No remotely notarized power of attorney may be used by the attorney-in-fact with
14 any other remotely notarized document to convey title to, or transfer any interest in, a remotely
15 located principal's real property. This subsection does not apply to powers of attorney executed
16 by a remotely located principal under subsection (d) of this section.

17 "**§ 10B-134.4.** Reserved for future codification purposes.

18 "**§ 10B-134.5. Use of communication technology.**

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

23 (1) Host the meeting between the remote electronic notary and the remotely
24 located principal in real time.

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

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

31 (4) Have sufficient quality to allow a clear and unobstructed visual observation
32 of the face of each participant and any identification provided by the remotely
33 located principal for a sufficient time to allow the remote electronic notary to
34 verify the remotely located principal's identity under G.S. 10B-134.11. The
35 remote electronic notary shall determine if the time is sufficient.

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

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

39 (7) Be capable of utilizing the IP address of the remotely located principal to
40 corroborate that the remotely located principal is physically located in North
41 Carolina.

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

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

51 "**§ 10B-134.6.** Reserved for future codification purposes.

1 **"§ 10B-134.7. Authority to perform remote electronic notarial acts.**

2 (a) A remote electronic notary may perform a remote electronic notarial act authorized
3 under this Article only while the remote electronic notary is physically located in this State.

4 (b) Except as provided in G.S. 10B-134.3(d), a remote electronic notary physically
5 located in this State may perform a remote electronic notarial act using communication
6 technology only for a remotely located principal who is physically located in this State. The
7 location of the remotely located principal shall be verified through one of the following methods:

8 (1) The remotely located principal's verification, by oath or affirmation to the
9 remote electronic notary, of the North Carolina county in which the remotely
10 located principal is physically located.

11 (2) The communication technology used for the remote electronic notarization
12 reflects that the IP address being used by the remotely located principal is
13 physically located in North Carolina.

14 (c) A remote electronic notarization performed by a remote electronic notary of this State
15 according to this Chapter is governed by the laws of this State.

16 **"§ 10B-134.8.** Reserved for future codification purposes.

17 **"§ 10B-134.9. Requirements and procedures for remote electronic notarial acts.**

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

20 (1) The remote electronic notary shall inform the participants that North Carolina
21 law requires that a communication technology recording be made of the
22 remote electronic notarization.

23 (2) The remote electronic notary shall require the remotely located principal to
24 demonstrate, to the satisfaction of the remote electronic notary, that the
25 remotely located principal is not under duress and is not otherwise being
26 coerced to complete the transaction.

27 (3) The remote electronic notary shall verify the identity of the remotely located
28 principal as provided in G.S. 10B-134.11.

29 (4) The remotely located principal shall verbally state what documents are being
30 signed for the notarial record or the general nature of the transaction.

31 (5) The location of the remotely located principal shall be verified in accordance
32 with G.S. 10B-134.7(b).

33 (b) In addition to the prohibitions contained in G.S. 10B-134.3, a remote electronic
34 notary shall refuse to perform a remote electronic notarial act if any of the following apply:

35 (1) The remote electronic notary has reasonable grounds to believe the remotely
36 located principal is acting under duress or is being coerced into completing
37 the transaction.

38 (2) The remote electronic notary becomes aware that the communication
39 technology is not secure.

40 (3) The electronic signature of the remotely located principal cannot be attached
41 to the electronic document for signature.

42 (4) The remote electronic notary's electronic notarial certificate and seal cannot
43 be attached to the electronic document using an electronic technology that
44 renders any subsequent change or modification to the document evident.

45 (c) If the notarial act is an oath or affirmation, the remote electronic notary shall
46 administer the oath or affirmation to the remotely located principal using communication
47 technology.

48 (d) In judicial actions or proceedings when an oral oath or affirmation is administered to
49 a witness that does not require notarization of a record or a notarial certificate and seal when
50 done in person, any notary public registered with the Secretary, whether or not registered as a
51 remote electronic notary, may administer that oath or affirmation while physically located in this

1 State to the remotely located witness using communication technology, provided that the notary
2 satisfies all requirements of this Article relating to the identity proofing of the witness. The notary
3 shall not be required to select the medium of communication technology or to retain a
4 communication technology recording of the performance of each remote oral oath or affirmation.

5 (e) Any failure of the remote electronic notary to comply with the requirements of the
6 remote electronic notarization does not invalidate the notarial act or the electronic record that
7 was notarized, but it does not prevent an aggrieved person from seeking to invalidate the record
8 on other substantive grounds.

9 (f) A remote electronic notary shall maintain the confidentiality of a remotely located
10 principal's documents at all times.

11 "**§ 10B-134.10.** Reserved for future codification purposes.

12 "**§ 10B-134.11. Verification of identity; identity proofing; credential analysis.**

13 (a) Prior to the remote electronic notarial act, the remote electronic notary shall cause to
14 have each remotely located principal's identity verified through one of the following methods:

15 (1) The remote electronic notary's personal knowledge of the remotely located
16 principal creating the electronic signature.

17 (2) All of the following:

18 a. Credential analysis, approved by the Secretary, of a current document
19 issued by a federal, state, or federal- or state-recognized tribal
20 government agency bearing the photographic image of the individual's
21 face and either the signature or a physical description of the individual.

22 b. Identity proofing approved by the Secretary.

23 c. Comparison, by the remote electronic notary, of the current document
24 issued by a federal, state, or federal- or state-recognized tribal
25 government agency bearing the photographic image of the individual's
26 face and either the signature or a physical description of the individual
27 presented by the remotely located principal during credential analysis
28 and the image of the remotely located principal via the communication
29 technology.

30 (b) Notwithstanding subsection (a) of this section, a remote electronic notary may require
31 the remotely located principal to provide additional information or identification credentials
32 necessary to assure the remote electronic notary of the identity of the remotely located principal.

33 "**§ 10B-134.12.** Reserved for future codification purposes.

34 "**§ 10B-134.13. Electronic notarization and remote electronic notarization.**

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

41 "**§ 10B-134.14.** Reserved for future codification purposes.

42 "**§ 10B-134.15. Electronic journal of remote electronic notarial acts.**

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

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

49 (1) The date and time when the remote electronic notary observed the signing of
50 the document by each remotely located principal and verified the remotely
51 located principal's identity under G.S. 10B-134.11.

- 1 (2) The date and time of the completion of the remote electronic notarial
2 certificate.
- 3 (3) The last and first name of each remotely located principal.
- 4 (4) The type of notarial act performed.
- 5 (5) The type of document notarized or proceeding performed.
- 6 (6) The type of identification presented, including, if applicable, the issuing
7 agency and identification number on the identification presented.
- 8 (7) The type of communication technology used during the remote electronic
9 notarization.
- 10 (8) Whether any other person was present with the remotely located principal at
11 the time of signature and, if so, the name of that person.
- 12 (9) The fee, if any, charged by the remote electronic notary.
- 13 (c) A third party involved in a transaction that utilizes remote electronic notarization may
14 require additional information regarding that transaction be included in the electronic journal
15 kept by the remote electronic notary.
- 16 (d) A remote electronic notary; guardian, conservator, or agent of a remote electronic
17 notary; or a personal representative of a deceased remote electronic notary shall retain a
18 communication technology recording of the performance of each remote electronic notarial act
19 for 10 years after the performance of the notarial act. A remote electronic notary; guardian,
20 conservator, or agent of a remote electronic notary; or a personal representative of a deceased
21 remote electronic notary may, by written contract, engage a third party, including the
22 communication technology provider, to act as a depository to provide the storage required by this
23 section. The contract shall:
- 24 (1) Enable the remote electronic notary; guardian, conservator, or agent of a
25 remote electronic notary; or a personal representative of a deceased remote
26 electronic notary to comply with the retention requirements of this section
27 even if the contract is terminated; or
- 28 (2) Provide that the information will be transferred to the remote electronic
29 notary; guardian, conservator, or agent of a remote electronic notary; or a
30 personal representative of a deceased remote electronic notary if the contract
31 is terminated.
- 32 (e) On resignation from, or the revocation or suspension of, a remote electronic notary's
33 commission, the remote electronic notary shall retain the electronic journal in accordance with
34 the requirements of this section and G.S. 10B-134.17.
- 35 (f) A remote electronic notary may designate a steward, who must be a third-party vendor
36 approved by the Secretary in accordance with G.S. 10B-134.20, to do any of the following:
- 37 (1) Maintain the electronic journal and any backup copies thereof.
- 38 (2) Retain a communication technology recording of the notarial act performed
39 and any backup copies thereof.
- 40 (3) Provide a method by which a remote electronic notary can do any of the
41 following:
- 42 a. Access the electronic journal.
- 43 b. Access the communication technology recording.
- 44 c. Export the electronic journal.
- 45 d. Export the communication technology recording.
- 46 (g) A remote electronic notary shall designate a steward, who must be a third-party
47 vendor approved by the Secretary, to receive and maintain the remote electronic notary's
48 electronic journal and all other notarial records under this Article for the time period and in a
49 manner as required by law or by rule adopted by the Secretary as follows:

1 (1) Upon resignation, revocation, or expiration of a notary commission, the
2 remote electronic notary shall deliver to the steward all notarial records
3 required by statute or rule to the steward.

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

8 **"§ 10B-134.16.** Reserved for future codification purposes.

9 **"§ 10B-134.17. Security measures by notary; surrender of journal; etc.**

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

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

19 (2) Take reasonable steps to ensure that the communication technology
20 recordings are secure from interception from an unauthorized third party
21 during transmission between participants involved in a remote electronic
22 notarial act. The communication technology used by the remote electronic
23 notary shall employ data protection safeguards consistent with generally
24 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 electronic
28 notary also maintained a tangible journal of remote electronic notarial acts.
29 The notary may maintain an electronic journal in an electronic form in a
30 permanent, tamper-evident electronic format.

31 (b) A remote electronic notary may surrender the electronic journal to the remote
32 electronic notary's employer upon termination of employment, but the remote electronic notary
33 shall also keep 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 remote electronic
36 notarial acts except as required by a court order or as allowed under rules adopted by the
37 Secretary.

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

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

44 (2) Notify the appropriate register of deeds and the Secretary in writing and signed
45 in the official name in which the remote electronic notary was commissioned.
46 The notice shall indicate whether there was any permanent loss of data,
47 unauthorized use, loss of use, or compromise of security of the electronic
48 journal or the communication technology recordings of remote electronic
49 notarial acts.

50 (e) The failure of a remote electronic notary to produce within 30 days of the
51 Department's request any record required by a rule adopted under this Article shall result in the

1 suspension of the remote electronic notary's power to act as a notary under the provisions of this
2 Chapter until the Secretary reinstates the notary's commission.

3 "§ 10B-134.18. Reserved for future codification purposes.

4 "§ 10B-134.19. Security measures by Secretary.

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

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

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

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

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

23 (3) Provides sufficient captured image resolution for credential analysis to be
24 performed.

25 (4) Includes a means of authentication that reasonably ensures only authorized
26 parties have access to the communication technology and communication
27 technology recordings.

28 (5) Provides some manner of ensuring that the electronic record presented for
29 electronic notarization is the same record electronically signed by the
30 remotely located principal.

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

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

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

42 (1) The live transmission of the remote electronic notarial act.

43 (2) Any communication technology recording of the remote electronic notarial
44 act.

45 (3) The verification methods and credentials used to verify the identity of the
46 remotely located principal.

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

48 (f) The Secretary may adopt other rules necessary to ensure the integrity, security, and
49 authenticity of remote electronic notarizations. In adopting other rules, the Secretary may impose
50 other education requirements on remote electronic notaries, prescribe the manner of performing
51 remote electronic notarial acts, and include provisions relating to the integrity and security of the

1 information. In adopting, amending, or repealing a rule governing the performance of a remote
2 electronic notarial act with respect to a remotely located principal, the Secretary may consider:

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

21 (g) If the Secretary has established standards regarding technology to perform remote
22 electronic notarial acts with respect to electronic documents or to perform remote electronic
23 notarizations, the technology chosen by the remote electronic notary shall conform to those
24 standards. If the Secretary has established standards under this Article for approval of
25 communication technology, credential analysis, identity proofing, or custodial services to remote
26 electronic notaries, the communication technology, credential analysis, identity proofing, or
27 custodial services selected by the notary must conform to the standards.

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

- 30 (1) Prescribe the means of performing a remote electronic notarial act involving
31 a remotely located principal using communication technology.
- 32 (2) Establish standards, processes, and procedures for communication
33 technology, credential analysis, identity proofing, or custodial services.
- 34 (3) Establish requirements or procedures to approve third-party vendors.
- 35 (4) Establish standards and a period for the retention of a communication
36 technology recording created under this Part for notarial acts for a period of
37 no more than 10 years.

38 **"§ 10B-134.20. Standards for third-party vendors; liability.**

39 (a) Third-party vendors shall meet all standards established by the Secretary under
40 G.S. 10B-134.19 for the provision of services to remote electronic notaries in this State. If the
41 Secretary has not established standards for a service, a third-party vendor may not furnish that
42 service to a remote electronic notary public until the Secretary has determined that the provided
43 service meets security standards generally accepted within the industry for that service.

44 (b) Third-party vendors are liable to any person who suffers damages from a remote
45 electronic notarial act if all of the following apply:

- 46 (1) The damage is proximately caused by a service provided by the third-party
47 vendor that failed to meet any standard under subsection (a) of this section.
- 48 (2) The person damaged was a party to, or in privity with a party to, the remote
49 electronic notarial act proximately causing the damage.

50 (c) Venue in any civil action brought under this Part shall not be controlled or established
51 by a third-party vendor agreement or any other contractual arrangement with the remote

1 electronic notary or the remotely located principal as a party to the contractual arrangement. Any
2 provision in a third-party vendor agreement that requires mandatory binding arbitration is void
3 and unenforceable. For purposes of this subsection, "third-party vendor agreement" means an
4 agreement between a third-party vendor and a remote electronic notary for the provision of
5 communication technology, credential analysis, identity proofing, or custodial services.

6 **"§ 10B-134.21. Real estate transactions.**

7 (a) Nothing in this Part shall be construed to alter or supersede the law as set forth in
8 Chapter 84 of the General Statutes, G.S. 10B-20(i) through (k), G.S. 75-1.1, or any opinion or
9 ruling by a North Carolina court of competent jurisdiction or the North Carolina State Bar and
10 pertaining to the unauthorized practice of law in this State, including the requirements that a
11 licensed North Carolina attorney shall supervise a residential real estate closing under Authorized
12 Practice Advisory Opinion 2002-1 issued by the North Carolina State Bar and perform any and
13 all services defined as the practice of law for real property located in this State.

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

16 **"§ 10B-134.22.** Reserved for future codification purposes.

17 **"§ 10B-134.23.** Reserved for future codification purposes.

18 **"§ 10B-134.24.** Reserved for future codification purposes.

19 **"§ 10B-134.25.** Reserved for future codification purposes.

20 **"§ 10B-134.26.** Reserved for future codification purposes."

21 **SECTION 2.(a)** G.S. 10B-2(6) reads as rewritten:

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

24 a. Traditional paper.

25 b. Electronic notarization.

26 c. Remote electronic notarization."

27 **SECTION 2.(b)** G.S. 10B-101 reads as rewritten:

28 **"§ 10B-101. Definitions.**

29 The following definitions apply in this Article:

30 (1) ~~"Electronic" means relating to~~Electronic. – Relating to technology having
31 electrical, digital, magnetic, wireless, optical, electromagnetic, or similar
32 capabilities.

33 (2) ~~"Electronic Document" means information~~Electronic document. –
34 Information that is created, generated, sent, communicated, received, or stored
35 by electronic means.

36 (3) ~~"Electronic Notarial Act" and "Electronic Notarization" mean an~~Electronic
37 notarial act and electronic notarization. – An official act by an electronic
38 notary public that involves electronic documents.

39 (4) ~~"Electronic Notary Public" and "Electronic Notary" mean a~~Electronic notary
40 public and electronic notary. – A notary public who has registered with the
41 Secretary the capability of performing electronic notarial acts in conformance
42 with this Article.

43 (5) ~~"Electronic Notary Seal" and "Electronic Seal" mean information~~Electronic
44 notary seal and electronic seal. – Information within a notarized electronic
45 document that includes the notary's name, jurisdiction, and commission
46 expiration date, and generally corresponds to data in notary seals used on
47 paper documents.

48 (6) ~~"Electronic Signatures" means an~~Electronic signatures. – An electronic
49 symbol or process attached to or logically associated with an electronic
50 document and executed or adopted by a person with the intent to sign the
51 document.

1 (7) ~~"Notary's Electronic Signature" means those~~ Notary's electronic signature. –
2 Those forms of electronic signature which have been approved by the
3 Secretary as authorized in G.S. 10B-125, as an acceptable means for an
4 electronic notary to affix the notary's official signature to an electronic record
5 that is being notarized.

6 (8) Remote electronic notary public or remote electronic notary. – As defined in
7 G.S. 10B-134.1."

8 **SECTION 2.(c)** G.S. 10B-105 reads as rewritten:

9 **"§ 10B-105. Qualifications.**

10 (a) A person qualified for electronic notary registration or remote electronic notary
11 registration shall meet all of the following requirements:

- 12 (1) Hold a valid commission as a notary public in the State of North Carolina.
- 13 (2) Except as otherwise provided, abide by all the provisions of Article 1 of this
14 Chapter.
- 15 (3) Satisfy the requirements of G.S. 10B-107.
- 16 (4) Submit an electronic registration form containing no significant misstatement
17 or omission of fact.

18 (b) The Secretary may deny a registration as an electronic notary or remote electronic
19 notary as authorized in G.S. 10B-5(d)."

20 **SECTION 2.(d)** G.S. 10B-106 reads as rewritten:

21 **"§ 10B-106. Registration with the Secretary of State.**

22 (a) Before performing notarial acts ~~electronically,~~ electronically or remotely, a notary
23 shall register the capability to notarize electronically or remotely with the Secretary.

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

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

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

- 31 (1) The applicant's full legal name and the name to be used for commissioning,
32 excluding nicknames.
- 33 (2) The state and county of commissioning of the registrant.
- 34 (3) The expiration date of the registrant's notary commission.
- 35 (4) Proof of successful completion of the course of instruction on electronic
36 notarization as required by this Article.
- 37 (5) A description of the technology the registrant will use to create an electronic
38 signature in performing official acts.
- 39 (6) If the device used to create the registrant's electronic signature was issued or
40 registered through a licensed certification authority, the name of that
41 authority, the source of the license, the starting and expiration dates of the
42 device's term of registration, and any revocations, annulments, or other
43 premature terminations of any registered device of the registrant that was due
44 to misuse or compromise of the device, with the date, cause, and nature of
45 each termination explained in detail.
- 46 (7) The e-mail address of the registrant.

47 The information provided in a registration that relates to subdivision (7) of this section shall
48 be considered confidential information and shall not be subject to disclosure under Chapter 132
49 of the General Statutes, except as provided by rule.

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

4 (f) Within 10 business days after the change of any registration information required of
5 an electronic ~~notary,~~ notary or remote electronic notary, the notary shall electronically transmit
6 to the Secretary a notice of the change of information signed with the notary's official electronic
7 signature."

8 **SECTION 2.(e)** G.S. 10B-117 reads as rewritten:

9 **"§ 10B-117. Notarial components of electronic document.**

10 In performing an electronic or remote electronic notarial act, all of the following components
11 shall be attached to, or logically associated with, the electronic document by the electronic ~~notary,~~
12 notary or remote electronic notary, all of which shall be immediately perceptible and reproducible
13 in the electronic record to which the notary's electronic signature is attached:

- 14 (1) The notary's name, state, and county of commissioning exactly as stated on
15 the commission issued by the ~~Secretary;~~Secretary.
- 16 (2) The words "Electronic Notary ~~Public~~";Public" or "Remote Electronic Notary
17 Public Utilizing Communication Technology."
- 18 (3) The words "State of North ~~Carolina~~";Carolina."
- 19 (4) The expiration date of the ~~commission;~~commission.
- 20 (5) The notary's electronic ~~signature;~~ and signature.
- 21 (6) The completed wording of one of the following notarial certificates:
 - 22 a. ~~Acknowledgment;~~Acknowledgment.
 - 23 b. ~~Jurat;~~Jurat.
 - 24 c. Verification or ~~proof;~~ or proof.
 - 25 d. Oath or affirmation."

26 **SECTION 3.** Article 2 of Chapter 10B of the General Statutes is amended by adding
27 a new Part to read:

28 "Part 7. Papering Out.

29 **"§ 10B-160.** Reserved for future codification purposes.

30 **"§ 10B-161. Papering out of electronic records in tangible form.**

31 (a) A paper or tangible duplicate of an electronic document subject to electronic
32 notarization shall be presumed to be a true and correct duplicate of the notarized electronic
33 document if the electronic notarial certificate is affixed to the electronic document in compliance
34 with G.S. 10B-117 and the electronic document has not been changed or modified since the
35 affixation of the electronic notarial certificate.

36 (b) If a custodian attests, in accordance with this section, that the electronic document
37 with the electronic notarial certificate is a true and correct duplicate of the electronic document
38 certification and such attestation is attached to or made a part of a paper or tangible duplicate of
39 an electronic document, the attestation is prima facie evidence that the requirements of this
40 section have been satisfied with respect to the paper or tangible duplicate of the electronic
41 document. The custodian must attest that the electronic document is in a tamper-evident format
42 and to at least all of the following:

- 43 (1) The capacity in which custodian has custody of the electronic document with
44 the affixed electronic notarial certificate.
- 45 (2) The custodian detected no changes or errors in any electronic signature or
46 other information in the electronic document since the affixation of the
47 electronic notarial certificate.
- 48 (3) The custodian personally printed, or supervised the printing of, the electronic
49 document onto paper or other tangible medium.
- 50 (4) The custodian has not made any changes or modifications to the electronic
51 document since the affixation of the electronic notarial certificate to the paper

1 or tangible duplicate of the electronic document with the affixed electronic
2 notarial certificate.

3 (5) The electronic document with the electronic notarial certificate is
4 acknowledged or sworn or affirmed before a notary public.

5 (c) Any document with an attestation in accordance with this section shall be accepted
6 for recording by a register of deeds under G.S. 161-14, provided all other statutory and locally
7 adopted prerequisites for recording have been met.

8 (d) As used in this section, "custodian" shall mean a person with authorized custody of
9 an electronic document with an affixed electronic notarial certification."

10 **SECTION 4.** G.S. 20-30(6), as amended by S.L. 2021-134, reads as rewritten:

11 "(6) To make a color photocopy or otherwise make a color reproduction of a
12 drivers license, learner's permit, or special identification card, unless such
13 color photocopy or other color reproduction was authorized by the
14 Commissioner or is made to comply with G.S. 163-230.2. It shall be lawful to
15 make a black and white photocopy of a drivers license, learner's permit, or
16 special identification card or otherwise make a black and white reproduction
17 of a drivers license, learner's permit, or special identification card. This
18 subdivision does not apply to: (i) a to any of the following:

19 a. A lender that is licensed or otherwise authorized to engage in the
20 lending business in this State; (ii) a State.

21 b. A licensed motor vehicle dealer creating, storing, or receiving, in the
22 ordinary course of business, a color image of a drivers license, learner's
23 permit, or special identification card of a borrower or loan applicant;
24 or (iii) a applicant.

25 c. A federally insured depository institution or its affiliates creating,
26 storing, or receiving, in the ordinary course of business, a color image
27 of a drivers license, learner's permit, or special identification card of a
28 consumer.

29 d. Performance of a remote notarization act under Part 4A of Article 2 of
30 Chapter 10B of the General Statutes."

31 **SECTION 5.(a)** G.S. 126-23 reads as rewritten:

32 **"§ 126-23. Certain records to be kept by State agencies open to inspection.**

33 (a) Each department, agency, institution, commission and bureau of the State shall
34 maintain a record of each of its employees, showing the following information with respect to
35 each such employee:

36 (1) Name.

37 (2) Age.

38 (3) Date of original employment or appointment to State service.

39 (4) The terms of any contract by which the employee is employed whether written
40 or oral, past and current, to the extent that the agency has the written contract
41 or a record of the oral contract in its possession.

42 (5) Current position.

43 (6) Title.

44 (7) Current salary.

45 (8) Date and amount of each increase or decrease in salary with that department,
46 agency, institution, commission, or bureau.

47 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
48 or other change in position classification with that department, agency,
49 institution, commission, or bureau.

1 (10) ~~Date-Subject to subsection (g) of this section, date and general description of~~
 2 the reasons for each ~~promotion-of the following~~ with that department, agency,
 3 institution, commission, or ~~bureau-bureau~~:

4 a. Promotion.

5 b. Demotion.

6 c. Transfer.

7 d. Suspension.

8 e. Separation.

9 f. Dismissal.

10 (11) ~~Date and type of~~ For each ~~dismissal, suspension, or demotion~~ dismissal for
 11 disciplinary reasons taken by the department, agency, institution, commission,
 12 or ~~bureau~~. If the ~~disciplinary action was a dismissal, bureau~~, a copy of the
 13 written notice of the final decision of the head of the department setting forth
 14 the specific acts or omissions that are the basis of the dismissal.

15 (12) The office or station to which the employee is currently assigned.

16 ...

17 (f) Nothing in this section shall be construed to authorize the disclosure of any
 18 confidential information protected by the Health Insurance Portability and Accountability Act of
 19 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
 20 327, or other applicable law.

21 (g) The following shall apply to the general descriptions as required by subdivision
 22 (a)(10) of this section:

23 (1) No general description shall disclose information otherwise prohibited from
 24 disclosure by an applicable law but shall be listed as "description of action
 25 prohibited by applicable law."

26 (2) The general description for each promotion, demotion, transfer, suspension,
 27 separation, or dismissal shall become part of the record maintained under
 28 subsection (a) of this section upon the later of the expiration of the time period
 29 to file an appeal under any applicable administrative appeals process or a final
 30 decision being entered in that administrative appeals process."

31 **SECTION 5.(b)** G.S. 126-22(b) reads as rewritten:

32 "(b) For purposes of this Article the following definitions apply:

33 (1) "Employee" means any current State employee, former State employee, or
 34 applicant for State ~~employment~~employment subject to this Article.

35 (2) "Employer" means any State department, university, division, bureau,
 36 commission, council, or other agency subject to ~~Article 7 of this Chapter~~this
 37 Article. The term "university" shall include all of the following, as defined in
 38 G.S. 116-2:

39 a. The Board.

40 b. The Board of Trustees.

41 c. Chancellor.

42 d. Constituent institutions.

43 e. The President.

44 (3) "Personnel file" means any employment-related or personal information
 45 gathered by an employer or by the Office of State Human Resources.
 46 Employment-related information contained in a personnel file includes
 47 information related to an individual's application, selection, promotion,
 48 demotion, transfer, leave, salary, contract for employment, benefits,
 49 suspension, performance evaluation, disciplinary actions, and termination.
 50 Personal information contained in a personnel file includes an individual's

1 home address, social security number, medical history, personal financial
2 data, marital status, dependents, and beneficiaries.

- 3 (4) "Record" means the personnel information that each employer is required to
4 maintain in accordance with G.S. 126-23."

5 **SECTION 6.** G.S. 115C-320 reads as rewritten:

6 **"§ 115C-320. Certain records open to inspection.**

7 (a) Each local board of education shall maintain a record of each of its employees,
8 showing the following information with respect to each employee:

- 9 (1) Name.
10 (2) Age.
11 (3) Date of original employment or appointment.
12 (4) The terms of any contract by which the employee is employed whether written
13 or oral, past and current, to the extent that the board has the written contract
14 or a record of the oral contract in its possession.
15 (5) Current position.
16 (6) Title.
17 (7) Current salary.
18 (8) Date and amount of each increase or decrease in salary with that local board
19 of education.
20 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
21 or other change in position classification with that local board of education.
22 (10) ~~Date~~ Subject to subsection (e) of this section, date and general description of
23 the reasons for each promotion of the following with that local board of
24 education: education:
25 a. Promotion.
26 b. Demotion.
27 c. Transfer.
28 d. Suspension.
29 e. Separation.
30 f. Dismissal.
31 (11) ~~Date and type of~~ For each dismissal, suspension, or demotion dismissal for
32 disciplinary reasons taken by the local board of education. If the disciplinary
33 action was a dismissal, education, a copy of the written notice of the final
34 decision of the local board education setting forth the specific acts or
35 omissions that are the basis of the dismissal.
36 (12) The office or station to which the employee is currently assigned.

37 ...

38 (d) Nothing in this section shall be construed to authorize the disclosure of any
39 confidential information protected by the Health Insurance Portability and Accountability Act of
40 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
41 327, or other applicable law.

42 (e) The following shall apply to the general descriptions as required by subdivision
43 (a)(10) of this section:

- 44 (1) No general description shall disclose information otherwise prohibited from
45 disclosure by an applicable law but shall be listed as "description of action
46 prohibited by applicable law."
47 (2) The general description for each promotion, demotion, transfer, suspension,
48 separation, or dismissal shall become part of the record maintained under
49 subsection (a) of this section upon the later of the expiration of the time period
50 to file an appeal under any applicable administrative appeals process or a final
51 decision being entered in that administrative appeals process."

SECTION 7. G.S. 115D-28 reads as rewritten:

"§ 115D-28. Certain records open to inspection.

(a) Each board of trustees shall maintain a record of each of its employees, showing the following information with respect to each employee:

- (1) Name.
- (2) Age.
- (3) Date of original employment or appointment.
- (4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the board has the written contract or a record of the oral contract in its possession.
- (5) Current position.
- (6) Title.
- (7) Current salary.
- (8) Date and amount of each increase or decrease in salary with that community college.
- (9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that community college.
- (10) ~~Date~~ Subject to subsection (e) of this section, date and general description of the reasons for each ~~promotion of the following~~ with that community college:
 - a. Promotion.
 - b. Demotion.
 - c. Transfer.
 - d. Suspension.
 - e. Separation.
 - f. Dismissal.
- (11) ~~Date and type of~~ For each ~~dismissal, suspension, or demotion~~ dismissal for disciplinary reasons taken by the community college. ~~If the disciplinary action was a dismissal, college,~~ a copy of the written notice of the final decision of the board of trustees setting forth the specific acts or omissions that are the basis of the dismissal.
- (12) The office or station to which the employee is currently assigned.

...

(d) Nothing in this section shall be construed to authorize the disclosure of any confidential information protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat. 327, or other applicable law.

(e) The following shall apply to the general descriptions as required by subdivision (a)(10) of this section:

- (1) No general description shall disclose information otherwise prohibited from disclosure by an applicable law but shall be listed as "description of action prohibited by applicable law."
- (2) The general description for each promotion, demotion, transfer, suspension, separation, or dismissal shall become part of the record maintained under subsection (a) of this section upon the later of the expiration of the time period to file an appeal under any applicable administrative appeals process or a final decision being entered in that administrative appeals process."

SECTION 8. G.S. 122C-158 reads as rewritten:

"§ 122C-158. Privacy of personnel records.

...

(b) The following information with respect to each employee is a matter of public record:

- 1 (1) Name.
- 2 (2) Age.
- 3 (3) Date of original employment or appointment to the area authority.
- 4 (4) The terms of any contract by which the employee is employed whether written
- 5 or oral, past and current, to the extent that the agency has the written contract
- 6 or a record of the oral contract in its possession.
- 7 (5) Current position.
- 8 (6) Title.
- 9 (7) Current salary.
- 10 (8) Date and amount of each increase or decrease in salary with that area
- 11 authority.
- 12 (9) Date and type each promotion, demotion, transfer, suspension, separation, or
- 13 other change in position classification with that area authority.
- 14 (10) ~~Date~~ Subject to subsection (j) of this section, date and general description of
- 15 the reasons for each ~~promotion~~ of the following with that area
- 16 ~~authority~~ authority:
- 17 a. Promotion.
- 18 b. Demotion.
- 19 c. Transfer.
- 20 d. Suspension.
- 21 e. Separation.
- 22 f. Dismissal.
- 23 (11) ~~Date and type of~~ For each ~~dismissal, suspension, or demotion~~ dismissal for
- 24 disciplinary reasons taken by the area ~~authority~~ authority. If the disciplinary action was
- 25 a ~~dismissal~~ dismissal, authority, a copy of the written notice of the final decision of the
- 26 area authority setting forth the specific acts or omissions that are the basis of
- 27 the dismissal.
- 28 (12) The office or station to which the employee is currently assigned.

29 ...

30 (i) Nothing in this section shall be construed to authorize the disclosure of any

31 confidential information protected by the Health Insurance Portability and Accountability Act of

32 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.

33 327, or other applicable law.

34 (j) The following shall apply to the general descriptions as required by subdivision

35 (b)(10) of this section:

- 36 (1) No general description shall disclose information otherwise prohibited from
- 37 disclosure by an applicable law but shall be listed as "description of action
- 38 prohibited by applicable law."
- 39 (2) The general description for each promotion, demotion, transfer, suspension,
- 40 separation, or dismissal shall become part of the record maintained under
- 41 subsection (b) of this section upon the later of the expiration of the time period
- 42 to file an appeal under any applicable administrative appeals process or a final
- 43 decision being entered in that administrative appeals process."

44 **SECTION 9.** G.S. 130A-45.9 reads as rewritten:

45 **"§ 130A-45.9. Confidentiality of personnel information.**

46 ...

47 (b) The following information with respect to each employee of a public health authority

48 is a matter of public record:

- 49 (1) ~~name;~~ Name.
- 50 (2) ~~age;~~ Age.
- 51 (3) ~~date~~ Date of original employment or ~~appointment;~~ appointment.

- 1 (4) ~~beginning~~ Beginning and ending dates, dates.
- 2 (5) ~~position title,~~ Current position and title.
- 3 (6) ~~position descriptions,~~ Position description.
- 4 (7) Current salary and total compensation of current and former positions;
5 positions. For the purposes of this subdivision, the term "total compensation"
6 includes pay, benefits, incentives, bonuses, and deferred and all other forms
7 of compensation paid by the employing entity.
- 8 (8) ~~the~~ The terms of any contract by which the employee is employed whether
9 written or oral, past and current, to the extent that the authority has the written
10 contract or a record of the oral contract in its possession, ~~possession.~~
11 (9) ~~and date~~ Date and type of the most recent each promotion, demotion, transfer,
12 suspension, separation, or other change in position classification.
- 13 (10) Subject to subsection (e) of this section, date and general description of the
14 reasons for each of the following with that public health authority:
 - 15 a. Promotion.
 - 16 b. Demotion.
 - 17 c. Transfer.
 - 18 d. Suspension.
 - 19 e. Separation.
 - 20 f. Dismissal.
- 21 (11) For each dismissal for disciplinary reasons taken by the public health
22 authority, a copy of the written notice of the final decision of the public health
23 authority setting forth the specific acts or omissions that are the basis of the
24 dismissal.
- 25 (12) The office or station to which the employee is currently assigned.
- 26 (13) In addition, the following information with respect to each licensed medical
27 provider employed by or having privileges to practice in a public health
28 facility shall be a matter of public record: educational history and
29 qualifications, date and jurisdiction or original and current licensure; and
30 information relating to medical board certifications or other qualifications of
31 medical specialists. ~~For the purposes of this subsection, the term "total~~
32 ~~compensation" includes pay, benefits, incentives, bonuses, and deferred and~~
33 ~~all other forms of compensation paid by the employing entity.~~

34 ...

35 (d) Nothing in this section shall be construed to authorize the disclosure of any
36 confidential information protected by the Health Insurance Portability and Accountability Act of
37 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
38 327, or other applicable law.

39 (e) The following shall apply to the general descriptions as required by subdivision
40 (b)(10) of this section:

- 41 (1) No general description shall disclose information otherwise prohibited from
42 disclosure by an applicable law but shall be listed as "description of action
43 prohibited by applicable law."
- 44 (2) The general description for each promotion, demotion, transfer, suspension,
45 separation, or dismissal shall become part of the record maintained under
46 subsection (b) of this section upon the later of the expiration of the time period
47 to file an appeal under any applicable administrative appeals process or a final
48 decision being entered in that administrative appeals process."

49 **SECTION 10.** G.S. 131E-257.2 reads as rewritten:

50 **"§ 131E-257.2. Privacy of employee personnel records.**

51 ...

1 (b) The following information with respect to each public hospital employee is a matter
2 of public record:

- 3 (1) Name.
- 4 (2) Age.
- 5 (3) Date of original employment.
- 6 (4) Current position title.
- 7 (5) Date of the most recent and type for each promotion, demotion, transfer,
8 suspension, separation or other change in position classification.
- 9 (6) The office to which the employee is currently assigned.
- 10 (7) Subject to subsection (j) of this section, date and general description of the
11 reasons for each of the following with that public hospital:

- 12 a. Promotion.
- 13 b. Demotion.
- 14 c. Transfer.
- 15 d. Suspension.
- 16 e. Separation.
- 17 f. Dismissal.

- 18 (8) For each dismissal for disciplinary reasons taken by the public hospital, a copy
19 of the written notice of the final decision of the public hospital setting forth
20 the specific acts or omissions that are the basis of the dismissal.
- 21 (9) ~~In addition, the following information with respect to~~ For each licensed
22 medical provider employed by or having privileges to practice in a public
23 hospital shall be a matter of public record: hospital, the following information:
24 educational history and qualifications, date and jurisdiction or original and
25 current licensure; and information relating to medical board certifications or
26 other qualifications of medical specialists.

27 ...

28 (i) Nothing in this section shall be construed to authorize the disclosure of any
29 confidential information protected by the Health Insurance Portability and Accountability Act of
30 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
31 327, or other applicable law.

32 (j) The following shall apply to the general descriptions as required by subdivision (b)(7)
33 of this section:

- 34 (1) No general description shall disclose information otherwise prohibited from
35 disclosure by an applicable law but shall be listed as "description of action
36 prohibited by applicable law."
- 37 (2) The general description for each promotion, demotion, transfer, suspension,
38 separation, or dismissal shall become part of the record maintained under
39 subsection (b) of this section upon the later of the expiration of the time period
40 to file an appeal under any applicable administrative appeals process or a final
41 decision being entered in that administrative appeals process."

42 **SECTION 11.(a)** G.S. 153A-98 reads as rewritten:

43 **"§ 153A-98. Privacy of employee personnel records.**

44 (a) Notwithstanding the provisions of G.S. 132-6 or any other general law or local act
45 concerning access to public records, personnel files of employees, former employees, or
46 applicants for employment maintained by a county are subject to inspection and may be disclosed
47 only as provided by this section. For purposes of this section, an employee's personnel file
48 consists of any information in any form gathered by the county with respect to that employee
49 and, by way of illustration but not limitation, relating to his application, selection or nonselection,
50 performance, promotions, demotions, transfers, suspension and other disciplinary actions,

1 evaluation forms, leave, salary, and termination of employment. As used in this section,
 2 "employee" includes former employees of the county.

3 (a1) This section shall apply to all employees subject to G.S. 153A-103.

4 (b) The following information with respect to each county employee is a matter of public
 5 record:

- 6 (1) Name.
- 7 (2) Age.
- 8 (3) Date of original employment or appointment to the county service.
- 9 (4) The terms of any contract by which the employee is employed whether written
 10 or oral, past and current, to the extent that the county has the written contract
 11 or a record of the oral contract in its possession.
- 12 (5) Current position.
- 13 (6) Title.
- 14 (7) Current salary.
- 15 (8) Date and amount of each increase or decrease in salary with that county.
- 16 (9) Date and type of each promotion, demotion, transfer, suspension, separation
 17 or other change in position classification with that county.
- 18 (10) ~~Date~~ Subject to subsection (h) of this section, date and general description of
 19 the reasons for each ~~promotion~~ of the following with that ~~county~~ county:
 - 20 a. Promotion.
 - 21 b. Demotion.
 - 22 c. Transfer.
 - 23 d. Suspension.
 - 24 e. Separation.
 - 25 f. Dismissal.
- 26 (11) ~~Date and type of~~ For each dismissal, suspension, or demotion dismissal for
 27 disciplinary reasons taken by the county. If the disciplinary action was a
 28 dismissal, county, a copy of the written notice of the final decision of the
 29 county setting forth the specific acts or omissions that are the basis of the
 30 dismissal.
- 31 (12) The office to which the employee is currently assigned.

32 ...
 33 (g) Nothing in this section shall be construed to authorize the disclosure of any
 34 confidential information protected by the Health Insurance Portability and Accountability Act of
 35 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
 36 327, or other applicable law.

37 (h) The following shall apply to the general descriptions as required by subdivision
 38 (b)(10) of this section:

- 39 (1) No general description shall disclose information otherwise prohibited from
 40 disclosure by an applicable law but shall be listed as "description of action
 41 prohibited by applicable law."
- 42 (2) The general description for each promotion, demotion, transfer, suspension,
 43 separation, or dismissal shall become part of the record maintained under
 44 subsection (b) of this section upon the later of the expiration of the time period
 45 to file an appeal under any applicable administrative appeals process or a final
 46 decision being entered in that administrative appeals process."

47 **SECTION 11.(b)** G.S. 153A-99(b) reads as rewritten:

48 "(b) Definitions. For the purposes of this section:

- 49 (1) "County employee" or "employee" means any person employed by a county
 50 or any department or program thereof that is supported, in whole or in part, by
 51 county ~~funds~~; funds but shall not include employees subject to G.S. 153A-103.

- 1 (2) "On duty" means that time period when an employee is engaged in the duties
 2 of his or her employment; and
 3 (3) "Workplace" means any place where an employee engages in his or her job
 4 duties."

5 **SECTION 12.** G.S. 160A-168 reads as rewritten:

6 **"§ 160A-168. Privacy of employee personnel records.**

7 ...

8 (b) The following information with respect to each city employee is a matter of public
 9 record:

- 10 (1) Name.
 11 (2) Age.
 12 (3) Date of original employment or appointment to the service.
 13 (4) The terms of any contract by which the employee is employed whether written
 14 or oral, past and current, to the extent that the city has the written contract or
 15 a record of the oral contract in its possession.
 16 (5) Current position.
 17 (6) Title.
 18 (7) Current salary.
 19 (8) Date and amount of each increase or decrease in salary with that municipality.
 20 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
 21 or other change in position classification with that municipality.
 22 (10) ~~Date~~ Subject to subsection (h) of this section, date and general description of
 23 the reasons for each ~~promotion~~ of the following with that
 24 ~~municipality~~ municipality:
 25 a. Promotion.
 26 b. Demotion.
 27 c. Transfer.
 28 d. Suspension.
 29 e. Separation.
 30 f. Dismissal.
 31 (11) ~~Date and type of~~ For each ~~dismissal, suspension, or demotion~~ dismissal for
 32 disciplinary reasons taken by the ~~municipality~~. If the ~~disciplinary action was~~
 33 ~~a dismissal, municipality~~, a copy of the written notice of the final decision of
 34 the municipality setting forth the specific acts or omissions that are the basis
 35 of the dismissal.
 36 (12) The office to which the employee is currently assigned.

37 ...

38 (g) Nothing in this section shall be construed to authorize the disclosure of any
 39 confidential information protected by the Health Insurance Portability and Accountability Act of
 40 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
 41 327, or other applicable law.

42 (h) The following shall apply to the general descriptions as required by subdivision
 43 (b)(10) of this section:

- 44 (1) No general description shall disclose information otherwise prohibited from
 45 disclosure by an applicable law but shall be listed as "description of action
 46 prohibited by applicable law."
 47 (2) The general description for each promotion, demotion, transfer, suspension,
 48 separation, or dismissal shall become part of the record maintained under
 49 subsection (b) of this section upon the later of the expiration of the time period
 50 to file an appeal under any applicable administrative appeals process or a final
 51 decision being entered in that administrative appeals process."

1 **SECTION 13.** G.S. 162A-6.1 reads as rewritten:

2 "**§ 162A-6.1. Privacy of employee personnel records.**

3 ...

4 (b) The following information with respect to each authority employee is a matter of
5 public record:

6 (1) Name.

7 (2) Age.

8 (3) Date of original employment or appointment to the service.

9 (4) The terms of any contract by which the employee is employed whether written
10 or oral, past and current, to the extent that the authority has the written contract
11 or a record of the oral contract in its possession.

12 (5) Current position.

13 (6) Title.

14 (7) Current salary.

15 (8) Date and amount of each increase or decrease in salary with that authority.

16 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
17 or other change in position classification with that authority.

18 (10) ~~Date~~ Subject to subsection (j) of this section, date and general description of
19 the reasons for each ~~promotion~~ of the following with that ~~authority~~ authority:

20 a. Promotion.

21 b. Demotion.

22 c. Transfer.

23 d. Suspension.

24 e. Separation.

25 f. Dismissal.

26 (11) ~~Date and type of~~ For each ~~dismissal, suspension, or demotion~~ dismissal
27 for disciplinary reasons taken by the authority. If the disciplinary action was a
28 dismissal, authority, a copy of the written notice of the final decision of the
29 authority setting forth the specific acts or omissions that are the basis of the
30 dismissal.

31 (12) The office to which the employee is currently assigned.

32 ...

33 (i) Nothing in this section shall be construed to authorize the disclosure of any
34 confidential information protected by the Health Insurance Portability and Accountability Act of
35 1996 (HIPAA), 110 Stat. 1936, the Americans with Disabilities Act of 1990 (ADA), 104 Stat.
36 327, or other applicable law.

37 (j) The following shall apply to the general descriptions as required by subdivision
38 (b)(10) of this section:

39 (1) No general description shall disclose information otherwise prohibited from
40 disclosure by an applicable law but shall be listed as "description of action
41 prohibited by applicable law."

42 (2) The general description for each promotion, demotion, transfer, suspension,
43 separation, or dismissal shall become part of the record maintained under
44 subsection (b) of this section upon the later of the expiration of the time period
45 to file an appeal under any applicable administrative appeals process or a final
46 decision being entered in that administrative appeals process."

47 **SECTION 14.** No later than November 30, 2021, each employer affected by this act
48 shall adopt personnel policies to effectuate this act to permit all of its employees to challenge the
49 wording of the general description of any promotion, demotion, transfer, suspension, separation,
50 or dismissal occurring on or after December 1, 2021.

1 **SECTION 15.** Sections 1 through 4 of this act become effective January 1, 2022. In
2 order to implement remote notarization on the effective date of this act, the Secretary of State
3 may begin rulemaking to implement Part 4A of Article 2 of Chapter 10B of the General Statutes,
4 as enacted by this act, prior to January 1, 2022, but no temporary or permanent rule shall become
5 effective prior to January 1, 2022. Sections 5 through 14 of this act become effective December
6 1, 2021, and apply to promotions, demotions, transfers, suspensions, separations, and dismissals
7 occurring on or after that date. The remainder of this act is effective when it becomes law.