

NORTH CAROLINA REGISTER

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August 15, 2023

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V. RULES REVIEW COMMISSION

PUBLISHED BY

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Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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NORTH CAROLINA REGISTER
Publication Schedule for January 2023 – December 2023

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
37:13	01/03/23	12/07/22	01/18/23	03/06/23	03/20/23	04/20/2023	05/01/23	09/30/23
37:14	01/17/23	12/20/22	02/01/23	03/20/23	04/20/23	05/18/2023	06/01/23	10/14/23
37:15	02/01/23	01/10/23	02/16/23	04/03/23	04/20/23	05/18/2023	06/01/23	10/29/23
37:16	02/15/23	01/25/23	03/02/23	04/17/23	04/20/23	05/18/2023	06/01/23	11/12/23
37:17	03/01/23	02/08/23	03/16/23	05/01/23	05/20/23	06/15/2023	07/01/23	11/26/23
37:18	03/15/23	02/22/23	03/30/23	05/15/23	05/20/23	06/15/2023	07/01/23	12/10/23
37:19	04/03/23	03/13/23	04/18/23	06/02/23	06/20/23	07/20/2023	08/01/23	12/29/23
37:20	04/17/23	03/24/23	05/02/23	06/16/23	06/20/23	07/20/2023	08/01/23	01/12/24
37:21	05/01/23	04/10/23	05/16/23	06/30/23	07/20/23	08/17/2023	09/01/23	01/26/24
37:22	05/15/23	04/24/23	05/30/23	07/14/23	07/20/23	08/17/2023	09/01/23	02/09/24
37:23	06/01/23	05/10/23	06/16/23	07/31/23	08/20/23	09/21/2023	10/01/23	02/26/24
37:24	06/15/23	05/24/23	06/30/23	08/14/23	08/20/23	09/21/2023	10/01/23	03/11/24
38:01	07/03/23	06/12/23	07/18/23	09/01/23	09/20/23	10/19/2023	11/01/23	03/29/24
38:02	07/17/23	06/23/23	08/01/23	09/15/23	09/20/23	10/19/2023	11/01/23	04/12/24
38:03	08/01/23	07/11/23	08/16/23	10/02/23	10/20/23	11/16/2023	12/01/23	04/27/24
38:04	08/15/23	07/25/23	08/30/23	10/16/23	10/20/23	11/16/2023	12/01/23	05/11/24
38:05	09/01/23	08/11/23	09/16/23	10/31/23	11/20/23	12/14/2023	01/01/24	05/28/24
38:06	09/15/23	08/24/23	09/30/23	11/14/23	11/20/23	12/14/2023	01/01/24	06/11/24
38:07	10/02/23	09/11/23	10/17/23	12/01/23	12/20/23	01/18/2024	02/01/24	06/28/24
38:08	10/16/23	09/25/23	10/31/23	12/15/23	12/20/23	01/18/2024	02/01/24	07/12/24
38:09	11/01/23	10/11/23	11/16/23	01/02/24	01/20/24	02/15/2024	03/01/24	07/28/24
38:10	11/15/23	10/24/23	11/30/23	01/16/24	01/20/24	02/15/2024	03/01/24	08/11/24
38:11	12/01/23	11/07/23	12/16/23	01/30/24	02/20/24	03/21/2024	04/01/24	08/27/24
38:12	12/15/23	11/22/23	12/30/23	02/13/24	02/20/24	03/21/2024	04/01/24	09/10/24

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

1 NOTICE OF RULE MAKING PROCEEDINGS AND PUBLIC HEARING

2
3 NORTH CAROLINA BUILDING CODE COUNCIL

4
5 **Notice of Rule-making Proceedings** is hereby given by NC Building Code Council in accordance with
6 G.S. 150B-21.5(d).

7
8 **Citation to Existing Rule Affected by this Rule-Making:** *North Carolina Administrative, Building, Fire,*
9 *Existing Building and Energy Conservation Code amendments.*

10
11 **Authority for Rule-making:** *G.S. 143-136; 143-138.*

12
13 **Reason for Proposed Action:** *To incorporate changes in the NC State Building Codes as a result of*
14 *rulemaking petitions filed with the NC Building Code Council and to incorporate changes proposed by the*
15 *Council.*

16
17 **Public Hearing:** *Tuesday, September 12, 2023, 9:00AM, Albemarle Building, 325 North Salisbury Street,*
18 *Raleigh, NC 27603, 2nd Floor Training Room 245. Comments on both the proposed rules and any fiscal*
19 *impacts will be accepted.*

20
21 **Comment Procedures:** *Written comments may be sent to David B. Rittlinger, Secretary, NC Building*
22 *Code Council, NC Department of Insurance: Office of the State Fire Marshal, 1429 Rock Quarry Road,*
23 *Raleigh, NC 27610 (email david.rittlinger@ncdoi.gov). Comments on both the proposed rule and any*
24 *fiscal impact will be accepted. Comment period expires on October 16, 2023.*

25
26 **Link to Agency Notice:**
27 <https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice>

28
29 **Statement of Subject Matter:**

30
31 **1. Request from the NC Building Code Council Mechanical Standing Committee to adopt the 2024**
32 **edition of the North Carolina Mechanical Code as presented by the committee as follows:**

33
34 The proposed amendments to the 2021 International Mechanical Code to establish the 2024 NC
35 Mechanical Code can be found at the following link on the NCDOT website. Select the link to “B-1 2024
36 NCCMC”: <https://www.ncosfm.gov/news/events/building-code-council-meeting-june-13-2023>

1 The 2021 International Mechanical Code can be found at the following link on the ICC website:

2 <https://codes.iccsafe.org/content/IMC2021P3>

3

4 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
5 1, 2025, unless the BCC assigns a delayed effective date.

6 **Reason Given** – This amendment is proposed to protect the public by updating the code to current
7 standards of practice.

8 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
9 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
10 funds. A fiscal note has not been prepared.

11

12 **2. Request from the NC Building Code Council Mechanical Standing Committee to adopt the 2024**
13 **edition of the North Carolina Fuel Gas Code as presented by the committee as follows:**

14

15 The proposed amendments to the 2021 International Fuel Gas Code to establish the 2024 NC Fuel Gas

16 Code can be found at the following link on the NCDOT website. Select the link to “B-2 2024 NCFGC”:

17 <https://www.ncosfm.gov/news/events/building-code-council-meeting-june-13-2023>

18

19 The 2021 International Fuel Gas Code can be found at the following link on the ICC website:

20 <https://codes.iccsafe.org/content/IFGC2021P2>

21

22 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
23 1, 2025, unless the BCC assigns a delayed effective date.

24 **Reason Given** – This amendment is proposed to protect the public by updating the code to current
25 standards of practice.

26 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
27 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
28 funds. A fiscal note has not been prepared.

29

30 **3. Request from the BCC Electrical Ad-Hoc Committee to adopt the 2023 edition of the North**
31 **Carolina Electrical Code as presented by the committee as follows:**

32

33 The proposed amendments to the 2023 NFPA 70 National Electrical Code to establish the 2023 NC

34 Electrical Code can be found at the following link on the NCDOT website. Select the link to “B-3 2023

35 NEC”: <https://www.ncosfm.gov/news/events/building-code-council-meeting-june-13-2023>

36

1 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
2 1, 2025, unless the BCC assigns a delayed effective date.

3 **Reason Given** – The NEC is amended and published every three years through a consensus process at the
4 NFPA. The 2023 NEC is the latest published edition and represents national industry and life-safety
5 updates. The newest edition provides the industry with a standard that regulates the newest equipment and
6 technology in accordance with the most current practices. The NC Amendments represent changes
7 proposed by the Ad-Hoc Committee that complement North Carolina construction methods. Certain
8 changes in the Code will both increase and decrease the cost of installation in various circumstances.

9 **Fiscal Statement** – This rule is anticipated to decrease and increase construction costs overall. This rule is
10 anticipated to increase the cost of a dwelling by \$80 or more. This rule is not expected to affect local and
11 state funds. This rule is anticipated to cause a substantial impact. A fiscal note has not been prepared but
12 will be prepared prior to adoption.

13

14 **4. Request from Natalie MacDonald, Chair of the BCC Mechanical Standing Committee to adopt**
15 **and incorporate Chapters 12-23 (Mechanical) of the 2021 edition of the International Residential**
16 **Code, into the 2024 edition of the NC Residential Code as follows:**

17

18 The proposed amendments to the 2021 International Residential Code to establish the 2024 NC Residential
19 Code can be found at the following link on the NCDOI website. Select the link to “B-4A 2024 NCRC
20 Chapters 12-23”: <https://www.ncosfm.gov/news/events/building-code-council-meeting-june-13-2023>

21

22 The 2021 International Residential Code can be found at the following link on the ICC website:
23 <https://codes.iccsafe.org/content/IRC2021P2>

24

25 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
26 1, 2025, unless the BCC assigns a delayed effective date.

27 **Reason Given** – This amendment is proposed to protect the public by updating the code to current
28 standards of practice.

29 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
30 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
31 funds. A fiscal note has not been prepared.

32

33 **5. Request from Natalie MacDonald, Chair of the NC BCC Mechanical Standing Committee to**
34 **adopt and incorporate Chapter 24 (Fuel-Gas) of the 2021 edition of the International Residential**
35 **Code, into the 2024 edition of the NC Residential Code as follows:**

36

1 The proposed amendments to the 2021 International Residential Code to establish the 2024 NC Residential
2 Code can be found at the following link on the NCDOI website. Select the link to “B-4B 2024 NCRC
3 Chapter 24”: <https://www.ncosfm.gov/news/events/building-code-council-meeting-june-13-2023>

4
5 The 2021 International Residential Code can be found at the following link on the ICC website:
6 <https://codes.iccsafe.org/content/IRC2021P2>

7
8 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
9 1, 2025, unless the BCC assigns a delayed effective date.

10 **Reason Given** – This amendment is proposed to protect the public by updating the code to current
11 standards of practice.

12 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
13 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
14 funds. A fiscal note has not been prepared.

15

16 **6. Request from Gloria Shealey, Chair of the NC BCC Energy Standing Committee to adopt and**
17 **incorporate Chapter 11 (Energy) of the 2021 edition of the International Residential Code, into the**
18 **2024 edition of the NC Residential Code as follows:**

19

20 The proposed amendments to the 2021 International Residential Code to establish the 2024 NC Residential
21 Code can be found at the following link on the NCDOI website. Select the link to “B-5 2024 NCRC
22 Chapter 11”: <https://www.ncosfm.gov/news/events/building-code-council-meeting-june-13-2023>

23

24 The 2021 International Residential Code can be found at the following link on the ICC website:
25 <https://codes.iccsafe.org/content/IRC2021P2>

26

27 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
28 1, 2025, unless the BCC assigns a delayed effective date.

29 **Reason Given** – This amendment is proposed to protect the public by updating the code to current
30 standards of practice.

31 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
32 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
33 funds. A fiscal note and cost benefit analysis has not been prepared but will be prepared prior to adoption.

34

35 **7. Request from Gary Embler, Chair of the BCC Residential Standing Committee to adopt and**
36 **incorporate Chapter 11 (Energy) of the 2018 edition of the NC Residential Code, into the 2024**
37 **edition of the NC Residential Code as follows:**

1 The proposed amendments to the 2021 International Residential Code to establish the 2024 NC Residential
2 Code can be found at the following link on the NCDOI website. Select the link to “B-6A 2018 NCRC
3 Chapter 11”: <https://www.ncosfm.gov/news/events/building-code-council-meeting-june-13-2023>

4
5 The 2021 International Residential Code can be found at the following link on the ICC website:
6 <https://codes.iccsafe.org/content/IRC2021P2>

7
8 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
9 1, 2025, unless the BCC assigns a delayed effective date.

10 **Reason Given** – This amendment is proposed to adopt and incorporate Chapter 11 (Energy) of the 2018
11 edition of the NC Residential Code, into the 2024 edition of the NC Residential Code.

12 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
13 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
14 funds. A fiscal note has not been prepared.

15

16 **8. Request from Gary Embler, Chair of the BCC Residential Standing Committee to adopt and**
17 **incorporate Chapters 12-23 (Mechanical) of the 2018 edition of the NC Residential Code, into the**
18 **2024 edition of the NC Residential Code as follows:**

19

20 The proposed amendments to the 2021 International Residential Code to establish the 2024 NC Residential
21 Code can be found at the following link on the NCDOI website. Select the link to “B-6B 2018 NCRC
22 Chapters 12-23”: <https://www.ncosfm.gov/news/events/building-code-council-meeting-june-13-2023>

23

24 The 2021 International Residential Code can be found at the following link on the ICC website:
25 <https://codes.iccsafe.org/content/IRC2021P2>

26

27 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
28 1, 2025, unless the BCC assigns a delayed effective date.

29 **Reason Given** – This amendment is proposed to adopt and incorporate Chapters 12-23 (Mechanical) of the
30 2018 edition of the NC Residential Code, into the 2024 edition of the NC Residential Code.

31 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
32 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
33 funds. A fiscal note has not been prepared.

34

35 **9. Request from Gary Embler, Chair of the BCC Residential Standing Committee to adopt and**
36 **incorporate Chapter 24 (Fuel-Gas) of the 2018 edition of the NC Residential Code, into the 2024**
37 **edition of the NC Residential Code as follows:**

1
2 The proposed amendments to the 2021 International Residential Code to establish the 2024 NC Residential
3 Code can be found at the following link on the NCDOJ website. Select the link to “B-6C 2018 NCRC
4 Chapter 24”: <https://www.ncosfm.gov/news/events/building-code-council-meeting-june-13-2023>

5
6 The 2021 International Residential Code can be found at the following link on the ICC website:
7 <https://codes.iccsafe.org/content/IRC2021P2>

8
9 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
10 1, 2025, unless the BCC assigns a delayed effective date.

11 **Reason Given** – This amendment is proposed to adopt and incorporate Chapter 24 (Fuel-Gas) of the 2018
12 edition of the NC Residential Code, into the 2024 edition of the NC Residential Code.

13 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
14 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
15 funds. A fiscal note has not been prepared.

16
17 **10. Request from Annette Powell representing herself to amend the 2024 NC Mechanical Code,**
18 **Section 312.1 and the 2024 NC Residential Code, Section M1401.3 as follows:**

19
20 **312.1 Load calculations.** Heating and cooling system design loads for the purpose of sizing systems,
21 *appliances* and *equipment* shall be determined in accordance with the procedures described in the
22 ASHRAE/ACCA Standard 183. Alternatively, design loads shall be determined by an *approved* equivalent
23 computation procedure, using the design parameters specified in Chapter 3 [CE] of the *International*
24 *Energy Conservation Code*.

25
26 ~~For permitting, inspections, certificate of compliance or certificate of occupancy, verification of load and~~
27 ~~sizing calculation submittals and reviews shall not be required.~~

28 For certificate of compliance or certificate of occupancy, load and sizing calculations submittals shall be
29 required.

30 For certificate of compliance or certificate of occupancy, load and sizing calculation review shall not be
31 required.

32
33 **M1401.3 Equipment and appliance sizing.** Heating and cooling *equipment* and *appliances* shall be sized
34 in accordance with ACCA Manual S or other *approved* sizing methodologies based on building loads
35 calculated in accordance with ACCA Manual J or other *approved* heating and cooling calculation
36 methodologies.

1 **Exception:** Heating and cooling *equipment* and *appliance* sizing shall not be limited to the capacities
2 determined in accordance with ACCA Manual S where either of the following conditions applies:
3 1. The specified *equipment* or *appliance* utilizes multistage technology or variable refrigerant flow
4 technology and the loads calculated in accordance with the *approved* heating and cooling calculation
5 methodology are within the range of the manufacturer’s published capacities for that *equipment* or
6 *appliance*.
7 2. The specified *equipment* or *appliance* manufacturer’s published capacities cannot satisfy both the total
8 and sensible heat gains calculated in accordance with the *approved* heating and cooling calculation
9 methodology and the next larger standard size unit is specified.

10
11 ~~For permitting, inspections, certificate of compliance or certificate of occupancy, verification of~~
12 ~~Calculations for HVAC Systems ACCA Manual D, ACCA Manual J, ACCA Manual S load and sizing~~
13 ~~calculation submittals and review shall not be required.~~
14 For certificate of compliance or certificate of occupancy, *Calculations for HVAC Systems-ACCA Manual*
15 *D, ACCA Manual J, ACCA Manual S* load and sizing calculation submittals shall be required.
16 For certificate of compliance or certificate of occupancy, *Calculations for HVAC Systems-ACCA Manual*
17 *D, ACCA Manual J, ACCA Manual S* load and sizing calculation review shall not be required.

18
19 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
20 1, 2025, unless the BCC assigns a delayed effective date.

21 **Reason Given** – Protect consumers against incorrectly sized HVAC systems better than the current code
22 requirements.

23 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
24 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
25 funds. A fiscal note has not been prepared.

26
27 **11. Request from John Clark representing the Woodford Manufacturing Company to amend the**
28 **2024 NC Residential Code, Section P2903.10 as follows:**

29
30 **P2903.10 Hose Bibb.** Hose bibbs subject to freezing, ~~including the “frostproof” type,~~ shall be equipped
31 with an accessible stop and waste type valve inside the building so that they can be controlled and drained
32 during cold periods ~~comply with ASSE 1019.~~

33 **Exception:** Frostproof hose bibbs installed such that the stem extends through the building insulation into
34 an open heated or *semiconditioned* space need not be separately valved (see Figure P2903.10). Stop and
35 waste systems that utilize ASSE 1011 devices may not be used as the vacuum breaker does not
36 automatically drain and is subject to freezing.

1 **Exception:** ASSE 1011 equipped hose bibbs may be used in heated spaces where not exposed to freezing
2 temperatures.

3
4 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
5 1, 2025, unless the BCC assigns a delayed effective date.

6 **Reason Given** – Being that North Carolina is an area that experiences freezing conditions on a regular
7 basis, we believe that the ASSE 1019 standard should be required. If all hose bibbs complied with this
8 standard, it would protect against back flow and back siphonage, as well as damage to an ASSE 1011
9 device when it does not automatically drain and freezes.

10 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
11 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
12 funds. A fiscal note has not been prepared.

13

14 **12. Request from Jason Shepherd to amend the 2024 NC Building Code, Section 907.2.3.1 and the**
15 **2024 NC Fire Code, Section 907.2.3.1 as follows:**

16

17 **907.2.3.1 Automatic smoke detection systems.** An automatic smoke detection system that initiates the
18 occupant notification in accordance with Section 907.5.2.2 shall be installed throughout all stories of Group
19 E buildings.

20 **Exceptions:**

21 1. An automatic smoke detection system shall not be required in Group E occupancies with an occupant
22 load of 50 or less.

23 2. An automatic smoke detection system shall not be required in Group E occupancies that are protected
24 with an approved automatic sprinkler systems installed in accordance with Section 903.3.1.1.

25 3. An automatic smoke detection system shall not be required in licensed day care facilities complying with
26 Section 431.

27

28 **907.2.3.1 Automatic smoke detection systems.** An automatic smoke detection system that initiates the
29 occupant notification in accordance with Section 907.5.2.2 shall be installed throughout all stories of Group
30 E buildings.

31 **Exceptions:**

32 1. An automatic smoke detection system shall not be required in Group E occupancies with an occupant
33 load of 50 or less.

34 2. An automatic smoke detection system shall not be required in Group E occupancies that are protected
35 with an approved automatic sprinkler systems installed in accordance with Section 903.3.1.1.

36 3. An automatic smoke detection system shall not be required in licensed day care facilities complying with
37 Section 431 of the International Building Code.

1 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
2 1, 2025, unless the BCC assigns a delayed effective date.

3 **Reason Given** – Community school buildings are the most important facilities in our local communities.
4 Current required manual fire alarm systems do not provide adequate notification when the building isn't
5 occupied. Due to the increase of introducing kitchen appliances in these buildings, there are documented
6 fires that have happened, and this instance was discovered by a motion detector burglar alarm. If fires occur
7 in these occupancies without prompt notification to responding agencies, we have the potential to lose a
8 valuable community structure. Risk reduction is driving this code change. It is imperative we maintain a
9 healthy community by providing early detection in these facilities where we have a chance for responding
10 firefighters to act in earlier stages of fire development.

11 **Fiscal Statement** – This rule is anticipated to increase construction costs overall. This rule is not
12 anticipated to increase the cost of a dwelling by \$80 or more. This rule is expected to affect local funds,
13 but not state funds. This rule is not anticipated to cause a substantial impact. A fiscal note has not been
14 prepared but will be prepared prior to adoption.

15

16 **13. Request from the Fire Code Revision Committee to amend the 2024 NC Building Code and 2024**
17 **NC Fire Code, Sections 1010.2.14, 1010.2.14.4 and 1010.2.1 as follows:**

18

19 **1010.2.1 Unlatching.** The unlatching of any door or leaf for egress shall require not more than one motion
20 in a single linear or rotational direction to release all latching and all locking devices.

21 **Exceptions:**

- 22 1. Places of detention or restraint.
- 23 2. Where manually operated bolt locks are permitted by Section 1010.2.5.
- 24 3. Doors with automatic flush bolts as permitted by Section 1010.2.4, Item 4.
- 25 4. Doors from individual *dwelling units* and *sleeping units* of Group R occupancies as permitted by Section
26 1010.2.4, Item 5.

27 ~~5. Group E classrooms identified by the local school administration as having one or more students that
28 require restraint to preserve the safety of the student or students shall be permitted to have latching devices
29 that require a maximum of two motions to unlatch the door from the egress side.~~

30

31 **1010.2.14 Controlled egress doors in Groups I-1, I-2, and R-4, and E.**

32

33 1010.2.14.4 Group E Classrooms. Electric locking systems, including electro-mechanical locking systems
34 and electromagnetic locking systems, shall be permitted to be installed on exit or exit access doors leading
35 from Group E classrooms and day care classrooms within a Group E occupancy where identified and
36 documented by the local school administration as having one or more students that require restraint to
37 preserve the safety of the student or students and meeting all of the following:

- 1 1. The building is equipped with a *fire alarm system* in accordance with Section 907.2.3 (Section 907.2.3,
2 Exception 1 is not applicable).
3 2. The door locks shall unlock on actuation of the *fire alarm system* and remain unlocked until the *fire*
4 *alarm system* has been reset.
5 3. The door locks shall unlock on loss of power controlling the lock or lock mechanism.
6 4. A building occupant shall not be required to pass through more than one door equipped with a controlled
7 egress locking system before entering an exit.
8 5. The procedures for unlocking the doors shall be described and approved as part of the emergency
9 planning and preparedness required by Chapter 4 of the *International Fire Code*.
10 6. Staff within the rooms equipped with controlled egress shall have the keys, codes or other means
11 necessary to operate the locking systems.
12 7. When operated, the locking system shall remain unlocked for not less than 30 seconds.
13 8. Emergency lighting shall be provided at the door.
14 9. The door locking system units shall be listed in accordance with UL 294.
15

16 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
17 1, 2025, unless the BCC assigns a delayed effective date.

18 **Reason Given** – This amendment is proposed to provide a safe method of preventing children with
19 disabilities that have the propensity to elope from classrooms from eloping and thus endangering their
20 lives.

21 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
22 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
23 funds. A fiscal note has not been prepared.

24
25 **14. Request from Jason Shepherd representing the Durham County Fire Marshal to amend the 2024**
26 **NC Fire Code, Section 105.5.32 as follows:**

27
28 **105.5.32 Mobile food preparation vehicles.** (optional permit). An operational permit is required for
29 mobile food preparation vehicles equipped with appliances that produce smoke or grease-laden vapors.
30 Permits shall originate from the commissary address where the mobile food preparation vehicle is
31 associated.
32

33 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
34 1, 2025, unless the BCC assigns a delayed effective date.

35 **Reason Given** – Providing clarity to the operational permitting for mobile food preparations vehicles. I am
36 proposing this to prevent confusion on permitting of vehicles since they travel across multiple jurisdictions
37 for work.

1 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
2 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
3 funds. A fiscal note has not been prepared.

4

5 **15. Request from Jason Shepherd representing the Durham County Fire Marshal to amend the 2024**
6 **NC Fire Code, Sections 319.11.1 and 319.11.13 as follows:**

7

8 **319.11.1 Stability.** *Mobile food preparation vehicles* shall be stabilized against movement when parked for
9 food prep operations in accordance with Section 319.11.1.1 through 319.11.1.23.

10

11 **319.11.1.3 Mobile cooking operations.** *Mobile food preparation vehicles* shall be separated from
12 buildings, structures, canopies, tents, combustible materials, vehicles, and other cooking operations by a
13 minimum of 10 feet (3048mm). Exhaust shall be directed away from openings, air intakes and away from
14 any means of egress.

15

16 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
17 1, 2025, unless the BCC assigns a delayed effective date.

18 **Reason Given** – Providing additional safety measures for operating mobile food preparations vehicles.

19 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
20 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
21 funds. A fiscal note has not been prepared.

22

23 **NOTICE:**

24 **Appeals and Interpretations** of the North Carolina State Building Codes are published online at the
25 following link.

26 <https://www.ncosfm.gov/interpretations>

27

28 **NOTICE:**

29 **Amendments** of the North Carolina State Building Codes are published online at the following link.

30 <https://www.ncosfm.gov/codes/codes-current-and-past>

31

32 **NOTICE:**

33 **Objections and Legislative Review** requests may be made to the NC Office of Administrative Hearings in
34 accordance with G.S. 150B-21.3(b2) after Rules are adopted by the Building Code Council.

35 <http://www.ncoah.com/rules/>

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Wabash National LP

Applicant's Address: 3900 McCarty, Lafayette, IN 47905

Application Date: 04/21/23

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Wabash National Corporation is Limited Partner 99%

Wabash National Trailer Centers Inc is General partner 1%

Officers of General Partner:

Kevin J Page – President

Dustin T Smith- VP

M Kristin Glazner – Secretary

Michael N Pettit - Treasurer

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Aston Martin Lagonda of North America Inc

Applicant's Address: 11 West 42nd St, 22nd Floor, New York, NY 10036

Application Date: 06/15/23

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Anthony Joseph - President

Noam Harel - Treasurer

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Demers Ambulance USA Inc

Applicant's Address: 1170 Production Dr., Van Wert OH 45891

Application Date: 05/15/2023

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Alain Brunelle – President, Exec VP

Sylvain Levesque - VP

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Eldorado National (California) Inc

Applicant's Address: 9670 Galena St, Riverside, CA 92509-3089

Application Date: 04/11/23

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Mark A Skonieczny - CEO, CFO, President & Treasurer

Stephen W Boettinger – SVP, Secretary & General Counsel

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Triumph Motorcycles America LTD

Applicant's Address: 100 Hartsfield Centre Parkway, Ste 200, Atlanta, GA 30354

Application Date: 01/3/23

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Nick Bloor – COO

Rod Lopusnak – President

Donald Carleo – Secretary & CFO

NORTH CAROLINA RATE BUREAU

PUBLIC NOTICE

Notice is hereby given pursuant to North Carolina General Statute 58-36-120 that, on July 13, 2023, the North Carolina Rate Bureau filed for an increase in insurance rates for Dwelling Fire insurance and Dwelling Extended Coverage insurance under its jurisdiction. Public notice of the filings is being published in two newspapers with statewide distribution and in the North Carolina Register. The Commissioner of Insurance may or may not schedule and conduct a hearing with respect to the filing. This information is being posted on the web sites of the North Carolina Rate Bureau and the North Carolina Department of Insurance. The filing only relates to Dwelling insurance policies under the jurisdiction of the North Carolina Rate Bureau and does not affect Homeowners insurance policies or Mobile Homeowners insurance policies.

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to adopt the rules cited as 15A NCAC 10B .0501 and .0503.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.ncwildlife.org/Proposed-Regulations

Proposed Effective Date: January 1, 2024

Public Hearing:

Date: September 21, 2023

Time: 2:30 p.m.

Location: Zoom Meeting. Registration required: https://ncwildlife-org.zoomgov.com/webinar/register/WN_ljaedI3lQW2I3v-qlrrLIA. Join by phone toll free: (833) 568-8864. Webinar ID: 161 181 8436.

Reason for Proposed Action: The proposed rule adoption is to regulate activities that aid in the transmission of Chronic Wasting Disease (CWD), to assist with detection and isolation of the disease. Requirements will apply to areas surrounding the CWD detection to reduce movement and infection opportunities.

Comments may be submitted to: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org

Comment period ends: October 16, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0500 – CHRONIC WASTING DISEASE MANAGEMENT

15A NCAC 10B .0501 DEFINITIONS AND GENERAL REQUIREMENTS

(a) The rules in this Section apply to an area of the State where Chronic Wasting Disease (CWD) has been detected, as determined by the Commission.

(b) The following definitions shall apply to rules in this Section:

- (1) "Cervid" means the animals in the Family Cervidae not otherwise regulated by the North Carolina Department of Agriculture and Consumer Services.
(2) "Cervid Health Cooperator" means an individual authorized to collect CWD samples on behalf of the Commission.
(3) "Chronic Wasting Disease" or "CWD" means the transmissible spongiform encephalopathy prion disease affecting species within the deer (Cervidae) Family.
(4) "CWD Management Area" means the area delineated by the Commission where CWD has been determined to be endemic and the rules of this Section apply.
(5) "Primary Surveillance Area" or "PSA" means a county delineated by the Commission for CWD surveillance where a confirmed CWD positive cervid has been found.
(6) "Sample" means the cervid head and no less than three inches of the neck.
(7) "Secondary Surveillance Area" or "SSA" means a county adjacent to or near a PSA delineated by the Commission for CWD surveillance.
(8) "Submit" means to deliver a sample to a cervid health cooperator or qualified Commission employee or deposit in a Commission CWD Testing Drop-off Station.

(9) "Surveillance Area" means the PSA and SSA collectively.

(3) natural deer urine products labeled as containing excretions from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer Services; and

(4) natural deer urine products labeled as containing excretions from facilities that meet all the following requirements:

(A) determined to be free of Chronic Wasting Disease (CWD) based on testing by an independent laboratory using a method that may help detect the presence of CWD prions;

(B) complies with a federally approved CWD herd certification program and any federal CWD protocols; and

(C) participates in additional herd management requirements as specified by the Wildlife Resources Commission.

Authority G.S. 113-134; 113-306.

15A NCAC 10B .0503 SURVEILLANCE AREA

(a) Inside a surveillance area, placement of minerals or salt licks to purposefully congregate wildlife shall be prohibited. Placement of bait, food, or food product to purposefully congregate wildlife shall be prohibited from January 2 through August 31 inside a Surveillance Area, except that bird feeders specifically designed for nongame birds and other activities specifically permitted by the Commission shall be allowed. Placement of bait, food, or food products to hunt during the urban archery season shall be allowed within the established season in participating municipalities.

(b) White-tailed deer fawn rehabilitation is prohibited in a Surveillance Area.

(c) White-tailed deer fawns originating from within a Surveillance Area shall not be transported outside the Surveillance Area.

(d) No cervid carcass or carcass parts originating from inside a Primary Surveillance Area or Secondary Surveillance Area shall be transported outside of the county of origin, except:

(1) meat that has been boned out so that no pieces or fragments of bone remain;

(2) caped hides with no part of the skull or spinal column attached;

(3) antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;

(4) cleaned lower jawbones with teeth or cleaned teeth;

(5) finished taxidermy products and tanned hides;

(6) carcass or carcass parts permitted by the Commission for disposal outside of the Surveillance Area;

(7) carcass or carcass parts originating inside a PSA may be transported into contiguous PSA(s) or outside of the PSA as specified in Subparagraphs (d)(1) through (6) of this Rule; and

(8) carcass or carcass parts originating inside a SSA may be transported into contiguous SSA(s) or PSA(s) or outside of the SSA as specified in Subparagraphs (d)(1) through (6) of this Rule.

(e) No person shall possess or use a substance or material that contains or is labeled as containing any excretion collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid for the purposes of taking or attempting to take, attracting, or scouting wildlife inside a surveillance area. This prohibition shall not apply to the following substances:

(1) products labeled as containing synthetic analogs of cervid excretions;

(2) natural substances labeled as being collected from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Services;

Authority G.S. 113-134; 113-306.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rule cited as 15A NCAC 10F .0333.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncwildlife.org/Proposed-Regulations>

Proposed Effective Date: *January 1, 2024*

Public Hearing:

Date: *September 14, 2023*

Time: *2:00 p.m.*

Location: *Zoom Meeting. Registration required: https://ncwildlife-org.zoomgov.com/webinar/register/WN_wpV2QtE6T0mhInJzKC82RQ. Join by phone toll free: (833) 568-8864. Webinar ID: 161 997 5677.*

Reason for Proposed Action: *The proposed amendment to this rule was initiated by the Lake Wylie Marine Commission, on behalf of Duke Energy Carolinas LLC to establish a restricted area where vessel entry is prohibited in a small cove east of the South Point Boating Access Area on Lake Wylie in Gaston County.*

Comments may be submitted to: *Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org*

Comment period ends: *October 16, 2023*

Procedure for Subjecting a Proposed Rule to Legislative Review: *If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules*

Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0333 MECKLENBURG AND GASTON COUNTIES

(a) Regulated Areas. This Rule shall apply to the following waters of Lake Wylie in Mecklenburg and Gaston Counties:

- (1) McDowell Park. The waters of the coves adjoining McDowell Park and the Southwest Nature Preserve in Mecklenburg County shore to shore, east of the mouth of the cove at a line from a point on the south shore at 35.10272 N, 81.03026 W to a point on the north shore at 35.10556 N, 80.02964 W;
- (2) Gaston County Wildlife Club Cove. The waters of the cove west of the Gaston County Wildlife Club on South Point Road in Belmont, north of a line at the mouth of the cove from a point on the east shore at 35.15628 N, 81.01427 W to a point on the west shore at 35.15628 N, 81.01615 W;
- (3) Buster Boyd Bridge. The waters from a point 250 feet east of the Buster Boyd Bridge on N.C. Highway 49 in Mecklenburg County at 35.10293 N, 81.03932 W, to a point 150 feet west of the Buster Boyd Bridge at 35.10242 N, 81.04089 W;
- (4) N.C. Highway 27 bridge. The waters shore to shore, from a point 50 yards north of the N.C. Highway 27 bridge in Mecklenburg and Gaston

- counties at 35.29849 N, 81.00346 W to a point 190 yards south of the N.C. Highway 27 bridge at 35.29635 N, 81.00424 W;
- (5) Brown's Cove. The area beginning at the mouth of Brown's Cove in Mecklenburg County shore to shore, at a point at 35.16453 N, 81.00474 W, west to a point at 35.16480 N, 81.00309 W;
- (6) Paradise Point Cove. The waters of Paradise Point Cove in Gaston County between Paradise Circle and Lake Front Drive, west of a line from a point on the south shore at 35.18853 N, 81.04036 W to a point on the north shore at 35.18991 N, 81.04136 W;
- (7) Withers Cove. The waters of Withers Cove in Mecklenburg County, shore to shore, beginning at a line north of the Mecklenburg Charlotte Fire Department and Police Department Boathouse from a point on the west shore at 35.14632 N, 81.00383 W to a point on the east shore at 35.14713 N, 81.00173 W, and ending at a point 50 feet southeast of the Withers Bridge on ~~SR S.R.~~ 1116, otherwise known as Shopton Road, at 35.14576 N, 81.00187 W;
- (8) Sadler Island. The waters shore to shore beginning at a line from a point on the west shore of Lake Wylie in Gaston County at 35.27481 N, 81.0138 W east to a point on the east shore of the Lake in Mecklenburg County at 35.27423 N, 81.01111 W, extending south on the Lake west of Sadler Island to a line from a point on the west shore of the Lake in Gaston County at 35.27079 N, 81.01525 W, east to a point on the west side of Sadler Island in Mecklenburg County at 35.27051 N, 81.01396 W, and the waters shore to shore east of Sadler Island in Mecklenburg County from a point at 35.27441 N, 81.01185 W, south-southwest to a line from a point on the south shore of Sadler Island at 35.26635 N, 81.01432 W, south to a point on the Lake shore at 35.26494 N, 81.01368 W;
- (9) Other bridges. The ~~areas~~ waters within 50 feet of a bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically mentioned in this Paragraph; ~~and~~
- (10) Yachtsman on Lake Wylie Community. The waters within 50 yards of the community piers near the terminus of Waterside Drive in Mecklenburg County, and northward to include the waters east of the island that is west of Point Lookout Road, ending at a line from a point on the northern end of the island at 35.12226 N, 81.03306 W, east to a point on the shore at 35.12253 N, 81.03190 W; ~~and~~
- (11) Brown's Cove. The waters of Brown's Cove in Mecklenburg County, beginning at a line from a point on the east shore at 35.16892 N, 80.99702 W to a point on the west shore at 35.16948 N, 80.99783 W, northeast to a line

from a point on the south shore at 35.16913 N, 80.99556 W to a point on the north shore at 35.17043 N, ~~80.99684 W~~; 80.99684 W;

- (12) South Point Boating Access Area. The waters within 50 yards of the South Point Boating Access Area in Gaston County, 199 Boat Launch Road in Belmont;
- (13) Other facilities. The waters within 50 yards of a public boat launching ramp not otherwise specified in this Paragraph, public dock, public pier, public marina, public boat storage structure, or public boat service area; and
- (14) Marked swimming and mooring areas. The waters within 50 yards of a marked swimming area or marked mooring area.

(b) ~~Speed Limit. Limit Near Ramps.~~ No person shall operate a vessel at greater than no-wake speed within 50 yards of a ~~public boat launching ramp, dock, pier, marina, boat storage structure, or boat service area.~~ the regulated areas described in Paragraph (a) of this Rule.

~~(c) Speed Limit Near Marked Swimming or Mooring Areas. No person shall operate a vessel at greater than no-wake speed within 50 yards of a marked mooring area or marked swimming area.~~

(c) Restricted area. No person operating or responsible for the operation of a vessel shall allow it to enter the waters of the restricted area with swim beach at the South Point Access Area in Gaston County, at 199 Boat Launch Road in Belmont, north of the rope in the cove east of the South Point Boating Access Area.

~~(d) Placement and Maintenance of Markers. The Lake Wylie Marine Commission shall be the designated agency for placement and maintenance of markers implementing this Rule. The following agencies are the designated agencies for placement and maintenance of markers implementing this Rule:~~

- (1) the Lake Wylie Marine Commission for the regulated areas designated in Subparagraphs (a)(1) through (11), (13) and (14);
- (2) the North Carolina Wildlife Resources Commission for the regulated area designated in Subparagraph (a)(12); and
- (3) Duke Energy Carolinas, LLC for the restricted area designated in Paragraph (c).

Authority G.S. 75A-3; 75A-15.

TITLE 18 – DEPARTMENT OF THE SECRETARY OF STATE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of the Secretary of State intends to adopt the rules cited as 18 NCAC 07B .0203, .0204, .0206-.0209, .0301-.0312, .0402-.0406; 07F .0103, .0302-.0305, .0402-.0404, .0501-.0503, .0509-.0513, .0601, .0602, .0706-.0709, .0809-.0814, .0902-.0906, .1003, .1004, .1103-.1111; 07I .0101-.0107, .0201-.0212, .0301-.0307, .0401-.0408; 07K .0101, amend the rules cited as 18 NCAC 07B .0201, .0202, .0205, .0401; 07F .0101, .0102, .0201, .0301, .0401, .0505-.0508, .0701, .0702, .0704, .0705, .0801, .0802, .0804-.0808, .0901, .1001, .1002, .1101, .1102, and repeal the rules cited as 18 NCAC 07F .0703 and .0803.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) is available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): https://sosnc.gov/divisions/general_counsel/open_rulemaking

Proposed Effective Date: July 1, 2024

Public Hearing:

Date: September 19, 2023

Time: 10:00 - 11:00 a.m.

Location: 4701 Atlantic Avenue, Suite 116, Conference Room 115, Raleigh, NC 27604

Reason for Proposed Action:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022-54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, health-care, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor.

Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

- To simplify, clarify, and modernize the law governing notaries,*
- To prevent fraud and forgery,*
- To foster ethical conduct among notaries,*
- To enhance interstate recognition of notarial acts, and*
- To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.*

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

- 1. Mental incapacity of the principal;
2. Coercion or duress; or
3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

Due to the scope and scale of the requirements for this rulemaking process, the Secretary will propose the rules in three sets. This first set of proposed rules deals with fundamental issues related to all three methods of performing notarial acts and to establishing certain common rules. This is that first set of rules. The proposed rule amendments, adoptions, and repeals in this first set involve Subchapters B, F, I, and K of 18 NCAC 07. The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology. NOTE: Due to certain administrative requirements, we are required to publish two Notices of Text for this first set of rules. There will be a single public hearing on the proposed rules in both Notices of Text.

Comments may be submitted to: Ann B. Wall, P.O. Box 29622, Raleigh, NC 27606-7606; email rules@sosnc.gov (Email is preferred. By courier service or hand-delivery: 2 South Salisbury Street, Raleigh, NC 27601.)

Comment period ends: October 16, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to

1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- [X] State funds affected
[] Local funds affected
[] Substantial economic impact (>= \$1,000,000)
[X] Approved by OSBM
[] No fiscal note required

CHAPTER 07 - NOTARY PUBLIC DIVISION

SUBCHAPTER 07B - GENERAL REQUIREMENTS

SECTION .0200 - FEES PAID TO THE DIVISION DEPARTMENT

18 NCAC 07B .0201 US U.S. CURRENCY

Fees Filers shall be paid by a personal or business check, a money order, or a cashier's check tender fees in U.S. dollars and cents. cents made payable to the N.C. Department of the Secretary of State.

Authority G.S. 10B-4; 10B-13; 10B-14(f); 10B-108; 10B-134.19(b), (f), (g); 25-3-506; 147-37.

18 NCAC 07B .0202 ONLINE FEE PAYMENT

Fees for on-line applications may be paid by Filers who tender fees online shall pay by:

- (1) an automated clearinghouse debit account (ACH); (ACH);
(2) a credit card; or
(3) a debit card.

Authority G.S. 10B-4; 10B-13; 10B-14(f); 10B-108; 10B-134.19(b), (f), (g); 25-3-506; 147-37.

18 NCAC 07B .0203 FEES PAID IN PERSON

Filers who tender fees in person shall pay with:

- (1) one of the following types of checks, made payable to the N.C. Department of the Secretary of State:
(a) a personal or business check;
(b) a money order;
(c) a cashier's check;
(2) cash; or
(3) a credit or debit card.

Authority G.S. 10B-4; 10B-13; 10B-14(b); 10B-108; 10B-134.19(b), (f), (g); 25-3-506; 147-37.

18 NCAC 07B .0204 FEES PAID BY USPS OR BY DELIVERY SERVICE

Filers who tender fees through delivery by United States Postal Service (USPS) or by a designated delivery service authorized

pursuant to 26 U.S.C. 7502(f)(2) shall pay with one of the following types of checks, made payable to the N.C. Department of the Secretary of State:

- (1) a personal or business check;
- (2) a money order; or
- (3) a cashier's check.

Authority G.S. 10B-4; 10B-13; 10B-14(b); 10B-108; 10B-134.19(b), (f), (g); 25-3-506; 147-37.

18 NCAC 07B .0205 UNPAID FEES FOR DISHONORED PAYMENT

Pursuant to G.S. 25-3-506, the Department may charge a thirty-five dollar (\$35.00) fee to a filer if a tendered payment is dishonored by a bank or financial institution. If a fee is paid with a check or other instrument which is returned by the institution upon which it was issued for "insufficient funds" or for other similar reason:

- (1) ~~The Division shall issue a notice of intent to deny the application or revoke the commission; and~~
- (2) ~~The Division shall issue a denial or revocation if the fee is not paid in full within 10 business days after the date on the notice of intent to deny or revoke.~~
- (3) ~~The Division shall charge a twenty five dollar (\$25.00) fee for which payment has been refused by the payer's bank for insufficient funds or for no account.~~

Authority G.S. 10B-4; 10B-13; 10B-14(b); ~~10B-14(f)~~; 10B-108; 10B-134.19(b), (f), (g); 25-3-506; 147-37.

18 NCAC 07B .0206 FILING NOT PROCESSED IF PAYMENT DISHONORED

The Department shall not process a filing for which processing has not been completed if the Department receives notice that a payment has been dishonored.

Authority G.S. 10B-4; 10B-13; 10B-14(b); 10B-108; 10B-134.19(b), (f), (g); 25-3-506; 147-37.

18 NCAC 07B .0207 DEPARTMENT ACTIONS UPON DISHONORED PAYMENT

If the Department has received notice that a tendered payment has been dishonored, regardless of whether the Department has completed processing the filing:

- (1) the filing shall be deemed incomplete;
- (2) the filing shall be voided if payment is not made in full within 15 calendar days of the dishonor pursuant to Rule .0208 of this Section; and
- (3) if any information has been posted on the Department's website indicating that commissioning, registration, licensure, or approval has occurred, the Department shall:
 - (a) remove the information from the website; or
 - (b) annotate the entry as incomplete or void.

Authority G.S. 10B-4; 10B-13; 10B-14(b); 10B-108; 10B-134.19(b), (f), (g); 25-3-506; 147-37.

18 NCAC 07B .0208 NOTICE TO FILER OF DISHONORED PAYMENT

Upon receipt of notice of dishonor of a tendered payment, the Department shall notify a filer orally or in writing that:

- (1) the payment the filer tendered has been dishonored by a bank or financial institution; and
- (2) the filing shall:
 - (a) not be deemed completed or processed until the filer has tendered in full the payment and the fee in Rule .0205 of this Section; and
 - (b) be voided if payment and fees are not tendered in full within 15 calendar days of the date the Department orally or in writing notifies the filer of the dishonor.

Authority G.S. 10B-4; 10B-13; 10B-108; 10B-134.19(b), (f), (g); 25-3-506; 147-37.

18 NCAC 07B .0209 NO REFUNDS

Payments and fees tendered to the Department are not refundable.

Authority G.S. 10B-4; 10B-13; 10B-14(b); 10B-108; 10B-134.19(b), (f), (g); 25-3-506; 147-37.

SECTION .0300 – FILING, SIGNATURES ON FILINGS, AND RESPONSES TO REQUESTS FOR INFORMATION

18 NCAC 07B .0301 FORM USE REQUIRED

A filer shall use a form in Section .0400 of this Subchapter unless:

- (1) there is not a form for the filer's purpose in Section .0400 of this Subchapter; or
- (2) there is an exception in Chapter 10B of the General Statutes or a rule in this Chapter.

Authority G.S. 10B-4; 10B-14(a), (f); 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23.

18 NCAC 07B .0302 MODE OF FILING

Filers shall submit filings electronically by means established by the Department unless paper filing is permitted pursuant to:

- (1) Chapter 10B of the General Statutes; or
- (2) Rule .0303 of this Section.

Authority G.S. 10B-4; 10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; 10B-134.23.

18 NCAC 07B .0303 PAPER FILINGS PERMITTED

Paper filings shall be permitted:

- (1) where the Department has not established electronic means for submittal of a filing; or
- (2) in the case of a traditional notary public:
 - (a) initial applications;
 - (b) re-commissioning applications; and

- (c) documents required to verify qualifications of a notary applicant, an electronic notary applicant, or a notary instructor applicant pursuant to Chapter 10B of the General Statutes or the Rules in this Chapter.

- (2) the signer shall state on the form the signer's title, position, and authorization to sign.

(b) For purposes of this Rule, "duly authorized by law" means as required by G.S. 55D-10(b)(5) for an entity, by the owner for a sole proprietorship, or by a general partner for a general partnership.

Authority G.S. 10B-4; 10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23.

Authority G.S. 10B-4; 10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23.

18 NCAC 07B .0304 INAPPLICABLE QUESTIONS

If a question or item is not applicable to a filer, the filer shall not leave the question or item blank but shall respond not applicable or N/A.

18 NCAC 07B .0309 FORM PREPARER SIGNATURE REQUIRED

A form preparer signing for a technology provider shall:

- (1) sign in the space provided for a preparer's signature on a form; or
- (2) document and note "form preparer" next to the signature in the space provided for a preparer's signature on a form.

Authority G.S. 10B-4; 10B-14; 10B-23; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21.

Authority G.S. 10B-4; 10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23.

18 NCAC 07B .0305 RESPONSE TO QUESTIONS AND REQUESTS FOR INFORMATION

A filer shall respond to departmental requests for information within the time and in the manner specified by the Department, after consideration of:

- (1) the nature of the information requested;
- (2) the urgency of the Department's need for the information; and
- (3) the ease of production by the recipient of the request.

18 NCAC 07B .0310 INCOMPLETE FILINGS

The Department shall consider a filing incomplete for:

- (1) failure to provide information required pursuant to Chapter 10B of the General Statutes or the Rules in this Chapter; or
- (2) lack of a signature required by Chapter 10B of the General Statutes or this Chapter.

Authority G.S. 10B-4; 10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23.

Authority G.S. 10B-4; 10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23.

18 NCAC 07B .0306 ATTACHMENTS

A filer shall use an attachment to a form to provide a complete and accurate response to a question or request for information from the Department if additional space is needed.

18 NCAC 07B .0311 REJECTION OF INCOMPLETE FILINGS

The Department shall reject a filing if it is incomplete and not remedied by the filer.

Authority G.S. 10B-4; 10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23.

Authority G.S. 10B-4; 10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23.

18 NCAC 07B .0307 NOTICE OF ATTACHMENT

A filer shall:

- (1) make a note at the location of a question or request for information that an attachment has been added in order to fully respond. NOTE: an example is "See Attachment 1"; and
- (2) make a note on the attachment as to which question or request for information the additional information relates.

18 NCAC 07B .0312 FILING DATE OF DOCUMENT

A form or document is deemed filed on the day that it is deemed complete pursuant to Section .0200 of the Rules in this Chapter and this Section and shall not relate back to the date the filing was received.

Authority G.S. 10B-4; 10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23.

Authority G.S. 10B-4; 10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23; 147-36; 150B-2(8a)(d).

SECTION .0400 – FORMS

18 NCAC 07B .0308 SIGNATURE FOR ENTITY

(a) If a person is signing a form or other document for a technology provider:

- (1) the signer shall be duly authorized by law or the entity to sign; and

18 NCAC 07B .0401 GENERAL

All forms issued pursuant to Chapter 10B of the General Statutes may be found on the Department's website or, where not available through the website, may be obtained by contacting the Department using one of the means set out in ~~Rule .0103~~ Section .0100 of this Subchapter.

Authority G.S. 10B-2; 10B-4; 10B-14; 10B-14(f); 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23.

18 NCAC 07B .0402 CONTACT INFORMATION

For purposes of the rules in this Section, unless otherwise indicated, "contact information" means:

- (1) for an individual who is identified pursuant to G.S. 10B-134.19(c)(2):
 - (a) the full name of the individual;
 - (b) the following addresses:
 - (i) physical residential address that is not a post office box;
 - (ii) business address;
 - (iii) mailing address;
 - (c) business telephone numbers;
 - (d) business email addresses;
 - (e) any other names by which the individual is known, including nicknames;
- (2) for a business entity:
 - (a) the name of the entity on record with the Secretary of State or filing office in its state, tribe, or country of formation;
 - (b) the name of the state, tribe, or country of formation;
 - (c) the street address, and the mailing address if different, of the entity's principal office;
 - (d) the street address, and the mailing address if different, of the entity's registered office;
 - (e) the name, street address, and mailing address if different, of the entity's registered agent;
 - (f) the telephone numbers of the entity;
 - (g) the email address of the entity;
 - (h) the URL for the entity's website, if any;
 - (i) the name of the individual designated as the primary contact between the Department and the entity, and for that individual:
 - (i) title and position;
 - (ii) telephone number;
 - (iii) mailing address if different from the addresses provided in SubItems (2)(c) and (d) of this Item;
 - (iv) primary email address;
 - (v) secondary email address, if applicable;
 - (j) the name of an individual designated as the secondary contact between the Department and the entity if the individual named in SubItem (2)(i) of this Item is not available; and

(k) the information in SubItem (2)(i) of this Item for the secondary contact individual named in SubItem (j) of this Rule; or

(3) for a registered agent listed on an application filed pursuant to G.S. 10B-134.19:

- (a) the name of the registered agent;
- (b) the registered office address for the registered agent and mailing address if different; and
- (c) a business email address for the registered agent.

Authority G.S. 10B-4; 10B-125; 10B-126; 10B-127; 10B-134.17; 10B-134.19; 10B-134.21.

18 NCAC 07B .0403 CERTIFICATE OF APPOINTMENT FORM

The certificate of appointment form includes:

- (1) space for the entry by the Register of Deeds in the county of the commission to enter:
 - (a) the name of the Register of Deeds or designee administering the oath;
 - (b) the title of the Register of Deeds or designee administering the oath;
 - (c) the name of the appointee who appeared before the Register of Deeds or designee and took the oath; and
 - (d) the signature of the Register of Deeds or designee who administers the oath; and
- (2) space for the signature of the notary after the oath has been administered by the Register of Deeds or designee.

Authority G.S. 10B-4; 10B-14; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.21; 10B-134.23.

18 NCAC 07B .0404 ELECTRONIC NOTARY REGISTRATION FORM

An electronic notary applicant registration form includes:

- (1) the name on the applicant's commission;
- (2) the commission number of the individual;
- (3) whether the applicant has any changes to report under G.S. 10B-50, G.S. 10B-51, G.S. 10B-52, G.S. 10B-53, G.S. 10B-54, 18 NCAC 07F .0404, 18 NCAC 07F .1106, or 18 NCAC 07F .1110;
- (4) for reapplications, a statement with regard to technology providers that:
 - (a) the notary will continue to use:
 - (i) the electronic notarization system of the technology provider for which the notary has previously provided notice; and
 - (ii) the custodian for the electronic journal for which

- the notary has previously provided notice;
- (b) the names of the technology provider that the notary will now use; or
- (c) at this time, the notary does not have a technology provider;
- (5) the signature of the electronic notary; and
- (6) the date on which the notary signs the form.

Authority G.S. 10B-4; 10B-14; 10B-106; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21.

18 NCAC 07B .0405 NOTICE OF SELECTION OF TECHNOLOGY PROVIDERS FORM

The selection of technology providers form includes:

- (1) the name on the electronic notary's commission;
- (2) the commission number of the electronic notary;
- (3) the name of the technology providers selected by the electronic notary to provide:
 - (a) electronic signatures and seals; and
 - (b) electronic journals;
- (4) the name of the custodian selected by the electronic notary to provide custodial services for electronic journals;
- (5) for an electronic notary who plans to perform remote electronic notarial acts, the names of the technology providers selected by the notary to provide platform services;
- (6) the anticipated dates on which the notary will begin using the technology providers;
- (7) the signature of the electronic notary; and
- (8) the date on which the electronic notary signs the form.

Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23.

18 NCAC 07B .0406 NOTICE OF CHANGE IN TECHNOLOGY PROVIDER

The notice of change in technology provider form includes:

- (1) the name of the technology provider that the electronic notary previously notified the Department the notary would use;
- (2) the type of service the technology provider previously provided to the notary;
- (3) the date on which the notary stopped or will stop using the technology provider to perform electronic notarizations;
- (4) the name of the technology provider that the notary will now use;
- (5) the date on which the notary anticipates beginning to use the new technology provider;
- (6) the signature of the notary; and
- (7) the date on which the notary signs the form.

Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-127; 10B-134.17; 10B-134.19; 10B-134.21.

SUBCHAPTER 07F – ELECTRONIC NOTARY PUBLIC REQUIREMENTS

SECTION .0100 – GENERAL PROVISIONS

18 NCAC 07F .0101 SCOPE

(a) The rules in this Subchapter implement ~~G.S. Chapter 10B, Article 2, of the General Statutes, the Electronic Notary Act, and G.S. 47-16.1. Act.~~

~~(b) The rules in this Subchapter are adopted pursuant to the provisions of Subchapter I of Chapter 96 of Title 15 of the United States Code, Electronic Records and Signatures in Commerce.~~

Authority G.S. 10B-4; 10B-125(b); 47-16.5; 47-16.7; 147-36; 15 USC 7002; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21.

18 NCAC 07F .0102 DEFINITIONS

In addition to terms defined in Article 1 of Chapter 10B of the General Statutes and for For purposes of Article 2 of Chapter 10B of the General Statutes and this Subchapter:

- (1) ~~"Applicant" means a person applying for registration as a North Carolina electronic notary.~~
- (2)(1) ~~"Approved Electronic Notary Solution Provider"~~ "Approved vendor for electronic notarizations," "approved electronic notary solution provider," or "AVEN" means a person or entity approved by the Department to provide an Electronic Notarization System by the Department electronic notarization system pursuant to Article 2 of Chapter 10B of the General Statutes and Article 1A of Chapter 47 of the General Statutes.
- (3)(2) ~~"Biometric Authentication" means proving the identity of a user by requiring verification of the user's identity through technologies that require measurement and analysis of one or more human physiological or behavioral characteristics of the user in order to access and use an electronic notarization system. Biometric authentication technologies include fingerprint scanning devices, retinal scanning devices, and handwriting analysis devices.~~
- (4) ~~"Department" means the North Carolina Department of the Secretary of State. Unless specifically noted in rule text, for the purposes of this Subchapter "Department" means the notary public section of the Department's certification and filing division.~~
- (5)(3) ~~"Electronic Notarization System" notarization system~~ "notarization system" means a set of applications, programs, hardware, software, or technology designed to enable a notary to perform electronic or remote electronic notarizations.
- (4) "Electronic notary applicant" means a commissioned North Carolina notary public who applies to be registered or re-registered as an electronic notary public.

- (5) "Electronic notary's electronic signature" means:
- (a) an electronic image of the handwritten signature of the electronic notary public in the name of the notary as it appears on the notary's commission; and
- (b) the AVEN's or other technology provider's security features attached to the signature in SubItem (5)(a) of this Rule.
- (6) "Independently Verifiable" verifiable" means capable of government or third-party authentication of a notarial act, a an electronic notary's identity, identity and a notary's relevant authority: current status with the Department.
- (7) "In the presence of the electronic notary at the time of notarization" means that an individual and an electronic notary are in close physical proximity to one another without using technology to establish personal appearance.
- (7)(8) "Password Authentication" authentication" means requiring the user to enter a secret word, phrase, or symbol set in order to access and use an electronic notarization system.
- (8)(9) "Token Authentication" authentication" means requiring use of a physical device in addition to a password or personal identification number ("PIN" number) in order to access and use an electronic notarization system. Physical devices used in token authentication technologies include magnetic cards or "smart cards" and Universal Serial Bus (USB) memory sticks or "USB keys"; keys."
- (9) "Under the exclusive control of the notary", for the purposes of the Department's interpretation of the requirements of G.S. 10B-126(b), means "under the notary public's sole control" as defined in this subchapter.
- (10) "Under the notary public's sole control" means accessible by and attributable solely to the notary to the exclusion of all other persons and entities, either through being in the direct physical custody of the notary or through being secured with one or more biometric, password, token, or other authentication technologies in an electronic notarization system provided by an approved electronic notary solution provider approved pursuant to the Act and this Subchapter.

Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-125(b); 10B-126(d); 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; 47-16.5; 47-16.7; 147-36; 15 USC 7002.

18 NCAC 07F .0103 ELECTRONIC NOTARIES PERFORMING REMOTE ELECTRONIC NOTARIAL ACTS

An electronic notary public shall not perform a remote electronic notarial act until the notary has complied with the requirements of this Chapter.

Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21.

SECTION .0200 – QUALIFICATIONS TO BE ELECTRONIC NOTARY

18 NCAC 07F .0201 VALID COMMISSION

- (a) Qualifications. An electronic notary applicant shall provide:
- (1) All information required for registration pursuant to G.S. 10B-106(d);
 - (2) Verification that the applicant holds hold a valid North Carolina notary commission and shall affirm that the applicant continues to meet the qualifications to hold the notary eommission; commission.
 - (3) Verification that the applicant is in compliance with all provisions of the Notary Act;
 - (4) Any other information requested by the Department to prove the qualifications of the applicant.

Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-125(b); 10B-126(d); 10B-126; 10B-134.15; 10B-134.17; 10B-134.21; 47-16.5; 47-16.7; 147-36; 15 USC 7002.

SECTION .0300 – EDUCATION OF ELECTRONIC NOTARIES PUBLIC

18 NCAC 07F .0301 APPROVED COURSE OF STUDY FOR ELECTRONIC NOTARIES PUBLIC

- (a) The Department shall develop administer the training course and testing for applicants for electronic notary registration.
- (b) Upon the Secretary's determination of a need for additional instructors, the The Department may shall train certified notary public instructors who are also registered as electronic notaries public to administer teach the training course and administer testing for applicants for electronic notary registration; applicants.

Authority G.S. 10B-4; 10B-14; 10B-107; 10B-125; 10B-126. 47-16.5; 47-16.7; 147-36; 15 USC 7002.

18 NCAC 07F .0302 COURSES TO BE TAUGHT BY CERTIFIED NOTARY INSTRUCTORS

Before submitting an application for registration as an electronic notary public, an individual shall attend an electronic notary course taught by a certified notary instructor.

Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21.

18 NCAC 07F .0303 ELECTRONIC NOTARY COURSE

Electronic notaries registered prior to July 1, 2024, shall either:

- (1) successfully complete a remote electronic notarization course module before performing a remote electronic notarization; or
- (2) successfully complete an electronic notary class including training on remote electronic notarization before performing a remote electronic notarization.

Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; 10B-134.21.

18 NCAC 07F .0304 STUDENT IDENTITY

Each electronic notary course student shall:

- (1) be personally known to the certified notary instructor; or
- (2) present satisfactory evidence of identity to the certified notary instructor.

Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; 10B-134.21.

18 NCAC 07F .0305 PASSING SCORE ON EXAMINATION

A passing score on the electronic notary course examination shall be 80 percent.

Authority G.S. 10B-4; 10B-134.21.

SECTION .0400 – APPLICATION FOR REGISTRATION AS ELECTRONIC NOTARY PUBLIC

18 NCAC 07F .0401 SUBMISSION

The electronic notary applicant shall electronically submit the electronic notary registration form, 18 NCAC 07B .0404.

Submission. The applicant shall:

- (1) Complete the registration form on line;
- (2) Print the form.
- (3) Have the form notarized; and
- (4) Submit the form by:
 - (A) U.S. mail.
 - (B) In person delivery; or
 - (D) Courier service.

Authority G.S. 10B-4, 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15-USC-7002.

18 NCAC 07F .0402 TIMING OF APPLICATION

An electronic notary applicant shall submit an application to be registered as an electronic notary within 90 days of successfully completing the electronic notary course.

Authority G.S. 10B-4; 10B-134.21.

18 NCAC 07F .0403 NOTICE TO DEPARTMENT OF CHANGES

An electronic notary applicant shall have notified the Department of changes as required by Chapter 10B of the General Statutes and the Rules in this Chapter before submitting an application.

Authority G.S. 10B-4; 10B-50; 10B-51; 10B-52; 10B-53; 10B-106; 10B-126(d); 10B-127; 10B-134.15.

18 NCAC 07F .0404 FAILURE TO SUBMIT APPLICATION IN TIME

The Department shall deny an application that does not comply with Rule .0402 of this Section. If the applicant reappplies, the electronic notary applicant shall comply with the following:

- (1) successfully complete the electronic notary course again;
- (2) submit a new application; and
- (3) tender applicable fees.

Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.21.

SECTION .0500 – REGISTRATION AND OATH

18 NCAC 07F .0501 APPOINTMENT

The Department shall appoint qualified notaries to the office of electronic notary public.

Authority G.S. 10B-4; 10B-5; 10B-10; 10B-105; 10B-106; 10B-125; 10B-126; 10B-134.121.

18 NCAC 07F .0502 ISSUANCE OF CERTIFICATES

The Department:

- (1) shall provide the Register of Deeds in the county of the notary's commissioning with:
 - (a) a certificate of appointment; and
 - (b) a commission certificate in the name of the appointee to be used to confirm that the electronic notary oath has been administered to the appointee by the Register of Deeds; and
- (2) may provide a notary public a duplicate commission certificate.

Authority G.S. 10B-4; 10B-10; 10B-11; 10B-105; 10B-106; 10B-107; 10B-108.

18 NCAC 07F .0503 NOTICE OF DEPARTMENT'S ACTIONS FOR QUALIFIED ENOTARY APPLICANTS

The Department shall notify the notary electronically or in writing within five days of the decision that the notary is qualified that:

- (1) the Department has:
 - (a) appointed the notary as an electronic notary public;
 - (b) provided the certificate of appointment to the Register of Deeds; and
- (2) the appointee shall take the oath of office in the Register of Deeds office within 45 days of the issue date on the notice of appointment.

Authority G.S. 10B-4; 10B-10; 10B-105; 10B-106.

18 NCAC 07F .0505 OATHS OATH TIMING

The ~~applicant~~ appointee shall take the oath in the Register of Deeds office within 45 days of the issue date on the ~~electronic notary oath notification letter.~~ notice of appointment.

Authority G.S. 10B-4; 10B-10; 10B-105. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15-USC 7002.

18 NCAC 07F .0506 EVIDENCE OF IDENTITY

Before taking the oath of office, ~~an applicant shall:~~ the appointee shall:

- (1) be personally known to the Register of Deeds; or
- (2) present to the Register of Deeds with satisfactory evidence of the appointee's identity. ~~applicant's identity as defined in G.S. 10B-3(22).~~

Authority G.S. 10B-4; 10B-10; 10B-106. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15-USC 7002.

18 NCAC 07F .0507 CERTIFICATE DELIVERY ADMINISTRATION OF OATH

~~After administering the oath of office, the Register of Deeds shall deliver the electronic notary registration certificate to the electronic notary. The Register of Deeds shall administer an oath to an appointee registered to perform electronic and remote electronic notarizations.~~

Authority G.S. 10B-4; 10B-10. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15-USC 7002.

18 NCAC 07F .0508 REGISTRATION EFFECTIVE DATE CERTIFICATE DELIVERY

~~The applicant's electronic notary registration shall not be effective until the applicant takes the oath. After administering the oath of office, the Register of Deeds shall:~~

- (1) require that the electronic notary public sign the certificate of appointment;
- (2) sign the certificate of appointment;
- (3) file the certificate of appointment as required by G.S. 10B-10(c);
- (4) deliver the commission certificate to the oath taker; and
- (5) deliver notice to the Department as required by G.S. 10B-10(d).

Authority G.S. 10B-4; 10B-10; 10B-106. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15-USC 7002.

18 NCAC 07F .0509 REGISTRATION EFFECTIVE DATE

The appointee's electronic notary registration shall not be effective until the appointee takes the oath of office.

Authority G.S. 10B-4; 10B-10; 10B-106.

18 NCAC 07F .0510 CANCELLATION OF CERTIFICATE

The Department shall notify the appointee of cancellation of the certificate of appointment in writing within 45 days of the appointee's failure to take the oath by the 45th day after the issuance of the certificate.

Authority G.S. 10B-4; 10B-10; 10B-106.

18 NCAC 07F .0511 CANCELLATION OF CERTIFICATE OF APPOINTMENT RESCINDED

A notary who has taken the oath but upon contacting a technology provider is told that the provider contacted the Department and the notary was not an active notary may contact the Department and present the notary's commission certificate to the Department.

Authority G.S. 10B-4; 10B-10.

18 NCAC 07F .0512 CONFIRMATION OF ELECTRONIC NOTARY STATUS

The Department shall confirm to a technology provider a notary public's active status as an electronic notary registered to perform electronic and remote electronic notarizations only if:

- (1) the Department has received the completed certificate of appointment from the Register of Deeds; or
- (2) the notary has presented the notary's commission certificate to the Department in the event of the failure of the Register of Deeds to provide the completed certificate of appointment to the Department.

Authority G.S. 10B-4; 10B-10.

18 NCAC 07F .0513 PERFORMING ELECTRONIC AND REMOTE ELECTRONIC NOTARIAL ACTS

A notary shall not perform any electronic or remote electronic notarial act until:

- (1) the notary has taken the oath of office as an electronic notary public; and
- (2) the electronic notary has complied with the requirements of Sections .0600 through .0800 of this Subchapter.

Authority G.S. 10B-4; 10B-10; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21.

SECTION .0600 – SELECTION AND USE OF TECHNOLOGY PROVIDER TO PERFORM ELECTRONIC NOTARIAL ACTS

18 NCAC 07F .0601 NOTICE TO DEPARTMENT OF TECHNOLOGY PROVIDER

An electronic notary shall use the form in 18 NCAC 07B .0405 to provide notice to the Department of all technology providers used:

- (1) to affix the electronic notary's electronic signature and seal;

- (2) as the means to create and maintain the electronic notary's electronic journal and a backup copy of the journal;
- (3) as the custodian of the electronic notary's journal; and
- (4) as the platform that the notary will use if the notary intends to perform remote notarial acts.

Authority G.S. 10B-4; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.17; 10B-134.21.

18 NCAC 07F .0602 APPROVED TECHNOLOGY PROVIDER

An electronic notary public shall use only technology providers approved or licensed by the Department and listed on the Department's website.

Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23.

SECTION .0700 – ELECTRONIC NOTARY SIGNATURE

18 NCAC 07F .0701 UNIQUE SIGNATURE

The electronic notary signature shall be independently verifiable and specific ~~unique~~ to each the electronic notary. notary public.

Authority G.S. 10B-4; ~~10B-125(b); 10B-125(b); 10B-126(d); 10B-127. 47-16.5; 47-16.7; 147-36; 15-USC-7002.~~

18 NCAC 07F .0702 SOLE CONTROL

The electronic notary public signature shall ~~be retained~~ retain under the exclusive control of the electronic notary public signature such that the electronic signature can be attributed solely to the electronic notary. ~~electronic notary's sole control.~~

Authority G.S. 10B-4; ~~10B-125(b); 10B-125(b); 10B-126(d); 10B-127. 47-16.5; 47-16.7; 147-36; 15-USC-7002.~~

18 NCAC 07F .0703 EXCLUSIVE

Authority G.S. 10B-125(b), 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002.

18 NCAC 07F .0704 LOGICALLY ATTACHED ELECTRONIC ATTRIBUTES OF SIGNATURE

The electronic notary signature shall shall:

- (1) be attached to, or logically associated with the document, with, the notarized document; and
- (2) linking link the data in such a manner that any subsequent alterations are observable through visual examination of:
 - (a) ~~to the underlying document document;~~
or
 - (b) electronic notary certificate are observable through visual examination.

Authority G.S. 10B-4; ~~10B-125(b); 10B-125(b); 10B-126(d); 10B-127; 10B-136. 47-16.5; 47-16.7; 147-36; 15-USC-7002.~~

18 NCAC 07F .0705 IMAGE

An ~~image of the~~ electronic notary's handwritten signature shall notary shall:

- (1) electronically sign the ~~appear on any visual or printed representation of an~~ electronic notary certificate certificate;
- (2) regardless of the technology being used to affix view the ~~electronic notary's~~ electronic signature. signature after signing; and
- (3) verify that the image of the electronic notary's ~~handwritten~~ electronic signature is an accurate representation.

Authority G.S. 10B-4; ~~10B-125(b); 10B-125(b); 10B-126(d); 10B-127; 10B-136. 47-16.5; 47-16.7; 147-36; 15-USC-7002.~~

18 NCAC 07F .0706 SIGNATURE COMPLIANCE

An electronic notary shall ensure that the electronic notary's electronic signature complies with Chapter 10B of the General Statutes and the Rules in this Subchapter each time it is affixed.

Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127.

18 NCAC 07F .0707 SIGNATURE REVIEW BEFORE USE

An electronic notary shall review the electronic notary's electronic signature for accuracy before the signature is used for the first time.

Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21.

18 NCAC 07F .0708 AFFIXING ELECTRONIC SIGNATURE

An electronic notary shall not affix the electronic notary's electronic signature until:

- (1) the principals have appeared before the notary as required by Article 2 of Chapter 10B of the General Statutes;
- (2) the principals have been identified;
- (3) the oath or affirmation has been administered, if required;
- (4) the principals have affixed their signatures to the electronic document or acknowledged them, if applicable;
- (5) any fees have been collected; and
- (6) the journal entry has been made in accordance with the Rules in Subchapter I of this Chapter.

Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21.

18 NCAC 07F .0709 REVIEW AFTER AFFIXING ELECTRONIC SIGNATURE

After the electronic notary affixes the notary's electronic signature, and before the electronic signature is committed by the notary, the electronic notary shall review the electronic signature to ensure that it:

- (1) is present on the notarial certificate;
- (2) is legible; and
- (3) does not obscure:

- (a) the notarial certificate;
- (b) any content in the notarial certificate;
or
- (c) any content in the document being notarized.

Authority G.S. ~~10B-4; 10B-125(b); 10B-125(b); 10B-126(d). 47-16.5; 47-16.7; 147-36; 15 USC 7002.~~

18 NCAC 07F .0806 PERIMETER

~~The~~ An electronic notary public shall ensure that the perimeter of the electronic notary seal shall contain a border such that the physical appearance of the seal replicates the appearance of an inked seal on paper.

Authority G.S. ~~10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002.~~

18 NCAC 07F .0807 CONTENTS

~~The~~ An electronic notary shall ensure that the electronic notary's electronic notary seal ~~must have~~; has:

- (1) ~~within its border;~~ a visible border:
 - (a) with the size and shape required by G.S. 10B-37(c); and
 - (b) that includes an identifier assigned by the Department to the AVEN or technology provider;
- (2) ~~within inside its border;~~ border:
 - (a) ~~the electronic notary's name exactly as commissioned,~~ the information required by G.S. 10B-117(1), (2), and (4);
 - (b) the words "Electronic Notary Public," words:
 - (i) "State of North Carolina";
 - (ii) "North Carolina" "Carolina";
or
 - (iii) the abbreviation "N.C.;"
 - (c) the name of the county of commission including with either:
 - (i) the word "County" "County";
or
 - (ii) the abbreviation "Co.;"
 - (d) the expiration date of the electronic notary's commission.

Authority G.S. ~~10B-4; 10B-125(b); 10B-126(d). 47-16.5; 47-16.7; 147-36; 15 USC 7002.~~

18 NCAC 07F .0808 ELECTRONIC NOTARY SEALS ARE PRIVATE PROPERTY

The electronic notary seal is the private property of the electronic notary public. ~~and shall be subject to laws governing private property.~~

Authority G.S. ~~10B-4; 10B-125(b); 10B-126(d). 47-16.5; 47-16.7; 147-36; 15 USC 7002.~~

18 NCAC 07F .0809 SEAL COMPLIANCE

An electronic notary shall ensure that the electronic notary's electronic seal complies with Chapter 10B of the General Statutes and the rules in this Subchapter each time it is affixed.

Authority G.S. ~~10B-4; 10B-125(b); 10B-126(d).~~

Authority G.S. ~~10B-4; 10B-125(b); 10B-126(d); 10B-127.~~

SECTION .0800 – ELECTRONIC NOTARY SEAL

18 NCAC 07F .0801 UNIQUE SEAL

The electronic notary seal shall be independently verifiable and ~~unique specific to each the electronic notary.~~ notary public.

Authority G.S. ~~10B-4; 10B-125(b); 10B-125(b); 10B-126(d); 10B-127. 47-16.5; 47-16.7; 147-36; 15 USC 7002.~~

18 NCAC 07F .0802 SOLE CONTROL

The electronic notary public seal shall ~~be retained~~ retain under the exclusive control of the electronic notary seal such that the electronic notary seal can be attributed solely to the electronic notary. ~~electronic notary's sole control.~~

Authority G.S. ~~10B-4; 10B-125(b); 10B-125(b); 10B-126(d); 10B-127; 10B-134.17; 10B-134.21. 47-16.5; 47-16.7; 147-36; 15 USC 7002.~~

18 NCAC 07F .0803 EXCLUSIVE

Authority G.S. ~~10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002.~~

18 NCAC 07F .0804 LOGICALLY ATTACHED ELECTRONIC ATTRIBUTES OF SEAL

The electronic notary seal ~~shall~~ shall:

- (1) be attached to, or logically associated with the document, with, the notarized document; and
- (2) linking link the data in such a manner that any subsequent alterations are observable through visual examination of:
 - (a) ~~to the underlying document~~ document;
or
 - (b) electronic notary certificate.
~~certificate are observable through visual examination.~~

Authority G.S. ~~10B-4; 10B-125(b); 10B-125(b); 10B-126(d); 10B-127; 10B-136. 47-16.5; 47-16.7; 147-36; 15 USC 7002.~~

18 NCAC 07F .0805 IMAGE

An ~~image of the electronic notary's electronic seal~~ notary shall:

- (1) ~~electronically affix appear on any visual or printed representation of the electronic notary certificate seal;~~
- (2) regardless of the technology being used to affix view the electronic notary's electronic seal; image of the seal after affixing it; and
- (3) verify that the image is an accurate representation of the seal.

18 NCAC 07F .0810 SEAL LIMITATION

An electronic notary's electronic seal shall include no information or images other than those required by:

- (1) G.S. 10B-117; and
- (2) the Rules in this Section.

Authority G.S. 10B-4; 10B-125(b); 10B-126(d).

18 NCAC 07F .0811 SEAL REVIEW BEFORE USE

An electronic notary shall review the notary's electronic seal for compliance with the Rules in this Section before the seal is used for the first time.

Authority G.S. 10B-4; 10B-125(b); 10B-126(d).

18 NCAC 07F .0812 AFFIXING ELECTRONIC SEAL

An electronic notary public shall not affix the notary's electronic seal until:

- (1) the principals have appeared before the notary as required by Article 2 of Chapter 10B of the General Statutes;
- (2) the principals have been identified;
- (3) the oaths or affirmations have been administered, if required;
- (4) the principals have affixed their signatures to the electronic document or acknowledged them if applicable;
- (5) any fees have been collected; and
- (6) the journal entry has been made in accordance with the rules in Subchapter I of this Chapter.

Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.15.

18 NCAC 07F .0813 REVIEW AFTER AFFIXING ELECTRONIC SEAL

After the electronic notary affixes the notary's electronic seal, and before the electronic notary commits the electronic seal, the electronic notary shall review the notary's electronic seal to ensure that it:

- (1) is present on the notarial certificate;
- (2) is legible; and
- (3) does not obscure:
 - (a) the notarial certificate;
 - (b) any content in the notarial certificate;
 - or
 - (c) any content in the document being notarized.

Authority G.S. 10B-4; 10B-125(b); 10B-126(d).

18 NCAC 07F .0814 COMMITMENT

After an electronic notary public has complied with the requirements of Sections .0700 and .0800 of this Subchapter with regard to review of signatures and seals after affixing them, the notary shall:

- (1) ensure that the required journal entry has been made; and
- (2) then commit:
 - (a) the electronic notarial signature;

- (b) the electronic notarial seal; and
- (c) the content of the journal entry.

Authority G.S. 10B-4; 10B-125(b); 10B-126(d).

SECTION .0900 – RE-REGISTRATION AS ELECTRONIC NOTARY

18 NCAC 07F .0901 RE-REGISTRATION

A An electronic notary applying to re-register as an electronic notary public shall comply with application procedures procedures: found in the Act

- (1) in Chapter 10B of the General Statutes; and
- (2) in this Subchapter.

Authority G.S. 10B-4; 10B-125; 10B-125; 10B-126. 47-16.5; 47-16.7; 147-36; 15-USC 7002.

18 NCAC 07F .0902 TIMING OF RE-REGISTRATION

An electronic notary desiring to re-register who does not apply for re-registration at the same time the notary applies for re-commissioning shall comply with Rule .0905 of this Section.

Authority G.S. 10B-4.

18 NCAC 07F .0903 FORM

An electronic notary shall use the form in 18 NCAC 07B .0404 to apply to be re-registered as an electronic notary.

Authority G.S. 10B-4; 10B-125; 10B-126.

18 NCAC 07F .0904 EDUCATION

An applicant for re-registration as an electronic notary shall successfully complete the electronic notary course again before applying.

Authority G.S. 10B-4; 10B-125, 10B-126.

18 NCAC 07F .0905 ELECTRONIC NOTARY RE-REGISTRATION OTHER THAN AT RECOMMISSIONING

An electronic notary who does not apply for re-registration as an electronic notary at the same time that the notary applies for re-commissioning as a traditional notary and who later desires to re-register as an electronic notary shall:

- (1) successfully complete the electronic notary course again;
- (2) apply for re-registration; and
- (3) pay the applicable fees.

Authority G.S. 10B-4; 10B-125; 10B-126.

18 NCAC 07F .0906 REGISTRATION AND OATH

Section .0500 of this Subchapter shall apply to an electronic notary applicant who is appointed as a re-registered electronic notary.

Authority G.S. 10B-4; 10B-125; 10B-126.

SECTION .1000 – CONFIDENTIALITY, SECURITY, AND RECORDS RETENTION

18 NCAC 07F .1001 EMPLOYERS OF ELECTRONIC NOTARIES

(a) Neither the employer nor any of the employer's employees or agents shall use or permit the use of an electronic notary seal or signature by anyone other than the electronic notary public to whom it is registered.

(b) Upon the cessation of employment of an electronic notary, notary public, the employer of the electronic notary shall:

- (1) Relinquish control of the electronic notary public's electronic notary seal;
- (2) Transfer possession of the electronic notary seal to the electronic notary; notary public; or
- (3) Eliminate the ability of any other person to use the former electronic notary public employee's electronic notary seal if the electronic notarization system ~~used~~ provided by the employer does not permit transfer of possession of the electronic notary ~~seal.~~ seal to the electronic notary former employee.

Authority G.S. 10B-125(b); 10B-126(d); 10B-134.15; 10B-134.17; 10B-134.21. 47-16.5; 47-16.7; 147-36; 15 USC 7002.

18 NCAC 07F .1002 PROTECTED PROTECTING ACCESS

An electronic notary shall limit Access access to the electronic notary signatures, ~~electronic notary seals,~~ and journals by complying with the provider's requirements for the use of means of authentication approved by the Department. ~~shall be protected by the use of a password, token, biometric, or other form of authentication approved by the Department according to Article 2 of Chapter 10B of the General Statutes, and Article 1A of Chapter 47 of the General Statutes.~~

Authority G.S. 10B-4; 10B-125(b); 10B-125; 10B-126(d); 10B-126; 10B-134.15; 10B-134.17; 10B-134.21. 47-16.5; 47-16.7; 147-36; 15 USC 7002.

18 NCAC 07F .1003 RETENTION OF ELECTRONIC JOURNAL

An electronic notary shall maintain a copy of the notary's electronic journal for 10 years after the last notarial act.

Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.15; 10B-134.17; 10B-134.21.

18 NCAC 07F .1004 NOTARY CREDENTIAL SHARING FORBIDDEN

An electronic notary shall not share the means of authentication that the notary uses to access an electronic notarization system with anyone.

Authority G.S. 10B-4; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21.

SECTION .1100 – CONTINUING OBLIGATIONS OF ELECTRONIC NOTARIES

18 NCAC 07F .1101 PHYSICAL PRESENCE REQUIREMENT FOR ELECTRONIC NOTARIZATION

When an electronic notary performs an electronic notarization, the principal ~~and the electronic notary~~ shall be in ~~each other's the~~ physical presence of the electronic notary during the entire electronic at the time of notarization so that that:

- (1) the principal and the electronic notary can see, hear, and communicate ~~with,~~ with each other; and
- (2) the principal can give the electronic notary identification documents as required under G.S. ~~10B-3(22)~~ 10B-3(22). ~~to each other without the use of electronic devices such as telephones, computers, video cameras, or facsimile machines.~~

Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002.

18 NCAC 07F .1102 SEPARATE ATTESTATIONS PRESENCE REQUIREMENT FOR REMOTE ELECTRONIC NOTARIZATION

When an electronic notary performs a remote electronic notarization, the remotely located principal shall appear before the electronic notary at the time of notarization using communication technology. ~~Each electronic signature requiring notarization and attestation in the form of an acknowledgment shall be individually affixed to the electronic document by the principal signer and shall be acknowledged separately by the principal signer, except in the following situation:~~

- (1) ~~The notarized document is executed on behalf of an entity as defined in G.S. 55-140(9)(a) or (c); and~~
- (2) ~~The notarized document does not adversely affect the claim, right or obligation of another.~~

Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002.

18 NCAC 07F .1103 INDIVIDUAL PRINCIPAL SIGNATURES FOR ELECTRONIC ACKNOWLEDGEMENTS

An electronic notary public who performs an electronic or remote electronic acknowledgment shall require the principal to affix each signature individually.

Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002.

18 NCAC 07F .1104 ADDITIONAL OBLIGATIONS

In addition to complying with the continuing obligations imposed by the rules in Subchapter 07D of this Chapter, an electronic notary shall comply with the requirements of Subchapter 07I of this Chapter.

Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002.

18 NCAC 07F .1105 NO ELECTRONIC NOTARIZATION OF INK SIGNATURE

An electronic notary shall not use the notary's electronic signature and seal to notarize an ink signature signed by hand.

Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d).

18 NCAC 07F .1106 NOTICE OF CHANGES

An electronic notary shall notify the Department using the form in 18 NCAC 07B .0406 within 10 business days of the notary choosing to use a different technology provider.

Authority G.S. 10B-3; 10B-4; 10B-102; 10B-106(f); 10B-116(1); 10B-125(b); 10B-126(d).

18 NCAC 07F .1107 TECHNOLOGICAL ISSUE AS REASON TO HALT ELECTRONIC OR REMOTE ELECTRONIC NOTARIAL ACT

An electronic notary public shall not perform an electronic notarial act or a remote notarial act if there is:

- (1) a complete technological failure that impedes the performance of the notarial act; or
- (2) a partial technological failure if the electronic notary decides that the failure warrants termination of the transaction.

Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d).

18 NCAC 07F .1108 ELECTRONIC OR REMOTE ELECTRONIC NOTARIAL ACT CAN CONTINUE IF TECHNOLOGICAL ISSUE RESOLVED OR NON-IMPAIRING

An electronic notary may continue and complete an electronic or remote electronic notarial transaction if the electronic notary concludes that any technological failure:

- (1) has been resolved; and
- (2) will not impair performance of the notarial act.

Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15 USC 7002.

18 NCAC 07F .1109 CEASING TO USE A TECHNOLOGY PROVIDER

An electronic notary shall notify the Department within 10 business days of the date on which:

- (1) the notary cancels a contract or subscription with a technology provider; or
- (2) the notary is prevented by the provider from accessing the technology provider's services.

Authority G.S. 10B-3; 10B-4; 10B-102; 10B-106(f); 10B-116(1); 10B-125(b); 10B-126(d); 10B-127(b).

18 NCAC 07F .1110 NOTICE OF CANCELLATION BY PROVIDER

An electronic notary shall notify the Department within 10 business days if the technology provider takes actions that:

- (1) suspend or halt the provider's operations or the availability of its technology; or
- (2) make changes to the technology that impair the ability of the notary to perform notarial functions.

Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d); 10B-127(b).

18 NCAC 07F .1111 CONTENT OF NOTICE

A notice pursuant to the Rule .1110 of this Section shall include:

- (1) the reason for the notice; and
- (2) any other information the notary thinks may help the Department to assess the action of the provider.

Authority G.S. 10B-3; 10B-4; 10B-102; 10B-116(1); 10B-125(b); 10B-126(d).

SUBCHAPTER 07I – JOURNAL REQUIREMENTS

SECTION .0100 – GENERAL

18 NCAC 07I .0101 SCOPE

The rules in this Subchapter set forth the requirements applicable to a notary maintaining a journal.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0102 DEFINITIONS

The definitions in this Rule apply to this Subchapter:

- (1) "Canceled act" means that a notary or a principal begins the notarial transaction process and halts it for any reason. An example of a canceled act would be one where the notary is not able to establish the identity of the signer as required by G.S. 10B-20.
- (2) "Journal" means a record of notarial acts that is created and maintained by a notary in compliance with Chapter 10B of the General Statutes and the Rules in this Subchapter.
- (3) "Mode of notarial act" means either a traditional notarization, an electronic notarization, or a remote electronic notarization.
- (4) "Supplemental information" means information that a notary public enters into a journal:
 - (a) as a separate entry that is not for a notarial act;
 - (b) that relates to a prior notarial act recorded in the journal; and
 - (c) that may be appended to the prior notarial act entry in the electronic journal.

Note: an entry six months after the initial committed entry stating that the notary received

a subpoena for that initial committed journal entry is an example of supplemental information.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0103 JOURNAL REQUIREMENT

In addition to the journal required by G.S. 10B-38:

- (1) an electronic notary shall maintain an accurate backup copy of the notary's journal; and
- (2) a traditional notary shall create and maintain an accurate backup copy of an original journal that the notary provides to the notary's employer upon termination of employment.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0104 JOURNAL OWNERSHIP

The notary journal is the private property of the notary.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0105 ENTRY OF DATA INTO JOURNAL

A notary public shall be the only person to make entries into the notary's journal, unless otherwise permitted for traditional notaries by Chapter 10B of the General Statutes or Rule .0106 of this Section.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0106 EXCEPTIONS TO RULE .0105

Exceptions to Rule .0105 of this Section shall be limited to:

- (1) the signatures of the principals;
- (2) the signatures of credible witnesses; and
- (3) the signatures of the designees of the principals pursuant to G.S. 10B-20(e).

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0107 ACCESS TO THE JOURNAL

A notary shall not permit access to the journal by any person except to the extent permitted pursuant to Chapter 10B of the General Statutes and the rules in this Chapter.

Authority G.S. 10B-4; 10B-20(p); 10B-21; 10B-38; 10B-126; 10B-134.15.

SECTION .0200 – JOURNAL BASICS

18 NCAC 07I .0201 FORM OF TRADITIONAL NOTARY JOURNAL

A traditional notary may meet the journal requirements by maintaining either a tangible or an electronic journal.

Authority G.S. 10B-4; 10B-38.

18 NCAC 07I .0202 FORM OF ELECTRONIC NOTARY JOURNAL

Electronic notarizations and remote electronic notarizations shall be documented in an electronic journal that is maintained as an electronic document.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0203 COMBINED JOURNAL

A notary public may maintain an electronic journal that includes entries for any of these acts that the notary is qualified to perform:

- (1) traditional notarial acts;
- (2) electronic notarial acts; and
- (3) remote electronic notarial acts.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0204 ENTRIES IN A TANGIBLE JOURNAL

Entries in a tangible journal shall be:

- (1) entered in permanent ink;
- (2) in a bound journal:
 - (a) into which pages cannot be inserted;
 - (b) from which pages cannot be removed without the removal being visible; and
- (3) in chronological order.

Authority G.S. 10B-4; 10B-38.

18 NCAC 07I .0205 REQUIREMENTS FOR A TANGIBLE JOURNAL

A tangible journal shall have:

- (1) on the first page:
 - (a) the name of the notary as commissioned;
 - (b) the commission date of the notary; and
 - (c) the county of the commission; and
- (2) a sequential page number on each page.

Authority G.S. 10B-4; 10B-38.

18 NCAC 07I .0206 PROVISION OF JOURNAL TO DEPARTMENT

When a person responds to a request from the Department for all or part of a notary's journal, the person shall submit the journal together with a transmittal document containing:

- (1) the name on the notary's commission;
- (2) the most recent commission date of the notary; and
- (3) the dates of the first and last entries in the journal.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15; 10B-134.17.

18 NCAC 07I .0207 ACTS INCLUDED IN JOURNAL

A notary public shall make an entry into the journal for all notarial acts completed or canceled.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0208 DESIGNATION OF NOTARIAL ACT

Except as set out in Rule .0209 of this Section, a notary public shall state in a journal whether each notarial act is:

- (1) traditional;
- (2) electronic; or
- (3) remote electronic.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0209 EXCEPTION TO RULE .0208

A notary public who includes only a single mode of notarial act in a journal may:

- (1) make a single notation of the mode of notarial acts at the beginning of the journal; and
- (2) omit the notations required by Rule .0208 of this Section.

NOTE: An example would be a journal first-page statement that the journal documents only traditional notarial acts.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0210 DESIGNATION OF TYPE OF NOTARIAL ACT

A notary public shall designate in the journal whether the type of a notarial act is:

- (1) an acknowledgement;
- (2) the taking of a verification or proof;
- (3) an administration of an oath or affirmation;
- (4) a notarization of an absentee voter application;
or
- (5) an inventorying of an abandoned safe deposit box.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0211 JOURNAL MAY COMBINE EMPLOYER-RELATED AND NON-EMPLOYER ACTS

If a notary performs both employer-related and non-employer related notarial acts, the notary may maintain:

- (1) a separate journal for each of the employer-related and non-employer related notarial acts;
or
- (2) a single journal reflecting all notarial acts.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0212 JOURNAL RETENTION PERIOD

For at least 10 years after the last notarial act entered into a journal by a notary, the journal or the backup copy of the journal shall be retained by:

- (1) the notary; or
- (2) a designated custodian.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

SECTION .0300 – GENERAL JOURNAL CONTENTS

18 NCAC 07I .0301 CONTENTS OF JOURNAL FOR CANCELED ACT

For each canceled act, a notary public shall include in the journal:

- (1) the date and time of the canceled act;
- (2) the names of the principals; and
- (3) the reason the act was canceled.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0302 CONTENTS OF JOURNAL

Notaries shall enter the following information in the journal for each notarial act completed:

- (1) the date and time at the notary's location of the notarial act;
- (2) the names of the principals;
- (3) the types and modes of notarial acts performed;
- (4) the type of documents notarized, if any;
- (5) how the identities of the principals were determined;
- (6) if satisfactory evidence of the principal's identity was presented:
 - (a) the type of satisfactory evidence;
 - (b) if the satisfactory evidence was a document, the addresses of each principal as shown on the documents;
 - (c) if the satisfactory evidence was based on the sworn statement of a credible witness:
 - (i) the name of the credible witness;
 - (ii) the contact information of the credible witness;
 - (iii) the signature of the credible witness in a traditional notary's journal; or
 - (iv) the signature of the credible witness has been added to the journal by the notary;
- (7) the signatures of the principals or the notary's addition of the principals' acknowledged signatures to the journal;
- (8) information required by 18 NCAC 07K .0203 for any fees charged; and
- (9) designation of each notarial act as employer-related or non-employer related if the journal includes both categories of notarial acts.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0303 ADDITIONAL JOURNAL CONTENTS FOR REMOTE ELECTRONIC NOTARIZATIONS

In addition to the requirements of Rule .0302 of this Section, for each remote electronic notarial act completed, an electronic notary public shall enter in the journal:

- (1) the locations of the principals and notary public at the time of the act;
- (2) the method of establishing the location of the remotely located principals;

- (3) the names of any individuals who are physically present with the remotely located principals in the same location; and
- (4) the names of any individuals in addition to the principals and those listed in Item (3) of this Rule who are present remotely using the communications technology during the notarial transaction process.

- (2) copies of, or access to, unrelated notarial act entries in the journal.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

SECTION .0400 – ELECTRONIC JOURNAL REQUIREMENTS

18 NCAC 07I .0401 MAINTAIN BACKUP COPY
A notary shall maintain an exact backup copy of the notary's electronic journal.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0402 FORMAT OF BACKUP COPY
A notary may maintain the backup copy of the electronic journal:

- (1) on paper; or
- (2) as an electronic document on a separate physical device.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0403 PRINTING OUT OF ELECTRONIC JOURNAL ENTRIES
A notary shall only use an electronic journal that can be printed out.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0404 INCLUDING SIGNATURES IN JOURNAL
An electronic notary public shall ensure that:

- (1) the principals acknowledge that their electronic signatures have been captured as signed on the documents in the transaction and included in the journal;
- (2) the designee signs the designee's name and the notary then includes the signature in the journal; or
- (3) the credible witness signs the credible witness's name and the notary then includes the signature in the journal.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0405 TECHNOLOGICAL ISSUES
An electronic notary public shall note in the journal complete or partial technological failures that lead the notary to terminate the act pursuant to 18 NCAC 07F .1107.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0406 PRE-POPULATED DATA TO BE CONFIRMED BY NOTARY PUBLIC
A notary public may enter the information listed in Rules .0302 and .0303 of this Subchapter in an electronic journal by:

- (1) individually reviewing each item of information offered as an option or by pre-population; and

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0304 EMPLOYER REQUEST FOR INCLUSION OF ADDITIONAL INFORMATION IN JOURNAL

A notary public shall include additional information in the journal regarding an employer-related electronic notarial act if:

- (1) the employer so requests;
- (2) the request is made before the notary commits the journal entry; and
- (3) the information is directly related to the notarial act.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0305 PARTY REQUEST FOR INCLUSION OF ADDITIONAL INFORMATION IN JOURNAL FOR REMOTE ELECTRONIC NOTARIZATION

A notary public shall include additional information in the journal if:

- (1) the notarial act is a remote electronic notarial act;
- (2) the requestor is a party involved in the transaction;
- (3) the request is made before the notary commits the journal entry; and
- (4) the information is directly related to the notarial act.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0306 NOTATION OF REQUESTS FOR INCLUSION OF ADDITIONAL INFORMATION IN JOURNAL

If a notary receives a request for inclusion of additional information in the journal, the notary shall note in the journal:

- (1) who requested inclusion of the information; and
- (2) the reason for a refusal to include information.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0307 NOTARY SHALL NOT PROVIDE UNRELATED NOTARIAL ACT INFORMATION TO EMPLOYER

A notary who performs both employer-related and unrelated notarial acts shall not provide the notary's employer with:

- (1) information regarding the notarial acts unrelated to the employer; or

- (2) confirming that offered information is accurate by selecting:
 - (a) the offered information; or
 - (b) the accurate item from among other options offered.

- (4) "Bank or financial institution" means a "depository institution" as defined in G.S. 53-208.42.
- (5) "Certificate of appointment" means a document issued by the Department notifying a Register of Deeds that:
 - (A) the named appointee is authorized to take the oath for the office specified in the document; and
 - (B) the Register of Deeds or designee shall provide the commission certificate to the notary after:
 - (i) administering the oath of office to the appointee; and
 - (ii) signing of the certificate by both the Register of Deeds or designee, and the notary.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0407 STEPS BEFORE COMMITTING AN ELECTRONIC JOURNAL ENTRY

- Before committing an electronic journal entry, a notary shall:
- (1) review the information entered for accuracy; and
 - (2) correct any errors in the entry.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07I .0408 JOURNAL SUPPLEMENTS

- A notary may add supplemental information to the journal if:
- (1) the notary does not in any way change the original committed journal entry; and
 - (2) specifies the journal entry to which the supplemental information relates.

Authority G.S. 10B-4; 10B-21; 10B-38; 10B-126; 10B-134.15.

SUBCHAPTER 07K – MISCELLANEOUS RULES

SECTION .0100 – GENERAL

18 NCAC 07K .0101 DEFINITIONS

- (a) The definitions in this Rule apply to this Chapter.
- (b) For purposes of Chapter 10B of the General Statutes and the rules in this Chapter:
 - (1) "Accepted" means the Department has reviewed a filing and determined that:
 - (A) the filing satisfies the applicable information requirements in Chapter 10B of the General Statutes and this Chapter; and
 - (B) all required fees associated with the filing have been tendered without dishonor.

"Accepted" shall not mean that the Department has determined that the filer is qualified and will be appointed, approved, or licensed.
 - (2) "Approved" means that an applicant has been authorized by the Department to provide services as a technology provider in compliance with Chapter 10B of the General Statutes and the rules in this Chapter. Technology providers licensed by the Department are deemed approved.
 - (3) "Armed Forces of the United States" means the persons described in 10 U.S.C. 101(4) and G.S. 143B-1224(2), including their reserve components.

- (6) "Commission certificate" means the document confirming that an individual:
 - (A) has complied with all requirements of Chapter 10B of the General Statutes and the rules in this Chapter; and
 - (B) is authorized to act as the type of notary named in the document.
- (7) "Commit" means the final step in the notarial act after which:
 - (A) the notarial act is complete;
 - (B) all entries are permanent; and
 - (C) no changes can be made to the entries in Part (b)(7)(B) of this Rule.
- (8) "Dishonored payment" or "payment that has been dishonored" means money tendered to the Department by any means that is refused, rejected, or failed to be paid to the Department by the bank or financial institution upon which it is drawn.
- (9) "Enter information" means to:
 - (A) handwrite, type, or input data;
 - (B) confirm that pre-populated words or numbers are correct. NOTE: an example would be clicking a checkbox to select the correct date;
 - (C) select applicable options from among offered options. NOTE: an example would be selecting "oath or affirmation" from a drop-down list of the types of notarial acts; or
 - (D) include in the electronic journal acknowledged signatures of:
 - (i) principals;
 - (ii) a designee of a principal; or
 - (iii) a credible witness.
- (10) "Federal business mileage rate" shall mean the business mileage rate set by the U.S. Internal Revenue Service (IRS).
- (11) "Federally recognized Indian tribe" means a tribe on the list published in the Federal Register by the U.S. Secretary of the Interior pursuant to 25 U.S.C. 5131.

- (12) "File" means the date upon which a filing submitted to the Department is deemed complete by the Department.
- (13) "Filer" means a person that submits a filing to the Department.
- (14) "Filing" means a form or other document required or permitted to be filed with the Department pursuant to Chapter 10B of the General Statutes or the rules in this Chapter.
- (15) "Form" means a departmental data collection instrument that requires or requests information, without regard to the format.
- (16) "Form preparer" means a person who enters information on a form as defined in Subparagraph (b)(14) of this Rule:
(A) at the direction of another; and
(B) without exercising independent judgment or discretion as to the content entered.
- (17) "Information technology" or "IT" means that term as defined in G.S. 143B-1320(a)(11).
- (18) "Information technology security" or "IT security" means the tools, techniques, and strategies used to protect the confidentiality, integrity, and availability of data, information systems, and digital assets from:
(A) internal and external threats; and
(B) unauthorized access, use, disclosure, disruption, modification, or destruction.
- (19) "Initial appointment" means the first issuance by the Department of a commission certificate to a notary public.
- (20) "Instructor," "certified notary public instructor," "certified instructor," "notary instructor," and "certified notary instructor" mean a notary public who has complied with:
(A) the requirements of G.S. 10B-14; and
(B) the rules in Subchapter 07E of this Chapter.
- (21) "Location" means a description establishing that a principal is present in a jurisdiction where the notarial act may take place. NOTE: a statement that the principal is then located inside the U.S. embassy in Paris, France, would suffice to establish that the principal is present in a jurisdiction where the notarial act may take place.
- (22) "Long-term" means a period of at least one year.
- (23) "Notarial transaction process" includes:
(A) steps before the notarial act takes place. NOTE: the interactions establishing the date and location of a notarial act, obtaining advance consent to travel fees, and the steps required by G.S. 10B-134.9(a) are examples of steps before the notarial act:
(B) the notarial act; and
(C) steps following the notarial act.
- (24) "Person" means the term as defined in G.S. 12-3(6).
- (25) "State recognized tribe" means a group listed in G.S. 143B-407(a).
- (26) "Successfully complete" and "successful completion" mean that a notarial applicant has complied with Chapter 10B and the rules in this Chapter and has:
(A) presented satisfactory evidence of identity;
(B) attended a notarial course taught by a certified notary instructor; and
(C) achieved a passing grade on the course examination.
- (27) "Technological failure" means a deficiency in:
(A) any component of the electronic notarization system;
(B) any component of the computer systems of the notary or principals; or
(C) the connections linking Parts (b)(27)(A) and (b)(27)(B) of this Rule.
- For purposes of this Rule, "component of the electronic notarization system" means any combination of hardware, software, a notary's electronic journal, and communications technology recordings.
- (28) "Technology provider" means an AVEN, platform, depository, or custodial service.
- (29) "Termination of employment" means the cessation of permanent or temporary work, whether compensated or not, for an employer or contractor for any reason, including voluntary and involuntary cessation of work.
- (30) "Traditional notarization" means a notarial act in which:
(A) there is personal appearance as defined in G.S. 10B-3(16); and
(B) either:
(i) a document is executed and notarized with ink signatures signed by hand and affixed with the physical notary seal as defined in G.S. 10B-3(23); or
(ii) an oath or affirmation is administered without the execution of a document.
- (31) "Traditional notary public" means an individual commissioned to perform traditional notarizations.
- (32) "Type of notarial act" means an acknowledgement, an oath or affirmation, verification or proof, inventory of an abandoned safe deposit box, or notarization of an absentee ballot.
- (33) "Under the exclusive control of the notary" means accessible by and attributable solely to

the notary to the exclusion of all other persons through being:

- (A) in the case of a physical seal:
 - (i) in the direct physical custody of the notary; or
 - (ii) physically secured; or
 - (B) in the case of an electronic seal, secured with one or more methods of authentication in an approved electronic notarization system.
- (34) "United States" or "U.S." means the term as defined in G.S. 12-3(11).

Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; 10B-134.15; 10B-134.19; 10B-134.21.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of the Secretary of State intends to adopt the rules cited as 18 NCAC 07K .0201-.0207.

Link to agency website pursuant to G.S. 150B-19.1(c): https://sosnc.gov/divisions/general_counsel/open_rulemaking

Proposed Effective Date: January 1, 2024

Public Hearing:

Date: September 19, 2023

Time: 10:00 - 11:00 a.m.

Location: 4701 Atlantic Avenue, Suite 116, Conference Room 115, Raleigh, NC 27604

Reason for Proposed Action: *The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022-54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, health-care, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.*

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor.

Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located

principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

- To simplify, clarify, and modernize the law governing notaries,*
- To prevent fraud and forgery,*
- To foster ethical conduct among notaries,*
- To enhance interstate recognition of notarial acts, and*
- To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.*

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

- 1. Mental incapacity of the principal;*
- 2. Coercion or duress; or*
- 3. Fraud.*

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

Due to the scope and scale of the requirements for this rulemaking process, the Secretary will propose the rules in three sets. This first set of proposed rules deals with fundamental issues related to all three methods of performing notarial acts and to establishing certain common rules. This is that first set of rules. The proposed rule amendments, adoptions, and repeals in this first set involve Subchapters B, F, I, and K of 18 NCAC 07. The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology. NOTE: Due to certain administrative requirements, we are required to publish two Notices of Text for this first set of rules. There will be a single public hearing on the proposed rules in both Notices of Text.

Comments may be submitted to: Ann B. Wall, P.O. Box 29622, Raleigh, NC 27606-7606; email rules@sosnc.gov (Email

submission preferred. Submission by courier service or hand delivery to: 2 South Salisbury Street, Raleigh, NC 27601.)

Comment period ends: October 16, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

CHAPTER 07 - NOTARY PUBLIC DIVISION

SUBCHAPTER 07K - MISCELLANEOUS

SECTION .0200 - CHARGING FEES FOR NOTARIAL ACTS

18 NCAC 07K .0201 TRAVEL FEE RATE

A notary public who charges travel fees shall refer to the IRS website for the current federal business mileage rate prior to charging the travel fee.

Authority G.S. 10B-4; 10B-126.

18 NCAC 07K .0202 ESTIMATE OF CHARGES

In addition to the publication or provision of a notary's schedule of fees pursuant to G.S. 10B-32, if a principal requests a fee estimate from a notary public, the notary shall provide an estimate that:

- includes the estimated total fee, and
the basis for the estimated charges.

Authority G.S. 10B-4; 10B-126.

18 NCAC 07K .0203 INCLUSION OF FEES IN JOURNAL

A notarial journal maintained pursuant to the rules in Subchapter I of this Chapter shall include, with regard to a specific notarial act for which fees were charged:

- how much the notary charged for each notarial act performed; and
if travel reimbursement was charged:
the actual reimbursement charged;
the fee charged per mile; and
a copy of the principal's advance written consent to travel fees or reference to the location of the notary's copy of the principal's advance written consent to the travel fees.

Authority G.S. 10B-4; 10B-38; 10B-126; 10B-134.15.

18 NCAC 07K .0204 CONSENT TO TRAVEL FEES MAY BE ELECTRONIC

A notary who charges travel fees pursuant to G.S. 10B-31(5) may obtain the advance written consent of the principal electronically.

Authority G.S. 10B-4; 10B-126; 10B-134.15.

18 NCAC 07K .0205 CONTENTS OF ADVANCE CONSENT TO TRAVEL FEES

A notary who charges travel fees shall obtain advance written consent of the principal that includes the following information:

- date of the consent;
name of the principal;
name of the notary;
estimated mileage that the notary will charge;
fee per mile that the notary will charge; and
planned date of the notary's travel.

Authority G.S. 10B-4; 10B-126; 10B-134.15.

18 NCAC 07K .0206 NOTARIAL RECORD OF WRITTEN CONSENT TO TRAVEL FEES

A notary who charges travel fees shall preserve the advance written consent as a notarial record:

- in the notary's journal; or
separately, if the written consent cannot be included in the journal, along with a supplemental journal entry describing the fact of written consent.

Authority G.S. 10B-4; 10B-126; 10B-134.15.

18 NCAC 07K .0207 RECEIPT FOR FEES

Upon request of a principal, a notary shall provide a receipt for fees charged.

Authority G.S. 10B-4; 10B-126.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

- Approved by OSBM
No fiscal note required

CHAPTER 12 - LICENSING BOARD FOR GENERAL CONTRACTORS

SUBCHAPTER 12A - GENERAL PROVISIONS

SECTION .0200 - LICENSING REQUIREMENTS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Licensing Board for General Contractors intends to amend the rules cited as 21 NCAC 12A .0202, .0308 and .0828.

Link to agency website pursuant to G.S. 150B-19.1(c): https://nclbnc.org/

Proposed Effective Date: January 1, 2024

Public Hearing:

Date: September 20, 2023

Time: 9:00 a.m.

Location: 5400 Creedmoor Road, Raleigh, NC 27612

Reason for Proposed Action:

21 NCAC 12A .0202 To clarify when a roofing specialty license is required for roof construction.

21 NCAC 12A .0308 To clarify that character references are also required for qualifiers.

21 NCAC 12A .0828 To clarify that witnesses at hearing may appear via videoconference.

Comments may be submitted to: C. Frank Wiesner, 5400 Creedmoor Road, Raleigh, NC 27612; phone (919) 571-4183; fax (919) 571-4703; email Frank.Wiesner@nclbnc.org

Comment period ends: October 16, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000)

21 NCAC 12A .0202 CLASSIFICATION

(a) A general contractor shall be certified in one of the following five classifications:

- (1) Building Contractor. This classification covers all building construction and demolition activity including: commercial, industrial, institutional, and all residential building construction. It includes installation of solar panels; parking decks; all site work, grading and paving of parking lots, driveways, sidewalks, and gutters; storm drainage, retaining or screen walls, and hardware and accessory structures; and indoor and outdoor recreational facilities including natural and artificial surface athletic fields, running tracks, bleachers, and seating. It also covers work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Marine and Freshwater Construction), S(Masonry Construction), S(Roofing), S(Metal Erection), S(Swimming Pools), and S(Asbestos), and S(Wind Turbine).
(2) Residential Contractor. This classification covers all construction and demolition activity pertaining to the construction of residential units that are required to conform to the Residential Building Code adopted by the Building Code Council pursuant to G.S. 143-138; all site work, driveways, sidewalks, and water and wastewater systems ancillary to the aforementioned structures and improvements; and the work done as part of such residential units under the specialty classifications of S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), S(Swimming Pools), and S(Asbestos). This classification also covers the installation of solar panels on residential units that are required to conform to the residential building code.
(3) Highway Contractor. This classification covers all highway construction activity including: demolition, grading, paving of all types, installation of exterior artificial athletic surfaces, relocation of public and private utility lines ancillary to a principal project, bridge construction and repair, culvert construction and repair, parking decks, sidewalks, curbs, gutters and storm drainage. It also includes installation and erection of guard rails, fencing, signage, and ancillary highway hardware;

- covers paving and grading of airport and airfield runways, taxiways, and aprons, including the installation of fencing, signage, runway lighting and marking; and work done under the specialty classifications of S(Boring and Tunneling), S(Concrete Construction), S(Marine and Freshwater Construction), S(Railroad Construction), and H(Grading and Excavating).
- (4) Public Utilities Contractor. This classification includes demolition and operations that are the performance of construction work on water and wastewater systems and on the subclassifications of facilities set forth in G.S. 87-10(b)(3). The Board shall issue a license to a public utilities contractor that is limited to any of the subclassifications set forth in G.S. 87-10(b)(3) for which the contractor qualifies. A public utilities contractor license covers work done under the specialty classifications of S(Boring and Tunneling), PU(Communications), PU(Fuel Distribution), PU(Electrical-Ahead of Point of Delivery), PU(Water Lines and Sewer Lines), PU(Water Purification and Sewage Disposal), and S(Swimming Pools).
- (5) Specialty Contractor. This classification covers all construction operation and performance of contract work outlined as follows:
- (A) H(Grading and Excavating). This classification covers the digging, moving, and placing of materials forming the surface of the earth, excluding air and water, in such a manner that the cut, fill, excavation, grade, trench, backfill, or any similar operation may be executed with the use of hand and power tools and machines used for these types of digging, moving, and material placing. It covers work on earthen dams and the use of explosives used in connection with all or any part of the activities described in this Subparagraph. It also includes clearing and grubbing, and erosion control activities.
- (B) S(Boring and Tunneling). This classification covers the construction of underground or underwater passageways by digging or boring through and under the earth's surface, including the bracing and compacting of such passageways to make them safe for the purpose intended. It includes preparation of the ground surfaces at points of ingress and egress.
- (C) PU (Communications). This classification covers the demolition and installation of the following:
- (i) all types of pole lines, and aerial and underground distribution cable for telephone systems;
 - (ii) aerial and underground distribution cable for cable TV and master antenna TV systems capable of transmitting R.F. signals;
 - (iii) underground conduit and communication cable, including fiber optic cable; and
 - (iv) microwave systems and towers, including foundations and excavations where required, when the microwave systems are being used for the purpose of transmitting R.F. signals; and installation of PCS or cellular telephone towers and sites.
- (D) S(Concrete Construction). This classification covers the construction, demolition, and installation of foundations, pre-cast silos, and other concrete tanks or receptacles, prestressed components, and gunite applications, but excludes bridges, streets, sidewalks, curbs, gutters, driveways, parking lots, and highways.
- (E) PU(Electrical-Ahead of Point of Delivery). This classification covers the construction, installation, alteration, maintenance, or repair of an electrical wiring system, including sub-stations or components thereof, which is or is intended to be owned, operated, and maintained by an electric power supplier, such as a public or private utility, a utility cooperative, or any other properly franchised electric power supplier, for the purpose of furnishing electrical services to one or more customers. This classification includes the construction of solar arrays.
- (F) PU(Fuel Distribution). This classification covers the construction, installation, alteration, maintenance, or repair of systems for distribution of petroleum fuels, petroleum distillates, natural gas, chemicals, and slurries through pipeline from one station to another. It includes all excavating,

- trenching, and backfilling in connection therewith. It covers the installation, replacement, and removal of above ground and below ground fuel storage tanks.
- (G) PU(Water Lines and Sewer Lines). This classification covers demolition and construction work on water and sewer mains, water service lines, and house and building sewer lines, as defined in the North Carolina State Building Code, and covers water storage tanks, lift stations, pumping stations, and appurtenances to water storage tanks, lift stations, and pumping stations. It includes pavement patching, backfill, and erosion control as part of construction.
- (H) PU(Water Purification and Sewage Disposal). This classification covers the demolition and performance of construction work on water and wastewater systems; water and wastewater treatment facilities; and all site work, grading, and paving of parking lots, driveways, sidewalks, curbs, and gutters that are ancillary to such construction of water and wastewater treatment facilities. It covers the work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), and S(Metal Erection) as part of the work on water and wastewater treatment facilities.
- (I) S(Insulation). This classification covers the installation, alteration, or repair of materials classified as insulating media used for the non-mechanical control of temperatures in the construction of residential and commercial buildings. It does not include the insulation of mechanical equipment, and lines and piping that are ancillary to the building.
- (J) S(Interior Construction). This classification covers the installation and demolition of acoustical ceiling systems and panels, load bearing and non-load bearing partitions, lathing and plastering, flooring and finishing, interior recreational surfaces, window and door installation, and installation of fixtures, cabinets, and millwork. It includes the removal of asbestos and replacement with non-toxic substances.
- (K) S(Marine and Freshwater Construction). This classification covers all marine and freshwater demolition and construction and repair activities and all types of marine and freshwater construction and demolition in deep-water installations and in harbors, inlets, sounds, bays, channels, canals, rivers, lakes, ponds, or any navigable waterway; it covers dredging, construction, and installation of pilings, piers, decks, slips, docks, and bulkheads. It does not include other structures that may be constructed on docks, slips, and piers.
- (L) S(Masonry Construction). This classification covers the demolition and installation, with or without the use of mortar or adhesives, of the following:
- (i) brick, concrete block, gypsum partition tile, pumice block, or other lightweight and facsimile units and products common to the masonry industry;
 - (ii) installation of fire clay products and refractory construction; and
 - (iii) installation of rough cut and dressed stone, marble panels and slate units, and installation of structural glazed tile or block, glass brick or block, and solar screen tile or block.
- (M) S(Railroad Construction). This classification covers the demolition, building, construction, and repair of railroad lines including:
- (i) the clearing and filling of rights-of-way;
 - (ii) shaping, compacting, setting, and stabilizing of road beds;
 - (iii) setting ties, tie plates, rails, rail connectors, frogs, switch plates, switches, signal markers, retaining walls, dikes, fences, and gates; and
 - (iv) construction and repair of tool sheds and platforms.
- (N) S(Roofing). This classification covers the installation, demolition, and repair of roofs and decks on residential, commercial, industrial, and institutional structures requiring materials that form a water-tight and weather-resistant surface. The term "materials" for purposes of this

Subparagraph includes cedar, cement, asbestos, clay tile and composition shingles, all types of metal coverings, wood shakes, single ply and built-up roofing, protective and reflective roof and deck coatings, sheet metal valleys, flashings, gravel stops, gutters and downspouts, and bituminous ~~waterproofing.~~ waterproofing including torch down roof systems. Any insulation material installed as a component of a roofing system shall be included as work covered under this classification.

(O) S(Metal Erection). This classification covers:

(i) the field fabrication, demolition, erection, repair, and alteration of architectural and structural shapes, plates, tubing, pipe and bars, not limited to steel or aluminum, that are or may be used as structural members for buildings, equipment, and structure; and

(ii) the layout, assembly and erection by welding, bolting, riveting, or fastening in any manner metal products as curtain walls, tanks of all types, hoppers, structural members for buildings, towers, stairs, conveyor frames, cranes and crane runways, canopies, carports, guard rails, signs, steel scaffolding as a permanent structure, rigging, flagpoles, fences, steel and aluminum siding, bleachers, fire escapes, and seating for stadiums, arenas, and auditoriums.

(P) S(Swimming Pools). This classification covers the construction, demolition, service, and repair of all swimming pools. It includes:

(i) excavation and grading;
(ii) construction of concrete, gunite, fiberglass, metal-walled with liner, steel-walled with liner, and plastic-type pools, pool decks, and walkways, and tiling and coping; and

(iii) installation of all equipment including pumps, filters, and chemical feeders. It does not

include direct connections to a sanitary sewer system or to portable water lines, nor the grounding and bonding of any metal surfaces or the making of any electrical connections.

(Q) S(Asbestos). This classification covers renovation or demolition activities involving the repair, maintenance, removal, isolation, encapsulation, or enclosure of Regulated Asbestos Containing Materials (RACM) for any commercial, industrial, or institutional building, whether public or private. It also covers all types of residential building construction involving RACM during renovation or demolition activities. This specialty is required only when the cost of asbestos activities as described herein are equal to or exceed thirty thousand dollars (\$30,000).

(R) S(Wind Turbine). This classification covers the construction, demolition, installation, and repair of wind turbines, wind generators, and wind power units. It includes assembly of blades, generator, turbine structures, and towers. It also includes ancillary foundation work, field fabrication of metal equipment, and structural support components.

(b) An applicant may be licensed in more than one classification of general contracting provided the applicant meets the qualifications for the classifications, which includes passing the examinations for the classification requested by the applicant. The license granted to an applicant who meets the qualifications for all of the classifications set forth in the rules of this Section shall be designated "unclassified."

Authority G.S. 87-1; 87-4; 87-10.

SECTION .0300 - APPLICATION PROCEDURE

21 NCAC 12A .0308 CHARACTER REFERENCES

(a) Each applicant shall submit to the Board three written evaluations of the applicant as to the character reference's knowledge of and experience with the applicant. If the applicant is a legal entity, character references shall be submitted for all individuals who sign the application on behalf of the ~~applicant.~~ applicant including the qualifier. If the applicant is a sole proprietorship, character references shall be for the applicant itself.

(b) All character references shall include:
(1) name of the person submitting the reference;
(2) mailing address, phone number, and email address of the person submitting the reference;

- (3) date of the reference; and
- (4) information regarding the reference's knowledge of and experience with the applicant or person about whom the reference is being provided.

(c) Character references shall be completed and dated no more than 12 months prior to the date the reference is submitted to the Board.

Authority G.S. 87-1; 87-10.

SECTION .0800 - CONTESTED CASES

21 NCAC 12A .0828 WITNESSES

Any party may be a witness and may present witnesses on the party's behalf at the hearing. All oral testimony at the hearing shall be under oath or affirmation and shall be recorded. At the request of a party or upon the Board's own motion, the presiding officer may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses. At the request of a party, witness, or the Board, a witness may appear by videoconference, electronically via live face-to-face video. Requests to appear by videoconference are to be directed to the Board or the Board's attorney not less than two business days prior to the date of the hearing.

Authority G.S. 87-11(b); 150B-38; 150B-40.

CHAPTER 42 – BOARD OF EXAMINERS IN OPTOMETRY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners in Optometry intends to amend the rule cited as 21 NCAC 42B .0204.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncoptometry.org/proposed-rules>

Proposed Effective Date: December 1, 2023

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Contact the Board at (910) 285-3160 or janice@ncoptometry.org*

Reason for Proposed Action: *Update the Rule to add email address and add a provision regarding licensees who pass away while in active practice.*

Comments may be submitted to: *Janice K. Peterson, 521 Yopp Rd., Suite 214 #444, Jacksonville, NC 28540; phone (910) 285-3160; fax (910) 285-4546; email janice@ncoptometry.org*

Comment period ends: October 16, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules

Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

SUBCHAPTER 42B - LICENSE TO PRACTICE OPTOMETRY

SECTION .0200 - RESPONSIBILITY TO SUPPLY INFORMATION

21 NCAC 42B .0204 CEASING PRACTICE

(a) In the event an optometrist shall cease to practice at any practice location (primary or branch) as defined in Rules .0201 and .0202 of this Section, the optometrist shall notify the Board in writing within ten days of ceasing practice, indicating the reason for discontinuing practice and the disposition of patient records.

~~(b) In the event that a licensee discontinues practice at a location for which a duplicate license has been issued, the licensee shall return the license to the Board for cancellation within 30 days.~~

~~(e)~~(b) On ceasing practice at any location, the licensee shall notify those patients whose records he retains in accordance with 21 NCAC 42E .0102(5) and (6) of the disposition or availability of such records. Such notice shall be given by direct ~~mail~~ mail, email, or through a public announcement in a newspaper of general circulation in the county or counties wherein the patients reside. If such notice is given by publication, such publication shall occur not less than weekly for a period of not less than ninety days. Proof of the giving of such notice shall be retained by the licensee.

~~(d)~~(c) Any licensee ceasing practice shall maintain control and custody of the records located at that practice location until such time as such records are transferred to the patients or to the custody of another practitioner similarly licensed.

(d) Should an optometrist pass away while in practice, the optometrist's estate shall comply with paragraph (b) above and attempt to place any medical records for which no directions are received from the patient into the hands of an optometrist or ophthalmologist located in proximity to the deceased optometrist's practice location as soon as possible. Any records

PROPOSED RULES

retained by the estate shall be maintained for the period of time *Authority G.S. 90-117.5; 90-118.2.*
required by 21 NCAC 42E .0102(6).

Note from the Codifier: The rules published in this Section of the NC Register are emergency rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code. The agency must subsequently publish a proposed temporary rule on the OAH website (www.ncoah.com/rules) and submit that adopted temporary rule to the Rules Review Commission within 60 days from publication of the emergency rule or the emergency rule will expire on the 60th day from publication. This section of the Register may also include, from time to time, a listing of emergency rules that have expired. See G.S. 150B-21.1A and 26 NCAC 02C .0600 for adoption and filing requirements.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rule-making Agency: N.C. Department of Health and Human Services/Director, DHSR

Rule Citation: 10A NCAC 14E .0113, .0114, .0209-.0213, .0317-.0331, .0403, .0404

Effective Date: July 18, 2023

Codifier determined these Rules do not meet the criteria for emergency rulemaking in G.S. 150B-21.1A(a) on July 7, 2023

Reason for Action: On June 30, 2023, the Codifier of Rules notified N.C. DHHS that, "Pursuant to G.S. 150B-21.7, all permanent rules in 10A NCAC 14E are repealed effective July 1, 2023 following the repeal of G.S. 14-45.1 in Session Law 2023-14." The repeal of these rules occurred following a submission by the Department requesting the Codifier amend the history note of the rules to reflect the change in statutory authority from G.S. 14-45.1 to Session Law 2023-14, Part II, Section 2.4. The Department's rulemaking authority under both laws directs the Department to regulate facilities suitable for the performance of abortions through ensuring that minimum health and safety standards are implemented and adhered to by the facilities performing abortions and providing other reproductive health services. Specifically, the General Assembly states that enforcement of these basic standards are to ensure safe and adequate treatment of individuals in abortion clinics. 131E-153(b)(2). The rules repealed effective July1, 2023 contain current minimum standards for nursing services, laboratory services, emergency back-up services, surgical services, medications and anesthesia, post-operative care, and staff qualifications. Additionally, rules regulating basic standards for building codes, sanitation, and record keeping in abortion clinics have also been removed from the Administrative Code. The repeal of these rules was an unforeseen action as the Department's rulemaking authority over the facilities suitable for the performance of abortions has remained substantially the same, and therefore, authority for maintaining and adopting rules to ensure that health and safety standards of these facilities remain in effect. In sum, the repeal of these rules represents a serious and unforeseen threat to public health and safety of those seeking reproductive health care and to the operation of facilities providing this care, and therefore, emergency rulemaking is both necessary and appropriate.

Notice would be contrary to public interest given the unforeseen repeal of these rules for minimum standards in the regulated clinics. The providers have been operating for years based upon these rules and have not received notice that the rules would be repealed. Unless emergency rules are adopted, there will be

uncertainty about the minimum standards applicable to a clinic and how to operate. The adoption of emergency rules will ensure continuity of care for patients and resolve uncertainty about the rules applicable to impacted providers beginning July 1st until the Department is able to promulgate temporary or permanent rules. The emergency rules will allow the Department to regulate the clinics and hold the clinics to basic standards that are in place to protect the health and safety of women in obtaining lawful abortions. Adherence to notice and hearing requirements is contrary to the public interest for the immediate and critical near term because the timeframe for notice and comment rulemaking create a months long threat to the public health and safety of women and providers due to the elimination of these established minimum standards. However, temporary rulemaking in conjunction with this emergency rulemaking will adhere to notice and hearing requirements.

CHAPTER 14 - DIRECTOR, DIVISION OF HEALTH SERVICE REGULATION

SUBCHAPTER 14E – LICENSURE OF SUITABLE FACILITIES FOR THE PERFORMANCE OF SURGICAL ABORTIONS

SECTION .0100 – LICENSURE PROCEDURE

10A NCAC 14E .0113 CHANGES

All stages of the plans from schematics through working drawings shall be reviewed by the Division's staff each time a change is made.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0114 APPROVAL

(a) Approval of construction documents and specifications shall be obtained from the Division of Health Service Regulation, in accordance with the rules in Section .0200 of this Subchapter. The construction documents and specifications require additional approval from the Department of Health and Human Services, Division of Public Health, Environmental Health Section, and the Department of Insurance.

(b) Approval of construction documents and specifications shall expire one year after the date of approval unless a building permit for the construction has been obtained prior to the expiration date of the approval of construction documents and specifications.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

SECTION .0200 - MINIMUM STANDARDS FOR CONSTRUCTION AND EQUIPMENT

EMERGENCY RULES

10A NCAC 14E .0209 ELEVATOR

- (a) In multi-story buildings, at least one elevator for patient use shall be provided.
- (b) At least one dimension of the elevator cab shall be six and one-half feet to accommodate stretcher patients.
- (c) The elevator door shall have an opening of no less than three feet in width, which is minimum for stretcher use.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0210 CORRIDORS

The width of corridors shall be sufficient to allow for patient evacuation by stretcher, but in no case shall patient-use corridors be less than 60 inches.

10A NCAC 14E .0212 ELEMENTS AND EQUIPMENT

The physical plant shall provide equipment to carry out the functions of the clinic with the following minimum requirements:

(1) Mechanical requirements.

(a) Temperatures and humidities:

- (i) The mechanical systems shall be designed to provide the temperature and humidities shown in this Sub-Item:

<u>Area</u>	<u>Temperature</u>	<u>Relative Humidity</u>
<u>Procedure</u>	<u>70-76 degrees F.</u>	<u>50-60%</u>
<u>Recovery</u>	<u>75-80 degrees F.</u>	<u>30-60%</u>

- (b) All air supply and exhaust systems for the procedure suite and recovery area shall be mechanically operated. All fans serving exhaust systems shall be located at the discharge end of the system. The ventilation rates shown herein shall be considered as minimum acceptable rates.

- (i) The ventilation system shall be designed and balanced to provide the pressure relationships detailed in Sub-Item (b)(vii) of this Rule.
- (ii) All air supplied to procedure rooms shall be delivered at or near the ceiling of the room and all exhaust or return from the area shall be removed near the floor level at not less than three inches above the floor.
- (iii) Corridors shall not be used to supply air to or exhaust air from any procedure or recovery room except to maintain required pressure relationships.
- (iv) All ventilation or air conditioning systems serving procedure rooms shall have a minimum of one filter bed with a minimum filter efficiency of 80 percent.
- (v) Ventilation systems serving the procedure or recovery rooms shall not be tied in with the soiled holding or work rooms, janitors' closets or locker rooms if the air is to be recirculated in any manner.
- (vi) Air handling duct systems shall not have duct linings.
- (vii) The following general air pressure relationships to adjacent areas and ventilation rates shall apply:

<u>Area</u>	<u>Pressure Relationship</u>	<u>Minimum Air Changes/Hour</u>
<u>Procedure</u>	<u>P</u>	<u>6</u>
<u>Recovery</u>	<u>P</u>	<u>6</u>
<u>Soiled work, Janitor's closet, Toilets,</u>		
<u>Soiled holding</u>	<u>N</u>	<u>10</u>
<u>Clean work or Clean holding</u>	<u>P</u>	<u>4</u>

(P = positive pressure N = negative pressure)

(2) Plumbing And Other Piping Systems.

(a) Medical Gas and Vacuum Systems

- (i) Piped-in medical gas and vacuum systems, if installed, shall meet the requirements of NFPA-99-2012, type one system, which is hereby

History Note: Authority S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0211 DOORS

Minimum width of doors to all rooms needing access for stretchers shall be three feet. No door shall swing into corridors in a manner that might obstruct traffic flow or reduce the required corridor width except doors to spaces such as small closets not subject to occupancy.

History Note: Authority S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

incorporated by reference including subsequent amendments and editions. Copies of NFPA-99-2012 may be purchased from the National Fire Protection Association, 1 Batterymarch

Park, P.O. Box 9101, Quincy, MA 02269-9101, or accessed electronically free of charge at <http://www.nfpa.org>.

(ii) If inhalation anesthesia is used in any concentration, the facility must meet the requirements of NFPA 70-2011 and NFPA 99-2012, current editions relating to inhalation anesthesia, which are hereby incorporated by reference including subsequent amendments and editions. Copies of NFPA 70-2011 and NFPA 99-2012 may be purchased from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101, or accessed electronically free of charge at <http://www.nfpa.org>.

(b) Lavatories and sinks for use by medical personnel shall have the water supply spout mounted so that its discharge point is a minimum distance of five inches above the rim of the fixture with mixing type fixture valves that can be operated without the use of the hands.

(c) Hot water distribution systems shall provide hot water at hand washing and bathing facilities at a minimum temperature of 100 degrees F. and a maximum temperature of 116 degrees F.

(d) Floor drains shall not be installed in procedure rooms.

(e) Building drainage and waste systems shall be designed to avoid installations in the ceiling directly above procedure rooms.

(3) Electrical Requirements.

(a) Procedure and recovery rooms, and paths of egress from these rooms to the outside shall have at a minimum, listed battery backup lighting units of one and one-half hour capability that will automatically provide at least five foot candles of illumination at the floor in the event needed for a utility or local lighting circuit failure.

(b) Electrically operated medical equipment necessary for the safety of the patient shall have, at a minimum, battery backup.

(c) Receptacles located within six feet of sinks or lavatories shall be ground-fault protected.

(d) At least one wired-in, ionization-type smoke detector shall be within 15 feet of each procedure or recovery room entrance.

(4) Buildings systems and medical equipment shall have preventative maintenance conducted as recommended by the equipment manufacturers' or installers' literature to assure operation in compliance with manufacturer's instructions.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0213 SHARED SERVICES

When there is written indication that services are to be shared or purchased, appropriate modifications or deletions in space requirements may be anticipated.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

SECTION .0300 – GOVERNING AUTHORITY

10A NCAC 14E .0317 OWNERSHIP

The ownership of the abortion clinic shall be fully disclosed to the Division.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0318 GOVERNING AUTHORITY

(a) The governing authority, as defined in Rule .0101(6) of this Subchapter, shall appoint a chief executive officer or a designee of the clinic to represent the governing authority and shall define his or her authority and duties in writing. This person shall be responsible for the management of the clinic, implementation of the policies of the governing authority and authorized and empowered to carry out the provisions of these Rules.

(b) The chief executive officer or designee shall designate, in writing, a person to act on his or her behalf during his or her absence. In the absence of the chief executive officer or designee, the person on the grounds of the clinic who is designated by the chief executive officer or designee to be in charge of the clinic shall have access to all areas in the clinic related to patient care and to the operation of the physical plant.

(c) When there is a planned change in ownership or in the chief executive officer, the governing authority of the clinic shall notify the Division in writing of the change.

(d) The clinic's governing authority shall adopt operating policies and procedures that shall:

(1) specify the individual to whom responsibility for operation and maintenance of the clinic is delegated and methods established by the governing authority for holding such individuals responsible;

- (2) provide for at least annual meetings of the governing authority, for which minutes shall be maintained; and
- (3) maintain a policies and procedures manual designed to ensure professional and safe care for the patients which shall be reviewed, and revised when necessary, at least annually, and shall include provisions for administration and use of the clinic, compliance, personnel quality assurance, procurement of outside services and consultations, patient care policies, and services offered.

- (4) policy and procedure for the provision of patient privacy in the recovery area of the clinic;
- (5) protocol for determining gestational age as defined in Rule .0101(5) of this Subchapter;
- (6) protocol for referral of patients for whom services have been declined; and
- (7) protocol for discharge instructions that informs patients who to contact for post-procedural problems and questions.

(e) When the clinic contracts with outside vendors to provide services such as laundry, or therapy services, the governing authority shall be responsible to assure the supplier meets the same local and state standards the clinic would have to meet if it were providing those services itself using its own staff.

(f) The governing authority shall provide for the selection and appointment of the professional staff and the granting of clinical privileges and shall be responsible for the professional conduct of these persons.

(g) The governing authority shall be responsible for ensuring the availability of supporting personnel to meet patient needs and to provide safe patient care.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0319 POLICIES AND PROCEDURES AND ADMINISTRATIVE RECORDS

(a) The following essential documents and references shall be on file in the administrative office of the clinic:

- (1) documents evidencing control and ownerships, such as deeds, leases, or incorporation or partnership papers;
- (2) policies and procedures of the governing authority, as required by Rule .0318 of this Section;
- (3) minutes of the governing authority meetings;
- (4) minutes of the clinic's professional and administrative staff meetings;
- (5) a current copy of the rules of this Subchapter;
- (6) reports of inspections, reviews, and corrective actions taken related to licensure; and
- (7) contracts and agreements related to licensure to which the clinic is a party.

(b) All operating licenses, permits, and certificates shall be displayed on the licensed premises.

(c) The governing authority shall prepare a manual of clinic policies and procedures for use by employees, medical staff, and contractual physicians to assist them in understanding their responsibilities within the organizational framework of the clinic. These shall include:

- (1) patient selection and exclusion criteria; and clinical discharge criteria;
- (2) policy and procedure for validating the full and true name of the patient;
- (3) policy and procedure for each type of abortion procedure performed at the clinic;

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0320 ADMISSION AND DISCHARGE

(a) There shall be on the premises throughout all hours of operation an employee authorized to receive patients and to make administrative decisions on their disposition.

(b) All patients shall be admitted only under the care of a physician who is currently licensed to practice medicine in North Carolina.

(c) Any patient not discharged within 12 hours following the abortion procedure shall be transferred to a general hospital.

(d) Following admission and prior to obtaining the consent for the procedure, representatives of the clinic's management shall provide to each patient the following information:

- (1) a fee schedule and any extra charges routinely applied;
- (2) the name of the attending physician(s) and hospital admitting privileges, if any. In the absence of admitting privileges a statement to that effect shall be included;
- (3) instructions for post-procedure problems and questions as outlined in Rule .0329(d) of this Section;
- (4) grievance procedures a patient may follow if dissatisfied with the care and services rendered; and
- (5) the telephone number for Complaint Intake of the Division.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0321 MEDICAL RECORDS

(a) A complete and permanent record shall be maintained for all patients including:

- (1) the date and time of admission and discharge;
- (2) the patient's full and true name;
- (3) the patient's address;
- (4) the patient's date of birth;
- (5) the patient's emergency contact information;
- (6) the patient's diagnoses;
- (7) the patient's duration of pregnancy;
- (8) the patient's condition on admission and discharge;
- (9) a voluntarily-signed consent for each surgery or procedure and signature of the physician performing the procedure witnessed by a family

member, other patient representative, or facility staff member;

- (10) the patient's history and physical examination including identification of pre-existing or current illnesses, drug sensitivities or other idiosyncrasies having a bearing on the procedure or anesthetic to be administered; and
- (11) documentation that indicates all items listed in Rule .0320(d) of this Section were provided to the patient.

(b) All other pertinent information such as pre- and post-procedure instructions, laboratory report, drugs administered, report of abortion procedure, and follow-up instruction, including family planning advice, shall be recorded and authenticated by signature, date, and time.

(c) If Rh is negative, the significance shall be explained to the patient and so recorded. The patient in writing may reject Rh immunoglobulin. A written record of the patient's decision shall be a permanent part of her medical record.

(d) An ultrasound examination shall be performed and the results, including gestational age, placed in the patient's medical record for any patient who is scheduled for an abortion procedure.

(e) The clinic shall maintain a daily procedure log of all patients receiving abortion services. This log shall contain at least the following:

- (1) the patient name;
- (2) the estimated length of gestation;
- (3) the type of procedure;
- (4) the name of physician;
- (5) the name of Registered Nurse on duty; and
- (6) the date and time of procedure.

(f) Medical records shall be the property of the clinic and shall be preserved or retained in the State of North Carolina for a period of not less than 10 years from the date of the most recent discharge, unless the client is a minor, in which case the record must be retained until three years after the client's 18th birthday, regardless of change of clinic ownership or administration. Such medical records shall be made available to the Division upon request and shall not be removed from the premises where they are retained except by subpoena or court order.

(g) The clinic shall have a written plan for destruction of medical records to identify information to be retained and the manner of destruction to ensure confidentiality of all material.

(h) Should a clinic cease operation, arrangements shall be made for preservation of records for at least 10 years. The clinic shall send written notification to the Division of these arrangements.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0322 PERSONNEL RECORDS

(a) Personnel Records:

- (1) A record of each employee shall be maintained that includes the following:
 - (A) employee's identification;
 - (B) application for employment that includes education, training, experience and references;

(C) resume of education and work experience;

(D) verification of valid license (if required), education, training, and prior employment experience; and verification of references.

(2) Personnel records shall be confidential.

(3) Notwithstanding the requirement found in Subparagraph (b)(2) of this Rule, representatives of the Division conducting an inspection of the clinic shall have the right to inspect personnel records.

(b) Job Descriptions:

(1) The clinic shall have a written description that describes the duties of every position.

(2) Each job description shall include position title, authority, specific responsibilities, and minimum qualifications. Qualifications shall include education, training, experience, special abilities, and valid license or certification required.

(3) The clinic shall review annually and, if needed, update all job descriptions. The clinic shall provide the updated job description to each employee or contractual employee assigned to the position.

(c) All persons having direct responsibility for patient care shall be at least 18 years of age.

(d) The clinic shall provide an orientation program to familiarize each new employee or contractual employee with the clinic, its policies, and the employee's job responsibilities.

(e) The governing authority shall be responsible for implementing health standards for employees, as well as contractual employees, which are consistent with recognized professional practices for the prevention and transmission of communicable diseases.

(f) Employee and contractual employee records for health screening as defined in Rule .0101(7) of this Subchapter, education, training, and verification of professional certification shall be available for review by the Division.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0323 NURSING SERVICE

(a) The clinic shall have an organized nursing staff under the supervision of a nursing supervisor who is currently licensed as a Registered Nurse and who has responsibility and accountability for all nursing services.

(b) The nursing supervisor shall be responsible and accountable to the chief executive officer or designee for:

- (1) provision of nursing services to patients; and
- (2) developing a nursing policy and procedure manual and written job descriptions for nursing personnel.

(c) The clinic shall have the number of licensed and ancillary nursing personnel on duty to assure that staffing levels meet the total nursing needs of patients based on the number of patients in the clinic and their individual nursing care needs.

(d) There shall be at least one Registered Nurse with experience in post-operative or post-partum care who is currently licensed to practice professional nursing in North Carolina on duty in the clinic at all times patients are in the clinic.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0324 QUALITY ASSURANCE

(a) The governing authority shall establish a quality assurance program for the purpose of providing standards of care for the clinic. The program shall include the establishment of a committee that shall evaluate compliance with clinic procedures and policies.

(b) The committee shall determine corrective action, if necessary.

(c) The committee shall consist of at least one physician who is not an owner, the chief executive officer or designee, and other health professionals. The committee shall meet at least once per quarter.

(d) The functions of the committee shall include development of policies for selection of patients, approval for adoption of policies, review of credentials for staff privileges, peer review, tissue inspection, establishment of infection control procedures, and approval of additional procedures to be performed in the clinic.

(e) Records shall be kept of the activities of the committee for a period not less than 10 years. These records shall include:

- (1) reports made to the governing authority;
- (2) minutes of committee meetings including date, time, persons attending, description and results of cases reviewed, and recommendations made by the committee; and
- (3) information on any corrective action taken.

(f) Orientation, training, or education programs shall be conducted to correct deficiencies that are uncovered as a result of the quality assurance program.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0325 LABORATORY SERVICES

(a) Each clinic shall have the capability to provide or obtain laboratory tests required in connection with the procedure to be performed.

(b) The governing authority shall establish written policies requiring examination by a pathologist of all surgical specimens except for those types of specimens that the governing authority has determined do not require examination.

(c) Each patient shall have the following performed and a record of the results placed in the patient's medical record prior to the abortion:

- (1) pregnancy testing, except when a positive diagnosis of pregnancy has been established by ultrasound;
- (2) anemia testing (hemoglobin or hematocrit); and
- (3) Rh factor testing.

(d) Patients requiring the administration of blood shall be transferred to a local hospital having blood bank facilities.

(e) The clinic shall maintain a manual in a location accessible by employees, that includes the procedures, instructions, and

manufacturer's instructions for each test procedure performed, including:

- (1) sources of reagents, standard and calibration procedures, and quality control procedures; and
- (2) information concerning the basis for the listed "normal" ranges.

(f) The clinic shall perform and document, at least quarterly, calibration of equipment and validation of test results.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0326 EMERGENCY BACK-UP SERVICES

(a) Each clinic shall have a written plan for the transfer of emergency cases from the clinic to a nearby hospital when hospitalization becomes necessary.

(b) The clinic shall have procedures, personnel, and suitable equipment to handle medical emergencies which may arise in connection with services provided by the clinic.

(c) The clinic shall have a written agreement between the clinic and a hospital to facilitate the transfer of patients who are in need of emergency care. A clinic that has documentation of its efforts to establish such a transfer agreement with a hospital that provides emergency services and has been unable to secure such an agreement shall be considered to be in compliance with this Rule.

(d) The clinic shall provide intervention for emergency situations. These provisions shall include:

- (1) basic cardio-pulmonary life support;
- (2) emergency protocols for:
 - (A) administration of intravenous fluids;
 - (B) establishing and maintaining airway support;
 - (C) oxygen administration;
 - (D) utilizing a bag-valve-mask resuscitator with oxygen reservoir;
 - (E) utilizing a suction machine; and
 - (F) utilizing an automated external defibrillator;
- (3) emergency lighting available in the procedure room as set forth in Rule .0212 of this Subchapter; and
- (4) ultrasound equipment.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0327 SURGICAL SERVICES

(a) The procedure room shall be maintained exclusively for surgical procedures and shall be so designed and maintained to provide an atmosphere free of contamination by pathogenic organisms. The clinic shall establish procedures for infection control and universal precautions.

(b) Tissue Examination:

- (1) The physician performing the abortion is responsible for examination of all products of conception (P.O.C.) prior to patient discharge. Such examination shall note specifically the presence or absence of chorionic villi and fetal

parts, or the amniotic sac. The results of the examination shall be recorded in the patient's medical record.

- (2) If adequate tissue is not obtained based on the gestational age, ectopic pregnancy or an incomplete procedure shall be considered and evaluated by the physician performing the procedure.
- (3) The clinic shall establish procedures for obtaining, identifying, storing, and transporting specimens.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0328 MEDICATIONS AND ANESTHESIA

- (a) No medication or treatment shall be given except on written order of a physician.
- (b) Any medications shall be administered by a Registered Nurse licensed in accordance with G.S. 90-171.30 or G.S. 90-171.32 and must be recorded in the patient's permanent record.
- (c) The anesthesia shall be administered only under the direct supervision of a licensed physician.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0329 POST-OPERATIVE CARE

- (a) A patient whose pregnancy is terminated on an ambulatory basis shall be observed in the clinic to ensure that no post-operative complications are present. Thereafter, patients may be discharged according to a physician's order and the clinic's protocols.
- (b) Any patient having an adverse condition or complication known or suspected to have occurred during or after the performance of the abortion shall be transferred to a hospital for evaluation or admission.
- (c) The following criteria shall be documented prior to discharge:
- (1) the patient shall be ambulatory with a stable blood pressure and pulse; and
 - (2) bleeding and pain shall be controlled.
- (d) Written instructions shall be issued to all patients in accordance with the orders of the physician in charge of the abortion procedure and shall include the following:
- (1) symptoms and complications to be looked for; and
 - (2) a dedicated telephone number to be used by the patients should any complication occur or question arise. This number shall be answered by a person 24 hours a day, seven days a week.

(e) The clinic shall have a defined protocol for triaging post-operative calls and complications. This protocol shall establish a pathway for physician contact to ensure ongoing care of complications that the operating physician is incapable of managing.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0330 CLEANING OF MATERIALS AND EQUIPMENT

- (a) All supplies and equipment used in patient care shall be properly cleaned or sterilized between use for different patients.
- (b) Methods of cleaning, handling, and storing all supplies and equipment shall be such as to prevent the transmission of infection through their use.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0331 FOOD SERVICE

Nourishments, such as crackers and soft drinks, shall be available and offered to all patients.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

SECTION .0400 - MEDICAL STAFF

10A NCAC 14E .0403 QUALIFICATIONS

Every person admitted to practice in the clinic shall qualify by submitting a signed application in writing which shall contain the following data: age, year and school of graduation, date of licensure, statement of postgraduate work, and experience.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

10A NCAC 14E .0404 FILE

An individual file for each physician practicing in the clinic shall be maintained. Each file shall contain the information outlined in Rule .0403 of this Section.

History Note: Authority G.S. 143B-10; S.L. 2023-14, s. 2.4; Emergency Adoption Eff. July 18, 2023.

Note from the Codifier: The rules published in this Section of the NC Register are temporary rules reviewed and approved by the Rules Review Commission (RRC) and have been delivered to the Codifier of Rules for entry into the North Carolina Administrative Code. A temporary rule expires on the 270th day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270th day.

This section of the Register may also include, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements.

TITLE 08 – BOARD OF ELECTIONS

Rule-making Agency: State Board of Elections

Rule Citation: 08 NCAC 17 .0101-.0103, .0105, .0106, .0109

Effective Date: August 1, 2023

Date Approved by the Rules Review Commission: July 20, 2023

Reason for Action: The State Board unanimously found that adherence to the notice and hearing requirements of permanent rulemaking would be contrary to the public interest and that the immediate adoption of these rules is required to ensure uniform implementation of photo identification requirements in the 2023 municipal elections. Pursuant to G.S. 150B-21.1(a)(11)b. and c., these rules are immediately required to implement G.S. 163-166.16 and 163-230.1(f1) and (g), which had been enjoined by a court until a decision by the state supreme court on April 28, 2023, and to preserve the integrity of upcoming elections and the elections process. Voting begins for the fall municipal elections on August 11, 2023, and the training of poll workers and printing of voting materials begins in mid-July. The rules are necessary to ensure that there is uniform, standard implementation of the photo ID requirements in all polling locations and among all county boards of elections. And it is necessary to repeal the obsolete rules again to avoid any misunderstanding among the public or election officials about what rules they should follow.

CHAPTER 17 - PHOTO IDENTIFICATION

08 NCAC 17 .0101 DETERMINATION OF REASONABLE RESEMBLANCE VERIFICATION OF PHOTO IDENTIFICATION DURING IN-PERSON VOTING AT CHECK-IN

(a) When a person presenting to vote checks in at a voting site, ~~An election official shall check the registration status of all persons presenting to vote in person on election day or during one stop early voting pursuant to G.S. 163-166.7, and shall require that all persons presenting to vote provide an election official shall ask the voter to show photo identification in accordance with G.S. 163-166.16 and this Rule, one of the forms of photo identification listed in G.S. 163-166.13(e), subject to the exceptions outlined in Paragraph (b) of this Rule. If a person not satisfying the exceptions described in Paragraph (b) of this Rule does not provide any photo identification, the election official shall inform the person presenting to vote of applicable options specified in G.S. 163-166.13(e). If the person presenting to vote wishes to choose the option of voting a provisional ballot, the election official shall provide the person presenting to vote with~~

~~information on the provisional voting process and the address of the county board of elections office.~~

~~(b) The election official shall not require photo identification of a person who has a sincerely held religious objection to being photographed and meets the requirements of G.S. 163-166.13(a)(2), or who is the victim of a natural disaster and meets the requirements of G.S. 163-166.13(a)(3). Persons falling within any exception listed in this Paragraph shall be allowed to proceed pursuant to G.S. 163-166.7.~~

~~(c) The election official shall inspect examine any photo identification provided by the person presenting to vote and shall determine the following:~~

(1) ~~That the~~ The photo identification is of the type acceptable for voting purposes pursuant to ~~G.S. 163-166.13(e);~~ G.S. 163-166.16(a). A valid United States passport book or ~~a valid United States passport card is acceptable pursuant to G.S. 163-166.13(e);~~ G.S. 163-166.16(a)(1)c.

~~(2) That the photo identification is unexpired or is otherwise acceptable pursuant to G.S. 163-166.13(e);~~

~~(2)(3) That the~~ The photograph appearing on the photo identification ~~depicts~~ bears a reasonable resemblance to the person presenting to vote. A reasonable resemblance is a similarity in appearance such that an ordinary person would conclude that the photograph on the identification is more likely than not the person presenting to vote. The election official shall make this determination based on the totality of the circumstances, ~~construing all evidence, along with any explanation or documentation voluntarily proffered by the person presenting to vote, in the light most favorable to that person, and bearing in mind that there are many reasons that a person's appearance could change (such as, for illustrative purposes only, changes in hair, facial hair, or weight; or the effects of medical conditions, aging, or medical treatment).~~ The election official shall also be guided by the purpose of the photo identification requirement, which is to confirm the person presenting to vote is the registered voter on the voter registration records. Perceived differences of the following features shall not be grounds for the election official to find that the photograph appearing on the photo identification fails to depict the person presenting to vote:

~~(A) weight;~~

- ~~(B) hair features and styling, including changes in length, color, hairline, or use of a wig or other hairpiece;~~
- ~~(C) facial hair;~~
- ~~(D) complexion or skin tone;~~
- ~~(E) cosmetics or tattooing;~~
- ~~(F) apparel, including the presence or absence of eyeglasses or contact lenses;~~
- ~~(G) characteristics arising from a perceptible medical condition, disability, or aging;~~
- ~~(H) photographic lighting conditions or printing quality.; and~~

(3)(4) ~~That the~~ The name appearing on the photo identification is the same as as or substantially equivalent to the name contained in the voter's voter registration record. The election official shall make this determination based on the totality of the circumstances, construing all evidence, along with any explanation or documentation voluntarily ~~proffered~~ offered by the person presenting to vote, in the light most favorable to that person. The election official shall consider the name appearing on the photo identification shall to be considered substantially equivalent to the name contained in the registration record if differences are attributable to a reasonable explanation explanation, which shall include but is not limited to ~~or~~ one or more of the following reasons:

- (A) Omission or inclusion of one or more parts of the name (such as, for illustrative purposes only, Mary Beth Smith versus Beth Smith, or Patrick Todd Jackson, Jr. versus Patrick Todd Jackson, or Maria Guzman-Santana versus Maria Guzman);
- (B) Use of a variation or nickname rather than a formal name (such as, for illustrative purposes only, Bill versus William, or Sue versus Susanne);
- (C) Use of an initial in place of one or more parts of a given name (such as, for illustrative purposes only, A.B. Sanchez versus Aaron B. Sanchez);
- (D) Use of a former name, including maiden names (such as, for illustrative purposes only, Emily Jones versus Emily Gibson), or a variation that includes or omits a hyphenation or hyphen (such as, for illustrative purposes only, Chantell D. Jacobson-Smith versus Chantell D. ~~Jacobson~~; Jacobson or Chantell D. Jacobson Smith), an accent (such as, for illustrative purposes only, José Muñoz versus Jose Munoz), or an apostrophe

(such as, for illustrative purposes only, Andrea D'Antonio versus Andrea Dantonio);

- (E) Ordering of names (such as, for illustrative purposes only, Maria Eva Garcia Lopez versus Maria E. Lopez-Garcia); or
- (F) Variation in spelling or typographical errors (such as, for illustrative purposes only, Dennis McCarthy versus Denis McCarthy, or Aarav Robertson versus Aarav Robertsson).

~~(b)(d)~~ The election official examining photo identification provided by a person presenting to vote shall not require the voter to provide any additional evidence outside the four corners of the photo identification. The election official shall not require that any person remove apparel for the purposes of ~~rendering a determination determining reasonable resemblance under Paragraph (e) Subparagraph (a)(2) of this Rule.~~ If the face of the person presenting to vote is covered to such an extent such that the election official cannot ~~render a determination under Subparagraph (e)(3), determine reasonable resemblance,~~ then the election official shall offer the voter the options to vote by provisional ballot in accordance with Paragraph (e) of this Rule. ~~give the person the opportunity to remove the covering but shall not require that removal. If the person declines to remove the covering, the election official shall inform the person presenting to vote that he or she may cast a provisional ballot, which shall be counted in accordance with G.S. 163-182.1A, or, if applicable, may complete a written request for an absentee ballot as set out in G.S. 163-166.13(c)(3), and shall inform the voting site's judges of election that the election official cannot affirmatively determine that the person bears any reasonable resemblance to the photo identification. G.S. 163-166.16.~~

~~(c)(e)~~ Differences between the address appearing on the photo identification of a person presenting to vote meeting the requirements of Subparagraph (e)(1) and the address contained in the registration record of that person shall not be construed considered as evidence that the photographic identification ~~does not bear any reasonable resemblance pursuant to Subparagraphs (e)(3) and (e)(4) of this Rule, nor shall it be construed as evidence that the photographic identification does not otherwise fails to meet the requirements of any other provision of Paragraph (C). G.S. 163-166.16 or this Rule.~~

~~(d)(f)~~ The election official examining photo identification provided by a person presenting to vote shall construe all evidence, along with any explanation or documentation voluntarily offered by the person presenting to vote, in the light most favorable to that person, and shall be guided by the purpose of the photo identification requirement, which is to confirm the person presenting to vote is the registered voter on the voter registration records. After examining the photo identification according to an examination performed in the manner set out in Paragraphs (a) through (c)(d) of this Rule, the election official shall proceed as follows:

- (1) If the election official determines that the photo identification meets all the requirements of Paragraph ~~(a)(e)~~, of this Rule, then the election official shall allow the person presenting to vote

~~shall be allowed to proceed vote pursuant to G.S. 163-166.7 and 163-166.13(b); or G.S. 163-166.7.~~

- (2) ~~If the election official determines that the photo identification is not an acceptable type of photo identification under does not meet all of the requirements of Subparagraphs (c)(1) and (c)(2) Subparagraph (a)(1) of this Rule, the election official shall inform the person presenting to vote of the reasons for that such determination (such as, for illustrative purposes only, that the photo identification is expired when that type of acceptable photo identification requires an expiration date) and shall invite the person to provide any other acceptable photo identification that is acceptable under Subparagraph (a)(1) of this Rule that the person he or she may have. If the person presenting to vote does not produce photo identification that meets all the requirements of Subparagraph (a)(1) of this Rule, (c)(1) and (c)(2), then the election official shall inform the person presenting to vote of applicable the options specified in Paragraph (e) of this Rule, G.S. 163-166.13(e). If the person presenting to vote wishes to choose the option of voting a provisional ballot, the election official shall provide the person presenting to vote with information on the provisional voting process and the address of the county board of elections office.~~

- (3) ~~If the election official determines that the photo or name on the photo identification do not satisfy Subparagraphs (a)(2) and (a)(3) of this Rule, does not meet all the requirements of Subparagraphs (c)(3) and (c)(4), the election official shall enter a challenge pursuant to G.S. 163-87 and immediately notify the voting site's judges of election of the challenge, that the person presenting to vote does not bear any reasonable resemblance to the photo identification. The judges of election shall then conduct a challenge hearing, in accordance with the procedures in G.S. 163-88. At the conclusion of the hearing, the judges of election shall vote on whether the photo identification of the person presenting to vote bears a reasonable resemblance to that person person, or whether the name appearing on the photo identification is the same as or substantially equivalent to the name contained in the voter's voter registration record, applying the same standards as the election official initially reviewing the identification under Subparagraphs (a)(2) and (a)(3), and each Each judge shall record their the judge's findings in writing on a challenge form provided by the State Board. In making this determination, the judges of election are subject to the requirements of this Rule in the~~

~~same manner as the election official initially examining the photo identification. Only if the judges of election unanimously find that the photo identification does not bear a reasonable resemblance to the person presenting to vote, or that the name appearing on the photo identification is not the same as or substantially equivalent to the name contained in the voter's voter registration record, the voter shall be offered the options to vote by the person shall vote with a provisional ballot in accordance with Paragraph (e) of this Rule. Absent such a unanimous finding, the person shall vote with a regular ballot pursuant to G.S. 163-166.7. To the extent the General Statutes do not specifically address judges of election at one-stop sites, for For the purposes of this Subparagraph, "judges of election" includes a group of three one-stop officials designated by the county board to hear a challenge to a voter's photo identification, reasonable resemblance, not all of whom are affiliated with the same political party. When the judges of election conduct a challenge hearing under this Rule and the challenge is to a curbside voter, to ensure the voting enclosure remains properly attended, the judges may separately visit the curbside location to review the evidence.~~

~~(e) A person presenting to vote who does not present acceptable photo identification in accordance with this Rule shall be offered the following options:~~

- (1) ~~To vote by provisional ballot with an affidavit claiming an exception to the identification requirement, pursuant to G.S. 163-166.16(d). If the voter has completed the affidavit as required in G.S. 163-166.16(d) and is otherwise eligible to vote, to help ensure impartiality, the county board shall count the provisional ballot unless may reject the provisional ballot only if the county board unanimously finds that the affidavit is false. The county board shall substantiate any finding of falsity with grounds recorded in a written decision. Before making a final finding of falsity, the county board shall provide the voter notice and an opportunity to be heard at a meeting of the county board prior to completion of the canvass on any grounds that the county board is considering considers regarding the falsity of the affidavit. Notice of the grounds for falsity and the opportunity for a hearing shall be provided by U.S. mail and by any email address or phone number that the county board possesses for the voter, means designed to ensure it is received by the voter in advance of the board's final decision on the affidavit.~~
- (2) ~~To vote by provisional ballot and then bring to the office of the county board identification acceptable under G.S. 163-166.16 and this Rule~~

before the end of business on the business day before county canvass. The county board shall count the provisional ballot of a voter who presents such identification to the office of the county board in a timely manner. If the voter brings photo identification to the office of a county board in a timely manner, a county board staff member shall examine the photo identification in accordance with Paragraphs (a), (b), and (c) Paragraph (d) of this Rule. After examining the photo identification, the staff member shall proceed as follows:

(A) If the staff member determines that the photo identification meets all the requirements of Paragraph (a) of this Rule, the staff member shall recommend approval of the provisional ballot to the county board. a report of this determination shall be included with the voter's provisional ballot for county board action.

(B) If the staff member determines that the photo identification is not an acceptable type of photo identification under Subparagraph (a)(1) of this Rule, then the staff member shall inform the voter of the reasons for that determination determination, while the voter is at the county board office, and invite the voter to provide an acceptable photo identification in accordance with Subparagraph (d)(2) of this Rule. If the voter does not timely provide acceptable identification by the end of business on the business day prior to the canvass, identification, then county board staff shall recommend disapproval of the provisional ballot to the county board. shall not count the provisional ballot.

(C) If the staff member determines that the photo or name on the photo identification do not satisfy Subparagraphs (a)(2) and (a)(3) of this Rule, then the staff member shall recommend disapproval of the provisional ballot to the county board. documentation of this determination shall be included with the provisional envelope containing the voter's ballot. While the voter is at the county board office, The the staff member shall immediately inform the voter of the recommendation determination and provide notice to the voter of the county board meeting at which the voter's provisional ballot will be reviewed and considered by the

county board. If the voter appears at that meeting and desires to be heard on whether their photo identification is acceptable under this Rule, In reviewing a photo identification to make a final decision on a provisional ballot subject to this Subparagraph, the county board members are subject to the requirements of this Rule in the same manner as a staff member initially examining a voter's photo identification, and shall vote on whether the photo identification presented satisfies Subparagraphs (a)(2) and (a)(3) of this Rule.

If the voter brings photo identification that is an acceptable type of photo identification under Subparagraph (a)(1) of this Rule to the county board office before the end of business on the business day prior to the canvass, the county board shall count the provisional ballot unless the county board unanimously decides the photo identification presented does not satisfy Subparagraphs (a)(2) and (a)(3) of this Rule, in which case the county board shall record in writing the grounds for its decision.

History Note: Authority G.S. 163-22; 163-82.6A; 163-82.15; 163-166.7; NAACP v. McCrory, 831 F.3d 204 (4th Cir. 2016); 163A-1145.1; S.L. 2018-144, s. 3.1(e); 163-166.11; 163-166.16; Eff. January 1, 2016; Temporary Amendment Eff. August 23, 2019; Temporary Amendment Expired Eff. June 12, 2020; 2020; Temporary Amendment Eff. August 1, 2023.

08 NCAC 17 .0102 DETERMINATION OF REASONABLE RESEMBLANCE BY JUDGES OF ELECTION

History Note: Authority G.S. 163-166.7; 163-82.6A; 163-82.15; 163-88.1; 163-166.7; NAACP v. McCrory, 831 F.3d 204 (4th Cir. 2016); 163A-1145.1; S.L. 2018-144, s. 3.1(e); Eff. January 1, 2016; Temporary Amendment Eff. August 23, 2019; Temporary Amendment Expired Eff. June 12, 2020; Temporary Repeal Eff. August 1, 2023.

08 NCAC 17 .0103 IDENTIFICATION REQUIRED OF CURBSIDE VOTERS

History Note: Authority NAACP v. McCrory, 831 F.3d 204 (4th Cir. 2016); S.L. 2018-144, s. 3.1(d); Eff. January 1, 2016; Temporary Repeal Eff. August 23, 2019; Temporary Repeal Expired Eff. June 12, 2020; Temporary Repeal Eff. August 1, 2023.

08 NCAC 17 .0105 DECLARATION OF RELIGIOUS OBJECTION TO PHOTOGRAPH

History Note: Authority NAACP v. McCrory, 831 F.3d 204 (4th Cir. 2016); S.L. 2018-144, s. 3.1.(a),(e), (h); Eff. January 1, 2016; Temporary Repeal Eff. August 23, 2019; Temporary Repeal Expired Eff. June 12, 2020; Temporary Repeal Eff. August 1, 2023.

08 NCAC 17 .0106 SIGNAGE NOTIFYING ONE-STOP VOTERS OF THE OPTION TO REQUEST AN ABSENTEE BALLOT

History Note: Authority NAACP v. McCrory, 831 F.3d 204 (4th Cir. 2016); S.L. 2018-144, s. 3.1.(j); Eff. March 1, 2016; Temporary Repeal Eff. August 23, 2019; Temporary Repeal Expired Eff. June 12, 2020; Temporary Repeal Eff. August 1, 2023.

08 NCAC 17 .0109 PHOTO IDENTIFICATION FOR ABSENTEE-BY-MAIL BALLOTS

(a) Definitions. The following definitions apply to this Rule:

- (1) "~~Readable~~" ~~means the name on the identification can be read and the photograph depicts a person, as opposed to displaying, for example, a mere shadow or outline of a person.~~
- (2) "~~Copy~~" ~~means a duplicate of an original document, including a photographic copy of the original document.~~

(a)(b) Identification Requirement for Absentee-by-Mail Ballots. Photo identification accompanying a voter's absentee ballot pursuant to G.S. 163-230.1(f1) is acceptable if it is a photocopy of a type of photo identification acceptable for voting purposes under 08 NCAC 17 .0101(a)(1), is readable, and the name appearing on the identification is the same as or substantially equivalent to the name contained in the voter's voter registration record in accordance with 08 NCAC 17 .0101(a)(3). As used in this Rule, "readable" means that, on the photocopy of identification required by this Rule, the name on the identification can be read and the photograph depicts a person, as opposed to displaying, for example, a mere shadow or outline of a person. A photo identification shall not be rejected due to differences between the address appearing on an absentee voter's photo identification and any address contained in the voter's absentee request form, absentee ballot application, or registration record. A copy of photo identification that is acceptable under this Rule need include only the side of the identification (or, if the identification is a booklet, the page of the identification) where the person's name and photo appears.

(b)(e) Initial Review by County Board Staff. County board staff shall, upon receipt of a voter's absentee ballot application, determine whether the application is accompanied by a photocopy ~~copy~~ of photo identification that is readable and is of a type of photo identification acceptable for voting purposes under 08 NCAC 17 .0101(a)(1), or, if the application is accompanied by an affidavit claiming an exception to the identification requirement pursuant to G.S. 163-166.16(d), determine whether the affidavit

includes the affirmations required by G.S. 163-166.16(d) for that exception. ~~is complete.~~ If staff identify any deficiency, they shall send mail written notice of the deficiency to the voter within one business day of identifying the deficiency, informing the voter that the voter, the voter's verifiable legal guardian or near relative, or a person of the voter's choice if the voter needs assistance due to the voter's disability, may provide a photocopy ~~copy~~ of the voter's acceptable photo identification or a completed affidavit claiming an exception to the county board by the deadline specified in G.S. 163-166.16(c). Staff shall additionally notify the voter by telephone or email, using any telephone number or email address contained in the voter's voter registration record or provided by the voter when requesting an absentee ballot. ~~if the voter provided their telephone number or email address when registering to vote.~~

(c)(d) Final Review by County Board. The county board shall, at the first meeting held pursuant to G.S. 163-230.1(f) after the application and ballot is received, proceed as follows:

- (1) If the voter has submitted a photocopy ~~copy~~ of their photo identification, the county board shall make its determination whether the identification is acceptable under Paragraph (a)(b) of this Rule. ~~To help ensure impartiality,~~ A final determination that the photocopy ~~copy~~ of photo identification is not acceptable under Paragraph (a)(b) of this Rule shall require a unanimous vote by the county board. If the county board makes a final determination that a voter's photocopy ~~copy~~ of photo identification is not acceptable, staff shall notify the voter as provided in Paragraph (b)(e) of this Rule.
- (2) If the voter has completed an affidavit claiming an exception to the identification requirement pursuant to G.S. 163-166.16(d), and is otherwise eligible to vote, ~~to help ensure impartiality,~~ the county board may reject that person's ballot only if the county board unanimously finds that the affidavit is false. The county board shall substantiate any finding of falsity with grounds recorded in a written decision. Before making a finding of falsity, the county board shall provide the voter notice and an opportunity to be heard at a meeting of the county board prior to the completion of the canvass on any grounds that the county board is considering ~~considers~~ regarding the falsity of the affidavit. Notice of the grounds for falsity and the opportunity for a hearing shall be provided by U.S. mail and by any email address or phone number that the county board possesses for the voter.
- (3) If a voter's photocopy ~~copy~~ of photo identification or ~~alternative affidavit~~ affidavit claiming an exception to the identification requirement pursuant to G.S. 163-166.16(d) is deemed deficient under Paragraph (b)(e) of this Rule, the county board shall reserve its final decision on the approval of the absentee application until the next official meeting after

the deficiency is cured or the county canvass, whichever occurs first.

~~(d)~~(e) Exception for Military and Overseas Voters. A covered voter who is casting a ballot pursuant to G.S. 163, Article 21A, Part 1 is not required to submit a photocopy copy of acceptable photo identification under Paragraph ~~(a)~~(b) of this Rule or claim an exception under G.S. 163-166.16(d).

~~(e)~~(f) Return of Original Form of Identification. If a voter sends their original form of photo identification in the container-return envelope, or if a voter hand-delivers an absentee ballot to the county board of elections that is not accompanied by a photocopy of the voter's photo identification and the voter has a type of photo identification acceptable for voting purposes under 08 NCAC 17.0101(a)(1) on hand, the county board shall make a photocopy of the identification, which shall serve as an acceptable photo identification accompanying the voter's absentee ~~ballot, ballot,~~ and mail the original form of identification back to the voter. The county board shall notify the voter by mail and by any email address or phone number that the county board possesses for the voter that the original photo identification will be returned to the voter and shall use a method of return that documents receipt of the photo identification.

History Note: Authority G.S. 163-22; 163-166.7; 163-166.16; 163-229;163-230.1; Temporary Adoption Eff. August 23, 2019; January 1, 2020; Temporary Rule Expired Eff. October 11, 2020- 2020; Temporary Adoption Eff. August 1, 2023.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Rule-making Agency: *North Carolina Wildlife Resources Commission*

Rule Citation: *15A NCAC 10F .0305*

Effective Date: *August 15, 2023*

Date Approved by the Rules Review Commission: *July 20, 2023*

Reason for Action: *The Town of Sunset Beach in Brunswick County has requested a temporary no-wake zone in part of South Jinks Creek to mitigate hazards to boater safety during Phase 2 of the Shallow Draft Navigation Project in the part of the navigation channel, the feeder channel, four canals, and the bay area that will begin November 1, 2023 and end by April 1, 2024.*

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0305 BRUNSWICK COUNTY

(a) Regulated Areas. This Rule shall apply to the waters and portions of waters described as follows:

- (1) Lockwoods Folly River in the Town of Varnamtown, from a point at 33.94966 N, 78.22587 W, 500 yards northwest of the boat ramp located at the end of ~~SR~~ S.R. 1123 otherwise known as Fisherman Road, to a point at 33.94498 N, 78.22206 W, 180 yards southeast of the boat ramp, and including the portion of the river otherwise known as Mill Creek where it meets Lockwoods Folly River directly across from the boat ramp, to a point 100 feet northeast at 33.94687 N, 78.22235 W;
- (2) Calabash River in the Town of Calabash, from a point in the water at the end of Marina Drive at 33.88638 N, 78.56254 W to a point 650 yards southwest at the southern end of the deep-sea fishing docks at 33.88344 N, 78.56751 W;
- (3) the Small Boat Harbor, shore to shore beginning at its intersection with the Intracoastal Waterway at a point at 33.91685 N, 78.02865 W;
- (4) Shallotte River east of ~~SR~~ S.R. 1233, otherwise known as Village Point Road SW south of the Town of Shallotte, shore to shore from its intersection with the Intracoastal Waterway at a point at 33.91477 N, 78.37103 W to point 500 feet north at 33.91613 N, 78.37126 W;
- (5) Montgomery Slough otherwise known as Davis Creek, within 100 yards of the hotel and marina at the northern end of 57th Place West in the Town of Oak Island;
- (6) the waters in the natural and concrete canals located on the south side of the Intracoastal Waterway, east of N.C. Highway 904 in the Town of Ocean Isle Beach;
- (7) Town Creek east of ~~SR~~ S.R. 1609, otherwise known as Clearview Lane in Town Creek Township, shore to shore from a point at 34.16788 N, 78.07139 W, north and east around a bend in the creek to a point at 34.16910 N, 78.07030 W;
- (8) Montgomery Slough, otherwise known as Davis Creek, shore to shore from its entrance at the Intracoastal Waterway west of SW Yacht Drive at a point at 33.92145 N, 78.19408 W, to the canal end at NE 40th Street in the Town of Oak Island;
- (9) Intracoastal Waterway in the Town of Sunset Beach, shore to shore from a point 150 yards east of the Sunset Boulevard South ~~bridge~~ Bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the bridge at 33.88111 N, 78.51194 W; and
- (10) Intracoastal Waterway in the Town of Ocean Isle Beach, shore to shore from a point 100 yards east of the ~~NC Hwy~~ N.C. Highway 904 Odell Williamson Bridge at 33.89578 N,

78.43870 W, to a point 100 yards west of the bridge at 33.89567 N, 78.44092 W.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within ~~any~~ of the regulated areas described in Paragraph (a) of this Rule.

(c) Placement of Markers. The following agencies shall be the designated agencies for the placement of markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) the Board of Aldermen of Varnamtown for areas indicated in Subparagraph (a)(1) of this Rule;
- (2) the Board of Commissioners of Brunswick County for areas indicated in Subparagraphs (a)(2) through (8) of this Rule;
- (3) the North Carolina Wildlife Resources Commission for the area indicated in Subparagraph (a)(9) of this Rule; and
- (4) the Town of Ocean Isle Beach for the area indicated in Subparagraph (a)(10) of this Rule.

(d) Notwithstanding Paragraphs (a) through (c) of this Rule, no person shall operate a vessel at greater than no-wake speed in the

waters of South Jinks Creek in the Town of Sunset Beach, beginning at a line north of the feeder channel, from a point on the west shore at 33.87617 N, 78.49297 W to a point on the east shore at 33.87664 N, 78.49164 W, then southeast to a point on the south shore at 33.87325 N, 78.49033 W, and all waters south and west of those lines including the feeder channel, four finger canals, and the bay area. The North Carolina Wildlife Resources Commission is the designated agency for placement and maintenance of markers for this regulated area.

History Note: Authority G.S. 75A-3; 75A-15.

Eff. February 1, 1976;

Amended Eff. April 1, 1997; July 1, 1994; July 1, 1993; January 1, 1989; January 1, 1987;

Temporary Amendment Eff. March 1, 1998;

Amended Eff. April 1, 2009; April 1, 1999;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

Amended Eff. May 1, 2021; July 1, ~~2018~~; 2018;

Temporary Amendment Eff. August 15, 2023.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission July 20, 2023, at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Jeanette Doran (Chair)
Robert A. Bryan, Jr. (2nd Vice Chair)
Jay R. Hemphill
Jeff Hyde
Robert A. Rucho

Appointed by House

Andrew P. Atkins (1st Vice Chair)
Wayne R. Boyles, III
Barbara A. Jackson
Randy Overton
Paul Powell

COMMISSION COUNSEL

Brian Liebman	984-236-1948
Lawrence Duke	984-236-1938
William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934

RULES REVIEW COMMISSION MEETING DATES

August 17, 2023	October 19, 2023
September 21, 2023	November 16, 2023

RULES REVIEW COMMISSION MEETING

MINUTES

July 20, 2023

The Rules Review Commission met on Thursday, July 20, 2023, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeanette Doran, Jeff Hyde, Randy Overton, Paul Powell, and Bob Rucho were present in the Commission Room. Commissioner Barbara Jackson was present via WebEx.

Staff member Alexander Burgos, Commission Counsel Seth Ascher, Lawrence Duke, Brian Liebman, and Bill Peaslee were present in the room.

The meeting was called to order at 9:02 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

The Chair notified the Commissioners that the following item on the agenda would be taken up out of order at the end of the agenda: Temporary Rules for the State Board of Elections.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the June 15, 2023, meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

FOLLOW UP MATTERS

Medical Care Commission

Upon the call of the Chair, 10A NCAC 13B .3801, .3903, .4103, .4104, .4106, .4305, .4603, .4801, .4805, .5102, .5105, .5406, .5408, and .5411 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Environmental Management Commission

15A NCAC 02D .0103, .0501, .0546, .0605, .1903, .1904, .1905, .2203; 02Q .0104, .0105, .0206, .0304, .0305, .0307, .0505, .0507, .0508, and .0710 - The Commission extended the period of review for these Rules at the June meeting. No action was required by the Commission.

Environmental Management Commission

15A NCAC 02H .1301, .1401, .1402, .1403, .1404, and .1405 - The Commission objected to these Rules at the May 2022 meeting. The agency has not responded to the Commission's objection since August 2022. No action was required by the Commission.

Marine Fisheries Commission

15A NCAC 03M .0101 - The Commission objected to this Rule at the June meeting. No action was required by the Commission.

Coastal Resources Commission

15A NCAC 07H .0208, .0308; 07K .0207; 07M .0602, and .0603 - The Commission extended the period of review for these Rules at the June meeting. No action was required by the Commission.

Coastal Resources Commission

15A NCAC 07H .0501, .0502, .0503, .0505, .0506, .0507, .0508, .0509, .0510; 07I .0406, .0506, .0702; 07J .0203, .0204, .0206, .0207, .0208, and .0312 – At the February meeting, the Commission continued its objection to these Rules from the September 2022 meeting pursuant to G.S. 150B-21.12(c). The agency has not responded to the Commission's continued objection. No action was required by the Commission.

Coastal Resources Commission

15A NCAC 07H .2305 – At the February meeting, the Commission continued its objection to this Rule from the September 2022 meeting pursuant to G.S. 150B-21.12(c). The agency has not responded to the Commission's continued objection. No action was required by the Commission.

Coastal Resources Commission

15A NCAC 07M .0201, .0202, .0401, .0402, .0403, .0701, .0703, .0704, .1001, .1002, and .1101 – At the February meeting, the Commission continued its objection to these Rules from the September 2022 meeting pursuant to G.S. 150B-21.12(c). The agency has not responded to the Commission's continued objection. No action was required by the Commission.

Medical Board

21 NCAC 32B .1002 - The rule was withdrawn at the request of the agency. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Rural Electrification Authority

Upon the call of the Chair, 04 NCAC 08 .0107 and .0109 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Department of Natural and Cultural Resources

Upon the call of the Chair, 07 NCAC 14B .0403, .0404, .0608, and .0609 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Board of Barber and Electrolysis Examiners

Upon the call of the Chair, 21 NCAC 06N .0111 and .0117 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Board of Registration for Foresters

21 NCAC 20 .0106 - The rule was withdrawn at the request of the agency. No action was required by the Commission.

LOG OF FILINGS (TEMPORARY RULES)

State Board of Elections

Upon the call of the Chair, 08 NCAC 17 .0101, .0102, .0103, .0105, .0106, and .0109 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission waived Rule 26 NCAC 05 .0104 and allowed the submission of written comments received after the deadline by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission voted to adopt an oral resolution that the Voter ID Exception Form developed by the Board of Elections should be subject to rulemaking and therefore, should have been submitted to the RRC as part of the rulemaking process by roll-call vote, ayes 5, noes 3 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Barbara Jackson, Paul Powell, and Bob Rucho – 5. Voting in the negative: Wayne R. Boyles III, Jeff Hyde, and Randy Overton – 3.

Paul Cox, the rulemaking coordinator for the agency, addressed the Commission.

Jay Delancey with the Voter Integrity Project of North Carolina addressed the Commission.

Wildlife Resources Commission

Upon the call of the Chair, 15A NCAC 10F .0305 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

COMMISSION BUSINESS

Upon the call of the Chair, the Commission voted to approve the request from the Department of Health and Human Services, Division of Health Services Regulation to have rules in Subchapter 10A NCAC 13F rescheduled from July 2026 to October 2026 on the 2024-2027 Existing Rules Review Schedule by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Commissioner Jackson volunteered to review rules submitted by OAH to be reviewed at the August meeting.

The meeting was adjourned at 10:14 a.m.

The next regularly scheduled meeting of the Commission is Thursday, August 17, 2023, at 9:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

RULES REVIEW COMMISSION

20
July 19, 2023

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Nadine Pfeiffer	DHHS/DHSP
CHRIS MILLIS	NCHBA
Jim Wall	Sec of State
Paul Cox	NC St. Bd. Elect'g
Adam Steele	NC St. Bd of Elect'g

OFFICE OF ADMINISTRATIVE HEARINGS
VISITOR LOG

DATE	TIME IN	Lunch out	Lunch In	TIME-OUT	DIVISION OR PERSON VISITING	Visitor Badge#
THURS DAY, 8/10/23	8:59	2:00	2:00	2:00		
Jonathan Arvey	9:00					
Paul Cort	9:00					
Alex Steele						
Jay Delaney	9:10					

RULES REVIEW COMMISSION

Rules Review Commission Meeting July 20, 2023

Via WebEx

Name	Agency
Annette Barefoot	NCSBE
Emily Jones	DOT
Frances Liles	REA
Dennis Seavers	Barber & Electrolysis
Grace Navaroli	
Sam Hayes	NCLEG
Ellen Roeber	PT Board
Alan Hirsch	NCSBE
Jill Cramer	Labor
Julie Youngman	SELNC
Phillip Reynolds	DOJ
Tammy Sylvester	DHHS
Makeda Harris	NCHA
Tyler Daye	commoncause.org
Hannah Jernigan	DOT
Jeff Harms	DHHS
Shalisa Jones	DHHS
Greta Hill	DHHS
Ross Smith	MYNCMA
Laura Rowe	Treasurer
Anne Coan	NCFB
Catherine Blum	DEQ
Serena Jones	DOJ
Elizabeth Pope	NCSW Board
Melva Bonner	WRC
Jim Womack	NCEIT

LIST OF APPROVED PERMANENT RULES

July 20, 2023 Meeting

RURAL ELECTRIFICATION AUTHORITY

Meetings 04 NCAC 08 .0107
Duties of the Administrator 04 NCAC 08 .0109

NATURAL AND CULTURAL RESOURCES, DEPARTMENT OF

Smoking and Fires 07 NCAC 14B .0403
Smoking 07 NCAC 14B .0404
Rock Climbing 07 NCAC 14B .0608
Trail Access and Activities 07 NCAC 14B .0609

MEDICAL CARE COMMISSION

RULES REVIEW COMMISSION

<u>Nurse Executive</u>	10A NCAC 13B .3801
<u>Preservation of Medical Records</u>	10A NCAC 13B .3903
<u>Provision of Emergency Services</u>	10A NCAC 13B .4103
<u>Medical Director</u>	10A NCAC 13B .4104
<u>Policies and Procedures</u>	10A NCAC 13B .4106
<u>Organization of Neonatal Services</u>	10A NCAC 13B .4305
<u>Surgical and Anesthesia Staff</u>	10A NCAC 13B .4603
<u>Organization</u>	10A NCAC 13B .4801
<u>Safety</u>	10A NCAC 13B .4805
<u>Policy and Procedures</u>	10A NCAC 13B .5102
<u>Sterile Supply Services</u>	10A NCAC 13B .5105
<u>Discharge Criteria for Inpatient Rehabilitation Facilities...</u>	10A NCAC 13B .5406
<u>Comprehensive Inpatient Rehabilitation Program Staffing R...</u>	10A NCAC 13B .5408
<u>Physical Facility Requirements/Inpatient Rehabilitation F...</u>	10A NCAC 13B .5411
 BARBER AND ELECTROLYSIS EXAMINERS, BOARD OF	
<u>Form Bar-10</u>	21 NCAC 06N .0111
<u>Request for Temporary Permit</u>	21 NCAC 06N .0117

LIST OF APPROVED TEMPORARY RULES
July 20, 2023 Meeting

ELECTIONS, STATE BOARD OF

<u>Determination of Reasonable Resemblance at Check-In</u>	08 NCAC 17 .0101
<u>Determination of Reasonable Resemblance by Judges of Elec...</u>	08 NCAC 17 .0102
<u>Identification Required of Curbside Voters</u>	08 NCAC 17 .0103
<u>Declaration of Religious Objection to Photograph</u>	08 NCAC 17 .0105
<u>Signage Notifying One-Stop Voters of the Option to Request...</u>	08 NCAC 17 .0106
<u>Photo Identification for Absentee Ballots</u>	08 NCAC 17 .0109

WILDLIFE RESOURCES COMMISSION

<u>Brunswick County</u>	15A NCAC 10F .0305
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