

# ***NORTH CAROLINA REGISTER***

**VOLUME 38 • ISSUE 09 • Pages 535 – 599**

**November 1, 2023**

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For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

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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 <sup>th</sup> 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	12/14/23	01/18/2024	02/01/24	06/28/24
38:08	10/16/23	09/25/23	10/31/23	12/15/23	12/14/23	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 but not later than 60 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.

**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.



# State of North Carolina

**ROY COOPER**  
GOVERNOR

September 18, 2023

**EXECUTIVE ORDER NO. 287**

**NOTICE OF TERMINATION OF EXECUTIVE ORDER NO. 284**

**WHEREAS**, in August 2023, the State of North Carolina was threatened by Tropical Storm Idalia; and

**WHEREAS**, Executive Order No. 284, *Declaration of a State of Emergency and Temporary Waiver and Suspension of Motor Vehicle Regulations*, was issued on August 28, 2023; and

**WHEREAS**, this emergency declaration and transportation waiver is no longer necessary.

**NOW, THEREFORE**, by the power vested in me as Governor by the Constitution and laws of North Carolina, **IT IS ORDERED**:

Pursuant to N.C. Gen. Stat. § 166A-19.20(c)(1) Executive Order No. 284 is hereby terminated immediately.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 18<sup>th</sup> day of September in the year of our Lord two thousand and twenty-three.

  
\_\_\_\_\_  
Roy Cooper  
Governor

**ATTEST:**

  
\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State





# State of North Carolina

**ROY COOPER**  
GOVERNOR

September 22, 2023

EXECUTIVE ORDER NO. 288

## DECLARATION OF A STATE OF EMERGENCY AND TEMPORARY WAIVER AND SUSPENSION OF MOTOR VEHICLE REGULATIONS

**WHEREAS**, Potential Tropical Cyclone Sixteen (“PTC Sixteen”) will likely cause significant impacts to the State of North Carolina; and

**WHEREAS**, PTC Sixteen could have a significant impact on public and private property and could seriously disrupt essential utility services and systems; and

**WHEREAS**, the anticipated impacts from PTC Sixteen constitute a state of emergency as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(20); and

**WHEREAS**, certain measures are necessary to ensure the protection and safety of North Carolina residents and to coordinate the emergency response among state and local entities and officials; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.1(3) provides that it is the responsibility of the undersigned, state agencies, and local governments to “provide for the rapid and orderly rehabilitation of persons and restoration of property”; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.1(4) provides that it is the responsibility of the undersigned, state agencies, and local governments to “provide for cooperation and coordination of activities relating to emergency mitigation preparedness, response, and recovery among agencies and officials of this state and with similar agencies and officials of other states and with other private and quasi-official organizations”; and

**WHEREAS**, N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20 authorize the undersigned to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(3) authorizes the undersigned to delegate any gubernatorial authority vested in him under the Emergency Management Act, and to provide for the subdelegation of that authority; and

**WHEREAS**, under N.C. Gen. Stat. § 166A-19.30(b)(3) the undersigned, with the concurrence of the Council of State, may regulate and control the flow of vehicular traffic and the operation of transportation services; and

**WHEREAS**, under N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering; and

**WHEREAS**, the anticipated impacts from PTC Sixteen may result in extensive damage, including widespread power outages throughout the state that will require vehicles bearing equipment

and supplies for utility restoration and debris removal to move through North Carolina on the interstate and intrastate highways; and

**WHEREAS**, the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, water, and medical supplies to residential and commercial establishments is essential before, during, and after PTC Sixteen, and any interruption in the delivery of those commodities threatens the public welfare; and

**WHEREAS**, the prompt restoration of utility services is essential to the safety and well-being of the state's residents; and

**WHEREAS**, the undersigned has found that residents may suffer losses and further widespread damage within the meaning of N.C. Gen. Stat. §§ 166A-19.3 and 166A-19.21(b); and

**WHEREAS**, 49 C.F.R. § 390.23 allows the Governor of a state to suspend the rules and regulations under 49 C.F.R. Part 390 if the Governor determines that an emergency condition exists; and

**WHEREAS**, nothing contained in this declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 C.F.R. Part 382), the commercial driver's license requirements (49 C.F.R. Part 383), the financial responsibility (insurance) requirements (49 C.F.R. Part 387), operating authority (49 C.F.R. Part 365), applicable size and weight requirements, ill or fatigued operator (49 C.F.R. § 392.3) or any other portion of the regulations not specifically identified; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.70(g), upon the recommendation of the North Carolina Commissioner of Agriculture and the existence of an imminent threat of severe economic loss of livestock, poultry or crops ready to be harvested, the Governor shall direct the North Carolina Department of Public Safety ("DPS") to temporarily suspend weighing vehicles used to transport livestock, poultry or crops ready to be harvested; and

**WHEREAS**, this suspension does not permit the gross weight of any vehicle or combination to exceed the safe load carrying capacity established by the North Carolina Department of Transportation ("DOT") on any bridge pursuant to N.C. Gen. Stat. § 136-72, or to permit the operation of a vehicle when a law enforcement officer has probable cause to believe the vehicle is creating an imminent hazard to public safety; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.70(b), the Governor may declare that the health, safety, or economic well-being of persons or property requires that the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381 should be waived for (1) persons transporting essential fuels, food, water, non-alcoholic beverages, medical supplies, feed for livestock and poultry, (2) persons transporting livestock, poultry, and crops ready to be harvested, and (3) vehicles used in the restoration of utility and transportation services; and

**WHEREAS**, PTC Sixteen will create a statewide emergency area, as that term is defined in the Emergency Management Act to mean an "emergency applicable to two-thirds or more of the counties in North Carolina"; and

**WHEREAS**, the undersigned has sought and obtained Concurrence of the Council of State, as that term is defined in N.C. Gen. Stat. § 19.3(2d), on the provisions of this Executive Order requiring concurrence; and

**WHEREAS**, the undersigned has documented the contact and response of each Council of State member and has released the concurrence, non-concurrence, or non-response of each member by position on the website in which this Executive Order is published.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED:**

**Section 1.**

I hereby declare that a statewide state of emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(20), exists in the State of North Carolina due to the anticipated impacts from PTC Sixteen.

For purposes of this Executive Order, the emergency area is the State of North Carolina (“the Emergency Area”).

**Section 2.**

I order all state and local government entities and agencies to cooperate in the implementation of the provisions of this declaration and the provisions of the North Carolina Emergency Operations Plan (“the Plan”).

**Section 3.**

I delegate to Eddie M. Buffaloe, Jr., the Secretary of DPS, or his designee, all power and authority granted to and required of me by Article 1A of Chapter 166A of the North Carolina General Statutes for the purpose of implementing the Plan and deploying the State Emergency Response Team to take the appropriate actions necessary to promote and secure the safety and protection of the populace in North Carolina.

Secretary Buffaloe, as Chief Coordinating Officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. § 143B-602.

I further direct Secretary Buffaloe, or his designee, to seek assistance from any and all agencies of the United States Government as may be needed to meet the emergency and to seek reimbursement for costs incurred by the state in responding to this emergency.

**Section 4.**

DPS, in conjunction with DOT, shall waive the maximum hours of service for drivers prescribed by DPS pursuant to N.C. Gen. Stat. § 20-381 for (1) persons transporting essential fuels, food, water, non-alcoholic beverages, medical supplies, feed for livestock and poultry, (2) persons transporting livestock, poultry, and crops ready to be harvested and (3) vehicles used in the restoration of utility and transportation services. In addition, DPS shall, pursuant to N.C. Gen. Stat. § 166A-19.70(g), temporarily suspend weighing, pursuant to N.C. Gen. Stat. § 20-118.1, those vehicles used to transport livestock, poultry, livestock or poultry feed, or crops ready to be harvested.

**Section 5.**

Subject to Section 6 below, DPS, in conjunction with DOT, shall waive enforcement of certain size and weight restrictions and penalties arising under N.C. Gen. Stat. §§ 20-116, 20-118, and 20-119, certain registration requirements and penalties arising under N.C. Gen. Stat. §§ 20-86.1 and 20-382, and certain registration and filing requirements and penalties arising under N.C. Gen. Stat. §§ 105-449.45, 105-449.47, and 105-449.49 for vehicles supporting emergency relief efforts in the Emergency Area.

**Section 6.**

Notwithstanding the waivers set forth above, size and weight restrictions and penalties have not been waived under the following conditions:

- a. When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer (“GVWR”) or 90,000 pounds gross weight, whichever is less.
- b. When the vehicle weight exceeds a single-axle weight of 22,000 pounds, a tandem-axle weight of 42,000 pounds, or a gross weight of 90,000 pounds.
- c. When the vehicle consists of a five or more axle combination vehicle that exceeds a single-axle weight of 26,000 pounds, a tandem-axle weight of 42,000 pounds and a gross weight 90,000 pounds, with a length of at least forty-eight (48) feet between the center of axle one and the center of the last axle of the vehicle and a minimum of eleven (11) feet between the center of axle one and the center of axle two of the vehicle.
- d. When the vehicle consists of a two-axle vehicle that exceeds a gross weight of 37,000 pounds and a single-axle weight of no more than 27,000 pounds, with a length of at least fourteen (14) feet between the center of axle one and the center of axle two of the vehicle.



- e. When a vehicle and vehicle combination exceed twelve (12) feet in width and the total overall vehicle combination's length exceeds seventy-five (75) feet from bumper to bumper.
- f. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having (A) a yellow banner on the front and rear that is seven (7) feet long and eighteen (18) inches wide and bears the legend "Oversized Load" in ten (10) inch black letters, 1.5 inches wide and (B) red flags measuring eighteen (18) inches square on all sides at the widest point of the load. In addition, when operating between sunset and sunrise, a certified escort shall be required for loads exceeding eight (8) feet six (6) inches in width.
- g. Commercial vehicles operating outside the normal weight, height, and length restrictions under the authority of this State of Emergency shall be issued permits by DOT. Said vehicles shall be subject to any special conditions DOT and DPS may list on applicable permits. Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, nor shall anything in this Executive Order be construed to relieve compliance with restrictions other than those specified in this Executive Order or from any statute, rule, order, or other legal requirement not specifically waived herein.
- h. Oversize permits may be issued by the DOT, Oversize/Overweight Unit, during normal business hours, Monday through Friday by calling 1-888-221-8166 or contacting them through the online portal at <https://connect.ncdot.gov/business/trucking/Pages/overpermits.aspx>

**Section 7.**

Vehicles referenced under Sections 5 and 6 of this Executive Order shall be exempt from the following registration requirements, except where otherwise noted below:

- a. The requirement to obtain a temporary trip permit in N.C. Gen. Stat. § 105-449.49.
- b. The requirement of filing a quarterly fuel tax return.
- c. The registration requirements under N.C. Gen. Stat. §§ 20-382.1 and 20-382 concerning interstate for-hire authority; however, vehicles shall maintain the required limits of insurance as required.
- d. Non-participants in North Carolina's International Registration Plan and International Fuel Tax Agreement will be permitted to enter North Carolina in accordance with the exemptions identified by this Executive Order.

**Section 8.**

The size and weight exemption for vehicles will be allowed on all DOT designated routes, except those routes designated as light traffic roads under N.C. Gen. Stat. § 20-118. Size and weight exemptions shall not be in effect on bridges posted pursuant to N.C. Gen. Stat. § 136-72.

**Section 9.**

The North Carolina State Highway Patrol shall enforce the conditions set forth in this Executive Order in a manner that does not endanger North Carolina motorists.

**Section 10.**

Pursuant to 49 C.F.R. § 390.23, I hereby waive 49 C.F.R. § 395.3 for vehicles transporting loads that are for use in (1) providing direct assistance supporting emergency relief efforts including transporting essential fuels, food, water, non-alcoholic beverages, medical supplies, feed for livestock and poultry, (2) transporting livestock, poultry, and crops ready to be harvested, or (3) the restoration of utility and transportation services in response to PTC Sixteen in North Carolina.

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are for use in providing direct assistance supporting emergency relief efforts including transporting loads that are for use in (1) providing direct assistance supporting emergency relief efforts including transporting essential fuels, food, water, non-alcoholic beverages, medical supplies, feed for livestock and poultry, (2) transporting livestock, poultry, and crops ready to be harvested, or (3) the restoration of utility and transportation services in response to PTC Sixteen.

Direct assistance terminates when a driver or commercial motor vehicle is used in intrastate/interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to PTC Sixteen in North Carolina, or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. (49 C.F.R. § 390.23(b)).

Upon termination of direct assistance to emergency relief efforts related to transporting loads that are for use in (1) providing direct assistance supporting emergency relief efforts including transporting essential fuels, food, water, non-alcoholic beverages, medical supplies, feed for livestock and poultry, (2) transporting livestock, poultry, and crops ready to be harvested, or (3) the restoration of utility and transportation services in response to PTC Sixteen in North Carolina or affected states, the motor carrier and driver are subject to the requirements of 49 C.F.R. § 395.3, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with 49 C.F.R. § 395.3. When a driver is moving from emergency relief efforts to normal operations a 10- hour break is required if the total time a driver operated, whether conducting emergency relief efforts or a combination of emergency relief efforts and normal operations, equals or exceeds fourteen (14) hours.

**Section 11.**

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale, or purchase of alcoholic beverages.

**Section 12.**

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

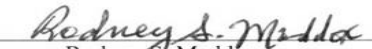
**Section 13.**

This Executive Order is effective immediately and shall remain in effect for thirty (30) days, unless earlier terminated.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 22<sup>nd</sup> day of September in the year of our Lord two thousand and twenty-three.

  
\_\_\_\_\_  
Roy Cooper  
Governor

ATTEST:

  
\_\_\_\_\_  
Rodney S. Maddox  
Chief Deputy Secretary of State





# State of North Carolina

**ROY COOPER**  
GOVERNOR

October 2, 2023

EXECUTIVE ORDER NO. 289

## NOTICE OF TERMINATION OF EXECUTIVE ORDER NO. 288

**WHEREAS**, in September 2023, the State of North Carolina was threatened by Potential Tropical Cyclone Sixteen; and

**WHEREAS**, Executive Order No. 288, *Declaration of a State of Emergency and Temporary Waiver and Suspension of Motor Vehicle Regulations*, was issued on September 22, 2023; and

**WHEREAS**, Tropical Cyclone Sixteen strengthened to Tropical Storm Ophelia and made landfall near Emerald Isle; and

**WHEREAS**, this emergency declaration and transportation waiver is no longer necessary.

**NOW, THEREFORE**, by the power vested in me as Governor by the Constitution and laws of North Carolina, **IT IS ORDERED**:

Pursuant to N.C. Gen. Stat. § 166A-19.20(c)(1) Executive Order No. 288 is hereby terminated immediately.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 2<sup>nd</sup> day of October in the year of our Lord two thousand and twenty-three.

Roy Cooper  
Governor

ATTEST:

Elaine F. Marshall  
Secretary of State





# State of North Carolina

**ROY COOPER**  
GOVERNOR

October 2, 2023

**EXECUTIVE ORDER NO. 290**

**DISASTER DECLARATION FOR THE TOWN OF LANDIS IN ROWAN COUNTY,  
NORTH CAROLINA**

**WHEREAS**, the North Carolina Emergency Management Act, Chapter 166A of the North Carolina General Statutes, authorizes the issuance of a disaster declaration for an emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7) that has been impacted by a Type I disaster as defined in N.C. Gen. Stat. § 166A-19.21(b); and

**WHEREAS**, on August 7, 2023, the Town of Landis (hereinafter "Landis") in Rowan County, North Carolina experienced damages from an EF-1 tornado; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.22 the Mayor of Landis in Rowan County, North Carolina declared a state of emergency on August 24, 2023, and

**WHEREAS**, due to the impacts of the events, local and state emergency management officials conducted a joint preliminary damage assessment on August 9, 2023 for Landis; and

**WHEREAS**, Landis has incurred more than \$10,000 in disaster-related damages, the damages exceed one (1) percent of the Town's operating budget, Landis has a current state approved Hazard Mitigation plan in place and participates in the National Flood Insurance Program; and

**WHEREAS**, the President of the United States has not declared a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (hereinafter "Stafford Act"), as amended (42 U.S.C. § 5121-5206), declaration; and

**WHEREAS**, Landis would not qualify based on the preliminary damage assessment for Federal Public Assistance according to the requirements of 44 C.F.R. § 206.48; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.21(a)-(b), the criteria for a Type I disaster are met if: (a) the Secretary of the North Carolina Department of Public Safety has provided a preliminary damage assessment to the undersigned and the General Assembly; (b) local state of emergency declarations have been issued pursuant to N.C. Gen. Stat. § 166A-19.22 in the areas impacted by the Type I disaster; (c) the preliminary damage assessment meets or exceeds the State infrastructure criteria set out in N.C. Gen. Stat. § 166A-19.41(b)(2)a; and (d) a major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared for Public Assistance; and

**WHEREAS**, the undersigned has determined that a Type I disaster, as defined in N.C. Gen. Stat. § 166A-19.21(b)(1), exists in the State of North Carolina in the Town of Landis in Rowan County; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.41, if a disaster is declared, the undersigned may make state funds available for emergency assistance in the form of individual assistance and public assistance for recovery from those disasters for which federal assistance under the Stafford Act is either not available or does not adequately meet the needs of residents in the emergency area.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED:**

**Section 1.**

For purposes of this Executive Order only, the emergency area as defined in N.C. Gen. Stat. § 166A-19.3(7), is the Town of Landis in Rowan County, North Carolina ("the Emergency Area").

**Section 2.**

Pursuant to N.C. Gen. Stat. § 166A-19.21(b)(1), a Type I disaster is hereby declared for the Emergency Area.

**Section 3.**

I authorize state disaster assistance in the form of public assistance grants to the eligible local governments located within the emergency area that meet the terms and conditions under N.C. Gen. Stat. § 166A-19.41(b)(2). The public assistance grants are for the following:

- a. Debris clearance.
- b. Emergency Protective Measures.

**Section 4.**

I hereby order that this declaration be (a) distributed to the news media and other organizations calculated to bring its contents to the attention of the public; (b) promptly filed with the Secretary of the North Carolina Department of Public Safety, the North Carolina Secretary of State, and the Clerk of Superior Court in Rowan County; and (c) distributed to others as necessary to ensure proper implementation of this declaration.

**Section 5.**

Pursuant to N.C. Gen. Stat. § 166A-19.21(c)(1), this Type I disaster declaration shall expire sixty (60) days after issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of thirty (30) days each, not to exceed a total of 120 days from the date of first issuance.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 2<sup>nd</sup> day of October in the year of our Lord two thousand and twenty-three.

  
 \_\_\_\_\_  
 Roy Cooper  
 Governor

ATTEST:

  
 \_\_\_\_\_  
 Elaine F. Marshall  
 Secretary of State



**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 Department of Environmental Quality intends to adopt the rules cited as 15A NCAC 01T .0101-.0107, .0201-.0208, and .0301-.0306.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://www.deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules/proposed-rules>

**Proposed Effective Date:** February 2, 2024

**Public Hearing:**

**Date:** December 6, 2023

**Time:** 10:00 a.m.

**Location:** 943 Washington Square Mall, Washington, NC 27889

**Reason for Proposed Action:** Session Law 2022-74 (An Act to Modify the Current Operations Appropriations Act of 2021 and to Make Other Changes in the Budget Operations of the State), Section 12.1, requires the Department of Environmental Quality to adopt permanent rules to implement the policies or guidelines for the administration of funds from G.S. 143-215.73F(b1) and G.S. 143-215.73M(b1). These permanent rules are being proposed to satisfy this requirement by specifying how to apply for funds, what information is necessary to apply, and the Department's procedure for deciding fund allocation.

Funds appropriated in G.S. 143-215.73F(b1) and G.S. 143-215.73M(b1) are allocated to three programs- the Shallow Draft Navigation Channel Dredging Fund for dredging projects designed to keep shallow draft navigation channels located in State waters or waters of the State located within lakes navigable and safe; the Coastal Storm Damage Mitigation Fund, which provides grants to units of local government for costs associated with beach nourishment, artificial dunes, and other projects to mitigate or remediate coastal storm damage to the ocean beaches and dune systems of the State; and the Aquatic Weed Control Fund, which provides grants for local units of government and other entities looking to control, eradicate, and regulate noxious aquatic weeds so as to protect and preserve human health, safety, and beneficial uses of State waters.

**Comments may be submitted to:** Kevin Hart, Division of Water Resources, Archdale Building, 1611 Mail Service Center, Raleigh, NC 27699-1611; phone (919) 707-3607; email kevin.hart@deq.nc.gov

**Comment period ends:** January 2, 2024

**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 ( $\geq$  \$1,000,000)
- Approved by OSBM
- No fiscal note required

**CHAPTER 01 - DEPARTMENTAL RULES**

**SUBCHAPTER 01T - WATER RESOURCES GRANT PROGRAMS**

**SECTION .0100 - AQUATIC WEED FUND**

**15A NCAC 01T .0101 APPLICABILITY**

The rules in this Section apply to the Aquatic Weed Fund in G.S. 143-215.73F.

Authority G.S. 113A-223; 113A-227; 143-215.73F.

**15A NCAC 01T .0102 DEFINITIONS**

For purposes of the rules in this Section,

- (1) "Department" means the North Carolina Department of Environmental Quality;
- (2) "Director" means the Director of the Division of Water Resources, Department of Environmental Quality or his or her designee.
- ~~(2)~~(3) "Division" means the Division of Water Resources, which is within the North Carolina Department of Environmental Quality; and
- ~~(3)~~(4) "Council" means the North Carolina Aquatic Weed Control Council

Authority G.S. 113A-223; 113A-227; 143-215.73F.

**15A NCAC 01T .0103 PROJECT ELIGIBILITY**

An aquatic weed control project proposed by a unit of local, state, or federal government; academic institution; public utility; or other entity may be eligible for grant funds from the Aquatic Weed Fund provided that:

- (1) the project targets one or more aquatic weed species included on the Noxious Aquatic Weed List in 15A NCAC 02G .0602 with subsequent amendments;
- (2) the cost share requirements of G.S. 143-215.73F(c)(3) are met; and
- (3) the project provides at least one of the following benefits:
  - (A) protects and preserves human health;
  - (B) protects public safety;
  - (C) protects the beneficial use of the water(s) of the State;
  - (D) prevents injury to property; or
  - (E) prevents injury to beneficial plant and animal life.

Authority G.S. 113A-223; 113A-227; 143-215.73F.

**15A NCAC 01T .0104 AQUATIC WEED CONTROL GRANT APPLICATIONS**

(a) To request state cost share funding for an eligible aquatic weed control project, an application shall be sent to the Division of Water Resources Aquatic Weeds Control Program, at 1611 Mail Service Center, Raleigh, NC 27699-1611 or electronically to aquaticweeds@ncdenr.gov. The application shall be made on a form provided by the Division, available electronically via the following website: <https://deq.nc.gov/about/divisions/water-resources/water-planning/water-supply-planning/aquatic-weed-control-program>. The application form can also be obtained by emailing a request to aquaticweeds@ncdenr.gov; by contacting the Division of Water Resources Aquatic Weeds Control Program, 1611 Mail Service Center, Raleigh, NC, 27699-1611; or by calling 919-707-9000. The application shall include the following:

- (1) the date of application;
- (2) the name, address and phone number of the applicant;
- (3) the project name and location;
- (4) if applicable, the specific waterbody or waterbodies in which the proposed project will occur;
- (5) the aquatic weed(s) associated with the project;
- (6) acknowledgement that the applicant will fund no less than 50 percent of the project cost and that full obligation for project cost share will be assumed;
- (7) the anticipated benefit or benefits the project will provide as outlined in Rule .0103 of this Section; and
- (8) a signature by the applicant.

(b) In signing the application, the applicant(s) certifies that all information contained therein and in support thereof is accurate and true to the best of their knowledge.

Authority G.S. 113A-223; 113A-227; 143-215.70; 143-215.72; 143-215.73F.

**15A NCAC 01T .0105 GRANT APPLICATION REVIEW AND APPROVAL**

(a) To be eligible for funding from the Aquatic Weed Fund, applications shall be received before October 16 of the year prior to when the project will occur.

(b) All applications shall be reviewed by the Council. Following review by the Council, the Council shall provide a list of recommended projects proposed for cost share funding to the Director of the Division, with total funding by the Department for all cost shared projects not to exceed the amount in G.S. 143-215.73F(b)(2).

(c) Recommendations from the Council and project selection by the Director of the Division shall be based on the extent to which the project meets the criteria listed in G.S. 143-215.72(b).

(d) The Director, with concurrence of the Council and provided funds are available, reserves the right to make an exception to Paragraph (a) of this Rule for the purposes of conducting a rapid response to an aquatic weed infestation. In addition, all conditions of Rules .0103, .0104, and .0106 of this Section shall apply.

Authority G.S. 113A-223; 113A-227; 143-215.70; 143-215.72; 143-215.73; 143-215.73F.

**15A NCAC 01T .0106 INSTRUMENT OF AGREEMENT**

(a) For a project sponsored by a unit of local government, the applicant shall provide a resolution from the local government's governing board and, per G.S. 143-6-23(b), a copy of their conflict of interest policy prior to the Department beginning any approved cost share project or fund disbursement. The resolution shall include:

- (1) the specific waterbody or location in which the proposed project will occur;
- (2) the aquatic weed(s) associated with the project;
- (3) a statement of assumption for the full obligation for payment of the balance of project costs, to be no less than fifty percent of the total cost of the project;
- (4) a statement of agreement to assist the Department in determining the full scope of the aquatic weed control project.
- (5) when applicable, assurance that the public will have access to the waters that are included in the proposed project;
- (6) a statement that the Department will be held harmless from any damages that may result from the implementation of the project.
- (7) when applicable, a statement that the applicant will be responsible for notifying all landowners with property adjacent to the waterbody on which the project will be located, providing details of the project to those landowners, and

for sponsoring any necessary public information meetings and outreach; and

- (8) when applicable, an agreement to notify the public of any temporary water-use restrictions associated with the project.

(b) For a project sponsored by an entity that is not a unit of local government, the applicant shall sign a binding written agreement with the Department prior to the Department beginning any approved cost share project or fund disbursement. The cost sharing agreement shall include the items listed in Paragraph (a) of this Rule.

Authority G.S. 113A-223; 143-215.73; 143-215.73F; 143-6-23.

**15A NCAC 01T .0107 NORTH CAROLINA AQUATIC WEED CONTROL COUNCIL**

The Council shall serve as an advisory group for the Division regarding the control, eradication, and regulation of noxious weeds. The Division shall invite each of the following agencies to designate one representative to serve on the Council:

- (1) Department of Agriculture and Consumer Services – Plant Industry Division;
- (2) Department of Agriculture and Consumer Services – Structural Pest Control & Pesticides Division;
- (3) Department of Environmental Quality – Division of Coastal Management;
- (4) Department of Environmental Quality – Division of Marine Fisheries;
- (5) Department of Environmental Quality – Division of Water Resources – Water Sciences Section;
- (6) Department of Environmental Quality – Division of Water Resources – Water Planning Section;
- (7) Department of Health and Human Services;
- ~~(7)~~(8) Department of Natural and Cultural Resources – Division of Parks and Recreation;
- ~~(8)~~(9) Department of Natural and Cultural Resources – Natural Heritage Program;
- ~~(9)~~(10) Department of Transportation;
- ~~(10)~~(11) North Carolina State University – Crop and Soil Science Department;
- ~~(11)~~(12) North Carolina State University – North Carolina Agricultural Research Service;
- ~~(12)~~(13) U.S. Fish and Wildlife Service; and
- ~~(13)~~(14) Wildlife Resources Commission.

Authority G.S. 113A-223.

**SECTION .0200 - SHALLOW DRAFT NAVIGATION CHANNEL DREDGING FUND**

**15A NCAC 01T .0201 APPLICABILITY**

~~(a)~~ The rules in this Section apply to the Shallow Draft Navigation Channel Dredging Fund in G.S. 143-215.73F, including projects related to dredging federally authorized channels where the work is performed by the United States Army Corps of Engineers.

~~(b) The rules in this Section do not apply to projects funded by the Shallow Draft Navigation Channel Dredging Fund that are related to dredging federally authorized channels where the work is performed by the United States Army Corps of Engineers.~~

Authority G.S. 143-215.73F.

**15A NCAC 01T .0202 DEFINITIONS**

For purposes of the rules in this Section,

- (1) "Department" means the North Carolina Department of Environmental Quality;
- (2) "Division" means the Division of Water Resources, which is within the North Carolina Department of Environmental Quality; and
- (3) "shallow draft navigation channel" has the same meaning as set forth in G.S. 143-215.73F(e).

Authority G.S. 143-215.73F.

**15A NCAC 01T .0203 PROJECT ELIGIBILITY SHALLOW DRAFT NAVIGATION CHANNEL DREDGING FUND**

(a) A shallow draft navigation channel dredging project proposed or sponsored by a local government may be eligible for grant funds from the Shallow Draft Navigation Channel Dredging Fund provided that:

- (1) the project is designed to keep shallow draft navigation channels located in State waters or waters of the state located within lakes navigable and safe or the project is for siting and acquisition of dredged disposal easement sites associated with the maintenance of the Atlantic Intracoastal Waterway between the border with the state of South Carolina and the border with the Commonwealth of Virginia, under a Memorandum of Agreement between the state and the federal government; and
- (2) the cost share requirements of G.S. 143-215.73F(c) are met.

(b) The following are ineligible costs that may not be reimbursed from the Shallow Draft Navigation Channel Dredging Fund:

- (1) dredging underneath or immediately adjacent to privately owned ship berths, piers, docks, or similar facilities or businesses;
- (2) costs incurred for fines, penalties, legal fees, or litigation costs (including but not limited to litigation of a permit, penalty, enforcement action, or contract dispute);
- (3) costs incurred outside of the term of the grant contract between the Department and the local government;
- (4) purchase of equipment (including but not limited to barges and excavators);
- (5) indirect or overhead costs of the municipality, such as rent, telephone service, and general administrative support; or
- (6) salaries and other expenses of elected officials, whether incurred for purposes of project direction, execution, or legislation.



Authority G.S. 143-215.73F.

**15A NCAC 01T .0204 GRANT APPLICATIONS FOR THE SHALLOW DRAFT NAVIGATION CHANNEL DREDGING FUND FOR NON-FEDERALLY AUTHORIZED CHANNELS**

(a) To apply for grant funds from the Shallow Draft Navigation Channel Dredging Fund for non-federally authorized channels, the application shall be on forms provided by the Division and submitted to the Division's Coastal Infrastructure Grant Coordinator. The grant coordinator's contact information and the application forms are available at <https://deq.nc.gov/about/divisions/water-resources/water-resources-grants/water-resources-development-grant-program>. The application shall include the following:

- (1) the applicant's primary contact or project manager's name, title, organization, tax ID number (if applicable), email address, mailing address, telephone number;
- (2) the contact and address to which the Department should send grant reimbursements and grant/project correspondence;
- (3) project title, description, scope and location;
- (4) description of existing conditions and land use within the project area;
- (5) anticipated contract start and end dates;
- (6) address the criteria in Rule .0205 of this Section;
- (7) description of the location and method of dredge spoil disposal;
- (8) itemized project budget;
- (9) project plans and location maps;
- (10) official resolution in accordance with 15A NCAC 02G .0104;
- (11) a statement of no overdue tax debts; and
- (12) the local government's conflict of interest policy.

(b) In signing the application, the applicant(s) certifies that all information contained therein and in support thereof is accurate and true to the best of their knowledge.

Authority G.S. 143-215.73F; 143C-6-23.

**15A NCAC 01T .0205 GRANT APPLICATION REVIEW AND APPROVAL FOR NON-FEDERALLY AUTHORIZED CHANNELS**

(a) The Division shall review grant applications and may either approve, approve in part, or disapprove applications based on the following criteria:

- (1) the economic, social, and environmental benefits to be provided by the projects;
- (2) regional benefits of projects to an area greater than the area under the jurisdiction of the local sponsoring entity;
- (3) the financial resources of the local sponsoring entity;
- (4) the environmental impact of the project; and
- (5) any direct benefit to the State-owned lands.

(b) Notwithstanding the criteria set forth in this Rule, the Division shall prioritize funding those projects that improve shallow draft navigation channels that are accessible by and used by the general boating public.

Authority G.S. 143-215.73F.

**15A NCAC 01T .0206 POST FUNDING AWARD FOR NON-FEDERALLY AUTHORIZED CHANNELS**

(a) If the Division awards a grant from the Shallow Draft Navigation Channel Dredging Fund and the local government accepts the grant award, then a grant contract must be executed prior to any grant ~~reimbursements~~ reimbursements. ~~are made.~~ Prior to any reimbursements, the local unit of government shall submit invoices signed by a representative of the local unit of government.

(b) Any changes to the scope of the project or project budget after submission of a grant application will, at minimum, require written approval by the Division and the Division may require a grant contract amendment.

(c) The term of the grant contract may be extended at the discretion of the Division. A request from a grantee to extend the grant contract shall be submitted at least 45 days prior to the grant contract expiration date and shall include:

- (1) justification for the extension request;
- (2) summary of the current project status; and
- (3) anticipated project schedule moving forward.

(d) The grantee shall use the funds for only those purposes set forth in G.S. 143-215.73F and shall return ~~unpent~~ unspent grant funds.

Authority G.S. 143-215.73F.

**15A NCAC 01T .0207 GRANT APPLICATIONS FOR THE SHALLOW DRAFT NAVIGATION CHANNEL DREDGING FUND FOR FEDERALLY AUTHORIZED CHANNELS**

To apply for grant funds from the Shallow Draft Navigation Channel Dredging Fund for federally authorized channels, the application shall include the following:

- (1) a letter signed by an official from the local unit of government requesting funds from the Shallow Draft Navigation Channel Fund that includes the requested amount funds (State, local unit of government, and total amount);
- (2) the name of the project;
- (3) the project title, description, scope and location;
- (4) description of existing conditions;
- (5) anticipated work start and end dates;
- (6) description of the location and method of dredge spoil disposal;
- (7) the local government's conflict of interest policy.
- (8) a project cost estimate and timeline from the United States Army Corps of Engineers;
- (9) a project location map and;
- (10) the local governments matching funds.

Authority G.S. 143-215.73F.

**15A NCAC 01T .0208 POST FUNDING AWARD FOR FEDERALLY AUTHORIZED CHANNELS**

If the Division awards a grant from the Shallow Draft Navigation Channel Dredging Fund and the local government accepts the grant award:

- (1) The sponsoring local unit of government may submit a request for additional funds after funds have been awarded. To request additional funds or a change in scope, the local government shall submit a letter with the information in Rule .0207 of this Section.
- (2) The grantee shall use the funds for only those purposes set forth in G.S. 143-215.73F.
- (3) If funds remain after the project has been completed or the project is not awarded by the United States' Army Corps of Engineers, the local government may submit a written request to return any unspent funds. The written communication shall be signed by an official of the sponsoring local government and include the project name and amount of funds that are being requested to be returned.

Authority G.S. 143-215.73F.

**SECTION .0300 - COASTAL STORM DAMAGE MITIGATION FUND**

**15A NCAC 01T .0301 APPLICABILITY**

The rules in this Section apply to the Coastal Storm Damage Mitigation Fund in G.S. 143-215.73M.

Authority G.S. 143-215.73M.

**15A NCAC 01T .0302 DEFINITIONS**

For purposes of the rules in this Section,

- (1) "Department" means the North Carolina Department of Environmental Quality and
- (2) "Division" means the Division of Water Resources, which is within the North Carolina Department of Environmental Quality.

Authority G.S. 143-215.73M.

**15A NCAC 01T .0303 PROJECT ELIGIBILITY**

(a) A coastal storm damage mitigation project proposed by a local government may be eligible for grant funds from the Coastal Storm Damage Mitigation Fund provided that:

- (1) the project is for beach nourishment, artificial dunes, and other projects to mitigate or remediate coastal storm damage to the ocean beaches and dune systems of the State; and
- (2) the cost share requirements of G.S. 143-215.73M(c) are met.

(b) The following are ineligible costs that may not be funded from the Coastal Storm Damage Mitigation Fund:

- (1) indirect or overhead costs of the local government, such as rent, telephone service, and general administrative support;

- (2) costs incurred for fines, penalties, legal fees, or litigation costs (including but not limited to litigation of a permit, penalty, enforcement action, or contract dispute);
- (3) any activities related to a terminal groin and its accompanying beach fill project permitted pursuant to G.S. 113A-115.1; or
- (4) salaries and other expenses of elected officials, whether incurred for purposes of project direction, execution, or legislation.

Authority G.S. 143-215.73M.

**15A NCAC 01T .0304 COASTAL STORM DAMAGE MITIGATION FUND APPLICATION**

(a) To apply for grant funds from the Coastal Storm Damage Mitigation Fund, the application shall be on forms provided by the Division and submitted to the Division's Coastal Infrastructure Grant Coordinator. The grant coordinator's contact information and the application forms are available at <https://deq.nc.gov/about/divisions/water-resources/water-resources-grants/water-resources-development-grant-program>.

(b) The application shall include the following:

- (1) primary contact or project manager's name, title, organization, tax ID number (if applicable), email address, mailing address, telephone number;
- (2) the contact and address to which the Department should ~~sent~~ send grant funds and grant/project correspondence;
- (3) project title, description, scope and location;
- (4) description of existing conditions and land use within project area;
- (5) anticipated contract start and end dates;
- (6) address the criteria in Rule .0305 of this Section;
- (7) itemized project budget;
- (8) project plans and locations maps;
- (10) official resolution in accordance with ~~15A NCAC 02G .0104~~ with subsequent amendments; Rule .0404 of this Subchapter; and
- (11) the local government's conflict of interest policy.

(c) In signing the application, the applicant(s) certifies that all information contained therein and in support thereof is accurate and true to the best of their knowledge.

Authority G.S. 143-215.73M; 143C-6-23.

**15A NCAC 01T .0305 GRANT APPLICATION REVIEW AND APPROVAL**

The Division shall review grant applications and may either approve, approve in part, or disapprove applications based on the following criteria:

- (1) the economic, social, and environmental benefits to be provided by the project;

- (2) mitigation measures to be implemented to avoid and minimize detrimental environmental impacts
- (3) expected useful life of the project;
- (4) the source and availability of other funding sources for the project; and
- (5) viability and efficiencies of the project, including but not limited to regional planning, beneficial use of clean, beach quality dredged material from navigation channels within the nearshore, beach or inlet shoal system, and readiness to process based on the project phase, permitting status, property access, and construction schedule.

Authority G.S. 143-215.73M.

**15A NCAC 01T .0306 POST FUNDING AWARD**

(a) If the Division awards a grant from the Coastal Storm Damage Mitigation Fund and the local government accepts the grant award, then a grant contract must be executed prior to any grant funds being dispersed.

(b) Any changes to the scope of the project or project budget after submission of a grant application will, at minimum, require written approval by the Division and the Division may require a grant contract amendment.

(c) The term of the grant contract may be extended at the discretion of the Division. A request from a grantee to extend the grant contract shall be submitted at least 45 days prior to the grant contract expiration date and shall include:

- (1) justification for the extension request;
- (2) summary of the current project status; and
- (3) anticipated project schedule moving forward.

(b) The grantee shall use the funds for only those purposes set forth in G.S. 143-215.73M and shall return unspent grant funds.

Authority G.S. 143-215.73M.

**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 .0104, .0105, .0107-.0109, .0407-.0418, .0501-.0506, .0608, .0702-.0707; 07C .0101, .0102, .0204-.0210, .0301-.0305, .0402, .0403, .0406, .0407, .0410, .0411, .0506-.0510, .0604-.0607, .0701-.0704; 07D .0101-.0104, .0302-.0308, .0402; 07E .0102, .0103, .0109, .0113, .0202, .0205-.0207, .0213, .0214, .0301, .0304, .0306-.0312, .0401-.0407, .0602-.0605, .0702, .0801-.0804, .0901-.0904, .1002, .1104, .1105, .1202-.1205, amend the rules cited as 18 NCAC 07B .0101-.0103, .0106, .0110, .0601-.0607, .0701; 07C .0201-.0203, .0401, .0404, .0405, .0409, .0502, .0504, .0505, .0601-.0603; 07D .0301; 07E .0101, .0104-.0106, .0108, .0112, .0201, .0204, .0209, .0212, .0302, .0303, .0601, .0701, .1001, .1101-.1103, and repeal the rules cited as 18 NCAC 07E .0107 and .0111.*

*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) are 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](https://sosnc.gov/divisions/general_counsel/open_rulemaking)

**Proposed Effective Date:** July 1, 2024

**Public Hearing:**

**Date:** November 28, 2023

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

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

**Reason for Proposed Action:** *This rulemaking package is the second of three rulemaking tranches which the Department of the Secretary of State (Department) is required to undertake in order to implement and interpret the Remote Electronic Notarization Act (RENA), adopted July 8, 2022, S.L. 2022-54. RENA was modified on June 23, 2023 by S.L. 2023-57 and on September 28, 2023 by S.L. 2023-124. G.S. 10B-4 provides authority for the Department to promulgate rules addressing all aspects of the notary public program.*

*G.S. 150B-21.3A separately requires all state agencies to review existing rules every ten years in accordance with a prescribed process that includes rule readoption. Many of the existing notary rules are nearing the end of their decadal cycle and thus are due for review and readoption. This second rulemaking tranche is undertaken to satisfy the mandates found in both RENA and G.S. 150B-21.3A.*

*The General Assembly mandated the Department to adopt rules that promote public confidence in the reliability of the identification of principals and signatures made by those principals, whether appearing in person or remotely, in keeping with the purposes and policies of RENA and the Notary Public Act found at G.S. 10B. Rules adopted by the Department help to ensure that transactions are not repudiated as a result of:*

- *Mental incapacity of the principal,*
- *Coercion or duress, or*
- *Fraud.*

*By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation that might otherwise occur with an unreliable identification system. Please refer to the Explanation for Proposed Rules that accompanied the first tranche of proposed rules for a more in-depth discussion of the purposes of and policies underlying RENA and the Notary Public Act.*

*The Department published the first tranche of proposed rules on August 15, 2023. The first tranche of rules addressed fundamental issues related to the three methods of performing notarial acts – traditional, electronic, and remote electronic notarial acts -- and to establishing rules common to each of these three acts. Those first proposed rule amendments, adoptions, and repeals involved Subchapters B, F, I, and K of 18 NCAC 07.*

*This second tranche of proposed rules revises and supplements existing notary public rules. The rules proposed today clarify statutory terms and requirements, update existing rules, and*

codify existing practices into rule. The proposed rules specifically address qualifications and general requirements for notaries, instructors, and approved technology providers; the process to become a notary and renew a notary commission; continuing obligations of notaries; notary instructor requirements; and available Department actions should enforcement become necessary. The proposed rule amendments, adoptions, and repeals in this second rulemaking involve Subchapters B, C, D, and E of 18 NCAC 07. The final tranche of rules will focus primarily on the technology used to perform remote electronic notarial acts and the process for licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

Comments may be submitted to: Ann B. Wall, P.O. Box 29622, Raleigh, NC 27606-7606; phone (919) 814-5400; email rules@sosnc.gov

Comment period ends: January 2, 2024

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 07B – GENERAL REQUIREMENTS

SECTION .0100 – GENERAL PROVISIONS

18 NCAC 07B .0101 SCOPE

The rules in this Subchapter implement Chapter 10B of the General Statutes, the Notary Public and Electronic Notary Acts. The rules govern:

- (1) the qualification, commissioning, notarial acts, and discipline of notaries as Constitutional officers of the State;
(2) the qualification, certification, and discipline of certified notary instructors; and
(3) the qualification, approval or licensing, conduct, and discipline of technology providers.

Authority G.S. 10B-2; 10B-4; 10B-14(f); 10B-102; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.19; 10B-134.21; 10B-134.23.

18 NCAC 07B .0102 DEFINITIONS

In addition to the definitions in G.S. 10B-3, 10B-101, and 10B-134.1, and apply to this Subchapter.

For purposes of Chapter 10B of the General Statutes and Subchapters 07B and 07C of this Chapter:

- (1) "Applicant" means an individual who seeks appointment or reappointment to the office of notary public;
(2) "Appoint" or "Appointment" means the naming of an individual to the office of notary public after determination that the individual has complied with Chapter 10B of the General Statutes and Subchapter 07B 07C of this Chapter. For the purposes of these Rules, the Rules in this Chapter, the terms "appoint", "reappoint", "appointment", "reappointment", "commission", "recommission", "commissioning", "appoint", "reappoint", "appointment", "reappointment", "commission", "recommission", "commissioning," and "recommissioning" all refer to the term "commission" as defined in G.S. 10B-3(4) or to the process of acquiring or maintaining such the commission; commission.
(3) "Appointee" means an individual who has been appointed or reappointed to the office of notary public but has not yet taken the oath of office to be commissioned; commissioned.
(3) "Authorization" means a notary commission, an electronic notary registration, an instructor certification, an approval, or a license issued by the Department pursuant to Chapter 10B of the General Statutes.
(4) "Authorize" means the Department's action to issue an authorization.
(4)(5) "Commissioning" "Commission date" means the beginning date of commissioning or recommissioning as entered on a commission certificate; certificate.
(6) "Court" means a tribunal of a locality, state, the Armed Forces of the United States, a federally recognized tribe, or any nation.

- (5)(7) "Crime" ~~means a crime or~~ means:
- (a) an offense designated by law as a felony or misdemeanor;
  - (A)(b) ~~Attempt~~ an attempt to commit a crime; an offense;
  - (B)(c) ~~Accessory~~ an accessory to commission of a crime; an offense;
  - (C)(d) ~~Aiding~~ aiding and abetting of a crime; an offense;
  - (D)(e) ~~Conspiracy~~ conspiracy to commit a crime; an offense; or
  - (E)(f) ~~Solicitation~~ solicitation to commit a crime; an offense; or
  - (g) threat to commit an offense.
- An infraction as defined in G.S. 14-3.1 is not a crime.
- (6) ~~"Division" means the Notary Public Section of the North Carolina Department of the Secretary of State.~~
- (8) "Crime involving dishonesty" means a criminal offense that implicates untruthfulness or involves deceit, fraud, false dealing, cheating or stealing.
- (9) "Criminal convictions" means the following dispositions of criminal charges:
- (a) adjudications of guilt by a court;
  - (b) pleas of nolo contendere;
  - (c) pleas of admission;
  - (d) Alford pleas;
  - (e) conditional discharges;
  - (f) prayers for judgment continued; and
  - (g) dispositions denominated differently but equivalent to Sub-Items (a)-(f) in this Item entered by a court.
- (10) "Denial" with regard to public office means an individualized action:
- (a) to disqualify an individual from:
    - (i) being a candidate for an elected public office; or
    - (ii) holding or filling a public office; and
  - (b) that is taken by:
    - (i) a governmental agency, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
    - (ii) a court.
- (11) "Disciplinary action" means an official action by a legislative body, governmental agency of any locality, state, federally recognized tribe, or nation, or court resulting in:
- (a) a disciplinary order;
  - (b) a censure;
  - (c) a reprimand;
  - (d) an admonition;
  - (e) a resignation in lieu of termination or revocation;
  - (f) a denial;
  - (g) a written warning; or
  - (h) actions denominated differently but equivalent to Sub-Items (a)-(g) in this Item.
- (12) "Disciplinary order" means a directive or its equivalent that:
- (a) is directed to a professional licensee or a commissioned notary public;
  - (b) prohibits or conditions an individual professional licensee or commissioned notary public from engaging in the practice of the licensee's profession or as a notary public for any amount of time;
  - (c) is issued by a court or government agency of any locality, state, federally recognized tribe, or nation with authority to discipline or sanction the professional licensee or commissioned notary public; and
  - (d) is not stayed, rescinded, or expunged.
- NOTE: Suspensions, restrictions, and revocations of commissions or licenses are examples of disciplinary orders.
- (13) "Family member" means an individual related by blood, marriage, or adoption.
- (14) "Finding" means a decision, conclusion, or opinion by a court, legislative body, or governmental agency of any locality, state, federally recognized tribe, or nation that is based upon review of evidence in an investigation, quasi-judicial, or judicial proceeding resulting in a determination that:
- (a) a fact has been proved according to the applicable legal standard; or
  - (b) a law applies to the specific facts in a matter.
- (15) "Harm" means:
- (a) loss or damage to a person affecting:
    - (i) liberty;
    - (ii) child custody, parental rights, child support, or visitation;
    - (iii) reputation;
    - (iv) money;
    - (v) property;
    - (vi) time; or
    - (vii) a contract or transaction; or
  - (b) an act that undermines public confidence in the reliability of notarial acts or notarial instructor certification.
- (16) "Issuance" with regard to public office means an action:
- (a) to certify the results of an election signifying that an individual has been elected to the public office; or
  - (b) to appoint an individual to fill a public office; and
  - (c) that is taken by:

- (i) a governmental agency, a legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
- (ii) a court.
- (17) "Licensed member of the North Carolina State Bar" means an active member as defined in 27 NCAC 01A .0201(b).
- (18) "Name for use on a notary public commission" means:
  - (a) the full legal name of the commission applicant; or
  - (b) a combination of the applicant's surname and:
    - (i) full first or middle name; or
    - (ii) full first or middle name and one or more initials.
- NOTE: Full legal names, full first names, and full middle names shall not include nicknames.
- (19) "Notarial act" means, in addition to those acts listed in G.S. 10B-3(11), an act authorized by:
  - (a) G.S. 163-231(a); and
  - (b) G.S. 53C-6-13(a).
- (20) "Notary course" means a course taught by a certified notary instructor for purposes of:
  - (a) commissioning or recommissioning a notary public; or
  - (b) registering or reregistering an electronic notary public.
- (21) "Probation" with regard to criminal convictions means active supervision by a governmental agency in lieu of jail or prison.
- (22) "Professional license" means an issuance that involves a grant of authority by a governmental agency of any locality, state, federally recognized tribe, or nation, to an individual to act in a fiduciary capacity, or in a capacity that affects the public interest or public trust, and that regards an occupation requiring training and formal qualification. Professional licenses are:
  - (a) attorney;
  - (b) appraiser;
  - (c) architect;
  - (d) boiler inspector;
  - (e) building, electrical, fire, mechanical, or plumbing inspector;
  - (f) certified nursing assistant;
  - (g) certified public accountant;
  - (h) code enforcement official;
  - (i) electrical contractor;
  - (j) engineer;
  - (k) general contractor;
  - (l) geologist;
  - (m) insurance agent;
  - (n) insurance company adjuster;
  - (o) interpreter or transliterator;
  - (p) investment advisor;
  - (q) locksmith;
  - (r) motor vehicle damage appraiser;
  - (s) on-site wastewater contractor inspector;
  - (t) pharmacist;
  - (u) physician;
  - (v) physician assistant;
  - (w) plumbing, heating, and fire sprinkler contractor;
  - (x) private investigator;
  - (y) professional bondsman;
  - (z) real estate broker;
  - (aa) registered nurse, licensed practical nurse, nurse practitioner;
  - (bb) securities broker, dealer, salesman;
  - (cc) self-employed insurance adjuster;
  - (dd) surety bondsman;
  - (ee) sworn law enforcement officer; and
  - (ff) teacher.
- (23) "Public office" means a position created by law to which an individual has been elected or appointed, and that involves a delegation to the individual of some of the functions of government to be exercised by the individual for the benefit of the public and that are not solely advisory.
- (24) "Restriction" with regard to public office means an individualized action:
  - (a) to restrain an individual from serving in public office; and
  - (b) that is taken by:
    - (i) a governmental agency, legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
    - (ii) a court.
- (25) "Release from prison, probation or parole" means:
  - (a) completion of all terms of a sentence or judgement entered as part of a disposition of a criminal charge;
  - (b) a certificate or order related to a criminal charge evidencing the individual's unconditional discharge and specifying the restoration of the individual's rights of citizenship pursuant to G.S. 13-2;
  - (c) a certificate of relief pursuant to G.S. 15A-173.4;
  - (d) an endorsement from the Governor after satisfaction of conditions of a conditional pardon pursuant to G.S. 13-4;
  - (e) an unconditional pardon pursuant to G.S. 13-3;
  - (f) an order that a conviction is vacated; or

- (g) an action that is equivalent to Sub-Items (a)-(f) of this Item entered by a court, or an official or body of a state, federally recognized tribe, or nation with the authority to grant pardons.
- (26) "Residence address" or "residential address" means a physical location with a street name, and a number designating the building in which an individual resides, including an apartment or unit number if applicable, the city, state, zip code, and nation if not the United States.
- (27) "Revocation" with regard to an individual's capacity to serve in a public office means an individualized action:
  - (a) to void or cancel a certification of election to office; or
  - (b) to remove an individual from a public office; and
  - (c) that is taken by:
    - (i) a governmental agency, legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
    - (ii) a court.
- (28) "Suspension" with regard to a public office means an individualized action:
  - (a) to prohibit, for a finite period of time, an individual's authority to serve in a public office; and
  - (b) that is taken by:
    - (i) a governmental agency, legislative body, or a member of the executive branch of any locality, state, federally recognized tribe, or nation; or
    - (ii) a court.

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

**18 NCAC 07B .0103 OPERATING HOURS AND GENERAL CONTACT INFORMATION**

- (a) ~~Mailing Address.~~ The mailing address for the Division of Certification and Filing, Notary Public Section is P.O. Box 29626, Raleigh, NC 27626-0626.
- (~~b~~) Hours. ~~Office~~ Departmental hours for the public are 8:00 a.m. to 4:00 ~~5:00 p.m.~~ p.m., Monday through ~~Friday~~ Friday, with the exception of ~~state~~ State holidays.
- (~~e~~)(b) Contacting the Division. ~~In addition to contacting the Division by mail as provided in Paragraph (a) of this Rule, contact with the Division may be by:~~
  - (1) ~~On-line information service.~~ The Department provides on-line information services at its website. The Department's website is: www.sosnc.gov.
  - (2) ~~Electronic Mail:~~

(c) ~~Email address: For basic information the The Department Notary Public Section~~ may be contacted by email for notary-related issues at notary@sosnc.gov. Electronic mail Unless specifically permitted by a rule in this Chapter, email shall not be used for filing submitting applications.

(3)~~(d) Telephone Number: number:~~ The telephone number for Notary Customer Service departmental customer service is (919) 814-5400.

(4) ~~Fax Number: To send information to the Notary Public Section via fax, the number is 919-814-5597.~~

(e) Physical address. The Department is located at 2 South Salisbury Street, Raleigh, NC 27601.

(f) Mailing address. The Department's mailing address is P.O. Box 29626, Raleigh, NC 27626-0626.

*Authority G.S. ~~10B-14(f); 147-34; 10B-4.~~*

**18 NCAC 07B .0104 ADA ACCOMMODATION**

An applicant to become a notary public, electronic notary, or certified notary instructor who needs accommodation pursuant to the Americans with Disabilities Act shall:

- (1) with regard to a notary course and exam accommodation request, direct the request to the institution offering the course and exam, in which instance the institution may consult with the Department about the accommodation requested; or
- (2) with regard to the online recommissioning exam, certified notary instructor initial or recertification oral presentation or written exam, contact the Department and request an accommodation.

*Authority G.S. 10B-4; 10B-14(f); 10B-107; 10B-134.21.*

**18 NCAC 07B .0105 OBTAINING REQUESTED INFORMATION**

A filer shall:

- (1) use reasonable efforts to obtain information requested by the Department;
- (2) deliver to the Department all requested information that is available to the filer; and
- (3) if unable to obtain requested information, describe to the Department the reasonable efforts taken to obtain the information.

*Authority G.S. 10B-4; 10B-14(f); 10B-107; 10B-134.21.*

**18 NCAC 07B .0106 WAIVER**

The Director Department may waive any rule in this Subchapter Chapter that is not statutorily required on request of a filer or on its own initiative based on the factors set forth in Rule .0904 .0108 of this Chapter. Section.

*Authority G.S. 10B-4, ~~10B-14(f); 147-36.~~*

18 NCAC 07B .0107 CONTENTS OF WAIVER REQUEST

A request for waiver of a rule in this Chapter shall be in writing and shall include:

- (1) the requestor's: (a) name; (b) mailing address; (c) email address; and (d) preferred telephone number for contact; (2) for a request filed on behalf of an entity: (a) the name of the entity; (b) the requestor's position with the entity and authority to file the request on behalf of the entity; (c) the mailing and business addresses of the entity; (d) the telephone number for the entity; and (e) the email address for the entity; (3) the specific rule and paragraph number for which waiver is requested; (4) an explanation of the reason for the request, including facts supporting the request; (5) any additional information related to the factors in Rule .0108 of this Section that the requestor wishes the Department to consider; (6) supporting documentation, if any; (7) whether the requestor has filed any other waiver requests with the Department and a description of those waiver requests; and (8) the signature of the requestor and the date signed.

Authority G.S. 10B-4.

18 NCAC 07B .0108 FACTORS USED IN CONSIDERING WAIVER REQUESTS

Factors to be considered when the Department considers a waiver request are:

- (1) information about the requestor and the request, including the requestor's: (a) explanation of the reasons for the request; (b) control over the circumstances leading to the request; (c) experience with the Notary Act and the Rules in this Chapter; (d) record of timeliness, completeness, and accuracy of filings with the Department; (e) history of waiver requests, if any; and (f) impact of granting or denying the request on the requestor; and (2) impact on the public by granting or denying the request, including: (a) harm or benefit to the public; (b) consistency of implementation and enforcement of Chapter 10B of the

General Statutes and the Rules in this Chapter; and (c) the harm to the Department if a waiver is granted.

Authority G.S. 10B-4.

18 NCAC 07B .0109 COMPUTATION OF TIME PERIODS

The Department shall calculate time periods based on G.S. 1A-1, Rule 6, unless otherwise noted in the Rules in this Chapter.

Authority G.S. 10B-4.

18 NCAC 07B .0110 REQUEST TO DEPARTMENT FOR CONFIDENTIAL PUBLIC INFORMATION

(a) The information that the Department shall make available on individual notaries public include:

- (1) Full legal name; (2) County of Commission; (3) Employer's Name; (4) Employer's street and mailing addresses; (5) Employer's phone number; (6) Status of Commission; (7) Disciplinary action, if any.

(b) A request to the Department for confidential notary information that is confidential pursuant to G.S. 10B-7, G.S. 10B-60, G.S. 10B-106, or that is personally identifiable information shall shall:

- (1) be in writing writing; (2) and shall include documentation of the name of the requestor and contact information for the requestor; and (3) document the right of the requestor to receive the confidential notary information, including: information. (4) Authorization of the notary that the person is an agent of the notary authorized to request and receive the information; (2) Subpoena or court order; (3) Statement of authority from a law enforcement or government agency; or (4) N.C. State Bar applicant "Release of Information" form.

Authority G.S. 10B-2; 10B-4; 10B-7(b); 10B-14(f); 10B-106.

SECTION .0400 – FORMS

18 NCAC 07B .0407 INITIAL APPLICATION FOR NOTARY COMMISSION FORM

The initial application for notary commission form requires:

- (1) the information required by G.S. 10B-5, 10B-6, and 10B-7; (2) from the commission applicant: (a) whether the applicant is a licensed member of the North Carolina State Bar;



- (b) a personal cell phone number, if the applicant uses that number as the applicant's residential telephone number;
  - (c) the most recent North Carolina notary commission number, if one was issued;
  - (d) occupation;
  - (e) applicant's employer or status as:
    - (i) self-employed;
    - (ii) unemployed;
    - (iii) retired; or
    - (iv) a student;
  - (f) North Carolina county where employed;
  - (g) with regard to the notary course attended:
    - (i) the name of the eligible institution that offered the course;
    - (ii) the number of course hours;
    - (iii) the printed or typed name of the course instructor; and
    - (iv) the date the course was successfully completed;
  - (h) a description of included attachments, if any; and
  - (i) the declaration required by G.S. 10B-12; and
- (3) from the notary course instructor:
- (a) certification that:
    - (i) the date, eligible institution, and printed name of the instructor are correct; and
    - (ii) the applicant successfully completed the course and therefore qualifies for consideration for a notary commission; and
  - (b) the course instructor's signature as required by G.S. 10B-6 and the date of the signature.

- (d) how the affiant has had the opportunity to form an opinion of the individual's character; and
  - (e) whether the affiant is aware of criminal charges against, or criminal convictions of, the individual;
- (3) the affiant's opinion whether the charges against, or convictions of, the individual will affect the ability of the individual to comply with Chapter 10B of the General Statutes;
  - (4) a declaration whether the affiant personally recommends the individual for an authorization requiring honesty, integrity, trustworthiness, and high standards of moral character;
  - (5) the signature of the affiant and the date signed; and
  - (6) a declaration under penalty of perjury that the information provided is true and complete to the best of the affiant's knowledge and belief.

Authority G.S. 10B-4.

**18 NCAC 07B .0409 APPLICATION FOR RECOMMISSIONING AS NOTARY PUBLIC**

The application for recommissioning as a notary public form requires:

- (1) information regarding the applicant's current or, if expired, the immediately preceding commission, including the commission number;
- (2) an imprint or stamp from the applicant's current seal or most recently expired seal if the applicant currently possesses a seal;
- (3) information required pursuant to G.S. 10B-11;
- (4) the instructor's signature, if the applicant takes the notary course as part of the recommissioning process;
- (5) information required pursuant to Rule .0407 of this Section that is not otherwise included in Items (1)-(3) of this Rule; and
- (6) the declaration under penalty of perjury that is required by G.S. 10B-12.

Authority G.S. 10B-4.

**18 NCAC 07B .0408 AFFIDAVIT OF MORAL CHARACTER**

The affidavit of moral character form requires:

- (1) the applicant's name for use on a notary public commission, if available, or the full legal name of the individual about whom the affidavit is prepared;
- (2) information about the character witness:
  - (a) the affiant's name, contact information, and occupation;
  - (b) how the affiant knows the individual;
  - (c) how long the affiant has known the individual;

**18 NCAC 07B .0410 NOTICE OF CHANGE IN GENERAL NOTARY INFORMATION**

The form for notice of change in general notary information requires:

- (1) the notary's commission name and county of commission;
- (2) the notary's commission number;
- (3) contact information for the notary;
- (4) last four digits of the notary's SSN;
- (5) for changes required to be reported pursuant to G.S. 10B-50, 10B-51, 10B-52, or 18 NCAC 07D .0301;
  - (a) which item of information regarding the notary has changed;

- (b) the information as it existed before the change;
- (c) the information after the change; and
- (6) the printed name and signature of the notary and the date signed.

Authority G.S. 10B-4.

**18 NCAC 07B .0413 NOTICE OF CHANGES REGARDING FINDINGS OR ADMISSIONS OF DECEIT, OFFICIAL MISCONDUCT, FALSE OR MISLEADING ADVERTISING, OR UNAUTHORIZED PRACTICE OF LAW**

The form for notice of changes regarding findings or admissions of deceit, official misconduct, false or misleading advertising, or unauthorized practice of law requires:

- (1) the notary's commission name and county of commission;
- (2) the notary's commission number;
- (3) last four digits of the notary's SSN;
- (4) contact information for the notary;
- (5) the information required pursuant to:
  - (a) 18 NCAC 07C .0207 for a finding or admission of liability against the notary pursuant to G.S. 10B-5(d)(3);
  - (b) 18 NCAC 07C .0208 for a finding of official misconduct by the notary public;
  - (c) 18 NCAC 07C .0209 for a finding of unauthorized practice of law by the notary; and
  - (d) 18 NCAC 07C .0210 for a finding or charge of false or misleading advertising by the notary; and
- (6) the printed name and signature of the commission applicant or notary and the date signed.

Authority G.S. 10B-4.

**18 NCAC 07B .0414 APPLICATION FOR CERTIFICATION AS NOTARY INSTRUCTOR**

The application for certification as a notary instructor form requires:

- (1) the information required by Rule .0407(1)–(2)(i) of this Section;
- (2) whether the applicant is currently employed as:
  - (a) a register of deeds or clerk of court; or
  - (b) an employee of the Department and who is authorized by the Secretary to serve as an instructor;
- (3) the eligible institution for which the applicant will teach if certified as an instructor;
- (4) the name, telephone number, and email address of a contact person at the eligible institution who is knowledgeable about the conditional hiring of the applicant to teach notary courses;
- (5) whether the applicant has a personal copy of the most recent notary public manual approved by the Department and, if yes, the year and edition number;
- (6) whether the applicant has active experience as a notary;
- (7) whether the applicant has notified the Department of changes as required by Chapter

Authority G.S. 10B-4.

**18 NCAC 07B .0411 NOTICE OF CHANGES REGARDING CRIMINAL RECORD**

The form for notice of changes in criminal record requires:

- (1) the name of the individual;
- (2) if a commissioned notary, the notary's commission number;
- (3) the last four digits of the individual's SSN;
- (4) contact information for the individual;
- (5) for a previously unreported criminal charge:
  - (a) the date of the charge;
  - (b) the court in which the charge is filed;
  - (c) whether the charge is for a felony or misdemeanor;
  - (d) what the charge is;
  - (e) whether the charge has been set for a hearing or trial and, if yes, the scheduled date; and
  - (f) the case number;
- (6) for notice of a disposition of a criminal charge:
  - (a) the date of the disposition;
  - (b) the name of the court and the case number;
  - (c) if the disposition resulted in a conviction:
    - (i) whether the conviction was for a felony or misdemeanor; and
    - (ii) the sentence imposed;
  - (d) a copy of the disposition document;
  - (e) a copy of any document restoring citizenship rights; and
- (7) the signature of the individual and the date signed.

Authority G.S. 10B-4.

**18 NCAC 07B .0412 NOTICE OF CHANGES REGARDING PROFESSIONAL LICENSES, NOTARY COMMISSIONS, OR PUBLIC OFFICES**

The form for notice of changes regarding professional licenses, notary commissions, or public offices requires:

- (1) the name of the individual;
- (2) if a commissioned notary, the notary's commission number;
- (3) the last four digits of the individual's SSN;
- (4) contact information for the individual;
- (5) for a change in any information required by G.S. 10B-7(10), the information required by Section .0700 of this Subchapter; and
- (6) the printed name and signature of the individual and the date signed.

- 10B of the General Statutes and the Rules in this Chapter or is submitting a change form with the application;
- (8) the printed name and signature of the applicant and the date signed; and
- (9) a declaration under penalty of perjury that:
  - (a) the information provided is true and complete to the best of the applicant's knowledge and belief;
  - (b) the applicant remains qualified to be commissioned as a notary public; and
  - (c) the applicant will perform the duties and responsibilities of a certified notary instructor.

- (3) an explanation of the reasons the instructor applicant has performed notarial acts while employed by the employer;
- (4) a statement specifying which of the preceding twelve months the instructor applicant performed notarial acts for the employer;
- (5) a declaration that:
  - (a) the affiant has the authority to sign; and
  - (b) the affiant has knowledge of the matters described in the affidavit;
- (6) the signature of the affiant and date on which the affiant signed; and
- (7) a jurat certificate.

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

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

**18 NCAC 07B .0415 RECOMMENDATION OF NOTARY INSTRUCTOR APPLICANT**

The recommendation of notary instructor applicant form requires:

- (1) the instructor applicant's commission name;
- (2) the name and contact information for the individual completing the form;
- (3) the individual's basis for recommending the applicant, including:
  - (a) a declaration that the individual is not a family member of the applicant;
  - (b) how the individual knows the applicant; and
  - (c) whether and how the individual has knowledge of the applicant's teaching skills;
- (4) whether, in the opinion of the individual, the applicant has the skills to be an effective teacher of notary applicants;
- (5) a declaration that the individual personally recommends the applicant to be a notary instructor;
- (6) the printed name and signature of the applicant and the date signed; and
- (7) a declaration under penalty of perjury that the information provided is true and complete to the best of the affiant's knowledge and belief.

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

**18 NCAC 07B .0416 EMPLOYER AFFIDAVIT REGARDING INSTRUCTOR APPLICANT ACTIVE EXPERIENCE FORM**

The form for the employer affidavit regarding active experience requires:

- (1) the name of the person employing the applicant;
- (2) information about the affiant, consisting of the following:
  - (a) the full printed name of the affiant;
  - (b) the affiant's title and position with the employer; and
  - (c) the address, telephone number, and email address of the affiant;

**18 NCAC 07B .0417 STUDENT EVALUATION OF NOTARY INSTRUCTOR FORM**

The student evaluation of notary instructor form requests the following information from a student:

- (1) the name of the instructor;
- (2) the date of the course;
- (3) the name of the institution;
- (4) rating of the instructor's:
  - (a) professionalism;
  - (b) subject matter knowledge;
  - (c) use of audio-visuals, handouts, and other materials; and
  - (d) responsiveness to questions from students;
- (5) rating of the course materials;
- (6) other information or comments that the student wishes to add; and
- (7) the student's name and contact information if the student is willing to be contacted by the Department with follow-up questions.

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

**18 NCAC 07B .0418 APPLICATION FOR RECERTIFICATION AS NOTARY INSTRUCTOR**

The notary instructor application for recertification form requires:

- (1) the information specified in Rule .0414 of this Section;
- (2) verification that the applicant has taught the notary instructor course at least twice a year during the current two-year certification period;
- (3) the date of initial certification as an instructor;
- (4) whether certification has been continuous;
- (5) a declaration under penalty of perjury that:
  - (a) the information provided is true, complete, and correct;
  - (b) the applicant remains qualified to be commissioned as a notary public; and
  - (c) the applicant:
    - (i) understands the official duties and responsibilities of a notary public and notary

- (ii) public instructor in North Carolina; and will perform to the best of the applicant's ability all responsibilities of teaching the notary courses in accordance with the law.

- (1) a complete listing of felony convictions of the individual and the name under which each conviction was entered;
- (2) a complete listing of misdemeanor convictions of the individual and the name under which each conviction was entered;
- (3) if the individual's criminal record includes a conviction in North Carolina, a copy of the individual's criminal record prepared by the North Carolina State Bureau of Investigation;
- (4) if the individual has a criminal conviction in a jurisdiction other than North Carolina, a copy of the individual's criminal record from a criminal record registry or repository of record reflecting the conviction; and
- (5) the signed explanation required by Rule .0503 of this Section.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**SECTION .0500 – ~~COMMISSIONS~~ CRIMINAL RECORDS**

**18 NCAC 07B .0501 CRIMES**

For purposes of applications and discipline under Chapter 10B of the General Statutes and the Rules in this Chapter, each of the following offenses are examples of, and shall be classified as, either a crime involving "moral turpitude" as defined in G.S. 10B-3(9) or a "crime involving dishonesty" as defined in Rule .0102(8) of this Subchapter:

- (1) arson;
- (2) assault;
- (3) battery;
- (4) burglary;
- (5) carrying a concealed weapon without a permit;
- (6) child molestation;
- (7) child pornography;
- (8) discharge of a firearm in a public place or into a dwelling;
- (9) domestic violence;
- (10) driving under the influence;
- (11) embezzlement;
- (12) failure to comply with a court order;
- (13) failure to pay child support;
- (14) failure to return to confinement;
- (15) false financial statement;
- (16) forgery;
- (17) fraud;
- (18) hit and run;
- (19) identity theft;
- (20) impersonation of a law enforcement officer;
- (21) kidnapping;
- (22) practicing law without a license;
- (23) prostitution;
- (24) rape;
- (25) receipt of stolen goods or property;
- (26) resisting arrest;
- (27) robbery;
- (28) tax evasion;
- (29) terrorist threat or act;
- (30) unlawful possession or sale of drug; and
- (31) worthless check.

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

**18 NCAC 07B .0502 ADDITIONAL REQUIREMENTS FOR AN INDIVIDUAL LISTING CONVICTIONS**

An individual required to provide a criminal record pursuant to Chapter 10B of the General Statutes and the Rules in this Chapter shall include:

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

**18 NCAC 07B .0503 EXPLANATION OF CONVICTIONS**

An individual who submits a criminal record shall include an explanation for each criminal conviction with:

- (1) the individual's signature and the date on which the individual signed the explanation;
- (2) for each felony conviction:
  - (a) the date of the conviction and the court where the conviction was entered;
  - (b) the name of the court and the case number;
  - (c) the charge upon which the conviction was entered;
  - (d) a description of the circumstances surrounding the commission of the crime;
  - (e) the sentence imposed;
  - (f) a copy of the document showing the date of release from probation, parole, incarceration, or completion of the terms of the applicant's sentence for each conviction; and
  - (g) a copy of any document restoring the individual's citizenship rights; and
- (3) for each misdemeanor conviction the information required in Sub-Items (2)(a)-(f) of this Rule.

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

**18 NCAC 07B .0504 ADDITIONAL DOCUMENTATION FOR CONVICTIONS**

For an individual listing a criminal conviction, an affidavit of moral character shall be:

- (1) completed by three individuals, none of whom is a family member, using the form specified in Rule .0408 of this Subchapter; and

- (2) submitted to the Department by the individual listing a criminal conviction or the individuals completing the affidavits.

Authority G.S. 10B-4.

**18 NCAC 07B .0505 REQUIREMENTS FOR INDIVIDUAL WITH PENDING CRIMINAL CHARGES**

An individual required to provide a criminal record who has a pending criminal charge in a court shall, for each pending criminal charge:

- (1) notify the Department within 45 days of the charge; and
- (2) provide the information specified in the form in Rule .0411 of this Subchapter.

Authority G.S. 10B-4.

**18 NCAC 07B .0506 NOTICE TO DEPARTMENT OF DISPOSITION OF PENDING CHARGE**

An individual who has provided the Department with information regarding a pending charge pursuant to Rule .0505 of this Section shall:

- (1) notify the Department within 45 calendar days of the final disposition of the charge;
- (2) provide the information specified in the form in Rule .0411 of this Subchapter;
- (3) provide a copy of the document reflecting the final disposition of the charge; and
- (4) if convicted, comply with Rules .0503 and .0504 of this Section.

Authority G.S. 10B-4.

**SECTION .0600 – REJECTIONS, DENIALS, DISCIPLINE, AND ENFORCEMENT**

**18 NCAC 07B .0601 FACTORS CONSIDERED IN FOR DISCIPLINARY ACTIONS**

When determining whether and what to deny an application or take disciplinary action against a notary, disciplinary action to take, the Director Department may shall consider consider: a variety of factors including:

- (1) the qualifications of the person;
- ~~(1)(2)~~ Nature, the nature, number number, timing, and severity of any acts, offenses, official misconduct misconduct, or crimes under consideration;
- ~~(2)(3)~~ Evidence evidence pertaining to the honesty, credibility, truthfulness, and integrity of the person; applicant or notary public;
- ~~(3)(4)~~ Actual actual or potential monetary or other harm to the general public, group, individual, or client; harm;
- ~~(4)(5)~~ History the history of complaints against the person received by the Department;
- ~~(5)(6)~~ Prior disciplinary the record or warning from the Department; of prior disciplinary actions against the person;

- ~~(6)(7)~~ Evidence evidence in mitigation;
- ~~(7)(8)~~ Evidence evidence in aggravation;
- ~~(8)(9)~~ Oeeupational, occupational, vocational, or professional license disciplinary record;
- ~~(9)(10)~~ Evidence evidence of rehabilitation. rehabilitation; NOTE: Examples include reference letters and proof of class attendance;
- ~~(10)(11)~~ Criminal criminal record;
- ~~(11)(12)~~ Reports information and reports received from other law enforcement agencies;
- ~~(12)(13)~~ Willfulness; willfulness;
- ~~(13)(14)~~ Negligence. negligence;
- (15) the response of the person to any alleged violations; and
- (16) whether the person self-reported a matter affecting qualification or the performance of an activity pursuant to authorization.

Authority G.S. 10B-4; 10B-14(f); 10B-60.

**18 NCAC 07B .0602 GENERAL APPLICATION DENIAL DENIALS**

~~(a) Unqualified applicant. The Director shall deny the application of an applicant for a notary public commission who does not qualify for office based on the factors set forth in Chapter 10B of the General Statutes and this Subchapter.~~

~~(b) Current disciplinary action. The Director shall deny an application if the application is submitted before the expiration of a period of suspension or revocation of a commission previously held by the applicant.~~

~~(c) Information regarding convictions and judgments.~~

~~(1)(a) The Director Department shall deny an application in which an applicant willfully and knowingly contains provided false information about about: the applicant's~~

- ~~(1) a criminal record history; or~~
- ~~(2) a record of civil lawsuit official findings or admissions of liability based on related to the applicant's deceit; or deceit, dishonesty, or intentional disclosure of confidential information to a person not legally entitled to the information.~~

~~(2)(b) The Director Department may deny an application which that contains misleading information, information.~~

- ~~(A) The applicant's criminal record, including whether all charges were dismissed or consolidated or whether all terms and conditions of a judgment have been completed~~
- ~~(B) Misstatement or omission of a nonmaterial fact;~~
- ~~(C) Whether a civil lawsuit included findings based on the applicant's deceit; or~~
- ~~(D) Whether, in a civil lawsuit or settlement of a civil lawsuit, an applicant made admissions of liability related to the applicant's deceit.~~

~~(d)(c) Applicant notarization. The Director Department shall deny an application if if:~~

- (1) the Department determines that the applicant is not qualified for the authorization issued pursuant to the Constitution of the State of North Carolina, Chapter 10B of the General Statutes, and the Rules in this Chapter; or
  - (2) the an applicant notarizes his or her the applicant's own signature.
- (e) ~~The Director shall deny an application if the applicant:~~
- (1) ~~Leaves three or more sections of the application incomplete;~~
  - (2) ~~Fails to submit an application for initial appointment within 90 days of class; or~~
  - (3) ~~Fails to submit complete and correct information on an application for initial appointment or reappointment after three submissions by the applicant.~~

*Authority G.S. 10B-4; ~~10B-5~~; 10B-14(f); 10B-126; 10B-134.19; 10B-134.21.*

**18 NCAC 07B .0603 EXECUTED DOCUMENT VIOLATIONS LEVELS OF ENFORCEMENT**

~~The Director shall revoke the commission of a notary who performs a notarial act knowing that the document or information contained in it is false or fraudulent, or that the intent of the executed document is dishonest. Acts of fraud or dishonesty include:~~

- (1) ~~Notarizing a blank DMV vehicle title document;~~
- (2) ~~Embezzlement;~~
- (3) ~~Forgery;~~
- (4) ~~Fraud;~~
- (5) ~~Identity theft;~~
- (6) ~~Impersonation of a law enforcement officer;~~
- (7) ~~Receiving stolen goods or property; and~~
- (8) ~~Theft.~~

Upon consideration of the evidence before it, the purposes and requirements of Chapter 10B of the General Statutes, and the Rules in this Chapter, the Department may:

- (1) upon a finding of a violation of Chapter 10B of the General Statutes or the Rules in this Chapter:
  - (a) issue a letter of caution to a person along with:
    - (i) a request for compliance; and
    - (ii) a statement that future noncompliance may lead to disciplinary action by the Department;
  - (b) issue a letter of warning to a person, with or without a corrective action plan. NOTE: A requirement for additional education is an example of a corrective action plan;
  - (c) suspend a person's authorization and bar the grant of an authorization for a specific period of time not to exceed 24 months, with or without a corrective action plan;

- (d) issue a revocation of a person's authorization;
  - (e) issue a permanent revocation of a person's authorization;
  - (f) issue an order restricting an unauthorized person from submitting an application or from becoming authorized for a specific period of time; or
  - (g) issue an order permanently restricting an unauthorized person from submitting an application or from becoming authorized; and
- (2) use the factors in Rule .0601 of this Section to take action to withdraw, stay, rescind, or expunge a disciplinary action.

*Authority G.S. ~~10B-2~~; ~~10B-5(d)~~; 10B-4; 10B-14(f); ~~10B-60~~; 10B-126; 10B-134.19; 10B-134.21.*

**18 NCAC 07B .0604 COMPLETE AND LAWFUL NOTARIAL ACT VIOLATIONS LETTER OF CAUTION**

(a) The Director Department may issue a letter of caution to a person for a violation of the requirements of Chapter 10B of the General Statutes or the Rules in this Chapter in circumstances that do not merit take disciplinary action action, against a notary for an offense relating to failure to meet the statutory requirements for a notarial act.

(b) Offenses relating to failure to meet the statutory requirements for a complete and lawful notarial act include:

- (1) Incomplete attestation;
- (2) Improper acknowledgment language;
- (3) Incorrect signature;
- (4) Incorrect expiration date;
- (5) Failure to administer an oath or affirmation;
- (6) Failure to verify identification;
- (7) Failure to require personal appearance;
- (8) Notarization of a document in which the notary is a named, interested, or signed party;
- (9) Notarization of a "non-signature" or a copy of a signature;
- (10) Charging a fee in excess of that which is set by law, including fees for mileage or travel;
- (11) Acting as a notary when not commissioned;
- (12) Unauthorized use of a seal.

*Authority G.S. ~~10B-2~~; 10B-4; 10B-14(f); ~~10B-60~~; 10B-126; 10B-134.19; 10B-134.21.*

**18 NCAC 07B .0605 OTHER VIOLATIONS WARNINGS**

The Director Department may take disciplinary action against a notary issue a warning to a person for any violation violations of Chapter 10B of the General Statutes or the Rules in this Chapter, Subchapter, including failure to provide information required by Rule .0107 of this Subchapter.

*Authority G.S. ~~10B-2~~; 10B-4; ~~10B-5(d)~~; 10B-14(f); ~~10B-60~~; 10B-126; 10B-134.19; 10B-134.21.*

**18 NCAC 07B .0606      MINIMUM SANCTION  
SUSPENSION**

~~(a) If a notary commits a combination of acts of official misconduct, the notary shall receive, at a minimum, the maximum penalty of the lesser of the acts committed.~~

~~(b) Nothing in this Section shall restrict the Secretary from using any other statutory penalty available.~~

After consideration of the factors in Rule .0601 of this Section, the Department may issue a suspension to a person who:

- (1) violates the requirements of Chapter 10B of the General Statutes or the Rules in this Chapter; or
- (2) has a criminal conviction.

*Authority G.S. 40B-2; 10B-4; 10B-14(f); 40B-60; 10B-126; 10B-134.19; 10B-134.21.*

**18 NCAC 07B .0607      APPEAL PROCEDURES  
RESTRICTION**

~~(a) Applicants for commissioning or recommissioning whose applications have been denied and notaries who have received disciplinary action by the Director have the right to file a petition for a contested case hearing pursuant to Article 3 of Chapter 150B of the General Statutes.~~

~~(b) Petition forms may be obtained from the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6700; 1711 New Hope Church Road, Raleigh, NC 27609; 984-236-1850; <https://www.oah.nc.gov>.~~

~~(c) A copy of a Petition filed with the Office of Administrative Hearings must also be served on the process agent for the Department of the Secretary of State.~~

Upon a finding that the person has acted without being authorized by the Department, the Department may restrict that person from applying for authorization or from becoming authorized to:

- (1) perform a notarial act;
- (2) teach a notarial course;
- (3) offer an electronic notarization system to an electronic notary public; or
- (4) act as a depository.

*Authority G.S. 40B-2; 10B-4; 10B-14(f); 10B-126; 10B-134.19; 10B-134.21.*

**18 NCAC 07B .0608      MANDATORY REVOCATION**

The Department shall revoke an authorization of:

- (1) a person who is convicted of a crime related to performance of an act pursuant to, or in relation to, an authorization issued by the Department;
- (2) a notary who notarizes the notary's own signature;
- (3) a notary who performs a notarial act and either:
  - (a) fails to require the personal appearance of the principal; or
  - (b) performs a remote electronic notarial act without requiring the appearance of a principal by an authorized communication technology; or
- (4) a person who performs an act permitted by an authorization issued by the Department knowing that:

- (a) the act, a document associated with the act, or information contained in a document associated with the act is false or fraudulent; or
- (b) the intent of the act or document is to perpetrate a crime of dishonesty.

*Authority G.S. 10B-4; 10B-14(f); 10B-126; 10B-134.19; 10B-134.21.*

**SECTION .0700 – REPORTING PROFESSIONAL LICENSES, CIVIL AND CRIMINAL HISTORY PUBLIC OFFICES, AND NOTARY COMMISSIONS**

**18 NCAC 07B .0701      GENERAL**

~~(a) Other Professional Licenses: An applicant for a notary commission shall include with the list on his or her application all suspensions, revocations and other disciplinary actions taken against the applicant regarding the applicant's current or former professional licenses, a list of all professional licenses, public offices, and notary commissions as required by G.S. 10B-7(10), together with the information required by the Rules in this Section.~~

~~(b) Criminal Record: An applicant shall list on his or her application all misdemeanor and felony convictions related to crimes of dishonesty and moral turpitude. For purposes of this Chapter, those crimes include:~~

- ~~(1) Arson;~~
- ~~(2) Assault;~~
- ~~(3) Battery;~~
- ~~(4) Burglary;~~
- ~~(5) Carrying a concealed weapon without a permit;~~
- ~~(6) Child molestation;~~
- ~~(7) Child pornography;~~
- ~~(8) Discharge of a firearm in a public place or into a dwelling;~~
- ~~(9) Domestic violence;~~
- ~~(10) Driving under the influence;~~
- ~~(11) Unlawful possession or sale of drugs;~~
- ~~(12) Embezzlement;~~
- ~~(13) Failure to comply with a court order;~~
- ~~(14) Failure to pay child support;~~
- ~~(15) Failure to return to confinement;~~
- ~~(16) False financial statements;~~
- ~~(17) Forgery;~~
- ~~(18) Fraud;~~
- ~~(19) Identity theft;~~
- ~~(20) Impersonation of a law enforcement officer;~~
- ~~(21) Hit and run;~~
- ~~(22) Kidnapping;~~
- ~~(23) Prostitutions;~~
- ~~(24) Multiple worthless checks showing a pattern of behavior indicating moral turpitude and dishonesty;~~
- ~~(25) A worthless check in excess of five hundred dollars (\$500.00);~~
- ~~(26) Possession of an unregistered firearm;~~
- ~~(27) Practicing law without a license;~~
- ~~(28) Rape;~~

- (29) ~~Receipt of stolen goods or property;~~
- (30) ~~Resisting arrest;~~
- (31) ~~Robbery;~~
- (32) ~~Statutory rape;~~
- (33) ~~Tax evasion;~~
- (34) ~~Terrorist threats or acts;~~
- (35) ~~Theft;~~
- (36) ~~Threats to commit a crime or cause bodily injury;~~
- (37) ~~Spousal abuse.~~

(e) ~~In considering whether to appoint or reappoint an applicant to the office of notary public, the Director may consider the factors set forth in Rule .0901 of this Subchapter.~~

*Authority G.S. 10B-4; 10B-5(d); 10B-7; 10B-11; 10B-14(f); 10B-106; 10B-134.19; 10B-134.21.*

**18 NCAC 07B .0702 REQUIREMENTS REGARDING PROFESSIONAL LICENSES AND NOTARIAL COMMISSIONS**

An individual required to provide information to the Department about professional licenses and notarial commissions that the individual presently holds, has held, or has applied for shall include the following, to the extent the information is available to the individual after reasonable efforts, for each license and notarial commission listed:

- (1) the name under which each license or notarial commission was issued;
- (2) the state, federally recognized tribe, or nation that issues or grants each listed license or commission;
- (3) the name of the governmental agency that issued each license or granted each commission;
- (4) the name of the professional license or notary commission;
- (5) the license or commission number, if one is assigned by the issuing agency;
- (6) the expiration dates for all licenses or commissions listed; and
- (7) whether, to the knowledge of the individual, there is an open investigation by the issuing agency into use or misuse by the individual of a license or commission listed.

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

**18 NCAC 07B .0703 DISCIPLINARY ACTION INVOLVING A PROFESSIONAL LICENSE OR NOTARY COMMISSION**

For each professional license or notary commission listed by the applicant pursuant to Rule .0701 of this Section, and for which the individual has been the subject of a disciplinary action, the individual shall include:

- (1) the date of each disciplinary action;
- (2) the disciplinary action taken;
- (3) a copy of each disciplinary action;
- (4) if not included in the copy of the disciplinary action provided:

- (a) the reason given for the disciplinary action by the issuing agency;
- (b) an explanation of the circumstances that led to the disciplinary action; and
- (c) the name of the court, legislative body, or governmental agency that issued or took the action;

- (5) whether the disciplinary action included any corrective action or conditions on the license or commission;
- (6) whether the individual has complied with the corrective actions or conditions;
- (7) the date on which compliance with the corrective actions or conditions was satisfied;
- (8) whether the individual would be eligible for relicensure or recommissioning by the issuing agency; and
- (9) other information that the individual wishes to include in order to aid the Department in assessing the individual's professional license and notary commission history.

*Authority G.S. 10B-4; 10B-134.21; 10B-134.23.*

**18 NCAC 07B .0704 PUBLIC OFFICES**

An individual shall include on the application for authorization:

- (1) a list of each public office that the individual presently holds or has held;
- (2) the name under which each public office is or was held;
- (3) the locality, state, federally recognized tribe, or nation in which the public office is or was held;
- (4) the title of the public office;
- (5) the beginning and ending dates of the term of each public office; and
- (6) whether, to the knowledge of the individual, there is an open investigation by a government or law enforcement agency into the use or misuse by the individual of the public office.

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

**18 NCAC 07B .0705 DENIALS OF PUBLIC OFFICES**

If an individual was denied a public office, the individual shall include with the application:

- (1) the name of the public office that was denied;
- (2) the locality, state, federally recognized tribe, or nation where the public office is or was located;
- (3) the date of the denial;
- (4) the name used when the denial occurred;
- (5) the reason for the denial; and
- (6) other information that the individual wishes to include in order to aid the Department in assessing the individual's qualification for authorization.

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



**18 NCAC 07B .0706 RESIGNATIONS FROM PUBLIC OFFICES**

If an individual resigned from a public office in lieu of disciplinary action, the individual shall include:

- (1) the name of the public office from which the individual resigned;
- (2) the locality, state, federally recognized tribe, or nation where the public office is or was located;
- (3) the date of the resignation;
- (4) the name used when the resignation occurred;
- (5) the reason for the resignation; and
- (6) other information that the individual wishes to include in order to aid the Department in assessing the individual's qualification for authorization.

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

**18 NCAC 07B .0707 DISCIPLINARY ACTION INVOLVING A PUBLIC OFFICE**

For each public office listed pursuant to Rule .0701 of this Section and for which the individual has been the subject of a disciplinary action, the individual shall include:

- (1) the date of each disciplinary action;
- (2) the disciplinary action taken;
- (3) a copy of each disciplinary action;
- (4) if not otherwise set out in the copy of the disciplinary action provided:
  - (a) the reason given for the disciplinary action; and
  - (b) an explanation of the circumstances that led to the disciplinary action;
- (5) whether the disciplinary action included any corrective actions or conditions;
- (6) whether the individual complied with the corrective actions or conditions;
- (7) the date on which compliance with the corrective actions or conditions was satisfied;
- (8) whether the individual would be eligible to hold public office again; and
- (9) other information that the individual wishes to include in order to aid the Department in assessing the individual's qualification for authorization.

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

**SUBCHAPTER 07C – ~~ELECTRONIC NOTARY STANDARDS~~ PROCESS TO BECOME A NOTARY AND RENEW A NOTARY COMMISSION**

**SECTION .0100 – GENERAL PROVISIONS**

**18 NCAC 07C .0101 SCOPE**

This Subchapter sets requirements for the application, commissioning, and recommissioning process for traditional notaries.

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

**18 NCAC 07C .0102 DEFINITIONS RELATED TO APPLICATION AND RECOMMISSIONING PROCESS**

For purposes of this Subchapter:

- (1) "Commission applicant" is an applicant for an initial commission or for recommissioning as a traditional notary public.
- (2) "Exam" means a test prepared by the Department and administered by:
  - (a) a certified notary instructor; or
  - (b) the Department or its designee.

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

**SECTION .0200 – INITIAL APPLICATION FOR NOTARY PUBLIC APPOINTMENT AND COMMISSION**

**18 NCAC 07C .0201 INITIAL APPLICATION**

~~(a) Application Form.~~

~~(1) Applicants An applicant for initial appointment as a traditional notary public shall use the application form designated by the Division for that purpose and may download the application form from the Department's website. shall:~~

- (1) possess a current personal copy of the North Carolina notary public manual applicable to traditional notaries;
- (2) Applicants for initial appointment who are members of the North Carolina State Bar may download the application form from the Department's website and may file the completed application without first obtaining a signature from a notary instructor. successfully complete the notary course and exam; and
- (3) All other applicants for initial appointment who download the application form from the Department's website shall obtain a signature on the application from a notary instructor certifying that the applicant successfully completed the required course of instruction before the applicant may file the form with the Department. submit the application form specified in 18 NCAC 07B .0407.

~~(b) Submission of Application. An applicant for an initial appointment shall submit his or her application by:~~

- (1) U.S. mail;
- (2) In-person delivery; or
- (3) Courier service.

*Authority G.S. 10B-4, 10B-14(f).*

**18 NCAC 07C .0202 TIMING**

~~Submission deadline. An applicant for initial appointment who is not a licensed member of the North Carolina State Bar shall as a traditional notary public shall:~~

- (1) submit an application within three months after passing the notary course and examination required by G.S. 10B-8; exam; or
- (2) if a licensed member of the North Carolina State Bar, comply with the rules in Section .0700 of this Subchapter.

Authority G.S. ~~10B-4, 10B-8; 10B-14(f)~~.

**18 NCAC 07C .0203 APPLICATION RECEIPT DATE REQUIREMENTS FOR APPLICANTS RESIDING OUTSIDE NORTH CAROLINA**

Applications shall not be deemed received until complete. A commission applicant who resides outside the State of North Carolina and has a regular place of work or business in North Carolina shall submit an affidavit from the applicant's employer that shall:

- (1) be on the employer's business letterhead that includes:
  - (a) the name of the employer's business;
  - (b) the address of the employer's business; and
  - (c) a telephone number and email address for the business; and
- (2) include:
  - (a) the name of the applicant;
  - (b) affirmation that:
    - (i) the applicant works for the employer;
    - (ii) the applicant regularly spends all or part of the applicant's work time working for the employer in a physical location within the State of North Carolina; and
    - (iii) the street address of the physical location within North Carolina at which the applicant works; and
  - (c) the printed name and the signature of the individual signing the statement;
  - (d) the title of the individual signing the statement;
  - (e) a statement that the signer has the authority to sign on behalf of the employer;
  - (f) a telephone number and email address at which the signer can be contacted; and
  - (g) a jurat certificate.

Authority G.S. ~~10B-4, 10B-14(f)~~.

**18 NCAC 07C .0204 ADDITIONAL REQUIREMENTS FOR APPLICANTS LISTING CONVICTIONS**

A commission applicant who submits a criminal record shall include with the application the information required by 18 NCAC 07B .0500.

Authority G.S. 10B-4.

**18 NCAC 07C .0205 REQUIREMENTS FOR APPLICANT WITH PENDING CRIMINAL CHARGES**

A commission applicant who has pending criminal charges in a court shall comply with 18 NCAC 07B .0505.

Authority G.S. 10B-4.

**18 NCAC 07C .0206 REQUIREMENTS FOR APPLICANTS REGARDING PROFESSIONAL LICENSES, NOTARIAL COMMISSIONS, AND PUBLIC OFFICES**

A commission applicant who has applied for, holds, or has held a professional license, a notarial commission, or a public office, shall comply with Subchapter 07B, Section .0700, of this Chapter.

Authority G.S. 10B-4.

**18 NCAC 07C .0207 FINDINGS OR ADMISSIONS OF LIABILITY AGAINST THE APPLICANT BASED ON THE APPLICANT'S DECEIT**

A commission applicant against whom there has been a finding or admission of fault or liability in a civil lawsuit regarding the applicant's activity as a notary public based on the applicant's deceit shall include with the application:

- (1) a list of each finding or admission;
- (2) a copy of the document containing the finding or admission;
- (3) a brief description of the circumstances surrounding the finding or admission;
- (4) if not included in the document in Item (2) of this Rule:
  - (a) the date on which the finding or admission was made;
  - (b) the governmental agency or court in which the civil lawsuit was filed; and
  - (c) the case name and docket number; and
- (5) any additional information that the applicant wishes the Department to consider.

Authority G.S. 10B-4.

**18 NCAC 07C .0208 FINDINGS THAT THE APPLICANT ENGAGED IN OFFICIAL MISCONDUCT**

A commission applicant who is, has previously been, or has acted in the capacity as a notary public of any locality, state, federally recognized tribe, or nation, and who has listed findings of official misconduct as a notary on the application, shall include with the application:

- (1) the name of the court or governmental agency that made the finding;
- (2) a copy of the document in which the official misconduct finding was made;
- (3) if not included in the document in Item (2) of this Rule:
  - (a) the date on which the finding was made;
  - (b) the governmental agency or court that made the finding; and
  - (c) the case name and docket number, or similar unique designation;
- (4) a description of the circumstances surrounding the finding; and
- (5) any additional information that the applicant wishes the Department to consider.

Authority G.S. 10B-4.

**18 NCAC 07C .0209 FINDING OF UNAUTHORIZED PRACTICE OF LAW**

A commission applicant against whom a finding has been made that the applicant engaged in the unauthorized practice of law shall include with the application:

- (1) the name of the governmental agency or court that made the finding;
- (2) a copy of the finding;
- (3) the date of the finding, if not included in the copy provided pursuant to Item (2) of this Rule;
- (4) a description of the circumstances surrounding the finding; and
- (5) any additional information that the applicant wishes the Department to consider.

Authority G.S. 10B-4.

**18 NCAC 07C .0210 FINDING OF FALSE OR MISLEADING ADVERTISING**

A commission applicant against whom a charge or finding has been made that as a notary public, the notary knowingly used false or misleading advertising that represents that the notary has powers, duties, rights, or privileges not conveyed by law, shall include with the application:

- (1) the name of the governmental agency or court in which the charge or finding is made;
- (2) a copy of the charge or finding;
- (3) the date of the charge or finding, if not included in the copy provided pursuant to Item (2) of this Rule;
- (4) a description of the circumstances surrounding the charge or finding; and
- (5) any additional information that the applicant wishes the Department to consider.

Authority G.S. 10B-4.

**SECTION .0300 – COURSE OF INSTRUCTION**

**18 NCAC 07C .0301 COURSES TAUGHT BY CERTIFIED NOTARY INSTRUCTORS**

An applicant for an initial commission shall successfully complete a notary course taught by a certified notary instructor before submitting an initial commission application to the Department.

Authority G.S. 10B-4.

**18 NCAC 07C .0302 NOTARY COURSES TAKEN BY FORMERLY COMMISSIONED NOTARIES**

A formerly commissioned notary who fails to be recommissioned within 12 months of the expiration of the notary's former commission and who seeks recommissioning shall successfully complete a notary course taught by a certified notary instructor.

Authority G.S. 10B-4.

**18 NCAC 07C .0303 PRESENTATION OF SATISFACTORY EVIDENCE OF IDENTITY IN CONNECTION WITH NOTARY COURSE**

A commission applicant who is not personally known to the certified notary instructor shall present satisfactory evidence of identity to the notary instructor:

- (1) before the course begins;
- (2) before the instructor signs the application; and
- (3) upon request of the instructor at any other time during the course.

Authority G.S. 10B-4.

**18 NCAC 07C .0304 SATISFACTORY EVIDENCE PRESENTED TO INSTRUCTOR**

The satisfactory evidence of identity presented to a certified notary instructor pursuant to Rule .0303 of this Section shall match the applicant's name for use on a notary public commission.

Authority G.S. 10B-4.

**18 NCAC 07C .0305 RETESTING**

A notary applicant who fails the notary course exam and who wishes to be commissioned as a notary public may retake the exam if:

- (1) the institution at which the course is taught permits retesting; and
- (2) the retest is taken within 30 days of the date of the exam failure.

Authority G.S. 10B-4.

**SECTION .0400 - APPOINTMENT AND COMMISSIONING OF NOTARIES**

**18 NCAC 07C .0401 APPOINTMENT**

~~(a) Upon determination that an applicant has complied with all requirements of the Act and this Subchapter, the Director The Department shall appoint or reappoint the an applicant to the office of notary public after reviewing the application submitted by the applicant and determining that: and issue a commissioning certificate.~~

- (1) the application is accepted; and
- (2) the applicant is qualified to be appointed pursuant to N.C. Const. Art. VI, Sec. 8, Chapter 10B of the General Statutes, and the Rules in this Chapter.

~~(b) The Division shall send the commissioning certificate to the Register of Deeds in the county of commissioning.~~

~~(c) The Division shall send the appointee notice that:~~

- (1) ~~The commissioning certificate has been issued; and~~
- (2) ~~The appointee shall appear within 45 days of the commissioning date to take the oath of office before the Register of Deeds in the county of commissioning.~~

Authority G.S. 10B-2; 10B-4; 10B-5; 10B-10; 10B-11; 10B-14(f).

**18 NCAC 07C .0402 ISSUANCE OF CERTIFICATES**

The Department shall provide:

- (1) to the Register of Deeds in the county of the notary's commissioning:
  - (a) a certificate of appointment that includes the appointee's full legal name and the commission name of the appointee; and
  - (b) a commission certificate in the commission name of the appointee to be used by the Register of Deeds to document that the notary oath has been administered to the appointee; and
- (2) a duplicate commission certificate to a notary public, upon request to the Department.

Authority G.S. 10B-4.

**18 NCAC 07C .0403 NOTICE TO APPOINTEE**

The Department shall send the appointee notice that:

- (1) the certificate of appointment has been issued; and
- (2) the appointee shall appear before the Register of Deeds in the county of commissioning and take the oath of office within 45 days of the certificate of appointment issuance date.

Authority G.S. 10B-4.

**18 NCAC 07C .0404 NO BACK-DATING COMMISSION CERTIFICATE**

~~A commissioning certificate shall not be back-dated.~~

A commission certificate:

- (1) shall not be valid until the oath of office has been taken; and
- (2) shall include:
  - (a) the appointee's name for use on a notary public commission;
  - (b) the county of commissioning;
  - (c) the beginning date of the commission; and
  - (d) the expiration date of the commission.

Authority G.S. ~~10B-4, 10B-14(f).~~

**18 NCAC 07C .0405 SATISFACTORY EVIDENCE OF IDENTITY**

~~(a)~~ Before taking the oath of office, an appointee shall shall:

- (1) present satisfactory evidence matching the appointee's name on the certificate of appointment to the Register of Deeds, assistant Register of Deeds, or deputy Register of Deeds who will administer the oath of office; or satisfactory evidence of the appointee's identity as set out in G.S. 10B-3(22).
- (2) be personally known to the Register of Deeds, assistant Register of Deeds, or deputy Register of Deeds who will administer the oath of office.

~~(b) The Register of Deeds shall document the type of evidence provided by the appointee on the form provided by the Department.~~

~~(c) After administering the oath of office the Register of Deeds shall deliver the commissioning certificate to the notary public.~~

Authority G.S. 10B-2; 10B-3(22); ~~10B-4; 10B-9; 10B-10; 10B-11; 10B-14(f).~~

**18 NCAC 07C .0406 REGISTER OF DEEDS**

After administering the oath of office, the Register of Deeds, assistant Register of Deeds, or deputy Register of Deeds shall:

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

Authority G.S. 10B-4.

**18 NCAC 07C .0407 PERFORMING TRADITIONAL NOTARIAL ACTS**

No individual may perform a notarial act unless the individual is in possession of a valid commission certificate.

Authority G.S. 10B-4.

**18 NCAC 07C .0409 TERM OF OFFICE COMMISSION**

~~(a) A notary's commission or recommission shall not be effective until the oath of office has been administered.~~

~~(b) A notary's five year term of office begins on shall be calculated from the date on the commissioning certificate, an application is accepted or the day immediately following the expiration date of a commission, whichever is later.~~

Authority G.S. ~~10B-4, 10B-14(f).~~

**18 NCAC 07C .0410 TERM OF REAPPOINTMENT COMMISSION**

A recommissioning notary's five year term shall begin on the day following the expiration of the existing commission if:

- (1) the application for reappointment has been accepted before the expiration of the existing commission; and
- (2) the notary takes the oath of office for recommissioning within 45 days of the issuance date on the certificate of appointment.

Authority G.S. 10B-4.

**18 NCAC 07C .0411 NOTARIAL ACTS PROHIBITED DURING GAPS BETWEEN COMMISSION TERMS**

A notary shall not perform a notarial act after the expiration of the notary's commission until the notary has been reappointed and has taken the oath for a subsequent commission.

Authority G.S. 10B-4.

**SECTION .0500 – REMEDIES FOR FAILURE TO COMPLY WITH APPLICATION OR COMMISSIONING REQUIREMENTS**

**18 NCAC 07C .0502 LATE APPLICATION**

~~An~~ A commission applicant for an initial appointment who applies submits an application more than three months after compliance with G.S. 10B-8(a) successfully completing the notary course shall

- (1) ~~Comply~~ comply again with G.S. 10B-8(a); the requirements for initial appointment in G.S. 10B-6 and the Rules in this Subchapter.
- (2) ~~Submit an application for initial appointment;~~ and
- (3) ~~Pay the application fee.~~

Authority G.S. 10B-4, 10B-8; 10B-14(f).

**18 NCAC 07C .0504 APPLICATION AFTER REAPPOINTMENT RECOMMISSIONING DENIAL BASED ON FAILING TEST EXAM**

An applicant for ~~reappointment~~ recommissioning whose application is denied due to failure to pass the ~~reappointment~~ recommissioning test exam within the time frame established in Rule .0605 of this Subchapter may ~~reapply by;~~ by complying again with the requirements for reappointment recommissioning in G.S. 10B-11 and the Rules in this Subchapter.

- (1) ~~Complying with G.S. 10B-8(a);~~
- (2) ~~Submitting an application for reappointment;~~ and
- (3) ~~Paying the application fee.~~

Authority G.S. 10B-2; 10B-4; 10B-5; 10B-6; 10B-8; 10B-13; 10B-14(f).

**18 NCAC 07C .0505 FAILURE TO TAKE TIMELY OATH APPLICATION FOR RECOMMISSIONING WITHIN TWELVE MONTHS OF COMMISSION EXPIRATION**

~~(a) An appointee who fails to take the oath of office within 45 days of the commissioning certificate date may reapply for reappointment.~~

~~(b) Reapplication within one year of commission date. If an appointee seeks reappointment more than 45 days and less than one year after the commissioning certificate date, the appointee shall:~~

- (1) ~~Apply for reappointment;~~
- (2) ~~Submit another application fee; and~~
- (3) ~~Pass the reappointment test.~~

~~(c) Reapplication one year or more after commissioning certificate date. If an appointee seeks reappointment one~~

~~year or more after the commissioning certificate date, the appointee shall:~~

- (1) ~~Comply with the requirements of G.S. 10B-8(a);~~
- (2) ~~Apply for reappointment; and~~
- (3) ~~Submit another application fee.~~

A notary may seek recommissioning by complying with G.S. 10B-11 and the Rules in this Subchapter if:

- (1) the notary's commission has expired; and
- (2) less than twelve months have elapsed since the expiration of the prior commission.

Authority G.S. 10B-4, 10B-11; 10B-14(f).

**18 NCAC 07C .0506 RECOMMISSIONING EDUCATIONAL REQUIREMENT**

A notary seeking recommissioning pursuant to Rule .0505 of this Section need not attend a notary course.

Authority G.S. 10B-4.

**18 NCAC 07C .0507 APPLICATION FOR RECOMMISSIONING MORE THAN TWELVE MONTHS AFTER COMMISSION EXPIRATION**

If an applicant seeks recommissioning one year or more after the expiration of a prior commission, the applicant shall:

- (1) comply with the requirements of G.S. 10B-8(a);
- (2) apply for appointment using the form described in 18 NCAC 07B .0407; and
- (3) submit another application fee.

Authority G.S. 10B-4.

**18 NCAC 07C .0508 CANCELLATION OF COMMISSION**

If the Department has not received notice from the Register of Deeds that an appointee took the oath within 45 days of the certificate of appointment issuance date, the Department shall:

- (1) cancel the commission; and
- (2) notify the appointee of the cancellation.

Authority G.S. 10B-4.

**18 NCAC 07C .0509 RESCIND CANCELLATION OF CERTIFICATE OF APPOINTMENT**

If a notary presents the Department with the notary's valid commission certificate, the Department shall rescind the cancellation of the notary's commission previously made pursuant to Rule .0508 of this Section.

Authority G.S. 10B-4.

**18 NCAC 07C .0510 CONFIRMATION OF NOTARY STATUS**

The Department shall confirm a notary public's commission status upon written request.

Authority G.S. 10B-4.

**SECTION .0600 – STEPS FOR REAPPOINTMENT RECOMMISSIONING**

**18 NCAC 07C .0601 APPLICATION STEPS FOR REAPPOINTMENT RECOMMISSIONING**

Application for Reappointment.

(1) An applicant for A notary seeking reappointment recommissioning within the time permitted by G.S. 10B-11 and the Rules in this Subchapter shall submit an the reappointment recommissioning application for reappointment. specified in 18 NCAC 07B .0409.

(2) ~~Applicants for reappointment may apply on-line on the Department's website.~~

Authority G.S. 10B-4, 10B-11; 10B-14(f);

**18 NCAC 07C .0602 TIMING OF APPLICATION FOR METHOD OF TAKING REAPPOINTMENT RECOMMISSIONING EXAM**

Timing of Application for Reappointment. An applicant for The reappointment recommissioning exam shall apply for reappointment no earlier than 10 weeks before the expiration date of the applicant's commission. be taken on the Department's website.

Authority G.S. 10B-4, 10B-11; 10B-14(f);

**18 NCAC 07C .0603 COURSE AS ALTERNATIVE TO REAPPOINTMENT RECOMMISSIONING TEST EXAM**

(a) ~~Attorneys who are licensed members of the North Carolina State Bar do not have to take a reappointment test.~~

(b) ~~The An applicant for reappointment recommissioning test may be taken either: comply with the Rules in Section .0300 of this Subchapter in lieu of taking or retaking the recommissioning exam.~~

(1) ~~By completing the on-line test on the Department's website;~~

(2) ~~By completing a paper test at the Department's offices at a time based upon:~~

(A) ~~The availability of the Division's staff; and~~

(B) ~~The availability of the applicant; or~~

(3) ~~By completing a paper test at a time and place mutually agreed upon by the applicant and a certified notary public instructor.~~

(c) ~~An applicant for reappointment shall have 30 minutes to complete the test. An applicant needing accommodation pursuant to the Americans with Disabilities Act shall contact the Division and request the accommodation.~~

(d) ~~If an applicant fails the reappointment test, the applicant may re-take the test no more than two times within 30 days of the date on which the test is first taken.~~

(e) ~~If the applicant fails to pass the reappointment test within 30 days, the applicant shall not be reappointed and the application shall be denied.~~

Authority G.S. 10B-2; 10B-4; 10B-8; 10B-14(f); 168A-7; 42 USC 12132.

**18 NCAC 07C .0604 EXAM LENGTH AND PASSING SCORE**

A notary seeking recommissioning and taking the recommissioning exam shall:

(1) have 30 minutes to complete the recommissioning exam; and

(2) achieve a passing score of at least 80 percent on the exam.

Authority G.S. 10B-4.

**18 NCAC 07C .0605 RETAKING RECOMMISSIONING EXAM AFTER FAILURE**

If an applicant for recommissioning fails the recommissioning exam, the applicant may take the exam up to 2 additional times within 30 days of the date on which the exam is first taken.

Authority G.S. 10B-4.

**18 NCAC 07C .0606 FAILURE TO PASS EXAM WITHIN 30 DAYS**

If a notary seeking recommissioning fails to pass the recommissioning or notary course exam within 30 days of the date on which the exam was first taken, the application shall be denied.

Authority G.S. 10B-4.

**18 NCAC 07C .0607 INDIVIDUAL WHO FAILS TO SEEK RECOMMISSIONING WITHIN ONE YEAR**

An individual who fails to seek recommissioning within one year of commission expiration may be commissioned as a notary only upon completion of all requirements for an initial notary commission.

Authority G.S. 10B-4.

**SECTION .0700 – RECORDS OF ELECTRONIC NOTARIAL ACTS – RESERVED ATTORNEY NOTARIES**

**18 NCAC 07C .0701 ATTORNEY APPLICATION FOR INITIAL APPOINTMENT**

Notary applicants for initial appointment who are licensed members of the North Carolina State Bar shall:

(1) maintain a personal copy of the most recent notary public manual approved by the Department; and

(2) either:

(a) submit a completed notarial commission application form described in 18 NCAC 07B .0407 without:

(i) attending the notary course;

(ii) passing the notary course exam; and

(iii) obtaining a signature from a notary instructor; or

(b) comply with the Rules in this Subchapter for an individual who is

not a licensed member of the State Bar.

(2) as provided in an extension granted pursuant to Rule .0104 of this Section.

Authority G.S. 10B-4.

Authority G.S. 10B-4; 10B-126(f); 10B-134.17(c).

**18 NCAC 07C .0702 RECOMMISSIONING OF ATTORNEY NOTARIES**

Licensed members of the North Carolina State Bar who are commissioned notaries may apply for recommissioning by complying with the Rules in this Subchapter, provided that licensed members of the State Bar need not take any course or exam prior to recommissioning.

Authority G.S. 10B-4.

**18 NCAC 07D .0103 EXTENSION REQUEST TO DEPARTMENT**

(a) A notary may submit a request for an extension of time to respond to a Department request pursuant to Rule .0102 of this Section.

(b) A request pursuant to Paragraph (a) of this Rule shall:

- (1) be for an extension lasting no more than 30 days; and
- (2) include the reason an extension is necessary.

Authority G.S. 10B-4; 10B-126(f); 10B-134.17(c).

**18 NCAC 07C .0703 ATTORNEYS WHO FAIL TO TAKE NOTARIAL OATH TIMELY**

A licensed member of the North Carolina State Bar who fails to take the oath of office within 45 days of the issuance date on a certificate of appointment or reappointment shall submit a new application and fee in compliance with the Rules in this Subchapter.

Authority G.S. 10B-4.

**18 NCAC 07D .0104 DEPARTMENT RESPONSE TO EXTENSION REQUEST**

When deciding whether to grant an extension request, the Department shall consider the factors listed in 18 NCAC 07B .0108.

Authority G.S. 10B-4; 10B-126(f); 10B-134.17(c).

**18 NCAC 07C .0704 ATTORNEYS SEEKING REGISTRATION OR REREGISTRATION AS ELECTRONIC NOTARIES**

A licensed member of the North Carolina State Bar who applies to be registered or reregistered as an electronic notary shall:

- (1) comply with the Rules in Subchapter 07F of this Chapter;
- (2) successfully complete the electronic notary course and exam;
- (3) possess a current and personal copy of the North Carolina notary manual applicable to electronic notaries; and
- (4) submit an electronic notary application and fee.

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

**SECTION .0300 – NOTICE TO DEPARTMENT OF CHANGES**

**18 NCAC 07D .0301 GENERAL NOTICE OF CHANGE OBLIGATIONS**

(a) A notary shall notify the Director of changes in name, address or county as required by G.S. 10B-50, 10B-51, and 10B-53.

(b) A notary shall notify the Director that the notary has been convicted of a crime as set out in G.S. 10B-3(9) and Rule .0201 of this Subchapter, within 45 days of the date on which judgment is entered.

(c) A notary shall use the form specified in 18 NCAC 07B .0410 to notify the Director Department within 45 calendar days of changes in: in the notary's:

- (1) Residency or place of work to a location outside the State of North Carolina;
- (2) Residency status in the United States;
- (3) Ability to speak, read and write the English language;
- (4) A finding or admission of liability in a civil lawsuit based upon the notary's deceit;
- (5) Revocation, suspension, restriction, or denial of a professional license by the State of North Carolina or any other state or nation;
- (6) A finding that the notary has engaged in official misconduct, whether or not disciplinary action resulted;
- (7) A finding or a charge that a notary has knowingly used false or misleading advertising in which the notary was represented as having powers, duties, rights or privileges that a North Carolina notary, by law, does not possess; or
- (8) The North Carolina State Bar or the courts of North Carolina or the bar or courts of any other

**SUBCHAPTER 07D – CONTINUING OBLIGATIONS OF NOTARIES**

**SECTION .0100 – GENERAL OBLIGATIONS**

**18 NCAC 07D .0101 SCOPE**

The Rules in this Subchapter set forth the continuing obligations of notaries public.

Authority G.S. 10B-4.

**18 NCAC 07D .0102 RESPONSE TO DEPARTMENT REQUESTS**

A notary shall respond to a request by the Department for information, records, or an interview relating to qualifications to be a notary or performance of notarial acts:

- (1) in the manner and within the time period set by the Department; or

~~state or nation finding that the notary has engaged in the unauthorized practice of law.~~

- (1) name;
- (2) mailing or street address;
- (3) county of commission;
- (4) residential or mobile telephone number;
- (5) personal or business email address;
- (6) status as a resident of the United States;
- (7) ability to speak, read and write in the English language; or
- (8) employer regarding:
  - (a) change of employer;
  - (b) change in employer business name.  
NOTE: A business changing from ABC, Inc. to ABC, LLC is an example of a change in employer business name;
  - (c) change in employer street or mailing address; or
  - (d) change in employer telephone number.

~~(d) A notary shall respond within the time period set out in a request from the Director for information, including a request for information regarding wrongful notarial acts alleged to have been performed by the notary.~~

*Authority G.S. 10B-4, 10B-14(f).*

**18 NCAC 07D .0302 NOTICE TO DEPARTMENT OF PENDING CRIMINAL CHARGES**

A notary shall notify the Department within 45 calendar days of a previously unreported pending criminal charge against the notary by complying with 18 NCAC 07B .0505.

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

**18 NCAC 07D .0303 NOTICE TO DEPARTMENT OF CRIMINAL CHARGE DISPOSITION**

Within 45 calendar days of the date of the final disposition of a criminal charge against a notary, the notary shall notify the Department by complying with 18 NCAC 07B .0506.

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

**18 NCAC 07D .0304 NOTICE TO DEPARTMENT OF FINDINGS OR ADMISSIONS OF DECEIT**

A notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding or admission of fault or liability in a civil lawsuit regarding the notary's activity as a notary public based on the applicant's or notary's deceit.

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

**18 NCAC 07D .0305 NOTICE TO DEPARTMENT OF CHANGES TO PROFESSIONAL LICENSES, NOTARY COMMISSIONS, OR PUBLIC OFFICES**

A notary public shall use the form specified in 18 NCAC 07B .0412 to notify the Department within 45 calendar days of an

issuance, a denial, a revocation, a suspension, a restriction, or a resignation of the notary's professional license, notary commission, or public office.

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

**18 NCAC 07D .0306 NOTICE TO DEPARTMENT OF OFFICIAL MISCONDUCT**

A notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding that the notary has engaged in official misconduct and shall provide the Department with the documents and information required by 18 NCAC 07C .0208.

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

**18 NCAC 07D .0307 NOTICE TO DEPARTMENT OF FALSE OR MISLEADING ADVERTISING**

A notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding or a charge that the notary has knowingly used false or misleading advertising that represents that the notary has powers, duties, rights, or privileges the notary does not possess by law.

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

**18 NCAC 07D .0308 NOTICE TO DEPARTMENT REGARDING UNAUTHORIZED PRACTICE OF LAW**

A notary public shall use the form specified in 18 NCAC 07B .0413 to notify the Department within 45 calendar days of a finding by a court or the attorney-licensing agency of any state, federally recognized tribe, or nation, that the notary has engaged in the unauthorized practice of law.

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

**SECTION .0400 - CONFIDENTIAL INFORMATION**

**18 NCAC 07D .0402 DISCLOSURE OF CONFIDENTIAL INFORMATION GENERALLY**

A notary may disclose confidential information in response to:

- (1) a valid subpoena;
- (2) a court order;
- (3) a warrant;
- (4) a written request from the Department; or
- (5) a written request from all principals in a specific notarial transaction.

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

**SUBCHAPTER 07E – NOTARY INSTRUCTOR REQUIREMENTS**

**SECTION .0100 – NOTARY INSTRUCTOR APPLICATION REQUIREMENTS**



**18 NCAC 07E .0101 INSTRUCTOR CERTIFICATION – SCOPE AND DEFINITIONS**

(a) ~~Except as otherwise provided in G.S. 10B-14 and this Section, notaries public shall comply with all~~

This Subchapter sets the requirements for certification ~~or~~ and recertification as a notary public instructor as set forth in this Chapter, and for requesting that the Department offer certified notary instructor courses.

(b) ~~A notary public who is a licensed member of the North Carolina State Bar shall comply with all requirements of this Chapter in order to obtain certification or recertification as a notary public instructor. For purposes of this Subchapter:~~

- (1) "Active experience as a notary" means either:
  - (A) performance in North Carolina of at least 1 notarial act in each of the immediately preceding 12 months; or
  - (B) active experience as a certified notary instructor.
- (2) "Active experience as a certified notary instructor" means teaching at least two notary courses for each of the two 12-month periods during which an instructor holds an instructor certification.
- (3) "Affidavit of moral character form" means the form specified in 18 NCAC 07B .0408.
- (4) "Eligible institution" or "institution" means:
  - (A) a community college established pursuant to G.S. 115D-4;
  - (B) a constituent institution of the University of North Carolina established pursuant to G.S. 116-4;
  - (C) an eligible private postsecondary institution as defined by G.S. 116-280(3); or
  - (D) a public school system authorized to conduct adult education programs pursuant to G.S. 115C-231.
- (5) "Instructor applicant" means an applicant for initial certification or for recertification as a notary instructor.
- (6) "Instructor application form" means the form specified in 18 NCAC 07B .0414.
- (7) "Instructor course" means the initial notary public instructor certification course and the recertification course.
- (8) "Instructor recertification application form" means the form specified in 18 NCAC 07B .0418.
- (9) "Recommendation form" means the form specified in 18 NCAC 07B .0415.
- (10) "Successfully complete" means, when used to describe an instructor applicant, that an instructor applicant has complied with Chapter 10B and the rules in this Subchapter and has:
  - (A) presented satisfactory evidence of identity;
  - (B) attended a notary instructor certification or recertification course; and

(C) achieved passing grades on the written and oral instructor certification or recertification course exams.

*Authority G.S. 10B-4; ~~10B-8~~; 10B-14; 10B-134.21.*

**18 NCAC 07E .0102 CONDITIONS FOR BECOMING NOTARY INSTRUCTOR**

A commissioned notary may become a notary instructor upon meeting the following conditions:

- (1) an eligible institution nominates the notary to the Department by written request pursuant to Rule .0103 of this Section; and
- (2) the Department determines that the nominee meets the criteria in G.S. 10B-14 and the Rules in this Subchapter.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**18 NCAC 07E .0103 NOMINATION BY ELIGIBLE INSTITUTION**

An eligible institution may nominate a notary to be certified as a notary instructor by:

- (1) submitting a written request to the Department addressed to the Director; and
- (2) including in its request:
  - (a) the full name of the institution;
  - (b) a request that the nominated notary be enrolled in an instructor course;
  - (c) the name of the proposed notary instructor as it appears on the notary's commission;
  - (d) a statement that the nominated instructor has consented to be nominated and has been directed to contact the Department to request an application form;
  - (e) the name, title, signature, and contact information for the person submitting the request;
  - (f) the name and contact information for the notary course administrator of the institution, if different from the person submitting the request;
  - (g) the date of the request; and
  - (h) a statement that upon certification as a notary instructor, the nominee will be employed by the institution as a certified notary instructor.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**18 NCAC 07E .0104 FEES FEE - EXEMPTION AND FAILURE TO PAY**

(a) ~~The fee required by G.S. 10B-14 for certification and recertification as a notary public instructor shall be paid in accordance with Rule .0105 of this Chapter.~~

(b) A person asserting that he or she is not required to submit a fee An instructor applicant who asserts exemption from the fee

pursuant to G.S. 10B-14(c) shall ~~include verification~~ certify on the instructor certification or recertification application form that as of the date of ~~application~~ application, the applicant is currently employed as a register of deed, clerk of court or is the Director or an authorized employee of the Secretary as set forth in G.S. 10B-14(e): as:

- (1) a register of deeds;
- (2) a clerk of court; or
- (3) an employee of the Department and is authorized by the Secretary as set forth in G.S. 10B-14(c).

~~(e)(b)~~ The ~~Secretary~~ Department ~~may~~ shall refuse to administer the notary public instructor certification ~~examination~~ exam to an applicant who has failed to pay the fee required for certification or recertification as a notary ~~public~~ instructor before the ~~examination~~ exam date.

*Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21.*

**18 NCAC 07E .0105 INSTRUCTOR CERTIFICATION - GENERAL REQUIREMENTS**

~~Applicants~~ An applicant for initial notary ~~public~~ instructor certification shall:

- (1) be nominated by an eligible institution;
- ~~(1)(2)~~ Complete complete and submit the Department's notary public instructor application form specified in 18 NCAC 07B .0414; and submit it to the Department;
- ~~(2)(3)~~ Comply with the requirements of Rule .0708 through Rule .0711 of this Chapter regarding verification of 12 months of experience; provide proof of active experience as a notary using any combination of the methods set out in Section .0200 of this Subchapter;
- ~~(3)(4)~~ Comply with the requirements of Rule .0712 of this Chapter regarding recommendations; submit three recommendations supporting the applicant from nonfamily members in compliance with Rule .0112 of this Section;
- (4) Comply with the requirements of Rule .0713 of this Chapter regarding an oral presentation of a notary public course curriculum lesson;
- (5) have read:
  - (a) Chapter 10B of the General Statutes;
  - (b) the Rules in this Chapter; and
  - (c) the current edition of the approved notary manual for traditional notaries; and
- ~~(5)(6)~~ Make a passing grade on the final examination ~~in~~ successfully complete the notary public instructor certification course as set forth in Rule .0714 of this Chapter; and course.
- (6) Except as otherwise provided in G.S. 10B-14(e) and Rule .0705 of this Chapter, pay the required fee.

*Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21.*

**18 NCAC 07E .0106 TIMING MANDATORY DEPARTMENT DENIAL OF INSTRUCTOR CERTIFICATION APPLICATION**

The Department shall deny a ~~An~~ application for notary public instructor certification or recertification application shall ~~not be submitted to the Division during the period of any sanction issued by the Division.~~ if any of the following apply:

- (1) the applicant has not held a notary commission for at least one calendar year;
- (2) the applicant does not have active experience as a notary;
- (3) an investigation is pending into the applicant's performance of the duties as a notary public, an electronic notary public, or a notary public instructor;
- (4) the applicant has not completed the conditions of any disciplinary action issued by the Department; or
- (5) any reason for which a notary commission may be denied pursuant to Chapter 10B of the General Statutes or the Rules in this Chapter.

*Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21.*

**18 NCAC 07E .0107 DEPARTMENT REJECTION OF APPLICATIONS**

*Authority G.S. 10B-8; 10B-14.*

**18 NCAC 07E .0108 VERIFICATION THAT INSTRUCTOR APPLICANT CONTINUES TO MEET REQUIREMENTS FOR A NOTARY COMMISSION**

An instructor applicant for notary public instructor certification or ~~recertification~~ shall verify that: under oath on the instructor application form specified in 18 NCAC 07B .0414 that:

- (1) the information on the application is true and complete; and
- ~~(1)(2)~~ the applicant continues to meet each of the qualifications for a notary commission in G.S. 10B-5 and 10B-7; and will perform the responsibilities of an instructor as set out in Chapter 10B of the General Statutes and the Rules in this Chapter to the best of the applicant's ability.
- (2) With regard to changes requiring notification to the Division pursuant to Rule .0107 of this Chapter, verify:
  - ~~(a)~~ That there have been no changes requiring notification to the Department;
  - ~~(b)~~ That there have been changes requiring notification to the Department and that the applicant has made all required notifications; or
  - ~~(c)~~ That there have been changes requiring notification to the Department and the applicant has not previously made the required notification to the Department but is

~~including the notification with the application.~~

Authority G.S. ~~10B-4; 10B-8; 10B-14; 10B-134.21.~~

**18 NCAC 07E .0109 CHANGE IN INSTRUCTOR'S ELIGIBLE INSTITUTION**

Within 45 days of a change in the eligible institution listed on the notary instructor application, an instructor applicant or certified notary instructor shall notify the Department in writing of:

- (1) the change in eligible institution;
- (2) the date that the change is effective; and
- (3) the name and contact information for the notary course administrator at the eligible institution.

For purposes of this Rule, "change in the eligible institution" means:

- (1) that the applicant or certified notary instructor will not teach at the institution named in the application; or
- (2) that the applicant or certified notary instructor will teach at another institution.

Authority G.S. ~~10B-4; 10B-14; 10B-134.21.~~

**18 NCAC 07E .0111 OTHER VERIFICATIONS**

Authority G.S. ~~10B-8; 10B-14.~~

**18 NCAC 07E .0112 RECOMMENDATIONS**

~~A An notary public instructor certification applicant shall submit include three recommendations on the Division's recommendation form from persons unrelated to the applicant by birth, marriage or adoption. individuals who are not family members of the applicant. The recommendations shall be submitted on the Department's recommendation form specified in 18 NCAC 07B .0415.~~

For purposes of this Rule, either the applicant or the individual making the recommendation may submit the recommendation form to the Department.

Authority G.S. ~~10B-4; 10B-8; 10B-14; 10B-134.21.~~

**18 NCAC 07E .0113 INSTRUCTORS AS REGISTERED ELECTRONIC NOTARIES**

An instructor applicant shall:

- (1) be a registered electronic notary public at the time of application; or
- (2) comply with all requirements for registration as an electronic notary within three months of successfully completing the instructor certification course.

Authority G.S. ~~10B-4; 10B-14; 10B-134.21.~~

**SECTION .0200 – NOTARY INSTRUCTOR APPLICANT VERIFICATION OF EXPERIENCE**

**18 NCAC 07E .0201 EVIDENCE OF MINIMUM ACTIVE EXPERIENCE AS A NOTARY**

~~(a) For purposes of these Rules a notarial act is an act set out in G.S. 10B-20(a).~~

~~(b) For purposes of demonstrating the experience required by G.S. 10B-14(a)(2), an applicant shall show evidence of performing notarial acts during each month of the 12 months immediately preceding the application to become a certified notary instructor.~~

~~(c) Evidence of performance of notarial acts shall be presented by one of the methods set forth in Rule .0709 through Rule .0711 of this Chapter.~~

Active experience as a notary shall be established by the applicant pursuant to the Rules in this Section by presenting any combination of the following evidence:

- (1) journal entries;
- (2) employer affidavits; or
- (3) an alternative method as set out in the Rules in this Section.

Authority G.S. ~~10B-4; 10B-8; 10B-14; 10B-134.21.~~

**18 NCAC 07E .0202 JOURNAL AS EVIDENCE OF ACTIVE EXPERIENCE**

An instructor applicant may present evidence of active experience as a notary by submitting:

- (1) a complete copy of a journal for the year immediately preceding the date on which the application is submitted; and
- (2) an affidavit under oath that the entries in the journal submitted are accurate.

Authority G.S. ~~10B-4; 10B-14; 10B-134.21.~~

**18 NCAC 07E .0204 MINIMUM CONTENTS OF NOTARY JOURNAL SUBMITTED AS EVIDENCE OF EXPERIENCE**

~~(a) An applicant for notary public instructor certification may submit a A journal of notarial acts submitted as evidence of active experience performing notarial acts. as a notary shall comply with 18 NCAC 07I.~~

~~(b) The submitted journal shall, at a minimum, include:~~

- (1) ~~The dates on which notarial acts were performed;~~
- (2) ~~The type of notarial act performed; and~~
- (3) ~~The name(s) of the party(ies) for whom each notarial act was performed.~~

~~(c) The applicant shall submit an affidavit verifying that the information in the journal submitted in compliance with this Rule is true and correct.~~

Authority G.S. ~~10B-4; 10B-8; 10B-14; 10B-134.21.~~

**18 NCAC 07E .0205 EMPLOYER AFFIDAVIT AS EVIDENCE OF EXPERIENCE**

An employer affidavit submitted as evidence of active experience as a notary shall be submitted on the form specified in 18 NCAC 07B .0416.

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

**18 NCAC 07E .0206 EMPLOYER AFFIDAVIT REGARDING NOTARIAL ACTS FOR EMPLOYER**

An employer affidavit submitted pursuant to Rule .0205 of this Section:

- (1) shall refer to notarial acts performed for the employer; and
- (2) may refer to other notarial acts of the instructor applicant of which the employer affiant is personally aware.

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

**18 NCAC 07E .0207 EMPLOYER AFFIDAVIT MAY INCLUDE RECOMMENDATION**

An employer affidavit submitted pursuant to Rule .0205 of this Section may include a recommendation from the employer pursuant to Rule .0112 of this Subchapter.

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

**18 NCAC 07E .0209 SUBMITTAL OF EMPLOYER AFFIDAVIT AS EVIDENCE OF EXPERIENCE**

~~(a) An applicant for notary public instructor certification may submit an affidavit from his or her employer verifying that the applicant has had experience performing notarial acts.~~

~~(b) The submitted affidavit shall, at a minimum, include the following:~~

- ~~(1) The name of the corporation, business, individual or entity employing the applicant;~~
- ~~(2) The full name of the person verifying the applicant's experience;~~
- ~~(3) The authority of the person to verify the applicant's experience, including his or her title;~~
- ~~(4) The address, telephone number and, if applicable, email address of the person verifying the applicant's experience;~~
- ~~(5) A narrative description of the reasons the applicant has performed notarial acts while employed by the person or entity submitting the affidavit; and~~
- ~~(6) Verification that the applicant has performed at least one notarial act during each of the 12 immediately preceding months.~~

~~(c) The submitted affidavit may also contain a recommendation pursuant to Rule .0712 of this Chapter.~~

An instructor applicant who relies upon an employer affidavit pursuant to Rule .0205 of this Section shall either submit it to the Department or have the employer affiant directly submit it to the Department.

Authority G.S. 10B-4; ~~10B-8~~; 10B-14; 10B-134.21.

**18 NCAC 07E .0212 ALTERNATIVE AFFIDAVITS AS EVIDENCE OF EXPERIENCE**

An instructor applicant for notary public instructor certification may submit evidence of active experience performing notarial acts as a notary other than a journal or employer affidavit,

provided the evidence includes: that is not a journal or employer affidavit if:

- ~~(2)(1)~~ An affidavit from the evidence consists of at least one or more affidavits from nonfamily members person unrelated to the applicant by birth, marriage or adoption which that comply with Rule .0213 of this Section and that together establishes establish that the instructor applicant has performed at least one notarial act during each of the 12 months immediately preceding the application. active experience as a notary; and
- ~~(4)(2)~~ An an affidavit from the instructor applicant verifying that the applicant has performed at least one notarial act in each of the 12 immediately preceding months; and that complies with Rule .0214 of this Section.

Authority G.S. 10B-4; ~~10B-8~~; 10B-14; 10B-134.21.

**18 NCAC 07E .0213 AFFIDAVITS OF EXPERIENCE FROM NONFAMILY MEMBERS**

An instructor applicant who submits alternative evidence of experience pursuant to Rule .0212 of this Section shall submit an affidavit from at least one individual who is not a family member that includes:

- (1) the name of the applicant as it appears on the applicant's notary commission;
- (2) the affiant's printed name;
- (3) the affiant's address, telephone number, and email address;
- (4) a brief explanation describing how the affiant knows the applicant;
- (5) each month and year in which the affiant knows that the applicant performed at least one notarial act;
- (6) an explanation of how the affiant knows that at least one notarial act was performed during each of the months listed in response to Item (5) of this Rule;
- (7) the signature of the affiant and the date on which the affiant signed; and
- (8) a jurat certificate.

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

**18 NCAC 07E .0214 ALTERNATIVE EVIDENCE AFFIDAVIT FROM INSTRUCTOR APPLICANT**

An instructor applicant who presents alternative evidence of active experience as a notary pursuant to Rule .0212 of this Section shall submit the applicant's own affidavit consisting of:

- (1) the name of the applicant as it appears on the applicant's notary commission;
- (2) a declaration of the applicant's active experience as a notary;
- (3) an explanation for how the applicant knows that at least 1 notarial act was performed in each of the 12 months preceding the application;

- (4) the signature of the applicant and the date on which the applicant signed; and
- (5) a jurat certificate.

NOTE: To satisfy Item (3) of this Rule, the applicant might refer to a calendar with notes of notarial acts.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**SECTION .0300 – NOTARY INSTRUCTOR EDUCATION**

**18 NCAC 07E .0301 INSTRUCTOR APPLICANT TO ATTEND DEPARTMENT INSTRUCTOR COURSE**

An instructor applicant shall attend the entirety of, and successfully complete, a North Carolina notary instructor course approved by the Department.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**18 NCAC 07E .0302 NOTARY PUBLIC INSTRUCTOR CERTIFICATION AND RECERTIFICATION EXAMINATIONS EXAM PASSING SCORE**

(a) A passing grade score on the notary public instructor certification or recertification final examination shall be 90 percent or higher on each of the notary instructor certification and recertification written exams.

(b) A notary public instructor certification or recertification applicant who fails to achieve a passing grade on the final examination may apply to take the test one additional time within three months.

*Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21.*

**18 NCAC 07E .0303 ORAL PRESENTATION REQUIREMENT FOR INSTRUCTOR APPLICANT**

(a) As part of the notary public instructor certification student course exam, a notary instructor applicant shall provide make an oral presentation of a section of the notary public curriculum which shall be evaluated according to the standards set forth in Paragraph (c) of this Rule. that complies with the Rules in this Section by presenting on a notary public curriculum topic selected by the applicant from a list provided by the Department.

(b) A passing grade on the notary public instructor certification oral presentation shall be 80 percent.

(c) The oral presentation of a notary public instructor certification student shall be graded for instructional ability using standards including the notary public instructor student's:

- (1) Voice quality (projection, articulation, speech rate);
- (2) Verbal skill (fluency and clarity);
- (3) Physical appearance and mannerisms (attire, posture, body language, eye contact, movement) to project a professional demeanor;
- (4) Professional qualities of the instructor (knowledge, self-confidence, tact, enthusiasm, sensitivity);
- (5) Selection and use of training aids (use of writing surface and other aids, effective use of multimedia, transparencies, and slides, relates

aids to objectives, and use of aids when scheduled);

- (6) Presentation of information in logical sequence;
- (7) Timing of presentation to allow for sufficient time for questions and discussion;
- (8) Transition of subjects with continuous progression and development of lesson;
- (9) Emphasis of key points and frequent summarization of topics to entire lesson or course and use of examples to clarify the subjects;
- (10) Frequent establishment of relevance of the topics to entire lesson or course and use of examples to clarify the subjects; and
- (11) Following the Division's notary public curriculum.

(d) A notary public instructor student who fails the oral presentation portion of the notary public instructor certification course may schedule one additional oral presentation within three months of the failure to complete the oral presentation requirement as required by Paragraph (b) of this Rule.

*Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21.*

**18 NCAC 07E .0304 NOTARY INSTRUCTOR ORAL PRESENTATION PASSING SCORE**

The Department or its designee shall evaluate the oral presentation portion of the instructor exam on a pass-fail basis using the factors in Rules .0306 through .0312 of this Section.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**18 NCAC 07E .0306 FACTORS RELATING TO VOICE**

An instructor applicant's oral presentation shall be evaluated on voice quality, consisting of projection, diction, pitch, and rate of speech.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**18 NCAC 07E .0307 FACTORS RELATING TO VERBAL SKILL**

An instructor applicant's oral presentation shall be evaluated on verbal skill, consisting of fluency, clarity, and vocabulary appropriate for the audience.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**18 NCAC 07E .0308 FACTORS RELATING TO PHYSICAL APPEARANCE AND MANNERISMS**

An instructor applicant's oral presentation shall be evaluated on professional appearance and mannerisms. For purposes of this Rule, "professional appearance and mannerisms" means:

- (1) attire appropriate to the adult education setting. NOTE: Professional and office casual attire are examples of appropriate attire; and
- (2) posture, body language, eye contact, and movement that projects a professional demeanor that will engage the students.

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

**18 NCAC 07E .0309 FACTORS RELATING TO PROFESSIONAL QUALITIES OF THE INSTRUCTOR**

An instructor applicant's oral presentation shall be evaluated on the applicant's professional qualities. For purposes of this Rule, "professional qualities" means the applicant's demonstration of:

- (1) knowledge of the notary course curriculum, the notary manual, Chapter 10B of the General Statutes, and the Rules in this Chapter;
- (2) projection of confidence in presenting the materials, admitting areas of uncertainty and willingness to get and provide answers;
- (3) tact and sensitivity that respects individuals while also respecting the time of the other students when responding to questions or issues that arise in the class; and
- (4) enthusiasm for the subject matter and for teaching, so that students are engaged.

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

**18 NCAC 07E .0310 FACTORS RELATING TO SELECTION AND USE OF TRAINING AIDS**

An instructor applicant's oral presentation shall be evaluated on the applicant's selection and use of training aids such as the applicable notary manuals, approved handouts, instructional videos, and classroom technology.

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

**18 NCAC 07E .0311 FACTORS RELATING TO SEQUENCE**

An instructor applicant's oral presentation shall be evaluated on the applicant's presentation of information in a logical sequence. For purposes of this Rule, "presentation of information in logical sequence" means the applicant:

- (1) follows in order the curriculum and lesson plan provided by the Department;
- (2) transitions without effort between topics; and
- (3) returns to the initial sequence after appropriately addressing the student's issue if a student raises an issue out of order.

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

**18 NCAC 07E .0312 FACTORS RELATING TO EMPHASIS, SUMMARIZATION, AND EXAMPLE**

An instructor applicant's oral presentation shall be evaluated on the applicant's:

- (1) emphasis on key points;
- (2) use of examples relevant to the topic of the presentation; and
- (3) summarization of topics.

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

**SECTION .0400 – CONSEQUENCES OF FAILING INSTRUCTOR'S EXAM**

**18 NCAC 07E .0401 RETAKING WRITTEN CERTIFICATION OR RECERTIFICATION EXAM**

An instructor applicant who fails the written certification or recertification exam may schedule one additional written exam within one month of the date of the failed exam by:

- (1) making a written request to the Department addressed to the Director; and
- (2) submitting the request within one week of the date of the failed written exam.

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

**18 NCAC 07E .0402 CONSEQUENCE OF FAILING TO PASS WRITTEN INSTRUCTOR EXAM**

An instructor applicant who fails to pass the written instructor exam within one month of the date on which the written exam is first taken and wishes to become a certified instructor shall comply again with Rule .0105 of this Subchapter.

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

**18 NCAC 07E .0403 SCHEDULING ADDITIONAL ORAL PRESENTATION UPON FAILURE**

An instructor applicant who fails to pass the oral presentation may schedule one additional oral presentation by:

- (1) making a written scheduling request to the Department addressed to the Director;
- (2) submitting the request within one week of the date of the failed oral presentation; and
- (3) making the second oral presentation within one month of the date on which the first oral presentation was made.

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

**18 NCAC 07E .0404 REPEAT ORAL PRESENTATION**

An instructor applicant who schedules an additional oral presentation pursuant to Rule .0403 of this Section shall make a presentation on a topic selected by the Department from the notary instructor curriculum.

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

**18 NCAC 07E .0405 EVALUATION OF REPEAT ORAL PRESENTATION**

An instructor applicant who makes an additional oral presentation pursuant to Rule .0404 of this Section shall be evaluated pursuant to the factors set out in Section .0300 of this Subchapter.

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

**18 NCAC 07E .0406 CONSEQUENCE OF FAILING TO PASS SECOND ORAL PRESENTATION**

An instructor applicant who fails to pass the second oral presentation within the time set in Rule .0403 of this Section and who wishes to become a certified instructor shall comply again with Rule .0105 of this Subchapter.

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

**18 NCAC 07E .0407 CONSEQUENCES OF FAILING TO RECERTIFY**

An instructor applicant who does not comply with the requirements for instructor recertification before expiration of the existing certification shall:

- (1) notify the institutions at which the instructor taught prior to the expiration; and
- (2) not teach a notary course before becoming certified as a notary instructor again.

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

**SECTION .0600 – NOTARY INSTRUCTOR TEACHING OBLIGATIONS**

**18 NCAC 07E .0601 MINIMUM INSTRUCTIONAL DUTIES OF CERTIFIED NOTARY PUBLIC INSTRUCTORS**

(a) A certified notary public instructor shall verify the identity of each student in a notary course during the first instructional period by:

- (1) requiring satisfactory evidence of identity as defined in G.S. 10B-3(22)(a) G.S. 10B-3(22)a; or
- (2) having personal knowledge of the student as defined in G.S. 10B-3(17).

(b) A certified notary instructor shall verify the identity of each student in a traditional notary course and again prior to administration of the notary public examination by requiring satisfactory evidence of identity as defined in G.S. 10B-3(22)(a); signing the application of a traditional notary applicant.

(b) ~~A certified notary public instructor shall follow the Division supplied curriculum for notary public instruction unless the instructor has been granted approval by the Division for a variance.~~

(c) ~~While performing their duties as certified notary public instructors, A certified instructors instructor shall comply with applicable State and federal laws relating to adult education. the eligible institution's requirements regarding audits of courses, provided that the instructor shall not permit a student who is auditing to:~~

- (1) see or take the notary course exam; or
- (2) remain in the classroom during the notary course exam.

(d) ~~When administering the notary public examination, a certified notary public instructor shall take steps to prevent cheating by students taking the notary public examination.~~

(e) ~~When administering the notary public examination, a certified notary public instructor shall report to the Division within two business days if the instructor has reason to believe that there has been cheating on a notary public examination by any student, and shall provide:~~

- (1) The name, address and contact information for any student suspected of cheating; and
- (2) A narrative description of the instructor's reasons for believing cheating may have occurred.

~~(f) Notary public instructors shall submit student notary public examination grades to the Division within two business days after the examination has been administered.~~

~~(g) A notary public instructor shall demonstrate a professional demeanor at all times during instruction and administration of the duties of a certified notary public instructor.~~

~~(h) A notary public instructor shall not use profanity or obscene language when instructing the notary public course or administering the notary public examination.~~

Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21.

**18 NCAC 07E .0602 ADHERENCE TO CURRICULUM**

A certified notary instructor shall follow the Department curriculum for notary courses unless the Department grants a written variance to the instructor pursuant to the Rules in Section .0800 of this Subchapter.

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

**18 NCAC 07E .0603 PROCTORING EXAM**

When administering the notary course exam, a notary instructor shall:

- (1) comply with the requirements of the institution regarding proctoring exams;
- (2) if the institution does not have requirements regarding exam proctoring, take steps to prevent cheating on the exam; and
- (3) take other measures to prevent cheating that the instructor deems appropriate.

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

**18 NCAC 07E .0604 SUBMISSION OF GRADES TO DEPARTMENT**

Notary instructors shall:

- (1) grade notary course exams administered on paper;
- (2) review grades for notary course exams administered electronically on the Department's website; and
- (3) electronically submit accurate student exam grades to the Department within two business days after the exams have been administered.

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

**18 NCAC 07E .0605 REPORTING SUSPECTED CHEATING**

A notary instructor shall:

- (1) comply with the institution's reporting requirements regarding suspected cheating; and
- (2) report to the Department within two business days if the instructor has reason to believe that there has been cheating by any student on a notary course exam, and include:

- (a) the name and, if available, address and contact information, for any student suspected of cheating;
- (b) a narrative description of the instructor's reasons for believing cheating may have occurred;
- (c) additional supporting evidence;
- (d) whether, when, and to whom the instructor reported the possible cheating at the institution; and
- (e) any other information that the instructor believes may aid the Department in investigating the report.

NOTE: For purposes of this Rule, "additional supporting evidence" includes evidence such as videos, student admissions, and witness reports.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**SECTION .0700 – NOTARY INSTRUCTOR CONTINUING OBLIGATIONS**

**18 NCAC 07E .0701 ADDITIONAL REQUIREMENTS RESPONSE TO COMPLAINTS**

If the ~~Division~~ Department receives information or a complaint regarding a certified notary instructor's qualifications as an instructor or notary, or performance as an instructor, that gives reason to question the notary public instructor's eligibility or ability to perform the duties of a notary public instructor, the ~~Division~~ may require the notary public instructor to: shall, as directed by the Department:

- (1) ~~Submit~~ submit to an interview;
- (2) ~~Submit~~ submit ~~additional~~ requested information; or
- (3) ~~Submit~~ submit audio and visual documentation such as a video of actual instruction to the extent available.

*Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21.*

**18 NCAC 07E .0702 INSTRUCTOR CONDUCT**

During instruction and administration of the duties of a certified notary instructor, an instructor shall demonstrate a professional demeanor.

For purposes of this Rule, "professional demeanor" means exhibiting behaviors consistent with the factors on which an instructor applicant's oral presentation is evaluated pursuant to Rules .0306 through .0312 of this Subchapter.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**SECTION .0800 – NOTARY INSTRUCTOR REQUESTS FOR APPROVAL OF INSTRUCTIONAL AIDS**

**18 NCAC 07E .0801 REQUEST FOR VARIANCE FROM APPROVED INSTRUCTIONAL AIDS**

Instructors may submit a written request addressed to the Director requesting that the Department approve a variance allowing use

of instructional aids in addition to or differing from those established by the Department.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**18 NCAC 07E .0802 VARIANCE REQUEST - EXEMPLAR REQUIRED**

An instructor who submits a request for variance pursuant to this Section shall include a complete copy of the proposed instructional aid in its original size and colors.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**18 NCAC 07E .0803 VARIANCE REQUEST - EXPLANATION OF VALUE**

An instructor who submits a variance request shall explain how the revised or new aid:

- (1) will be used by the instructor; and
- (2) will assist notary course students in understanding the role and responsibilities of a notary public.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**18 NCAC 07E .0804 VARIANCE REQUEST – APPROVAL CRITERIA**

The Department shall approve or deny a variance request using the following criteria:

- (1) conformity with Chapter 10B of the General Statutes and the Rules in this Chapter;
- (2) value added to the curriculum;
- (3) the impact of the change on the length of the course;
- (4) quality of visual or audio elements; and
- (5) avoidance of confusion.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**SECTION .0900 – NOTARY INSTRUCTOR OBLIGATIONS TO STUDENTS**

**18 NCAC 07E .0901 PREREQUISITES FOR INSTRUCTOR APPLICATION SIGNATURE**

An instructor shall sign a student's notary application only after the student has successfully completed the course.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**18 NCAC 07E .0902 INSTRUCTOR VERIFICATION OF STUDENT NAME**

An instructor shall not sign a student's notary application if the name on the satisfactory evidence presented does not match the student's name for use on a notary commission.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*



**18 NCAC 07E .0903 RETESTING STUDENTS WHO FAIL NOTARY COURSE EXAM**

The institution where a notary course is taught shall determine whether a certified notary instructor may administer a retest to a student who fails a notary course exam.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**18 NCAC 07E .0904 NOTICE TO DEPARTMENT OF RETESTING**

If a certified notary instructor retests a student who fails a notary course exam, the instructor shall:

- (1) retest the student within 30 days after the date of the course and exam; and
- (2) submit the results of the retest to the Department within two business days of the date on which the student retook the exam.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**SECTION .1000 – NOTARY INSTRUCTOR EVALUATION**

**18 NCAC 07E .1001 STUDENT EVALUATIONS OF INSTRUCTION INSTRUCTORS**

~~(a) If the employer of a certified notary public instructor conducts a written performance evaluation of the instructor at least once per calendar year, the instructor shall submit a copy of the performance evaluation to the Department within 30 days after receipt of the written performance evaluation from the employer.~~  
~~(b) If the employer of a certified notary public instructor does not conduct a written performance evaluation of the instructor at least once per calendar year, the A certified notary instructor shall:~~

- (1) Require in each year of certification require that his or her notary public course students in at least one of the instructor's notary courses class each calendar year complete the Division's Department's student evaluation of notary public course instructor form; form specified in 18 NCAC 07B .0417, unless the instructor's employer institution obtains student evaluations during the same period; and
- (2) Shall submit to the Department copies of all completed student evaluation forms completed pursuant to Item (1) of this Rule to the Division within 30 45 days of receipt of the completed forms. NOTE: Where the employer institution obtains student evaluations more frequently than once per certification year, evaluations for a single class in the certification year satisfy the requirements of this Item.

~~(c) The Department may conduct evaluations of instructional performance of certified notary public instructors by methods including:~~

- (1) Surveys of notary public students;
- (2) Requests for audio visual recordings of courses; and
- (3) Observation of classroom instruction.

*Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21.*

**18 NCAC 07E .1002 DEPARTMENTAL USE OF STUDENT EVALUATIONS**

In order to determine whether an instructor shall receive coaching, counseling, or be subject to action pursuant to G.S. 10B-60, the Department shall review student evaluations of the instructor for consistency with the factors on which an instructor applicant's oral presentation is evaluated pursuant to Rules .0306 through .0312 of this Subchapter.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**SECTION .1100 – NOTARY INSTRUCTOR RE-CERTIFICATION RECERTIFICATION**

**18 NCAC 07E .1101 ELIGIBILITY INELIGIBILITY FOR RE-CERTIFICATION RECERTIFICATION AS NOTARY INSTRUCTOR**

A certified notary ~~public~~ instructor shall not be eligible for recertification as a notary ~~public~~ instructor if the ~~notary public~~ instructor:

- (1) ~~Has failed to submit notary public student examination grades or notary public instructor evaluations to the Division as required by Rules .0716 and .0717 of this Chapter;~~
- (2) ~~Has been subject to disciplinary action by the Division in relation to:~~
  - (a) ~~The performance of notary public duties pursuant to Chapter 10B of the General Statutes or this Chapter; or~~
  - (b) ~~The performance of notary public instructor duties; or~~
- (3) ~~Has failed to comply with other requirements imposed upon a notary or notary public instructor pursuant to law or rule.~~
  - (1) no longer qualifies for initial commissioning as a notary public;
  - (2) has not taught at least two notary courses in each of the two immediately preceding instructor certification years; or
  - (3) has failed to comply with other requirements imposed upon a notary or notary public instructor pursuant to G.S. 10B-14 or the Rules in this Chapter.

*Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21.*

**18 NCAC 07E .1102 NOTARY PUBLIC INSTRUCTOR RE-CERTIFICATION RECERTIFICATION REQUIREMENTS**

An applicant for recertification as a notary ~~public~~ instructor shall:

- (1) Complete complete the Department's notary public instructor application recertification form specified in 18 NCAC 07B .0418 and submit it to the Department; Department prior to lapse of certification;
- (2) Comply with the requirements of Rule .0708 through Rule .0711 of this Chapter regarding

- ~~(3) verification of 12 months of experience performing notarial acts; successfully complete the notary instructor recertification course; and Comply with the requirements of Rule .0713 of this Chapter regarding an oral presentation of a notary public course lesson;~~
- ~~(5) Make a passing grade on the final examination in the notary public instructor certification recertification course as set forth in Rule .0714 of this Chapter;~~
- ~~(6)(3) Except ~~except~~ as otherwise provided in Rule .0705 of this Chapter, by G.S. 10B-14, pay the required fee; and fee.~~
- ~~(7) Submit an affidavit verifying that the applicant has taught the notary public instructor course at least twice a year during the two year certification period.~~

- (b) any combination of the evaluation form categories; or
- (5) an instructor subject to Rule .1105 of this Section.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**18 NCAC 07E .1105 NOTARY INSTRUCTOR WITH LAPSE IN CERTIFICATION**

(a) A notary instructor who has a lapse between certification terms shall comply with the requirements for initial certification as a notary instructor.

(b) Notwithstanding Paragraph (a) of this Rule, if the lapse is for less than six months and the instructor otherwise qualifies, the instructor:

- (1) may take the recertification course instead of the initial certification course; and
- (2) shall make an oral presentation during the course.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**SECTION .1200 – INSTRUCTOR APPLICATION DENIALS**

**18 NCAC 07E .1202 APPLICATION DENIAL – FAILURE TO NOTIFY DEPARTMENT OF CHANGES**

The Department shall deny an application for notary instructor certification or recertification if the notary or instructor has failed to notify the Department of changes as required by Chapter 10B of the General Statutes or the Rules in this Chapter.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**18 NCAC 07E .1203 APPLICATION DENIAL – TERMINATION FOR CAUSE**

The Department shall deny an application for notary instructor recertification if the instructor has been terminated by an eligible institution for cause.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**18 NCAC 07E .1204 APPLICATION DENIAL – FAILURE TO SUBMIT EXAM GRADES**

The Department shall deny the application for recertification of an instructor if the instructor applicant has failed to submit student exam grades more than once in a certification year.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

**18 NCAC 07E .1205 APPLICATION DENIAL – DISCIPLINARY ACTION**

The Department shall deny an application for instructor certification or recertification if the notary has been the subject of a disciplinary action, other than a warning or denial, that is related to performance as a notary public, an electronic notary public, or a notary instructor.

*Authority G.S. 10B-4; 10B-14; 10B-134.21.*

*Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21.*

**18 NCAC 07E .1103 DENIAL OF NOTARY PUBLIC INSTRUCTOR CERTIFICATION OR RE-CERTIFICATION EQUIVALENCE**

~~An application for notary public instructor certification or recertification may be denied:~~

- ~~(1) For any reason for which an application for commissioning or recommissioning of a notary public may be denied; or~~
- ~~(2) If an applicant no longer meets the requirements or fails to comply with the requirements to be a certified notary public instructor.~~

(a) Successful completion of the notary instructor course shall satisfy the requirements for successful completion of the notary recommissioning exam and electronic notary course and exam.

(b) Paragraph (a) of this Rule shall apply only to a notary who:

- (1) is a certified notary instructor when applying for recommissioning as a notary or reregistration as an electronic notary; and
- (2) is a certified notary instructor at the time of taking the recommissioning oath.

*Authority G.S. 10B-4; 10B-8; 10B-14; 10B-134.21.*

**18 NCAC 07E .1104 NOTARY INSTRUCTOR RECERTIFICATION COURSE ORAL PRESENTATION**

The notary instructor recertification course shall include an oral presentation in addition to the written exam for:

- (1) an instructor's first recertification;
- (2) an instructor who has taught no more than two notary courses in each of the two immediately preceding certification years;
- (3) an instructor whose student grades have on average been less than 85 percent;
- (4) an instructor whose student evaluations for a single course have had a majority of ratings of less than "Good" on:
  - (a) any one category of the evaluation form; or

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**

**CHAPTER 08 – BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Certified Public Accountant Examiners intends to amend the rules cited as 21 NCAC 08F .0105 and .0401.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://nccpaboard.gov/>

**Proposed Effective Date:** April 1, 2024

**Public Hearing:**

**Date:** November 20, 2023

**Time:** 10:00 a.m.

**Location:** NC State Board of CPA Examiners, 1101 Oberlin Road, Suite 104, Raleigh, NC 27605

**Reason for Proposed Action:** *The proposed amendments to 08F .0105 is to move the score credit window from its current 18-month timeframe to a 30-month timeframe in line with the Uniform Accountancy Act and the timeframe being implemented for the Uniform CPA Exam across all jurisdictions nationwide. The proposed amendment to 08F .0401 is to return a qualifying statement that was recently removed from the rule in error. The NC general statutes allow experience to be earned both under the direct supervision of a licensed CPA or through other means including obtaining 4 years of experience in the field of accounting. The removal of the qualifying clause "to be under the direct supervision of a CPA" appears to indicate that all experience that is required shall be under the direct supervision of a CPA, eliminating the alternative options. Reinsertion of the qualifying clause will identify that the supervision earned under the direct supervision of a licensed CPA must occur under a CPA licensed within one of the US jurisdictions.*

**Comments may be submitted to:** David R. Nance, 1101 Oberlin Rd, Raleigh, NC 27605; phone (919) 733-4215; email [dnance@nccpaboard.gov](mailto:dnance@nccpaboard.gov)

**Comment period ends:** January 12, 2024

**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](mailto: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 ( $\geq$  \$1,000,000)
- Approved by OSBM
- No fiscal note required

**SUBCHAPTER 08F - REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANT EXAMINATION AND CERTIFICATE APPLICANTS**

**SECTION .0100 - GENERAL PROVISIONS**

**21 NCAC 08F .0105      CONDITIONING REQUIREMENTS**

(a) Passing Grades. A candidate shall pass all sections of the examination with a grade of 75 or higher on each section.

(b) Military Service. A candidate who is on active military service shall not have the time on active military service counted against Subparagraph (c)(1) of this Rule unless the candidate applies to take the examination during the active military service, in which case each month a candidate sits shall be counted toward Subparagraph (c)(1) of this Rule.

(c) A candidate is subject to the following conditioning requirements:

- (1) a candidate shall earn a passing grade on all sections of the examination within ~~an 18-month period;~~ a 30-month period;
- (2) a candidate may sit for any section of the examination individually and in any order;
- (3) a candidate may retake the same section of the examination as many times during a one-year period as determined by the examination vendors but shall not retake a failed test section until the candidate has been notified of the score of the most recent attempt of that failed section;
- (4) credit awarded by the Board for passage of a section of the examination shall be valid for ~~an 18-month period~~ a 30-month period from the date the passing scores are released by the examination vendors;
- (5) the ~~18-month period~~ 30-month period begins on the date the first passing score is released to the candidate and concludes with the sit date of the final passed examination section, regardless of when the score is released by the examination vendors for the final passed section. A candidate, after earning credit for the initial passed section, must complete the remaining test sections of the examination by the last day of the ~~18-month period.~~ 30-month period. If all four sections of the examination are not passed

within the ~~18-month period~~, 30-month period, credit for any test section passed outside of the ~~18-month period~~ 30-month period shall expire; and

- (6) notwithstanding Subparagraphs (c)(1), (c)(4), and (c)(5) of this Rule, the period of time in which to pass all test sections of the examination may be extended by the Board upon a showing that the credit was lost by reason of circumstances beyond the testing candidate's control.

to calculate how much work experience a candidate has acquired. Dividing that number by 52 results in the years of work experience the candidate has acquired.

- (3) Full-time-equivalent weeks are determined by the number of actual part-time hours the candidate has worked. Actual part-time hours do not include hours paid for sick leave, vacation leave, attending continuing education courses, or other time not spent directly performing accounting services. For each calendar week during which the candidate worked actual part-time hours of 30 hours or more, the candidate receives one full-time-equivalent week. The actual part-time hours worked in the remaining calendar weeks are added together and divided by 30. The resulting number is the additional number of full-time-equivalent weeks to which the candidate is entitled.

- (4) The candidate shall submit experience affidavits on a form provided by the Board from all of the relevant employers; provided that when such experience was not acquired while employed with a CPA firm, the candidate shall also submit details of the work experience and supervision on a form provided by the Board. Experience affidavits for part-time work shall contain a record of the actual part-time hours the candidate has worked for each week of part-time employment. Both the experience affidavit and the form for additional detail shall be certified by the employer's office supervisor or an owner of the firm who is a certificate holder.

- (c) Rule .0409 of this Section applies to teaching experience acquired pursuant to G.S. 93-12(5)(c)(2) and (4).

Authority G.S. 93-12(3); 93-12(4); 93-12(5).

**SECTION .0400 - EXPERIENCE**

**21 NCAC 08F .0401 WORK EXPERIENCE REQUIRED OF CANDIDATES FOR CPA CERTIFICATION**

(a) G.S. 93-12(5)(c) sets forth work experience alternatives, one of which is required of candidates applying for CPA certification. In connection with those requirements, the following provisions apply:

- (1) the work experience shall be acquired prior to the date a candidate applies for certification; and
- (2) all experience that is required to be under the direct supervision of a CPA shall be under the direct supervision of a licensed CPA on active status in one of the U.S. states or jurisdictions.

(b) The following provisions apply to all candidates seeking to meet the work experience requirement of G.S. 93-12(5)(c)(3) by working in the field of accounting:

- (1) One year of work experience is 52 weeks of full-time employment. The candidate is employed full-time when the candidate is expected by the employer to work for the employer at least 30 hours each week. Any other work is working part-time.
- (2) All weeks of actual full-time employment are added to all full-time equivalent weeks in order

Authority G.S. 93-12(3); 93-12(5).

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**APPROVED RULES**

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*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an \* in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on September 21, 2023 Meeting.

**REGISTER CITATION TO THE  
NOTICE OF TEXT**

**CHILD CARE COMMISSION**

Criminal History Record Check Requirements for Child Care... 10A NCAC 09 .2703\* 37:20 NCR

**MEDICAL CARE COMMISSION**

Petitions 10A NCAC 13A .0201\* 37:18 NCR

Competency Evaluation and Validation for Licensed Health ... 10A NCAC 13G .0504 37:18 NCR

**RADIATION PROTECTION COMMISSION**

Notices, Instructions, and Reports to Employees 10A NCAC 15 .1001\* 37:19 NCR

Posting of Notices to Workers 10A NCAC 15 .1002 37:19 NCR

Instructions to Workers 10A NCAC 15 .1003 37:19 NCR

Notifications and Reports to Individuals 10A NCAC 15 .1004 37:19 NCR

Presence of Representatives During Inspections 10A NCAC 15 .1005 37:19 NCR

Consultation with Workers 10A NCAC 15 .1006 37:19 NCR

Requests for Inspections 10A NCAC 15 .1007 37:19 NCR

Inspections Not Warranted 10A NCAC 15 .1008 37:19 NCR

Standards for Protection Against Radiation 10A NCAC 15 .1601\* 37:19 NCR

Implementation 10A NCAC 15 .1602 37:19 NCR

Radiation Protection Programs 10A NCAC 15 .1603 37:19 NCR

Occupational Dose Limits for Adults 10A NCAC 15 .1604 37:19 NCR

Requirements for Summation of External, Internal Doses 10A NCAC 15 .1605 37:19 NCR

External Dose from Airborne Radioactive Material 10A NCAC 15 .1606 37:19 NCR

Determination of Internal Exposure 10A NCAC 15 .1607 37:19 NCR

Planned Special Exposures 10A NCAC 15 .1608 37:19 NCR

Occupational Dose Limits for Minors 10A NCAC 15 .1609 37:19 NCR

Dose Equivalent to an Embryo/Fetus 10A NCAC 15 .1610 37:19 NCR

Dose Limits for Individual Members of the Public 10A NCAC 15 .1611 37:19 NCR

Compliance with Dose Limits for Members of the Public 10A NCAC 15 .1612 37:19 NCR

Surveys 10A NCAC 15 .1613 37:19 NCR

Monitoring of External and Internal Occupational Dose 10A NCAC 15 .1614 37:19 NCR

Control of Access to High Radiation Areas 10A NCAC 15 .1615 37:19 NCR

Control of Access to Very High Radiation Areas 10A NCAC 15 .1616 37:19 NCR

Access to Very High Radiation Areas: Irradiators 10A NCAC 15 .1617 37:19 NCR

Use of Process or Other Engineering Controls 10A NCAC 15 .1618 37:19 NCR

Use of Other Controls to Restrict Internal Exposure 10A NCAC 15 .1619 37:19 NCR

Use of Individual Respiratory Protection Equipment 10A NCAC 15 .1620 37:19 NCR

Restrictions on the Use of Respiratory Protection Equipment 10A NCAC 15 .1621 37:19 NCR

Security of Sources of Radiation 10A NCAC 15 .1622 37:19 NCR

Caution Signs 10A NCAC 15 .1623 37:19 NCR

Posting Requirements 10A NCAC 15 .1624 37:19 NCR

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*APPROVED RULES*

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<u>Exceptions to Posting Requirement</u>	10A NCAC 15 .1625	37:19 NCR
<u>Labeling Requirements and Exemptions</u>	10A NCAC 15 .1626	37:19 NCR
<u>Procedures for Receiving and Opening Packages</u>	10A NCAC 15 .1627	37:19 NCR
<u>General Requirements for Waste Disposal</u>	10A NCAC 15 .1628	37:19 NCR
<u>Method for Obtaining Approval of Disposal Procedures</u>	10A NCAC 15 .1629	37:19 NCR
<u>Disposal by Release into Sanitary Sewerage</u>	10A NCAC 15 .1630	37:19 NCR
<u>Treatment or Disposal by Incineration</u>	10A NCAC 15 .1631	37:19 NCR
<u>Disposal of Specific Wastes</u>	10A NCAC 15 .1632	37:19 NCR
<u>Transfer for Disposal and Manifests</u>	10A NCAC 15 .1633	37:19 NCR
<u>Compliance with Env. and Health Protection Regulations</u>	10A NCAC 15 .1634	37:19 NCR
<u>General Provisions for Records</u>	10A NCAC 15 .1635	37:19 NCR
<u>Records of Radiation Protection Programs</u>	10A NCAC 15 .1636	37:19 NCR
<u>Records of Surveys</u>	10A NCAC 15 .1637	37:19 NCR
<u>Determination of Prior Occupational Dose</u>	10A NCAC 15 .1638	37:19 NCR
<u>Records of Planned Exposures</u>	10A NCAC 15 .1639	37:19 NCR
<u>Records of Individual Monitoring Results</u>	10A NCAC 15 .1640	37:19 NCR
<u>Records of Dose to Individual Members of the Public</u>	10A NCAC 15 .1641	37:19 NCR
<u>Records of Waste Disposal</u>	10A NCAC 15 .1642	37:19 NCR
<u>Records of Testing Entry Control Devices</u>	10A NCAC 15 .1643	37:19 NCR
<u>Form of Records</u>	10A NCAC 15 .1644	37:19 NCR
<u>Reports of Theft or Loss of Licensed Radioactive Material</u>	10A NCAC 15 .1645	37:19 NCR
<u>Notification of Incidents</u>	10A NCAC 15 .1646	37:19 NCR
<u>Reports of Radiation Exceeding the Limits</u>	10A NCAC 15 .1647	37:19 NCR
<u>Reports of Planned Special Exposures</u>	10A NCAC 15 .1648	37:19 NCR
<u>Reports of Individual Monitoring</u>	10A NCAC 15 .1649	37:19 NCR
<u>Radiological Requirements for License Termination</u>	10A NCAC 15 .1653	37:19 NCR

**PUBLIC HEALTH, COMMISSION FOR**

<u>Reporting of COVID-19 Diagnostic Test Results</u>	10A NCAC 41A .0107	37:23 NCR
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**SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Probationary Certification</u>	12 NCAC 10B .0402*	37:02 NCR
<u>Probationary Certification Requirement</u>	12 NCAC 10B .0403*	37:02 NCR
<u>General Certification</u>	12 NCAC 10B .0404*	37:02 NCR
<u>Time Req/Completion/Basic Law Enforcement Training Course</u>	12 NCAC 10B .0503*	37:02 NCR

**PRIVATE PROTECTIVE SERVICES BOARD**

<u>Investigations Directly Related to Provision of Services</u>	14B NCAC 16 .1503	37:18 NCR
<u>Distinguishing Security Services</u>	14B NCAC 16 .1504*	37:18 NCR
<u>Training and Supervision Required in Level One</u>	14B NCAC 16 .1702*	37:18 NCR
<u>Training and Supervision Required in Level Two</u>	14B NCAC 16 .1703*	37:18 NCR
<u>Training and Supervision Required in Level Three</u>	14B NCAC 16 .1704*	37:18 NCR
<u>Educational Degrees and Non-Degreed Training</u>	14B NCAC 16 .1705*	37:18 NCR
<u>Transferability of Training Hours</u>	14B NCAC 16 .1708*	37:18 NCR

**PUBLIC HEALTH, COMMISSION FOR**

<u>Water Supply</u>	15A NCAC 18A .1511*	37:23 NCR
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**LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES**

<u>Definitions</u>	20 NCAC 02C .0210*	37:17 NCR
<u>Surety for Non-Taxing Authority Participation</u>	20 NCAC 02C .0211*	37:17 NCR

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**TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES**

(8) any additional information the applicant wishes the Division to consider regarding the applicant's criminal history.

**10A NCAC 09 .2703 CRIMINAL HISTORY RECORD CHECK REQUIREMENTS FOR CHILD CARE PROVIDERS**

(a) In addition to the requirements in Rules .0302 and .1702 of this Chapter, a child care provider, as defined in G.S. 110-90.2, shall submit the following to the Division prior to the issuance of a license or prior to beginning employment:

(c) If the owner of a child care license is a firm, partnership, association, or corporation, the chief executive officer or other person serving in like capacity or a person designated by the chief executive officer as responsible for the operation of the facility, shall complete the criminal history record check as specified in Paragraph (a) of this Rule.

- (1) any forms required by the State Bureau of Investigation or Federal Bureau of Investigation to process a state and national fingerprint check as required by G.S. 110-90.2; and
- (2) fingerprint impressions submitted on an FD-258 applicant fingerprint card or other form required by the Division and State Bureau of Investigation;
- (3) any applicant who has lived outside of North Carolina in the previous five years, shall submit an affidavit attesting that the applicant has requested a background check from:
  - (A) the state criminal registry or repository, with use of fingerprints,
  - (B) the state sex offender registry or repository, and
  - (C) the state-based child abuse and neglect registry and database for each state in which the applicant has lived, at any time and for whatever length of time, within the five years preceding the application.

(d) If a Letter of Intent to Operate pursuant to G.S. 110-106 is submitted to the Division, the person signing the Letter of Intent shall submit all forms as required in Paragraph (a) of this Rule.

(e) Child care providers, as defined in G.S. 110-90.2(a), shall have a valid qualification letter prior to employment or living in a child care facility and the qualification letter shall be kept on file at the facility for review by representatives of the Division.

(f) Provisional child care providers are eligible for employment at a child care facility and are eligible to reside in a family child care home, nonlicensed home, or child care center in a residence and shall be counted in staff/child ratio. Provisional child care providers shall be supervised at all times by an individual who received a qualifying result on a criminal background check within the past five years and may not be left alone with children. Child care facilities found to be in violation of this Paragraph may be issued an administrative action up to and including revocation of their child care license or notice of compliance in accordance with Section .2200 of this Chapter.

All forms referenced in this Paragraph are available through the Automated Background Check Management System (ABCMS) at <https://ncabcms.nc.gov/DCDEE/Applicant/>

(b) If the child care provider has a criminal history of convictions, pending indictment of a crime, or pending criminal charges, they may submit to the Division additional information concerning the conviction or charges the Division shall use in making the determination of the child care provider's qualification. The Division shall also consider the following in making its decision:

- (1) the length of time since conviction;
- (2) whether the child care provider is currently on probation;
- (3) the nature of the offense;
- (4) the circumstances surrounding the commission of the offense or offenses;
- (5) the evidence of rehabilitation;
- (6) the number and type of prior offenses;
- (7) the age of the child care provider at the time of occurrence; and

(g) When applying for provisional status, the applicant shall complete and submit any documents specific to their former state(s) of residence that are necessary to complete the out-of-state portion of their background check. When requested by the Division, the applicant shall submit a copy and proof of submission of the documents necessary to complete the out-of-state portion of their background check. The Division shall provide to the applicant the necessary information to make these requests, if applicable.

(h) Within 45 days of issuing a provisional status to an applicant, the Division shall issue a qualification letter to a provisional child care provider if no criminal background check results that would disqualify the applicant are returned or if there is no response to the applicant's or the Division's request for the state sex offender registry check, the state abuse and neglect registry, or the state criminal history check from the state or states in which the provisional provider currently resides or has resided at any time during the preceding five years.

(i) Child care providers found to be disqualified pursuant to G.S. 110-90.2, G.S. 110-105.6, or 10A NCAC 09 .2703 by the Division shall not be eligible for employment in child care until a qualification letter has been issued by the Division.

(j) A child care facility shall terminate the employment of any child care provider upon receipt of a notice of disqualification of

the provider from the Division notwithstanding any appeal by provider of the disqualification.

(k) Disqualification of a child care provider living in a child care facility shall be grounds for issuance of a summary suspension of the license in accordance with 10A NCAC 09 .2213.

(l) Refusal on the part of the employer to dismiss a child care provider who has been found to be disqualified shall be grounds for suspension, denial, or revocation of the license or any other administrative action or civil penalty permitted by Section .2200 of this Chapter. If an applicant appeals the disqualification, the child care provider shall not be employed during the appeal process.

(m) Operators, as defined by G.S. 110-86(7), shall include the criminal history mandatory reporting requirement in all new employee orientation information. All child care providers, as defined in G.S. 110-90.2(a)(2), who have incurred any pending charges, indictments, or convictions (other than minor traffic offenses) since the last qualification letter was issued by the Division shall notify the operator of such charges within five business days or before returning to work, whichever comes first. The operator shall notify the Division of any such pending charges, indictments, or convictions within one business day of being notified.

(n) The qualification letter shall be valid for a maximum of five years from the date of issuance.

(o) Prior to the expiration date of the qualification letter, the child care provider shall complete and submit the forms listed in Paragraph (a) of this Rule.

(p) After a child care provider has been qualified, the Division shall complete a new criminal history record check if the Division of Child Development and Early Education conducts an investigation in accordance with G.S. 110-90.2, G.S. 110-105.3, or 10A NCAC 09 .0201 involving alleged criminal activity by the child care provider.

(q) Any individual over the age of 15 who resides, as defined in 10A NCAC 09 .0102(40), in a child care facility on either a temporary or permanent basis shall comply with the requirements of Paragraph (a) of this Rule within 5 days of either moving into the facility or within 5 days after their 16th birthday.

(r) Operators shall notify the Division of all new child care providers, as defined in G.S. 110-90.2(a)(2), who are hired or have moved into the child care facility within five business days.

(s) Any application for a criminal background check that is not complete, including the required components in Paragraph (a) of this Rule, within 30 days of beginning the application, will expire and be withdrawn by the Division.

(t) The Division shall not issue, and shall revoke any previously issued, qualification letters to an individual who fails to comply with Paragraph (g) of this Rule, or if the Division determines that the individual provided false information in connection with either an application or a criminal background check required by this Rule, or if the Division determines that the individual is not qualified to be a child care provider pursuant to G.S. 110-90.2 or 42 USC 9558f.

*History Note: Authority G.S. 110-85; 110-86(7); 110-90.2; 110-106; 114-19.5; 143B-168.3; Temporary Adoption Eff. January 1, 1996; Eff. April 1, 1997;*

*Amended Eff. March 1, 2014; November 1, 2007; Readopted Eff. January 1, 2019;*

*Amended Eff. October 1, 2023; February 1, 2021.*

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**10A NCAC 13A .0201 PETITIONS**

(a) Any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule or rules by the North Carolina Medical Care Commission shall submit the petition addressed to: Office of the Director, Division of Health Service Regulation, 2701 Mail Service Center, Raleigh, North Carolina, 27699-2701.

(b) The petition shall contain the following information:

- (1) the text of the proposed rule or rules for adoption or amendment, the rule number of the proposed rule or rules for repeal, and the statutory authority for the agency to promulgate the rule or rules;
- (2) a statement of the effect on existing rules;
- (3) a statement of the effect of the proposed rule or rules on existing practices in the area involved, if known; and
- (4) the name(s) and address(es) of petitioner(s).

(c) The petitioner may include the following information within the request:

- (1) documents and any data supporting the petition;
- (2) a statement of the reasons for adoption of the proposed rule or rules, amendment or the repeal of an existing rule or rules;
- (3) a statement explaining the costs and computation of the cost factors, if known; and
- (4) a description, including the names and addresses, if known, of those individuals or entities most likely to be affected by the proposed rule or rules.

(d) The North Carolina Medical Care Commission, based on a review of the facts stated in the petition, shall consider the following in the determination to grant the petition:

- (1) whether the North Carolina Medical Care Commission has authority to adopt the rule or rules;
- (2) the effect of the proposed rule(s) on existing rules, programs, and practices;
- (3) probable costs and cost factors of the proposed rule or rules;
- (4) the impact of the rule on the public and the regulated entities; and
- (5) whether the public interest will be served by granting the petition.

(e) Petitions that do not contain the information required by Paragraph (b) of this Rule shall be returned to the petitioner by the Chairman of the North Carolina Medical Care Commission.

*History Note: Authority G.S. 143B-165; 150B-20; Eff. February 1, 1976; Readopted Eff. December 19, 1977; Amended Eff. November 1, 1989;*



Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015; Amended Eff. October 1, 2023.

**10A NCAC 13G .0504 COMPETENCY EVALUATION AND VALIDATION FOR LICENSED HEALTH PROFESSIONAL SUPPORT TASKS**

(a) When a resident requires one or more of the personal care tasks listed in Subparagraphs (a)(1) through (a)(28) of Rule .0903 of this Subchapter, the task may be delegated to non-licensed staff or licensed staff not practicing in their licensed capacity after a licensed health professional has validated the staff person is competent to perform the task.

(b) The licensed health professional shall evaluate the staff person's knowledge, skills, and abilities that relate to the performance of each personal care task. The licensed health professional shall validate that the staff person has the knowledge, skills, and abilities and can demonstrate the performance of the task(s) prior to the task(s) being performed on a resident.

(c) Evaluation and validation of competency shall be performed by the following licensed health professionals in accordance with his or her North Carolina occupational licensing laws:

- (1) A registered nurse shall validate the competency of staff who perform any of the personal care tasks specified in Subparagraphs (a)(1) through (a)(28) of Rule .0903 of this Subchapter;
- (2) In lieu of a registered nurse, a licensed respiratory care practitioner may validate the competency of staff who perform personal care tasks specified in Subparagraphs (a)(6), (11), (16), (18), (19), and (21) of Rule .0903 of this Subchapter;
- (3) In lieu of a registered nurse, a licensed pharmacist may validate the competency of staff who perform the personal care tasks specified in Subparagraph (a)(8) and (11) of Rule .0903 of this Subchapter. An immunizing pharmacist may validate the competency of staff who perform the personal care task specified in Subparagraph (a)(15) of Rule .0903 of this Subchapter; and
- (4) In lieu of a registered nurse, an occupational therapist or physical therapist may validate the competency of staff who perform personal care tasks specified in Subparagraphs (a)(17) and (a)(22) through (a)(27) of Rule .0903 of this Subchapter.

(d) If a physician certifies that care can be provided to a resident in a family care home on a temporary basis in accordance with G.S. 131D-2.2(a), the facility shall ensure that the staff performing the care task(s) authorized by the physician are competent to perform the task(s) in accordance with Paragraphs (b) and (c) of this Rule. For the purpose of this Rule, "temporary basis" means a length of time as determined by the resident's physician to meet the care needs of the resident and prevent the resident's relocation from the family care home.

History Note: Authority G.S. 131D-2.16; 131D-4.5; 143B-165; Temporary Adoption Eff. September 1, 2003; Eff. July 1, 2004; Readopted Eff. October 1, 2022; Amended Eff. October 1, 2023.

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**10A NCAC 15 .1001 NOTICES, INSTRUCTIONS, AND REPORTS TO EMPLOYEES**

(a) Persons registered with the agency pursuant to the rules in Section .0200 of this Chapter and persons licensed under the rules in Sections .0300, .0900, .1200, and .1300 of this Chapter shall comply with the provisions of 10 CFR 19 as follows, which are hereby incorporated by reference including subsequent amendments and editions, except that references to and requirements for 10 CFR 2, 50, 52, 54, 60, 63, 72, and 76 shall not apply:

- (1) 10 CFR 19.1, "Purpose;"
- (2) 10 CFR 19.2, "Scope;"
- (3) 10 CFR 19.3, "Definitions," except that the definition of "regulated activities" and "regulated entities" shall not apply. For persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, the following terms used in 10 CFR 19 shall have the following substitutions:
  - (A) "license" shall have the same meaning as "registration" as defined in Rule .0104(131) of this Chapter;
  - (B) "licensed" means registered pursuant to the rules in Section .0200 of this Chapter;
  - (C) "licensee" shall have the same meaning as "registrant" as defined in Rule .0104(130) of this Chapter;
  - (D) "materials" shall have the same meaning as "radiation machine" as defined in Rule .0104(122) of this Chapter;
  - (E) "NRC-licensed" means registered pursuant to the rules in Section .0200 of this Chapter; and
  - (F) "radioactive material" shall have the same meaning as "radiation machine" as defined in Rule .0104(122) of this Chapter;
- (4) 10 CFR 19.5, "Communications," except that licensees and registrants shall address communications and reports to the agency as instructed by Rule .0111 of this Chapter in lieu of the NRC;
- (5) 10 CFR 19.11, "Posting of notices to workers," except that 19.11(b) and (e) shall not apply;
  - (A) NRC Form 3 shall not be used in lieu of the Notice to Employees issued by the agency, except as authorized by the agency in writing;

- (B) licensees and registrants shall not post other notices, postings, notes, or other materials over the Notice to Employees, nor shall equipment be placed in such a manner that the Notice to Employees is obscured or hidden by that equipment; and
- (C) additional copies of the Notice to Employees may be obtained free of charge from the agency by contacting the agency at the addresses shown in Rule .0111(a) of this Chapter in lieu of the NRC, or online at <https://radiation.ncdhhs.gov/>;
- (6) 10 CFR 19.12, "Instructions to workers;"
- (7) 10 CFR 19.13, "Notifications and reports to individuals;"
- (8) 10 CFR 19.14, "Presence of representatives of licensees and regulated entities, and workers during inspections," except that 19.14(a) shall not apply;
- (9) 10 CFR 19.15, "Consultation with workers during inspections;"
- (10) 10 CFR 19.16, "Requests by workers for inspections." Requests for inspections shall be mailed or delivered to the agency as instructed by Rule .0111(a) of this Chapter in lieu of the NRC;
- (11) 10 CFR 19.17, "Inspections not warranted; informal review." Communications regarding the agency's decisions with respect to a request for inspection submitted to the agency under Subparagraph (a)(10) shall be mailed or delivered to the agency as instructed by Rule .0111(a) of this Chapter in lieu of the NRC;
- (12) 10 CFR 19.18, "Sequestration of witnesses and exclusion of counsel in interviews conducted under subpoena;"
- (13) 10 CFR 19.20, "Employee protection;"
- (14) 10 CFR 19.31, "Application for exemptions," except that the request for exemption shall be made on the licensee's or registrant's business letterhead. Requests for exemptions from the requirements of this Rule shall be made to the agency at the addresses shown in Rule .0111(a) of this Chapter in lieu of the NRC or as otherwise instructed by the agency. To request an exemption, the following information shall be submitted to the agency:
  - (A) licensee or registrant name;
  - (B) license or registration number;
  - (C) name of the individual requesting the exemption;
  - (D) contact information for the individual requesting the exemption;
  - (E) a description of the exemption being requested; and
  - (F) an explanation describing why the exemption is necessary.

(b) Notwithstanding Subparagraph (a)(5) of this Rule, registrants temporarily working in North Carolina and licensees working in North Carolina under reciprocity may post the Notice to Employees, NRC Form 3, or an equivalent form issued under the authority of the regulatory agency issuing the registration or license.

(c) Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part019/>.

*History Note: Authority G.S. 104E-7; 104E-12; Eff. February 1, 1980; Amended Eff. May 1, 1993; June 1, 1989; Transferred and Recodified from 15A NCAC 11 .1001 Eff. February 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Amended Eff. October 1, 2023.*

**10A NCAC 15 .1002 POSTING OF NOTICES TO WORKERS**  
**10A NCAC 15 .1003 INSTRUCTIONS TO WORKERS**

*History Note: Authority G.S. 104E-7; 104E-10; 104E-12; Eff. February 1, 1980; Amended Eff. April 1, 1999; January 1, 1994; May 1, 1992; Transferred and Recodified from 15A NCAC 11 .1002 and .1003, Eff. February 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Repealed Eff. October 1, 2023.*

**10A NCAC 15 .1004 NOTIFICATIONS AND REPORTS TO INDIVIDUALS**

*History Note: Authority G.S. 104E-7; 104E-10(b); 104E-12; Eff. February 1, 1980; Amended Eff. October 1, 2013; January 1, 1994; Transferred and Recodified from 15A NCAC 11 .1004 Eff. February 1, 2015; Amended Eff. March 1, 2017; Repealed Eff. October 1, 2023.*

**10A NCAC 15 .1005 PRESENCE OF REPRESENTATIVES DURING INSPECTIONS**  
**10A NCAC 15 .1006 CONSULTATION WITH WORKERS**

*History Note: Authority G.S. 104E-7; 104E-10; 104E-11; Eff. February 1, 1980; Amended Eff. May 1, 1993; Transferred and Recodified from 15A NCAC 11 .1005 and .1006 Eff. February 1, 2015; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019; Repealed Eff. October 1, 2023.*

**10A NCAC 15 .1007 REQUESTS FOR INSPECTIONS**  
**10A NCAC 15 .1008 INSPECTIONS NOT**  
**WARRANTED**

*History Note: Authority G.S. 104E-7; 104E-10;*  
*Eff. February 1, 1980;*  
*Amended Eff. May 1, 1992; November 1, 1989;*  
*Transferred and Recodified from 15A NCAC 11 .1007 – .1008 Eff.*  
*February 1, 2015;*  
*Repealed Eff. October 1, 2023.*

**10A NCAC 15 .1601 STANDARDS FOR**  
**PROTECTION AGAINST RADIATION**

(a) Persons registered with the agency pursuant to the rules in Section .0200 of this Chapter and persons licensed pursuant to the rules in Section .0300, .0900, .1200, or .1300 of this Chapter shall comply with the provisions of 10 CFR 20 as follows, which are hereby incorporated by reference including subsequent amendments and editions, except references to and requirements for 10 CFR 50, 52, 60, 63, 72, 73, and 76 shall not apply:

- (1) 20.1001, "Purpose," except that non-ionizing radiation from radiation machines registered in accordance with the rules in Section .0200 of this Chapter shall also be regulated by this Rule;
- (2) 20.1002, "Scope;"
- (3) 20.1003, "Definitions," except that for persons registered with the agency pursuant to the rules in Section .0200 of this Chapter, the following terms used in 10 CFR 20 shall have the following substitutions:
  - (A) "license" shall have the same meaning as "registration" as defined in Rule .0104(131) of this Chapter;
  - (B) "licensed" means registered pursuant to the rules in Section .0200 of this Chapter;
  - (C) "licensed material" shall have the same meaning as "radiation machine" as defined in Rule .0104(122) of this Chapter, and
  - (D) "licensee" shall have the same meaning as "registrant" as defined in Rule .0104(130) of this Chapter;
- (4) 20.1004, "Units of radiation dose;"
- (5) 20.1005, "Units of radioactivity;"
- (6) 20.1007, "Communications," except that licensees and registrants shall address communications regarding these rules, notifications, and reports to the agency as instructed by Rule .0111 of this Chapter in lieu of the NRC;
- (7) 20.1101, "Radiation protection programs;"
- (8) 20.1201, "Occupational dose limits for adults;"
- (9) 20.1202, "Compliance with requirements for summation of external and internal doses;"
- (10) 20.1203, "Determination of external dose from airborne radioactive material;"
- (11) 20.1204, "Determination of internal exposure;"
- (12) 20.1206, "Planned special exposures;"

- (13) 20.1207, "Occupational dose limits for minors;"
- (14) 20.1208, "Dose equivalent to an embryo/fetus;"
- (15) 20.1301, "Dose limits for individual members of the public;"
- (16) 20.1302, "Compliance with dose limits for individual members of the public;"
- (17) 20.1401, "General provisions and scope;"
- (18) 20.1402, "Radiological criteria for unrestricted use;"
- (19) 20.1403, "Criteria for license termination under restricted conditions;"
- (20) 20.1404, "Alternate criteria for license termination;"
- (21) 20.1405, "Public notification and public participation," except the agency shall not publish a notice in the Federal Register;
- (22) 20.1406, "Minimization of contamination," except that 20.1406(b) shall not apply;
- (23) 20.1501, "General;"
- (24) 20.1502, "Conditions requiring individual monitoring of external and internal occupational dose;"
- (25) 20.1601, "Control of access to high radiation areas;"
- (26) 20.1602, "Control of access to very high radiation areas;"
- (27) 20.1701, "Use of process or other engineering controls;"
- (28) 20.1702, "Use of other controls;"
- (29) 20.1703, "Use of individual respiratory protection equipment;"
- (30) 20.1704, "Further restrictions on the use of respiratory equipment;"
- (31) 20.1705, "Application for use of higher assigned protection factors;"
- (32) 20.1801, "Security of stored material;"
- (33) 20.1802, "Control of material not in storage;"
- (34) 20.1901, "Caution signs;"
- (35) 20.1902, "Posting requirements;"
- (36) 20.1903, "Exceptions to posting requirements;"
- (37) 20.1904, "Labeling containers;"
- (38) 20.1905, "Exemptions to labeling requirements," except that 20.1905(g) shall not apply;
- (39) 20.1906, "Procedures for receiving and opening packages;"
- (40) 20.2001, "General requirements;"
- (41) 20.2002, "Method for obtaining approval of proposed disposal procedures;"
- (42) 20.2003, "Disposal by release to sanitary sewerage;"
- (43) 20.2004, "Treatment or disposal by incineration;"
- (44) 20.2005, "Disposal of specific wastes;"
- (45) 20.2006, "Transfer for disposal and manifests;"
- (46) 20.2007, "Compliance with environmental and health protection regulations;"

- (47) 20.2008, "Disposal of certain byproduct material;"
- (48) 20.2101, "General provisions;"
- (49) 20.2102, "Records of radiation protection programs;"
- (50) 20.2103, "Records of surveys;"
- (51) 20.2104, "Determination of prior occupational dose;"
- (52) 20.2105, "Records of planned special exposures;"
- (53) 20.2106, "Records of individual monitoring results;"
- (54) 20.2107, "Records of dose to individual members of the public;"
- (55) 20.2108, "Records of waste disposal;"
- (56) 20.2110, "Form of records;"
- (57) 20.2201, "Reports of theft or loss of material." Persons registered with the agency pursuant to the rules in Section .0200 of this Chapter shall make telephone reports of the theft or loss of radiation machines in accordance with 20.2201(a)(1)(i);
- (58) 20.2202, "Notifications of incidents;"
- (59) 20.2203, "Reports of exposures, radiation levels, and concentrations of radioactive material exceeding the constraints or limits," except that 20.2203(c) shall not apply;
- (60) 20.2204, "Reports of planned special exposures;"
- (61) 20.2205, "Reports to individuals exceeding dose limits;"
- (62) 20.2206, "Reports of individual monitoring," except that 20.2206(a)(1), and 20.2206(a)(3) through (a)(5) shall not apply. The report required by 20.2206(b) shall be submitted upon request by the agency in lieu of the requirements of 20.2206(c);
- (63) 20.2207, "Reports of transactions involving nationally tracked sources." Notwithstanding Subparagraph (a)(6) of this Rule, reports required by this Subparagraph shall be made in accordance with 20.2207(f) and (g);
- (64) 20.2301, "Application for exemptions," except that the request for exemption shall be made on the licensee's or registrant's business letterhead. Requests for exemptions from the requirements of this Rule shall be made to the agency at the addresses shown in Rule .0111(a) of this Chapter in lieu of the NRC or as otherwise instructed by the agency. To request an exemption, the following information shall be submitted to the agency:
- (A) licensee or registrant name;
- (B) license or registration number;
- (C) name and contact information for the individual requesting the exemption;
- (D) a description of the exemption being requested, and
- (E) an explanation describing why the exemption is necessary;
- (65) 20.2302, "Additional requirements;"
- (66) Appendix A to Part 20, "Assigned Protection Factors for Respirators;"
- (67) Appendix B to Part 20, "Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage;"
- (68) Appendix C to Part 20, "Quantities of Radioactive Material Requiring Labeling;"
- (69) Appendix E to Part 20, "Nationally Tracked Source Thresholds," and
- (70) Appendix G to Part 20, "Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests."
- (b) Exposure of a personnel monitoring device to deceptively indicate a dose delivered to an individual is prohibited.
- (c) Licensees and registrants shall continue to perform all activities required by the rules of this Chapter, license or registration condition, and shall pay annual fees as instructed on an invoice issued by the agency until the license or registration is terminated. Registrants shall maintain registration of all radiation machines under their control until those units are disposed.
- (d) Nothing in the rules of this Chapter shall relieve any person of responsibility for complying with other applicable North Carolina laws and rules.
- (e) Copies of these regulations are available free of charge at <https://www.nrc.gov/reading-rm/doc-collections/cfr/part020/>.

*History Note: Authority G.S. 104E-7(a)(2); Eff. January 1, 1994; Amended Eff. August 1, 1998; Transferred and Recodified from 15A NCAC 11 .1601 Eff. February 1, 2015; Readopted Eff. October 1, 2023.*

**10A NCAC 15 .1602 IMPLEMENTATION**  
**10A NCAC 15 .1603 RADIATION PROTECTION**  
**PROGRAMS**  
**10A NCAC 15 .1604 OCCUPATIONAL DOSE LIMITS**  
**FOR ADULTS**  
**10A NCAC 15 .1605 REQUIREMENTS FOR**  
**SUMMATION OF EXTERNAL, INTERNAL DOSES**  
**10A NCAC 15 .1606 EXTERNAL DOSE FROM**  
**AIRBORNE RADIOACTIVE MATERIAL**  
**10A NCAC 15 .1607 DETERMINATION OF**  
**INTERNAL EXPOSURE**  
**10A NCAC 15 .1608 PLANNED SPECIAL**  
**EXPOSURES**  
**10A NCAC 15 .1609 OCCUPATIONAL DOSE LIMITS**  
**FOR MINORS**  
**10A NCAC 15 .1610 DOSE EQUIVALENT TO AN**  
**EMBRYO/FETUS**

10A NCAC 15 .1611 DOSE LIMITS FOR INDIVIDUAL MEMBERS OF THE PUBLIC
10A NCAC 15 .1612 COMPLIANCE WITH DOSE LIMITS FOR MEMBERS OF THE PUBLIC
10A NCAC 15 .1613 SURVEYS
10A NCAC 15 .1614 MONITORING OF EXTERNAL AND INTERNAL OCCUPATIONAL DOSE
10A NCAC 15 .1615 CONTROL OF ACCESS TO HIGH RADIATION AREAS
10A NCAC 15 .1616 CONTROL OF ACCESS TO VERY HIGH RADIATION AREAS
10A NCAC 15 .1617 ACCESS TO VERY HIGH RADIATION AREAS: IRRADIATORS
10A NCAC 15 .1618 USE OF PROCESS OR OTHER ENGINEERING CONTROLS
10A NCAC 15 .1619 USE OF OTHER CONTROLS TO RESTRICT INTERNAL EXPOSURE
10A NCAC 15 .1620 USE OF INDIVIDUAL RESPIRATORY PROTECTION EQUIPMENT
10A NCAC 15 .1621 RESTRICTIONS ON THE USE OF RESPIRATORY PROTECTION EQUIPMENT
10A NCAC 15 .1622 SECURITY OF SOURCES OF RADIATION
10A NCAC 15 .1623 CAUTION SIGNS
10A NCAC 15 .1624 POSTING REQUIREMENTS
10A NCAC 15 .1625 EXCEPTIONS TO POSTING REQUIREMENTS
10A NCAC 15 .1626 LABELING REQUIREMENTS AND EXEMPTIONS
10A NCAC 15 .1627 PROCEDURES FOR RECEIVING AND OPENING PACKAGES
10A NCAC 15 .1628 GENERAL REQUIREMENTS FOR WASTE DISPOSAL
10A NCAC 15 .1629 METHOD FOR OBTAINING APPROVAL OF DISPOSAL PROCEDURES
10A NCAC 15 .1630 DISPOSAL BY RELEASE INTO SANITARY SEWERAGE
10A NCAC 15 .1631 TREATMENT OR DISPOSAL BY INCINERATION
10A NCAC 15 .1632 DISPOSAL OF SPECIFIC WASTES
10A NCAC 15 .1633 TRANSFER FOR DISPOSAL AND MANIFESTS
10A NCAC 15 .1634 COMPLIANCE WITH ENV. AND HEALTH PROTECTION REGULATIONS
10A NCAC 15 .1635 GENERAL PROVISIONS FOR RECORDS
10A NCAC 15 .1636 RECORDS OF RADIATION PROTECTION PROGRAMS
10A NCAC 15 .1637 RECORDS OF SURVEYS
10A NCAC 15 .1638 DETERMINATION OF PRIOR OCCUPATIONAL DOSE
10A NCAC 15 .1639 RECORDS OF PLANNED EXPOSURES
10A NCAC 15 .1640 RECORDS OF INDIVIDUAL MONITORING RESULTS
10A NCAC 15 .1641 RECORDS OF DOSE TO INDIVIDUAL MEMBERS OF THE PUBLIC

10A NCAC 15 .1642 RECORDS OF WASTE DISPOSAL
10A NCAC 15 .1643 RECORDS OF TESTING ENTRY CONTROL DEVICES
10A NCAC 15 .1644 FORM OF RECORDS
10A NCAC 15 .1645 REPORTS OF THEFT OR LOSS OF LICENSED RADIOACTIVE MATERIAL
10A NCAC 15 .1646 NOTIFICATION OF INCIDENTS
10A NCAC 15 .1647 REPORTS OF RADIATION EXCEEDING THE LIMITS
10A NCAC 15 .1648 REPORTS OF PLANNED SPECIAL EXPOSURES
10A NCAC 15 .1649 REPORTS OF INDIVIDUAL MONITORING

History Note: Authority G.S. 104E-7(a)(2); 104E-7(a)(3); 104E-7(a)(5); 104E-12; 104E-12(a); 104E-15; 10 C.F.R. Chapter 1, Commission Notices, Policy Statements, Agreement States, 46 F.R 7540; Eff. January 1, 1994; Temporary Amendment Eff. August 20, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Amended Eff. October 1, 2013; November 1, 2007; May 1, 2006; January 1, 2005; August 1, 2002; April 1, 1999; August 1, 1998; May 1, 1995; Transferred and Recodified from 15A NCAC 11 .1602 - .1649 Eff. February 1, 2015; Amended Eff. March 1, 2017; Repealed Eff. October 1, 2023.

10A NCAC 15 .1653 RADIOLOGICAL REQUIREMENTS FOR LICENSE TERMINATION

History Note: Authority G.S. 104E-7(a)(2); 104E-10(b); Eff. April 1, 1999; Transferred and Recodified from 15A NCAC 11 .1653 Eff. February 1, 2015; Amended Eff. March 1, 2017; Repealed Eff. October 1, 2023.

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10A NCAC 41A .0107 REPORTING OF COVID-19 DIAGNOSTIC TEST RESULTS

History Note: Authority G.S. 130A-134; 130A-139; 130A-141; 130A-141.1; Emergency Adoption Eff. September 25, 2020; Temporary Adoption Eff. December 1, 2020; Eff. October 1, 2021; Amended Eff. October 1, 2022; Repealed Eff. October 1, 2023.

TITLE 12 - DEPARTMENT OF JUSTICE

**12 NCAC 10B .0402 PROBATIONARY CERTIFICATION**

All justice officers, except those transferred or reinstated pursuant to Rule .0406 of this Section shall serve a probationary certification period of one year; provided that the one year probationary period has not been extended for cause pursuant to 12 NCAC 10B .0602(a) or .1303(a). For certification as a deputy sheriff the probationary period begins on the date the officer took the Oath of Office after completion of Basic Law Enforcement Training as described in 12 NCAC 10B .0502 and 12 NCAC 09B .0205. For certification as a detention officer or telecommunicator, the probationary period begins on the date the person was appointed.

*History Note: Authority G.S. 17E-4; 17E-7; Eff. January 1, 1989; Amended Eff. January 1, 1996; January 1, 1994; January 1, 1991; Temporary Amendment Eff. March 1, 1998; Amended Eff. August 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. July 1, 2024.*

**12 NCAC 10B .0403 PROBATIONARY CERTIFICATION REQUIREMENT**

(a) For certification as a deputy sheriff, the applicant must successfully complete Basic Law Enforcement Training as described in 12 NCAC 10B .0502 and 12 NCAC 09B .0205, and a Report of Appointment (Form F-4) must be submitted to the Division.

(b) For certification as a detention officer, a Report of Appointment (Form F-4) must be submitted to the Division.

(c) For certification as a telecommunication officer, a Report of Appointment (Form F-4T) must be submitted to the Division.

(d) Report of Appointment forms must be submitted to the Division by the employing agency no later than 10 days after the deputy sheriff has taken the Oath of Office, or the detention officer or the telecommunicator has been appointed.

(e) The Division shall forward the justice officer's certification to the appointing agency.

(f) No deputy sheriff or detention officer probationary certification shall be issued by the Division prior to the applicant meeting the conditions set forth in this Paragraph. As an additional requirement for probationary certification, the applicant shall meet the following requirements:

- (1) If the applicant for probationary certification is authorized to carry a firearm pursuant to the provisions of 12 NCAC 10B .2104, the employing agency shall submit evidence of satisfactory completion of the employing agency's in-service firearms training and requalification program pursuant to 12 NCAC 10B .2000 and .2100; or
- (2) If the applicant for probationary certification is not authorized to carry a firearm pursuant to the provisions of 12 NCAC 10B .2104, the employing agency shall notify the Division, in writing, that the applicant is not authorized to carry a firearm.

*History Note: Authority G.S. 17E-4; 17E-7; Eff. January 1, 1989; Amended Eff. February 1, 1998, January 1, 1996; January 1, 1994; January 1, 1991; Temporary Amendment Eff. March 1, 1998; Amended Eff. August 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. July 1, 2024.*

**12 NCAC 10B .0404 GENERAL CERTIFICATION**

(a) The Commission shall grant an officer general certification if evidence is received by the Division that the officer has:

- (1) complied with all of the requirements of 12 NCAC 10B .0300;
- (2) successfully completed the required probationary period pursuant to Rule .0402 of this Section; and
- (3) detention officers and telecommunicators have completed the required training within the probationary period.

(b) General certification is continuous from the date of issuance if:

- (1) The certified officer remains continuously employed or appointed as an officer with an agency and the certification has not been terminated for cause; or
- (2) The certified officer, having separated without a pending disciplinary action from an agency, is reemployed or reappointed as a justice officer within one year from the date of separation, and the certification has not been terminated for cause.

*History Note: Authority G.S. 17E-4; 17E-7; Eff. January 1, 1989; Amended Eff. January 1, 1993; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. July 1, 2024.*

**12 NCAC 10B .0503 TIME REQ/COMPLETION/BASIC LAW ENFORCEMENT TRAINING COURSE**

(a) Each deputy sheriff shall have completed with passing scores the accredited basic training course as prescribed in 12 NCAC 09B .0205 prior to obtaining probationary certification. Any deputy sheriff who does not comply with this Rule or other training provisions of this Chapter shall not exercise the powers of a deputy sheriff, including the power of arrest.

(b) Any applicant for certification who has completed a Commission-certified basic law enforcement training program, but has not been duly appointed and certified in a sworn law enforcement position within one year of completion of the course, shall complete a subsequent Commission-certified basic law enforcement training program and pass the State Comprehensive Examination pursuant to 12 NCAC 09B .0406 within the 12 month probationary period. The Director shall waive this

requirement to complete a subsequent Commission-certified basic law enforcement training program and pass the State Comprehensive Examination and accept a basic law enforcement training program and pass the State Comprehensive Examination that was completed outside of the one year time period as set forth in this Rule unless he or she determines that a delay in applying for certification was due to negligence on the part of the applicant or employing agency. The extension of the one year period shall not exceed 30 days from the expiration date of the commission-certified basic law enforcement training program completed by the applicant.

*History Note: Authority G.S. 17E-4; 17E-7; Eff. January 1, 1989; Amended Eff. January 1, 2006; January 1, 1996; January 1, 1994; January 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. July 1, 2024; June 1, 2019.*

**TITLE 14B - DEPARTMENT OF PUBLIC SAFETY**

**14B NCAC 16 .1503 INVESTIGATIONS DIRECTLY RELATED TO PROVISION OF SERVICES**

A close personal protection licensee may engage in activities otherwise defined by G.S. 74C-3(a)(8) as an investigation which are directly related to the provision of services including but not limited to advance planning, intelligence, and risk assessment.

*History Note: Authority G.S. 74C-5; Temporary Adoption Eff. April 28, 2023; Eff. November 1, 2023.*

**14B NCAC 16 .1504 DISTINGUISHING SECURITY SERVICES**

(a) Prior to providing any service to a client, a close personal protection licensee or licensed private investigator with a close personal protection endorsement shall enter into a written contract or agreement that lists by name the individual person or persons for whom service is to be provided, the specific function that constitutes the service, and the duration of the service.

(b) A close personal protection license or close personal protection endorsement does not entitle the licensee to provide services defined by G.S. 74C-3(a)(6) to any person or persons not listed in the contract or agreement.

*History Note: Authority G.S. 74C-3(c); 74C-5; Temporary Adoption Eff. April 28, 2023; Eff. November 1, 2023.*

**14B NCAC 16 .1702 TRAINING AND SUPERVISION REQUIRED IN LEVEL ONE**

(a) If upon sponsorship, the Associate has less than one year or 1,000 hours of verifiable training or experience, the Associate shall be classified as a Level One Associate and shall undergo 160 hours of one-on-one supervision training.

(b) The first 40 hours of employment shall be one-on-one supervision. The remaining 120 hours of one-on-one supervision

shall be gathered over the first year of employment or the first 1,000 hours of work, whichever comes first.

(c) A Level One Associate cannot, independently of the sponsor, accept or contract employment. The Associate shall have direct face-to-face, telephone, or virtual contact with the sponsor before accepting employment or before accepting a new case.

(d) The sponsor shall meet with the Level One Associate to review the Associate's activities. The sponsor's review may be by telephone, virtually, or face-to-face and shall occur at least four times per month. The sponsor shall review each assignment the Associate is working or has worked since the last review. Review sessions may encompass more than one assignment.

*History Note: Authority G.S. 74C-5(2); Temporary Adoption Eff. April 28, 2023; Eff. November 1, 2023.*

**14B NCAC 16 .1703 TRAINING AND SUPERVISION REQUIRED IN LEVEL TWO**

(a) If upon initial application for an Associate permit, the applicant has at least one year or 1,000 hours of verifiable training or experience, the applicant will skip Level One and be classified as a Level Two Digital Forensics Examiner Associate. An applicant that skips Level One shall undergo 80 hours of one-on-one training. The first 40 hours of one-on-one supervision shall be one-on-one training and shall occur within the first 40 hours of employment. The remaining 40 hours shall be gathered over the first year of employment or the first 1,000 hours of work, whichever comes first.

(b) A Level Two Associate cannot, independently of the sponsor, accept or contract employment. The Associate shall have direct face-to-face, virtual, or telephone contact with the sponsor.

(c) The sponsor shall meet with the Level Two Associate to review the Associate's work product. The sponsor's review may be by telephone, virtually, or face-to-face and shall occur at least four times per month. The sponsor shall review each assignment the Associate is working or has worked since the last review. Review sessions may encompass more than one assignment.

*History Note: Authority G.S. 74C-5(2); Temporary Adoption Eff. April 28, 2023; Eff. November 1, 2023.*

**14B NCAC 16 .1704 TRAINING AND SUPERVISION REQUIRED IN LEVEL THREE**

(a) If upon sponsorship the Associate has at least two years or 2,000 hours of verifiable training or experience, the Associate will be classified as a Level Three Associate and shall undergo 40 hours of one-on-one training.

(b) The first 40 hours of employment for the Level Three Digital Forensics Examiner Associate shall be one-on-one supervision.

(c) When the Level Three Associate completes the requirements of Level Three by fulfilling the licensing requirements set forth in Rules .0204 and .0401 of this Chapter, the Associate may apply for a digital forensics examiner license.

(d) The sponsor shall meet with the Level Three Associate to review the Associate's activities once each month. The sponsor licensee shall review each assignment the Associate is working or

has worked since the last review. Review sessions may encompass more than one assignment.

(e) The sponsor shall ensure the Level Three Associate remains in compliance with G.S. Chapter 74C.

*History Note: Authority G.S. 74C-5(2);  
Temporary Adoption Eff. April 28, 2023;  
Eff. November 1, 2023.*

**14B NCAC 16 .1705 EDUCATIONAL DEGREES AND NON-DEGREE TRAINING**

Using the formula in Rule .0204 of this Chapter, the Board shall give credit toward the educational and training requirements of this Section as follows:

- (1) An applicant shall receive a minimum of 400 hours of experience credit for an associate's degree. The Board shall grant up to 100 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the associate's degree.
- (2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Board shall grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the bachelor's degree.
- (3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the graduate degree.

*History Note: Authority G.S. 74C-5(2);  
Temporary Adoption Eff. April 28, 2023;  
Eff. November 1, 2023.*

**14B NCAC 16 .1708 TRANSFERABILITY OF TRAINING HOURS**

If a Level One Associate transfers employment to another digital forensics examiner licensee, the one-on-one training shall not transfer and the Associate shall undergo new one-on-one supervised training hours with the new sponsor. If a Level Two or Level Three Associate transfers employment to another licensee, all training hours shall be transferred.

*History Note: Authority G.S. 74C-5(2);  
Temporary Adoption Eff. April 28, 2023;  
Eff. November 1, 2023.*

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**TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**15A NCAC 18A .1511 WATER SUPPLY**

(a) Water supplies at local confinement facilities shall meet the requirements in 15A NCAC 18C or 15A NCAC 18A .1700, as applicable.

(b) In local confinement facilities that use a non-community water system, as defined at G.S. 130A-313(10), a sample of water shall be collected by the Department of Health and Human Services once a year and submitted to the North Carolina State Laboratory of Public Health or other laboratory certified by the North Carolina State Laboratory of Public Health under 10A NCAC 42C .0102 to perform bacteriological examinations.

(c) A local confinement facility's water supply plumbing shall not include cross-connections as set out in 15A NCAC 18C .0102(c)(8).

(d) Local confinement facilities shall provide water heating facilities, and shall provide hot and cold running water under pressure to carry out all operations.

*History Note: Authority G.S. 153A-226;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990;  
Readopted Eff. October 1, 2023.*

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**TITLE 20 - DEPARTMENT OF STATE TREASURER**

**20 NCAC 02C .0210 DEFINITIONS**

(a) "Surety" means a written agreement, constituting both a resolution and an "acknowledgement and acceptance letter" as described in Rule .0211 of this Section, given for the fulfillment and guarantee of the withdrawal payment to cease participation in the Retirement System under G.S. 128-30(i).

(b) "Estimated Withdrawal Liability" means the withdrawal liability under the terms of G.S. 128-30(i) estimated by the Division's consulting actuary. The estimate shall be prepared under the assumption that the participating employer will cease participation 10 years after initial participation.

(c) "Non-taxing authority" ("NTA") means as an otherwise eligible employer that is not a taxing unit, as defined by G.S. 105-273(16).

*History Note: Authority G.S. 128-23(i);  
Eff. October 1, 2023.*

**20 NCAC 02C .0211 SURETY FOR NON-TAXING AUTHORITY PARTICIPATION**

(a) An NTA shall provide surety to the Board establishing any withdrawal liability the NTA may incur will be paid by submitting a resolution adopted by the NTA's governing body stating the NTA is maintaining an amount equal to or greater than the Estimated Withdrawal Liability in a secure financial instrument and will maintain the funds in such an instrument, including any other secure financial instrument, throughout its participation in the Retirement System. A secure financial instrument may include: an escrow account, a letter of credit, a bond, a deed of trust, or a deposit in the Ancillary Governmental Participant Investment Program (AGPIP) under G.S. 147-69.3 to the extent



such an investment by the NTA is permitted by the Internal Revenue Code and State law.

(b) Any NTA submitting a resolution required under Paragraph (a) of this Rule must also submit to the Division an "acknowledgement and acceptance letter" signed by a person or persons authorized to act on behalf of the NTA. The letter must acknowledge the specific amount of the Estimated Withdrawal Liability; acknowledge that the actual amount of the withdrawal

liability, if incurred, will differ from the Estimated Withdrawal Liability; accept the obligation to pay the actual withdrawal liability, if incurred; and attest that the entity has reviewed the withdrawal-related requirements of G.S. 128-30(i).

*History Note: Authority G.S. 128-23(i);  
Eff. October 1, 2023.*

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**RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission November 16, 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 2<sup>nd</sup> 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)  
Jay R. Hemphill  
Jeff Hyde  
Brandon Leebrick  
Bill Nelson

**Appointed by House**

Barbara A. Jackson (1<sup>st</sup> Vice Chair)  
Randy Overton (2<sup>nd</sup> Vice Chair)  
Wayne R. Boyles, III  
Jake Parker  
Paul Powell

**COMMISSION COUNSEL**

Brian Liebman	984-236-1948
William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934

**RULES REVIEW COMMISSION MEETING DATES**

November 16, 2023	January 18, 2024
December 14, 2023	February 15, 2024

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**AGENDA**

**RULES REVIEW COMMISSION**

**Thursday, November 16, 2023, 9:00 A.M.  
1711 New Hope Church Rd., Raleigh, NC 27609**

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)  
Approval of the minutes from the last meeting
- II. Follow-up matters
  - A. Board of Agriculture - 02 NCAC 52B .0214; 52J .0901, .0902, .0903, .0904 (Liebman)
  - B. Medical Care Commission - 10A NCAC 13F .0702, .1307; 13G .0705, .1301 (Liebman)
  - C. DHHS - Division of Health Service Regulation - 10A NCAC 14E .0104, .0106, .0107, .0109, .0112, .0114, .0201, .0202, .0207, .0209, .0210, .0211, .0212, .0315, .0318, .0319, .0320, .0321, .0322, .0323, .0324, .0325, .0326, .0327, .0328, .0329, .0330, .0331 (Liebman)
  - D. Department of Justice - 12 NCAC 02J .0201 (Liebman)
  - E. Criminal Justice Education and Training Standards Commission - 12 NCAC 09B .0209, .0403, .0501, .0502; 09C .0306; 09G .0405, .0406 (Liebman)
  - F. Coastal Resources Commission - 15A NCAC 07H .0208, .0308; 07M .0603 (Liebman)
  - G. Department of Revenue - 17 NCAC 07B .0115, .0901, .0902, .0904, .1101, .1123, .1202, .1301, .1302, .1303, .1305, .1404, .1601, .1602, .1605, .1701, .1702, .1704, .1705, .1801, .1905, .1907, .2001, .2002, .2101, .2102, .2105, .2201, .2204, .2205, .2209, .2210, .2212, .2213, .2301, .2401, .2603, .2604, .2605, .2701, .2702, .2801, .2802, .2901, .3004, .3009, .3101, .3106, .3107, .3301, .3302, .3801, .3804, .3907, .3910, .4102, .4105, .4106, .4109 (Ascher)
  - H. Department of Revenue - 17 NCAC 07B .4201, .4202, .4203, .4205, .4206, .4210, .4301, .4302, .4401, .4403, .4404, .4406, .4411, .4413, .4415, .4503, .4510, .4609, .4614, .4701, .4707, .4708, .4801, .5001, .5002, .5004 (Peaslee)
  - I. Board of Examiners in Optometry - 21 NCAC 42D .0102 (Peaslee)
- III. Review of Filings (Permanent Rules) for rules filed between September 21, 2023 through October 20, 2023
  1. Child Care Commission (Ascher)
  2. Sheriffs' Education and Training Standards Commission (Peaslee)
  3. Licensing Board for General Contractors (Peaslee)
  4. Board of Cosmetic Art Examiners (Peaslee)
  5. Board of Dental Examiners (Liebman)

- 6. Board of Nursing (Peaslee)
- 7. Building Code Council (Liebman)
- IV. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
- V. Existing Rules Review
- VI. Commission Business
  - o Next meeting: December 14, 2023

**Commission Review**  
**Log of Permanent Rule Filings**  
**September 21, 2023 through October 20, 2023**

**CHILD CARE COMMISSION**

The rules in Chapter 9 are child care rules and include definitions (.0100); general provisions related to licensing (.0200); procedures for obtaining a license (.0300); issuance of provisional and temporary licenses (.0400); age and developmentally appropriate environments for centers (.0500); safety requirements for child care centers (.0600); staff qualifications (.0700); health standards for children (.0800); nutrition standards (.0900); transportation standards (.1000); continuing education and professional development (.1100); building code requirements for child care centers (.1300); space requirements (.1400); temporary care requirements (.1500); family child care home requirements (.1700); discipline (.1800); special procedures concerning abuse/neglect in child care (.1900); rulemaking and contested case procedures (.2000); religious-sponsored child care center requirements (.2100); administrative actions and civil penalties (.2200); forms (.2300); child care for mildly ill children (.2400); care for school-age children (.2500); multi-unit child care centers (.2600); criminal records checks (.2700); voluntary rated licenses (.2800); developmental day services (.2900); NC pre-kindergarten services (.3000); and care for school-age children during state of emergency(.3100).

<u>Definitions</u>	10A NCAC 09 .0102
Amend*	
<u>Safe Environment</u>	10A NCAC 09 .0601
Amend*	
<u>Building Requirements</u>	10A NCAC 09 .1707
Amend*	
<u>Sanitation Requirements for Family Child Care Homes</u>	10A NCAC 09 .1725
Amend*	
<u>Provisional Child Care Facility License or Provisional No...</u>	10A NCAC 09 .2204
Amend*	
<u>Suspension</u>	10A NCAC 09 .2206
Amend*	
<u>Revocation of a Child Care Facility License or an Order t...</u>	10A NCAC 09 .2209
Amend*	
<u>Scope</u>	10A NCAC 09 .2611
Adopt*	
<u>Definition of Multi-Unit Child Care Centers</u>	10A NCAC 09 .2612
Adopt*	
<u>Licensure</u>	10A NCAC 09 .2613
Adopt*	
<u>Outdoor Space</u>	10A NCAC 09 .2614
Adopt*	
<u>Staff/Child Ratios</u>	10A NCAC 09 .2615
Adopt*	
<u>Provider Qualifications</u>	10A NCAC 09 .2616
Adopt*	

**SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

The rules in Subchapter 10B govern the commission organization and procedure (.0100); enforcement rules (.0200); minimum standards for employment as a justice officer (deputy or jailer) (.0300); certification of justice officers (.0400); standards and accreditation for justice officers schools, training programs, and the instructors (.0500-.0900); certificate and awards programs for sheriffs, deputies, justice officers, jailers, reserve officers, and telecommunicators (.1000-.1700); in-service training (.2000); firearms in-service training and re-qualification (.2100); and forms (.2200).

Evaluation for Training Waiver 12 NCAC 10B .0603  
Amend\*

**GENERAL CONTRACTORS, LICENSING BOARD FOR**

The rules in Subchapter 12A concern general provisions including organization and responsibilities of the board (.0100); licensing requirements (.0200); application procedure (.0300); examination (.0400); license (.0500); board disciplinary procedures (.0700); contested cases (.0800); and homeowners recovery fund (.0900).

Classification 21 NCAC 12A .0202  
Amend\*

Character References 21 NCAC 12A .0308  
Amend\*

Witnesses 21 NCAC 12A .0828  
Amend\*

**COSMETIC ART EXAMINERS, BOARD OF**

The rules in Subchapter 14T concern cosmetic art schools including the scope of the rules and school applications (.0100); physical requirements for cosmetic art schools (.0200); school equipment and supplies (.0300); student equipment (.0400); record keeping (.0500); curricula for all cosmetic art disciplines (.0600); school licensure, operations, closing and relocating schools (.0700); school inspections (.0800); and disciplinary actions (.0900).

Esthetics Student Equipment 21 NCAC 14T .0402  
Amend\*

Natural Hair Care Styling Student Equipment 21 NCAC 14T .0404  
Amend\*

Submission of Records 21 NCAC 14T .0501  
Amend\*

**DENTAL EXAMINERS, BOARD OF**

The rules in Chapter 16 cover the licensing of dentists and dental hygienists.

The rules in Subchapter 16B concern licensure examination for dentists including examination required (.0100); qualifications (.0200); application (.0300); Board conducted examinations (.0400); licensure by credentials (.0500); limited volunteer dental license (.0600); instructor's license (.0700); temporary volunteer dental license (.0800); and exemptions for active military (.0900).

Examination Required; Exemptions 21 NCAC 16B .0101  
Amend\*

Dental Licensure by Credentials 21 NCAC 16B .0501  
Amend\*

Dental Licensure Via Instructor's License 21 NCAC 16B .0502  
Adopt\*

**NURSING, BOARD OF**

The rules in Chapter 36 include rules relating to general provisions (.0100); licensure (.0200); approval of nursing programs (.0300); unlicensed personnel and nurses aides (.0400); professional corporations (.0500); articles of organization (.0600); nurse licensure compact (.0700); and approval and practice parameters for nurse practitioners (.0800).

Clinical Nurse Specialist Practice 21 NCAC 36 .0228  
Amend\*

**BUILDING CODE COUNCIL**

2024 NC Building Code  
Adopt\*

2024 NC Building Code/Scope Section 101.2  
Adopt\*

2024 NC Existing Building Code  
Adopt\*

2024 NC Existing Building Code Section 101.2  
Adopt\*

2024 NC Existing Building Code/Low-rise Buildings Section 803.2.1.2  
Adopt\*

2024 NC Fire Code  
Adopt\*

2024 NC Fire Code/Exception to Applicability Section 102.13  
Adopt\*

2024 NC Fire Code/Commercial, Industrial, Governmental or... Section 5706.5.4.5  
Adopt\*