

NC Gen. Stat. 10B-25 [Expires 12/31/2021] Emergency video notarization (North Carolina General Statutes (2021 Edition))

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§ 10B-25. [Expires 12/31/2021] Emergency video notarization

(a) Notwithstanding any other provision of law, a notary may perform an emergency video notarization using video conference technology provided all of the requirements of this section are satisfied. A notary who is not satisfied that the principal's identity has been proven by satisfactory evidence shall not be required to complete an emergency video notarization. An emergency video notarization shall not change any originality verification requirements for recording with a register of deeds, clerk of superior court, or other government or private office in this State. Nothing in this section shall apply to any notarization under Article 20 of Chapter 163 of the General Statutes.

(b) As used in this section, video conference technology is electronic communication that:

(1) Occurs in real time.

(1a) Allows direct interaction between the principal seeking the notary's services and the notary so that each can communicate simultaneously by sight and sound through an electronic device or process.

(2) Includes audio with sound clear enough that each participant in the notarial act can hear and understand all other participants.

(3) Has sufficient quality to allow a clear and unobstructed visual observation of the face of each participant, and any identification provided by the principal for a sufficient time to allow the notary to determine if it is satisfactory evidence. The notary shall determine if the time is sufficient.

(4) Is not prerecorded video or audio or both.

(5) May be capable of recording by means of one of the following:

a. The video conference technology's recording and storage services.

b. An independent video recording device.

c. Electronically saved screenshots clearly showing each participant's face, identification presented by the principal, and the notarized document.

(c) The requirement of personal appearance, appear in person before a notary, physical presence, and presence, as those terms are used in this Chapter, are satisfied for the purpose of an emergency video notarization if the notary is physically present in North Carolina, the principal verifies to the notary that he or she is physically present in North Carolina at the time of the notarization, the principal identifies the county where he or she is located at the time of the notarial act, and the principal and notary use video conference technology that complies with the requirements of this section.

(d) A notary who has personal knowledge of a principal may rely on the video conference technology to verify the principal's identity unless the notary, in the notary's sole discretion, requires satisfactory evidence. A notary who does not have personal knowledge of a principal shall require satisfactory evidence of the principal's identity. The requirement of satisfactory evidence, as that term is used in this Chapter, is satisfied for the purpose of an emergency video notarization if identification of the principal is based on at least one document that meets all of the following:

(1) Is current or, if expired, did not expire prior to March 10, 2020.

(2) Is issued by a federal, state, or federal or state-recognized tribal government agency.

(3) Bears a photographic image of the principal's face.

(4) Has both the principal's signature and a physical description of the principal.

(e) The notary shall use video conference technology to observe each principal sign each document that is to be notarized. The principal shall verbally state what documents are being signed for the notarial record. After the document is signed by the principal, the principal or the principal's designee shall do the following:

(1) If an original wet-signed notarization on an original wet-signed document is not required, transmit a legible copy of the signed document to the notary by fax or other electronic means on the same day it was signed. The notary shall notarize the document on the same day the notary receives the document, and the notary shall transmit the notarized document back to the principal or the principal's designee by physical delivery, fax, or other electronic means on the same day the notary signed the document.

(2) If an original wet-signed notarization on an original wet-signed document is required, transmit a legible copy of the signed document by fax or other electronic means to the notary on the same day on which the document was signed and also deliver the original signed document to the notary by mail or other physical method. The notary shall compare the original document with the document transmitted by fax or other electronic means. If the faxed or electronic document is the same as the document received by mail or physical delivery, the notary shall notarize the wet signature on the original document and date the notarial act as of the date of the act observed using video conference technology and promptly transmit the original wet-notarized original document to the principal or the principal's designee by mail or other physical delivery as directed by the principal.

(f) If the notarial act is an oath or affirmation, the notary shall administer the oath or affirmation to the affiant using video conference technology.

(g) An acknowledgement or jurat certificate for an emergency video notarization shall include all of the following:

(1) The North Carolina county in which the notary public was located during the emergency video notarization.

(2) The North Carolina county in which the principal stated he or she was physically located during the emergency video notarization.

(3) The following statement:

I signed this notarial certificate on _____ (Date) according to the emergency video notarization requirements contained in G.S. 10B-25.

(h) If an acknowledgement or jurat certificate provided to a notary does not include the statement required by subsection (g) of this section, the notary shall insert the statement. By making or giving a notarial certificate using emergency video notarization, whether or not stated in the certificate, a notary certifies compliance with all the requirements of this section.

(i) A notary who performs an emergency video notarization shall record information about the notarization in a notary journal that is the exclusive property of the notary. The journal shall be retained by the notary for at least 10 years and may be maintained in electronic form. The notary shall keep the journal in a secure location and shall not allow another person to make entries in the journal. A notary may surrender the journal to the notary's employer upon termination of employment, but the notary shall also keep and maintain an accurate copy of the journal.

(j) At a minimum, for each emergency video notarization, the notary shall include the following information in the journal:

(1) The time of day when the notary observed the signing of the document by each principal and was presented with the principal's acceptable form of identification.

(2) The date of the completion of the emergency video notarization notarial certificate.

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

(4) The type of notarial act performed.

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

- (6) The type of acceptable form of identification presented including, if applicable, the issuing agency and identification number on the identification presented.
- (7) The type of video conference technology used during the emergency video notarization.
- (8) A statement that the notary and each principal could see and hear each other.
- (9) Whether any other person was present with the principal at the time of signature and if so, the name of that person.
- (k) A third party involved in a transaction that utilizes an emergency video notarization may require additional information to be included in the journal kept by the notary under subsection (j) of this section such as inclusion of a recording in the notary's journal or the method used by the notary to determine that a wet-signed original document is the same as the faxed or electronically submitted document.
- (l) As a public official, a notary shall maintain the confidentiality of a principal's documents at all times.
- (m) The Secretary may issue interpretive guidance or issue emergency or temporary rules as necessary to ensure the integrity of the emergency video notarization measures provided for in this section.
- (n) This section shall expire at 12:01 A.M. on December 31, 2021; provided, however, all notarial acts made in accordance with this section and while this section is in effect shall remain effective and shall not need to be reaffirmed.

(Amended by 2021 N.C. Sess. Laws 3,s. 2.10-a, eff. 3/1/2021. Amended by 2020 N.C. Sess. Laws 80,s. 2.9-b, eff. 7/1/2020. Amended by 2020 N.C. Sess. Laws 74,s. 27-b, eff. 7/1/2020. Added by 2020 N.C. Sess. Laws 3,s. 4.1-c, eff. 5/4/2020.)