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notary public guidebook for north carolina 2020

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Notary Public Guidebook for North Carolina 2020: Your Complete Reference

Becoming a notary public in North Carolina is more than just signing a few documents. It is a role that carries legal responsibility, trust, and a duty to uphold the integrity of the state's public records. Whether you are a first time applicant, an experienced notary looking to refresh your knowledge, or a business professional who needs to understand how to engage a notary, this guidebook provides a clear, step by step overview of the 2020 regulations and best practices.

Why the 2020 Guide Matters

North Carolina periodically updates its notary laws to reflect changes in technology, fraud prevention, and administrative procedures. The 2020 edition incorporates the latest statutes, administrative rules, and practical tools that help notaries stay compliant and efficient. By studying this guidebook, you'll:

- Understand the legal framework governing notaries in the state.
- Learn the application process, including required documents and fees.
- Discover the duties and limitations of a notary public.
- Explore the use of electronic notarization and mobile technology.
- Get practical tips for record keeping, oath administration, and handling disputes.

1. Overview of North Carolina Notary Law

The North Carolina General Statutes (Chapter 62) set forth the foundation for notarial acts. The law defines a notary public as a person appointed by the state to witness signatures, administer oaths, and perform other duties that promote the proper administration of justice.

1.1 Eligibility Criteria

To qualify as a notary public in North Carolina, applicants must meet all of the following:

1. Be at least 18 years old.
2. Be a legal resident of the state or a U.S. citizen who has a valid U.S. mailing address.
3. Have a clean criminal record (no felony convictions). A misdemeanor may be considered on a case by case basis.
4. Complete a 3 hour notary education course approved by the State Board of Notaries.
5. Pass a written exam administered by the Board.

1.2 Notary Duties and Powers

North Carolina notaries are empowered to perform the following actions:

- Administer oaths and affirmations.
- Take acknowledgments and jurats.
- Witness signatures on real estate documents, wills, and powers of attorney.
- Certify copies of documents.
- Record notarial acts in the official notary journal.

However, notaries are explicitly prohibited from:

- Acting as a lawyer or providing legal advice.
- Performing a deed or title transfer without a licensed attorney's involvement.
- Notarizing a document that has already been notarized by another notary.
- Accepting bribes or engaging in fraudulent conduct.

2. Application Process for 2020

Applying to become a notary public in North Carolina involves several steps, each designed to ensure that only qualified individuals receive the commission.

2.1 Prepare Your Documents

Gather the following before submitting your application:

- Completed Application Form (available from the Secretary of State's website).
- Proof of identity (driver's license, passport, or state ID).
- Proof of residence (utility bill, lease agreement).
- Certificate of completion from an approved notary education course.
- Written exam score sheet.
- Application fee (currently $15).

2.2 Submit the Application

Applications can be filed online through the Secretary of State's portal or mailed in. Online submissions are processed faster, typically within 2–3 weeks, while mailed applications may take up to 6 weeks.

2.3 Receive Your Commission

Once approved, you will receive a notarization commission certificate, a notary seal, and a notary journal. The commission is valid for 4 years, after which renewal is required.

3. The Role of the Notary Seal and Journal

Two essential tools for every North Carolina notary are the official seal and the journal. They serve as proof of authenticity and compliance.

3.1 Official Seal

The seal must contain:

- The words "Notary Public" or "Notary Public, State of North Carolina."
- The notary's name, commission number, and expiration date.
- It must be either a rubber stamp or a printed seal, but it cannot be a digital image used in electronic notarizations.

3.2 Notary Journal

North Carolina law requires that every notarial act be recorded in a journal. The journal must include:

- Full name and address of the signer.
- Type of notarization (acknowledgment, jurat, etc.).
- Date and time of the act.
- Signature of the signer and the notary's acknowledgment.
- Any relevant remarks.

Journals may be paper or electronic, but electronic journals must be password protected and meet the State

Board’s security standards.

4. Electronic Notarization in North Carolina (2020)

Recognizing the increasing demand for remote transactions, North Carolina adopted electronic notarization (e notarization) in 2020. This section explains how to comply with the new rules.

4.1 Requirements for E-Notarization

- Use a verified electronic platform that complies with the North Carolina Electronic Notary Act.
- Both the notary and the signer must be present in the same virtual meeting room.
- The notary must verify the signer’s identity using a secure authentication method (e.g., video verification, biometric data).
- Record the session with a timestamp and store the audio/video recording for 10 years.

4.2 Tools and Platforms

Several platforms have been approved by the State Board:

- DocuSign Notary
- Adobe Sign with Notary Add on
- NotaryLive
- SignNow Notary

Choose a platform that offers audit trails, encryption, and easy export of notarized documents.

5. Oath Administration and Jurats

Administering oaths and jurats is a core responsibility. Understanding the proper procedure ensures you uphold the legal integrity of the document.

5.1 Administering an Oath

When a signer takes an oath, the notary must:

1. State the exact oath or affirmation as required by law.
2. Ensure the signer understands the oath’s meaning.
3. Record the oath in the journal, including the signer"s name and the date.

5.2 Jurats

A jurat is an acknowledgment that the signer appeared before the notary and affirmed that the contents of the document are true. The notary must:

1. Verify the signer’s identity.
2. Administer the oath.
3. Record the jurat in the journal, including the date and time.

6. Common Notary Errors and How to Avoid Them

Even experienced notaries can make mistakes that lead to legal challenges. This section highlights frequent pitfalls and offers preventive strategies.

6.1 Notarizing a Document Already Notarized

Re notarizing a document can invalidate the original notarization. Always check the document’s history before

proceeding.

6.2 Failing to Verify Identity

Identity fraud is a growing concern. Use multiple forms of identification and consider biometric verification when available.

6.3 Improper Journal Entries

Incomplete or inaccurate entries can lead to disputes. Keep entries concise, factual, and free of subjective remarks.

6.4 Accepting Payment for Notarial Acts

North Carolina notaries may charge a reasonable fee for services, but they must not accept gifts or bribes. Keep all receipts and document the transaction in the journal.

7. Renewal and Continuing Education

Notaries must renew their commission every four years. Renewal requires proof of completion of a 3 hour continuing education course.

7.1 Renewal Process

To renew, submit:

- Renewal application form.
- Proof of continuing education.
- Renewal fee ($15).

Processing takes approximately 4–6 weeks. Late renewals may result in suspension.

8. Liability and Insurance

Notaries face potential liability for errors, omissions, or fraudulent acts. Professional liability insurance (errors and omissions insurance) is highly recommended.

8.1 Types of Coverage

- General liability for civil claims.
- Malpractice coverage for professional negligence.
- Cyber liability for electronic notarization data breaches.

9. Resources and Support

Staying informed is vital. Below are key resources for North Carolina notaries.

9.1 North Carolina State Board of Notaries

The Board provides updates on laws, regulations, and training. Visit **nc.notaryboard.gov** for official documents.

9.2 Notary Associations

- North Carolina Notary Association (NCNA)
- National Notary Association (NNA)
- American Society of Notaries (ASN)

Membership offers networking, continuing education, and legal updates.

9.3 Online Forums and Communities

Engage with peers on platforms like Reddit's r/notary, NotaryChat, and LinkedIn groups to share experiences and best practices.

10. Frequently Asked Questions

Below are some common questions that new and seasoned notaries ask.

10.1 Can I use a digital seal for electronic notarizations?

Yes, but it must meet the State Board's specifications for electronic seals, including a unique identifier and digital signature capability.

10.2 What happens if I notarize a forged document?

Notarizing a forged document can lead to criminal charges. If you suspect forgery, do not notarize and report the matter to authorities.

10.3 Are there any restrictions on the types of documents I can notarize?

Notaries can notarize most documents, but they should avoid notarizing legal opinions, contracts that require attorney involvement, and documents that require a title search.

Conclusion

North Carolina's 2020 Notary Public Guidebook is more than a regulatory manual; it is a living resource that equips you with the knowledge to serve your community responsibly and ethically. By adhering to the statutes, maintaining accurate journals, embracing secure electronic notarization, and staying current through continuing education, you uphold the trust that the public places in the notary profession. Whether you are taking your first step into the world of notarization or looking to refine your practice, this guidebook provides the roadmap for success in 2020 and beyond.

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