

§ 10B-134.5. (Effective July 1, 2024) Use of communication technology.

(a) The communication technology used by an electronic notary to perform remote electronic notarial acts for remotely located principals shall comply with all of the following requirements:

- (1) Host the meeting between the electronic notary and the remotely located principal in real time.
- (2) Allow direct interaction between the remotely located principal seeking the electronic notary's services and the electronic notary so that each can communicate simultaneously by sight and sound through communication technology.
- (3) Include audio with sound clear enough that each participant in the remote electronic notarial act can hear and understand all other participants.
- (4) Have sufficient video quality to allow a clear and unobstructed visual observation of the face of each participant and the document presented by the remotely located principal during credential analysis for a sufficient time to allow the electronic notary to verify the remotely located principal's identity under G.S. 10B-134.11. The electronic notary shall determine if the time is sufficient.
- (5) Not include prerecorded video or audio or both.
- (6) Be capable of recording using the communication technology's recording and storage services.
- (7) Be capable of geolocating the remotely located principal to corroborate the location of the remotely located principal.

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

(c) No person may require an electronic notary to perform any remote electronic notarial act using communication technology that the electronic notary has not selected. (2022-54, s. 1; 2023-57, ss. 2, 9(c).)