

NORTH CAROLINA STATE OFFICE UNDERWRITING BULLETIN

To: Old Republic Title Agents and Approved Attorneys

From: North Carolina State Office Underwriting Department

Date: May 5, 2020

Re: 2020 COVID-19 Recovery Act, Session Law 2020-3 (Senate Bill 704), Emergency Video Notarization

Session Law 2020-3 amends Part 3 of Article 1 of Chapter 10B of the General Statutes by adding a new section, 10B-25 Emergency Video Notarization, that authorizes a notary to perform acknowledgements and administer oaths and affirmations through the use of video conference technology if the notary and principal are physically present in North Carolina at the time of notarization and if certain requirements are met.

The definition of video conference technology is defined in NCGS 10B-25(b).

Old Republic Title will authorize the issuance of policies in reliance upon documents notarized and attested to in connection with a transaction (hereinafter the "Act") provided the following statutory conditions are met:

1. The Act occurs before the section expires at 12:01 AM on August 1, 2020.
2. 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 the section. See NCGS 10B-25(c).
3. Satisfactory evidence of the principal's identity is defined as at least one document that is current; issued by a federal or state agency, bears a photographic image of the principal's face and has both the principal's signature and a physical description of the principal. See NCGS 10B-25(d).
4. The notary complies with the use of video conference technology as set forth in NCGS 10B-25(e).
5. The acknowledgement for an emergency video notarization must include all of the following: (1) the North Carolina county where the notary public was located during the emergency video notarization; (2) the North Carolina county where the principal stated he or she was physically located during the emergency video notarization and (3) the statement, "I signed this notarial certificate on _____(Date) according to the emergency video notarization requirements contained in G.S. 10B-25." See NCGS 10B-25(g).
6. The notary who performs an emergency video notarization must record the information about the notarization in a notary journal that is their exclusive property. Additional information about this requirement is in NCGS 10B-25(i) and (j).

In addition to the statutory requirements, Old Republic Title requires the following in order to authorize the issuance of policies in reliance upon documents notarized and attested to in connection with a transaction (hereinafter the "Act"):

1. One of the following vendors must be used to facilitate the notarial act by audio-video technology: DocVerify; Notarize; NotaryCam; Nexsys; and Pavaso. Other vendors who have partnered with these vendors may also be used, such as DocMagic and DocuTech. As an alternative, a vendor who meets all of the following criteria may be used:
 - a. Voice and video recording are required and must be preserved for a minimum of 10 years either with the audio-video technology vendor or on the agent's servers; and,
 - b. Voice and video recording must be encrypted at rest if stored at a cloud provider; and,
 - c. Screen sharing content between participants must be encrypted at a minimum of AES 256 encryption; and,
 - d. Network connection between participants must be encrypted using a minimum of 256-bit TLS encryption.
2. The document(s) must be executed and placed in a sealed overnight package by the signer in the presence of the notary during the recorded audio-visual conference. The original executed document(s) containing the wet signature must be returned to the notary via overnight delivery for certification and execution by the notary and affixation of the official stamp or seal. The date and time entered by the notary shall be the date and time of the wet signature of the signer during the audio-video conference.
3. Written instructions and authorization for the Act by means of audio-video technology must be obtained from the Lender and all other parties to the transaction.
4. The transaction must be a 1 to 4 family residential property with an amount of insurance not to exceed \$2,000,000.00, unless special approval is obtained from Candice Redhead, State Manager and Counsel for Old Republic Title or from Old Republic Title Corporate Counsel.
5. The notary must be licensed under the state in which the property is located. The notary must sign a certification under the penalties of perjury that the notary was presented with a valid photo ID during the video conference and that the notary engaged in direct interaction with the person signing the document(s). As the notary must comply with the law and regulations pertaining to notarial acts, the notary must certify that they were physically situated in the State of North Carolina when they notarized the document(s) and identify the county in which the notary was situated when they witnessed the execution of the document(s).
6. The original document(s) with the original wet signatures of all persons executing the document(s) and of the notary must be submitted for recording. A copy of the document(s) may not be submitted for recording, either electronically, in person or otherwise. You may not insure without receipt of the original document(s) without underwriter approval.
7. Acceptance by the Register of Deeds of the documents notarized pursuant to NCGS 10B-25.
8. Disbursement cannot occur until the attorney is in physical possession of the original fully executed documents.

EXCLUSIONS:

1. Documents notarized by a North Carolina notary pursuant to the emergency video notarization that are recorded outside the State of North Carolina.

For more information, please contact:

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