

Article 3.

Video Witnessing During State of Emergency.

§ 10B-200. (Expires June 30, 2024 – see note) Applicability.

(a) This Article applies to the witnessing and signature of all records, as defined in G.S. 10B-3(19), signed, by a principal physically located in the State of North Carolina, on or after the effective date of this act.

(b) This Article expires June 30, 2024.

(c) No action described in this Article constitutes a notarial act, as defined in G.S. 10B-3(11), and no action described in this Article is governed by Article 1 or 2 of this Chapter. (2020-3, s. 4.2(a); 2020-74, s. 27(c); 2020-80, s. 2.9(c); 2021-3, s. 2.10(b); 2022-54, s. 3(c); 2023-57, s. 1(b).)

§ 10B-201. (Expires June 30, 2024 – see note) Emergency video witnessing.

(a) Notwithstanding any general or special law to the contrary, any person who witnesses the signature of a record through video conference technology shall be considered an "in-person" witness, and the record shall be considered to have been signed by the principal signer "in the presence of" such witness, if the video conference technology allows for direct, real-time audio and video interaction between each principal signer and the witness.

(b) Notwithstanding any general or special law to the contrary, an attesting witness to a record shall be considered to have signed such record in the presence of the principal signer, if all of the following are satisfied:

(1) The signature of the principal signer is witnessed by the attesting witness in accordance with the requirements of subsection (a) of this section.

(2) The attesting witness immediately thereafter signs such record while the video conference technology still allows for direct, real-time audio and video interaction between the principal signer and the attesting witness.

(c) Any record witnessed pursuant to this section shall contain all of the following:

(1) A conspicuous statement indicating that the record was witnessed by one or more witnesses physically located in the State of North Carolina pursuant to this Article.

(2) The county in which each remote witness was physically located when witnessing execution of the record.

(3) The county in which each principal signer was physically located during the witnessed execution of the record.

(d) Notwithstanding any general or special law to the contrary, absent an express prohibition in a legal document against signing in counterparts, any record witnessed pursuant to this Article may be signed in counterpart, which counterparts, when combined, shall create a single original record. (2020-3, s. 4.2(a); 2021-3, s. 2.10(b); 2023-54, s. 3(d).)