

Civil Law and Procedure

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H776 - Remote Electronic Notarization. (SL 2022-54)

S.L. 2022-54 does the following:

- Allows, effective July 1, 2023, authorized North Carolina notaries to remotely perform electronic notarial acts using real time online communication technology. At the time of the remote electronic notarial act, the notary to the transaction would be required to be physically located in North Carolina and the principal anywhere inside the United States or, in certain circumstances, outside the United States.
- Reauthorizes, effective July 8, 2022, temporary use of the emergency video authorization to perform remote notarizations until June 30, 2023.

H911 - Regulatory Reform Act of 2022.

Sec. 11: Permit a Consumer Finance Licensee to Take a Confession of Judgment from a Borrower Following the Borrower's Failure to Make a Payment as Required under the Loan Contract. (SL 2022-75)

Section 11 of S.L. 2022-75 provides that the State's prohibition on taking a confession of judgment from a borrower does not apply to a licensee taking a confession of judgment from a borrower following the borrower's failure to make a payment as required under the loan contract.

This section became effective July 12, 2022.

H911 - Regulatory Reform Act of 2022.

Sec. 17: Amend North Carolina Timeshare Act Transfer Provisions. (SL 2022-75)

Section 17 of S.L. 2022-75 narrows the definition of "timeshare transfer services" to exclude services "offered" in the State or "offered or provided anywhere in connection with a timeshare program containing timeshare units or a timeshare property located in this State." This section also removes language that could be interpreted to subject out-of-state companies acting out-of-state to personal jurisdiction in a North Carolina court. It narrows this to any business providing such services "in this State."

This section became effective July 12, 2022.

S769 - GSC Postponement/Judicial & Execution Sales. (SL 2022-60)

S.L. 2022-60 allows judicial sales and execution sales to be postponed up to 90 days, aligning the postponement authority for judicial and execution sales with that of sales under a contractual power of sale clause. This act also makes numerous conforming, clarifying, and technical changes to each statute amended.

This act becomes effective October 1, 2022, and applies to sales noticed on or after that date.