



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

April 4, 2012

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 2265, an Act providing for notarial acts, providing for fees, and including effective date provisions.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink that reads "Terry E. Branstad".

Terry E. Branstad
Governor

cc: Secretary of the Senate
Clerk of the House



Senate File 2265

AN ACT
PROVIDING FOR NOTARIAL ACTS, PROVIDING FOR FEES, AND INCLUDING
EFFECTIVE DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

REVISED UNIFORM LAW ON NOTARIAL ACTS

Section 1. NEW SECTION. 9B.1 Short title.

This chapter may be cited as the "*Revised Uniform Law on Notarial Acts*".

Sec. 2. NEW SECTION. 9B.2 Definitions.

In this chapter:

1. "*Acknowledgment*" means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

2. "*Electronic*" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

3. "*Electronic signature*" means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

4. "*In a representative capacity*" means acting as any of the following:

a. An authorized officer, agent, partner, trustee, or other representative for a person other than an individual.

b. A public officer, personal representative, guardian, or other representative, in the capacity stated in a record.

c. An agent or attorney-in-fact for a principal.

d. An authorized representative of another in any other capacity.

5. "*Notarial act*" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

6. "*Notarial officer*" means a notary public or other individual authorized to perform a notarial act.

7. "*Notary public*" means an individual commissioned to perform a notarial act by the secretary of state.

8. "*Official stamp*" means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record.

9. "*Person*" means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

10. a. "*Personal appearance*" means an act of a party to physically appear within the presence of a notary public at the time the notarization occurs.

b. "*Personal appearance*" does not include appearances which require video, optical, or technology with similar capabilities.

11. "*Record*" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

12. "*Sign*" means, with present intent to authenticate or adopt a record, to do any of the following:

a. Execute or adopt a tangible symbol.

b. Attach to or logically associate with the record an electronic symbol, sound, or process.

13. "*Signature*" means a tangible symbol or an electronic signature that evidences the signing of a record.

14. "*Stamping device*" means any of the following:

a. A physical device capable of affixing to or embossing on a tangible record an official stamp.

b. An electronic device or process capable of attaching to or logically associating with an electronic record an official

stamp.

15. "*State*" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

16. "*Verification on oath or affirmation*" means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

Sec. 3. NEW SECTION. 9B.4 Authority to perform notarial act.

1. A notarial officer may perform a notarial act authorized by this chapter or by law of this state other than this chapter.

2. A notarial officer shall not perform a notarial act with respect to a record to which the notarial officer or the notarial officer's spouse is a party, or in which either of them has a direct beneficial interest. A notarial act performed in violation of this subsection is voidable.

Sec. 4. NEW SECTION. 9B.5 Requirements for certain notarial acts.

1. A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the notarial officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

2. A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the notarial officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

3. A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the notarial officer and signing the record has the identity claimed.

4. A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

5. A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in section 554.3505, subsection 2.

Sec. 5. NEW SECTION. 9B.6 Personal appearance required.

If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

Sec. 6. NEW SECTION. 9B.7 Identification of individual.

1. A notarial officer has personal knowledge of the identity of an individual appearing before the notarial officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

2. A notarial officer has satisfactory evidence of the identity of an individual appearing before the notarial officer if the notarial officer can identify the individual pursuant to any of the following:

a. By means of any of the following:

(1) A passport, driver's license, or government-issued nondriver identification card, which is current or expired not more than three years before performance of the notarial act.

(2) Another form of government identification issued to an individual, which is current or expired not more than three years before performance of the notarial act, contains the signature or a photograph of the individual, and is satisfactory to the notarial officer.

b. By a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the notarial officer or whom the notarial officer can identify on the basis of a passport, driver's license, or government-issued nondriver identification card, which is current or expired not more than three years before performance of the notarial act.

3. A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

Sec. 7. NEW SECTION. 9B.8 Authority to refuse to perform notarial act.

1. A notarial officer may refuse to perform a notarial act if the notarial officer is not satisfied that any of the following apply:

a. The individual executing the record is competent or has

the capacity to execute the record.

b. The individual's signature is knowingly and voluntarily made.

2. A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than this chapter.

3. A notarial officer shall not condition the performing of notarial services upon the requirement that the person served be a customer or client of the establishment by which the notarial officer is employed. The employer of a notary public shall not condition the performing of a notarial service upon the requirement that the person served be a customer or client of the establishment by which the notary public is employed.

Sec. 8. NEW SECTION. 9B.9 Signature if individual unable to sign.

If an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "Signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import.

Sec. 9. NEW SECTION. 9B.10 Notarial act in this state.

1. A notarial act may be performed in this state by any of the following:

a. A notary public of this state.

b. A judge, clerk, or deputy clerk of a court of this state.

c. A person authorized by the law of this state to administer oaths.

d. Any other individual authorized to perform the specific act by the law of this state.

e. A registrar of vital statistics or a designee of a registrar of vital statistics.

2. The signature and title of an individual performing a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

3. The signature and title of a notarial officer described in subsection 1, paragraph "a", "b", or "c", conclusively establish the authority of the notarial officer to perform a notarial act.

Sec. 10. NEW SECTION. 9B.11 Notarial act in another state.

1. A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that

state is performed by any of the following:

- a.* A notary public of that state.
- b.* A judge, clerk, or deputy clerk of a court of that state.
- c.* Any other individual authorized by the law of that state to perform the notarial act.

2. The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

3. The signature and title of a notarial officer described in subsection 1, paragraph "a" or "b", conclusively establish the authority of the notarial officer to perform the notarial act.

4. The notarial act performed in another state must be performed in accordance with section 9B.6.

Sec. 11. NEW SECTION. 9B.12 Notarial act under authority of federally recognized Indian tribe.

1. A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this state, if the act performed in the jurisdiction of the tribe is performed by any of the following:

- a.* A notary public of the tribe.
- b.* A judge, clerk, or deputy clerk of a court of the tribe.
- c.* Any other individual authorized by the law of the tribe to perform the notarial act.

2. The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

3. The signature and title of a notarial officer described in subsection 1, paragraph "a" or "b", conclusively establish the authority of the notarial officer to perform the notarial act.

Sec. 12. NEW SECTION. 9B.13 Notarial act under federal authority.

1. A notarial act performed under federal law has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed under federal law is performed by any of the following:

- a.* A judge, clerk, or deputy clerk of a court.
- b.* An individual in military service or performing duties

under the authority of military service who is authorized to perform notarial acts under federal law.

c. An individual designated a notarial officer by the United States department of state for performing notarial acts overseas.

d. Any other individual authorized by federal law to perform the notarial act.

2. The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

3. The signature and title of a notarial officer described in subsection 1, paragraph "a", "b", or "c", conclusively establish the authority of the notarial officer to perform the notarial act.

Sec. 13. NEW SECTION. 9B.14 Foreign notarial act.

1. As used in this section, "foreign state" means a government other than the United States, a state, or a federally recognized Indian tribe.

2. If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this state as if performed by a notarial officer of this state.

3. If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

4. The signature and official stamp of an individual holding an office described in subsection 3 are prima facie evidence that the signature is genuine and the individual holds the designated title.

5. An apostille in the form prescribed by the Hague convention of October 5, 1961, and issued by a foreign state party to the convention conclusively establishes that the signature of the notarial officer is genuine and that the notarial officer holds the indicated office.

6. A consular authentication issued by an individual designated by the United States department of state as a notarial officer for performing notarial acts overseas and attached to the record with respect to which the notarial act

is performed conclusively establishes that the signature of the notarial officer is genuine and that the notarial officer holds the indicated office.

Sec. 14. NEW SECTION. 9B.15 Certificate of notarial act.

1. A notarial act must be evidenced by a certificate. The certificate must meet all of the following requirements:

a. Be executed contemporaneously with the performance of the notarial act.

b. Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the secretary of state.

c. Identify the jurisdiction in which the notarial act is performed.

d. Contain the title of office of the notarial officer.

e. If the notarial officer is a notary public, indicate the date of expiration, if any, of the notarial officer's commission.

2. If a notarial act regarding a tangible record is performed by a notary public, an official stamp must be affixed to or embossed on the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsection 1, paragraphs "b", "c", and "d", an official stamp may be affixed to or embossed on the certificate. If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in subsection 1, paragraphs "b", "c", and "d", an official stamp may be attached to or logically associated with the certificate.

3. A certificate of a notarial act is sufficient if it meets the requirements of subsections 1 and 2 and all of the following apply:

a. It is in a short form set forth in section 9B.16.

b. It is in a form otherwise permitted by the law of this state.

c. It is in a form permitted by the law applicable in the jurisdiction in which the notarial act is performed.

d. It sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections 9B.5, 9B.6, and 9B.7, or a law of this state other than this chapter.

4. By executing a certificate of a notarial act, a notarial officer certifies that the notarial officer has complied with

the requirements and made the determinations specified in sections 9B.4, 9B.5, and 9B.6.

5. A notarial officer shall not affix the notarial officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

6. If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the secretary of state has established standards pursuant to section 9B.27 for attaching, affixing, or logically associating the certificate, the process must conform to the standards.

Sec. 15. NEW SECTION. 9B.16 Short form certificates.

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 9B.15, subsections 1 and 2:

1. For an acknowledgment in an individual capacity:
State of.....

[County] of.....

This record was acknowledged before me on.....(Date)
by.....Name(s) of individual(s)

.....

Signature of notarial officer

Stamp

[.....]

Title of office

[My commission expires:.....]

2. For an acknowledgment in a representative capacity:
State of.....

[County] of.....

This record was acknowledged before me on.....(Date)
by.....Name(s) of individual(s)

as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).

.....

Signature of notarial officer

Stamp

[.....]

Title of office

[My commission expires:.....]

3. For a verification on oath or affirmation:
State of.....

[County] of.....

Signed and sworn to (or affirmed) before me on.....(Date)
by.....Name(s) of individual(s) making statement
.....

Signature of notarial officer

Stamp

[.....]

Title of office

[My commission expires:.....]

4. For witnessing or attesting a signature:

State of.....

[County] of.....

Signed [or attested] before me on.....(Date)
by.....Name(s) of individual(s)

.....

Signature of notarial officer

Stamp

[.....]

Title of office

[My commission expires:.....]

5. For certifying a copy of a record:

State of.....

[County] of.....

I certify that this is a true and correct copy of a record in
the possession of.....

Dated.....

.....

Signature of notarial officer

Stamp

[.....]

Title of office

[My commission expires:.....]

Sec. 16. NEW SECTION. 9B.17 Official stamp.

1. The official stamp of a notary public must comply with
all of the following:

a. Include the notary public's name, the words "Notarial
Seal" and "Iowa", the words "Commission Number" followed by
a number assigned to the notary public by the secretary of
state, the words "My Commission Expires" followed either
by the date that the notary public's term would ordinarily
expire as provided in section 9B.21 or a blank line, and other
information required by the secretary of state.

b. Be capable of being copied together with the record to

which it is affixed or attached or with which it is logically associated. If the official stamp contains a blank line, the person must print the date that the notary public's term would ordinarily expire on the blank line imprinted on each record subject to a notarial act.

2. This section does not apply to a judicial officer as defined in section 602.1101 performing a notarial act in accordance with state or federal authority. This section does not apply to a chief officer or a chief officer's designee certifying a peace officer's verification of a uniform citation and complaint pursuant to section 805.6, subsection 3. A judicial officer, chief officer, or chief officer's designee is not required to acquire or use an official stamp in performing these acts.

Sec. 17. NEW SECTION. 9B.18 Stamping device.

1. A notary public is responsible for the security of the notary public's stamping device and shall not allow another individual to use the device to perform a notarial act.

2. If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall notify promptly the commissioning officer or agency on discovering that the device is lost or stolen.

Sec. 18. NEW SECTION. 9B.20 Notification regarding performance of notarial act on electronic record — selection of technology.

1. A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person shall not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

2. Before a notary public performs the notary public's initial notarial act with respect to an electronic record, a notary public shall notify the secretary of state that the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use. If the secretary of state has established standards for approval of technology pursuant to section 9B.27, the technology must conform to the standards. If the technology conforms to the standards, the secretary of state shall approve the use of the technology.

Sec. 19. NEW SECTION. 9B.21 Commission as notary public — qualifications — no immunity or benefit.

1. An individual qualified under subsection 2 may apply to the secretary of state for a commission as a notary public. The applicant shall comply with and provide the information required by rules established by the secretary of state and pay an application fee of thirty dollars to the secretary of state. A person appointed as a notary public under subsection 4 is not subject to the fee imposed by this subsection.

2. An applicant for a commission as a notary public shall meet all of the following qualifications:

a. Be at least eighteen years of age.

b. Be a citizen or permanent legal resident of the United States.

c. Be a resident of or have a place of employment or practice in this state.

d. Be able to read and write English.

e. Not be disqualified to receive a commission under section 9B.23.

3. Before issuance of a commission as a notary public, an applicant for the commission shall execute an oath of office and submit it to the secretary of state.

4. a. The secretary of state shall appoint members of the general assembly as notaries public, upon request, and may revoke an appointment for cause.

b. The secretary of state may appoint one or more employees of a state agency as a notary public to perform notarial acts associated with their positions, pursuant to conditions established by the secretary of state. As used in this paragraph, "*state agency*" means any executive, judicial, or legislative department, commission, board, institution, division, bureau, office, agency, or other entity of state government.

5. The secretary of state may appoint as a notary public a resident of a state bordering Iowa if that person's place of work or business is within the state of Iowa. If a notary public who is a resident of a state bordering Iowa ceases to work or maintain a place of business in Iowa, the notary commission expires.

6. On compliance with this section, the secretary of state shall issue a commission as a notary public to an applicant for a term of three years. The term of a notarial officer who is a resident of a state bordering Iowa and whose place of work or business is in Iowa is one year. The term of a notary public who is a member of the general assembly is the member's term of

office. The term of a notary public who is an employee of a state agency designated to receive an appointment as provided in subsection 4 shall terminate at the end of employment.

7. A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.

Sec. 20. NEW SECTION. 9B.21A Notice of expiration of term.

The secretary of state, two months preceding the expiration of a commission, shall notify the notary public of the expiration date and furnish a blank application for reappointment.

Sec. 21. NEW SECTION. 9B.21B Fees — certification.

The secretary of state shall collect the following fees, for use in offsetting the cost of administering this chapter:

1. For furnishing a certified copy of any document, instrument, or paper relating to a notary public, one dollar per page and five dollars for the certificate.

2. For furnishing an uncertified copy of any document, instrument, or paper relating to a notary public, one dollar per page.

3. For certifying, under seal of the secretary of state, a statement as to the status of a notary commission which would not appear from a certified copy of documents on file in the secretary of state's office, five dollars.

Sec. 22. NEW SECTION. 9B.23 Grounds to deny, refuse to renew, revoke, suspend, or condition commission of notary public.

1. The secretary of state may deny, refuse to renew, revoke, suspend, or impose a condition on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including any of the following acts or omissions:

a. A failure to comply with this chapter.

b. A fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission as a notary public submitted to the secretary of state.

c. A conviction of the applicant or notary public of any felony or a crime involving fraud, dishonesty, or deceit.

d. A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty, or deceit.

e. A failure by the notary public to discharge any duty required of a notary public, whether by this chapter, rules adopted by the secretary of state, or any federal or state law.

f. The use of false or misleading advertising or representation by the notary public representing that the notary public has a duty, right, or privilege that the notary public does not have.

g. A violation by the notary public of a rule adopted by the secretary of state regarding a notary public.

h. A denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state.

2. If the secretary of state denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with rules adopted by the secretary of state.

3. The authority of the secretary of state to deny, refuse to renew, suspend, revoke, or impose conditions on a commission as a notary public does not prevent either the secretary of state or a person aggrieved by a notary public from seeking and obtaining other criminal or civil remedies provided by law.

Sec. 23. NEW SECTION. 9B.24 Database of notaries public.

The secretary of state shall maintain an electronic database of notaries public which complies with all of the following:

1. Through which a person may verify the authority of a notary public to perform notarial acts.

2. Which indicates whether a notary public has notified the secretary of state that the notary public will be performing notarial acts on electronic records.

Sec. 24. NEW SECTION. 9B.25 Prohibited acts.

1. A commission as a notary public does not authorize an individual to do any of the following:

a. Assist persons in drafting legal records, give legal advice, or otherwise practice law.

b. Act as an immigration consultant or an expert on immigration matters.

c. Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters.

d. Receive compensation for performing any of the activities listed in this subsection.

2. A notary public shall not engage in false or deceptive advertising.

3. A notary public, other than an attorney licensed to practice law in this state, shall not use the term "notario" or "notario publico".

4. A notary public, other than an attorney licensed to practice law in this state, shall not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media, or the internet, the notary public shall include the following statement, or an alternate statement authorized or required by the secretary of state in the advertisement or representation, prominently and in each language used in the advertisement or representation:

I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.

If the form of advertisement or representation is not broadcast media, print media, or the internet and does not permit inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

5. Except as otherwise allowed by law, a notary public shall not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

Sec. 25. NEW SECTION. 9B.26 Validity of notarial acts.

1. Except as otherwise provided in section 9B.4, subsection 2, the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this chapter does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of this state other than this chapter or law of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

2. The validity of a notarial act shall not be affected or impaired by the fact that the notarial officer performing the notarial act is an officer, director, or shareholder of a corporation that may have a beneficial interest or other interest in the subject matter of the notarial act.

Sec. 26. NEW SECTION. 9B.27 Rules.

The secretary of state may adopt rules to administer this chapter. Any rules adopted with respect to the performance of notarial acts on electronic records shall not require or favor one technology or technical specification over another.

Sec. 27. NEW SECTION. 9B.28 Notary public commission in effect.

A commission as a notary public in effect on January 1, 2013, continues until its date of expiration. A notary public who applies to renew a commission as a notary public on or after January 1, 2013, is subject to and shall comply with this chapter. A notary public, in performing notarial acts on or after January 1, 2013, shall comply with this chapter.

Sec. 28. NEW SECTION. 9B.30 Uniformity of application and construction.

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the revised uniform law on notarial acts.

Sec. 29. NEW SECTION. 9B.31 Relation to electronic signatures in global and national commerce act.

This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. § 7003(b).

Sec. 30. REPEAL. Chapter 9E, Code 2011, is repealed.

DIVISION II

COORDINATING AMENDMENTS

Sec. 31. Section 2C.7, subsection 1, Code 2011, is amended to read as follows:

1. Hold another public office of trust or profit under the laws of this state other than ~~the office of~~ notary public as provided in chapter 9B.

Sec. 32. Section 4.1, subsection 28, Code 2011, is amended to read as follows:

28. *Seal.* Where the seal of a court, public office, public

officer, or public or private corporation may be required to be affixed to any paper, the word "seal" shall include an impression upon the paper alone, or upon wax, or a wafer affixed to the paper, or an official ink stamp ~~if a notarial seal~~ of a notarial officer as provided in chapter 9B. If the seal of a court is required, the word "seal" may also include a visible electronic image of the seal on an electronic document.

Sec. 33. Section 29B.129, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The following members of the state military forces may administer oaths for the purposes of military administration including military justice, and affidavits may be taken for those purposes before persons having the general powers of a notary public as provided in chapter 9B:

Sec. 34. Section 43.14, subsection 4, paragraph e, Code 2011, is amended to read as follows:

e. The signature of a notary public under chapter 9B or other officer empowered to witness oaths.

Sec. 35. Section 45.5, subsection 5, paragraph d, Code 2011, is amended to read as follows:

d. The signature of a notary public under chapter 9B or other officer empowered to witness oaths.

Sec. 36. Section 144.12A, subsection 5, paragraph a, Code 2011, is amended to read as follows:

a. Information provided to the registry may be revoked by the registrant by submission of a written statement signed and acknowledged by the registrant before a notary public as provided in chapter 9B.

Sec. 37. Section 144A.3, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. Is acknowledged before a notarial officer within this state as provided in chapter 9B.

Sec. 38. Section 144B.3, subsection 1, paragraph b, subparagraph (2), Code 2011, is amended to read as follows:

(2) Is acknowledged before a notarial officer within this state as provided in chapter 9B.

Sec. 39. Section 144C.6, subsection 2, paragraph b, Code Supplement 2011, is amended to read as follows:

b. Acknowledged before a notarial officer as provided in chapter 9B.

Sec. 40. Section 252A.3A, subsection 5, paragraph h, Code Supplement 2011, is amended to read as follows:

h. The signature of a notary public under chapter 9B

attesting to the identities of the parties signing the affidavit of paternity.

Sec. 41. Section 321.251, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. A written notice of election shall be filed with the designated officials of the local authority whose ordinances, rules, or regulations will govern the vehicular traffic. The appropriate officials shall be the city clerk and chief of police of the city in which the real property is located and the county sheriff and the county recorder of the county in which the real property is located. The notice shall include the legal description of the real property, the street address, if any, and the date and time when the owner wishes the election to become effective. The notice shall be signed by every titleholder of the real property and acknowledged by a notary public as provided in chapter 9B.

Sec. 42. Section 321G.29, subsection 3, Code Supplement 2011, is amended to read as follows:

3. An owner of a snowmobile shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee. The application shall be signed and sworn to before a ~~notary public~~ notarial officer as provided in chapter 9B or other person who administers oaths, or shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the snowmobile or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for a snowmobile last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires.

Sec. 43. Section 321I.31, subsection 3, Code 2011, is amended to read as follows:

3. An owner of an all-terrain vehicle shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee. The application shall be signed and sworn to

before a notary public as provided in chapter 9B or other person who administers oaths, or shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the all-terrain vehicle or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for an all-terrain vehicle last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires.

Sec. 44. Section 462A.77, subsection 4, Code 2011, is amended to read as follows:

4. Every owner of a vessel subject to titling under this chapter shall apply to the county recorder for issuance of a certificate of title for the vessel within thirty days after acquisition. The application shall be on forms the department prescribes, and accompanied by the required fee. The application shall be signed and sworn to before a notary public as provided in chapter 9B or other person who administers oaths, or shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the vessel or the fair market value if no sale immediately preceded the transfer, and any additional information the department requires. If the application is made for a vessel last previously registered or titled in another state or foreign country, it shall contain this information and any other information the department requires.

Sec. 45. Section 535B.1, subsection 11, Code Supplement 2011, is amended to read as follows:

11. *"Real estate closing services"* means the administrative and clerical services required to carry out the conveyance or transfer of real estate or an interest in real estate located in this state to a purchaser or lender. *"Real estate closing services"* include but are not limited to preparing settlement statements, determining that all closing documents conform to the parties' contract requirements, ascertaining that the lender's instructions have been satisfied, conducting a closing

conference, receiving and disbursing funds, and completing form documents and instruments selected by and in accordance with instructions of the parties to the transaction. "*Real estate closing services*" do not include performing solely ~~notary functions~~ notarial acts as provided in chapter 9B.

Sec. 46. Section 554.3505, subsection 2, Code 2011, is amended to read as follows:

2. A protest is a certificate of dishonor made by a United States consul or vice consul, or a notary public as provided in chapter 9B or other person authorized to administer oaths by the law of the place where dishonor occurs. It may be made upon information satisfactory to that person. The protest must identify the instrument and certify either that presentment has been made or, if not made, the reason why it was not made, and that the instrument has been dishonored by nonacceptance or nonpayment. The protest may also certify that notice of dishonor has been given to some or all parties.

Sec. 47. Section 558.15, Code 2011, is amended to read as follows:

558.15 ~~Notarial~~ Official stamps ~~or seals~~ of nonresidents nonresident public notaries — presumption.

Any ~~notarial~~ official stamp ~~or seal~~ purporting to have been affixed to any instrument in writing, by any notary public as provided in chapter 9B residing elsewhere than in this state, shall be prima facie evidence that the words thereon engraved conform to the requirements of the law of the place where such certificate purports to have been made.

Sec. 48. Section 558.20, Code 2011, is amended to read as follows:

558.20 Acknowledgments.

The acknowledgment of any deed, conveyance, or other instrument in writing by which real estate in this state is conveyed or encumbered, whether made within this state, outside this state, outside the United States, or under federal authority, shall comply with the provisions of chapter ~~9E~~ 9B.

Sec. 49. Section 558.40, Code 2011, is amended to read as follows:

558.40 Liability of officer.

Any officer, who knowingly misstates a material fact in any of the certificates mentioned in this chapter or chapter ~~9E~~ 9B, shall be liable for all damages caused thereby, and shall be guilty of a serious misdemeanor.

Sec. 50. Section 558.42, Code 2011, is amended to read as

follows:

558.42 Acknowledgment as condition precedent.

A document shall not be deemed lawfully recorded, unless it has been previously acknowledged or proved in the manner prescribed in chapter ~~9E~~ 9B, except that affidavits, and certified copies of petitions in bankruptcy with or without the schedules appended, of decrees of adjudication in bankruptcy, and of orders approving trustees' bonds in bankruptcy, and uniform commercial code financing statements and financing statement changes as provided in chapter 554 need not be thus acknowledged.

Sec. 51. Section 589.4, Code 2011, is amended to read as follows:

589.4 Acknowledgments by corporation officers.

The acknowledgments of all deeds, mortgages, or other instruments in writing taken or certified more than ten years earlier, which instruments have been recorded in the recorder's office of any county of this state, including acknowledgments of instruments made by a corporation, or to which the corporation was a party, or under which the corporation was a beneficiary, and which have been acknowledged before or certified by a notary public as provided in chapter 9B who was at the time of the acknowledgment or certifying a stockholder or officer in the corporation, are legal and valid official acts of the notaries public, and entitle the instruments to be recorded, anything in the laws of the state of Iowa in regard to acknowledgments to the contrary notwithstanding. This section does not affect pending litigation.

Sec. 52. Section 589.5, Code 2011, is amended to read as follows:

589.5 Acknowledgments by stockholders.

All deeds and conveyances of lands within this state executed more than ten years earlier, but which have been acknowledged or proved according to and in compliance with the laws of this state before a notary public as provided in chapter 9B or other official authorized by law to take acknowledgments who was, at the time of the acknowledgment, an officer or stockholder of a corporation interested in the deed or conveyance, or otherwise interested in the deeds or conveyances, are, if otherwise valid, valid in law as though acknowledged or proved before an officer not interested in the deeds or conveyances; and if recorded more than ten years earlier, in the respective counties in which the lands are, the

records are valid in law as though the deeds and conveyances, so acknowledged or proved and recorded, had, prior to being recorded, been acknowledged or proved before an officer having no interest in the deeds or conveyances.

Sec. 53. Section 600.7, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. If by any other person, either in the presence of the juvenile court or court in which the adoption petition is filed or before a notary public as provided in chapter 9B.

Sec. 54. Section 602.8102, subsection 78, Code 2011, is amended to read as follows:

78. Certify an acknowledgment of a written instrument relating to real estate as provided in section ~~9E.10~~ 9B.10 or 558.20.

Sec. 55. Section 622.86, Code 2011, is amended to read as follows:

622.86 Foreign affidavits.

Those taken out of the state before any judge or clerk of a court of record, or before a notary public as provided in chapter 9B, or a commissioner appointed by the governor of this state to take acknowledgment of deeds in the state where such affidavit is taken, are of the same credibility as if taken within the state.

Sec. 56. Section 624.37, subsection 1, Code Supplement 2011, is amended to read as follows:

1. When the amount due upon judgment is paid off, or satisfied in full, the party entitled to the proceeds thereof, or those acting for that party, must acknowledge satisfaction of the judgment by the execution of an instrument referring to it, duly acknowledged or notarized in the manner prescribed in chapter ~~9E~~ 9B, and filed in the office of the clerk in every county wherein the judgment is a lien. A failure to acknowledge satisfaction of the judgment in such manner within thirty days after having been requested to do so in a writing containing a draft release of the judgment shall subject the delinquent party to a penalty of four hundred dollars to be recovered by a motion filed in the court that rendered the original judgment requesting that the payor of the judgment, if different from the judgment debtor, be subrogated to the rights of the judgment creditor, that the court determine the amount currently owed on the judgment, or any other relief as may be necessary to accomplish payment and satisfaction of the judgment. If the motion relates to a lien of judgment as to

specific property, the motion may be filed by a person with an interest in the property.

Sec. 57. Section 633.279, subsection 2, paragraph a, Code Supplement 2011, is amended to read as follows:

a. An attested will may be made self-proved at the time of its execution, or at any subsequent date, by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before a person authorized to administer oaths and take acknowledgments under the laws of this state, and evidenced by such person's certificate, under seal, attached or annexed to the will, in form and content substantially as follows:

Affidavit

State of)
County of) ss

We, the undersigned,, and, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, declare to the undersigned authority that said instrument is the testator's will and that the testator willingly signed and executed such instrument, or expressly directed another to sign the same in the presence of the witnesses, as a free and voluntary act for the purposes therein expressed; that said witnesses, and each of them, declare to the undersigned authority that such will was executed and acknowledged by the testator as the testator's will in their presence and that they, in the testator's presence, at the testator's request, and in the presence of each other, did subscribe their names thereto as attesting witnesses on the date of the date of such will; and that the testator, at the time of the execution of such instrument, was of full age and of sound mind and that the witnesses were sixteen years of age or older and otherwise competent to be witnesses.

.....
Testator

.....
Witness

.....
Witness

Subscribed, sworn and acknowledged before me by, the testator; and subscribed and sworn before me by and, witnesses, this ... day of (month), ... (year)

.....

~~(Seal)~~ (Stamp)

Notary Public, or other notarial
officer authorized to take
and certify acknowledgments
and administer oaths

Sec. 58. Section 633.295, Code 2011, is amended to read as follows:

633.295 Testimony of witnesses.

The proof may be made by the oral or written testimony of one or more of the subscribing witnesses to the will. If such testimony is in writing, it shall be substantially in the following form executed and sworn to after the death of the decedent:

In the District Court of Iowa

In and for County

In the Matter of the Estate of

....., Deceased

Probate No.

Testimony of Subscribing
Witness on Probate of Will.

State of)

..... County) ss

I,, being first duly sworn, state:

I reside in the County of, State of; I knew the testator on the day of (month), ... (year), the date of the instrument, the original or exact reproduction of which is attached hereto, now shown to me, and purporting to be the last will and testament of the said, deceased; I am one of the subscribing witnesses to said instrument; at the said date of said instrument, I knew, the other subscribing witness; that said instrument was exhibited to me and to the other subscribing witness by the testator, who declared the same to be the testator's last will and testament, and was signed by the testator at, in the County of, State of, on the date shown in said instrument, in the presence of myself and the other subscribing witness; and the other subscribing witness and I then and there, at the request of the testator, in the presence of said testator and in the presence of each other, subscribed our names thereto as witnesses.

.....
Name of witness

.....

Address

Subscribed and sworn to before me this ... day of
(month), ... (year)

.....

Notary Public in and for
the State of

~~(Seal)~~ (Stamp)

Sec. 59. Section 633A.4604, subsection 2, Code 2011, is amended to read as follows:

2. The certification must contain a statement that the trust has not been revoked, modified, or amended in any manner which would cause the representations contained in the certification of trust to be incorrect and must contain a statement that it is being signed by all of the currently acting trustees of the trust and is sworn and subscribed to under penalty of perjury before a notary public as provided in chapter 9B.

DIVISION III
EFFECTIVE DATE

Sec. 60. EFFECTIVE DATE. This Act takes effect January 1, 2013.


JOHN P. KIBBIE

President of the Senate



KRAIG PAULSEN

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2265, Eighty-fourth General Assembly.


MICHAEL E. MARSHALL

Secretary of the Senate

Approved April 4, 2012



TERRY E. BRANSTAD

Governor