

**SECRETARY OF STATE[721]**

**Adopted and Filed Emergency**

**Rule making related to notary public training**

The Secretary of State hereby amends Chapter 43, “Notarial Acts,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 9B.27.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 9B.

*Purpose and Summary*

This rule making removes the training requirement for notary publics who do not wish to perform notarial actions for a remotely located individual pursuant to Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, Senate File 475, section 6. Training for notaries public who do not wish to perform remote notarial acts will continue to be offered and recommended by the Secretary of State’s Office but will no longer be mandatory.

*Reason for Adoption of Rule Making Without  
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Secretary of State finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by the Administrative Rules Review Committee and because emergency adoption removes the training requirement for notary publics who do not wish to perform notarial actions under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, Senate File 475, section 6.

In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its October 13, 2020, meeting reviewed the Secretary of State’s determination and this rule making and approved the emergency adoption.

*Reason for Waiver of Normal Effective Date*

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Secretary of State also finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on October 14, 2020, because this rule making removes the training requirement for notary publics who do not wish to perform notarial actions under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, Senate File 475, section 6.

*Adoption of Rule Making*

This rule making was adopted by the Secretary of State on October 13, 2020.

*Concurrent Publication of Notice of Intended Action*

In addition to its adoption on an emergency basis, this rule making has been initiated through the normal rule-making process and is published herein under Notice of Intended Action as **ARC 5260C** to allow for public comment.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Secretary of State for a waiver of the discretionary provisions, if any.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making became effective on October 14, 2020.

The following rule-making actions are adopted:

ITEM 1. Rescind paragraph **43.5(3)“a.”**

ITEM 2. Reletter paragraphs **43.5(3)“b”** and **“c”** as **43.5(3)“a”** and **“b.”**

ITEM 3. Amend relettered paragraph **43.5(3)“a”** as follows:

*a.* A notary public who wishes to begin performing notarial acts under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, shall, within the six-month period immediately preceding the first performance of such an act, satisfactorily complete a training course approved by the secretary of state concerning the requirements and methods for performing notarial acts for remotely located individuals and shall provide satisfactory proof to the secretary of state that the applicant has completed the course. ~~This training is in addition to that required by paragraph 43.5(3)“a.”~~

ITEM 4. Amend relettered paragraph **43.5(3)“b”** as follows:

*b.* An applicant for reappointment as a notary public who currently holds a notary public commission, who wishes to continue performing notarial acts under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, and who has satisfactorily completed the initial training course required by paragraph ~~43.5(3)“b”~~ 43.5(3)“a” at least one time prior to the 12-month period immediately preceding application for reappointment shall, within the 6-month period immediately preceding the deadline for application for reappointment, satisfactorily complete an update course approved by the secretary of state concerning the requirements and methods for performing notarial acts for remotely located individuals and shall provide satisfactory proof to the secretary of state that the applicant has completed the course.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/4/20.