

9B.14A Notarial act performed for remotely located individual.

1. As used in [this section](#) unless the context otherwise requires:
 - a. “*Communication technology*” means an electronic device or process that does all of the following:
 - (1) Allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound.
 - (2) When necessary and consistent with other applicable law, facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.
 - b. “*Foreign state*” means a jurisdiction other than the United States, a state, or a federally recognized Indian tribe.
 - c. “*Identity proofing*” means a process or service by which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.
 - d. “*Outside the United States*” means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory, insular possession, or other location subject to the jurisdiction of the United States.
 - e. “*Remotely located individual*” means an individual who is not in the physical presence of the notary public who performs a notarial act under [subsection 3](#).
2. A remotely located individual may comply with [section 9B.6](#) by using communication technology to appear before a notary public.
3. A notary public located in this state may perform a notarial act using communication technology for a remotely located individual if all of the following applies:
 - a. The notary public has any of the following:
 - (1) Personal knowledge under [section 9B.7, subsection 1](#), of the identity of the individual.
 - (2) Satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public under [section 9B.7, subsection 2](#), or [this section](#).
 - (3) Obtained satisfactory evidence of the identity of the remotely located individual by using at least two different types of identity proofing.
 - b. The notary public is able reasonably to confirm that a record before the notary public is the same record in which the remotely located individual made a statement or on which the individual executed a signature.
 - c. The notary public, or a person acting on behalf of the notary public, creates an audio-visual recording of the performance of the notarial act.
 - d. For a remotely located individual located outside the United States, all of the following applies:
 - (1) The record complies with any of the following:
 - (a) Is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States.
 - (b) Involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States.
 - (2) The act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located.
4. If a notarial act is performed under [this section](#), the certificate of notarial act required by [section 9B.15](#) and the short-form certificate provided in [section 9B.16](#) must indicate that the notarial act was performed using communication technology.
5. A short-form certificate provided in [section 9B.16](#) for a notarial act subject to [this section](#) is sufficient if any of the following applies:
 - a. It complies with rules adopted under [subsection 8](#), paragraph “a”.
 - b. It is in the form provided in [section 9B.16](#) and contains a statement substantially as follows: “This notarial act involved the use of communication technology”.
6. A notary public, a guardian, conservator, or agent of a notary public, or a personal representative of a deceased notary public shall retain the audio-visual recording created under [subsection 3](#), paragraph “c”, or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different

period is required by rule adopted under [subsection 8](#), paragraph “d”, the recording must be retained for a period of at least ten years after the recording is made.

7. Before a notary public performs the notary public’s initial notarial act under [this section](#), the notary public must notify the secretary of state that the notary public will be performing notarial acts with respect to remotely located individuals and identify the technologies the notary public intends to use. If the secretary of state has established standards under [subsection 8](#) and [section 9B.27](#) for approval of communication technology or identity proofing, the communication technology and identity proofing must conform to the standards.

8. In addition to adopting rules under [section 9B.27](#), the secretary of state may adopt rules under [this section](#) regarding performance of a notarial act. The rules may do all of the following:

a. Prescribe the means and process, including training requirements, of performing a notarial act involving a remotely located individual using communication technology.

b. Establish standards for communication technology and identity proofing.

c. Establish requirements or procedures to approve providers of communication technology and the process of identity proofing.

d. Establish standards and a period for the retention of an audio-visual recording created under [subsection 3](#), paragraph “c”.

9. Before adopting, amending, or repealing a rule governing performance of a notarial act with respect to a remotely located individual, the secretary of state must consider all of the following:

a. The most recent standards regarding the performance of a notarial act with respect to a remotely located individual promulgated by national standard-setting organizations and the recommendations of the national association of secretaries of state.

b. Standards, practices, and customs of other jurisdictions that have laws substantially similar to [this section](#).

c. The views of governmental officials and entities and other interested persons.

10. By allowing its communication technology or identity proofing to facilitate a notarial act for a remotely located individual or by providing storage of the audio-visual recording created under [subsection 3](#), paragraph “c”, the provider of the communication technology, identity proofing, or storage appoints the secretary of state as the provider’s agent for service of process in any civil action in this state related to the notarial act.

11. A document purporting to convey or encumber real property that has been recorded by the county recorder for the jurisdiction in which the real property is located, although the document may not have been certified according to [this section](#), shall give the same notice to third persons and be effective from the time of recording as if the document had been certified according to [this section](#).

12. A notary public who performs a notarial act under [this section](#) must be duly commissioned under and remain subject to the requirements of [section 9B.21](#) and all other applicable requirements of [this chapter](#).

[2019 Acts, ch 44, §6, 11](#)

Referred to in [§9B.2](#), [9B.4](#), [9B.6](#), [9B.14B](#)