

9.14 Preclearance filing service — surcharge.

1. Upon the request of the filer of a document not yet actually filed, the secretary shall provide a preclearance filing service to determine if the proposed filing of the document would be actually filed by the secretary under the relevant filing statute. The secretary shall report to the filer whether the proposed filing of the document is approved or disapproved.

2. If the secretary reports the approval of a proposed filing of the document, the secretary shall return the proposed filing's document stamped with the approval date. If an inaccuracy or defect was present in an approved proposed filing of a document, but that inaccuracy or defect prevents the actual filing of the document by the secretary, the filer may timely submit a corrected document. The corrected document is effective retroactively as of the date that the filer submitted the approved proposed filing to the secretary for actual filing.

3. a. If the secretary reports the approval of a proposed filing of the document, and the document is actually filed within six months from the date of the proposed filing's approval date, the actual filing of a document is presumed valid.

b. [This section](#) does not affect the operation of filing a statement of correction as provided in [section 486A.1204](#), [488.207](#), or [489.209](#); articles of correction as provided in [section 490.124](#), [499.44](#), [501.105](#), [501A.204](#), or [504.115](#); or an application for the issuance of a new certificate as provided in [section 491.29](#).

4. a. The secretary shall implement, assess, and collect a surcharge for providing the preclearance filing service based on the period of service as follows:

- (1) For same-day service, the surcharge shall be two hundred fifty dollars.
- (2) For two-day service, the surcharge shall be twice the amount of the filing fee.
- (3) For three-day service, the surcharge shall be the same amount as the filing fee.

b. The secretary of state is not required to provide a four-day or more period of service.

c. The surcharge shall be added to the amount of the fee implemented, assessed, and collected for the actual filing of the document.

d. The secretary shall provide a preclearance filing service without charge to approve or disapprove a proposed corrected actual filing of a document, if an inaccuracy or defect was present in a proposed filing of the document, the proposed filing of the document was approved, and the inaccuracy or defect prevented the actual filing of the document.

5. Any moneys collected by the secretary under [this section](#) shall be deposited in the business administration fund created in [section 9.13](#).

[2021 Acts, ch 165, §252](#); [2022 Acts, ch 1021, §2](#)

Referred to in [§9.11, 9.13](#)