

House File 397 - Enrolled

House File 397

AN ACT

RELATING TO REMOTE PRESENCE FOR PURPOSES OF NOTARIAL ACTS AND EXECUTING WILLS AND CODICILS, AND INCLUDING RETROACTIVE APPLICABILITY PROVISIONS.

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

Section 1. Section 9B.14A, subsection 7, Code 2023, is amended to read as follows:

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~~ all of the following apply:

a. The communication technology and identity proofing the notary public intends to use must conform to the standards.

b. If the notary public elects to use identity proofing under subsection 3, paragraph "a", the identity proofing must conform to the standards.

Sec. 2. Section 633.279, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 3. *Execution of remote will or codicil in counterparts.* When a will or codicil is executed using remote signing under this section, the original document may

be executed in one or more counterparts by parties located in different locations, and all such counterparts may be aggregated to comprise the complete will or codicil of the testator.

NEW SUBSECTION. 4. *Remote will or codicil under disaster proclamation.* Any will or codicil executed using the remote signing procedures permitted under the proclamation of disaster emergency of the governor issued April 2, 2020, and expired February 15, 2022, shall be deemed to satisfy the presence requirements of this section if the will or codicil was executed during the effective period of the proclamation of disaster emergency.

NEW SUBSECTION. 5. *Definition.* For purposes of this section, "presence" means any manner, physical or electronic, in which the witness and testator can see and hear the acts of each other in real time.

Sec. 3. RETROACTIVE APPLICABILITY. The following applies retroactively to wills and codicils executed on or after April 2, 2020:

The portion of the section of this Act enacting section 633.279, subsection 4.

PAT GRASSLEY
Speaker of the House

AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 397, Ninetieth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2023

KIM REYNOLDS
Governor