

Ken. Hottel (cont.)  
Docket 4-5-89 (p. 1204)

MAR 21 1989

HOUSE FILE 693  
BY COMMITTEE ON  
STATE GOVERNMENT

Place On Calendar

(SUCCESSOR TO HSB 322)

Passed House, Date 3-28-89 (p. 1051) Passed Senate, Date 4-11-89 (p. 1321)  
Vote: Ayes 99 Nays 0 Vote: Ayes 45 Nays 1  
Approved 4-27-89 (p. 2138)

A BILL FOR

1 An Act relating to notaries public and other notarial officers  
2 and notarial acts, and providing an applicability date and an  
3 effective date.

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

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HF 693

1 Section 1. NEW SECTION. 77A.1 TITLE.

2 This chapter shall be known as the "Iowa Law on Notarial  
3 Acts".

4 Sec. 2. NEW SECTION. 77A.2 DEFINITIONS.

5 As used in this chapter, unless the context otherwise  
6 requires:

7 1. "Notarial act" means any act that a notary public of  
8 this state is authorized to perform, and includes, but is not  
9 limited to, taking an acknowledgment, administering an oath or  
10 affirmation, taking verification upon oath or affirmation,  
11 witnessing or attesting a signature, certifying or attesting a  
12 copy, and noting a protest of a negotiable instrument.

13 2. "Acknowledgment" means a declaration by a person that  
14 the person has executed an instrument for the purposes stated  
15 in the document and, if the instrument is executed in a  
16 representative capacity, that the person signed the instrument  
17 with proper authority and executed it as the act of the person  
18 or entity represented and identified in the document.

19 3. "Verification upon oath or affirmation" means a  
20 declaration that a statement is true, made by a person upon  
21 oath or affirmation.

22 4. "Representative capacity" means any of the following:

23 a. A representative on behalf of a corporation,  
24 partnership, trust, or other entity, as an authorized officer,  
25 agent, partner, trustee, or other representative.

26 b. A public officer, personal representative, guardian, or  
27 other representative, in the capacity recited in the  
28 instrument.

29 c. An attorney in fact for a principal.

30 d. Any other capacity as an authorized representative of  
31 another.

32 5. "Notarial officer" means a notary public or other  
33 officer authorized to perform notarial acts.

34 Sec. 3. NEW SECTION. 77A.3 APPOINTMENT -- REVOCATION.

35 1. The secretary of state may appoint residents of this

1 state as notaries public and may revoke an appointment for  
2 cause.

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

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

12 Sec. 4. NEW SECTION. 77A.4 TERM OF COMMISSION.

13 The term of a notary public who is an Iowa resident is  
14 three years. The term of a notary who is a resident of a  
15 state bordering Iowa and whose place of work or business is in  
16 Iowa, is one year. The term of a notary who is a member of  
17 the general assembly is the member's term of office.

18 Sec. 5. NEW SECTION. 77A.5 NOTICE OF EXPIRATION OF TERM.

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

23 Sec. 6. NEW SECTION. 77A.6 APPLICATION -- FEE.

24 1. Before a commission is delivered to a person appointed  
25 as a notary public, the person shall:

26 a. Complete an application for appointment as a notary  
27 public on a form prescribed by the secretary of state.

28 b. Remit the sum of thirty dollars to the secretary of  
29 state. However, persons appointed as notaries public under  
30 section 77A.3, subsection 2, are not subject to the fee  
31 imposed by this subsection.

32 2. When the secretary of state determines that the  
33 requirements of this section are satisfied, the secretary  
34 shall execute and deliver a certificate of commission to the  
35 person appointed.

1 3. A notary public may procure a seal or stamp for use in  
2 performing notarial acts. A seal or stamp used by a notary  
3 public in the performance of notarial acts shall contain the  
4 words "Notarial Seal" and the word "Iowa". The stamp may  
5 include the name of the notary public. However, a notarial  
6 act is not invalid if a seal or stamp used in the performance  
7 of a notarial act fails to meet the requirements of this  
8 subsection. This subsection does not require the use of a  
9 seal or stamp in the performance of a notarial act.

10 Sec. 7. NEW SECTION. 77A.7 REVOCATION -- NOTICE AND  
11 HEARING -- RULES.

12 If the commission of a person appointed notary public is  
13 revoked by the secretary of state, the secretary shall  
14 immediately notify the person through the mail. The notice  
15 shall state the cause of the revocation and shall inform the  
16 person of the right to a hearing on the revocation. The  
17 secretary of state shall adopt rules under chapter 17A to  
18 provide for a hearing for persons whose commission is revoked.

19 Sec. 8. NEW SECTION. 77A.8 DISCRETION -- LIMITATION.

20 A notary public may exercise reasonable discretion in  
21 performing or declining to perform notarial services, but a  
22 notary shall not condition the performance of notarial  
23 services upon the requirement that the person served be a  
24 customer or client of the establishment by which the notary is  
25 employed.

26 The employer of a notary public shall not condition the  
27 performing of notarial services upon the requirement that the  
28 person served be a customer or client of the establishment by  
29 which the notary is employed.

30 Sec. 9. NEW SECTION. 77A.9 NOTARIAL ACTS.

31 1. In taking an acknowledgment, the notarial officer must  
32 determine, either from personal knowledge or from satisfactory  
33 evidence, that the person appearing before the notary and  
34 making the acknowledgment is the person whose true signature  
35 is on the instrument.

1 2. In taking a verification upon oath or affirmation, the  
2 notarial officer must determine, either from personal  
3 knowledge or from satisfactory evidence, that the person  
4 appearing before the officer and making the verification is  
5 the person whose true signature is on the statement verified.

6 3. In witnessing or attesting a signature, the notarial  
7 officer must determine, either from personal knowledge or from  
8 satisfactory evidence, that the signature is that of the  
9 person appearing before the officer and named on the  
10 instrument.

11 4. In certifying or attesting a copy of a document or  
12 other item, the notarial officer must determine that the copy  
13 is a full, true, and accurate transcription or reproduction of  
14 that which was copied.

15 5. In making or noting a protest of a negotiable  
16 instrument, the notarial officer must determine the matters  
17 set forth in section 554.3509.

18 6. A notarial officer has satisfactory evidence that a  
19 person is the person whose true signature is on a document in  
20 any of the following circumstances:

21 a. The person is personally known to the notarial officer.

22 b. The person is identified upon the oath or affirmation  
23 of a credible witness personally known to the notarial  
24 officer.

25 c. The person is identified on the basis of identification  
26 documents.

27 Sec. 10. NEW SECTION. 77A.10 NOTARIAL ACTS IN THIS  
28 STATE.

29 1. A notarial act may be performed within this state by  
30 the following persons:

31 a. A notary public appointed by the secretary of state  
32 pursuant to section 77A.3.

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

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

1 administer oaths.

2 d. Any other person authorized to perform the specific act  
3 by the law of this state.

4 2. Notarial acts performed within this state under federal  
5 authority have the same effect as if performed by a notarial  
6 officer of this state.

7 3. The signature and title of a person performing a  
8 notarial act are prima facie evidence that the signature is  
9 genuine and that the person holds the designated title.

10 Sec. 11. NEW SECTION. 77A.11 CERTIFICATION BY SECRETARY  
11 OF STATE.

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

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

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

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

24 Sec. 12. NEW SECTION. 77A.12 POWERS OF THE SECRETARY OF  
25 STATE.

26 The secretary of state has the power and authority  
27 reasonably necessary to administer this chapter efficiently  
28 and to perform the duties imposed upon the secretary of state.  
29 This power and authority includes rulemaking authority to  
30 provide for reciprocity in recognizing notarial acts performed  
31 under any other jurisdiction.

32 Sec. 13. Section 602.8102, subsection 21, Code 1989, is  
33 amended by striking the subsection.

34 Sec. 14. Chapter 77, Code 1989, is repealed.

35 Sec. 15. The secretary of state is given the authority

1 until June 30, 1990, to extend the commissions of notaries  
2 public for a period not to exceed nine months, for the purpose  
3 of staggering commission expiration dates in a manner to more  
4 evenly distribute the notary renewal process.

5 Sec. 16. This Act, being deemed of immediate importance,  
6 takes effect upon enactment and applies to notarial acts  
7 performed on or after its effective date.

8 EXPLANATION

9 This bill rewrites Iowa's current law establishing and  
10 regulating notaries public. Certain determinations are  
11 required of a notarial officer in attesting to various types  
12 of documents. Sections repealed include the penalty for  
13 improperly acting as a notary and authorization for notary  
14 fees.

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STATE GOVERNMENT

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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14 the person has executed an instrument for the purposes stated  
15 in the document and, if the instrument is executed in a  
16 representative capacity, that the person signed the instrument  
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18 or entity represented and identified in the document.

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24 partnership, trust, or other entity, as an authorized officer,  
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28 instrument.

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28 public on a form prescribed by the secretary of state.

29 b. Remit the sum of thirty dollars to the secretary of  
30 state. However, persons appointed as notaries public under  
31 section 3, subsection 2, are not subject to the fee imposed by  
32 this subsection.

33 2. When the secretary of state determines that the  
34 requirements of this section are satisfied, the secretary  
35 shall execute and deliver a certificate of commission to the

1 person appointed.

2 3. A notary public may procure a seal or stamp for use in  
3 performing notarial acts. A seal or stamp used by a notary  
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10 seal or stamp in the performance of a notarial act.

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24 services upon the requirement that the person served be a  
25 customer or client of the establishment by which the notary is  
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27 The employer of a notary public shall not condition the  
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29 person served be a customer or client of the establishment by  
30 which the notary is employed.

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32 1. In taking an acknowledgment, the notarial officer must  
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12 4. In certifying or attesting a copy of a document or  
13 other item, the notarial officer must determine that the copy  
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15 that which was copied.

16 5. In making or noting a protest of a negotiable  
17 instrument, the notarial officer must determine the matters  
18 set forth in section 554.3509.

19 6. A notarial officer has satisfactory evidence that a  
20 person is the person whose true signature is on a document in  
21 any of the following circumstances:

22 a. The person is personally known to the notarial officer.

23 b. The person is identified upon the oath or affirmation  
24 of a credible witness personally known to the notarial  
25 officer.

26 c. The person is identified on the basis of identification  
27 documents.

28 Sec. 10. NEW SECTION. 77A.10 NOTARIAL ACTS IN THIS  
29 STATE.

30 1. A notarial act may be performed within this state by  
31 the following persons:

32 a. A notary public appointed by the secretary of state  
33 pursuant to section 77A.3.

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

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

3 d. Any other person authorized to perform the specific act  
4 by the law of this state.

5 2. Notarial acts performed within this state under federal  
6 authority as provided in section 77A.12 have the same effect  
7 as if performed by a notarial officer of this state.

8 3. The signature and title of a person performing a  
9 notarial act are prima facie evidence that the signature is  
10 genuine and that the person holds the designated title.

11 Sec. 11. NEW SECTION. 77A.11 NOTARIAL ACTS IN OTHER  
12 JURISDICTIONS OF THE UNITED STATES.

13 1. A notarial act has the same effect under the law of  
14 this state as if performed by a notarial officer of this  
15 state, if performed in another state, commonwealth, territory,  
16 district, or possession of the United States by any of the  
17 following persons:

18 a. A notary public of that jurisdiction.

19 b. A judge, clerk, or deputy clerk of a court of that  
20 jurisdiction.

21 c. Any other person authorized by the law of that  
22 jurisdiction to perform notarial acts.

23 2. Notarial acts performed in other jurisdictions of the  
24 United States under federal authority as provided in section  
25 77A.12 have the same effect as if performed by a notarial  
26 officer of this state.

27 3. The signature and title of a person performing a  
28 notarial act are prima facie evidence that the signature is  
29 genuine and that the person holds the designated title.

30 4. The signature and indicated title of an officer listed  
31 in subsection 1, paragraph "a" or "b" conclusively establishes  
32 the authority of a holder of that title to perform a notarial  
33 act.

34 Sec. 12. NEW SECTION. 77A.12 NOTARIAL ACTS UNDER FEDERAL  
35 AUTHORITY.

1 1. A notarial act has the same effect under the law of  
2 this state as if performed by a notarial officer of this state  
3 if performed anywhere by any of the following persons under  
4 authority granted by the law of the United States:

5 a. A judge, clerk, or deputy clerk of a court.

6 b. A commissioned officer on active duty in the military  
7 service of the United States.

8 c. An officer of the foreign service or consular officer  
9 of the United States.

10 d. Any other person authorized by federal law to perform  
11 notarial acts.

12 2. The signature and title of a person performing a  
13 notarial act are prima facie evidence that the signature is  
14 genuine and that the person holds the designated title.

15 3. The signature and indicated title of an officer listed  
16 in subsection 1, paragraph "a", "b", or "c" conclusively  
17 establish the authority of a holder of that title to perform a  
18 notarial act.

19 Sec. 13. NEW SECTION. 77A.13 FOREIGN NOTARIAL ACTS.

20 1. A notarial act has the same effect under the law of  
21 this state as if performed by a notarial officer of this state  
22 if performed within the jurisdiction of an under authority of  
23 a foreign nation or its constituent units or a multinational  
24 or international organization by any of the following persons:

25 a. A notary public or notary.

26 b. A judge, clerk, or deputy clerk of a court of record.

27 c. Any other person authorized by the law of that  
28 jurisdiction to perform notarial acts.

29 2. An "Apostille" in the form prescribed by the Hague  
30 convention of October 5, 1961, conclusively establishes that  
31 the signature of the notarial officer is genuine and that the  
32 officer holds the indicated office.

33 3. A certificate by a foreign service or consular officer  
34 of the United States stationed in the nation under the  
35 jurisdiction of which the notarial act was performed, or a

1 certificate by a foreign service or consular officer of that  
2 nation stationed in the United States, conclusively  
3 establishes any matter relating to the authenticity or  
4 validity of the notarial act set forth in the certificate.

5 4. An official stamp or seal of the person performing the  
6 notarial act is prima facie evidence that the signature is  
7 genuine and that the person holds the indicated title.

8 5. An official stamp or seal of an officer listed in  
9 subsection 1, paragraph "a" or "b" of this section is prima  
10 facie evidence that a person with the indicated title has  
11 authority to perform notarial acts.

12 6. If the title of office and indication of authority to  
13 perform notarial acts appears either in a digest of foreign  
14 law or in a list customarily used as a source for that  
15 information, the authority of an officer with that title to  
16 perform notarial acts is conclusively established.

17 Sec. 14. NEW SECTION. 77A.14 CERTIFICATE OF NOTARIAL  
18 ACTS.

19 1. A notarial act must be evidenced by a certificate  
20 signed and dated by the notarial officer. The certificate  
21 must include identification of the jurisdiction in which the  
22 notarial act is performed and the title of the office of the  
23 notarial officer and may include the official stamp or seal of  
24 office. If the officer is a notary public, the certificate  
25 must also indicate the date of expiration, if any, of the  
26 commission of office, but omission of that information may  
27 subsequently be corrected. If the officer is a commissioned  
28 officer on active duty in the military service of the United  
29 States, it must also include the officer's rank.

30 2. A certificate of a notarial act is sufficient if it  
31 meets the requirements of subsection 1, and is in any of the  
32 following forms:

- 33 a. The short form set forth in section 77A.15.  
34 b. A form otherwise prescribed by the law of this state.  
35 c. A form prescribed by laws or regulations applicable in

1 the place in which the notarial act was performed.

2 d. A form which sets forth the actions of the notarial  
3 officer and those are sufficient to meet the requirements of  
4 the designated notarial act.

5 3. By executing a certificate of a notarial act, the  
6 notarial officer certifies that the officer has made the  
7 determination required by section 77A.9.

8 Sec. 15. NEW SECTION. 77A.15 SHORT FORMS.

9 The following short form certificates of notarial acts are  
10 sufficient for the purposes indicated, if completed with the  
11 information required under section 77A.14, subsection 1.

12 a. For an acknowledgment in an individual capacity:

13 State of \_\_\_\_\_

14

15 County of \_\_\_\_\_

16

17 This instrument was acknowledged before me on

18 (month/day/year) by

19

20 \_\_\_\_\_

21

22

23 \_\_\_\_\_

24

25

26 \_\_\_\_\_

27 (name[s] of person[s])

28

29

30

\_\_\_\_\_  
(Signature of notarial officer)

32

33 (Stamp or seal, if any)

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\_\_\_\_\_



S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

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Title (Rank if applicable)

My commission expires: \_\_\_\_\_

b. For an acknowledgement in a representative capacity:

State of \_\_\_\_\_

County of \_\_\_\_\_

This instrument was acknowledged before me on           (date)            
by (name[s] of person[s]) as (type of authority, e.g.,  
officer, trustee, etc.) of (name of party on behalf of whom  
instrument was executed.)

\_\_\_\_\_  
(Signature of notarial officer)

(Seal or stamp, if any)

\_\_\_\_\_  
Title (Rank, if applicable)

My commission expires: \_\_\_\_\_

c. For a verification upon oath or affirmation:

State of \_\_\_\_\_

County of \_\_\_\_\_

(date)

Signed and sworn to (or affirmed) before me on (date) by  
(name[s] of person[s] making statement).

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\_\_\_\_\_  
(Signature of notarial officer)

(Seal or stamp, if any)

\_\_\_\_\_  
Title (Rank, if applicable)

My commission expires: \_\_\_\_\_

d. For witnessing or attesting a signature:

12  
13  
14 State of \_\_\_\_\_

15  
16 Signed or attested before me on date by name[s] of  
17 person[s] making statement.

18  
19  
20 \_\_\_\_\_  
(Signature of notarial officer)

21  
22 (Seal or stamp, if any)

23  
24 \_\_\_\_\_  
Title (Rank, if applicable)

25  
26  
27 My commission expires: \_\_\_\_\_

28  
29 e. For attestation of a copy of a document:

30  
31 State of \_\_\_\_\_

32  
33 I certify that this is a true and correct copy of a

34  
35 document in the possession of \_\_\_\_\_.

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

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2 Dated \_\_\_\_\_

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6 \_\_\_\_\_  
(Signature of notarial officer)

7

8 (Seal or stamp, if any)

9

10

11 \_\_\_\_\_  
Title (Rank, if applicable)

12

13

My commission expires: \_\_\_\_\_

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16 OF STATE.

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21 per page and five dollars for the certificate.

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

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

29 Sec. 17. NEW SECTION. 77A.17 POWERS OF THE SECRETARY OF  
30 STATE.

31 The secretary of state has the power and authority  
32 reasonably necessary to administer this chapter efficiently  
33 and to perform the duties imposed upon the secretary of state.

34 Sec. 18. NEW SECTION. 77A.18 UNIFORMITY OF APPLICATION  
35 AND CONSTRUCTION.

1 This Act shall be applied and construed to effectuate its  
2 general purpose to make uniform the law with respect to the  
3 subject of this Act among states enacting it.

4 Sec. 19. Section 602.8102, subsection 21, Code 1989, is  
5 amended by striking the subsection.

6 Sec. 20. Chapter 77, Code 1989, is repealed.

7 Sec. 21. This Act applies to notarial acts performed on or  
8 after its effective date.

9 EXPLANATION

10 This bill rewrites Iowa's current law establishing and  
11 regulating notaries public. Recognition of notarial acts  
12 occurring outside this state and by persons authorized under  
13 federal law is provided. Certain determinations are also  
14 required of a notarial officer in attesting to various types  
15 of documents. Sections repealed include the penalty for  
16 improperly acting as a notary and authorization for notary  
17 fees.

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HOUSE FILE 693

AN ACT

RELATING TO NOTARIES PUBLIC AND OTHER NOTARIAL OFFICERS AND NOTARIAL ACTS, AND PROVIDING AN APPLICABILITY DATE AND AN EFFECTIVE DATE.

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

Section 1. NEW SECTION. 77A.1 TITLE.

This chapter shall be known as the "Iowa Law on Notarial Acts".

Sec. 2. NEW SECTION. 77A.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Notarial act" means any act that a notary public of this state is authorized to perform, and includes, but is not limited to, taking an acknowledgment, administering an oath or affirmation, taking verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

2. "Acknowledgment" means a declaration by a person that the person has executed an instrument for the purposes stated in the document and, if the instrument is executed in a representative capacity, that the person signed the instrument with proper authority and executed it as the act of the person or entity represented and identified in the document.

3. "Verification upon oath or affirmation" means a declaration that a statement is true, made by a person upon oath or affirmation.

4. "Representative capacity" means any of the following:

a. A representative on behalf of a corporation, partnership, trust, or other entity, as an authorized officer, agent, partner, trustee, or other representative.

b. A public officer, personal representative, guardian, or other representative, in the capacity recited in the instrument.

c. An attorney in fact for a principal.

d. Any other capacity as an authorized representative of another.

5. "Notarial officer" means a notary public or other officer authorized to perform notarial acts.

Sec. 3. NEW SECTION. 77A.3 APPOINTMENT -- REVOCATION.

1. The secretary of state may appoint residents of this state as notaries public and may revoke an appointment for cause.

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

3. 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 who is a resident of a state bordering Iowa ceases to work or maintain a place of business in Iowa, the notary commission expires.

Sec. 4. NEW SECTION. 77A.4 TERM OF COMMISSION.

The term of a notary public who is an Iowa resident is three years. The term of a notary 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 who is a member of the general assembly is the member's term of office.

Sec. 5. NEW SECTION. 77A.5 NOTICE OF EXPIRATION OF TERM.

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

Sec. 6. NEW SECTION. 77A.6 APPLICATION -- FEE.

1. Before a commission is delivered to a person appointed as a notary public, the person shall:

a. Complete an application for appointment as a notary public on a form prescribed by the secretary of state.

b. Remit the sum of thirty dollars to the secretary of state. However, persons appointed as notaries public under section 77A.3, subsection 2, are not subject to the fee

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imposed by this subsection.

2. When the secretary of state determines that the requirements of this section are satisfied, the secretary shall execute and deliver a certificate of commission to the person appointed.

3. A notary public may procure a seal or stamp for use in performing notarial acts. A seal or stamp used by a notary public in the performance of notarial acts shall contain the words "Notarial Seal" and the word "Iowa". The stamp may include the name of the notary public. However, a notarial act is not invalid if a seal or stamp used in the performance of a notarial act fails to meet the requirements of this subsection. This subsection does not require the use of a seal or stamp in the performance of a notarial act.

Sec. 7. NEW SECTION. 77A.7 REVOCATION -- NOTICE AND HEARING -- RULES.

If the commission of a person appointed notary public is revoked by the secretary of state, the secretary shall immediately notify the person through the mail. The notice shall state the cause of the revocation and shall inform the person of the right to a hearing on the revocation. The secretary of state shall adopt rules under chapter 17A to provide for a hearing for persons whose commission is revoked.

Sec. 8. NEW SECTION. 77A.8 DISCRETION -- LIMITATION.

A notary public may exercise reasonable discretion in performing or declining to perform notarial services, but a notary shall not condition the performance of notarial services upon the requirement that the person served be a customer or client of the establishment by which the notary is employed.

The employer of a notary public 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 notary is employed.

Sec. 9. NEW SECTION. 77A.9 NOTARIAL ACTS.

1. In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory

evidence, that the person appearing before the notary and making the acknowledgment is the person whose true signature is on the instrument.

2. In taking a verification upon oath or affirmation, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is on the statement verified.

3. In witnessing or attesting a signature, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named on the instrument.

4. In certifying or attesting a copy of a document or other item, the notarial officer must determine that the copy is a full, true, and accurate transcription or reproduction of that which was copied.

5. In making or noting a protest of a negotiable instrument, the notarial officer must determine the matters set forth in section 554.3509.

6. A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document in any of the following circumstances:

- a. The person is personally known to the notarial officer.
- b. The person is identified upon the oath or affirmation of a credible witness personally known to the notarial officer.
- c. The person is identified on the basis of identification documents.

Sec. 10. NEW SECTION. 77A.10 NOTARIAL ACTS IN THIS STATE.

1. A notarial act may be performed within this state by the following persons:

- a. A notary public appointed by the secretary of state pursuant to section 77A.3.
- 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 person authorized to perform the specific act by the law of this state.

2. Notarial acts performed within this state under federal authority have the same effect as if performed by a notarial officer of this state.

3. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

Sec. 11. NEW SECTION. 77A.11 CERTIFICATION BY SECRETARY OF STATE.

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. 12. NEW SECTION. 77A.12 POWERS OF THE SECRETARY OF STATE.

The secretary of state has the power and authority reasonably necessary to administer this chapter efficiently and to perform the duties imposed upon the secretary of state. This power and authority includes rulemaking authority to provide for reciprocity in recognizing notarial acts performed under any other jurisdiction.

Sec. 13. Section 602.8102, subsection 21, Code 1989, is amended by striking the subsection.

Sec. 14. Chapter 77, Code 1989, is repealed.

Sec. 15. The secretary of state is given the authority until June 30, 1990, to extend the commissions of notaries

public for a period not to exceed nine months, for the purpose of staggering commission expiration dates in a manner to more evenly distribute the notary renewal process.

Sec. 16. This Act, being deemed of immediate importance, takes effect upon enactment and applies to notarial acts performed on or after its effective date.

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 693, Seventy-third General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved *April 27*, 1989

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TERRY E. BRANSTAD  
Governor

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