

Senate File 208 - Introduced

SENATE FILE _____
BY COMMITTEE ON LOCAL GOVERNMENT
(SUCCESSOR TO SSB 1191)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to documents recorded with the county recorder.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1656SV 82
4 eg/je/5

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1 1 Section 1. Section 331.606A, Code 2007, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 331A.606A DOCUMENT CONTENT == PERSONALLY IDENTIFIABLE
1 5 INFORMATION.
1 6 1. DEFINITIONS.
1 7 a. "Personally identifiable information" means one or more
1 8 of the following specific unique identifiers when combined
1 9 with an individual's name:
1 10 (1) Social security number.
1 11 (2) Checking, savings, or share account number, credit,
1 12 debit, or charge card number.
1 13 b. "Preparer" means the person or entity who creates,
1 14 drafts, edits, revises, or last changes the documents that are
1 15 recorded with the recorder.
1 16 c. "Redact" or "redaction" means the process of removing
1 17 personally identifiable information from documents.
1 18 2. INCLUSION OF PERSONALLY IDENTIFIABLE INFORMATION. The
1 19 preparer of a document shall not include an individual's
1 20 personally identifiable information in a document that is
1 21 prepared and presented for recording in the office of the
1 22 recorder. This subsection shall not apply to documents that
1 23 were executed by an individual prior to July 1, 2007. Unless
1 24 provided otherwise by law, all documents described by this
1 25 section are subject to inspection and copying by the public.
1 26 3. REDACTION ON A RECORDER'S INTERNET WEBSITE. If a
1 27 document that includes an individual's personally identifiable
1 28 information was recorded with the recorder and is available on
1 29 the recorder's internet website, the individual may request
1 30 that the recorder redact such information from the website.
1 31 The recorder shall establish a procedure by which individuals
1 32 may request that such personally identifiable information be
1 33 redacted from the internet record available on the recorder's
1 34 internet website, at no fee to the requesting individual. The
1 35 recorder shall comply with an individual's request to redact
2 1 personally identifiable information.
2 2 4. LIABILITY OF PREPARER. A preparer who, in violation of
2 3 subsection 2, enters personally identifiable information in a
2 4 document that is prepared and presented for recording is
2 5 liable to the individual whose personally identifiable
2 6 information appears in the recorded public document for actual
2 7 damages of up to five hundred dollars for each act of
2 8 recording.
2 9 5. APPLICABILITY. This section shall not apply to a
2 10 preparer of a state or federal tax lien, a military separation
2 11 or discharge record, or a death certificate that is prepared
2 12 for recording in the office of county recorder. If a military
2 13 separation or discharge record or a death certificate is
2 14 recorded in the office of the county recorder, the military
2 15 separation or discharge record or the death certificate shall
2 16 not be accessible through the internet.
2 17 EXPLANATION
2 18 Code section 331.606A currently provides that a person who
2 19 prepares a document for filing with the county recorder shall

2 20 not include an individual's federal social security number.
2 21 This bill extends this prohibition to "personally identifiable
2 22 information" which is defined to mean a social security
2 23 number; checking, savings, or share account number; and
2 24 credit, debit, or charge card number.
2 25 The bill provides that a person may demand that a recorder
2 26 remove any personally identifiable information that is located
2 27 on the recorder's internet website.
2 28 The bill provides that a person who enters personally
2 29 identifiable information in a document that is recorded is
2 30 liable for actual damages of up to \$500 for each act of
2 31 recording.
2 32 The bill provides that Code section 331A.606A shall not
2 33 apply to a preparer of a state or federal tax lien, a military
2 34 separation or discharge record, or a death certificate that is
2 35 prepared for recording in the office of the county recorder.
3 1 However, if a military separation or discharge record or a
3 2 death certificate is recorded, such record shall not be
3 3 accessible through the internet.
3 4 LSB 1656SV 82
3 5 eg:sc/je/5