

Senate Study Bill 1191

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON QUIRMBACH)

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 1656SC 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) Driver's license number, nonoperator's identification
1 12 card number, or any other state or federal government-issued
1 13 identification card number.
1 14 (3) Financial institution account number, credit, debit,
1 15 or charge card number.
1 16 b. "Preparer" means the person or entity who creates,
1 17 drafts, edits, revises, or last changes the documents that are
1 18 recorded with the recorder.
1 19 c. "Redact" or "redaction" means the process of removing
1 20 personally identifiable information from documents.
1 21 2. INCLUSION OF PERSONALLY IDENTIFIABLE INFORMATION. The
1 22 preparer of a document shall not include an individual's
1 23 personally identifiable information in a document that is
1 24 prepared and presented for recording in the office of the
1 25 recorder. This subsection shall not apply to documents that
1 26 were executed by an individual prior to July 1, 2007. Unless
1 27 provided otherwise by law, all documents described by this
1 28 section are subject to inspection and copying by the public.
1 29 3. REDACTION ON A RECORDER'S INTERNET WEBSITE. If a
1 30 document that includes an individual's personally identifiable
1 31 information was recorded with the recorder and is available on
1 32 the recorder's internet website, the individual may request
1 33 that the recorder redact such information from the website.
1 34 The recorder shall establish a procedure by which individuals
1 35 may request that such personally identifiable information be
2 1 redacted from the internet record available on the recorder's
2 2 internet website, at no fee to the requesting individual. The
2 3 recorder shall comply with an individual's request to redact
2 4 personally identifiable information.
2 5 4. LIABILITY OF PREPARER. A preparer who, in violation of
2 6 subsection 2, enters personally identifiable information in a
2 7 document that is prepared and presented for recording is
2 8 liable to the individual whose personally identifiable
2 9 information appears in the recorded public document for
2 10 damages of up to five hundred dollars for each act of
2 11 recording.
2 12 5. APPLICABILITY. This section shall not apply to a
2 13 preparer of a state or federal tax lien or a military
2 14 separation or discharge record that is prepared for recording
2 15 in the office of county recorder. If a military separation or
2 16 discharge record is recorded in the office of the county
2 17 recorder, the military separation or discharge record shall
2 18 not be accessible through the internet.
2 19 EXPLANATION

2 20 Code section 331.606A currently provides that a person who
2 21 prepares a document for filing with the county recorder shall
2 22 not include an individual's federal social security number.
2 23 This bill extends this prohibition to "personally identifiable
2 24 information" which is defined to mean a social security
2 25 number; driver's license number, nonoperator's identification
2 26 card number, or any other state or federal government-issued
2 27 identification card number; and financial institution account
2 28 number, credit, debit, or charge card number.
2 29 The bill provides that a person may demand that a recorder
2 30 remove any personally identifiable information that is located
2 31 on the recorder's internet website.
2 32 The bill provides that a person who enters personally
2 33 identifiable information in a document that is recorded is
2 34 liable for damages of up to \$500 for each act of recording.
2 35 LSB 1656SC 82
3 1 eg:sc/je/5.1