

Senate Study Bill 3009 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act providing that certain peace officers and law
2 enforcement officials are not required to use a notarial
3 stamp when administering oaths or acknowledging signatures.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 9B.17, subsection 2, Code 2016, is
2 amended to read as follows:

3 2. a. This section does not apply to a judicial officer
4 as defined in section 602.1101 performing a notarial act in
5 accordance with state or federal authority. This section does
6 not apply to a chief officer or a chief officer's designee
7 certifying a peace officer's verification of a uniform citation
8 and complaint pursuant to section 805.6, subsection 3. This
9 section does not apply to a peace officer administering an
10 oath or acknowledging a signature pursuant to section 80.9A,
11 subsection 3, or to a certified law enforcement officer
12 administering an oath or acknowledging a signature pursuant to
13 section 817.3.

14 b. A judicial officer, chief officer, ~~or~~ chief officer's
15 designee, peace officer, or certified law enforcement officer
16 performing an act described in paragraph "a" is not required to
17 acquire or use an official stamp in performing ~~these acts~~ that
18 act.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 BILL'S PROVISIONS. This bill provides that when
23 administering an oath or acknowledging a signature, a peace
24 officer associated with the department of public safety or a
25 law enforcement officer certified by the Iowa law enforcement
26 academy is not required to comply with requirements related to
27 the use of a notarial stamp.

28 BACKGROUND. Code chapter 9B, referred to as the "Revised
29 Uniform Law on Notarial Acts" (Code section 9B.1), is based
30 on the model Act "Uniform Law on Notarial Acts" (ULONA). A
31 notarial act may be performed by a number of persons, including
32 a notary public or other notarial officer authorized by law
33 to take an acknowledgment, administer an oath or affirmation,
34 take a verification on oath or affirmation, witness or attest
35 a signature, certify or attest a copy, or note a protest of

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1 a negotiable instrument (Code sections 9B.2 and 9B.10). A
2 notarial act must be evidenced by a certificate signed and
3 dated by the notarial officer (Code section 9B.15). In
4 cases involving a tangible or electronic record, an official
5 stamp must be affixed to or embossed on the certificate (Code
6 sections 9B.15 and 9B.17).