

Senate Study Bill 3095 - Introduced

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

A BILL FOR

1 An Act relating to judicial actions and records by authorizing
2 assistance by a small claims filing agent and modifying
3 provisions relating to accessing protected information in
4 court records.

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

DIVISION I

SMALL CLAIMS FILING AGENTS

Section 1. NEW SECTION. 562A.11A **Small claims filing agent.**

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4 1. An individual who is not licensed to practice law in
5 this state and who only does any of the following to assist a
6 landlord, manager, or tenant in pursuing a remedy authorized
7 under this chapter as a small claim under chapter 631 shall be
8 considered a "small claims filing agent":

9 a. Typing information provided by the landlord, manager, or
10 tenant, on a form prescribed by the supreme court under section
11 631.15, in a fillable document format.

12 b. Electronically filing a form prescribed by the supreme
13 court under section 631.15 with the district court sitting in
14 small claims.

15 2. An individual that is a small claims filing agent shall
16 not do any of the following:

17 a. Advise the landlord, manager, or tenant as to the grounds
18 for the remedy under this chapter or the legal effect of the
19 form.

20 b. Provide a legal opinion or legal analysis beyond that
21 which is required for compliance with the requirements of the
22 form, timeliness and accuracy of preparation of the form, or
23 data or information formatting required for electronic filing
24 of documents associated with the small claim action.

25 3. The actions of a small claims filing agent authorized by
26 this section shall not be considered the practice of law.

27 Sec. 2. NEW SECTION. 562B.12A **Small claims filing agent.**

28 1. An individual who is not licensed to practice law in
29 this state and who only does any of the following to assist a
30 landlord, manager, or tenant in pursuing a remedy authorized
31 under this chapter as a small claim under chapter 631 shall be
32 considered a "small claims filing agent":

33 a. Typing information provided by the landlord, manager, or
34 tenant, on a form prescribed by the supreme court under section
35 631.15, in a fillable document format.

1 *b.* Electronically filing a form prescribed by the supreme
2 court under section 631.15 with the district court sitting in
3 small claims.

4 2. An individual that is a small claims filing agent shall
5 not do any of the following:

6 *a.* Advise the landlord, manager, or tenant as to the grounds
7 for the remedy under this chapter or the legal effect of the
8 form.

9 *b.* Provide a legal opinion or legal analysis beyond that
10 which is required for compliance with the requirements of the
11 form, timeliness and accuracy of preparation of the form, or
12 data or information formatting required for electronic filing
13 of documents associated with the small claim action.

14 3. The actions of a small claims filing agent authorized by
15 this section shall not be considered the practice of law.

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DIVISION II

17 ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION IN COURT RECORDS

18 Sec. 3. Section 602.1614, Code 2020, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 3A. *a.* Rules prescribed by the supreme
21 court governing the appropriate level of public access to
22 electronic records and other court records under subsection
23 3, paragraph `1`, shall also prescribe a process by which
24 an authenticated user may access protected information as
25 defined in Iowa court rule 16.602 for purposes of engaging
26 in activities governed by federal consumer protection laws,
27 including but not limited to the following:

28 (1) The federal Fair Credit Reporting Act, 15 U.S.C. §1681
29 et seq.

30 (2) The federal Gramm-Leach-Bliley Act, 15 U.S.C.
31 §6801-6809.

32 (3) The federal Health Insurance Portability and
33 Accountability Act of 1996, Pub. L. No. 104-191.

34 (4) The federal Family Educational Rights and Privacy Act,
35 20 U.S.C. §1232g.

1 (5) The federal Driver's Privacy Protection Act, 18 U.S.C.
2 §2721 et seq.

3 b. The supreme court shall ensure secure electronic access
4 for authenticated users through commercially reasonable
5 authentication methods.

6 c. Authenticated users shall be determined in a manner
7 consistent with industry standards through a registration
8 process or a contractual agreement with the user.

9 EXPLANATION

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

12 This bill relates to judicial actions and records by
13 authorizing assistance by a small claims filing agent and
14 modifying provisions relating to personal information in court
15 records.

16 Division I of the bill amends Code chapter 562A, the
17 uniform residential landlord and tenant Act, and Code chapter
18 562B, the manufactured home communities or mobile home parks
19 residential landlord and tenant Act, to authorize a small
20 claims filing agent to assist a landlord, manager, or tenant
21 in pursuing an authorized remedy as a small claim under Code
22 chapter 631. A small claims filing agent is an individual who
23 is not licensed to practice law in this state and who types
24 information provided by the landlord, manager, or tenant on a
25 form prescribed by the supreme court in a fillable document
26 format or who electronically files a form prescribed by the
27 supreme court with the district court sitting in small claims.

28 Division I prohibits an individual that is a small claims
29 filing agent from doing the following: (1) advising the
30 landlord, manager, or tenant as to the grounds for the remedy
31 or the legal effect of the form; or (2) providing a legal
32 opinion or legal analysis beyond that which is required for
33 compliance with the requirements of the form, timeliness and
34 accuracy of preparation of the form, or data or information
35 formatting required for electronic filing of documents

1 associated with the small claim action.

2 Division I of the bill specifies that the actions of a
3 small claims filing agent authorized by the bill shall not be
4 considered the practice of law.

5 Division II of the bill provides that rules prescribed by
6 the supreme court governing the appropriate level of public
7 access to electronic records and other court records under
8 Code section 602.1614 shall also prescribe a process by which
9 an authenticated user may access "protected information" as
10 defined in Iowa court rule 16.602 for purposes of engaging
11 in activities governed by federal consumer protection laws,
12 including but not limited to the following: (1) the federal
13 Fair Credit Reporting Act; (2) the federal Gramm-Leach-Bliley
14 Act; (3) the federal Health Insurance Portability and
15 Accountability Act; (4) the federal Family Educational
16 Rights and Privacy Act; and (5) the federal Driver's Privacy
17 Protection Act.

18 The bill requires the supreme court to ensure secure
19 electronic access for authenticated users through commercially
20 reasonable authentication methods and provides that
21 authenticated users shall be determined through a registration
22 process or a contractual agreement with the user.