

House File 484 - Introduced

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BY GUSTOFF

A BILL FOR

1 An Act providing for notarial acts involving remotely located
2 individuals.

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

1 Section 1. Section 9B.14A, subsection 3, paragraph a, Code
2 2023, is amended to read as follows:

3 a. (1) The notary public has assurance of the identity of
4 the remotely located individual by any one of the following:

5 ~~(1)~~ (a) Personal knowledge under section 9B.7, subsection
6 1, of the identity of the individual.

7 ~~(2)~~ (b) Satisfactory evidence of the identity of the
8 remotely located individual by oath or affirmation from a
9 credible witness appearing before the notary public under
10 section 9B.7, subsection 2, or this section.

11 ~~(3)~~ (c) Obtained satisfactory evidence of the identity of
12 the remotely located individual by using at least two different
13 types of identity proofing as provided in subsection 8.

14 (2) This section allows but does not require a notary public
15 to use a third-party service to verify additional information
16 or perform a credential analysis provided by a remotely located
17 individual, including as provided in subparagraph (1) or
18 section 9B.7.

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 BACKGROUND. This bill amends the "Revised Uniform Law
23 on Notarial Acts" (RULONA), enacted in 2012 (2012 Iowa Acts,
24 chapter 1050), and amended in 2019 (2019 Iowa Acts, chapter
25 44). Both Acts were based on a recommendation by the national
26 conference of commissioners on uniform state laws, also
27 referred to as the uniform law commissioners (see Code chapter
28 5). Iowa's version of the RULONA is codified in Code chapter
29 9B and governs a number of different persons authorized to
30 perform a notarial act (notarial officer) such as attesting to
31 some fact which often involves an individual's statement or the
32 signing of a record presented by the individual (Code section
33 9B.5). One category of notarial officer is a notary public who
34 is an individual commissioned to perform a notarial act by the
35 secretary of state (Code section 9B.2). A notary public may

1 require an individual to provide information or credentials
2 necessary to assure the notary public of the individual's
3 identity (Code section 9B.7). Prior to the 2019 Act, the
4 individual was required to appear personally before the notary
5 public. The 2019 Act authorizes a notary public to perform
6 a notarial act involving a remotely located individual using
7 communication technology (Code sections 9B.14A and 9B.14B).
8 Communication technology refers to a process that allows a
9 notary public and a remotely located individual to communicate
10 with each other simultaneously (Code section 9B.14A(1)). A
11 notary public performing a notarial act using communication
12 technology must be assured of the remotely located individual's
13 identity, including by satisfying a number of criteria,
14 including (1) the public notary's personal knowledge, (2)
15 satisfactory evidence in the form of an oath or affirmation
16 from a credible witness, or (3) at least two different types of
17 identity proofing (Code section 9B.14A(3)). Identity proofing
18 refers to a process or service performed by a third person
19 verifying the identity of a remotely located individual. The
20 secretary of state has adopted rules establishing standards for
21 communication technology, identity proofing, and credential
22 analysis (721 IAC 43.9).

23 BILL'S PROVISIONS. The bill provides that a notary public
24 must have assurance of the identity of the remotely located
25 individual but expressly provides that this assurance is met if
26 any one of the three listed criteria is met. It also provides
27 that the notary public is not required to use a third-party
28 service to verify the additional information or analyze
29 credentials provided by the remotely located individual.