

**House File 484 - Introduced**

HOUSE FILE 484

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.