

# Senate File 515 - Introduced

SENATE FILE 515  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1047)

(COMPANION TO HF 397 BY  
COMMITTEE ON JUDICIARY)

## A BILL FOR

1 An Act relating to remote presence for purposes of notarial  
2 acts and executing wills and codicils, and including  
3 retroactive applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 9B.14A, subsection 7, Code 2023, is  
2 amended to read as follows:

3 7. Before a notary public performs the notary public's  
4 initial notarial act under [this section](#), the notary public  
5 must notify the secretary of state that the notary public will  
6 be performing notarial acts with respect to remotely located  
7 individuals and identify the technologies the notary public  
8 intends to use. If the secretary of state has established  
9 standards under [subsection 8](#) and [section 9B.27](#) for approval of  
10 communication technology or identity proofing, ~~the~~ all of the  
11 following apply:

12 a. The communication technology and identity proofing the  
13 notary public intends to use must conform to the standards.

14 b. If the notary public elects to use identity proofing  
15 under subsection 3, paragraph "a", the identity proofing must  
16 conform to the standards.

17 Sec. 2. Section 633.279, Code 2023, is amended by adding the  
18 following new subsections:

19 NEW SUBSECTION. 3. *Execution of remote will or codicil*  
20 *in counterparts.* When a will or codicil is executed using  
21 remote signing under this section, the original document may  
22 be executed in one or more counterparts by parties located  
23 in different locations, and all such counterparts may be  
24 aggregated to comprise the complete will or codicil of the  
25 testator.

26 NEW SUBSECTION. 4. *Remote will or codicil under disaster*  
27 *proclamation.* Any will or codicil executed using the remote  
28 signing procedures permitted under the proclamation of disaster  
29 emergency of the governor issued April 2, 2020, and expired  
30 February 15, 2022, shall be deemed to satisfy the presence  
31 requirements of this section if the will or codicil was  
32 executed during the effective period of the proclamation of  
33 disaster emergency.

34 NEW SUBSECTION. 5. *Definition.* For purposes of this  
35 section, "*presence*" means any manner, physical or electronic,

1 in which the witness and testator can see and hear the acts of  
2 each other in real time.

3       Sec. 3. RETROACTIVE APPLICABILITY. The following applies  
4 retroactively to wills and codicils executed on or after April  
5 2, 2020:

6 The portion of the section of this Act enacting section  
7 633.279, subsection 4.

### EXPLANATION

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

11 This bill relates to remote presence for purposes of  
12 notarial acts and executing wills and codicils. The bill  
13 requires that if a notary elects to use identity proofing for  
14 purposes of performing notarial acts for remotely located  
15 individuals, the identity proofing must conform to the  
16 standards established by the secretary of state.

17 For purposes of executing wills and codicils, the bill  
18 defines the term "presence" to mean any manner, physical or  
19 electronic, in which the witness and testator can see and hear  
20 the acts of each other in real time. The bill provides when a  
21 will or codicil is executed using remote signing, the original  
22 document may be executed in one or more counterparts by parties  
23 located in different locations, which may be aggregated to  
24 comprise the complete will or codicil.

25       The bill provides that any will or codicil executed using  
26 remote signing procedures between April 2, 2020, and February  
27 15, 2022, shall be deemed to satisfy the presence requirements,  
28 pursuant to the governor's proclamation of disaster emergency.  
29 This provision of the bill is retroactively applicable to April  
30 2, 2020.