

Senate File 371 - Introduced

SENATE FILE 371
BY KLIMESH

A BILL FOR

1 An Act concerning county recorder policies and procedures
2 including the imposition of fees and the establishment of
3 funds, and including transition and effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 331.601A, Code 2025, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 01. "*Additional parcel identifier*" means a
4 parcel letter or number designation approved by the auditor in
5 accordance with section 354.4, subsection 1, paragraph "a", and
6 section 558.63.

7 NEW SUBSECTION. 1A. "*County land record management system*"
8 means the physical or hosted system maintained or licensed
9 by each county for recording documents, assigning recording
10 reference numbers, specifying recording times, maintaining the
11 database and index of records, and archiving physical and
12 electronic documents and generally providing recording services
13 as required in this part 3 of subchapter V and section 558.49.

14 NEW SUBSECTION. 3A. "*Electronic services system*" means the
15 organization formed under chapter 28E between the counties to
16 create and implement a statewide electronic county land record
17 information system as required by 2005 Iowa Acts, ch. 179, §101,
18 as amended by 2021 Iowa Acts, ch. 126, §2, and this Act.
19 "*Electronic services system*" also means the statewide electronic
20 system implemented to accept, manage, and make available records
21 filed with a county recorder.

22 NEW SUBSECTION. 7A. "*Parcel identification number*" means an
23 existing permanent real estate index number with related tax maps
24 as provided in section 441.29, subsection 2.

25 Sec. 2. Section 331.601A, subsections 3 and 7, Code 2025, are
26 amended to read as follows:

27 3. "*Electronic document*" means a document or instrument
28 that is received, processed, disseminated, or maintained in an
29 electronic format. The submission of an electronic document
30 through the ~~county land record information~~ electronic services
31 system electronic submission service shall be equivalent to
32 delivery of a document through the United States postal service
33 or by personal delivery at designated offices in each county.
34 Persons who submit electronic documents for recording are
35 responsible for ensuring that the electronic documents comply

1 with all requirements for recording.

2 7. "Page" means a writing, printing, or drawing, other than
3 a plat or survey or a drawing related to a plat or survey,
4 occurring on one side only and covering all or part of such
5 side, and not larger than eight and one-half inches in width
6 and fourteen inches in length. "Page" also includes a plat
7 of survey, as defined in section 355.1, subsection 9, or a
8 drawing related to a plat of survey occurring on one side only
9 and covering all or part of such side, with a width of not
10 larger than twenty-four inches and a length of not larger than
11 thirty-six inches.

12 Sec. 3. Section 331.603, subsection 5, paragraph a, Code
13 2025, is amended to read as follows:

14 a. ~~The governing board of the county land record information~~
15 ~~system shall not enter into an agreement to provide access to~~
16 ~~electronic documents or records on a batch basis.~~ The county
17 recorder may collect reasonable fees for access to electronic
18 documents and records pursuant to an agreement. The fees shall
19 not exceed the actual cost of providing access to the electronic
20 documents and records. "Actual cost" means only those expenses
21 directly attributable to providing access to electronic documents
22 and records. "Actual cost" shall not include costs such as
23 employment benefits, depreciation, maintenance, electricity, or
24 insurance associated with the administration of the office of the
25 county recorder ~~or the county land record information system.~~

26 Sec. 4. Section 331.604, Code 2025, is amended by striking
27 the section and inserting in lieu thereof the following:

28 **331.604 Recording and filing fees.**

29 1. a. Except as otherwise provided by state law, including
30 paragraph "b" of this subsection or section 331.605, the recorder
31 shall collect a fee of ten dollars for each page or fraction of a
32 page of an instrument that is physically or electronically filed
33 or recorded in the recorder's office. The maximum recording fee
34 for documents with fifty or more pages is five hundred dollars.

35 b. A county shall not be required to pay a fee to the

1 recorder for filing or recording instruments. However, a county
2 treasurer is required to pay recording fees pursuant to sections
3 437A.11 and 437B.7.

4 2. The treasurer, on behalf of the recorder, shall establish
5 and maintain a recorder's technology advancement fund into which
6 all moneys collected pursuant to subsection 3 shall be deposited.
7 Interest earned on moneys deposited in the fund shall be credited
8 to the recorder's technology advancement fund. The recorder may
9 collaborate with other entities, boards, and agencies to further
10 the purposes of subsection 3.

11 3. From the total fee paid for the recording of a document
12 or instrument pursuant to subsection 1, two dollars shall be
13 transferred to the recorder's technology advancement fund.
14 Moneys in the recorder's technology advancement fund must be used
15 for the following purposes:

16 a. Maintaining and improving equipment, software, and
17 systems.

18 b. Preserving and maintaining archived physical and
19 electronic documents and instruments.

20 c. Converting physical documents to electronic documents and,
21 if it is possible to index the documents during the conversion
22 to meet the requirements outlined in sections 331.606 and 558.49,
23 indexing the documents.

24 d. Education and training for advancing technology.

25 4. The treasurer, on behalf of the recorder, shall establish
26 and maintain a recorder's electronic services system fund into
27 which all moneys collected pursuant to subsection 5 shall be
28 deposited. Interest earned on moneys deposited in the fund shall
29 be credited to the recorder's electronic services system fund.

30 5. a. From the total fee paid for the recording of a
31 document or instrument pursuant to subsection 1, three dollars
32 shall be transferred to the recorder's electronic services system
33 fund. The recorder's electronic services system fund must be
34 used for the purposes outlined in section 331.605B, subsection 1.

35 b. By the first day of each month, the treasurer shall

1 transfer the moneys deposited into the recorder's electronic
2 services system fund to an account in a financial institution
3 designated by the electronic services system.

4 6. The recorder or the electronic services system shall make
5 available any information required by the county auditor or
6 auditor of state concerning the moneys collected from fees under
7 this section and the uses for which such fees are expended.

8 Sec. 5. Section 331.605B, Code 2025, is amended by striking
9 the section and inserting in lieu thereof the following:

10 **331.605B Electronic services system — fees collected —**
11 **liability.**

12 1. The governing board of the electronic services system
13 shall create and implement a statewide electronic county land
14 record management system for the following purposes:

15 a. Enable electronic filing to record documents.

16 b. Provide electronic access to recorded documents to the
17 public.

18 c. Receive electronic payments to process electronic
19 documents for recording.

20 d. Implement security and redaction systems to protect
21 personally identifiable information.

22 e. Integrate with other appropriate real property filing or
23 management systems.

24 f. Establish standards for processing, recording, indexing,
25 accessing, and archiving documents for electronic county land
26 record management systems and the electronic services system.

27 g. Develop a notification system to inform a user when
28 electronic filings or records are associated with the user's
29 name, identified property, or other recorded filing information
30 when applicable.

31 2. The electronic services system may collect a fee of
32 not more than three dollars per recorded document to receive
33 and process electronic documents for recording. An additional
34 service charge may be added for credit or debit card payments.
35 The moneys collected from fees to receive and process electronic

1 documents for recording shall be used for the purposes specified
2 in subsection 1. The electronic services system shall collect
3 only statutorily authorized fees for land records management
4 and shall not collect a fee for viewing, accessing, or
5 printing documents in the statewide electronic county land record
6 management system unless specifically authorized by statute. The
7 electronic services system shall not provide access to electronic
8 filings or records on a batch basis.

9 3. Each county shall participate in the electronic services
10 system and shall comply with the policies and procedures
11 established by the governing board of the electronic services
12 system. The board of supervisors of each county, on behalf of
13 each county recorder, may vote to amend the chapter 28E agreement
14 with other counties to provide for the ongoing implementation of
15 the electronic services system as required by 2005 Iowa Acts,
16 ch. 179, §101, as amended by 2021 Iowa Acts, ch. 126, §2, and
17 this Act.

18 4. The electronic services system is a unit of local
19 government for purposes of chapter 670. However, a person
20 who has contracted with the governing board of the electronic
21 services system to carry out the duties of the board is not an
22 employee for purposes of chapter 670.

23 Sec. 6. Section 331.606, subsections 1 and 2, Code 2025, are
24 amended to read as follows:

25 1. a. In addition to the information required in section
26 331.606B, subsection 2, section 558.49, and other requirements
27 specified by law, the recorder shall note in the electronic
28 county land record management system the date of filing recording
29 of each instrument, the number and character, type, or title
30 of the instrument, and the name of each grantor and grantee
31 named in the instrument. In numbering the When assigning
32 reference numbers to documents or instruments, the recorder may
33 start with the number one immediately following the date of
34 annual settlement with the board and continue to number them
35 consecutively until the next annual settlement with the board or

1 ~~the recorder may~~ shall start with number one on the first working
2 day of the calendar year and continue to number the instruments
3 consecutively until the last working day of the calendar year.
4 Reference numbers shall include only numbers, contain no more
5 than six digits, and the county two-digit number and four-digit
6 year must precede each reference number. The recorder may also
7 assign a book and page number to documents and instruments.

8 b. Associated and antecedent recording references shall be
9 indexed with the recorded document.

10 c. A parcel identification number shall be referenced if
11 known and shall not be modified unless the modification is
12 necessary to correct an error.

13 d. A legal description and parsed location information shall
14 be indexed if known. For platted land, the indexed information
15 shall include the lot, block, subdivision name, city or township,
16 and county. For unplatted land, the indexed information shall
17 include the section, township, range, and quarter section.
18 Indexing quarters of a quarter section is recommended but not
19 required.

20 e. Any additional parcel identifier shall be indexed as an
21 additional parcel identifier in the electronic services system.

22 2. The recorder shall also note in the index the exact ~~time~~
23 hour, minute, and second of the filing recording of each document
24 or instrument.

25 Sec. 7. Section 331.606A, subsections 3 and 4, Code 2025, are
26 amended to read as follows:

27 3. *Redaction from electronic documents.* Personally
28 identifiable information that is contained in electronic
29 documents that are displayed for public access on an internet
30 site, or ~~which~~ that are transferred to any person, shall be
31 redacted prior to displaying or transferring the documents.
32 Each recorder that displays electronic documents and the ~~county~~
33 ~~land record information~~ electronic services system that displays
34 electronic documents on behalf of a county shall implement
35 a system for redacting personally identifiable information.

1 The recorder and the governing board of the ~~county land~~
2 ~~record information~~ electronic services system shall establish
3 a procedure by which individuals may request that personally
4 identifiable information contained in an electronic document
5 displayed on an internet site be redacted, at no fee to the
6 requesting individual. ~~The requirements of this subsection shall~~
7 ~~be fully implemented not later than December 31, 2011.~~

8 4. *Dissemination of documents.* Persons who have contracted
9 with a county recorder or the governing board of the ~~county~~
10 ~~land record information~~ electronic services system to redact
11 personally identifiable information from electronic documents
12 pursuant to subsection 3 shall not sell, transfer, or otherwise
13 disseminate the electronic documents in an unaltered or redacted
14 form, except as provided for in the contract.

15 Sec. 8. Section 331.606A, subsection 7, Code 2025, is amended
16 by striking the subsection and inserting in lieu thereof the
17 following:

18 7. *Redaction of names.* Upon request by a peace officer, as
19 defined in section 801.4, civilian employee of a law enforcement
20 agency, or state or federal judicial officer or state or federal
21 prosecutor, the county assessor or the county assessor's staff,
22 or the county recorder or the county recorder's staff, shall
23 redact the requestor's name contained in electronic documents
24 that are displayed for public access through an internet site.
25 Upon request by a former peace officer, as defined in section
26 801.4, or a former civilian employee of a law enforcement agency,
27 the county assessor or the county assessor's staff, or the
28 county recorder or the county recorder's staff, may redact,
29 upon the presentation of evidence that a compelling safety
30 interest is served by doing so, the requestor's name contained in
31 electronic documents that are displayed for public access through
32 an internet site. This subsection does not apply to a requestor
33 holding or seeking public office. The county assessor and the
34 county recorder shall implement a process without charging a fee
35 to facilitate requests pursuant to this subsection.

1 Sec. 9. Section 331.606B, subsection 1, Code 2025, is amended
2 to read as follows:

3 1. ~~Except as otherwise provided in subsection 7, the county~~
4 ~~recorder shall refuse any document or instrument presented~~
5 ~~for recording~~ To ensure that recorded documents are legible
6 and contain all required information in order to facilitate a
7 permanent record that can be properly archived and indexed, a
8 recorder may decline to record a document or instrument that does
9 not meet the following requirements:

10 a. Each document or instrument shall consist of one or more
11 individual pages ~~not permanently bound or~~ in a continuous form.
12 ~~The~~ For purposes of this paragraph, "continuous form" means
13 individual one-sided pages. A physical document or instrument
14 presented for filing shall not have any attachment be permanently
15 bound, stapled, taped, or otherwise affixed to any page except as
16 necessary to comply with statutory requirements and must contain
17 text or graphics on only one side. However, the The individual
18 pages of a physical document or instrument may be stapled clipped
19 together for presentation for recording. A physical document or
20 instrument containing a label that is firmly attached with a bar
21 code or return address may be accepted for recording.

22 b. All ~~preprinted~~ text shall must be legible and the font at
23 least eight ten point in size and ~~no more than twenty characters~~
24 ~~and spaces per inch, except that the font may be eight point in~~
25 size if the document is a plat or survey. All other text typed
26 or computer generated, including but not limited to all names
27 of parties to an agreement, shall be at least ten point in size
28 and no more than sixteen characters and spaces per inch. If a
29 document or instrument, other than a plat or survey or a drawing
30 related to a plat or survey, presented for recording contains
31 type smaller than eight point type for the preprinted text and
32 ten point type for all other text, the document or instrument
33 shall be accompanied by an exact typewritten or printed copy that
34 meets the requirements of this section.

35 c. Each document shall be of sufficient legibility to produce

1 a clear reproduction. ~~If a~~ A document or instrument, other than
 2 a plat or survey or a drawing related to a plat or survey, that
 3 is not fully or partially sufficiently legible to produce a clear
 4 reproduction, ~~the document or instrument~~ shall be accompanied by
 5 ~~an exact typewritten or printed copy that meets the type size~~
 6 ~~requirements of paragraph "b" and shall~~ a legible copy of the
 7 full or partial page, which will be recorded contemporaneously as
 8 additional pages of the document or instrument.

9 ~~Each~~ A physical document or instrument, ~~other than a plat~~
 10 ~~or survey or a drawing related to a plat or survey,~~ shall must
 11 be on standard white paper ~~of not less than twenty-pound weight~~
 12 without watermarks or other visible ~~inclusions~~ markings. All
 13 ~~text within the document or instrument~~ shall be of sufficient
 14 ~~color and clarity to ensure that the text is readable when~~
 15 ~~reproduced from the record.~~

16 e. All signatures on a document or instrument shall be in
 17 black or dark blue ink and ~~of sufficient color and clarity to~~
 18 ~~ensure that the signatures are readable~~ discernible when the
 19 document or instrument is reproduced from the record. The
 20 corresponding name shall must be ~~typed,~~ printed, or stamped
 21 beneath the original signature. ~~The typing or printing of a name~~
 22 ~~or the application of an embossed or inked stamp~~ shall not cover
 23 or otherwise materially interfere with any part of the document
 24 or instrument except ~~where~~ when provided by law. Failure to
 25 ~~print or type~~ signatures as provided in this paragraph does not
 26 invalidate the document or instrument.

27 f. The first page of each document or instrument, other than
 28 a plat or survey or a drawing related to a plat or survey, shall
 29 have a top margin of at least ~~three inches of vertical space from~~
 30 ~~left to right which shall be reserved~~ one-half of one inch. If
 31 the document or instrument does not include a cover page, then
 32 there must be a blank rectangular space with the dimensions of
 33 three and three-fourths inches in width and two and one-half
 34 inches in height adjacent to the top margin on the first page
 35 and designated for the recorder's use. All other margins on the

1 document or instrument shall be a minimum of three-fourths of
2 one inch. Nonessential information including but not limited to
3 form numbers, page numbers, or customer notations may be placed
4 in a margin except the top margin. The recorder shall not incur
5 any liability for not showing a seal or information that extends
6 beyond the margin of the permanent archival record.

7 g. ~~Each~~ A document or instrument presented for recording
8 ~~shall meet the requirements of section 331.606A, subsection 2~~
9 not include personally identifiable information unless redacted
10 in accordance with section 331.606A, subsection 3.

11 Sec. 10. Section 331.606B, subsection 2, unnumbered paragraph
12 1, Code 2025, is amended to read as follows:

13 Each document or instrument, other than a plat or survey or
14 a drawing related to a plat or survey, that is presented for
15 recording shall contain the following information on the first
16 page ~~below the three-inch margin~~ or on a cover page:

17 Sec. 11. Section 331.606B, subsection 2, paragraphs a, d, and
18 i, Code 2025, are amended to read as follows:

19 a. The name, address, and either the telephone number or
20 email address of the individual who prepared the document, or the
21 contact information for an individual familiar with the document
22 or instrument who is able to address questions from the recorder.

23 d. The title or type of the document or instrument.

24 i. ~~A document or instrument number for statutory requirements~~
25 Associated and antecedent recording references, if applicable.

26 Sec. 12. Section 331.606B, subsection 3, Code 2025, is
27 amended to read as follows:

28 3. A cover page meeting the requirements of section 331.606B,
29 subsection 1, may be included with the document or instrument
30 and will be recorded contemporaneously as an additional page of
31 the document or instrument. If insufficient space exists on
32 the first page or the cover page for all of the information
33 described in subsection 2, the person presenting the document
34 for recording must identify on the first page or the cover page
35 a page reference of ~~for~~ the document or instrument where the

1 ~~required information is located shall be noted on the first page~~
2 can be located.

3 Sec. 13. Section 331.606B, subsection 4, Code 2025, is
4 amended by striking the subsection and inserting in lieu thereof
5 the following:

6 4. A recording of a document or instrument evidencing a
7 transaction for the conveyance or assignment of property,
8 transactions related to the property's financing, or a release
9 of a legal or financial obligation on the property applies
10 solely to the parties identified and participating in the
11 recorded transaction and not any other party concerning any other
12 transaction.

13 Sec. 14. Section 331.606B, subsection 6, Code 2025, is
14 amended to read as follows:

15 6. A physical document or instrument ~~rejected~~ declined for
16 recording by a recorder shall be returned to the preparer
17 or presenter accompanied by an ~~explanation of~~ the reason
18 for ~~rejection~~ declining the document or instrument and any
19 information necessary to correct the defect. A person who files
20 an electronic document or instrument declined for recording by
21 a recorder shall be notified by the recorder that the document
22 or instrument has been declined, the reason the document or
23 instrument has been declined, and any information necessary to
24 correct the defect. If the recording fee for an electronic
25 document or instrument was calculated and processed incorrectly,
26 the person who filed the document or instrument shall be notified
27 of the error and the reason for the fee adjustment by the
28 recorder.

29 Sec. 15. Section 331.606B, subsection 7, Code 2025, is
30 amended by striking the subsection.

31 Sec. 16. NEW SECTION. **331.612 Recording of surveys.**

32 1. Notwithstanding section 331.606B, the following document
33 or document formatting standards shall apply to surveys submitted
34 by licensed professional land surveyors for recording:

35 a. All text must be legible and the font at least eight point

1 in size.

2 b. All text font, signatures, and drawings must have
3 sufficient weight, contrast, and darkness to produce a clear
4 reproduction.

5 c. Physical documents submitted to a county for recording
6 shall be on standard white paper without watermarks or other
7 visible markings and shall have dimensions no greater than eleven
8 by seventeen inches. Notwithstanding the dimensions specified
9 for physical documents in this section, a physical document
10 with dimensions no greater than twenty-four inches by thirty-six
11 inches may be submitted to the county if the county is able
12 to scan or digitize the document while maintaining the original
13 scale and quality of the document as specified in paragraphs
14 "a" and "b". Electronic documents submitted to a county for
15 recording through the electronic services system shall have
16 dimensions no greater than twenty-four inches by thirty-six
17 inches.

18 d. The survey must contain an index legend as outlined in
19 subsection 2.

20 e. A survey must provide a cover page or a blank rectangular
21 space on the first page with the dimensions of three and
22 three-fourths inches in width and two and one-half inches in
23 height designated for the recorder's use.

24 2. A survey must contain an index legend consisting of a
25 compact table or a grid with lines that provides the following
26 information:

27 a. County name.

28 b. For platted land, the index information shall include
29 the additional parcel identifier, if applicable; lot or unit;
30 block; unabbreviated subdivision name; town, city, or county;
31 section; township; and range. For unplatted land, the indexed
32 information shall include the additional parcel identifier,
33 if applicable, section, township, range, and quarter section.
34 Indexing quarters of a quarter section is recommended but not
35 required. Subdivision plats, acquisition plats, and retracement

1 plats of survey shall reference the existing auditor's parcel
2 designation in accordance with section 354.4, subsection 1,
3 paragraph "a". A plat of survey shall reference the approved
4 auditor's parcel designation in accordance with section 354.4,
5 subsection 1, paragraph "a".

6 c. The parcel identification number and additional parcel
7 identifier, if applicable.

8 d. Proprietor's name.

9 e. Requester's name.

10 f. Associated reference numbers for previously recorded
11 surveys.

12 g. The surveyor's name, address, and phone number or email
13 address.

14 h. Information necessary for the county recorder to return
15 the survey document.

16 i. If the survey document is a monument preservation
17 certificate, the name of the government entity requesting the
18 certification in accordance with section 355.6A.

19 Sec. 17. Section 354.18, subsection 2, Code 2025, is amended
20 to read as follows:

21 2. The recorder shall examine each plat of survey and
22 subdivision plat to determine whether the plat is clearly legible
23 and whether the approval by the applicable governing body and
24 the other attachments required by this chapter are presented with
25 the plat. The recorder shall also keep a reproducible physical
26 or electronic copy of the plat from which legible copies can
27 be made. The When a physical plat is presented for recording,
28 the recorder may specify the material and the size of the plat,
29 accepted for recording as long as the document is not less than
30 eight and one-half inches in width by eleven inches, ~~that will~~
31 ~~be accepted for recording in order to comply with this section~~
32 in height. The recorder must accept a plat or subdivision plat
33 meeting the requirements of section 355.7, 355.7A, or 355.8,
34 respectively, submitted electronically through the electronic
35 services system. The recorder shall not record a subdivision

1 plat that violates this chapter.

2 Sec. 18. Section 355.6A, subsection 4, paragraphs a and b,
3 Code 2025, are amended to read as follows:

4 a. The monument preservation certificate shall be filed with
5 the county recorder pursuant to ~~section 331.606B, subsection~~
6 section 331.612, subsection 2, paragraph "i", no later than
7 thirty days after the certificate is signed by the surveyor.

8 b. The county recorder shall index the monument preservation
9 certificate according to the township, range, section number,
10 and quarter section ~~on~~ in which the monument is located ~~within~~.
11 If the monument is located within an official plat, the county
12 recorder shall also index the certificate alphabetically by the
13 official plat name.

14 Sec. 19. Section 355.6A, subsection 4, paragraph c, Code
15 2025, is amended by striking the paragraph.

16 Sec. 20. Section 355.12, Code 2025, is amended to read as
17 follows:

18 **355.12 Indexing of survey documents by recorder.**

19 The recorder shall index survey documents and United States
20 public land corner certificates submitted in accordance with
21 section 331.612, subsection 2, paragraph "b", by township, range,
22 and section number. If the survey is in a recorded subdivision,
23 the recorder shall also index the document alphabetically by
24 subdivision name.

25 Sec. 21. Section 670.2, subsection 2, Code 2025, is amended
26 to read as follows:

27 2. For the purposes of this chapter, "employee" includes a
28 person who performs services for a municipality whether or not
29 the person is compensated for the services, unless the services
30 are performed only as an incident to the person's attendance at
31 a municipality function. "Employee" does not include contractors
32 employed by the governing board of the electronic services system
33 to provide services in accordance with section 331.605B.

34 Sec. 22. 2005 Iowa Acts, chapter 179, section 101, subsection
35 1, as amended by 2021 Iowa Acts, chapter 126, section 2, is

1 amended to read as follows:

2 1. The board of supervisors of each county, on behalf of each
3 county recorder, shall execute a chapter 28E agreement with the
4 other counties for the implementation of the ~~county land record~~
5 information electronic services system to create and implement a
6 statewide electronic county land record information system.

7 Sec. 23. TRANSITION. Any moneys remaining in each county's
8 county recorder's records management fund, as described in
9 section 331.604, subsection 2, paragraph "a", Code 2025, as of
10 the effective date of this Act shall be transferred to the
11 respective county's recorder's technology advancement fund, as
12 described in section 331.604, subsection 2, as amended by this
13 Act. Any moneys remaining in each county's county recorder's
14 electronic transaction fund, as described in section 331.604,
15 subsection 3, paragraph "c", Code 2025, as of the effective
16 date of this Act shall be transferred to the respective county's
17 recorder's electronic services system fund, as described in
18 section 331.604, subsection 4, as amended by this Act. Any
19 moneys remaining in the local government electronic transaction
20 fund, as described in section 331.604, subsection 3, paragraph
21 "d", Code 2025, after the effective date of this Act are
22 appropriated to the treasurer of state to be used by the
23 treasurer of state to assist the governing board of the
24 electronic services system in accomplishing the purposes stated
25 in section 331.605B, subsection 1, as amended by this Act.

26 Sec. 24. EFFECTIVE DATE. The following takes effect January
27 1, 2026:

28 The portion of the section of this Act amending section
29 331.606, subsection 1.

30 EXPLANATION

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

33 This bill relates to certain required document criteria
34 to file documents and instruments with county recorders, fees
35 paid for recording documents, funds created for recorders and

1 the electronic services system and associated authorization
2 for spending moneys in those funds for certain purposes, the
3 creation of the electronic services system, organized by an
4 agreement pursuant to Code chapter 28E (28E agreement), and
5 the electronic filing system used to accept, manage, and make
6 available county recorder filings electronically. Under current
7 law, county recorders are required to execute a 28E agreement
8 with other counties to implement a county land record information
9 system in accordance with 2005 Iowa Acts, chapter 179, section
10 101, subsection 1, as amended by 2021 Iowa Acts, chapter 126,
11 section 2. The bill amends this provision to require county
12 recorders to enter into a 28E agreement to create and implement
13 the electronic services system, a statewide electronic county
14 land record information system. The bill defines "electronic
15 services system" as the organization formed under the 28E
16 agreement. The electronic services system is also the name of
17 the actual electronic system implemented to accept, manage, and
18 make available records filed with a county recorder.

19 Several sections of Code chapter 331, subchapter V, part 3,
20 pertaining to the county recorder are amended to specify certain
21 requirements for documents or instruments submitted to a county
22 recorder for filing either in person or electronically. Many
23 of these requirements pertain to required recording references,
24 indexing, formatting, text, margin sizes, and document size
25 limitations with an emphasis on legibility. References to the
26 county land record information system are removed throughout Code
27 chapter 331 and replaced with "electronic services system".

28 Under current law, in addition to the \$5 county recorders
29 collect for each page of a document or instrument filed in
30 the county recorder's office, \$1 is collected for the county
31 recorder's records management fund, and \$1 is collected for the
32 county recorder's electronic transaction fund. The bill changes
33 the fees to a flat fee of \$10 for each page filed or recorded
34 in the recorder's office, with a maximum recording fee of \$500
35 for 50 or more pages filed. From the total fee of \$10 per

1 page of a document or instrument filed with a recorder, \$2 is
2 transferred to the recorder's technology advancement fund and \$3
3 is transferred to the recorder's electronic services system fund.

4 The bill eliminates the county recorder's records management
5 funds and creates recorder's technology advancement funds to
6 be used for the following purposes: maintaining and improving
7 equipment, software, and systems; preserving and maintaining
8 archived physical and electronic documents or instruments;
9 converting physical documents to electronic documents; and
10 education and training for advancing technology. The bill
11 eliminates the county recorder's electronic transaction funds
12 and creates recorder's electronic services funds. By the first
13 day of each month, the treasurer shall transfer the moneys
14 deposited into the recorder's electronic services system fund
15 to an account in a financial institution designated by the
16 governing board of the electronic services system to be used
17 as outlined in new Code section 331.605B for the following
18 purposes: to enable electronic filing for recording documents;
19 to provide electronic access to recorded public documents; to
20 receive electronic payments to process electronic documents
21 for recording; to implement security and redaction systems to
22 protect personally identifiable information; to integrate with
23 other appropriate real property filing or management systems;
24 to establish standards for processing, recording, indexing,
25 accessing, and archiving documents for electronic county land
26 record management systems; and to develop a notification system
27 for users when electronic filings or records are associated with
28 the user's name, property, or other recorded filing information.
29 The recorder or the electronic services system shall make
30 available any information required by the county auditor or
31 auditor of state concerning the moneys collected from fees and
32 the uses for which such fees are expended.

33 The county treasurer must transfer moneys remaining in the
34 county recorder's records management fund to the recorder's
35 technology advancement fund and moneys remaining in the

1 county recorder's electronic transaction fund to the recorder's
2 electronic services fund on the effective date of the bill. The
3 bill provides that any moneys remaining in the local government
4 electronic transaction fund after the effective date of the
5 bill are appropriated to the treasurer of state to be used by
6 the treasurer of state to assist the governing board of the
7 electronic services system in accomplishing the purposes stated
8 in Code section 331.605B(1).

9 The electronic services system may collect a fee of not more
10 than \$3 per recorded document, along with any service charges
11 associated with a credit or debit card payment, to receive and
12 process a document or instrument. Moneys collected from these
13 fees by the electronic services system must be used for the
14 same purposes as the recorder's electronic services fund. The
15 electronic services system cannot charge a fee for viewing,
16 accessing, or printing records and cannot provide access to
17 records on a batch basis.

18 The bill limits tort liability of government subdivisions
19 by excluding contractors hired by the governing board of the
20 electronic services systems from government employees.

21 The bill creates a process for a county recorder to decline
22 acceptance of a physical or electronic document and to provide
23 information to the filer to correct the defect. A recorder's
24 ability to collect an additional recording fee of \$10 per
25 document to accept nonconforming documents is eliminated.

26 The information required to be included by a recorder who is
27 filing and indexing documents or instruments into the electronic
28 county land record management system is outlined and includes how
29 reference numbers must be determined and applied to filings each
30 calendar year, the use of only numeric references containing no
31 more than six digits preceded by a county two-digit code and
32 four-digit year, and indexing requirements for certain recorded
33 documents associated with the recording. Additionally, the
34 following shall be indexed if known: a parcel identification
35 number; a legal description and parsed location information

1 including platted and unplatted information; and any additional
2 parcel identifiers used by a county auditor. The indexing and
3 recording requirements outlined in the bill take effect January
4 1, 2026. Additionally, a recorder must note in the index the
5 exact hour, minute, and second a document or instrument is
6 recorded.

7 The bill provides for the recording of surveys in new Code
8 section 331.612. Specific text sizing and formatting along
9 with page sizing, index legend requirements, and other required
10 information for surveys, plats, subdivision plats, and monument
11 preservation certificates, with an emphasis on legibility, are
12 provided. The recorder must accept a plat or subdivision plat
13 that meets the requirements outlined in Code section 355.7,
14 355.7A, or 355.8 submitted electronically through the electronic
15 services system. The bill also provides for the use of cover
16 pages when submitting the information required in Code section
17 331.606B(2) and outlines the location on the first page where
18 the information must be provided when filing a document with
19 the county recorder along with providing guidelines for including
20 designated space for a county recorder's use.