

**House File 940 - Reprinted**

HOUSE FILE 940  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 713)

(As Amended and Passed by the House March 26, 2025)

**A BILL FOR**

1 An Act relating to civil law, including providing notice to  
2 named beneficiaries in probate law, a process for named  
3 beneficiaries to obtain ownership of property held by others  
4 in probate law, and authorizing spouses to amend premarital  
5 agreements, and including applicability provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

PROBATE LAW — NAMED BENEFICIARIES

Section 1. Section 633.358, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. If the holder of property that has a beneficiary designation has been notified of the death of the owner of the property, the holder of property shall within ten business days provide notice to each charitable organization listed under the beneficiary designation that the charitable organization may have a right to the property and provide the charitable organization with the contact information of the holder of the property.

Sec. 2. NEW SECTION. **633.359 Beneficiary notice — affidavits — third-party protection.**

1. For purposes of this section, "beneficiary designation" means the same as defined in section 633.358, subsection 1.

2. If the holder of property that has a beneficiary designation has been notified of the death of the owner of the property, the holder of property shall within ten business days provide notice to each person listed under the beneficiary designation that the person may have a right to the property and provide the person with the contact information of the holder of the property.

3. A person listed under the beneficiary designation may present an affidavit to the holder of the property or to any person with information about the property for the purpose of obtaining the property or information regarding the property. The affidavit must state all of the following:

- a. The decedent's name and last known address.
- b. A general description of the property to the extent known.
- c. The person listed under the beneficiary designation's name, address, and primary contact information.
- d. A request that the property be paid or transferred to the person listed under the beneficiary designation or that information about the property be given to the person listed

1 under the beneficiary designation.

2 e. No one other than the person listed under the beneficiary  
3 designation has a right to the interest in the property listed in  
4 the affidavit.

5 f. The affidavit has been signed by the person listed under  
6 the beneficiary designation under penalty of perjury before a  
7 notary public as provided in chapter 9B.

8 g. The information in the affidavit is true and correct.

9 4. The holder of the property shall not request any  
10 additional personal information from the person listed under the  
11 beneficiary designation, including but not limited to any of the  
12 following:

13 a. Social security number or driver's license number.

14 b. Contact information.

15 c. Personal financial information.

16 5. If the requirements of this section are satisfied, all of  
17 the following apply:

18 a. The decedent's property shall be paid, delivered, or  
19 transferred to or for the benefit of the person listed under  
20 the beneficiary designation if the affidavit has requested the  
21 transfer of ownership of the property to the person.

22 b. A transfer agent of a security described in the affidavit  
23 shall change registered ownership on the books of the corporation  
24 from the decedent to or for the benefit of the person listed  
25 under the beneficiary designation if the affidavit has requested  
26 the transfer of ownership of the property to the person.

27 c. The information requested in the affidavit shall be  
28 delivered to the person.

29 6. The holder of the property and any person who in  
30 good faith delivers the property or information requested in  
31 reliance on information a person listed under the beneficiary  
32 designation provides under this section, who has no knowledge  
33 that representations contained in the affidavit are incorrect,  
34 shall not be liable to any person for so acting and may  
35 assume without inquiry the existence of the facts contained

1 in the affidavit. The time to verify a person listed under  
2 the beneficiary designation authority shall not exceed thirty  
3 days from the date of delivery of the affidavit. Any right  
4 or title acquired from the person listed under the beneficiary  
5 designation in consideration of the provision of property or  
6 information under this section is not invalid in consequence  
7 of misapplication by the person listed under the beneficiary  
8 designation. A transaction and a lien created by a transaction  
9 entered into by the person listed under the beneficiary  
10 designation and anyone acting in reliance on the affidavit under  
11 this section is enforceable against the property the person has  
12 requested.

13 7. If the holder of the property refuses to provide the  
14 requested property or information within thirty days after  
15 receiving the affidavit, the person listed under the beneficiary  
16 designation may bring an action against the holder of the  
17 property to recover the property or receive the information or  
18 to compel the delivery of the property. An action brought under  
19 this section must be brought within one year after the date of  
20 the act or failure to act. If the court finds that the holder  
21 of the property acted unreasonably in failing to deliver the  
22 property or information as requested in the affidavit, the court  
23 may award to the person listed under the beneficiary designation  
24 any or all of the following:

- 25 a. Damages sustained by the person.
- 26 b. Costs of the action.
- 27 c. A penalty in an amount determined by the court between  
28 five hundred dollars and ten thousand dollars.
- 29 d. Reasonable attorney fees based on the value of the time  
30 reasonably expended by the attorney and not by the amount of the  
31 recovery on behalf of the person.

32 DIVISION II

33 PREMARITAL AGREEMENTS — AMENDMENTS

34 Sec. 3. Section 596.5, subsection 1, Code 2025, is amended by  
35 adding the following new paragraph:

1     NEW PARAGRAPH. 0g. Any limitations on the ability of the  
2 parties to amend the agreement whether prior to after the  
3 solemnization of the marriage except that any amendment must be  
4 in writing and signed by both parties.

5     Sec. 4. NEW SECTION. **596.6A Amendment.**

6     Notwithstanding section 597.2, a premarital agreement may be  
7 amended after marriage only by a written agreement signed by both  
8 spouses which satisfies any additional criteria or limitations of  
9 an amendment set forth in the premarital agreement.

10    Sec. 5. Section 596.7, unnumbered paragraph 1, Code 2025, is  
11 amended to read as follows:

12    After marriage, a premarital agreement or amendment may be  
13 revoked only as follows:

14    Sec. 6. Section 596.7, subsection 2, unnumbered paragraph 1,  
15 Code 2025, is amended to read as follows:

16    To revoke a premarital agreement or amendment without the  
17 consent of the other spouse, the person seeking revocation must  
18 prove one or more of the following:

19    Sec. 7. Section 596.8, Code 2025, is amended to read as  
20 follows:

21    **596.8 Enforcement.**

22    1. A premarital agreement or amendment is not enforceable if  
23 the person against whom enforcement is sought proves any of the  
24 following:

25    a. The person did not execute the agreement or amendment  
26 voluntarily.

27    b. The agreement or amendment was unconscionable when it was  
28 executed.

29    c. Before the execution of the agreement or amendment the  
30 person was not provided a fair and reasonable disclosure of  
31 the property or financial obligations of the other spouse; and  
32 the person did not have, or reasonably could not have had, an  
33 adequate knowledge of the property or financial obligations of  
34 the other spouse.

35    2. If a provision of the agreement or amendment or the

1 application of the provision to a party is found by the court  
2 to be unenforceable, the provision shall be severed from the  
3 remainder of the agreement and shall not affect the provisions,  
4 or application, of the agreement which can be given effect  
5 without the unenforceable provision.

6 Sec. 8. Section 596.9, Code 2025, is amended to read as  
7 follows:

8 **596.9 Unconscionability.**

9 In any action under this chapter to revoke or enforce a  
10 premarital agreement or amendment, the issue of unconscionability  
11 of a premarital agreement or amendment shall be decided by the  
12 court as a matter of law.

13 Sec. 9. APPLICABILITY. This division of this Act applies to  
14 proceedings concerning premarital agreement amendments commenced  
15 on or after July 1, 2025.

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