

CHAPTER 103†
NOTARIES PUBLIC

H. F. 18

AN ACT relating to notaries public.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section seventy-seven point one (77.1), Code 1971, is
2 amended as follows:

3 77.1 **Appointment.** The secretary of state may at any time ap-
4 point one or more notaries public and may at any time revoke such
5 appointment.

1 SEC. 2. Section seventy-seven point two (77.2), Code 1971, is
2 amended as follows:

3 77.2 **When appointments made.**

4 1. Except as provided in subsection 2 of this section, such appoint-
5 ments, if for a full term, shall be made on July 4, 1924, and on the
6 same day each three years thereafter. All commissions shall expire
7 on the fourth day of July in the same years except as provided in
8 section seven (7) of this Act. No commission shall be for a longer
9 period than three years except as provided in subsection two (2) of
10 this section and section seven (7) of this Act.

11 2. Appointments made after July 4, 1972 shall be made for an
12 initial term as follows:

13 a. Surnames beginning with 'a' through 'i' shall expire September
14 30, 1977.

15 b. Surnames beginning with 'j' through 'r' shall expire September
16 30, 1976.

17 c. Surnames beginning with 's' through 'z' shall expire September
18 30, 1975.

19 All terms after the initial term shall be for a period of three years
20 and shall expire on the thirtieth day of September.

1 SEC. 3. Section seventy-seven point three (77.3), Code 1971, is
2 amended as follows:

3 77.3 **Notice of expiration of term.** The secretary of state shall,
4 on or before August 1 preceding the expiration of each commission,
5 notify each notary public of such expiration and furnish him with a
6 blank application for reappointment and a blank bond.*

1 SEC. 4. Section seventy-seven point four (77.4), Code 1971, is
2 amended as follows:

3 77.4 **Conditions.** Before any such commission is delivered to the
4 person appointed, he shall:

5 1. Procure a seal on which shall be engraved the words "Notarial
6 Seal" and "Iowa", with his surname at length and at least the initials
7 of his Christian name.

8 2. Execute a bond to the state of Iowa in the sum of five hundred
9 dollars conditioned for the true and faithful execution of the duties
10 of his office, which bond, when secured by personal surety, shall be
11 approved by the clerk of the district court of the county of his resi-
12 dence; all other bonds shall be approved by the secretary of state.

*Amended by ch. 104.

†See Editor's note, page iii.

13 3. Write on said bond, or a paper attached thereto, his signature,
14 and place thereon a distinct impression of his official seal.

15 4. File such bond with attached papers, if any, in the office of the
16 secretary of state.

17 5. Remit the sum of seven dollars fifty cents for the three-year
18 period provided by law to the secretary of state, except as provided
19 in section seven (7) of this Act.

20 When the secretary of state is satisfied that the foregoing require-
21 ments have been fully complied with, he shall execute and deliver a
22 commission to the person appointed.*

1 SEC. 5. Section seventy-seven point six (77.6), Code 1971, is
2 amended as follows:

3 **77.6 Revocation—notice.** Should the commission of any person
4 appointed notary public be revoked by the secretary of state, he shall
5 immediately notify such person through the mail.

1 SEC. 6. Section seventy-seven point eleven (77.11), Code 1971, is
2 amended as follows:

3 **77.11 Improperly acting as notary.** If any notary public exercises
4 the duties of his office after the expiration of his commission, or when
5 otherwise disqualified, or appends his official signature to documents
6 when the parties have not appeared before him, he shall be fined not
7 less than fifty dollars, and shall be removed from office by the secre-
8 tary of state.*

1 SEC. 7. All commissions granted by the governor scheduled to
2 expire July 4, 1972, are hereby extended and shall be valid through
3 September 30, 1972.

4 The fee for commissions granted for the initial term of five years
5 as provided in section two (2), subsection two (2), paragraph a, of
6 this Act shall be twelve dollars and fifty cents. The fee for commis-
7 sions granted for the initial term of four years as provided in section
8 two (2), subsection two (2), paragraph b, of this Act shall be ten
9 dollars.

1 SEC. 8. Section seventy-seven point fourteen (77.14), Code 1971,
2 is amended as follows:

3 **77.14 Death—resignation—removal.** On the death, resignation,
4 or removal from office of any notary, his records, with all his official
5 papers, shall, within three months therefrom, be deposited in the
6 office of the secretary of state.

1 SEC. 9. Section seventy-seven point sixteen (77.16), Code 1971,
2 is amended as follows:

3 **77.16 Neglect of executor to deposit records.** If an executor or
4 administrator of a deceased notary willfully neglects, for three
5 months after his acceptance of that appointment, to deposit in the
6 secretary of state's office the records and papers of a deceased notary
7 which came into his hands, he shall be held guilty of a misdemeanor.

1 SEC. 10. Section seventy-seven point eighteen (77.18), Code 1971,
2 is amended as follows:

3 **77.18 Duty of secretary of state as to records.** The secretary of
4 state shall receive and safely keep all such records and papers of the

*Amended by ch. 104.

5 notary in the cases above-named, and shall give attested copies of
6 them, under the seal of his office, for which he may demand such
7 fees as by law may be allowed to the notaries, and such copies shall
8 have the same effect as if certified by the notary.

1 SEC. 11. Section seventy-eight point one (78.1), subsection five
2 (5), Code 1971, is amended as follows:

3 5. Notaries public.

1 SEC. 12. Section nine point three (9.3), Code 1971, is amended as
2 follows:

3 **9.3 Commissions.** All commissions issued by the governor shall
4 be countersigned by the secretary, who shall register each commission
5 in a book to be kept for that purpose, specifying the office, name of
6 officer, date of commission, and tenure of office, and forthwith forward
7 to the state comptroller a copy of said registration.

1 SEC. 13. Section seventy-seven point five (77.5), Code 1971, is
2 repealed.

Approved February 19, 1971.

CHAPTER 104

NOTARIES PUBLIC

H. F. 729

AN ACT relating to the appointment of notaries public by the secretary of state.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section seventy-seven point three (77.3), Code 1971,
2 as amended by House File eighteen (18)*, section three (3), Acts of
3 the Sixty-fourth General Assembly, First Session, is amended by add-
4 ing to the section the following new paragraph:

5 "In the case of expirations of commissions expiring in the year
6 1972, the secretary of state shall, on or before May 1, 1972, notify
7 each notary public of such expiration and furnish him with a blank
8 application for reappointment and a blank bond."

1 SEC. 2. Section seventy-seven point four (77.4), Code 1971, as
2 amended by House File eighteen (18)*, section four (4), Acts of the
3 Sixty-fourth General Assembly, First Session, is amended by adding
4 to the section the following new paragraph:

5 "A facsimile signature of the secretary of state and the seal of his
6 office may be affixed to the certificate of commission in lieu of a per-
7 sonal signature."

1 SEC. 3. House File eighteen (18)*, section seven (7), Acts of the
2 Sixty-fourth General Assembly, First Session, is amended as follows:

3 Sec. 7. [All commissions granted by the governor scheduled to
4 expire July 4, 1972 are hereby extended and shall be valid through
5 September 4, 1972.] *Fees for commissions granted by the secretary*
6 *of state from and after July 1, 1971, which expire July 4, 1972, shall*
7 *be five dollars.*

*Ch. 108, §§3, 4 and 7.