

4. The moneys in the fund are not considered part of the general fund of the state, and in determining a general fund balance shall not be included in the general fund of the state. The moneys in the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 17, 2001

CHAPTER 38

NOTARIAL ACTS AND OFFICERS

H.F. 259

AN ACT relating to the duties and office of the secretary of state in commissioning notarial officers.

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

Section 1. Section 9E.3, Code 2001, is amended by adding the following new subsection: **NEW SUBSECTION.** 4. A person shall not be appointed as a notary public by the secretary of state unless the person is at least eighteen years of age and not disqualified from voting as provided in section 48A.6.¹

Sec. 2. Section 9E.6, subsection 3, Code 2001, is amended by striking the subsection.²

Sec. 3. **NEW SECTION.** 9E.6A ACQUISITION AND USE OF STAMP OR SEAL.

1. Each person performing a notarial act pursuant to section 9E.10 must acquire and use a stamp or seal as provided in this chapter. However, this section shall not apply to a person performing a notarial act under federal authority. The stamp or seal shall contain all of the following:

a. For a person appointed as a notary public pursuant to section 9E.3, all of the following:

- (1) The words "Notarial Seal" and "Iowa".
- (2) The person's name.
- (3) The words "Commission Number" followed by a number assigned to the notary public by the secretary of state.

(4) The words "My Commission Expires" followed either by the date that the notary public's term would ordinarily expire as provided in section 9E.4 or a blank line. If the seal or stamp contains a blank line, the person must print the date that the notary public's term would ordinarily expire on the blank line imprinted on each document, instrument, or paper subject to a notarial act.

b. For any other person, all of the following:

- (1) The words "Notarial Seal" and "Iowa".
- (2) The person's name.
- (3) The person's title under which the person may perform a notarial act under section 9E.10.³

¹ See chapter 176, §45, 46 herein

² See chapter 176, §45, 46 herein

³ See chapter 176, §45, 46 herein

Sec. 4. Section 9E.14, subsection 1, Code 2001, is amended to read as follows:

1. A notarial act must be evidenced by a certificate signed and dated by a notarial officer. The certificate must include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and ~~may~~ shall include the official stamp or seal of the office. ~~If the officer is a notary public, the certificate may, but need not indicate the date of expiration, if any, of the commission of office.~~ If the notarial officer is a commissioned officer on active duty in the military service of the United States, ~~it~~ the certificate must also include the officer's rank. ⁴

Sec. 5. Section 9E.15, Code 2001, is amended to read as follows:

9E.15 SHORT FORMS.

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 9E.14, subsection 1.

1. For an acknowledgment in an individual capacity:

State of

(County) of

This instrument was acknowledged before me on

..... by

(date) (name(s) of person(s))

.....

(signature of notarial officer)

(Stamp or Seal, if any)

.....

Title (and Rank)

(My commission expires:))

2. For an acknowledgment in a representative capacity:

State of

(County) of

This instrument was acknowledged before me on (date) by (name(s) of person(s)) as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed).

.....

(signature of notarial officer)

(Stamp or Seal, if any)

.....

Title (and Rank)

(My commission expires:))

3. For a verification upon oath or affirmation:

State of

(County) of

Signed and sworn to (or affirmed) before me on

..... by

(date) (name(s) of person(s)
making statement)

.....

(signature of notarial officer)

(Stamp or Seal, if any)

.....

Title (and Rank)

(My commission expires:))

⁴ See chapter 176, §45, 46 herein

4. For witnessing or attesting a signature:
 State of
 (County) of
 Signed or attested before me on
 by
 (date) (name(s) of person(s))

 (signature of notarial officer)
 (Stamp or Seal, if any)

 Title (and Rank)
 (My commission expires:)

5. For attestation of a copy of a document:
 State of
 (County) of
 I certify that this is a true and correct copy of a document in the possession of

 Dated

 (signature of notarial officer)
 (Stamp or Seal, if any)

 Title (and Rank)
 (My commission expires:)⁵

Sec. 6. Section 558.15, Code 2001, is amended to read as follows:
 558.15 NOTARIAL SEALS OF NONRESIDENTS — PRESUMPTION.
 Any notarial stamp or seal purporting to have been affixed to any instrument in writing, by any notary public residing elsewhere than in this state, shall be prima facie evidence that the words thereon engraved conform to the requirements of the law of the place where such certificate purports to have been made.⁶

Sec. 7. Section 558.39, unnumbered paragraph 1, Code 2001, is amended to read as follows:
 The following forms of acknowledgment shall be sufficient in the cases to which they are respectively applicable. In each case where one of these forms is used, the name of the state and county where the acknowledgment is taken shall precede the body of the certificate, and the signature and official title of the officer shall follow it as indicated in the first form and shall constitute a part of the certificate, and the stamp or seal of the officer shall be attached when necessary under the provision of this chapter and as provided in section 9E.6.⁷ No certificate of acknowledgment shall be held to be defective on account of the failure to show the official title of the officer making the certificate if such title appears either in the body of such certificate or in connection therewith, or with the signature thereto.⁸

Sec. 8. Section 558.39, subsection 13, unnumbered paragraph 3, Code 2001, is amended to read as follows:
 (In all cases add a stamp or seal as provided in section 9E.6A and a signature and title of the officer taking the acknowledgment, and strike from between the parentheses the word or clause not used, as the case may be.)⁹

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⁵ See chapter 176, §45, 46 herein
⁶ See chapter 176, §45, 46 herein
⁷ See chapter 176, §76 herein
⁸ See chapter 176, §45, 46 herein
⁹ See chapter 176, §45, 46 herein