

# SECRETARY OF STATE[721]

## Adopted and Filed Emergency

### Rule making related to notarial acts.

The Secretary of State hereby amends Chapter 43, "Notarial Acts," Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 9B.27.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 9B.

#### *Purpose and Summary*

This rule making removes the training requirement for notary publics who do not wish to perform notarial actions under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6.

#### *Reason for Adoption of Rule Making Without Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Secretary of State finds that notice and public participation are unnecessary or impractical because emergency adoption removes the training requirement for notary publics who do not wish to perform notarial actions under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6. Training will continue to be offered to interested applicants, but will no longer be mandatory.

In compliance with Iowa Code section 17A.4(3)"a," the Administrative Rules Review Committee at its October 13, 2020, meeting reviewed the Secretary of State's determination and this rule making and approved the emergency adoption.

#### *Reason for Waiver of Normal Effective Date*

Pursuant to Iowa Code section 17A.5(2)"b"(1)(b) the Iowa Secretary of State's Office also finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on October 13, 2020, because this removes the training requirement for notary publics who do not wish to perform notarial actions under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6. Training for notary publics who do not wish to perform remote notarial acts will continue to be offered and recommended by the Secretary of State's Office, but will no longer be mandatory.

#### *Adoption of Rule Making*

The Secretary of State's Office intends to adopt this rulemaking on October 13, 2020.

#### *Concurrent Publication of Notice of Intended Action*

In addition to its adoption on an emergency basis, this rule making has been initiated through the normal rule-making process and is published herein under Notice of Intended Action as **ARC** to allow for public comment.

### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the SoS for a waiver of the discretionary provisions, if any.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making will become effective on October 13, 2020, at which time the Adopted and Filed Emergency rule making is hereby rescinded.

The following rule-making action is adopted:

ITEM 1. Rescind paragraph **43.5(3)“a”**.

ITEM 2. Reletter paragraphs **43.5(3)“b”** and **721-43.5(3)“c”** as **43.5(3)“a”** and **43.5(3)“b”**.

ITEM 3. Amend relettered paragraph **43.5(3)“a”** as follows:

*a.* A notary public who wishes to begin performing notarial acts under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, shall, within the six-month period immediately preceding the first performance of such an act, satisfactorily complete a training course approved by the secretary of state concerning the requirements and methods for performing notarial acts for remotely located individuals and shall provide satisfactory proof to the secretary of state that the applicant has completed the course. ~~This training is in addition to that required by paragraph 43.5(3)“a.”~~

ITEM 4. Amend relettered paragraph **43.5(3)“b”** as follows:

*b.* An applicant for reappointment as a notary public who currently holds a notary public commission, who wishes to continue performing notarial acts under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, and who has satisfactorily completed the initial training course required by paragraph ~~43.5(3)“b”~~**43.5(3)“a”** at least one time prior to the 12-month period immediately preceding application for reappointment shall, within the 6-month period immediately preceding the deadline for application for reappointment, satisfactorily complete an update course approved by the secretary of state concerning the requirements and methods for performing notarial acts for remotely located individuals and shall provide satisfactory proof to the secretary of state that the applicant has completed the course

Emergency Rule-Making Document Filed by Agency