

No. 64, S.]

[Published September 2, 1959.
[Republished September 5, 1959.

CHAPTER 343

AN ACT to repeal 17.02 (2), 17.04 and 17.17 (2); to renumber and amend 137.01 (3) and (5); to amend 137.01 (7) and 235.19 (8); to repeal and recreate 137.01 (1), (2), (4) and (6); and to create 137.01 (3) and (6m) of the statutes, relating to a revision of the laws concerning notaries public.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 17.02 (2) of the statutes is repealed.

SECTION 2. 17.04 of the statutes is repealed.

SECTION 3. 17.17 (2) of the statutes is repealed.

SECTION 4. 137.01 (1) and (2) of the statutes are repealed and recreated to read:

137.01 NOTARIES. (1) NOTARIES PUBLIC WHO ARE NOT ATTORNEYS.

(a) The governor shall appoint notaries public who shall be Wisconsin residents and at least 21 years of age. Applicants who are not attorneys shall file an application with the secretary of state and pay a \$5 fee.

(b) The secretary of state shall satisfy himself that the applicant is of good moral character, has the equivalent of an eighth grade education and is familiar with the duties and responsibilities of a notary public.

(c) If an application is rejected the fee shall be returned.

(d) Qualified applicants shall be notified by the secretary of state to take and file the official oath and execute and file an official bond in the sum of \$500, with surety to be approved by the county judge or clerk of the circuit court of his county, or, when executed by a surety company, approved by the secretary of state.

(e) The qualified applicant shall file his signature, post-office address and an impression of his official seal with the secretary of state.

(f) A certificate of appointment as a notary public for a term of 4 years stating the expiration date of the commission shall be issued to applicants who have fulfilled the requirements of this subsection.

(g) At least 30 days before the expiration of a commission the secretary of state shall mail notice of the expiration date to the holder of a commission.

(h) A notary shall be entitled to reappointment if of good moral character.

(2) NOTARIES PUBLIC WHO ARE ATTORNEYS. (a) Any Wisconsin resident who is licensed to practice law in this state shall be entitled to a permanent commission as a notary public upon application to the secretary of state and payment of a \$5 fee. Such application shall include a certificate of good standing from the supreme court, the signature and post-office address of the applicant and an impression of his official seal.

(b) The secretary of state shall issue a certificate of appointment as a notary public to persons who qualify under the requirements of this subsection. Such certificate shall state that the notary commission is permanent.

CHAPTER 343

(c) The supreme court shall file with the secretary of state notice of the surrender, suspension or revocation of the license to practice law of any attorney who holds a permanent commission as a notary public. Such notice shall be deemed a revocation of said commission.

SECTION 5. 137.01 (3) of the statutes is renumbered 137.01 (5) and amended to read:

137.01 (5) POWERS. *Notaries public have power to act throughout the state.* Notaries public * * * have power to demand acceptance of foreign and inland bills of exchange and payment thereof, and payment of promissory notes, and may protest the same for nonacceptance or nonpayment, may administer oaths, take depositions and acknowledgments of deeds, and perform such other duties as by the law of nations, or according to commercial usage, may be exercised and performed by notaries public.

SECTION 6. 137.01 (3) of the statutes is created to read:

137.01 (3) NOTARIAL SEAL. (a) Every notary public shall provide an engraved official seal which makes a distinct and legible impression on paper. The impression of such seal shall state, "Notary Public," "State of Wisconsin" and the name of the notary, except that any notarial seal in use on August 1, 1959, shall be considered in compliance.

(b) The impression of the notarial seal upon any instrument or writing or upon wafer, wax or other adhesive substance and affixed to any instrument or writing shall be deemed an affixation of the seal.

SECTION 7. 137.01 (4) of the statutes is repealed and recreated to read:

137.01 (4) ATTESTATION. (a) Every official act of a notary public shall be attested by his written signature.

(b) All certificates of acknowledgments of deeds and other conveyances, or any written instrument required or authorized by law to be acknowledged or sworn to before any notary public, within this state, shall be attested by a clear impression of the official seal of said officer, and in addition thereto shall be written or stamped either the day, month and year when the commission of said notary public will expire, or that such commission is permanent.

SECTION 8. 137.01 (5) of the statutes is renumbered 137.01 (4) (c) and amended to read:

137.01 (4) (c) The official certificate of any notary public, when attested and completed in the manner provided by *this* subsection * * *, shall be presumptive evidence in all cases, and in all courts of the state * * *, of the facts therein stated, in cases where by law a notary public is authorized to certify such facts.

SECTION 9. 137.01 (6) of the statutes is repealed and recreated to read:

137.01 (6) AUTHENTICATION. (a) The secretary of state may certify to the official qualifications of any notary public and to the genuineness of his signature and seal.

(b) Whenever any notary public has filed in the office of the clerk of the circuit court of his county of residence his signature, an impression of his official seal and a certificate of the secretary of state, such clerk may certify to the official qualifications of such notary public and the genuineness of his signature and seal.

(c) Any certificate specified under this subsection shall be presumptive evidence of the facts therein stated.

SECTION 10. 137.01 (6m) of the statutes is created to read:

137.01 (6m) CHANGE OF RESIDENCE. A notary public shall not vacate his office by reason of his change of residence within the state. Written notice of any change of address shall be given to the secretary of state within 5 days of such change.

SECTION 11. 137.01 (7) of the statutes is amended to read:

137.01 (7) OFFICIAL RECORDS TO BE FILED. When any notary public * * * ceases to hold office * * * he, or in case of his death his executor or administrator, shall deposit his official records and papers in the office of the clerk of the circuit court of the county of his residence * * * . If any such notary or any executor or administrator, after such records and papers * * * come to his hands, * * * neglects for 3 months * * * to deposit them he shall forfeit not less than \$50 nor more than \$500 * * * . If any person * * * knowingly * * * destroys, defaces or conceals any records or papers of any notary public he shall forfeit not less than \$50 nor more than \$500, and shall be liable to the party injured for all damages thereby sustained. The * * * clerks of the circuit courts shall receive and safely keep all such papers and records in their office.

SECTION 12. 235.19 (8) of the statutes is amended to read:

235.19 (8) The certificate of the acknowledging officer shall be completed by his signature, his official seal if he has one, the title of his office, and if he is a notary public, the date his commission expires *or if permanently commissioned, words to that effect.*

SECTION 13. This act shall take effect August 1, 1959.

Approved August 26, 1959.
