

State of Wisconsin



2005 Assembly Bill 536

Date of enactment: **March 16, 2006**

Date of publication*: **March 30, 2006**

2005 WISCONSIN ACT 139

AN ACT *to amend* 59.43 (1) (intro.); and *to create* 59.43 (1m) of the statutes; **relating to:** prohibiting a register of deeds from recording certain instruments that contain a social security number and providing a penalty.

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

SECTION 1. 59.43 (1) (intro.) of the statutes is amended to read:

59.43 (1) REGISTER OF DEEDS; DUTIES. (intro.) The Subject to sub. (1m), the register of deeds shall:

SECTION 2. 59.43 (1m) of the statutes is created to read:

59.43 (1m) RESTRICTIONS ON RECORDING INSTRUMENTS WITH SOCIAL SECURITY NUMBERS. (a) Except as otherwise provided in this subsection, a register of deeds may not record any instrument offered for recording if the instrument contains the social security number of an individual.

(b) If a register of deeds is presented with an instrument for recording that contains an individual's social security number, and if the register of deeds records the instrument but does not discover that the instrument contains an individual's social security number until after the instrument is recorded, the register of deeds may not be held liable for the instrument drafter's placement of an individual's social security number on the instrument and the register of deeds may remove or obscure characters

from the social security number such that the social security number is not discernable on the instrument.

(c) If a register of deeds records an instrument that contains the complete social security number of an individual, the instrument drafter is liable to the individual whose social security number appears in the recorded public document for any actual damages resulting from the instrument being recorded.

(cm) If a register of deeds is presented with an instrument for recording that contains an individual's social security number the register of deeds may, prior to recording the instrument, remove or obscure characters from the social security number such that the social security number is not discernable on the instrument.

(d) Paragraphs (a) to (c) do not apply to a federal income tax lien.

(e) Paragraphs (a) to (c) do not apply to vital records under subch. I of ch. 69.

(f) Paragraphs (a) to (c) do not apply to certificates of discharge or release recorded under s. 45.05.

SECTION 3. Initial applicability.

(1) This act first applies to to an instrument that is presented to a register of deeds for recording on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].