

State of Wisconsin



2009 Senate Bill 581

Date of enactment: **May 13, 2010**
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2009 WISCONSIN ACT 347

AN ACT *to amend* 409.520 (title), 409.520 (1), 409.521 (1), 409.521 (2) (form) 1d., 2d. and 11d. and 409.521 (3) (form) 7d.; and *to create* 224.30 (4), 409.516 (2) (h) and 409.520 (1m) of the statutes; **relating to:** prohibiting social security numbers on instruments under the corporate registration system and on records under Article 9 of the Uniform Commercial Code.

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

SECTION 1. 224.30 (4) of the statutes is created to read:

224.30 (4) RESTRICTIONS ON RECORDING INSTRUMENTS WITH SOCIAL SECURITY NUMBERS. (a) In this subsection, "system" means the department's corporate registration information system.

(b) The department may not record in the system any instrument offered for recording that contains the social security number of an individual. If the department is presented with an instrument for recording in the system that contains an individual's social security number, the department 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.

(c) If the department is presented with an instrument for recording in the system that contains an individual's social security number, and if the department records the instrument but does not discover that the instrument contains the individual's social security number until after the instrument is recorded, the department is not liable for the instrument drafter's placement of the individual's social security number on the instrument and the depart-

ment may remove or obscure characters from the social security number such that the social security number is not discernable on the instrument.

(d) If the department records an instrument in the system 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 instrument for any actual damages resulting from the instrument being recorded.

SECTION 2. 409.516 (2) (h) of the statutes is created to read:

409.516 (2) (h) The record contains the social security number of an individual.

SECTION 3. 409.520 (title) of the statutes is amended to read:

409.520 (title) Acceptance and refusal to accept record; social security numbers.

SECTION 4. 409.520 (1) of the statutes is amended to read:

409.520 (1) MANDATORY REFUSAL TO ACCEPT RECORD. A filing office shall refuse to accept a record for filing for a reason set forth in s. 409.516 (2) and may refuse to accept a record for filing only for a reason set forth in s. 409.516 (2). ~~The presence or absence of a social security number on a form of record providing for the insertion of a social security number as such shall not affect the deci-~~

* Section 991.11, WISCONSIN STATUTES 2007-08 : 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].

sion of the filing office to accept or refuse the record for filing.

SECTION 5. 409.520 (1m) of the statutes is created to read:

409.520 (1m) SOCIAL SECURITY NUMBERS. (a) A filing office may not file and index a record under this subchapter if the record contains the social security number of an individual. If a filing office is presented with a record that contains an individual's social security number, the filing office may, prior to filing and indexing the record, remove or obscure characters from the social security number such that the social security number is not discernable on the record.

(b) If a filing office is presented with a record for filing and indexing that contains an individual's social security number, and if the filing office does not discover that the record contains the individual's social security number until after the record is filed and indexed, the filing office is not liable for the record drafter's placement of the individual's social security number on the record and the filing office may remove or obscure characters from the social security number such that the social security number is not discernable on the record.

(c) If a filing office files and indexes a record that contains the complete social security number of an individual, the record drafter is liable to the individual whose social security number appears in the filed and indexed record for any actual damages resulting from the record being filed and indexed.

SECTION 6. 409.521 (1) of the statutes is amended to read:

409.521 (1) TAX IDENTIFICATION NUMBER. In publishing instructions for the forms specified in subs. (2) and (3), the department of financial institutions shall include

a statement, where applicable, that inclusion of a social security number or an employer identification number is not required under Wisconsin law.

SECTION 7. 409.521 (2) (form) 1d., 2d. and 11d. of the statutes are amended to read:

409.521 (2) (form)

1d. TAX ID#: ~~SSN OR EIN~~
NOT REQUIRED IN
WISCONSIN

2d. TAX ID#: ~~SSN OR EIN~~
NOT REQUIRED IN
WISCONSIN

11d. TAX ID#: ~~SSN OR EIN~~
NOT REQUIRED IN
WISCONSIN

SECTION 8. 409.521 (3) (form) 7d. of the statutes is amended to read:

409.521 (3) (form)

7d. TAX ID#: ~~SSN OR EIN~~
NOT REQUIRED IN
WISCONSIN

SECTION 9. Initial applicability.

(1) The treatment of section 224.30 (4) (b), (c), and (d) of the statutes first applies to instruments recorded on the effective date of this subsection.

(2) The treatment of sections 409.520 (1m) (a), (b), and (c) of the statutes first applies to records filed and indexed on the effective date of this subsection.