

2005 ASSEMBLY BILL 536

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

Analysis by the Legislative Reference Bureau

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

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

5 59.43 **(1)** REGISTER OF DEEDS; DUTIES. (intro.) The Subject to sub. (1m), the
6 register of deeds shall:

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

8 59.43 **(1m)** RESTRICTIONS ON RECORDING INSTRUMENTS WITH SOCIAL SECURITY
9 NUMBERS. (a) Except as otherwise provided in this subsection, a register of deeds may
10 not record any instrument offered for recording if the instrument contains the social
11 security number of an individual.

ASSEMBLY BILL 536**SECTION 2**

1 (b) If a register of deeds is presented with an instrument for recording that
2 contains an individual's social security number, and if the register of deeds records
3 the instrument but does not discover that the instrument contains an individual's
4 social security number until after the instrument is recorded, the register of deeds
5 may not be held liable for the instrument drafter's placement of an individual's social
6 security number on the instrument and the register of deeds may remove or obscure
7 characters from the social security number such that the social security number is
8 not discernable on the instrument.

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

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

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

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

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

21 **SECTION 3. Initial applicability.**

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

24

(END)