

ASSEMBLY BILL 536 (LRB -2254)

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 more than a partial social security number and providing a penalty. (FE)

2005

09-20. A. Introduced by Representatives **Molepske, M. Williams, Montgomery, Vruwink, Wood, Gronemus, Jeskewitz, Parisi, Petrowski, Ainsworth, Hahn, Davis, Staskunas, Sheridan, Krawczyk, Kreuser, Black, Musser, Vos, Albers, Lothian, Seidel, Hines, Strachota, Hebl, Nelson, Vrakas, Van Roy, Gundrum, Pettis, Gunderson, Townsend, Towns, Kreibich, Loeffelholz, Sherman and Meyer;** cosponsored by Senators **Hansen, Decker and Breske.**

07-07. A. Read first time and referred to committee on Judiciary 357

08-24. A. Assembly amendment 1 offered by Representative Molepske (**LRB a0889**) 441

09-13. A. Public hearing held.

09-15. A. Assembly amendment 2 offered by Representatives Molepske and M. Williams (**LRB a0961**) 459

09-15. A. Fiscal estimate received.

09-19. A. Assembly amendment 3 offered by Representative Molepske (**LRB a0991**) 463

09-19. A. Assembly amendment 4 offered by Representative Albers (**LRB a0994**) 463

09-20. A. Executive action taken.

09-26. A. Report Assembly Amendment 2 adoption recommended by committee on Judiciary, Ayes 7, Noes 0 484

09-26. A. Report Assembly Amendment 3 adoption recommended by committee on Judiciary, Ayes 7, Noes 0 484

09-26. A. Report passage as amended recommended by committee on Judiciary, Ayes 7, Noes 0 484

09-26. A. Referred to committee on Rules 484

11-08. A. Assembly amendment 5 offered by Representative Albers (**LRB a1051**) 580

11-30. A. Placed on calendar 12-6-2005 by committee on Rules.

12-06. A. Representative Owens added as a coauthor 653

12-06. A. Read a second time 652

12-06. A. Assembly amendment 2 **adopted** 652

12-06. A. Assembly amendment 3 **adopted** 652

12-06. A. Assembly amendment 5 **adopted** 653

12-06. A. Assembly amendment 6 offered by Representative Albers (**LRB a1678**) 653

12-06. A. Motion to reconsider vote by which Assembly amendment 5 was adopted offered by Representative J. Fitzgerald, Ayes 95, Noes 0 653

12-06. A. **Assembly amendment 5 laid on table** 653

12-06. A. Laid on the table 653

2006

01-17. A. Taken from the table 726

01-17. A. Assembly amendment 6 withdrawn and returned to author 726

01-17. A. Ordered to a third reading 726

01-17. A. Rules suspended 726

01-17. A. Read a third time and **passed** 726

01-17. A. Ordered immediately messaged 726

01-18. S. Received from Assembly 539

01-18. S. Read first time and referred to committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform 539

03-01. S. Public hearing held.

03-01. S. Executive action taken.

03-04. S. Report concurrence recommended by committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform, Ayes 5, Noes 0.

03-04. S. Available for scheduling.

03-06. S. Placed on calendar 3-7-2006 by committee on Senate Organization.

03-07. S. Senator Carpenter added as a cosponsor.

03-07. S. Read a second time.

03-07. S. Ordered to a third reading.

03-07. S. Rules suspended.

03-07. S. Read a third time and **concurred in.**

03-07. S. Ordered immediately messaged.

03-07. A. Received from Senate concurred in 910

2005
ENROLLED BILL

05en A B- 536

ADOPTED DOCUMENTS:

Orig

Engr

___ SubAmdt ___

05-225412 ✓

Amendments to above (if none, write "NONE"):

AA 2 — a 0961/1 ✓

AA 3 — a 0991/1 ✓

Corrections - show date (if none, write "NONE"):

NONE ✓

Topic

Rel

3/9/06

Date

JR Miller

Enrolling Drafter

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2005 ASSEMBLY BILL 536

July 7, 2005 - Introduced by Representatives MOLEPSKE, M. WILLIAMS, MONTGOMERY, VRUWINK, WOOD, GRONEMUS, JESKEWITZ, PARISI, PETROWSKI, AINSWORTH, HAHN, DAVIS, STASKUNAS, SHERIDAN, KRAWCZYK, KREUSER, BLACK, MUSSER, VOS, ALBERS, LOTHIAN, SEIDEL, HINES, STRACHOTA, HEBL, NELSON, VRAKAS, VAN ROY, GUNDRUM, PETTIS, GUNDERSON, TOWNSEND, TOWNS, KREIBICH, LOEFFELHOLZ, SHERMAN and MEYER, cosponsored by Senators HANSEN, DECKER and BRESKE. Referred to Committee on Judiciary.

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 ~~more than a partial~~ social security number and providing a
 4 penalty.

Analysis by the Legislative Reference Bureau

Generally under current law, a register of deeds is required to record in his or her office any document that is authorized by law to be so recorded. Documents that are recorded in a register of deeds' office include deeds, mortgages, real estate conveyances, documents relating to certain security interests, and certain financial documents. In addition, a register of deeds is required under current law to make and deliver on demand, to any person who pays the required fees, a copy of any record, paper, or file in the register's office.

Under this bill, a register of deeds may not record any instrument offered for recording if the instrument contains more than the last four characters of the social security number of an individual. If a register of deeds is presented with an instrument that contains more than the last four characters of the social security number of an individual and if the register of deeds records the instrument but does not discover the error until after the instrument is recorded, the register of deeds may not be held liable for the instrument drafter's placement of the social security number on the instrument and the register of deeds may remove or obscure enough of the social security number such that no more than the last four characters of the number are discernable on the instrument.

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Also under this bill, if a register of deeds records an instrument that contains an entire social security number, the instrument drafter is liable to the individual whose social security number appears in the instrument for damages of not more than \$5,000, plus actual damages.

The changes to current law made in the bill do not apply to federal tax liens.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 59.43 (1) REGISTER OF DEEDS; DUTIES. (intro.) The Subject to sub. (1m), the
3 register of deeds shall:

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

5 59.43 (1m) RESTRICTIONS ON RECORDING INSTRUMENTS WITH SOCIAL SECURITY

6 NUMBERS. (a) Except as otherwise provided in this subsection, a register of deeds may

7 not record any instrument offered for recording if the instrument contains ~~more than~~ 3-2

8 ~~the last 4 characters~~ of the social security number of an individual. 3-3

9 (b) If a register of deeds is presented with an instrument for recording that

10 contains ~~more than the last 4 numbers of~~ an individual's social security number, and

11 if the register of deeds records the instrument but does not discover that the

12 instrument contains ~~more than the last 4 numbers of~~ an individual's social security

13 number until after the instrument is recorded, the register of deeds may not be held

14 liable for the instrument drafter's placement of ~~more than the last 4 numbers of~~ an

15 individual's social security number on the instrument and the register of deeds may

16 remove or obscure characters from the social security number such that ~~no more than~~

17 ~~the last 4 characters of the social security number are discernable on the instrument.~~

INSERT 3-6

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1 (c) If a register of deeds records an instrument that contains the complete social
 2 security number of an individual, the instrument drafter is liable to the individual
 3 whose social security number appears in the recorded public document for ~~damages~~ ✓ 3-7
 4 ~~of not more than \$5,000, plus~~ any actual damages resulting from the instrument 3-8
 5 being recorded. ~~A person may not be held liable for actual damages under this~~
 6 ~~paragraph unless the individual harmed paid or incurred any costs as a result of the~~
 7 ~~instrument being recorded.~~ INS. 3-9 ✓

INSERT 3-10 ✓

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

9 **SECTION 3. Initial applicability.**

INSERT 2-1 ✓

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

12 (END)

**ASSEMBLY AMENDMENT 2,
TO 2005 ASSEMBLY BILL 536**

September 15, 2005 - Offered by Representatives MOLEPSKE and M. WILLIAMS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 8: after that line insert:

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

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

6 (END)

✓
2-1

**ASSEMBLY AMENDMENT 3,
TO 2005 ASSEMBLY BILL 536**

September 19, 2005 - Offered by Representative MOLEPSKE.

1 At the locations indicated, amend the bill as follows:

- ✓ 2 **1.** Page 1, line 3: delete "more than a partial" and substitute "a".
- ✓ 3 **2.** Page 2, line 7: delete "more than".
- ✓ 4 **3.** Page 2, line 8: delete "the last 4 characters of".
- ✓ 5 **4.** Page 2, line 10: on lines 10, 12 and 14, delete "more than the last 4 numbers
- 6 of".
- ✓ 7 **5.** Page 2, line 16: delete "no more than".
- ✓ 8 **6.** Page 2, line 17: delete that line and substitute "the social security number
- 9 is not discernable on the instrument."
- ✓ 10 **7.** Page 3, line 3: delete "damages".
- ✓ 11 **8.** Page 3, line 4: delete "of not more than \$5,000, plus".
- ✓ 12 **9.** Page 3, line 5: delete lines 5 to 7 and substitute "being recorded."

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10. Page 3, line 7: after that line insert:

“(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.”.

(END)