

## 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.

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### ***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.

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***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  
8 the last 4 characters of the social security number of an individual.

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.

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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  
4           of not more than \$5,000, plus any actual damages resulting from the instrument  
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.

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

9           **SECTION 3. Initial applicability.**

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.

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(END)