

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB536)

Received: 09/15/2005

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Louis Molepske (608) 267-9649

By/Representing: Marc

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Local Gov't - counties

Extra Copies:

Submit via email: YES

Requester's email: Rep.Molepske@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibit register of deeds from recording certain instruments that contain a social security numbers

Instructions:

See Attached. Remove "last 4 numbers" of SS number; eliminate \$5,000 liquidated damages; all ROD to remove or obscure SS numbers before filing -- not just after recording.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mshovers 09/15/2005	wjackson 09/15/2005	pgreensl 09/15/2005	_____	sbasford 09/15/2005	sbasford 09/15/2005	

FE Sent For:

<END>

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/1 mshovers

1 wj 9/15

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11 MES 9/15/05

FE Sent For:

<END>

Friends of AB536,

As you are all aware, a number of suggestions for improving the bill were made during yesterday's hearing. As a result I am requesting the LRB drafting attorneys to make the following changes:

1. Eliminate all reference to the "last 4 numbers" of a social security number. While the last four numbers can still be used for identification purposes, as Rep. Gundrum noted in committee, by putting in such language it is more likely to become the norm.
2. Eliminate the \$5,000 liquidated damages clause and simply make the "instrument drafter" liable for "any actual damages resulting from the instrument being recorded."
3. Make it explicit that the ROD may remove or obscure social security numbers at the time of filing—not just after they have been recorded.

Please give me a call at 608 267-9649 if you have any questions or concerns about these changes. As Rep. Gundrum wants to exec the bill next week Tuesday, we need to have all amendments to his office by tomorrow.

Thanks,

Marc E. Christopher

PS Of course, the exec will include the amendment which exempts vital records and military discharge certificates.



Scan001.pdf (129
KB)

Copy of Bill with Markups

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~~
8 ~~the last 4 characters of the~~ ^{plaid} 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~~ ^(s) 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~~ ^(s) discernable on the instrument.

^
is (are) not

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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.)

Question to drafter: Is this sentence redundant with the changes made?

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.

12 (END)

** Also, draft + clause giving ROD explicit authority to black out SS# @ time of filing - not just after it has been recorded.*

I asked Bob Nelson & he said to take it out. "Actual damages" must be proven, so this sentence is not needed.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa0991/1
MES.....

WJ
RMA

ASSEMBLY AMENDMENT,
TO 2005 ASSEMBLY BILL 536

WANTED!
Today -
4 p.m.

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 ~~that line~~ and on lines 12 and 14 delete "more than the
6 last 4 numbers 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."

