



## 2009 SENATE BILL 581

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

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*Analysis by the Legislative Reference Bureau*

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

6             **SECTION 1.** 224.30 (4) of the statutes is created to read:  
7             224.30 (4) RESTRICTIONS ON RECORDING INSTRUMENTS WITH SOCIAL SECURITY  
8             NUMBERS. (a) In this subsection, “system” means the department’s corporate  
9             registration information system.  
10            (b) The department may not record in the system any instrument offered for  
11            recording that contains the social security number of an individual. If the

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1 department is presented with an instrument for recording in the system that  
2 contains an individual's social security number, the department may, prior to  
3 recording the instrument, remove or obscure characters from the social security  
4 number such that the social security number is not discernable on the instrument.

5 (c) If the department is presented with an instrument for recording in the  
6 system that contains an individual's social security number, and if the department  
7 records the instrument but does not discover that the instrument contains the  
8 individual's social security number until after the instrument is recorded, the  
9 department is not liable for the instrument drafter's placement of the individual's  
10 social security number on the instrument and the department may remove or  
11 obscure characters from the social security number such that the social security  
12 number is not discernable on the instrument.

13 (d) If the department records an instrument in the system that contains the  
14 complete social security number of an individual, the instrument drafter is liable to  
15 the individual whose social security number appears in the recorded instrument for  
16 any actual damages resulting from the instrument being recorded.

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

18 409.516 (2) (h) The record contains the social security number of an individual.

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

20 **409.520 (title) Acceptance and refusal to accept record; social security**  
21 **numbers.**

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

23 409.520 (1) MANDATORY REFUSAL TO ACCEPT RECORD. A filing office shall refuse  
24 to accept a record for filing for a reason set forth in s. 409.516 (2) and may refuse to  
25 accept a record for filing only for a reason set forth in s. 409.516 (2). The presence

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1 ~~or absence of a social security number on a form of record providing for the insertion~~  
2 ~~of a social security number as such shall not affect the decision of the filing office to~~  
3 ~~accept or refuse the record for filing.~~

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

5 **409.520 (1m) SOCIAL SECURITY NUMBERS.** (a) A filing office may not file and  
6 index a record under this subchapter if the record contains the social security  
7 number of an individual. If a filing office is presented with a record that contains an  
8 individual's social security number, the filing office may, prior to filing and indexing  
9 the record, remove or obscure characters from the social security number such that  
10 the social security number is not discernable on the record.

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

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

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

23 **409.521 (1) TAX IDENTIFICATION NUMBER.** In publishing instructions for the  
24 forms specified in subs. (2) and (3), the department of financial institutions shall

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**SECTION 6**

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

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

5 409.521 (2) (form)

6 1d. TAX ID#: ~~SSN OR EIN~~  
NOT REQUIRED IN  
WISCONSIN

7 2d. TAX ID#: ~~SSN OR EIN~~  
NOT REQUIRED IN  
WISCONSIN

8 11d. TAX ID#: ~~SSN OR EIN~~  
NOT REQUIRED IN  
WISCONSIN

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

10 409.521 (3) (form)

11 7d. TAX ID#: ~~SSN OR EIN~~  
NOT REQUIRED IN  
WISCONSIN

12 **SECTION 9. Initial applicability.**

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

