CHAPTER 140

NOTARIES PUBLIC; NOTARIAL ACTS

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NOTE: Chapter 140 (title) is created eff. 5−1−20 by 2019 Wis. Act 125.

140.01 Definitions. In this chapter:
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140.47 Certificate of appointment as a notary public for a term of 4 years stating the expiration date of the commission shall be issued to applicants who have fulfilled the requirements of this subsection.
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(g) At least 30 days before the expiration of a commission the department shall provide notice of the expiration date to the holder of a commission.

(h) A notary shall be entitled to reappointment.

(i) A notary public appointed under this subsection may not do any of the following:

1. State or imply that he or she is an attorney licensed to prac-
   tice law in this state.

2. Solicit or accept compensation to prepare documents for
   or otherwise represent the interests of another person in a judicial
   or administrative proceeding, including a proceeding relating to
   immigration to the United States or U.S. citizenship.

3. Solicit or accept compensation to obtain relief of any kind
   on behalf of another person from any officer, agent, or employee
   of this state, a political subdivision of this state, or the United
   States.

4. Use the phrase “notario,” “notarizaciones,” “notarizamos,”
   or “notario público,” or otherwise advertise in a language other
   than English on signs, pamphlets, stationery, or other written com-
   munication, by radio or television, or on the Internet his or her ser-
   vices as a notary public if the advertisement fails to include, in
   English and the language of the advertisement, all of the follow-
   ing:

   a. The statement, if in a written advertisement, in all capital
      letters and the same type size: “I AM NOT AN ATTORNEY
      LICENSED TO PRACTICE LAW IN WISCONSIN AND MAY
      NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL
      ADVICE.” If the advertisement is given orally, the statement may
      be modified but must include substantially the same message and
      be understandable.

   b. The fees that a notary public may charge under sub. (9).

   (j) The prohibitions under par. (i) 2. and 3. do not apply to a
   notary public who is an accredited representative, as defined in 8
   CFR 292.1 (a) (4).

   (k) A person who violates par. (i) may be fined not more than
   $10,000 or imprisoned for not more than 9 months or both. A per-
   son who commits a 2nd or subsequent violation of par. (i) may be
   fined not more than $10,000 or imprisoned for not more than 6
   years or both.

(2) NOTARIES PUBLIC WHO ARE ATTORNEYS. (a) Except as pro-
vided in par. (am), any United States resident who is licensed to
practice law in this state is entitled to a permanent commission as
a notary public upon application to the department and payment
of a $50 fee. The application shall include a certificate of good
standing from the supreme court, the signature and post-office
address of the applicant and an impression of the applicant’s offi-
cial seal, or imprint of the applicant’s official rubber stamp.

(am) If a United States resident has his or her license to practice
law in this state suspended or revoked, upon reinstatement of his
or her license to practice law in this state, the person may be enti-
tled to receive a certificate of appointment as a notary public for
a term of 4 years. An eligible notary appointed under this para-
graph is entitled to reappointment for 4−year increments. At least
30 days before the expiration of a commission under this para-
graph the department shall provide notice of the expiration date to
the holder of the commission.

(b) The department shall issue a certificate of appointment as
a notary public to persons who qualify under the requirements of
this subsection. The certificate shall state that the notary commis-
sion is permanent or is for 4 years.

(c) The supreme court shall file with the department notice of
the surrender, suspension, or revocation of the license to practice
law of any attorney who holds a permanent commission as a
notary public. Such notice shall be deemed a revocation of said
commission.

(3) NOTARIAL SEAL OR STAMP. (a) Except as authorized in s.
137.19, and except as provided in s. 140.17, every notary public
shall provide an engraved official seal which makes a distinct and
legible impression or official rubber stamp which makes a distinct
and legible imprint on paper. The impression of the seal or the
imprint of the rubber stamp shall state only the following: “Notary
Public,” “State of Wisconsin” and the name of the notary. But any
notarial seal in use on August 1, 1959, shall be considered in com-
pliance.

(b) The impression of the notarial seal upon any instrument or
writing or upon wafer, wax or other adhesive substance and
affixed to any instrument or writing shall be deemed an affixation
of the seal, and the imprint of the notarial rubber stamp upon any
instrument or writing shall be deemed an affixation of the rubber
stamp.

(4) ATTESTATION. (a) Every official act of a notary public shall be
attested by the notary public’s written signature or electronic
signature.

(b) Except as authorized in s. 137.19, and except when a notary
public properly uses an official stamp under s. 140.17, all certifi-
cates of acknowledgments of deeds and other conveyances, or any
written instrument required or authorized by law to be acknowl-
edged or sworn to before any notary public, within this state, shall
be attested by a clear impression of the official seal or imprint of
the rubber stamp of said officer, and in addition thereto shall be
written or stamped either the day, month and year when the com-
mission of said notary public will expire, or that such commission
is permanent.

(c) The official certificate of any notary public, when attested
and completed in the manner provided by this subsection, shall be
presumptive evidence in all cases, and in all courts of the state, of
the facts therein stated, in cases where by law a notary public is
authorized to certify such facts.

(5) POWERS. Notaries public have power to act throughout the
state. Notaries public have power to demand acceptance of for-
7 eign and inland bills of exchange and payment thereof, and pay-
ment of promissory notes, and may attest the same for nonac-
ceptance or nonpayment, may administer oaths, take depositions
and acknowledgments of deeds, and perform such other duties as
by the law of nations, or according to commercial usage, may be
exercised and performed by notaries public.

(5m) CONFIDENTIALITY. (a) In this subsection, “communica-
tion technology” has the meaning given in s. 140.145 (1) (a).

(b) Except as provided in par. (c), a notary public or any
provider of communication technology shall keep confidential all
documents and information provided to the notary public or provider of communication technology or contained in any docu-
ment reviewed by the notary public or provider of communica-
tion technology while performing his, her, or its duties as a notary
public or provider of communication technology and may release
the documents or the information to a 3rd person only with the
separate written consent, independent from any other consent,
permission, disclosure, or acknowledgement, in a manner consis-
tive with applicable law, of the person who requested the services
of the notary public or the provider of communication technology.
The prohibition under this paragraph does not apply when the
notary public or the provider of communication technology is
complying with a request from a regulatory agency or supervisory
agency, or is responding to a lawful subpoena or court order.

(c) 1. A notary public or provider of communication technol-
y may release deposition transcripts to all parties of record in an
action.

2. Subject to subd. 1., a notary public or provider of commu-
nication technology may not release deposition transcripts that
have not been made part of the public record to a 3rd party without
the written consent of all parties to the action and the deponent
unless required by a regulatory agency or supervisory agency or
in response to a lawful subpoena or court order.

3. When a deposition transcript has been made part of the pub-
lic record, a notary public who is also a court reporter may, subject
to a protective order or agreement to the contrary, release the
deposition transcript or sell the transcript to 3rd parties without the
consent of the person who requested the services of the notary public.

(d) Any notary public or provider of communication technology violating this subsection shall be subject to the provisions of sub. (8) and may be required to forfeit not more than $500 for each violation.

(6) AUTHENTICATION. (a) The department may certify to the official qualifications of any notary public and to the genuineness of the notary public’s signature and seal or rubber stamp.

(c) Any certificate specified under this subsection shall be presumptive evidence of the facts therein stated.

(7) OFFICIAL RECORDS TO BE FILED. When any notary public ceases to hold office, the notary public, or in case of the notary public’s death the notary public’s personal representative, shall deposit the notary public’s official records and papers with the department. If the notary or personal representative, after the records and papers come to his or her hands, neglects for 3 months to deposit them, he or she shall forfeit not less than $30 nor more than $500. If any person knowingly destroys, defaces, or conceals any records or papers of any notary public, the person shall forfeit not less than $50 nor more than $500, and shall be liable for all damages resulting to the party injured. The department shall receive and safely keep all such papers and records.

(8) MISCONDUCT. If any notary public shall be guilty of any misconduct or neglect of duty in office the notary public shall be liable to the party injured for all the damages thereby sustained.

(9) FEES. Except when the department has established different fees as provided in s. 140.27 (1) (a) 1., a notary public shall be allowed the following fees:

(a) For drawing and copy of protest of the nonpayment of a promissory note or bill of exchange, or of the nonacceptance of a promissory note or bill of exchange, or of the nonacceptance of such bill, not more than $5 in the cases where by law such protest is necessary, but in no other case.

(b) For drawing and copy of every other protest, not more than $5.

(c) For drawing, copying and serving every notice of nonpayment of a note or bill, or nonacceptance of a bill, not more than $5.

(d) For drawing any affidavit, or other paper or proceeding for which provision is not herein made, not more than $5 for each folio, and for copying the same 12 cents per folio.

(e) For taking the acknowledgment of deeds, and for other services authorized by law, the same fees as are allowed to other officers for similar services, but the fee per document shall not exceed $5.

NOTE: This section is created in part and renumbered from s. 137.01 in part eff. 5−1−20 by 2019 Wis. Act 125.


The residency requirement under subs. (1) and (2) is constitutional. 74 Atty. Gen. 221.


140.04 Authority to perform notarial act. (1) A notarial officer may perform a notarial act authorized by this chapter or by law of this state other than this chapter.

(2) A notarial officer may not perform a notarial act with respect to a record to which the officer or the officer’s spouse or domestic partner is a party or in which either of them has a direct beneficial interest. A notarial act performed in violation of this subsection is voidable.

(3) A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.

NOTE: This section is created eff. 5−1−20 by 2019 Wis. Act 125.

History: 2019 a. 125.

140.05 Requirements for certain notarial acts. (1) A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

(2) A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

(3) A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.

(4) A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

(5) A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in s. 403.505 (2). NOTE: This section is created eff. 5−1−20 by 2019 Wis. Act 125.

History: 2019 a. 125.

140.06 Personal appearance required. If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

NOTE: This section is created eff. 5−1−20 by 2019 Wis. Act 125.

History: 2019 a. 125.

140.07 Identification of individual. (1) A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

(2) A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual in any of the following ways:

(a) By means of any of the following:

1. A passport, vehicle operator’s license, or government-issued identification card, which is current or expired not more than 3 years before performance of the notarial act.

2. Another form of government identification issued to an individual, which is current or expired not more than 3 years before performance of the notarial act, contains the signature or a photograph of the individual, and is satisfactory to the officer.

(b) By a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify on the basis of a passport, vehicle operator’s license, or government-issued identification card, which is current or expired not more than 3 years before performance of the notarial act.

(3) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

NOTE: This section is created eff. 5−1−20 by 2019 Wis. Act 125.

History: 2019 a. 125.

140.08 Authority to refuse to perform notarial act. (1) A notarial officer may refuse to perform a notarial act if the officer is not satisfied with respect to any of the following:

(a) That the individual executing the record is competent or has the capacity to execute the record.

(b) That the individual’s signature is knowingly and voluntarily made.
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(2) A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than this chapter.

NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.

140.09 Signature if individual unable to sign. If an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual’s name on the record. The notarial officer shall insert “Signature affixed by (name of other individual) at the direction of (name of individual)” or words of similar import.

NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.

140.10 Notarial act in this state. (1) A notarial act may be performed within this state by any of the following persons of this state:

(a) A notary public of this state.
(b) A judge, clerk, or deputy clerk of a court of record.
(c) A court commissioner.
(d) A register of deeds or deputy register of deeds.
(e) A municipal judge.
(f) A county clerk or deputy county clerk.

(2) The signature and title of an individual performing a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in sub. (1) conclusively establish the authority of the officer to perform the notarial act.

NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.

140.11 Notarial act in another state. (1) A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that state is performed by any of the following:

(a) A notary public of that state.
(b) A judge, clerk, or deputy clerk of a court of that state.
(c) Any other individual authorized by the law of that state to perform the notarial act.

(2) The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in sub. (1) conclusively establish the authority of the officer to perform the notarial act.

NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.

140.12 Notarial act under authority of federally recognized Indian tribe. (1) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this state, if the act performed in the jurisdiction of the tribe is performed by any of the following:

(a) A notary public of the tribe.
(b) A judge, clerk, or deputy clerk of a court of the tribe.
(c) Any other individual authorized by the law of the tribe to perform the notarial act.

(2) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in sub. (1) conclusively establish the authority of the officer to perform the notarial act.

NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.

140.13 Notarial act under federal authority. (1) A notarial act performed under federal law has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed under federal law is performed by any of the following:

(a) A judge, clerk, or deputy clerk of a court.
(b) An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law.
(c) An individual designated a notarizing officer by the federal department of state for performing notarial acts overseas.
(d) Any other individual authorized by federal law to perform the notarial act.

(2) The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of an officer described in sub. (1) conclusively establish the authority of the officer to perform the notarial act.

NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.

140.14 Foreign notarial act. (1) In this section, “foreign state” means a government other than the United States, a state, or a federally recognized Indian tribe.

(2) If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this state as if performed by a notarial officer of this state.

(3) If the title of office and indication of authority to perform notarial acts in a foreign state appear in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

(4) The signature and official stamp of an individual holding an office described in sub. (3) are prima facie evidence that the signature is genuine and the individual holds the designated title.

(5) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(6) A consular authentication issued by an individual designated by the federal department of state as a notarizing officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.

140.145 Notarial act performed for remotely located individual. (1) In this section:

(a) “Communication technology” means an electronic device or process that satisfies all of the following:
1. The device or process allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound.
2. When necessary and consistent with other applicable law, the device or process facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.
(b) “Foreign state” means a jurisdiction other than the United States, a state, or a federally recognized Indian tribe.
(c) “Identity proofing” means a process or service by which a 3rd person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.
(d) “Outside the United States” means a location outside the geographic boundaries of the United States, Puerto Rico, the U.S. Virgin Islands, and any territory, insular possession, or other location subject to the jurisdiction of the United States.

(e) “Remotely located individual” means an individual who is not in the physical presence of the notary public who performs a notarial act under sub. (3).

(1m) For purposes of determining the jurisdiction in which a notarial act is performed for a remotely located individual, the location of the notary public shall be determinative.

(2) A remotely located individual may comply with s. 140.06 by using communication technology to appear before a notary public.

(3) Except for the administration of an oath before a witness at a deposition, a notary public located in this state may perform a notarial act using communication technology for a remotely located individual if all of the following apply:

(a) The notary public has any of the following:
   1. Personal knowledge under s. 140.07 (1) of the identity of the individual.
   2. Satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public under s. 140.07 (2) or this section.
   3. Obtained satisfactory evidence of the identity of the remotely located individual by using at least 2 different types of identity proofing.

(b) The notary public is able reasonably to confirm that a record before the notary public is the same record in which the remotely located individual made a statement or on which the individual executed a signature.

(c) The notary public, or a person acting on behalf of the notary public, creates an audio−visual recording of the performance of the notarial act.

(d) For a remotely located individual located outside the United States, all of the following are satisfied:
   1. The record satisfies any of the following requirements:
      a. The record is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States.
      b. The record involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States.
   2. The act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located.

(4) If a notarial act is performed under this section, the certificate of notarial act required by s. 140.15 and the short form certificate provided in s. 140.16 must indicate that the notarial act was performed using communication technology.

(5) A short form certificate provided in s. 140.16 for a notarial act subject to this section is sufficient if any of the following applies:

(a) The certificate complies with rules promulgated under sub. (8) (a).

(b) The certificate is in the form provided in s. 140.16 and contains a statement substantially as follows: “This notarial act involved the use of communication technology.”

(6) A notary public, a guardian, conservator, or agent of a notary public, or a personal representative of a deceased notary public shall retain the audio−visual recording created under sub. (3) (c) or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different period is required by rule promulgated under sub. (8) (d), the recording must be retained for a period of at least 7 years after the recording is made.

(7) Before a notary public performs the notary public’s initial notarial act under this section, the notary public must notify the department that the notary public will be performing notarial acts with respect to remotely located individuals and identify the technologies the notary public intends to use. If the department has established standards under sub. (8) and s. 140.27 for approval of communication technology or identity proofing, the communication technology and identity proofing must conform to the standards.

(8) In addition to promulgating rules under s. 140.27, the department shall promulgate rules under this section regarding performance of a notarial act. The rules may do any of the following:

(a) Prescribe the means of performing a notarial act involving a remotely located individual using communication technology.

(b) Establish standards for communication technology and identity proofing.

(c) Establish requirements, including registration, or procedures to approve providers of communication technology and the process of identity proofing.

(d) Establish standards and a period for the retention of an audio−visual recording created under sub. (3) (c).

(e) Establish any other requirement, not inconsistent with this chapter, relating to the performance of a notarial act for a remotely located individual.

(9) Before promulgating, amending, or repealing a rule governing performance of a notarial act with respect to a remotely located individual, the department must consider all of the following:

(a) The most recent standards regarding the performance of a notarial act with respect to a remotely located individual promulgated by national standard−setting organizations and the recommendations of the National Association of Secretaries of State or any successor organization.

(b) Standards, practices, and customs of other jurisdictions that have laws substantially similar to this section.

(c) The views of governmental officials and entities and other interested persons.

(10) This section does not apply to a transaction to the extent it is governed by any of the following:

(a) Any law governing the creation and execution of wills, codicils, or testamentary trusts.

(b) Any law governing the creation and execution of living trusts or trust amendments for personal use, not including a transaction, as defined in s. 137.11 (15).

(c) Any law governing the creation and execution of powers of attorney, not including a transaction, as defined in s. 137.11 (15).

(d) Any law governing the creation and execution of marital property agreements.

(e) Any law governing the creation and execution of powers of attorney for health care, declarations to physicians (living wills), and authorizations for use and disclosure of protected health care information.

(11) (a) The remote notary council shall adopt standards to implement this section. The department shall promulgate by rule the standards adopted, amended, or repealed by the council under this paragraph.

(b) To keep the standards and practices of notaries public in this state in harmony with the standards and practices of notaries public in other jurisdictions that enact substantially this section and to keep the technology used by notaries public in this state compatible with technology used by notaries public in other jurisdictions that enact substantially this section, the remote notary council, so far as is consistent with the purposes, policies, and provisions of this section, in adopting, amending, and repealing standards shall consider all of the following:
140.15 Certificate of notarial act. (1) A notarial act must be evidenced by a certificate. The certificate must satisfy all of the following:

(a) Be executed contemporaneously with the performance of the notarial act.

(b) Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the department.

(c) Identify the jurisdiction in which the notarial act is performed.

(d) Contain the title of office of the notarial officer.

(e) If the notarial officer is a notary public, indicate the date of expiration, if any, of the officer’s commission.

(2) If a notarial act regarding a tangible record is performed by a notary public, an official stamp must be affixed to or embossed on the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in sub. (1) (b), (c), and (d), an official stamp may be affixed to or embossed on the certificate. If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in sub. (1) (b), (c), and (d), an official stamp may be attached to or logically associated with the certificate.

(3) A certificate of a notarial act is sufficient if it meets the requirements of subs. (1) and (2) and satisfies any of the following:

(a) Is in a short form set forth in s. 140.16.

(b) Is in a form otherwise permitted by the law of this state.

(c) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed.

(d) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in ss. 140.05, 140.06, and 140.07 or law of this state other than this chapter.

(4) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in ss. 140.04, 140.05, and 140.06.

(5) A notarial officer may not affix the officer’s signature to, or logically associate it with, a certificate until the notarial act has been performed.

(6) If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the department has established standards pursuant to s. 140.27 for attaching, affixing, or logically associating the certificate, the process must conform to the standards.

NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.

140.16 Short form certificates. The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by s. 140.15 (1) and (2):

(1) For an acknowledgment in an individual capacity:

State of ....

County of ....

This record was acknowledged before me on .... (date) by .... (name(s) of individual(s)).

.... (Signature of notarial officer)

Stamp

.... (Title of office)

[My commission expires: ....]

(2) For an acknowledgment in a representative capacity:

State of ....

County of ....

This record was acknowledged before me on .... (date) by .... (name(s) of individual(s)) as .... (type of authority, such as officer or trustee) of .... (name of party on behalf of whom record was executed).

.... (Signature of notarial officer)

Stamp

.... (Title of office)

[My commission expires: ....]

(3) For a verification on oath or affirmation:

State of ....

County of ....

Signed and sworn to (or affirmed) before me on .... (date) by .... (name(s) of individual(s) making statement).

.... (Signature of notarial officer)

Stamp

.... (Title of office)

[My commission expires: ....]

(4) For witnessing or attesting a signature:

State of ....

County of ....

Signed [or attested] before me on .... (date) by .... (name(s) of individual(s)).

.... (Signature of notarial officer)

Stamp

.... (Title of office)

[My commission expires: ....]

(5) For certifying or attesting a copy of a record:

State of ....

County of ....

I certify or attest that this is a true and correct copy of a record in the possession of ....

Dated: ....

.... (Signature of notarial officer)

Stamp

.... (Title of office)

[My commission expires: ....]

NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.

140.17 Official stamp. The official stamp of a notary public must satisfy all of the following criteria:

(1) Include the notary public’s name, jurisdiction, commission expiration date if applicable, and other information required by the department.

(2) Be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.

140.18 Stamping device. (1) A notary public is responsible for the security of the notary public’s stamping device and
may not allow another individual to use the device to perform a notarial act.

(b) On resignation from, or the revocation or expiration of, the notary public’s commission, or on the expiration of the date set forth in the stamping device, if any, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable.

(c) On the death or adjudication of incompetency of a notary public, the notary public’s personal representative or guardian or any other person knowingly in possession of the stamping device shall render it unusable by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable.

(2) If a notary public’s stamping device is lost or stolen, the notary public or the notary public’s personal representative or guardian shall promptly notify the department on discovering that the device is lost or stolen.

NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.

140.20 Notification regarding performance of notarial act for remotely located individuals; selection of technology; acceptance of tangible copy of electronic record. (1) A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(2) Before a notary public performs the notary public’s initial notarial act for a remotely located individual under s. 140.145, the notary public shall notify the department that the notary public will be performing notarial acts for remotely located individuals under s. 140.145 and identify the technology the notary public intends to use. If the department has established standards for approval of technology pursuant to s. 140.27, the technology must conform to the standards. If the technology conforms to the standards, the department shall approve the use of the technology.

(3) A register of deeds may accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that a record accepted for recording be an original, if the notarial officer executing the notarial certificate certifies or attests that the tangible copy is an accurate copy of the electronic record.

NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.

140.24 Database of notaries public. The department shall maintain an electronic database of notaries public to which all of the following apply:

(1) A person may verify through the database the authority of a notary public to perform notarial acts.

(2) The database indicates whether a notary public has notified the department that the notary public will be performing notarial acts for remotely located individuals under s. 140.145.

NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.

140.26 Validity of notarial acts. Except as otherwise provided in s. 140.04 (2), the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this chapter does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of this state other than this chapter or law of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.
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rize electronic delivery of any of the notices described in section 103 (b) of that act, 15 USC 7003 (b).
NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.

140.34 Short title. This chapter may be cited as the Revised Uniform Law on Notarial Acts (2018).
NOTE: This section is created eff. 5–1–20 by 2019 Wis. Act 125.
History: 2019 a. 125.