CHAPTER 140
NOTARIES PUBLIC; NOTARIAL ACTS

140.01 Definitions. In this chapter:

(1) “Acknowledgment” means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(2) “Department” means the department of financial institutions.

(3) “Domestic partner” has the meaning given in s. 770.01 (1).

(4) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(5) “Electronic signature” means an electronic symbol, sound, or process attached to or logically associated with an electronic record.

(6) “In a representative capacity” means acting as any of the following:

(a) An authorized officer, agent, partner, trustee, or other representative for a person other than an individual.

(b) A public officer, personal representative, guardian, or other representative, in the capacity stated in a record.

(c) An agent or attorney—fact for a principal.

(d) An authorized representative of another in any other capacity.

(7) “Notarized act” means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

(8) “Notarial officer” means a notary public or other individual authorized to perform a notarial act.

(9) “Notary public” means an individual commissioned to perform a notarial act.

(10) “Official stamp” means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record.

(11) “Person” means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(12) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(13) “Sign” means, with present intent to authenticate or adopt a record, any of the following:

(a) To execute or adopt a tangible symbol.

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(14) “Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.

(15) “Stamping device” means any of the following:

(a) A physical device capable of affixing to or embossing on a record an official stamp.

(b) An electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.

(16) “State” means a state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(17) “Tamper−evident” means that any change to a record generates evidence of the change.

(18) “Verification on oath or affirmation” means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

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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 “notorio publico,” 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 understandable.

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

(i) 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 prac-
tice 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 comis-
sion is permanent or is for 4 years.

(e) 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 acknow-
ledged 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-
ergy and inland bills of exchange and payment thereof, and pay-
ment of promissory notes, and may protest the same for nonac-
ceptance or nonpayment. The notary public or any provider of com-
munication technology while performing his, her, or its duties as a
notary public or provider of communication technology may release
documents and information provided to the notary public or
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-
ments 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-
tent 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-
ogy 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
3  Updated 19–20 Wis. Stats.

consent of the person who requested the services of the notary public.

(d) Any notary public or provider of communication technol-
yogy 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 pre-
sumptive evidence of the facts therein stated.

(7) CHANGE OF RESIDENCE. A notary public does not vacate
his or her office by reason of his or her change of residence within
the United States. Written notice of any change of address shall
be given to the department within 10 days of the change.

(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 differ-
ent 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
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 nonpay-
ment 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 ser-
vice authorized by law, the same fees as are allowed to other offi-
cers for similar services, but the fee per document shall not exceed
$5.

140.08 AUTHORITY TO REFUSE TO PERFORM NOTARIAL ACT.

(1) A notarial officer may refuse to 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.

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.

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 state-
ment verified is the signature of the individual.

(3) A notarial officer who witnesses or attests to a signature
determine, from personal knowledge or satisfactory evi-
dence of the identity of the individual, that the individual appear-
ing 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 nego-
tiable instrument shall determine the matters set forth in s. 403.505
(2).


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.


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 offi-
cer 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.

(b) By a verification on oath or affirmation of a credible wit-
ness personally appearing before the officer and known to the offi-
cer 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 per-
formance 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.

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(b) That the individual’s signature is knowingly and voluntarily made.

(2) A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than this chapter.

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.

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.

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 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.

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 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) (a) or (b) conclusively establish the authority of the officer to perform the notarial act.

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) (a), (b), or (c) conclusively establish the authority of the officer to perform the notarial act.

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.

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 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:
1. Standards and practices of other jurisdictions.
2. The most recent standards promulgated by national standard-setting bodies.

3. The views of interested persons and governmental officials and entities.

4. The need for security protection to ensure that notarial acts for remotely located individuals are accurate, authentic, adequately preserved, and resistant to tampering.

(c) The remote notary council shall review the statutes related to notarial acts for remotely located individuals and shall recommend to the legislature any changes in the statutes that the council finds necessary or advisable.

History: 2019 a. 125.

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.

(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 affixing, affixing, or logically associating the certificate, the process must conform to the standards.

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: ....]

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.

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.

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.

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.

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.

History: 2019 a. 125.

140.27 Rules; powers of the department. (1) (a) Subject to pars. (b) and (c), the department shall promulgate rules to implement this chapter. These rules shall do all of the following:

1. Establish maximum fees that may be charged by a notary public for performing a notarial act for a remotely located individual.

2. prescribe the manner of performing notarial acts regarding tangible and electronic records.

3. Include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident.

4. Include provisions to ensure integrity in the creation, transmittal, storage, or authentication of electronic records or signatures.

5. Describe the process of granting, renewing, conditioning, denying, suspending, or revoking a notary public commission and assuring the trustworthiness of an individual holding a commission as a notary public.

6. Include provisions to prevent fraud or mistake in the performance of notarial acts.

(b) Rules promulgated under par. (a) regarding the performance of notarial acts with respect to electronic records may require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification.

(c) In promulgating rules under par. (a) about notarial acts with respect to electronic records, the department shall consider, so far as is consistent with this chapter, all of the following:

1. The most recent standards regarding electronic records promulgated by national bodies, such as the National Association of Secretaries of State.

2. Standards, practices, and customs of other jurisdictions that substantially enact the revised uniform law on notarial acts (2018) or any subsequent version of this act.

3. The views of governmental officials, entities, and other interested persons.

(2) The department has the power, jurisdiction, and authority to do any of the following:

(a) Investigate to determine whether a person has violated, is violating, or is about to violate this chapter or a rule promulgated or order issued under this chapter. For the purpose of an investigation under the chapter, the department may administer oaths and affirmations, issue subpoenas, take evidence, require the filing of statements, require testimony, and require the production of any records that the department considers relevant or material to the investigation.

(b) Revoke, suspend, or restrict any commission or registration issued under this chapter if the department determines that the person holding the commission or registration has refused to comply with an investigation demand under par. (a) or has violated, is violating, or is about to violate this chapter or any rule promulgated or order issued under this chapter.

History: 2019 a. 125.

140.30 Uniformity of application and construction. In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

History: 2019 a. 125.

140.31 Relation to electronic signatures in global and national commerce act. This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 USC 7001 to 7031, but does not modify, limit, or supersedes subsection 101 (c) of that act, 15 USC 7001 (c), or authorize electronic delivery of any of the notices described in section 103 (b) of that act, 15 USC 7003 (b).

History: 2019 a. 125.

140.34 Short title. This chapter may be cited as the Revised Uniform Law on Notarial Acts (2018).

History: 2019 a. 125.