

ORIGINAL SENATE
FILE NO. SF0029

ENROLLED ACT NO. 10, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

AN ACT relating to notaries, notarial officers and notarial acts; creating the Wyoming Revised Uniform Law on Notarial Acts; repealing the Wyoming Uniform Law on Notarial Acts; amending and repealing laws on notaries public; allowing for remote online notarization and remote ink notarization; making conforming amendments; requiring rulemaking; and providing for effective dates.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 32-3-101 through 32-3-131 are created to read:

CHAPTER 3
NOTARIES PUBLIC

ARTICLE 1
WYOMING REVISED UNIFORM NOTARIAL ACT

32-3-101. Short title.

This act may be cited as the "Wyoming Revised Uniform Law on Notarial Acts."

32-3-102. Definitions.

(a) As used in this act:

(i) "Acknowledgment" means a declaration by a principal before a notarial officer that the principal has knowingly and willingly signed a record for the purposes stated in the record and, if the record is signed in a representative capacity, that the principal signed the record with proper authority, signed it as the act of the

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principal or entity identified in the record and acknowledges that the record was executed and acknowledged knowingly and willingly;

(ii) "Affirmation" means a notarial act, or part thereof, which is legally equivalent to an oath and in which a person at a single time and place:

(A) Is identified by the notarial officer through satisfactory evidence; and

(B) Makes a vow of truthfulness or fidelity on penalty of perjury, based on personal honor and without invoking a deity or using any form of the word "swear".

(iii) "Appearing before," "in the presence of," "personal appearance" and "personally appear" mean being in the same physical location as another person and close enough to see, hear, communicate with and exchange identification credentials with that person or interacting with another remotely located person by means of an electronic notarization system or other form of communication technology in compliance with this act;

(iv) "Commission" means both to empower to perform notarial acts and the written evidence of authority to perform those acts;

(v) "Communication technology" means an electronic device or process that:

(A) Allows a notarial officer and a remotely located person to communicate with each other simultaneously by sight and sound; and

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(B) When necessary and consistent with other applicable law, facilitates communication with a remotely located person who has a vision, hearing or speech impairment.

(vi) "Credential analysis" means a process or service through which a third person affirms the validity of a government issued identification credential through review of public and proprietary data sources;

(vii) "Credible witness" means an honest, reliable and impartial person who personally knows a principal appearing before a notarial officer and takes an oath or affirmation from the notarial officer to vouch for that principal's identity;

(viii) "Dynamic knowledge based authentication assessment" means an identity assessment that is based on a set of questions formulated from public or private data sources that does not contain a question for which the principal provided a prior answer to the entity doing the assessment;

(ix) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities;

(x) "Electronic notarization system" is a specific form of communication technology which utilizes a set of applications, programs, hardware, software or technologies designed to enable a notarial officer to perform electronic notarizations that renders every electronic notarial act tamper evident through the use of a security procedure, verifies the identity of a remotely located person through identity proofing or a dynamic

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knowledge based authentication assessment and that meets the necessary requirements as determined by the secretary of state;

(xi) "Electronic record" means a record containing information that is created, generated, sent, communicated, received or stored by electronic means;

(xii) "Electronic signature" means an electronic symbol, sound or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record;

(xiii) "Foreign state" means a jurisdiction other than the United States, a state in the United States or a federally recognized Indian tribe;

(xiv) "Identification credential" means a passport, driver's license or other form of identification issued by a federal, state or tribal government agency, which is current or expired not more than three (3) years before performance of the notarial act, and is satisfactory to the notarial officer as evidencing a person's identity;

(xv) "Identity proofing" means a process or service, if required by an electronic notarization system or other form of communication technology, by which a third person provides a notarial officer with a means to verify the identity of a remotely located person by:

(A) A review of personal information from public or private data sources; or

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(B) Biometric data including but not limited to facial recognition, voice analysis or fingerprint analysis.

(xvi) "In a representative capacity" means acting as:

(A) An authorized officer, agent, partner, trustee or other representative for a person other than the principal;

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

(C) An agent or attorney-in-fact for a principal; or

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

(xvii) "Jurisdiction" means the authority of a state, foreign or domestic, or a federally recognized Indian tribe;

(xviii) "Notarial 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, or jurat, witnessing or attesting a signature, certifying or attesting a copy and noting a protest of a negotiable instrument;

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(xix) "Notarial officer" means a notary public or other person authorized to perform a notarial act;

(xx) "Notary public" means a person commissioned to perform a notarial act by the secretary of state;

(xxi) "Oath" means a notarial act, or part thereof, which is legally equivalent to an affirmation and in which a person at a single time and place:

(A) Is identified by the notarial officer through satisfactory evidence; and

(B) Makes a vow of truthfulness or fidelity on penalty of perjury while invoking a deity or using any form of the word "swear".

(xxii) "Official stamp or seal" means a physical image affixed to a tangible record, or an electronic image attached to or logically associated with an electronic record, containing information required by this act;

(xxiii) "Outside the United States" means a location outside the geographic boundaries of the United States, Puerto Rico or the United States Virgin Islands and any territory, insular possession or other location subject to the jurisdiction of the United States;

(xxiv) "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, instrumentality or any other legal or commercial entity;

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(xxv) "Personal knowledge of identity," "personally known to the notarial officer" and "personally knows" mean familiarity with a person resulting from interactions with that person over a period of time or any other corroboration sufficient to dispel any reasonable uncertainty that the person has the identity claimed;

(xxvi) "Principal" means:

(A) A person whose signature is notarized;
or

(B) A person, other than a credible witness, taking an oath or affirmation from the notarial officer.

(xxvii) "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;

(xxviii) "Remote ink notarization" means the notarial act of an acknowledgment performed by means of an electronic notarization system or other form of communication technology on a tangible record that meets the standards adopted in this act;

(xxix) "Remote online notarization" means a notarial act or notarization performed by means of an electronic notarization system or other form of communication technology on an electronic record that meets the standards adopted under this act;

(xxx) "Remotely located person" means a person who is not in the physical presence of a notarial officer;

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(xxxi) "Satisfactory evidence", when referring to proof of identity, means meeting the requirements of both subparagraphs (A) and (B) of this paragraph as applicable:

(A) Identifying a person appearing before a notarial officer by means of:

(I) The notarial officer's personal knowledge of identity;

(II) Inspection by the notarial officer of an identification credential in accordance with W.S. 32-3-102(xiv); or

(III) 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 upon inspection of an identification credential in accordance with W.S. 32-3-102(xiv).

(B) If appearing by means of an electronic notarization system or other form of communication technology, a principal or credible witness may be required to prove satisfactory evidence on the basis of two (2) or more different types of technologies, processes or services, such as dynamic knowledge based authentication assessment, valid public key certificate, identity proofing, credential analysis or other means required by the electronic notarization system or other form of communication technology being used, or as may be prescribed in rule by the secretary of state.

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(xxxii) "Sign" means, with present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol;
or

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

(xxxiii) "Signature" means a tangible symbol or an electronic signature that evidences the signing of a record;

(xxxiv) "Signature witnessing" or "signature attestation" means a notarial act in which a notarial officer witnesses a principal execute a record knowingly and willingly for the purposes intended while appearing before the notarial officer;

(xxxv) "Sole control" or "sole possession" means at all times being in the direct physical custody of a notarial officer or safeguarded by a notarial officer with a password or other secure means of authentication or access;

(xxxvi) "Stamping device" means:

(A) A physical device capable of affixing to a tangible record an official stamp; or

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

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(xxxvii) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States;

(xxxviii) "Venue" means the geographical location in which a notarial act or notarization takes place;

(xxxix) "Verification on oath or affirmation", or "jurat" means a declaration, made by a principal on oath or affirmation before a notarial officer, that a statement in a record is true and that the record has been signed knowingly and willingly before the notarial officer for the purposes intended;

(xl) "This act" means W.S. 32-3-101 through 32-3-131.

32-3-103. Applicability.

This act applies to a notarial act performed on or after July 1, 2021.

32-3-104. Authority to perform; venue for notarial acts; reciprocity.

(a) A notarial officer may perform a notarial act within the jurisdiction authorized by the officer's commission from the secretary of state or under other law of this state.

(b) A commission to act as a notary public authorizes the notary public to perform notarial acts in any county in this state or in any bordering state if the border state recognizes the officer's authority within that state. The

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commission does not provide the officer any immunity or benefit conferred by the laws of this state on public officials or employees. If performing an allowable notarization in a bordering state, a Wyoming notary public shall adhere to the laws and rules of Wyoming.

(c) The venue for a notarial act is in the state and county where the notarial officer is physically located at the time the notarial act is performed.

32-3-105. Notarial acts in this state.

(a) A notarial act may be performed in this state by:

(i) A notary public of this state;

(ii) A judge, clerk or deputy clerk of a court of this state;

(iii) A district court commissioner;

(iv) A full-time magistrate as authorized by W.S. 5-9-208;

(v) A part-time magistrate as authorized by W.S. 5-9-212; or

(vi) Any other person authorized to perform the specific act by the laws of this state.

(b) 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.

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(c) The signature and title of a notarial officer described in paragraphs (a)(i) through (v) of this section conclusively establish the authority of the officer to perform the notarial act.

32-3-106. Notarial acts in another state.

(a) A notarial act, including the acknowledgment of any deed, mortgage or conveyance, 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:

(i) A notary public of that state;

(ii) A judge, clerk or deputy clerk of a court of that state; or

(iii) Any other individual authorized by the law of that state to perform the notarial act.

(b) Notarial acts performed in other jurisdictions of the United States under federal authority as provided in W.S. 32-3-108 have the same effect as if performed by a notarial officer of this state.

(c) 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.

(d) The signature and title of a notarial officer described in paragraph (a)(i) or (ii) of this section conclusively establish the authority of the officer to perform the notarial act.

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32-3-107. Notarial acts under authority of federally recognized Indian tribe.

(a) A notarial act, including the acknowledgment of any deed, mortgage or conveyance, 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:

(i) A notary public of the tribe;

(ii) A judge, clerk or deputy clerk of a court of the tribe; or

(iii) Any other individual authorized by the law of the tribe to perform the notarial act.

(b) 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.

(c) The signature and title of a notarial officer described in paragraph (a)(i) or (ii) of this section conclusively establish the authority of the officer to perform the notarial act.

32-3-108. Notarial acts under federal authority.

(a) A notarial act, including the acknowledgment of any deed, mortgage or conveyance, performed under federal law has the same effect under the law of this state as if

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performed by a notarial officer of this state, if the act performed under federal law is performed by:

(i) A judge, clerk or deputy clerk of a court;

(ii) An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;

(iii) An individual designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or

(iv) Any other individual authorized by federal law to perform the notarial act.

(b) 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.

(c) The signature and title of an officer described in paragraphs (a)(i) through (iii) of this section conclusively establish the authority of the officer to perform the notarial act.

32-3-109. Foreign notarial act.

(a) 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

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this state as if performed by a notarial officer of this state.

(b) If the title of office and indication of authority to perform notarial acts in a foreign state appears 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.

(c) The signature and official stamp of an individual holding an office described in subsection (b) of this section are prima facie evidence that the signature is genuine and the individual holds the designated title.

(d) 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.

(e) A consular authentication issued by an individual designated by the United States 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.

32-3-110. Certificate of Authentication.

(a) The secretary of state or his designee may sign and issue a certificate of authentication or an apostille evidencing the origin of a public document or the authentication of the official stamp or signature of the

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person or authority in this state that stamped or signed the document.

(b) The secretary of state may affix the great seal of the state of Wyoming to the certificate or apostille.

(c) The secretary of state shall collect a fee of twenty dollars (\$20.00) for each certificate or apostille issued pursuant to this section, not to exceed one hundred dollars (\$100.00) per the same transaction or occurrence.

(d) The secretary of state shall not issue a certificate of authentication on:

(i) A record that is not properly notarized in accordance with the requirements of this act; or

(ii) A record:

(A) Regarding allegiance to a government or jurisdiction;

(B) Relating to the relinquishment or renunciation of citizenship, sovereignty, in itinere status or world service authority; or

(C) Setting forth or implying for the bearer a claim of immunity from the law of this state or federal law.

32-3-111. Requirements for certain notarial acts.

(a) A notarial officer who takes an acknowledgment of a record shall determine from satisfactory evidence of the identity of the principal that the principal appearing

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before the notarial officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the principal and was made knowingly and willingly for the purposes intended.

(b) A notarial officer who takes a verification on oath or affirmation of a statement shall determine from satisfactory evidence of the identity of the principal that the principal appearing before the notarial officer, signing the record and making the verification has the identity claimed and that the signature on the statement verified is the signature of the principal and was made knowingly and willingly for the purposes intended.

(c) A notarial officer who witnesses or attests to a signature shall determine from satisfactory evidence of the identity of the principal that the principal appearing before the notarial officer and signing the record has the identity claimed and has executed the record knowingly and willingly for the purposes intended.

(d) A notarial officer who takes an acknowledgment or witnesses a signature of a principal who signs a record in a representative capacity shall determine from satisfactory evidence of the identity of the principal that the principal appearing before the notarial officer has the identity claimed and from the record, personal knowledge or presentment of an official record that the principal holds the title or capacity claimed and has knowingly and willingly signed the record in that capacity for the purposes intended.

(e) 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

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reproduction of the original or official record or the item. A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record and shall comply with W.S. 32-3-123(a)(iv) regarding certification or attestation of a copy of a record or item.

(f) A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in W.S. 34.1-3-505(b).

(g) A notarial officer who administers an oath or affirmation shall determine from satisfactory evidence of the identity of the person that the person appearing before the notarial officer and taking the oath or affirmation has the identity claimed and is knowingly and willingly making the statement with the intent to be bound by the statement.

(h) It shall be lawful for any notarial officer who is a stockholder, director, officer or employee of a bank or other corporation to take the acknowledgment of any party to any written instrument executed to or by the corporation, or to administer an oath to any other stockholder, director, officer, employee or agent of the corporation, or to protest for nonacceptance, or nonpayment, bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by the bank or other corporation.

(j) A notarial officer may perform a remote ink notarization or remote online notarization for a principal who is located:

(i) In this state;

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(ii) Outside of this state but within the United States; or

(iii) Outside the United States if:

(A) 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; and

(B) The record is part of or pertains to:

(I) A matter that is to be filed with or is before a public official or court, governmental entity or other entity located in the territorial jurisdiction of the United States;

(II) Property located in the territorial jurisdiction of the United States; or

(III) A transaction substantially connected with the United States.

(k) A remote online notarization may be performed by a notarial officer for any notarial act if:

(i) The principal or credible witness personally appears before the notarial officer in accordance with this act; and

(ii) The notarial officer:

(A) Identifies the principal through satisfactory evidence;

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(B) Executes the notarial act in a single recorded session that complies with this act;

(C) Is satisfied that any record that is signed, acknowledged or otherwise presented for notarization by the principal is the same record remotely notarized by the notarial officer; and

(D) Is satisfied that the quality of the electronic notarization system or other form of communication technology is sufficient to make the determinations required for the notarial act under this chapter and any other applicable law of this state.

(m) A remote ink notarization may be performed by a notarial officer for the notarial act of an acknowledgment with the following requirements:

(i) The principal shall sign and date a tangible document and submit the tangible, ink signed document to the notarial officer;

(ii) The notarial officer shall then initiate the notarial act with the remotely located principal by means of an electronic notarization system or other form of communication technology and identify the remotely located principal or witness through satisfactory evidence; and

(iii) The notarial officer shall perform the acknowledgement as set forth in this act, abiding by the same requirements for all other notarial acts.

(n) A notarial officer who performs a remote ink notarization or remote online notarization shall take

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reasonable steps to ensure that the principal and any required witnesses are viewing the same record.

(o) A notarial act performed by means of an electronic notarization system or other form of communication technology is considered to have been performed in Wyoming and is governed by Wyoming law regardless of the physical location of the principal at the time of the notarization.

32-3-112. Authority to refuse to perform notarial acts.

(a) A notarial officer may refuse to perform a notarial act if:

(i) The officer is not satisfied that the principal executing the record is competent or has the capacity to execute the record;

(ii) The officer is not satisfied that the principal's signature is knowingly and voluntarily made;

(iii) The officer is not satisfied with, or does not know how to operate, the electronic notarization system or other form of communication technology chosen by the principal or other person.

(b) A notarial officer shall refuse a request that would require the officer to use an electronic notarization system or other form of communication technology that does not meet the requirements of this act.

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

32-3-113. Signature if principal unable to sign.

(a) If a principal is physically unable to sign a record, the principal may:

(i) In the presence of the notarial officer and one (1) witness unaffected by the record, direct the witness to sign the principal's name on the record. The notarial officer shall insert "Signature affixed by (name of witness) at the direction of (name of principal)" or words of similar import under or near the signature; or

(ii) In the presence of the notarial officer and two (2) witnesses unaffected by the record, direct the notarial officer to sign the principal's name on the record. The notarial officer shall insert "Signature affixed by (name of notarial officer) at the direction of (name of principal) in the presence of (names of two witnesses)" or other words of similar import under or near the signature.

(b) A notarial officer may use signals or electronic or mechanical means to take an acknowledgment from, administer an oath or affirmation to, or otherwise communicate with any principal or witness in the presence of the officer when it appears that the principal or witness is unable to communicate orally or in writing.

(c) A notarial officer shall identify any witness through satisfactory evidence and a notary public's journal

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shall reflect an entry for both the principal and all witnesses involved in the notarial act.

32-3-114. Certificate of notarial act.

(a) A notarial act shall be evidenced by a certificate. The certificate shall:

(i) Be executed contemporaneously with the performance of the notarial act;

(ii) Identify the county and state in which the notarial act is performed;

(iii) Identify the name of the principal, the type of record and issuing entity that is copied, or, if performing a verification of fact, the information the notarial officer has certified to;

(iv) Specify the notarial act being performed;

(v) Be signed and dated by the notarial officer. If the notarial officer's signature is required to be on file with the secretary of state, the certificate shall be signed in the same manner as on file;

(vi) Contain the title of office of the notarial officer; and

(vii) Contain the impression on a tangible record, or electronic image on an electronic record, of the notary public's official stamp.

(b) The certificate for a notarial act on a tangible record shall be part of or securely affixed to the record.

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(c) The certificate for a notarial act on an electronic record shall be attached to or logically associated with the record.

(d) A certificate of a remote ink notarization or remote online notarization shall include the information specified in this chapter, indicate that the notarial act was performed using an electronic notarization system or other form of communication technology and include any other information required by rule of the secretary of state.

(e) A certificate of a notarial act is sufficient if it meets the requirements of subsections (a) and (b) and, if applicable, (c) and (d) of this section, and:

(i) Is in a short form set forth in W.S. 32-3-115;

(ii) Is in a form otherwise permitted by the law of this state;

(iii) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or

(iv) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in this act or law of this state.

(f) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied

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with the requirements and made the determinations specified in this act.

(g) A notarial officer shall not affix the officer's signature or stamp to, or logically associate it with, a certificate until the notarial act has been performed.

(h) A notarial officer may subsequently correct any information included on or omitted from a certificate executed by that officer if the change or correction can be evidenced by the information contained in the officer's journal record, if applicable, of the transaction.

(j) A notarial officer shall not change or correct an impression or electronic image of an official stamp on a certificate. If the stamp is incorrect, the officer shall obtain a corrected stamp. If the impression or electronic image of an official stamp is missing from a certificate, is illegible or the official stamp contained incorrect information the officer may affix a subsequent impression of the official stamp on a tangible record or attach or logically associate a subsequent impression with an electronic record.

(k) Any changes or corrections shall be dated and initialed by the notarial officer and a corresponding notation of the changes shall be made in the journal record, if applicable. Only the officer who performed the notarization may make or authorize a change or correction to a previously completed certificate. If an officer authorizes a third party to change or correct the information included or omitted on a previously completed certificate, the authorization shall be granted in writing and a copy of the message authorizing the change and a copy of the changed certificate shall be attached to the

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officer's journal record, if applicable, for that transaction.

32-3-115. Short form certificates.

(a) The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by W.S. 32-3-114:

(i) For an acknowledgment in an individual capacity:

State of _____

County of _____

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

(Stamp)

(Signature of notarial officer)

Title (and Rank)

[My commission expires:]

(ii) For an acknowledgment in an representative capacity:

State of _____

County of _____

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This record was acknowledged before me on (date) by
(name(s) of person(s)) as (type of authority, e.g.,
officer, trustee, etc.) of (name of party on behalf of whom
instrument was executed).

(Stamp)

(Signature of notarial officer)

Title (and Rank)

[My commission expires:]

(iii) 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 person(s) making statement)

(Stamp)

(Signature of notarial officer)

Title (and Rank)

[My commission expires:]

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(iv) For witnessing or attesting a signature:

State of _____

County of _____

Signed or attested before me on (date) by (name(s) of
person(s)).

(Stamp)

(Signature of notarial officer)

Title (and Rank)

[My commission expires:]

(v) For certifying a copy of a record:

State of _____

County of _____

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

Dated _____

(Stamp)

(Signature of notarial officer)

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Title (and Rank)

[My commission expires:]

32-3-116. Official signature and stamp.

(a) For a new notary public commission, or upon renewal, filed on or after July 1, 2021:

(i) The official signature of a notary public shall:

(A) Be filed with the secretary of state on a form prescribed by the secretary of state;

(B) Be reasonably similar to the official signature on file with the secretary of state;

(C) If executed on a tangible record, be in blue or black ink;

(D) If executed on an electronic record, be an electronic image of the official signature submitted to the secretary of state;

(E) Be affixed to all tangible and electronic records for which the notary public conducts a notarial act; and

(F) Conform to any requirements set forth in rule by the secretary of state.

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(ii) The official stamp of a notary public, whether the impression is on a tangible or electronic record, shall:

(A) Be rectangular in shape and approximately one (1) inch in width by two and one-half (2 1/2) inches in length;

(B) Be in blue or black ink;

(C) Have a border outline;

(D) Contain a block of text within the border outline that includes:

(I) The notary public's name, as it appears on the notary's certificate of commission;

(II) The words "Notary Public";

(III) The words "State of Wyoming";

(IV) The notary public's identification number;

(V) The words "My commission expires" followed by the expiration date of the notary public's commission; and

(VI) Any other information required by the secretary of state.

(E) If it is a physical image, be in blue or black ink and be capable of being copied together with

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the record to which it is affixed or attached, or with which it is logically associated;

(F) If it is an electronic image, be in the same format, color, content and approximate size as the tangible official stamp and be capable of being copied together with the record to which the official stamp is affixed or attached or with which the official stamp is logically associated;

(G) Be replaced with a new stamp upon each renewed commission term;

(H) Contain the above required content and this information shall not be included, corrected or amended on the stamp through written, typed or any other means;

(J) Not include images of the great seal of the state of Wyoming or any other image or content other than as prescribed in this section.

32-3-117. Stamping device.

(a) A notary public is the sole owner of the notary public's stamping device, 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. 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, 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. On the death or adjudication of incompetency of a notary public, the notary

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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.

(b) 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 secretary of state in a manner set forth by the secretary of state upon discovering that the device is lost or stolen.

32-3-118. Audiovisual recordings; journal; security.

(a) If a notarial act is performed using an electronic notarization system or other form of communication technology, the notarial officer shall make an audiovisual recording of the entire communication.

(b) Except as provided in subsection (c) of this section, a notarial officer shall keep sole possession of an audiovisual recording.

(c) An audiovisual recording may be examined and copied by a law enforcement officer in the course of an official investigation, subpoenaed by court order or surrendered at the direction of the secretary of state.

(d) A notary public shall maintain one (1) or more journals in which the notary public chronicles all notarial acts that the notary public performs.

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(e) A journal may be created on a tangible medium or in an electronic format to chronicle all notarial acts, whether those notarial acts are performed regarding tangible or electronic records.

(f) A notary public is responsible for the security of the notary public's journal. A notary public shall keep the journal and all other notarial records in a secure area under the sole control of the officer and surrender or destroy them only as authorized by statute, rule, court order or at the direction of the secretary of state.

(g) A notary public shall not allow the notary public's journal to be used by any other notarial officer and shall not surrender the journal to an employer upon termination of employment without the approval of the secretary of state. An employer may retain a copy of the journal of an employee who is a notary public after the officer's employment ceases if the journal contains records of notarial acts performed within the scope of the officer's employment.

(h) A journal may be examined and copied by a law enforcement officer in the course of an official investigation, if subpoenaed by court order or at the direction of the secretary of state.

(j) A notary public shall promptly notify the secretary of state, in a manner required by the secretary of state, upon discovering that the notary public's journal is lost or stolen.

(k) On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person

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knowingly in possession of the notary public's journal or audiovisual recordings may transmit all journals and recordings to the secretary of state.

32-3-119. Acceptance of tangible copy of electronic record.

A recorder 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 that the tangible copy is an accurate copy of the electronic record.

32-3-120. Notary public commissions and renewals; qualification; no immunity or benefit.

(a) To hold a commission as a notary public, an individual shall:

(i) Be at least eighteen (18) years of age;

(ii) Be a citizen or permanent legal resident of the United States, or otherwise lawfully present in the United States;

(iii) Be a resident of Wyoming or have a place of employment or practice in this state or be the spouse or legal dependent of military personnel assigned to active duty in this state;

(iv) Not be disqualified to receive a commission under W.S. 32-3-122; and

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(v) Have passed the examination required under W.S. 32-3-121(a).

(b) To be eligible for a new or renewed commission, an applicant shall pass an examination and shall meet the education requirements as provided in rule and in W.S. 32-3-121 and shall not have been disqualified as provided in W.S. 32-3-122.

(c) An individual qualified under subsection (a) of this section may apply to the secretary of state for a new or renewed commission as a notary public.

(d) An applicant for a new or renewed commission shall:

(i) Complete an application and oath of office in the form prescribed by the secretary of state;

(ii) Pay a filing fee of sixty dollars (\$60.00);

(iii) Provide certification that the applicant has passed the examination and completed the education requirements in rule and in W.S. 32-3-121; and

(iv) Submit the application and oath, certification and filing fee to the secretary of state.

(e) The secretary of state shall issue a commission for a six (6) year term as a notary public to an applicant for a new or a renewed commission who has complied with this section.

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(f) An individual shall not have more than one (1) Wyoming notary public commission in effect at the same time.

(g) A commission to act as a notary public authorizes the notary public to perform notarial acts. Before a notary public performs the notary public's initial notarial act with respect to an electronic record, or a remotely located person, a notary public shall notify the secretary of state that the notary public will perform notarial acts with respect to electronic records or a remotely located person and identify the electronic notarization systems or other forms of communication technology the notary public intends to use.

(h) The commission shall not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.

32-3-121. Examination and education of notary public.

(a) An applicant for a new or renewed commission as a notary public in this state must pass an examination administered by the secretary of state or an entity approved by the secretary of state. The examination must be based on the course of study described in subsection (b) of this section.

(b) The secretary of state or an entity approved by the secretary of state shall regularly offer a course of study to applicants for a new or renewed commission. The course shall cover the laws, rules, procedures and ethics relevant to notarial acts.

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(c) For a new notary public commission filed on or after July 1, 2021, or upon any renewal filed on or after July 1, 2021, in addition to passing the examination required in subsection (a) of this section the applicant shall complete notary public education as required by the secretary of state.

(d) The secretary of state may collect reasonable fees commensurate with the cost incurred by the secretary of state's office for providing notary public education and examination.

32-3-122. Grounds to deny, refuse to renew, revoke, suspend or condition commission of a notary public.

(a) The secretary of state may suspend or impose conditions on a commission as a notary public for failure to:

(i) Meet the examination and education requirements set forth in W.S. 32-3-121; or

(ii) Pay the application filing fee.

(b) The secretary of state may deny, refuse to renew or revoke a commission as notary public for any act or omission that demonstrates that the individual lacks the honesty, integrity, competence or reliability to act as a notary public, including:

(i) A fraudulent, dishonest or deceitful misstatement or omission in the application for a commission as a notary public submitted to the secretary of state;

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(ii) A conviction of the applicant or notary public of any felony relevant to the duties of a notary or a crime involving fraud, dishonesty or deceit;

(iii) A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty or deceit;

(iv) Failure by the notary public to discharge any duty required of a notary public, whether by this act, rules of the secretary of state, or any federal or state law;

(v) Use of false or misleading advertising or representation by the notary public representing that he has a duty, right or privilege that he does not have;

(vi) Violation by the notary public of a rule or requirement of the secretary of state regarding a notary public;

(vii) Denial, refusal to renew, revocation, suspension or conditioning of a notary public commission in another state;

(viii) Failure to comply with any term of suspension or condition imposed on the commission of a notary public under this section; or

(ix) Performance of any notarial act while not currently commissioned by the secretary of state or pursuant to other authority to perform a notarial act under this act.

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(c) A notary public who is convicted of or pleads guilty or no contest to a felony or a crime involving fraud, dishonesty or deceit shall notify the secretary of state by written notice within thirty (30) days of the conviction or plea.

(d) The authority of the secretary of state to deny, refuse to renew, suspend, revoke or impose conditions on a commission as a notary public does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

(e) A person may not apply for or receive a commission and appointment as a notary public if a denial, refusal to renew or revocation pursuant to this section has been issued by the secretary of state except as otherwise provided by rule of the secretary of state.

(f) If the secretary of state denies, refuses to renew, revokes, suspends or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to contest the action in accordance with the Wyoming Administrative Procedure Act.

32-3-123. Prohibited acts; penalties.

(a) A notarial officer shall not:

(i) Perform a notarial act with respect to a record to which the officer or the officer's spouse or civil partner is a party or in which either of them has a direct beneficial interest;

(ii) Notarize the officer's own signature;

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(iii) Notarize a record in which the officer is individually named or from which the officer will directly benefit by a transaction involving the record;

(iv) Certify a copy of an official record issued by a public entity, such as a birth, death or marriage certificate, a court record or a school transcript, unless the officer is employed by the entity issuing or holding the original version of the record;

(v) Affix the notarial officer's official signature or stamp to any record that does not contain the officer's completed notarial certificate;

(vi) Investigate, ascertain or attest the lawfulness, propriety, accuracy or truthfulness of a record or transaction involving a notarial act;

(vii) Execute a certificate containing information known or believed by the notarial officer to be false;

(viii) Perform any official action with the intent to deceive or defraud; or

(ix) Use the official notarial officer title or stamp to endorse, promote, denounce or oppose any product, service, contest, candidate or other offering.

(b) A commission as a notary public does not authorize an individual to:

(i) Assist persons in drafting legal records, give legal advice, influence or otherwise practice law;

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(ii) Act as an immigration consultant or an expert on immigration matters;

(iii) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship or related matters; or

(iv) Receive compensation for performing any of the activities listed in this subsection.

(c) A notary public shall not engage in false or deceptive advertising.

(d) A notary public, other than an attorney licensed to practice law in this state, shall not use the term "notario" or "notario publico".

(e) A notary public, other than an attorney licensed to practice law in this state, shall not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media and the internet, the notary public shall include the following statement, or an alternate statement authorized or required by the secretary of state, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities". If the

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form of advertisement or representation is not broadcast media, print media or the internet and does not permit inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

(f) Except as otherwise allowed by law, a notary public shall not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

(g) Nothing in this act shall be construed to deny a notarial officer the right to obtain an assurance in the form of a surety bond or errors and omissions insurance on a voluntary basis to provide coverage for liability.

32-3-124. Validity of notarial acts.

The failure of a notarial officer to perform a duty or meet a requirement specified in this act does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act in this act 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 the law of this state other than this act 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.

32-3-125. Rulemaking authority.

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The secretary of state shall promulgate reasonable rules and regulations necessary to carry out the purposes of this act.

32-3-126. Notarial officer fees.

(a) For performing a notarial act, a notarial officer may charge the maximum fees specified in this section, charge less than the maximum fees or waive the fees.

(b) A notarial officer may charge the following fees:

(i) Not more than ten dollars (\$10.00) per notarial act; or

(ii) Not more than ten dollars (\$10.00) per acknowledgement, signature, oath or affirmation, certification or note of protest if more than one (1) person appears before a notarial officer to complete a notarial act on a single record;

(iii) A technology fee associated with utilizing an electronic notarization system or other form of communication technology if:

(A) The notarial officer and the person requesting the notarial act agree upon the total fee in advance of the notarial act; and

(B) The notarial officer explains to the person requesting the notarial act that the technology fee is both separate from the notarial fee, if any, and neither specified nor mandated by law.

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(iv) A travel fee when traveling to perform a notarial act provided that:

(A) A fee charged for travel must be equal to or less than the standard mileage rates allowed by the United States Internal Revenue Service;

(B) The notarial officer and the person requesting the notarial act agree upon the travel fee in advance of the travel; and

(C) The notarial officer explains to the person requesting the notarial act that the travel fee is both separate from the notarial fee, if any, and neither specified nor mandated by law.

(c) A notarial officer may require payment of any fees specified in this section prior to performance of a notarial act.

(d) Any fees paid to a notarial officer prior to performance of a notarial act are nonrefundable, at the discretion of the notarial officer, if:

(i) The act was completed;

(ii) In the case of technology fees paid in compliance with this section, the act was not completed due to the principal failing to pass knowledge based authentication or identity proofing that may be required by an electronic notarization system or other form of communication technology, whether due to fraud or innocent reasons; or

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(iii) In the case of travel fees paid in compliance with this section, the act was not completed for reasons determined valid in rules adopted by the secretary of state.

(e) An employer may prohibit an employee who is a notarial officer from charging for notarial acts performed as part of the employee's employment.

32-3-127. Change of name or contact information.

(a) A notary public shall notify the secretary of state within thirty (30) days of any change in the information on file with the secretary of state using a form prescribed by the secretary of state.

(b) In the case of a name change, the notary public shall also include:

(i) A sample of the officer's handwritten official signature on the notice; and

(ii) A ten dollar (\$10.00) filing fee.

32-3-128. Notary public commission in effect.

A commission as a notary public in effect on the effective date of this act continues until its date of expiration. A notary public who applies to renew a commission as a notary public on or after the effective date of this act is subject to and shall comply with this act. A notary public, in performing notarial acts after the effective date of this act, shall comply with this act.

32-3-129. Savings clause.

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This act does not affect the validity or effect of a notarial act performed before July 1, 2021.

32-3-130. Uniformity of application and construction.

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

32-3-131. Relation to electronic signatures in Global and National Commerce Act.

This act modifies, limits and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c) or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

Section 2. W.S. 1-2-102(b), 6-5-114, 8-1-102(a)(xiv), 9-1-303(e), 9-1-305(a)(i) and (iii) and 34-1-113 are amended to read:

1-2-102. Officers authorized to administer.

(b) Except for notarial officers, officers listed in this section are authorized to administer oaths, but are not authorized to perform other notarial acts as defined in W.S. ~~34-26-101(b)(iii)~~ 32-3-102(a)(xviii), unless specified otherwise in W.S. ~~34-26-103(a)~~ 32-3-105(a).

6-5-114. Notarial officers; issuance of certificate without proper acknowledgment; penalties.

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A notarial officer commits a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if he signs and affixes his ~~seal~~stamp to a certificate of acknowledgment when the party executing the instrument has not first acknowledged the execution of the instrument in the presence of, as defined in W.S. ~~34-26-101(b)(xxi)~~32-3-102(a)(iii), the notarial officer, if by law the instrument is required to be recorded or filed and cannot be filed without a certificate of acknowledgment signed and sealed by a notarial officer.

8-1-102. Definitions.

(a) As used in the statutes unless the legislature clearly specifies a different meaning or interpretation or the context clearly requires a different meaning:

(xiv) "Notarial officer" means a notary public or other officer authorized to perform notarial acts as defined in W.S. ~~34-26-101(b)(iii)~~32-3-102(a)(xviii);

9-1-303. Powers and duties; affixing seal to and countersigning commissions and documents; certified copies of acts; file of commissions and appointments; publication of documents.

(e) The secretary of state may affix the great seal of the state to certificates or apostilles issued pursuant to W.S. ~~32-1-114~~32-3-110.

9-1-305. Fees; amounts; collection; exceptions.

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(a) The secretary of state shall collect the following fees in advance for:

(i) Except as provided in W.S. ~~32-1-114(e)~~ 32-3-110(c), certificate and seal, three dollars (\$3.00);

(iii) Issuing a ~~notarial officer~~ notary public commission, ~~thirty dollars (\$30.00)~~ sixty dollars (\$60.00);

34-1-113. Acknowledgment of conveyances; generally.

Execution of deeds, mortgages or other conveyances of lands, or any interest in lands, shall be acknowledged by the party or parties executing same, before any notarial officer. The notarial officer taking such acknowledgment shall comply with the requirements of W.S. ~~34-26-107~~ 32-3-109.

Section 3. W.S. 32-1-101 through 32-1-114 and W.S. 34-26-101 through 34-26-304 are repealed.

Section 4. The secretary of state shall promulgate any rules necessary to administer this act.

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Section 5.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2021.

(b) Sections 4 and 5 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk