

HOUSE BILL NO. HB0149

Notaries.

Sponsored by: Representative(s) Gingery, Brown, Buchanan, Lubnau and Petersen and Senator(s) Massie

A BILL

for

1 AN ACT relating to notaries, notarial officers and notarial  
2 acts; amending the Wyoming Uniform Law on Notarial Acts;  
3 adopting provisions of the Model Notary Act; amending  
4 notary related statutes; and providing for an effective  
5 date.

6

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

8

9 **Section 1.** W.S. 34-26-201 through 34-26-210,  
10 34-26-301 through 34-26-308, 34-26-401 through 34-26-404,  
11 34-26-501 through 34-26-504, 34-26-601 through 34-26-603,  
12 34-26-701 through 34-26-705 and 34-26-801 through 34-26-804  
13 are created to read:

14

15

ARTICLE 2

16

COMMISSIONING OF NOTARIAL OFFICERS

1

2           **34-26-201. Notarial officers affected by this act;**  
3 **definition.**

4

5 The existing bond, seal, length of commission term and  
6 liability of current notary publics commissioned before  
7 July 1, 2010 are not invalidated, modified or terminated by  
8 this act, but all notarial officers shall comply with this  
9 act in performing notarial acts and in applying for new  
10 commissions after July 1, 2010.

11

12           **34-26-202. Qualifications of commissioned notarial**  
13 **officers.**

14

15           (a) Except as provided in subsection (c) of this  
16 section, the secretary of state shall issue a notarial  
17 officer commission to any qualified person who submits an  
18 application in accordance with this act.

19

20           (b) To be qualified for a notarial officer commission  
21 a person shall:

22

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

24

1           (ii) Reside or have a regular place of work or  
2 business in Wyoming; and

3

4           (iii) Pass a written examination promulgated and  
5 administered by the secretary of state.

6

7           (c) The secretary of state may deny an application  
8 based on:

9

10           (i) Submission of an official application  
11 containing material misstatement or omission of fact;

12

13           (ii) The applicant's conviction or plea of  
14 admission or nolo contendere for any crime involving  
15 dishonesty or moral turpitude;

16

17           (iii) A finding or admission of liability  
18 against the applicant in a civil lawsuit based on the  
19 applicant's deceit;

20

21           (iv) Revocation, suspension, restriction or  
22 denial of a notarial officer commission or professional  
23 license by this or any other state or nation or a finding  
24 that revocation would have been appropriate under W.S.

1 34-26-802(d), and in no case may a commission be issued to  
2 the applicant within five (5) years after such action; or

3

4 (v) A finding that the applicant has engaged in  
5 official misconduct as defined in W.S. 34-26-101(b)(xvi),  
6 whether or not disciplinary action resulted.

7

8 (d) Denial of an application may be appealed by  
9 filing in proper form with the secretary of state within  
10 thirty (30) days after denial the form adopted for such  
11 purposes by the secretary of state. The appeal shall be  
12 handled pursuant to rules adopted by the secretary of state  
13 and consistent with the Wyoming Administrative Procedure  
14 Act.

15

16 **34-26-203. Jurisdiction and term.**

17

18 A person commissioned as a notarial officer may perform  
19 notarial acts in any part of Wyoming for a term of four (4)  
20 years, unless the commission is earlier revoked or  
21 resigned.

22

23 **34-26-204. Bond.**

24

1           (a) A notarial officer commission shall not be issued  
2 until an oath of office and a five thousand dollar (\$5,000)  
3 bond have been filed with the secretary of state. The bond  
4 shall be executed by a licensed surety, for a term of four  
5 (4) years commencing on the commission's effective date and  
6 terminating on its expiration date, with payment of bond  
7 funds to any person conditioned upon the notarial officer's  
8 official misconduct, as defined by W.S. 34-26-101(b)(xvi).

9

10           (b) The surety for a notarial officer bond shall  
11 report all claims against the bond to the secretary of  
12 state.

13

14           (c) If a notarial officer bond has been exhausted by  
15 claims paid out by the surety, the secretary of state shall  
16 suspend the notarial officer's commission until:

17

18                   (i) A new bond is obtained by the notarial  
19 officer; and

20

21                   (ii) The notarial officer's fitness to serve the  
22 remainder of the commission term is determined by the  
23 secretary of state.

24

1           **34-26-205. Commissioning documents.**

2

3       Upon issuing a notarial officer commission, the secretary  
4       of state shall provide to the notarial officer a commission  
5       document stating the commission serial number, starting and  
6       ending dates and authorization to purchase a commissioned  
7       notarial officer seal.

8

9           **34-26-206. Recommissioning.**

10

11       A current or former commissioned notarial officer applying  
12       for a new notarial officer commission shall submit a new  
13       completed application and comply anew with all of the  
14       provisions of this act.

15

16           **34-26-207. Application for notarial officer**  
17       **commission.**

18

19       (a) Every application for a notarial officer  
20       commission shall be made to the secretary of state and  
21       include:

22

23           (i) A statement of the applicant's personal  
24       qualifications, as described in W.S. 34-26-208;

1

2 (ii) Evidence of successful passage of the  
3 written exam;

4

5 (iii) A notarized declaration of the applicant,  
6 as described in W.S. 34-26-209;

7

8 (iv) Such other information as the secretary of  
9 state may deem appropriate; and

10

11 (v) An application fee, as specified in W.S.  
12 9-1-305(a)(iii).

13

14 **34-26-208. Statement of personal qualifications.**

15

16 (a) The application for a notarial officer commission  
17 shall state or include, at least:

18

19 (i) The applicant's date of birth;

20

21 (ii) The applicant's residence address and  
22 telephone number;

23

1           (iii) The applicant's business address and  
2 telephone number, the business mailing address, if  
3 different, and the name of the applicant's employer, if  
4 any;

5  
6           (iv) All issuances, denials, revocations,  
7 suspensions, restrictions and resignations of any notarial  
8 officer commission, professional license or public office  
9 involving the applicant in this or any other state or  
10 nation;

11  
12           (v) All criminal convictions of the applicant  
13 which are not traffic related, including any pleas of  
14 admission or nolo contendere, in this or any other state or  
15 nation;

16  
17           (vi) All claims made, pending or disposed  
18 against the applicant or any notarial officer bond ever  
19 held by the applicant, and all civil findings or admissions  
20 of fault or liability regarding the applicant's activities  
21 as a notarial officer, in this or any other state or  
22 nation.

23

24           **34-26-209. Notarized declaration.**



1

2 Every applicant for a notarial officer commission shall  
3 sign the following declaration in the presence of a  
4 notarial officer of this state: Declaration of Applicant:  
5 I, .... (name of applicant), solemnly swear or affirm under  
6 penalty of perjury that the personal information in this  
7 application is true, complete and correct; that I  
8 understand the official duties and responsibilities of a  
9 commissioned notarial officer in Wyoming; and that I will  
10 perform, to the best of my ability, all notarial acts in  
11 accordance with the law.

12 .... (signature of applicant)

13

14 **34-26-210. Confidentiality.**

15

16 Information required by W.S. 34-26-208(a)(v) shall be used  
17 by the secretary of state and designated employees only for  
18 the purpose of performing official duties under this act  
19 and shall not be disclosed to any person other than a  
20 government agent acting in an official capacity and duly  
21 authorized to obtain such information, a person authorized  
22 by court order, or to the applicant or the applicant's duly  
23 authorized agent.

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ARTICLE 3

POWERS OF NOTARIAL OFFICERS

**34-26-301. Powers and prohibitions.**

(a) A notarial officer is empowered to perform the acts described in W.S. 34-26-101(b)(iii).

(b) A notarial officer, shall not perform a notarial act if the principal:

(i) Is not in the notarial officer's presence at the time of notarization;

(ii) Is not personally known to the notarial officer or identified by the notarial officer through satisfactory evidence;

(iii) Shows a demeanor which causes the notarial officer to have a compelling doubt about whether the principal knows the consequences of the transaction requiring a notarial act; or

1           (iv) In the notarial officer's judgment is not  
2 acting of his own free will.

3

4           (c) A notarial officer may certify the affixation of  
5 a signature by mark on a document presented for  
6 notarization if:

7

8           (i) The mark is affixed in the presence of the  
9 notarial officer and two (2) witnesses unaffected by the  
10 document;

11

12           (ii) Both witnesses sign their own names beside  
13 the mark;

14

15           (iii) The notarial officer writes below the  
16 mark: "Mark affixed by (name of signer by mark) in presence  
17 of (names and addresses of witnesses) and undersigned  
18 notarial officer under W.S. 34-26-301(c)"; and

19

20           (iv) The notarial officer notarizes the  
21 signature by mark through an acknowledgment, jurat or  
22 signature witnessing.

23

1           (d) A notarial officer may sign the name of a person  
2 physically unable to sign or make a mark on a document  
3 presented for notarization if:

4

5           (i) The person directs the notarial officer to  
6 do so in the presence of two (2) witnesses unaffected by  
7 the document;

8

9           (ii) The notarial officer signs the person's  
10 name in the presence of the person and the witnesses;

11

12           (iii) Both witnesses sign their own names beside  
13 the signature;

14

15           (iv) The notarial officer writes below the  
16 signature: "Signature affixed by notarial officer in the  
17 presence of (names and addresses of person and two (2)  
18 witnesses) under W.S. 34-26-301(d)"; and

19

20           (v) The notarial officer notarizes the signature  
21 through an acknowledgment, jurat or signature witnessing.

22

23           (e) It shall be lawful for any notarial officer who  
24 is a stockholder, director, officer or employee of a bank

1 or other corporation to take the acknowledgment of any  
2 party to any written instrument executed to or by said  
3 corporation, or to administer an oath to any other  
4 stockholder, director, officer, employee or agent of such  
5 corporation, or to protest for nonacceptance, or  
6 nonpayment, bills of exchange, drafts, checks, notes and  
7 other negotiable instruments which may be owned or held for  
8 collection by any such bank or other corporation.

9

10 **34-26-302. Disqualifications.**

11

12 (a) A notarial officer is disqualified from  
13 performing a notarial act if the notarial officer:

14

15 (i) Is a party to or named in the document that  
16 is to be notarized;

17

18 (ii) Will receive as a direct or indirect result  
19 any commission, fee, advantage, right, title, interest,  
20 cash, property or other consideration exceeding in value  
21 the fees specified in W.S. 34-26-402;

22

1           (iii) Is a spouse, ancestor, descendant or  
2 sibling of the principal, including in-law, step or half  
3 relative; or

4  
5           (iv) Is an attorney who has prepared, explained  
6 or recommended to the principal the document that is to be  
7 notarized.

8  
9           (b) Notwithstanding paragraph (a)(ii) of this  
10 section, a notarial officer may collect a fee for an  
11 assignment as a signing agent if payment of that fee is not  
12 contingent upon the signing of any document.

13

14           **34-26-303. Refusal to notarize.**

15

16           (a) Unless required by W.S. 34-26-301(b)(iii) or  
17 (iv), a notarial officer shall not refuse to perform a  
18 notarial act based on the principal's status as a nonclient  
19 or noncustomer of the notarial officer or the officer's  
20 employer.

21

22           (b) A notarial officer shall perform any notarial act  
23 described in W.S. 34-26-101(b)(iii) for any person

1 requesting such an act who tenders the appropriate fee,  
2 unless:

3

4 (i) The notarial officer knows or has good  
5 reason to believe that the notarial act or the associated  
6 transaction is unlawful;

7

8 (ii) The act is prohibited under W.S.  
9 34-26-301(b); or

10

11 (iii) The number of notarial acts requested  
12 practicably precludes completion of all acts at once, in  
13 which case the notarial officer shall arrange for later  
14 completion of the remaining acts.

15

16 (c) A notarial officer may, but is not required to,  
17 perform a notarial act outside the notarial officer's  
18 regular workplace or business hours.

19

20 **34-26-304. Avoidance of influence.**

21

22 (a) While acting as a notarial officer, a notarial  
23 officer shall not influence a person either to enter into  
24 or avoid a transaction involving a notarial act by the

1 notarial officer, except that the notarial officer may  
2 advise against a transaction if W.S. 34-26-301(b) applies.

3

4 (b) In his capacity as a notarial officer, a notarial  
5 officer has neither the duty nor the authority to  
6 investigate, ascertain or attest the lawfulness, propriety,  
7 accuracy or truthfulness of a document or transaction  
8 involving a notarial act.

9

10 **34-26-305. False certificate.**

11

12 (a) A notarial officer shall not execute a  
13 certificate containing information known or believed by the  
14 notarial officer to be false.

15

16 (b) A notarial officer shall not affix an official  
17 signature or seal on a notarial certificate that is  
18 incomplete.

19

20 (c) A notarial officer shall not provide or send a  
21 signed or sealed notarial certificate to another person  
22 with the understanding that it will be completed or  
23 attached to a document outside of the notarial officer's  
24 presence.



1

2

**34-26-306. Improper documents.**

3

4

(a) A notarial officer shall not notarize a signature:

5

6

(i) On a blank or incomplete document; or

7

8

(ii) On a document without notarial certificate wording.

9

10

11

12

(b) A notarial officer shall neither certify nor authenticate a photograph.

13

14

**34-26-307. Intent to deceive.**

15

16

A notarial officer shall not perform any official action with the intent to deceive or defraud.

17

18

19

**34-26-308. Testimonials.**

20

21

A notarial officer shall not use the official notarial officer title or seal to endorse, promote, denounce or

22

23

1 oppose any product, service, contest, candidate or other  
2 offering.

3

4

#### ARTICLE 4

5

#### NOTARIAL OFFICER FEES

6

7

#### **34-26-401. Imposition and waiver of fees.**

8

9 For performing a notarial act, a notarial officer may  
10 charge the maximum fee specified in W.S. 34-26-402, charge  
11 less than the maximum fee or waive the fee.

12

13

#### **34-26-402. Fees for notarial acts.**

14

15 (a) The maximum fees that may be charged by a  
16 notarial officer for notarial acts are:

17

18 (i) For taking an acknowledgment, two dollars  
19 (\$2.00) per signature;

20

21 (ii) For administering an oath or affirmation  
22 without a signature, two dollars (\$2.00) per person;

23

1           (iii) For jurats, two dollars (\$2.00) per  
2 signature;

3

4           (iv) For witnessing or attesting a signature,  
5 two dollars (\$2.00) per signature;

6

7           (v) For certifying or attesting copies, two  
8 dollars (\$2.00) per page certified;

9

10          (vi) For taking a verification upon oath or  
11 affirmation, two dollars (\$2.00) per certificate;

12

13          (vii) For noting a protest of negotiable  
14 instruments, two dollars (\$2.00) per protest.

15

16          (b) A notarial officer may charge a travel fee when  
17 traveling to perform a notarial act if:

18

19           (i) The notarial officer and the person  
20 requesting the notarial act agree upon the travel fee in  
21 advance of the travel; and

22

23           (ii) The notarial officer explains to the person  
24 requesting the notarial act that the travel fee is both

1 separate from the notarial fee, if any, and neither  
2 specified nor mandated by law.

3

4 **34-26-403. Payment prior to act.**

5

6 (a) A notarial officer may require payment of any  
7 fees specified in W.S. 34-26-402 prior to performance of a  
8 notarial act.

9

10 (b) Any fees paid to a notarial officer prior to  
11 performance of a notarial act are nonrefundable if:

12

13 (i) The act was completed; or

14

15 (ii) In the case of travel fees paid in  
16 compliance with W.S. 34-26-402(b), the act was not  
17 completed for reasons stated in W.S. 34-26-303(b)(i) or  
18 (ii) after the notarial officer had traveled to meet the  
19 principal.

20

21 **34-26-404. Fees of employee notarial officer.**

22

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

4

5           (b) A private employer shall not require an employee  
6 who is a notarial officer to surrender or share fees  
7 charged for any notarial acts.

8

9           (c) A governmental employer who has absorbed an  
10 employee's costs in becoming or operating as a notarial  
11 officer shall require any fees collected for notarial acts  
12 performed as part of the employee's employment either to be  
13 waived or surrendered to the employer to support public  
14 programs.

15

16

## ARTICLE 5

17

### JOURNAL OF NOTARIAL ACTS

18

19

#### **34-26-501. Journal format.**

20

21 A notarial officer shall keep, maintain, protect and  
22 provide for lawful inspection a chronological official  
23 journal of notarial acts that is a permanently bound book  
24 with numbered pages.

1

2       **34-26-502. Entries.**

3

4       (a) For every notarial act, the notarial officer  
5 shall record in the journal at the time of the act at least  
6 the following:

7

8               (i) The date and time of day of the notarial  
9 act;

10

11               (ii) The type of notarial act;

12

13               (iii) The type, title or a description of the  
14 document or proceeding;

15

16               (iv) The signature and printed name of each  
17 principal;

18

19               (v) The evidence of identity of each principal,  
20 in the form of either:

21

22                       (A) A statement that the person is  
23 personally known to the notarial officer;

24

1                   (B) A notation of the type of  
2 identification document; or

3

4                   (C) The signature and printed name of each  
5 credible witness swearing or affirming to the person's  
6 identity, and, for credible witnesses who are not  
7 personally known to the notarial officer, a description of  
8 identification documents relied on by the notarial officer.

9

10                  (vi) The sequential number of any adhesive label  
11 bearing a notary seal image on the notarized document.

12

13                  (b) A notarial officer shall not record a social  
14 security or credit card number in the journal.

15

16                  (c) A notarial officer shall record in the journal  
17 any circumstances for not completing a notarial act.

18

19                  (d) As required in W.S. 34-26-504(a), a notarial  
20 officer shall record in the journal the circumstances of  
21 any request to inspect or copy an entry in the journal,  
22 including the requester's name, address, signature and  
23 evidence of identity. The reasons for any refusal to allow

1 inspection or copying of a journal entry also shall be  
2 recorded.

3

4 **34-26-503. Signatures.**

5

6 (a) At the time of a notarial act, the notarial  
7 officer's journal must be signed by each:

8

9 (i) Principal;

10

11 (ii) Credible witness swearing or affirming to  
12 the identity of a principal; and

13

14 (iii) Witness to a signature by mark or to a  
15 signing by the notarial officer on behalf of a person  
16 physically unable to sign.

17

18 **34-26-504. Inspection; care; copying; theft;**  
19 **disposal.**

20

21 (a) In the notarial officer's presence, any person  
22 may inspect an entry in the official journal of notarial  
23 acts during regular business hours, but only if:

24



1           (i) The person's identity is personally known to  
2 the notarial officer or proven through satisfactory  
3 evidence;

4  
5           (ii) The person affixes a signature in the  
6 journal in a separate dated entry;

7  
8           (iii) The person specifies the month, year, type  
9 of document and name of the principal for the notarial act  
10 or acts sought to be reviewed; and

11  
12           (iv) The person is shown only the entry or  
13 entries specified.

14  
15           (b) If the notarial officer has a reasonable and  
16 explainable belief that a person bears a criminal or  
17 harmful intent in requesting information from the notarial  
18 officer's journal, the notarial officer may deny access to  
19 any entry or entries.

20  
21           (c) The journal may be examined without restriction  
22 by a law enforcement officer in the course of an official  
23 investigation, under subpoena by court order, or if  
24 surrendered at the direction of the secretary of state.

1

2 (d) Upon complying with a request under subsection  
3 (a) of this section, the notarial officer may provide a  
4 copy of a specified entry or entries in the journal at a  
5 cost of not more than two dollars (\$2.00) per copy. Other  
6 entries on the same page shall be masked. If a certified  
7 copy of an entry in a bound book is requested, the  
8 additional cost is as specified in W.S. 34-26-402(a).

9

10 (e) A notarial officer shall safeguard the journal  
11 and all other notarial records and surrender or destroy  
12 them only by rule of law, by court order or at the  
13 direction of the secretary of state.

14

15 (f) When not in use, the journal shall be kept in a  
16 secure area under the exclusive control of the notarial  
17 officer, and shall not be used by any other notarial  
18 officer nor surrendered to an employer upon termination of  
19 employment.

20

21 (g) Within ten (10) days after any journal is stolen,  
22 lost, destroyed, damaged or otherwise rendered unusable or  
23 unreadable as a record of notarial acts, the notarial  
24 officer, after informing the appropriate law enforcement

1 agency in the case of theft or vandalism, shall notify the  
2 secretary of state by any means providing a tangible  
3 receipt or acknowledgment, including certified mail and  
4 electronic transmission, and also provide a copy or number  
5 of any pertinent police report.

6

7 (h) Upon resignation, revocation, expiration of a  
8 notarial officer commission, death of the notarial officer  
9 or other act rendering a notarial officer unqualified to  
10 perform notarial acts, the journal and notarial records  
11 shall be delivered to the office designated by the  
12 secretary of state.

13

14

#### ARTICLE 6

15

#### SIGNATURE AND SEAL OF NOTARIAL OFFICERS

16

17

#### **34-26-601. Official signature.**

18

19 (a) In notarizing a paper document, a notarial  
20 officer shall:

21

22

23

(i) Sign by hand on the notarial certificate  
their name and, if a commissioned notarial officer, exactly

1 and only the name indicated on the notarial officer's  
2 commission;

3

4 (ii) Not sign using a facsimile stamp or an  
5 electronic or other printing method; and

6

7 (iii) Affix the official signature only at the  
8 time the notarial act is performed.

9

10 **34-26-602. Official seal.**

11

12 (a) A commissioned notarial officer shall keep an  
13 official seal that is the exclusive property of the  
14 notarial officer. The seal shall not be possessed or used  
15 by any other person, nor surrendered to an employer upon  
16 termination of employment.

17

18 (b) A noncommissioned notarial officer also may  
19 maintain and use an official seal, but is not required to  
20 maintain or use such seal. If a noncommissioned notarial  
21 officer chooses to use such seal, he shall comply with the  
22 provisions of this section except that commission  
23 information need not be included on the seal.

24

1           (c) An image of an official seal shall be affixed by  
2 the commissioned notarial officer on every paper document  
3 notarized.

4

5           (d) An image of the seal shall be affixed only at the  
6 time the notarial act is performed.

7

8           (e) When not in use, the seal shall be kept secure  
9 and accessible only to the notarial officer.

10

11           (f) Any seal image affixed by an adhesive label shall  
12 bear a preprinted sequential number which shall be recorded  
13 in the journal of notarial acts for its respective  
14 notarization.

15

16           (g) Within ten (10) days after the seal of any  
17 notarial officer is stolen, lost, damaged or otherwise  
18 rendered incapable of affixing a legible image, the  
19 notarial officer, after informing the appropriate law  
20 enforcement agency in the case of theft or vandalism, shall  
21 notify the secretary of state by any means providing a  
22 tangible receipt or acknowledgment, including certified  
23 mail and electronic transmission, and also provide a copy  
24 or number of any pertinent police report. Upon receipt of

1 such notice the secretary of state shall issue to the  
2 notarial officer a new certificate of authorization to  
3 purchase a notarial officer seal.

4

5 (h) As soon as reasonably practicable after  
6 resignation, revocation or expiration of a notarial officer  
7 commission, death of the notarial officer or other  
8 circumstance rendering a notarial officer unqualified to  
9 perform notarial acts, the notarial officer's seal shall be  
10 destroyed or defaced so that it may not be misused.

11

12 **34-26-603. Seal image.**

13

14 (a) A notarial officer's official seal shall be  
15 affixed in a sharp, legible, permanent and photographically  
16 reproducible manner near a notarial officer's official  
17 signature on the notarial certificate of a paper document,  
18 and shall include the following elements:

19

20 (i) The notarial officer's name exactly as  
21 indicated on any commission;

22

23 (ii) The serial number of a commissioned  
24 notarial officer's commission;

1

2 (iii) The words "notary public" or "notarial  
3 officer" and "State of Wyoming" and, if applicable, "my  
4 commission expires (commission expiration date)"; and

5

6 (iv) A border in a rectangular shape no larger  
7 than two (2) inches by one (1) inch, surrounding the  
8 required words.

9

10 (b) Illegible information within a seal impression  
11 may be typed or printed legibly by the notarial officer  
12 adjacent to but not within the impression.

13

14 (c) An embossed seal impression that is not  
15 photographically reproducible may be used in addition to  
16 but not in lieu of the seal described in subsection (a) of  
17 this section.

18

19

## ARTICLE 7

20

## CHANGES OF STATUS

21

22 **34-26-701. Change of address.**

23

1           (a) Within ten (10) days after the change of a  
2 commissioned notarial officer's residence, business or  
3 mailing address, the notarial officer shall send to the  
4 secretary of state by any means providing a tangible  
5 receipt or acknowledgment, including certified mail and  
6 electronic transmission, a signed notice of the change,  
7 giving both old and new addresses.

8

9           (b) If the business address is changed, the  
10 commissioned notarial officer shall not perform a notarial  
11 act until:

12

13           (i) The notice described in subsection (a) of  
14 this section has been delivered or transmitted;

15

16           (ii) A confirmation of the notarial officer's  
17 name or address change has been received from the secretary  
18 of state; and

19

20           (iii) The surety for the commissioned notarial  
21 officer's bond has been informed in writing.

22

23           **34-26-702. Change of name.**

24



1           (a) Within ten (10) days after the change of a  
2 commissioned notarial officer's name by court order or  
3 marriage, the commissioned notarial officer shall send to  
4 the secretary of state by any means providing a tangible  
5 receipt or acknowledgment, including certified mail and  
6 electronic transmission, a signed notice of the change,  
7 giving both former and new names, with a copy of any  
8 official authorization for such change.

9

10           (b) A commissioned notarial officer with a new name  
11 shall continue to use the former name in performing  
12 notarial acts until the following steps have been  
13 completed, at which point the commissioned notarial officer  
14 shall use the new name:

15

16           (i) The notice described in subsection (a) of  
17 this section has been delivered or transmitted;

18

19           (ii) A confirmation of the notarial officer's  
20 name or address change has been received from the secretary  
21 of state;

22

23           (iii) A new seal bearing the new name exactly as  
24 in the confirmation has been obtained; and

1

2

3

(iv) The surety for the commissioned notarial officer's bond has been informed in writing.

4

5

**34-26-703. Resignation.**

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**34-26-704. Disposition of seal and journal.**

21

22

23

24

(a) Except as provided in subsection (b) of this section, when a notarial officer commission expires or is resigned or revoked, or upon the occurrence of any other

1 circumstance rendering the notarial officer unqualified to  
2 perform notarial acts, the notarial officer shall:

3

4 (i) As soon as reasonably practicable, destroy  
5 or deface all notarial officer seals so that they may not  
6 be misused; and

7

8 (ii) Within thirty (30) days after the effective  
9 date of resignation, revocation, expiration or other  
10 circumstance rendering a notarial officer unqualified to  
11 perform notarial acts, send to the secretary of state by  
12 any means providing a tangible receipt or acknowledgment  
13 the notarial officer's journal in accordance with  
14 requirements adopted of the secretary of state.

15

16 (b) A former notarial officer who intends to apply  
17 for a new commission and whose previous commission or  
18 application was not revoked or denied by this state, need  
19 not deliver the journal and records within thirty (30) days  
20 after commission expiration, but shall do so within three  
21 (3) months after expiration unless recommissioned within  
22 that period.

23

24 **34-26-705. Death of notary.**

1

2 (a) If a commissioned notarial officer dies during  
3 the term of commission or before fulfilling the obligations  
4 stipulated in W.S. 34-26-704, the notarial officer's  
5 personal representative shall:

6

7 (i) Notify the secretary of state of the death  
8 in writing;

9

10 (ii) As soon as reasonably practicable, destroy  
11 or deface all notarial officer seals so that they may not  
12 be misused; and

13

14 (iii) Within thirty (30) days after death, send  
15 to the secretary of state by any means providing a tangible  
16 receipt or acknowledgment, the notarial officer's journal  
17 of notarial acts and any other notarial records in  
18 accordance with requirements of the secretary of state.

19

20

## ARTICLE 8

21

## LIABILITY, SANCTIONS AND REMEDIES FOR IMPROPER ACTS

22

23

24

**34-26-801. Liability of commissioned notarial  
officer, surety and employer.**

1

2 (a) A commissioned notarial officer is liable to any  
3 person for all damages proximately caused that person by  
4 the notarial officer's negligence, intentional violation of  
5 law or official misconduct in relation to a notarial act.

6

7 (b) A surety for a notarial officer's bond is liable  
8 to any person for damages proximately caused that person by  
9 the notarial officer's negligence, intentional violation of  
10 law or official misconduct in relation to a notarial act  
11 during the bond term, but this liability shall not exceed  
12 the dollar amount of the bond or of any remaining bond  
13 funds that have not been disbursed to other claimants.  
14 Regardless of the number of claimants against the bond or  
15 the number of notarial acts cited in the claims, a surety's  
16 aggregate liability shall not exceed the dollar amount of  
17 the bond for acts of the notarial officer.

18

19 **34-26-802. Revocation.**

20

21 (a) The secretary of state may revoke a notarial  
22 officer commission for any ground on which an application  
23 for a commission may be denied under W.S. 34-26-202(c).

24

1           (b) The secretary of state shall revoke the  
2 commission of any notarial officer who fails:

3

4           (i) To maintain a residence or a regular place  
5 of work or business in this state; and

6

7           (ii) To maintain status as a legal resident of  
8 the United States.

9

10          (c) Prior to revocation of a notarial officer  
11 commission, the secretary of state shall inform the  
12 notarial officer of the basis for the revocation and that  
13 the revocation takes effect on a particular date unless a  
14 proper and timely appeal is filed pursuant to rules adopted  
15 by the secretary of state and consistent with the Wyoming  
16 Administrative Procedure Act.

17

18          (d) Resignation or expiration of a notarial officer  
19 commission does not terminate or preclude an investigation  
20 into the notarial officer's conduct by the secretary of  
21 state, who may pursue the investigation to a conclusion,  
22 whereupon it shall be made a matter of public record  
23 whether or not the finding would have been grounds for  
24 revocation.

1

2

**34-26-803. Other remedial actions for misconduct.**

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**Section 2.** W.S. 1-2-102(a)(vii) and (b), 2-11-105(a), 6-5-114, 9-1-305(a)(iii), 29-7-202(a), 34-2-133(a), 34-5-101, 34-5-104, 34-26-101(b)(i), (iii), (iv), by

1 creating new paragraphs (vi) through (xxii) and by amending  
2 and renumbering (vi) as (xxiii), 34-26-102(c) and (d),  
3 34-26-103(a)(i) and by creating a new subsection (d),  
4 34-26-104(a)(i), 34-26-106(a)(i), 34-26-107(a),  
5 34-1-3-505(b) and 41-7-804(a)(i) are amended to read:

6

7 **1-2-102. Officers authorized to administer.**

8

9 (a) The following officers are authorized to  
10 administer oaths:

11

12 (vii) ~~Notaries public~~ Notarial officers;

13

14 (b) Officers listed in this section are authorized to  
15 administer oaths, but are not authorized to perform other  
16 notarial acts as defined in W.S. 34-26-101(b)(iii), unless  
17 specified otherwise in W.S. ~~32-1-105(c) or~~ 34-26-103(a).

18

19 **2-11-105. Procedure when foreign law does not require**  
20 **probate; filing, recording and effect.**

21

22 (a) When a duly authenticated copy of a will from any  
23 state or country where probate is not required by the laws  
24 of the state or country, with a duly authenticated



1 certificate of the legal custodian of the original will  
2 that the same is a true copy and that the will has become  
3 operative by the laws of the state or country, and when a  
4 copy of a notarial will in possession of a ~~notary~~notarial  
5 officer in a foreign state or country entitled to the  
6 custody thereof (the laws of which state or country require  
7 that the will remain in the custody of the ~~notary~~notarial  
8 officer), duly authenticated by the ~~notary~~notarial  
9 officer, is presented by the executor or other persons  
10 interested to the proper court in this state, the court  
11 shall take the proofs as may be appropriate.

12

13 **6-5-114. Notarial officers; issuance of certificate**  
14 **without proper acknowledgment; penalties.**

15

16 A ~~notary public~~notarial officer commits a misdemeanor  
17 punishable by imprisonment for not more than six (6)  
18 months, a fine of not more than seven hundred fifty dollars  
19 (\$750.00), or both, if he signs and affixes his seal to a  
20 certificate of acknowledgment when the party executing the  
21 instrument has not first acknowledged the execution of the  
22 instrument before the ~~notary public~~notarial officer, if by  
23 law the instrument is required to be recorded or filed and

1 cannot be filed without a certificate of acknowledgment  
2 signed and sealed by a ~~notary public~~ notarial officer.

3

4 **9-1-305. Fees; amounts; collection; exceptions.**

5

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

8

9 (iii) Issuing a notarial officer commission, ~~to~~  
10 ~~notary public,~~ thirty dollars (\$30.00);

11

12 **29-7-202. Notice of lien to be filed; time and place;**  
13 **form; filing by county clerk; release; renewal.**

14

15 (a) A notice of a breeder's lien shall within ninety  
16 (90) days after the date of the service be filed in the  
17 office of the secretary of state. The notice shall be in  
18 the following format:

19

20 Notice of Breeder's Lien.

21

22 The State of Wyoming )

23 ) ss.

24 County of .... )

1

2 I, ....., being first duly sworn, upon my oath depose and  
3 say I am the lawful owner (or duly authorized agent of ....  
4 the lawful owner) of .... (description of male animal).

5

6 On (or between) the .... day of ....., A.D. (year) and the  
7 .... day of ....., (year), the services of the male animal  
8 were had upon the following described female animals:

9

10 The above services were rendered at the request of ....  
11 (for and on behalf of .....), the lawful owner .... of the  
12 female animals.

13

14 The fee agreed upon for these services was .... dollars.

15

16 There is now due to .... from .... for these services, the  
17 sum of .... dollars.

18

19 Ninety (90) days have not elapsed since the date of the  
20 services, and .... claim a breeder's lien on the property  
21 for this amount.

22

23 Subscribed in my presence and sworn to before me this ....  
24 day of ....., A.D. (year).

1

2

\_\_\_\_\_

3

4

~~Notary Public~~ Notarial Officer.

5

6

**34-2-133. Tax deeds; possession and affidavits of possession.**

8

9

(a) Possession by the grantee for a continuous period of not less than six (6) months at any time after one (1) year and six (6) months have elapsed since the date of recording the tax deed extinguishes forever all the claims, right, title and interest, including the right to possession, of the former owner, and vests in the grantee any title conveyed or purportedly conveyed by the tax deed. Proof of possession by the grantee and the record of the tax deed constitutes conclusive evidence of the legality and effectiveness of the deed and any proceedings upon which the deed is based, and of the title of the grantee. As a means of proving possession and preserving evidence of possession under a tax deed, the then owner or holder of the title conveyed or purportedly conveyed by the tax deed may, at any time after two (2) years from the date of recording of the tax deed, file for record in the office of

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24

1 the county clerk and ex officio register of deeds in which  
 2 the real estate is located an affidavit substantially in  
 3 the following form:

4 AFFIDAVIT OF POSSESSION AND CLAIM UNDER TAX DEED

5

6 State of .... )

7 ) ss

8 .... County )

9

10 I, ....., (name) residing at .... (address), being first  
 11 duly sworn, depose and say that on .... (date) a tax deed  
 12 was issued to .... (grantee) for the following described  
 13 real estate: .... that said tax deed was filed for  
 14 record in the office of the county clerk and ex officio  
 15 register of deeds for .... county, ....., on .... (date),  
 16 and appears in the records of that office in .... County as  
 17 recorded in book .... page .... of the .... records; that I  
 18 am now in possession of such real estate and claim title to  
 19 the same by virtue of such tax deed; that I have been in  
 20 possession of such real estate for a continuous period of  
 21 not less than six (6) months immediately preceding the date  
 22 of this affidavit; and that the facts concerning the  
 23 possession of such real estate from the date of recording

1 the tax deed to the date of this notice are, insofar as  
2 known to me, as follows:

3 . . . .

4 . . . .

5 Subscribed and sworn to before me this . . . . . day of  
6 . . . . , (year).

7

8 .....

9

10 ~~Notary Public~~ Notarial Officer in and for

11

12 ..... County

13 ..... (state)

14

15

16 **34-5-101. When executed out of state; exceptions.**

17

18 All deeds and conveyances of real estate given and recorded  
19 in the state of Wyoming prior to January 1, 1925, the  
20 execution of which shall have been acknowledged before a  
21 ~~notary public~~ notarial officer out of this state, where the  
22 certificate of official character attached to such deeds or  
23 other conveyance fails to state that such deed or  
24 conveyance was executed and acknowledged according to the

1 laws of the state or territory in which the same was  
2 executed, shall be deemed as valid and binding as if such  
3 certificate had contained the statement aforesaid, and  
4 shall be so construed by the courts, and the record thereof  
5 shall have the same force and effect as if such certificate  
6 had contained said statement; provided, that such record  
7 shall in no wise affect the right or title of any person  
8 acquired in good faith and for a valuable consideration  
9 before the said January 1, 1925; and provided, further,  
10 that this section shall not be construed to affect any  
11 judgment or decree rendered by any court of the state  
12 before that time.

13

14 **34-5-104. Certificate of acknowledgment; incomplete.**

15

16 Any conveyance of real estate made ten (10) years or more  
17 prior to January 1st, A.D. 1935, purporting to be  
18 acknowledged before any justice of the peace, within or  
19 without the state of Wyoming, where such justice of the  
20 peace did not state in his certificate of acknowledgment  
21 the date of expiration of his office, or where no  
22 certificate, or a defective certificate is attached to such  
23 deed by the county clerk or clerk of court of the county of  
24 such justice of the peace as is required by law in case

1 such acknowledgment is taken before a justice of the peace  
2 outside of the state of Wyoming; and any conveyance of real  
3 estate made ten (10) years or more prior to January 1st,  
4 A.D. 1935, purporting to be acknowledged before any ~~notary~~  
5 ~~public~~ notarial officer, where such ~~notary~~ ~~public~~ notarial  
6 officer did not attach his seal to such certificate of  
7 acknowledgment, or did not state therein the expiration of  
8 the time of his commission; and any conveyance of real  
9 estate made ten (10) years or more prior to the 1st day of  
10 January, A.D. 1935, where such conveyance does not purport  
11 to be properly witnessed; and any conveyance of real estate  
12 made ten (10) years or more, prior to the first day of  
13 January, A.D. 1935, purporting to be executed by any  
14 corporation, where there is any defect or irregularity in  
15 the execution or acknowledgment thereof, shall, if the same  
16 has been heretofore recorded ten (10) years or more prior  
17 to January 1st, 1935, in the office of the county clerk of  
18 the county where the real estate therein conveyed is  
19 situate, be deemed as valid and as effective and binding as  
20 though the defects and irregularities therein, herein  
21 mentioned, did not exist and as though in these respects  
22 the same had been executed in full accordance with the laws  
23 of this state, and the record, or the certified copy  
24 thereof, shall be admitted in evidence in all actions or



1 proceedings with the same force and effect as though the  
2 defects and irregularities therein, herein mentioned, did  
3 not exist, and as though in these respects the same had  
4 been executed in full accordance with the laws of this  
5 state.

6

7 **34-26-101. Short title; definitions.**

8

9 (b) As used in this act:

10

11 (i) "Acknowledgment" means ~~a declaration by a~~  
12 ~~person that the person has freely and voluntarily executed~~  
13 ~~an instrument for the purposes stated therein and, if the~~  
14 ~~instrument is executed in a representative capacity, that~~  
15 ~~the person signed the instrument with proper authority and~~  
16 ~~executed it as the act of the person or entity represented~~  
17 ~~and identified therein and that the person acknowledges~~  
18 ~~that the instrument was executed and acknowledged freely~~  
19 ~~and voluntarily;~~ an act in which an individual at a single  
20 time and place:

21

22 (A) Appears in person before the notarial  
23 officer and presents a document;

24

1                   (B) Is personally known to the notarial  
2 officer or identified by the notarial officer through  
3 satisfactory evidence; and

4  
5                   (C) Indicates to the notarial officer that  
6 the signature on the document was voluntarily affixed by  
7 the individual for the purposes stated within the document  
8 and, if applicable, that the individual had due authority  
9 to sign in a particular representative capacity.

10  
11                   (iii) "Notarial act," ~~means any act that a~~  
12 ~~notarial officer of this state is authorized to perform,~~  
13 ~~and includes taking an acknowledgement, administering an~~  
14 ~~oath or affirmation, taking a verification upon oath or~~  
15 ~~affirmation, witnessing or attesting a signature,~~  
16 ~~certifying or attesting a copy and noting a protest of a~~  
17 ~~negotiable instrument;~~ "notarize" and "notarization" mean:

18  
19                   (A) Taking an acknowledgment;

20  
21                   (B) Administering an oath or affirmation;

22  
23                   (C) Taking a verification upon oath or  
24 affirmation;

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23

(D) Witnessing or attesting a signature;

(E) Certifying or attesting a copy;

(F) Noting a protest of a negotiable instrument;

(G) Performing a jurat; and

(H) Performing other acts so authorized by the laws of this state.

(iv) "Notarial officer" means ~~a notary public or other officer~~ any person authorized to perform notarial acts under W.S. 34-26-103;

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

(A) Appears in person before the notary;

1                   (B) Is personally known to the notary or  
2 identified by the notary through satisfactory evidence; and

3

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

7

8                   (vii) "Appears in person before the notarial  
9 officer" means that the person and the notarial officer are  
10 physically close enough to see, hear, communicate with and  
11 give identification documents to each other;

12

13                   (viii) "Commission" means both to empower to  
14 perform notarial acts and the written evidence of authority  
15 to perform those acts;

16

17                   (ix) "Commissioned notarial officer" means a  
18 person who has been issued a commission to perform notarial  
19 acts by the secretary of state. A commissioned notarial  
20 officer is a notary public;

21

22                   (x) "Credible witness" means an honest, reliable  
23 and impartial person who personally knows an individual  
24 appearing before a notarial officer and takes an oath or

1 affirmation from the notarial officer to vouch for that  
2 individual's identity;

3

4 (xi) "Journal of notarial acts" and "journal"  
5 mean a device for creating and preserving a chronological  
6 record of notarizations performed by a notarial officer;

7

8 (xii) "Jurat" means a notarial act in which an  
9 individual at a single time and place:

10

11 (A) Appears in person before the notarial  
12 officer and presents a document;

13

14 (B) Is personally known to the notarial  
15 officer or identified by the notarial officer through  
16 satisfactory evidence;

17

18 (C) Signs the document in the presence of  
19 the notarial officer; and

20

21 (D) Takes an oath or affirmation from the  
22 notarial officer vouching for the truthfulness or accuracy  
23 of the signed document.

24

1           (xiii) "Notarial certificate" and "certificate"  
2 mean the part of, or attachment to, a notarized document  
3 that is completed by the notarial officer, bears the  
4 notarial officer's signature and seal, states the facts  
5 attested by the notarial officer in a particular  
6 notarization and may be in the form set forth in W.S.  
7 34-26-108;

8  
9           (xiv) "Notary public" and "notary" mean any  
10 person commissioned under this act to be a notarial officer  
11 and perform notarial acts;

12  
13           (xv) "Oath" means a notarial act, or part  
14 thereof, which is legally equivalent to an affirmation and  
15 in which an individual at a single time and place:

16  
17           (A) Appears in person before the notarial  
18 officer;

19  
20           (B) Is personally known to the notarial  
21 officer or identified by the notarial officer through  
22 satisfactory evidence; and

23

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

4  
5                   (xvi) "Official misconduct" means:

6  
7                   (A) A notarial officer's performance of any  
8 act prohibited, or failure to perform any act mandated, by  
9 this act or by any other law in connection with a notarial  
10 act by the notarial officer; or

11  
12                   (B) A notarial officer's performance of an  
13 official act in a manner found by the secretary of state or  
14 a court of competent jurisdiction to be negligent or  
15 against the public interest.

16  
17                   (xvii) "Personal knowledge of identity",  
18 "personally known to the notarial officer" and "personally  
19 knows" mean familiarity with an individual resulting from  
20 interactions with that individual over a period of time  
21 sufficient to dispel any reasonable uncertainty that the  
22 individual has the identity claimed;

23  
24                   (xviii) "Principal" means:

1

2

(A) A person whose signature is notarized;

3 or

4

5

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

8

9

(xix) "Regular place of work or business" means a stationary office or workspace where one spends all or some of one's working or business hours;

12

13

(xx) "Satisfactory evidence", when referring to proof of identity, means identification of an individual based on:

16

17

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

19

20

(B) At least one (1) current document issued by a federal, state or tribal government agency bearing the photographic image of the individual's face and signature and a physical description of the individual,

23



1 though a properly stamped passport without a physical  
2 description is acceptable; or

3  
4 (C) The oath or affirmation of one (1)  
5 credible witness unaffected by the document or transaction  
6 who is personally known to the notarial officer and who  
7 personally knows the individual, or of two (2) credible  
8 witnesses unaffected by the document or transaction who  
9 each personally knows the individual and shows to the  
10 notarial officer documentary identification as described in  
11 subparagraph (B) of this paragraph.

12  
13 (xxi) "Seal" means a device for affixing on a  
14 document an image containing a notarial officer's name,  
15 jurisdiction, commission expiration date and other  
16 information related to the notarial officer's commission  
17 and identity;

18  
19 (xxii) "Verification of fact" means a notarial  
20 act in which a notarial officer reviews public or vital  
21 records to ascertain or confirm any of the following facts  
22 regarding a person:

23  
24 (A) Date of birth or death;

1

2

(B) Name of parent, offspring or sibling;

3

4

(C) Date of marriage or divorce; or

5

6

(D) Name of marital partner.

7

8

~~(vi)~~ (xxiii) "This act" means W.S. 34-26-101

9

through ~~34-26-109~~ 34-26-804.

10

11

**34-26-102. Notarial acts.**

12

13

(c) In witnessing or attesting a signature the

14

~~notarial officer~~ person making the signature shall

15

~~determine, either from personal knowledge or from~~

16

~~satisfactory evidence, that the signature is that of the~~

17

~~person appearing before the officer and named therein~~ be

18

personally known to the notarial officer or identified

19

through satisfactory evidence, shall appear in person

20

before the notarial officer and shall make the signature in

21

the presence of the notarial officer.

22

23

(d) In certifying or attesting a copy of a document

24

or other item, the notarial officer shall:

1

2

3

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23

(i) Be present with the document or other item which is neither a vital record, a public record nor publicly recordable;

(ii) Copy or supervise the copying of the document or other item using a photographic or electronic copying process; and

(iii) Determine that the proffered copy is a full, true and accurate transcription or reproduction of that which was copied.

**34-26-103. Notarial acts in Wyoming.**

(a) A notarial act may be performed within this state by the following persons:

(i) A ~~notary public of this state~~ person commissioned as a notarial officer;

(d) All persons authorized to perform notarial acts under subsection (a) of this section may perform such acts

1 without a commission except persons listed under paragraph  
2 (a)(i) of this section.

3  
4 **34-26-104. Notarial acts in other jurisdictions of**  
5 **the United States.**

6  
7 (a) A notarial act, including the acknowledgment of  
8 any deed, mortgage or conveyance, has the same effect under  
9 the law of this state as if performed by a notarial officer  
10 of this state, if performed in another state, commonwealth,  
11 territory, district or possession of the United States by  
12 any of the following persons:

13  
14 (i) A ~~notary public~~ notarial officer of that  
15 jurisdiction;

16  
17 **34-26-106. Foreign notarial acts.**

18  
19 (a) A notarial act, including the acknowledgment of  
20 any deed, mortgage or conveyance, has the same effect under  
21 the law of this state as if performed by a notarial officer  
22 of this state if performed within the jurisdiction of and  
23 under the authority of a foreign nation or its constituent

1 units or a multi-national or international organization by  
2 any of the following persons:

3

4 (i) A ~~notary public or notary~~ notarial officer;

5

6 **34-26-107. Certificate of notarial acts.**

7

8 (a) A notarial act shall be evidenced by a  
9 certificate signed and dated by a notarial officer. The  
10 certificate shall include identification of the  
11 jurisdiction in which the notarial act is performed and the  
12 title of the office of the notarial officer and may include  
13 the official stamp or seal of the office. If the officer is  
14 a ~~notary public~~ commissioned notarial officer, the  
15 certificate shall also indicate the date of expiration, if  
16 any, of the commission of office, but omission of that  
17 information may subsequently be corrected. If the officer  
18 is a commissioned officer on active duty in the military  
19 service of the United States, it shall also include the  
20 officer's rank.

21

22 **34.1-3-505. Evidence of dishonor.**

23

1           (b) A protest is a certificate of dishonor made by a  
2 United States consul or vice consul, or a ~~notary public~~  
3 notarial officer or other person authorized to administer  
4 oaths by the law of the place where dishonor occurs. It  
5 may be made upon information satisfactory to that person.  
6 The protest must identify the instrument and certify either  
7 that presentment has been made or, if not made, the reason  
8 why it was not made, and that the instrument has been  
9 dishonored by nonacceptance or nonpayment. The protest may  
10 also certify that notice of dishonor has been given to some  
11 or all parties.

12

13           **41-7-804. Creation; procedures generally.**

14

15           (a) The procedure for creating and incorporating a  
16 district under the provisions of this act shall be in  
17 accordance with the following method, to wit:

18

19           (i) A public irrigation district may be  
20 organized under the provisions of this act by filing in the  
21 office of the state engineer a petition in compliance with  
22 the requirements hereinafter set forth, and the approval of  
23 said petition by the state engineer of Wyoming as  
24 hereinafter provided. Said petition shall be addressed to

1 said state engineer and state in substance that it is the  
2 intent and purpose of the petitioners by said petition to  
3 create a district under the provisions of this act, subject  
4 to approval by said state engineer. Said petition must  
5 contain: (A) the name of the proposed district. If the  
6 proposed district is to engage in the business of owning or  
7 operating irrigation works, such name shall include the  
8 words "public irrigation district." If the proposed  
9 district is also to engage in the business of acquiring,  
10 manufacturing or selling or distributing electric power,  
11 the name of the proposed district shall include the words  
12 "public irrigation and power district"; (B) the object and  
13 purpose of the system proposed to be constructed, together  
14 with a general description of the nature, location and  
15 method of operation of proposed irrigation works, and of  
16 proposed power systems if owning and operating power plants  
17 or systems is to be a part of the business of the proposed  
18 district; (C) a description of the lands constituting the  
19 proposed district and of the boundaries thereof; (D) the  
20 location of the principal place of business of the proposed  
21 district; (E) a statement that the proposed district shall  
22 not have the power to levy taxes; (F) the names and  
23 addresses of the members of the board of directors of the  
24 proposed district (not less than five (5) nor more than

1 thirteen (13)) who shall serve until their successors are  
2 elected and qualified as provided for in this act. In the  
3 petition, the directors named shall be divided as nearly as  
4 possible into three (3) equal groups, the members of the  
5 first group to hold office until their successors, elected  
6 at the first district election thereafter, shall have  
7 qualified; the members of the second group to hold office  
8 until their successors, elected at the second district  
9 election thereafter, shall have qualified, and the members  
10 of the third group to hold office until their successors,  
11 elected at the third district election thereafter, shall  
12 have qualified. Thereafter all directors elected shall  
13 serve for a term of three (3) years and until their  
14 successors are elected and qualified. After the name of  
15 each director shall be stated to which of said three (3)  
16 groups he belongs. Said petition must be signed by twenty-  
17 five percent (25%) of the freeholders or entrymen of the  
18 area constituting said proposed district, or by their duly  
19 authorized representatives. On each petition, set opposite  
20 the signature of each petitioner, shall be stated his or  
21 her name and post-office address. To each sheet for  
22 petitioners' signatures shall be attached a full and  
23 correct copy of the petition. Every sheet of every such  
24 petition containing signatures shall have upon it and below



1 the signatures an affidavit by the circulator in  
2 substantially the following form:

3 State of Wyoming )

4 ) ss

5 County of .... )

6

7 ...., being first duly sworn, deposes and says, that  
8 he is the circulator of the foregoing petition containing  
9 .... signatures; that each person whose name appears on  
10 said petition sheet personally signed said petition in the  
11 presence of affiant; that he believes that each of said  
12 signers is a freeholder of land to be included within the  
13 proposed district residing at the address written opposite  
14 his or her name, and that affiant stated to every  
15 petitioner before he or she affixed his or her signature  
16 the legal effect and nature of said petition.

17

18 .....

19 Circulator

20

21 Subscribed and sworn to before me this .... day of ....,  
22 (year).

23

24 .....

1 ~~Notary Public~~ Notarial Officer;

2

3

4       **Section 3.** W.S. 18-3-402(a)(xvi)(D), 32-1-101 through  
5 32-1-113 and 34-26-102(h) are repealed.

6

7       **Section 4.** This act is effective July 1, 2009.

8

9

(END)