

SENATE FILE NO. SF0029

Revised uniform law on notarial acts.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

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

8

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

10

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

13

14

CHAPTER 3

15

NOTARIES PUBLIC

1

2

ARTICLE 1

3

WYOMING REVISED UNIFORM NOTARIAL ACT

4

5

32-3-101. Short title.

6

7

This act may be cited as the "Wyoming Revised Uniform Law

8

on Notarial Acts."

9

10

32-3-102. Definitions.

11

12

(a) As used in this act:

13

14

(i) "Acknowledgment" means a declaration by a

15

principal before a notarial officer that the principal has

16

knowingly and willingly signed a record for the purposes

17

stated in the record and, if the record is signed in a

18

representative capacity, that the principal signed the

19

record with proper authority, signed it as the act of the

20

principal or entity identified in the record and

21

acknowledges that the record was executed and acknowledged

22

knowingly and willingly;

23

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

4
5 (A) Is identified by the notarial officer
6 through satisfactory evidence; and

7
8 (B) Makes a vow of truthfulness or fidelity
9 on penalty of perjury, based on personal honor and without
10 invoking a deity or using any form of the word "swear".

11
12 (iii) "Appearing before," "in the presence of,"
13 "personal appearance" and "personally appear" mean being in
14 the same physical location as another person and close
15 enough to see, hear, communicate with and exchange
16 identification credentials with that person or interacting
17 with another remotely located person by means of an
18 electronic notarization system or other form of
19 communication technology in compliance with this act;

20
21 (iv) "Commission" means both to empower to
22 perform notarial acts and the written evidence of authority
23 to perform those acts;

1

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

4

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

8

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

13

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

18

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

1

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

8

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

12

13 (x) "Electronic notarization system" is a
14 specific form of communication technology which utilizes a
15 set of applications, programs, hardware, software or
16 technologies designed to enable a notarial officer to
17 perform electronic notarizations that renders every
18 electronic notarial act tamper evident through the use of a
19 security procedure, verifies the identity of a remotely
20 located person through identity proofing or a dynamic
21 knowledge based authentication assessment and that meets
22 the necessary requirements as determined by the secretary
23 of state;

1

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

5

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

10

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

14

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

21

22 (xv) "Identity proofing" means a process or
23 service, if required by an electronic notarization system

1 or other form of communication technology, by which a third
2 person provides a notarial officer with a means to verify
3 the identity of a remotely located person by:

4

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

7

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

11

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

14

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

18

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

22

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

3

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

6

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

10

11 (xviii) "Notarial act" means an act, whether
12 performed with respect to a tangible or electronic record,
13 that a notarial officer may perform under the law of this
14 state. The term includes taking an acknowledgment,
15 administering an oath or affirmation, taking a verification
16 on oath or affirmation, or jurat, witnessing or attesting a
17 signature, certifying or attesting a copy and noting a
18 protest of a negotiable instrument;

19

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

22

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

3

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

7

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

10

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

14

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

19

20 (xxiii) "Outside the United States" means a
21 location outside the geographic boundaries of the United
22 States, Puerto Rico or the United States Virgin Islands and

1 any territory, insular possession or other location subject
2 to the jurisdiction of the United States;

3

4 (xxiv) "Person" means an individual,
5 corporation, business trust, statutory trust, estate, trust,
6 partnership, limited liability company, association, joint
7 venture, public corporation, government or governmental
8 subdivision, agency, instrumentality or any other legal or
9 commercial entity;

10

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

17

18 (xxvi) "Principal" means:

19

20 (A) A person whose signature is notarized;

21 or

22

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

4

5 (xxvii) "Record" means information that is
6 inscribed on a tangible medium or that is stored in an
7 electronic or other medium and is retrievable in
8 perceivable form;

9

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

15

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

21

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

1

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

6

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

9

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

12

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

16

17 (III) By a verification on oath or
18 affirmation of a credible witness personally appearing
19 before the officer and known to the officer or whom the
20 officer can identify upon inspection of an identification
21 credential in accordance with W.S. 32-3-102(xiv).

22

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

12

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

15

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

17 or

18

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

21

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

4

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

10

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

16

17 (xxxvi) "Stamping device" means:

18

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

21

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

4

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

9

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

12

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

19

20 (xl) "This act" means W.S. 32-3-101 through
21 32-3-131.

22

23 **32-3-103. Applicability.**

1

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

4

5 **32-3-104. Authority to perform; venue for notarial**
6 **acts; reciprocity.**

7

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

12

13 (b) A commission to act as a notary public authorizes
14 the notary public to perform notarial acts in any county in
15 this state or in any bordering state if the border state
16 recognizes the officer's authority within that state. The
17 commission does not provide the officer any immunity or
18 benefit conferred by the laws of this state on public
19 officials or employees. If performing an allowable
20 notarization in a bordering state, a Wyoming notary public
21 shall adhere to the laws and rules of Wyoming.

22

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

4

5 **32-3-105. Notarial acts in this state.**

6

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

8

9 (i) A notary public of this state;

10

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

13

14 (iii) A district court commissioner;

15

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

18

19 (v) A part-time magistrate as authorized by W.S.

20 5-9-212; or

21

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

1

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

6

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

11

12 **32-3-106. Notarial acts in another state.**

13

14 (a) A notarial act, including the acknowledgment of
15 any deed, mortgage or conveyance, performed in another
16 state has the same effect under the law of this state as if
17 performed by a notarial officer of this state, if the act
18 performed in that state is performed by:

19

20 (i) A notary public of that state;

21

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

1

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

4

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

9

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

14

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

19

20 **32-3-107. Notarial acts under authority of federally**
21 **recognized Indian tribe.**

22

1 (a) A notarial act, including the acknowledgment of
2 any deed, mortgage or conveyance, performed under the
3 authority and in the jurisdiction of a federally recognized
4 Indian tribe has the same effect as if performed by a
5 notarial officer of this state, if the act performed in the
6 jurisdiction of the tribe is performed by:

7

8 (i) A notary public of the tribe;

9

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

12

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

15

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

21

22 (c) The signature and title of a notarial officer
23 described in paragraph (a)(i) or (ii) of this section

1 conclusively establish the authority of the officer to
2 perform the notarial act.

3

4 **32-3-108. Notarial acts under federal authority.**

5

6 (a) A notarial act, including the acknowledgment of
7 any deed, mortgage or conveyance, performed under federal
8 law has the same effect under the law of this state as if
9 performed by a notarial officer of this state, if the act
10 performed under federal law is performed by:

11

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

13

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

18

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

22

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

3

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

8

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

13

14 **32-3-109. Foreign notarial act.**

15

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

23

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

7

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

12

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

18

19 (e) A consular authentication issued by an individual
20 designated by the United States Department of State as a
21 notarizing officer for performing notarial acts overseas
22 and attached to the record with respect to which the
23 notarial act is performed conclusively establishes that the

1 signature of the notarial officer is genuine and that the
2 officer holds the indicated office.

3

4 **32-3-110. Certificate of Authentication.**

5

6 (a) The secretary of state or his designee may sign
7 and issue a certificate of authentication or an apostille
8 evidencing the origin of a public document or the
9 authentication of the official stamp or signature of the
10 person or authority in this state that stamped or signed
11 the document.

12

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

15

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

20

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

23

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

3

4 (ii) A record:

5

6 (A) Regarding allegiance to a government or
7 jurisdiction;

8

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

12

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

16

17 **32-3-111. Requirements for certain notarial acts.**

18

19 (a) A notarial officer who takes an acknowledgment of
20 a record shall determine from satisfactory evidence of the
21 identity of the principal that the principal appearing
22 before the notarial officer and making the acknowledgment
23 has the identity claimed and that the signature on the

1 record is the signature of the principal and was made
2 knowingly and willingly for the purposes intended.

3

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

12

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

19

20 (d) A notarial officer who takes an acknowledgment or
21 witnesses a signature of a principal who signs a record in
22 a representative capacity shall determine from satisfactory
23 evidence of the identity of the principal that the

1 principal appearing before the notarial officer has the
2 identity claimed and from the record, personal knowledge or
3 presentment of an official record that the principal holds
4 the title or capacity claimed and has knowingly and
5 willingly signed the record in that capacity for the
6 purposes intended.

7

8 (e) A notarial officer who certifies or attests a
9 copy of a record or an item that was copied shall determine
10 that the copy is a full, true and accurate transcription or
11 reproduction of the original or official record or the
12 item. A notarial officer may certify that a tangible copy
13 of an electronic record is an accurate copy of the
14 electronic record and shall comply with W.S.
15 32-3-123(a)(iv) regarding certification or attestation of a
16 copy of a record or item.

17

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

21

22 (g) A notarial officer who administers an oath or
23 affirmation shall determine from satisfactory evidence of

1 the identity of the person that the person appearing before
2 the notarial officer and taking the oath or affirmation has
3 the identity claimed and is knowingly and willingly making
4 the statement with the intent to be bound by the statement.

5

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

16

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

20

21 (i) In this state;

22

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

3

4 (iii) Outside the United States if:

5

6 (A) The act of making the statement or
7 signing the record is not prohibited by the foreign state
8 in which the remotely located individual is located; and

9

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

11

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

16

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

19

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

22

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

3

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

7

8 (ii) The notarial officer:

9

10 (A) Identifies the principal through
11 satisfactory evidence;

12

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

15

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

20

21 (D) Is satisfied that the quality of the
22 electronic notarization system or other form of
23 communication technology is sufficient to make the

1 determinations required for the notarial act under this
2 chapter and any other applicable law of this state.

3

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

7

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

11

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

17

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

21

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

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

3

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

10

11 **32-3-112. Authority to refuse to perform notarial**
12 **acts.**

13

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

16

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

20

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

23

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

5

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

10

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

14

15 **32-3-113. Signature if principal unable to sign.**

16

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

19

20 (i) In the presence of the notarial officer and
21 one (1) witness unaffected by the record, direct the
22 witness to sign the principal's name on the record. The
23 notarial officer shall insert "Signature affixed by (name

1 of witness) at the direction of (name of principal)" or
2 words of similar import under or near the signature; or

3

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

12

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

19

20 (c) A notarial officer shall identify any witness
21 through satisfactory evidence and a notary public's journal
22 shall reflect an entry for both the principal and all
23 witnesses involved in the notarial act.

1

2 **32-3-114. Certificate of notarial act.**

3

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

6

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

9

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

12

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

17

18 (iv) Specify the notarial act being performed;

19

20 (v) Be signed and dated by the notarial officer.

21 If the notarial officer's signature is required to be on
22 file with the secretary of state, the certificate shall be
23 signed in the same manner as on file;

1

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

4

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

8

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

11

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

15

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

23

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

4

5 (i) Is in a short form set forth in W.S.
6 32-3-115;

7

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

10

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

14

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

19

20 (f) By executing a certificate of a notarial act, a
21 notarial officer certifies that the officer has complied
22 with the requirements and made the determinations specified
23 in this act.

1

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

5

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

11

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

22

1 (k) Any changes or corrections shall be dated and
2 initialed by the notarial officer and a corresponding
3 notation of the changes shall be made in the journal
4 record, if applicable. Only the officer who performed the
5 notarization may make or authorize a change or correction
6 to a previously completed certificate. If an officer
7 authorizes a third party to change or correct the
8 information included or omitted on a previously completed
9 certificate, the authorization shall be granted in writing
10 and a copy of the message authorizing the change and a copy
11 of the changed certificate shall be attached to the
12 officer's journal record, if applicable, for that
13 transaction.

14

15 **32-3-115. Short form certificates.**

16

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

20

21 (i) For an acknowledgment in an individual
22 capacity:

23

1 State of _____

2

3 County of _____

4

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

7

8 _____

9

10 (Stamp) (Signature of notarial officer)

11

12 _____

13

14 Title (and Rank)

15

16 [My commission expires:]

17

18 (ii) For an acknowledgment in an representative
19 capacity:

20

21 State of _____

22

23 County of _____

1

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

6

7 _____

8

9 (Stamp) (Signature of notarial officer)

10

11 _____

12

13 Title (and Rank)

14

15 [My commission expires:]

16

17 (iii) For a verification on oath or affirmation:

18

19 State of _____

20

21 County of _____

22

1 Signed and sworn to (or affirmed) before me on (date) by
2 (name(s) of person(s) making statement)

3

4 _____

5

6 (Stamp) (Signature of notarial officer)

7

8 _____

9

10 Title (and Rank)

11

12 [My commission expires:]

13

14 (iv) For witnessing or attesting a signature:

15

16 State of _____

17

18 County of _____

19

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

22

23 _____

1

2 (Stamp)

(Signature of notarial officer)

3

4 _____

5

6 Title (and Rank)

7

8 [My commission expires:]

9

10 (v) For certifying a copy of a record:

11

12 State of _____

13

14 County of _____

15

16 I certify that this is a true and correct copy of a record

17 in the possession of .

18

19 Dated _____

20

21 _____

22

23 (Stamp)

(Signature of notarial officer)

1

2 _____

3

4 Title (and Rank)

5

6 [My commission expires:]

7

8 **32-3-116. Official signature and stamp.**

9

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

12

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

15

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

18

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

21

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

1

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

5

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

9

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

12

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

16

17 (A) Be rectangular in shape and
18 approximately one (1) inch in width by two and one-half (2
19 1/2) inches in length;

20

21 (B) Be in blue or black ink;

22

23 (C) Have a border outline;

1

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

4

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

7

8 (II) The words "Notary Public";

9

10 (III) The words "State of Wyoming";

11

12 (IV) The notary public's
13 identification number;

14

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

18

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

21

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

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

3

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

10

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

13

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

18

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

22

23 **32-3-117. Stamping device.**

1

2 (a) A notary public is the sole owner of the notary
3 public's stamping device, is responsible for the security
4 of the notary public's stamping device and may not allow
5 another individual to use the device to perform a notarial
6 act. On resignation from, or the revocation or expiration
7 of, the notary public's commission, or on the expiration of
8 the date set forth in the stamping device, the notary
9 public shall disable the stamping device by destroying,
10 defacing, damaging, erasing or securing it against use in a
11 manner that renders it unusable. On the death or
12 adjudication of incompetency of a notary public, the notary
13 public's personal representative or guardian or any other
14 person knowingly in possession of the stamping device shall
15 render it unusable by destroying, defacing, damaging,
16 erasing or securing it against use in a manner that renders
17 it unusable.

18

19 (b) If a notary public's stamping device is lost or
20 stolen, the notary public or the notary public's personal
21 representative or guardian shall promptly notify the
22 secretary of state in a manner set forth by the secretary

1 of state upon discovering that the device is lost or
2 stolen.

3

4 **32-3-118. Audiovisual recordings; journal; security.**

5

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

10

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

14

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

19

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

23

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

5

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

12

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

22

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

5

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

10

11 (k) On the death or adjudication of incompetency of a
12 current or former notary public, the notary public's
13 personal representative or guardian or any other person
14 knowingly in possession of the notary public's journal or
15 audiovisual recordings may transmit all journals and
16 recordings to the secretary of state.

17

18 **32-3-119. Acceptance of tangible copy of electronic**
19 **record.**

20

21 A recorder may accept for recording a tangible copy of an
22 electronic record containing a notarial certificate as
23 satisfying any requirement that a record accepted for

1 recording be an original, if the notarial officer executing
2 the notarial certificate certifies that the tangible copy
3 is an accurate copy of the electronic record.

4

5 **32-3-120. Notary public commissions and renewals;**
6 **qualification; no immunity or benefit.**

7

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

10

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

12

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

16

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

21

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

1

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

4

5 (b) To be eligible for a new or renewed commission,
6 an applicant shall pass an examination and shall meet the
7 education requirements as provided in rule and in W.S.
8 32-3-121 and shall not have been disqualified as provided
9 in W.S. 32-3-122.

10

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

14

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

17

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

20

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

22

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

4

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

7

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

12

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

16

17 (g) A commission to act as a notary public authorizes
18 the notary public to perform notarial acts. Before a notary
19 public performs the notary public's initial notarial act
20 with respect to an electronic record, or a remotely located
21 person, a notary public shall notify the secretary of state
22 that the notary public will perform notarial acts with
23 respect to electronic records or a remotely located person

1 and identify the electronic notarization systems or other
2 forms of communication technology the notary public intends
3 to use.

4

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

8

9 **32-3-121. Examination and education of notary public.**

10

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

17

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

23

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

7

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

12

13 **32-3-122. Grounds to deny, refuse to renew, revoke,**
14 **suspend or condition commission of a notary public.**

15

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

19

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

22

23 (ii) Pay the application filing fee.

1

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

7

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

12

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

16

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

21

22 (iv) Failure by the notary public to discharge
23 any duty required of a notary public, whether by this act,

1 rules of the secretary of state, or any federal or state
2 law;

3

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

7

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

11

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

15

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

19

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

1

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

7

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

13

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

19

20 (f) If the secretary of state denies, refuses to
21 renew, revokes, suspends or imposes conditions on a
22 commission as a notary public, the applicant or notary

1 public is entitled to contest the action in accordance with
2 the Wyoming Administrative Procedure Act.

3

4 **32-3-123. Prohibited acts; penalties.**

5

6 (a) A notarial officer shall not:

7

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

12

13 (ii) Notarize the officer's own signature;

14

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

18

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

1

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

5

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

9

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

13

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

16

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

20

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

23

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

3
4 (ii) Act as an immigration consultant or an
5 expert on immigration matters;

6
7 (iii) Represent a person in a judicial or
8 administrative proceeding relating to immigration to the
9 United States, United States citizenship or related
10 matters; or

11
12 (iv) Receive compensation for performing any of
13 the activities listed in this subsection.

14
15 (c) A notary public shall not engage in false or
16 deceptive advertising.

17
18 (d) A notary public, other than an attorney licensed
19 to practice law in this state, shall not use the term
20 "notario" or "notario publico".

21
22 (e) A notary public, other than an attorney licensed
23 to practice law in this state, shall not advertise or

1 represent that the notary public may assist persons in
2 drafting legal records, give legal advice or otherwise
3 practice law. If a notary public who is not an attorney
4 licensed to practice law in this state in any manner
5 advertises or represents that the notary public offers
6 notarial services, whether orally or in a record, including
7 broadcast media, print media and the internet, the notary
8 public shall include the following statement, or an
9 alternate statement authorized or required by the secretary
10 of state, in the advertisement or representation,
11 prominently and in each language used in the advertisement
12 or representation: "I am not an attorney licensed to
13 practice law in this state. I am not allowed to draft
14 legal records, give advice on legal matters, including
15 immigration, or charge a fee for those activities". If the
16 form of advertisement or representation is not broadcast
17 media, print media or the internet and does not permit
18 inclusion of the statement required by this subsection
19 because of size, it must be displayed prominently or
20 provided at the place of performance of the notarial act
21 before the notarial act is performed.

22

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

5

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

10

11 **32-3-124. Validity of notarial acts.**

12

13 The failure of a notarial officer to perform a duty or meet
14 a requirement specified in this act does not invalidate a
15 notarial act performed by the notarial officer. The
16 validity of a notarial act in this act does not prevent an
17 aggrieved person from seeking to invalidate the record or
18 transaction that is the subject of the notarial act or from
19 seeking other remedies based on the law of this state other
20 than this act or law of the United States. This section
21 does not validate a purported notarial act performed by an
22 individual who does not have the authority to perform
23 notarial acts.

1

2 **32-3-125. Rulemaking authority.**

3

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

7

8 **32-3-126. Notarial officer fees.**

9

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

13

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

15

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

18

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

1

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

5

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

9

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

14

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

17

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

21

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

4

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

9

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

13

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

17

18 (i) The act was completed;

19

20 (ii) In the case of technology fees paid in
21 compliance with this section, the act was not completed due
22 to the principal failing to pass knowledge based
23 authentication or identity proofing that may be required by

1 an electronic notarization system or other form of
2 communication technology, whether due to fraud or innocent
3 reasons; or

4

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

9

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

13

14 **32-3-127. Change of name or contact information.**

15

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

20

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

23

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

3

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

5

6 **32-3-128. Notary public commission in effect.**

7

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

15

16 **32-3-129. Savings clause.**

17

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

20

21 **32-3-130. Uniformity of application and construction.**

22

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

4

5 **32-3-131. Relation to electronic signatures in Global**
6 **and National Commerce Act.**

7

8 This act modifies, limits and supersedes the Electronic
9 Signatures in Global and National Commerce Act, 15 U.S.C.
10 Section 7001 et seq., but does not modify, limit or
11 supersede Section 101(c) of that act, 15 U.S.C. Section
12 7001(c) or authorize electronic delivery of any of the
13 notices described in Section 103(b) of that act, 15 U.S.C.
14 Section 7003(b).

15

16 **Section 2.** W.S. 1-2-102(b), 6-5-114, 8-1-102(a)(xiv),
17 9-1-303(e), 9-1-305(a)(i) and (iii) and 34-1-113 are
18 amended to read:

19

20 **1-2-102. Officers authorized to administer.**

21

22 (b) Except for notarial officers, officers listed in
23 this section are authorized to administer oaths, but are

1 not authorized to perform other notarial acts as defined in
2 W.S. ~~34-26-101(b)(iii)~~32-3-102(a)(xviii), unless specified
3 otherwise in W.S. ~~34-26-103(a)~~32-3-105(a).

4

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

7

8 A notarial officer commits a misdemeanor punishable by
9 imprisonment for not more than six (6) months, a fine of
10 not more than seven hundred fifty dollars (\$750.00), or
11 both, if he signs and affixes his ~~seal~~stamp to a
12 certificate of acknowledgment when the party executing the
13 instrument has not first acknowledged the execution of the
14 instrument in the presence of, as defined in W.S.
15 ~~34-26-101(b)(xxi)~~32-3-102(a)(iii), the notarial officer,
16 if by law the instrument is required to be recorded or
17 filed and cannot be filed without a certificate of
18 acknowledgment signed and sealed by a notarial officer.

19

20 **8-1-102. Definitions.**

21

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

4

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

8

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

13

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

17

18 **9-1-305. Fees; amounts; collection; exceptions.**

19

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

22

1 (i) Except as provided in W.S. ~~32-1-114(e)~~
2 32-3-110(c), certificate and seal, three dollars (\$3.00);

3

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

6

7 **34-1-113. Acknowledgment of conveyances; generally.**

8

9 Execution of deeds, mortgages or other conveyances of
10 lands, or any interest in lands, shall be acknowledged by
11 the party or parties executing same, before any notarial
12 officer. The notarial officer taking such acknowledgment
13 shall comply with the requirements of W.S. ~~34-26-107~~
14 32-3-109.

15

16 **Section 3.** W.S. 32-1-101 through 32-1-114 and W.S.
17 34-26-101 through 34-26-304 are repealed.

18

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

21

22 **Section 5.**

23

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

3

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

8

9

(END)