

HOUSE BILL NO. HB0036

Notaries.

Sponsored by: Representative(s) Gingery, Brown, Buchanan, Illoway 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 amending and repealing laws on notaries public; adopting
4 provisions of the Model Notary Act; amending notary related
5 statutes; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 34-26-201 through 34-26-208 and
10 34-26-301 through 34-26-304 are created to read:

11

ARTICLE 2

12

POWERS OF NOTARIAL OFFICERS

13

14

15 **34-26-201. Powers and prohibitions.**

16

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

3

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

6

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

9

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

13

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

18

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

21

22 (c) A notarial officer may certify the affixation of
23 a signature by mark on a document presented for
24 notarization if:

1

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

5

6 (ii) Both witnesses sign their own names beside
7 the mark;

8

9 (iii) The notarial officer writes below the
10 mark: "Mark affixed by (name of signer by mark) in presence
11 of (names and addresses of witnesses) and undersigned
12 notarial officer under W.S. 34-26-201(c)"; and

13

14 (iv) The notarial officer notarizes the
15 signature by mark through an acknowledgment, jurat or
16 signature witnessing.

17

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

21

22 (i) The person directs the notarial officer to
23 do so in the presence of two (2) witnesses unaffected by
24 the document;

1

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

4

5 (iii) Both witnesses sign their own names beside
6 the signature;

7

8 (iv) The notarial officer writes below the
9 signature: "Signature affixed by notarial officer in the
10 presence of (names and addresses of person and two (2)
11 witnesses) under W.S. 34-26-201(d)"; and

12

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

15

16 (e) It shall be lawful for any notarial officer who
17 is a stockholder, director, officer or employee of a bank
18 or other corporation to take the acknowledgment of any
19 party to any written instrument executed to or by said
20 corporation, or to administer an oath to any other
21 stockholder, director, officer, employee or agent of such
22 corporation, or to protest for nonacceptance, or
23 nonpayment, bills of exchange, drafts, checks, notes and

1 other negotiable instruments which may be owned or held for
2 collection by any such bank or other corporation.

3

4 **34-26-202. Disqualifications.**

5

6 (a) A notarial officer is disqualified from
7 performing a notarial act if the notarial officer:

8

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

11

12 (ii) Will receive as a direct or indirect result
13 any commission, fee, advantage, right, title, interest,
14 cash, property or other consideration exceeding in value
15 the fees specified in W.S. 34-26-302;

16

17 (iii) Is a spouse, ancestor, descendant or
18 sibling of the principal, including in-law, step or half
19 relative; or

20

21 (iv) Is an attorney who has prepared, explained
22 or recommended to the principal the document that is to be
23 notarized.

24

1 (b) Notwithstanding paragraph (a)(ii) of this
2 section, a notarial officer may collect a fee for an
3 assignment as a signing agent if payment of that fee is not
4 contingent upon the signing of any document.

5

6 **34-26-203. Refusal to notarize.**

7

8 (a) Unless required by W.S. 34-26-201(b)(iii) or
9 (iv), a notarial officer shall not refuse to perform a
10 notarial act based on the principal's status as a nonclient
11 or noncustomer of the notarial officer or the officer's
12 employer.

13

14 (b) A notarial officer shall perform any notarial act
15 described in W.S. 34-26-101(b)(iii) for any person
16 requesting such an act who tenders the appropriate fee,
17 unless:

18

19 (i) The notarial officer knows or has good
20 reason to believe that the notarial act or the associated
21 transaction is unlawful;

22

23 (ii) The act is prohibited under W.S.
24 34-26-201(b); or

1

2 (iii) The number of notarial acts requested
3 practicably precludes completion of all acts at once, in
4 which case the notarial officer shall arrange for later
5 completion of the remaining acts.

6

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

10

11 **34-26-204. Avoidance of influence.**

12

13 (a) While acting as a notarial officer, a notarial
14 officer shall not influence a person either to enter into
15 or avoid a transaction involving a notarial act by the
16 notarial officer, except that the notarial officer may
17 advise against a transaction if W.S. 34-26-201(b) applies.

18

19 (b) In his capacity as a notarial officer, a notarial
20 officer has neither the duty nor the authority to
21 investigate, ascertain or attest the lawfulness, propriety,
22 accuracy or truthfulness of a document or transaction
23 involving a notarial act.

24

1 **34-26-205. False certificate.**

2

3 (a) A notarial officer shall not execute a
4 certificate containing information known or believed by the
5 notarial officer to be false.

6

7 (b) A notarial officer shall not affix an official
8 signature or seal on a notarial certificate that is
9 incomplete.

10

11 (c) A notarial officer shall not provide or send a
12 signed or sealed notarial certificate to another person
13 with the understanding that it will be completed or
14 attached to a document outside of the notarial officer's
15 presence.

16

17 **34-26-206. Improper documents.**

18

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

21

22 (i) On a blank or incomplete document; or

23

1 (ii) On a document without notarial certificate
2 wording.

3

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

6

7 **34-26-207. Intent to deceive.**

8

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

11

12 **34-26-208. Testimonials.**

13

14 A notarial officer shall not use the official notarial
15 officer title or seal to endorse, promote, denounce or
16 oppose any product, service, contest, candidate or other
17 offering.

18

19 **ARTICLE 3**

20 **NOTARIAL OFFICER FEES**

21

22 **34-26-301. Imposition and waiver of fees.**

23

1 For performing a notarial act, a notarial officer may
2 charge the maximum fee specified in W.S. 34-26-302, charge
3 less than the maximum fee or waive the fee.

4

5 **34-26-302. Fees for notarial acts.**

6

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

9

10 (i) For taking an acknowledgment, two dollars
11 (\$2.00) per signature;

12

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

15

16 (iii) For jurats, two dollars (\$2.00) per
17 signature;

18

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

21

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

24

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

3

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

6

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

9

10 (i) The notarial officer and the person
11 requesting the notarial act agree upon the travel fee in
12 advance of the travel; and

13

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

18

19 **34-26-303. Payment prior to act.**

20

21 (a) A notarial officer may require payment of any
22 fees specified in W.S. 34-26-302 prior to performance of a
23 notarial act.

24

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

3

4 (i) The act was completed; or

5

6 (ii) In the case of travel fees paid in
7 compliance with W.S. 34-26-302(b), the act was not
8 completed for reasons stated in W.S. 34-26-203(b)(i) or
9 (ii) after the notarial officer had traveled to meet the
10 principal.

11

12 **34-26-304. Fees of employee notarial officer.**

13

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

17

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

21

22 (c) A governmental employer who has absorbed an
23 employee's costs in becoming or operating as a notarial
24 officer shall require any fees collected for notarial acts

1 performed as part of the employee's employment either to be
2 waived or surrendered to the employer to support public
3 programs.

4
5 **Section 2.** W.S. 1-2-102(a) by creating a new
6 paragraph (xv) and (b), 2-11-105(a), 6-5-114,
7 9-1-305(a)(iii), 29-7-202(a), 32-1-105 by creating a new
8 subsection (e), 34-2-133(a), 34-5-101, 34-5-104,
9 34-26-101(b)(i), (iii), (iv) and by creating new paragraphs
10 (vii) through (xxii), 34-26-102(c) and (d), 34-26-103(a)(i)
11 and by creating a new subsection (d), 34-26-104(a)(i),
12 34-26-106(a)(i), 34-26-107(a) and (c), 34.1-3-505(b) and
13 41-7-804(a)(i) are amended to read:

14

15 **1-2-102. Officers authorized to administer.**

16

17 (a) The following officers are authorized to
18 administer oaths:

19

20 (xv) Notarial officers.

21

22 (b) Officers listed in this section are authorized to
23 administer oaths, but are not authorized to perform other

1 notarial acts as defined in W.S. 34-26-101(b)(iii), unless
2 specified otherwise in W.S. ~~32-1-105(c)~~ or 34-26-103(a).

3

4 **2-11-105. Procedure when foreign law does not require**
5 **probate; filing, recording and effect.**

6

7 (a) When a duly authenticated copy of a will from any
8 state or country where probate is not required by the laws
9 of the state or country, with a duly authenticated
10 certificate of the legal custodian of the original will
11 that the same is a true copy and that the will has become
12 operative by the laws of the state or country, and when a
13 copy of a notarial will in possession of a ~~notary~~ notarial
14 officer in a foreign state or country entitled to the
15 custody thereof (the laws of which state or country require
16 that the will remain in the custody of the ~~notary~~ notarial
17 officer), duly authenticated by the ~~notary~~ notarial
18 officer, is presented by the executor or other persons
19 interested to the proper court in this state, the court
20 shall take the proofs as may be appropriate.

21

22 **6-5-114. Notarial officers; issuance of certificate**
23 **without proper acknowledgment; penalties.**

24

1 A ~~notary public~~ notarial officer commits a misdemeanor
2 punishable by imprisonment for not more than six (6)
3 months, a fine of not more than seven hundred fifty dollars
4 (\$750.00), or both, if he signs and affixes his seal to a
5 certificate of acknowledgment when the party executing the
6 instrument has not first acknowledged the execution of the
7 instrument before the ~~notary public~~ notarial officer, if by
8 law the instrument is required to be recorded or filed and
9 cannot be filed without a certificate of acknowledgment
10 signed and sealed by a ~~notary public~~ notarial officer.

11

12 **9-1-305. Fees; amounts; collection; exceptions.**

13

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

16

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

19

20 **29-7-202. Notice of lien to be filed; time and place;**
21 **form; filing by county clerk; release; renewal.**

22

23 (a) A notice of a breeder's lien shall within ninety
24 (90) days after the date of the service be filed in the

1 office of the secretary of state. The notice shall be in
2 the following format:

3

4 Notice of Breeder's Lien.

5

6 The State of Wyoming)

7) ss.

8 County of)

9

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

13

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

17

18 The above services were rendered at the request of
19 (for and on behalf of), the lawful owner of the
20 female animals.

21

22 The fee agreed upon for these services was dollars.

23

1 There is now due to from for these services, the
2 sum of dollars.

3

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

7

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

10

11

12 ~~Notary Public~~ Notarial Officer.

13

14 **32-1-105. Powers and jurisdiction.**

15

16 (e) In addition to the powers and authority granted
17 to notaries by this chapter, every notary receiving a
18 commission under this chapter shall be a notarial officer
19 and have the powers and authority vested by the Wyoming
20 Uniform Law on Notarial Acts, W.S. 34-26-101 through
21 34-26-304.

22

23 **34-2-133. Tax deeds; possession and affidavits of**
24 **possession.**

1

2 (a) Possession by the grantee for a continuous period
3 of not less than six (6) months at any time after one (1)
4 year and six (6) months have elapsed since the date of
5 recording the tax deed extinguishes forever all the claims,
6 right, title and interest, including the right to
7 possession, of the former owner, and vests in the grantee
8 any title conveyed or purportedly conveyed by the tax deed.
9 Proof of possession by the grantee and the record of the
10 tax deed constitutes conclusive evidence of the legality
11 and effectiveness of the deed and any proceedings upon
12 which the deed is based, and of the title of the grantee.
13 As a means of proving possession and preserving evidence of
14 possession under a tax deed, the then owner or holder of
15 the title conveyed or purportedly conveyed by the tax deed
16 may, at any time after two (2) years from the date of
17 recording of the tax deed, file for record in the office of
18 the county clerk and ex officio register of deeds in which
19 the real estate is located an affidavit substantially in
20 the following form:

21

22 AFFIDAVIT OF POSSESSION AND CLAIM UNDER TAX DEED

23

24 State of)

1) ss

2 County)

3

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

20

21

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

24

1

2

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

4

5 County

6 (state)

7

8 **34-5-101. When executed out of state; exceptions.**

9

10 All deeds and conveyances of real estate given and recorded
 11 in the state of Wyoming prior to January 1, 1925, the
 12 execution of which shall have been acknowledged before a
 13 ~~notary public~~ notarial officer out of this state, where the
 14 certificate of official character attached to such deeds or
 15 other conveyance fails to state that such deed or
 16 conveyance was executed and acknowledged according to the
 17 laws of the state or territory in which the same was
 18 executed, shall be deemed as valid and binding as if such
 19 certificate had contained the statement aforesaid, and
 20 shall be so construed by the courts, and the record thereof
 21 shall have the same force and effect as if such certificate
 22 had contained said statement; provided, that such record
 23 shall in no wise affect the right or title of any person
 24 acquired in good faith and for a valuable consideration

1 before the said January 1, 1925; and provided, further,
2 that this section shall not be construed to affect any
3 judgment or decree rendered by any court of the state
4 before that time.

5

6 **34-5-104. Certificate of acknowledgment; incomplete.**

7

8 Any conveyance of real estate made ten (10) years or more
9 prior to January 1st, A.D. 1935, purporting to be
10 acknowledged before any justice of the peace, within or
11 without the state of Wyoming, where such justice of the
12 peace did not state in his certificate of acknowledgment
13 the date of expiration of his office, or where no
14 certificate, or a defective certificate is attached to such
15 deed by the county clerk or clerk of court of the county of
16 such justice of the peace as is required by law in case
17 such acknowledgment is taken before a justice of the peace
18 outside of the state of Wyoming; and any conveyance of real
19 estate made ten (10) years or more prior to January 1st,
20 A.D. 1935, purporting to be acknowledged before any ~~notary~~
21 ~~public~~ notarial officer, where such ~~notary~~ ~~public~~ notarial
22 officer did not attach his seal to such certificate of
23 acknowledgment, or did not state therein the expiration of
24 the time of his commission; and any conveyance of real

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

22

23 **34-26-101. Short title; definitions.**

24

1 (b) As used in this act:

2

3 (i) "Acknowledgment" means ~~a declaration by a~~
4 ~~person that the person has freely and voluntarily executed~~
5 ~~an instrument for the purposes stated therein and, if the~~
6 ~~instrument is executed in a representative capacity, that~~
7 ~~the person signed the instrument with proper authority and~~
8 ~~executed it as the act of the person or entity represented~~
9 ~~and identified therein and that the person acknowledges~~
10 ~~that the instrument was executed and acknowledged freely~~
11 ~~and voluntarily;~~ an act in which an individual at a single
12 time and place:

13

14 (A) Appears in person before the notarial
15 officer and presents a document;

16

17 (B) Is personally known to the notarial
18 officer or identified by the notarial officer through
19 satisfactory evidence; and

20

21 (C) Indicates to the notarial officer that
22 the signature on the document was voluntarily affixed by
23 the individual for the purposes stated within the document

1 and, if applicable, that the individual had due authority
2 to sign in a particular representative capacity.

3
4 (iii) "Notarial act," ~~means any act that a~~
5 ~~notarial officer of this state is authorized to perform,~~
6 ~~and includes taking an acknowledgement, administering an~~
7 ~~oath or affirmation, taking a verification upon oath or~~
8 ~~affirmation, witnessing or attesting a signature,~~
9 ~~certifying or attesting a copy and noting a protest of a~~
10 ~~negotiable instrument;~~ "notarize" and "notarization" mean:

11
12 (A) Taking an acknowledgment;

13
14 (B) Administering an oath or affirmation;

15
16 (C) Taking a verification upon oath or
17 affirmation;

18
19 (D) Witnessing or attesting a signature;

20
21 (E) Certifying or attesting a copy;

22
23 (F) Noting a protest of a negotiable
24 instrument;

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(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 and includes persons commissioned as notaries public under W.S. 32-1-101 through 32-1-109;

(vii) "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 a notarial officer;

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

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

4
5 (viii) "Appears in person before the notarial
6 officer" means that the person and the notarial officer are
7 physically close enough to see, hear, communicate with and
8 give identification documents to each other;

9
10 (ix) "Commission" means both to empower to
11 perform notarial acts and the written evidence of authority
12 to perform those acts;

13
14 (x) "Commissioned notarial officer" means a
15 person who has been issued a commission to perform notarial
16 acts by the secretary of state pursuant to W.S. 32-1-101
17 through 32-1-109. A commissioned notarial officer is a
18 notary public;

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

1

2

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

4

5

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

7

8

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

10

11

12

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

14

15

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

18

19

(xiii) "Notarial certificate" and "certificate" means the certificate required by W.S. 34-26-107;

21

22

(xiv) "Notary public" and "notary" mean a commissioned notarial officer;

24

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

4
5 (A) Appears in person before the notarial
6 officer;

7
8 (B) Is personally known to the notarial
9 officer or identified by the notarial officer through
10 satisfactory evidence; and

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

15
16 (xvi) "Personal knowledge of identity,"
17 "personally known to the notarial officer" and "personally
18 knows" mean familiarity with an individual resulting from
19 interactions with that individual over a period of time
20 sufficient to dispel any reasonable uncertainty that the
21 individual has the identity claimed;

22
23 (xvii) "Principal" means:
24

1 (A) A person whose signature is notarized;

2 or

3

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

7

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

11

12 (xix) "Satisfactory evidence," when referring to
13 proof of identity, means identification of an individual
14 based on:

15

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

18

19 (B) At least one (1) current document
20 issued by a federal, state or tribal government agency
21 bearing the photographic image of the individual's face and
22 signature and a physical description of the individual,
23 though a properly stamped passport without a physical
24 description is acceptable; or

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

(xx) "Seal" means a device for affixing on a document an image containing a notarial officer's name, jurisdiction, commission expiration date and other information related to the notarial officer's commission and identity as required by W.S. 32-1-106;

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

(A) Date of birth or death;

(B) Name of parent, offspring or sibling;

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(C) Date of marriage or divorce; or

(D) Name of marital partner.

(xxii) "This act" means W.S. 34-26-101 through 34-26-304.

34-26-102. Notarial acts.

(c) In witnessing or attesting a signature the ~~notarial officer~~ principal shall ~~determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named therein~~ be personally known to the notarial officer or identified through satisfactory evidence, shall appear in person before the notarial officer and shall make the signature in the presence of the notarial officer.

(d) In certifying or attesting a copy of a document or other item, the notarial officer shall:

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

4
5 (ii) Copy or supervise the copying of the
6 document or other item using a photographic or electronic
7 copying process; and

8
9 (iii) Determine that the proffered copy is a
10 full, true and accurate transcription or reproduction of
11 that which was copied.

12
13 **34-26-103. Notarial acts in Wyoming.**

14
15 (a) A notarial act may be performed within this state
16 by the following persons:

17
18 (i) A ~~notary public of this state~~ person
19 commissioned as a notary public under W.S. 32-1-101 through
20 32-1-109;

21
22 (d) All persons authorized to perform notarial acts
23 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; presumptive**
7 **evidence.**

8

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

22

23 (c) ~~By executing~~ In addition to the presumptive
24 evidence established by W.S. 32-1-107 and as otherwise

1 provided in this chapter, a certificate of a notarial act,
2 ~~the notarial officer certifies that the officer has made~~
3 ~~the determinations required by W.S. 34-26-102~~ shall be
4 received as presumptive evidence that the notarial officer
5 made all findings required by this chapter and that any
6 circumstances which would prevent a notarial act under W.S.
7 34-26-201(b) were not present at the time of the notarial
8 act; provided that any person interested as a party to a
9 suit may contradict, by other evidence, the certificate.

10

11 **34.1-3-505. Evidence of dishonor.**

12

13 (b) A protest is a certificate of dishonor made by a
14 United States consul or vice consul, or a ~~notary public~~
15 notarial officer or other person authorized to administer
16 oaths by the law of the place where dishonor occurs. It
17 may be made upon information satisfactory to that person.
18 The protest must identify the instrument and certify either
19 that presentment has been made or, if not made, the reason
20 why it was not made, and that the instrument has been
21 dishonored by nonacceptance or nonpayment. The protest may
22 also certify that notice of dishonor has been given to some
23 or all parties.

24

1 **41-7-804. Creation; procedures generally.**

2

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

6

7 (i) A public irrigation district may be
8 organized under the provisions of this act by filing in the
9 office of the state engineer a petition in compliance with
10 the requirements hereinafter set forth, and the approval of
11 said petition by the state engineer of Wyoming as
12 hereinafter provided. Said petition shall be addressed to
13 said state engineer and state in substance that it is the
14 intent and purpose of the petitioners by said petition to
15 create a district under the provisions of this act, subject
16 to approval by said state engineer. Said petition must
17 contain: (A) the name of the proposed district. If the
18 proposed district is to engage in the business of owning or
19 operating irrigation works, such name shall include the
20 words "public irrigation district." If the proposed
21 district is also to engage in the business of acquiring,
22 manufacturing or selling or distributing electric power,
23 the name of the proposed district shall include the words
24 "public irrigation and power district"; (B) the object and

1 purpose of the system proposed to be constructed, together
2 with a general description of the nature, location and
3 method of operation of proposed irrigation works, and of
4 proposed power systems if owning and operating power plants
5 or systems is to be a part of the business of the proposed
6 district; (C) a description of the lands constituting the
7 proposed district and of the boundaries thereof; (D) the
8 location of the principal place of business of the proposed
9 district; (E) a statement that the proposed district shall
10 not have the power to levy taxes; (F) the names and
11 addresses of the members of the board of directors of the
12 proposed district (not less than five (5) nor more than
13 thirteen (13)) who shall serve until their successors are
14 elected and qualified as provided for in this act. In the
15 petition, the directors named shall be divided as nearly as
16 possible into three (3) equal groups, the members of the
17 first group to hold office until their successors, elected
18 at the first district election thereafter, shall have
19 qualified; the members of the second group to hold office
20 until their successors, elected at the second district
21 election thereafter, shall have qualified, and the members
22 of the third group to hold office until their successors,
23 elected at the third district election thereafter, shall
24 have qualified. Thereafter all directors elected shall

1 serve for a term of three (3) years and until their
 2 successors are elected and qualified. After the name of
 3 each director shall be stated to which of said three (3)
 4 groups he belongs. Said petition must be signed by twenty-
 5 five percent (25%) of the freeholders or entrymen of the
 6 area constituting said proposed district, or by their duly
 7 authorized representatives. On each petition, set opposite
 8 the signature of each petitioner, shall be stated his or
 9 her name and post-office address. To each sheet for
 10 petitioners' signatures shall be attached a full and
 11 correct copy of the petition. Every sheet of every such
 12 petition containing signatures shall have upon it and below
 13 the signatures an affidavit by the circulator in
 14 substantially the following form:

15 State of Wyoming)
 16) ss
 17 County of)

18

19 , being first duly sworn, deposes and says, that
 20 he is the circulator of the foregoing petition containing
 21 signatures; that each person whose name appears on
 22 said petition sheet personally signed said petition in the
 23 presence of affiant; that he believes that each of said
 24 signers is a freeholder of land to be included within the

1 proposed district residing at the address written opposite
 2 his or her name, and that affiant stated to every
 3 petitioner before he or she affixed his or her signature
 4 the legal effect and nature of said petition.

5

6

7 Circulator

8

9 Subscribed and sworn to before me this day of,
 10 (year).

11

12

13 ~~Notary Public~~ Notarial Officer;

14

15 **Section 3.** W.S. 1-2-102(a)(vii), 32-1-105(a) through
 16 (d), 32-1-110 through 32-1-113, 34-26-101(b)(vi),
 17 34-26-102(h) and 34-26-103(b) are repealed.

18

19 **Section 4.** This act is effective July 1, 2010.

20

21 (END)