



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4881/1
ARG:skw

2023 ASSEMBLY BILL 659

November 9, 2023 - Introduced by Representatives SUMMERFIELD, DITTRICH, O'CONNOR, RETTINGER and WICHGERS, cosponsored by Senators QUINN, BALLWEG, NASS, ROYS and MARKLEIN. Referred to Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

- 1 **AN ACT to repeal** 140.145 (10) (c) of the statutes; **relating to:** notarial acts
2 performed for remotely located individuals.

Analysis by the Legislative Reference Bureau

This bill allows a notary public to perform a notarial act for a remotely located individual involving the creation and execution of a power of attorney.

Under current law, the Department of Financial Institutions issues commissions to notaries public. If certain conditions are satisfied, a notary public may perform a notarial act with respect to an individual who is not in the physical presence of the notary public (remote notarization). However, remote notarization is not available for certain transactions, including transactions governed by laws relating to the creation and execution of wills and trusts; marital property agreements; health care powers of attorney; and other powers of attorney unless the transaction is between two or more persons relating to the conduct of business, commercial, or governmental affairs.

The bill removes the exclusion described above for transactions related to powers of attorney that are not health care powers of attorney, thereby allowing remote notarization in connection with these transactions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

