

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

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:*

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STAFF COMMENT

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1 This draft is based on language provided by the Secretary  
2 of State's office and incorporates the Revised Uniform Laws  
3 on Notarial Acts, Remote Online Notarization, Remote Ink  
4 Notarization and certain alterations and amendments for  
5 Wyoming law. It repeals the existing laws on Notaries and  
6 Notarial acts found in Titles 32 and 34.

7  
8 At the September meeting the Committee amended the draft  
9 bill to remove 3 subsections that created new criminal  
10 violations, and requested LSO review existing law that may  
11 already apply. Listed below for reference is the removed  
12 language, along with existing statutes that may apply:

13  
14 **Proposed language:**

15  
16 (b) A person who acts as, or otherwise willfully  
17 impersonates, a notary public while knowingly not lawfully  
18 appointed and commissioned to perform notarial acts is  
19 guilty of a felony punishable by a fine of not more than  
20 two thousand dollars (\$2000.00), imprisonment for not more  
21 than two (2) years or both.

22  
23 **Potentially applicable existing language:**

24  
25 **6-5-307. Usurpation; penalties.**

26  
27 A person is guilty of usurpation if he falsely represents  
28 himself to be a public servant with the intent to induce  
29 anyone to submit to the pretended official authority or to  
30 act in reliance upon the pretense to his detriment.  
31 Usurpation is a misdemeanor punishable by imprisonment for  
32 not to exceed six (6) months, a fine of not more than seven  
33 hundred fifty dollars (\$750.00), or both.

34  
35 **Proposed language:**

36  
37 (c) A person who unlawfully possesses or uses a  
38 notarial officer's journal, an official stamp, an officer's  
39 electronic signature or any papers, copies or electronic  
40 records relating to notarial acts is guilty of a felony  
41 punishable by a fine of not more than two thousand dollars  
42 (\$2000.00), imprisonment for not more than two (2) years or  
43 both.

44  
45 **Potentially applicable existing language:**

1

2

**6-3-402. Theft; penalties.**

3

4 (a) A person is guilty of theft if he knowingly  
5 takes, obtains, procures, retains or exercises control over  
6 or makes an unauthorized transfer of an interest in the  
7 property of another person without authorization or by  
8 threat or by deception, or he receives, loans money by pawn  
9 or pledge on or disposes of the property of another person  
10 that he knew or reasonably should have known was stolen,  
11 and he:

12

13

14

(i) Intends to deprive the other person of the  
use or benefit of the property;

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18

(ii) Knowingly uses, receives, conceals,  
abandons or disposes of the property in such manner as to  
deprive the other person of its use or benefit;

19

20

21

22

(iii) Demands anything of value to which he has  
no legal claim as a condition for returning or otherwise  
restoring the property to the other person.

23

24

**6-3-601. "Writing" defined.**

25

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As used in this article "writing" means printing or any  
other method of recording information, money, coins,  
tokens, stamps, seals, credit cards, badges, trademarks,  
and other symbols of value, right, privilege or  
identification.

31

32

**6-3-602. Forgery; penalties.**

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35

36

(a) A person is guilty of forgery if, with intent to  
defraud, he:

37

38

(i) Alters any writing of another without  
authority;

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45

(ii) Makes, completes, executes, authenticates,  
issues or transfers any writing so that it purports to be  
the act of another who did not authorize that act, or to  
have been executed at a time or place or in a numbered  
sequence other than was in fact the case, or to be a copy  
of an original when no such original existed; or

1  
2 (iii) Utters any writing which he knows to be  
3 forged in a manner specified in paragraphs (i) or (ii) of  
4 this subsection.

5  
6 **Proposed language:**

7  
8 (k) A notary public who knowingly and willfully  
9 violates the duties imposed by this act commits official  
10 misconduct and is guilty of a felony punishable by a fine  
11 of not more than two thousand dollars (\$2000.00),  
12 imprisonment for not more than two (2) years or both.

13  
14 **Potentially applicable existing language:**

15  
16 **6-5-101. Definitions.**

17 (a) As used in this article:

18  
19  
20 (v) "Public officer" means a person who holds an  
21 office which is created or granted authority by the  
22 constitution or the legislature and who exercises a portion  
23 of the sovereign power of the state;

24  
25 (vi) "Public servant" means any public officer,  
26 employee of government, or any person participating, as  
27 juror, witness, advisor, consultant or otherwise, in  
28 performing a governmental function.

29  
30 **6-5-107. Official misconduct; penalties.**

31  
32 (a) A public servant commits a misdemeanor punishable  
33 by a fine of not more than five thousand dollars  
34 (\$5,000.00), if, with intent to obtain a pecuniary benefit  
35 or maliciously to cause harm to another, he knowingly:

36  
37 (i) Commits an act relating to his official  
38 duties that the public servant does not have the authority  
39 to undertake;

40  
41 (ii) Refrains from performing a duty imposed  
42 upon him by law; or

43  
44 (iii) Violates any statute relating to his  
45 official duties.

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(b) A public officer commits a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00) if he intentionally fails to perform a duty in the manner and within the time prescribed by law.

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

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

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

CHAPTER 3 - NOTARIES PUBLIC

Article 1 - WYOMING REVISED UNIFORM NOTARIAL ACT

**32-3-101. Short title.**

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

3

4 **32-3-102. Definitions.**

5

6 (a) As used in this act:

7

8 (i) "Acknowledgment" means a declaration by a  
9 principal before a notarial officer that the principal has  
10 knowingly and willingly signed a record for the purposes  
11 stated in the record and, if the record is signed in a  
12 representative capacity, that the principal signed the  
13 record with proper authority, signed it as the act of the  
14 principal or entity identified in the record and  
15 acknowledges that the record was executed and acknowledged  
16 knowingly and willingly;

17

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

21

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

1

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

5

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

14

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

18

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

21

22 (A) Allows a notarial officer and a remotely  
23 located person to communicate with each other

1 simultaneously by sight and sound; and

2

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

7

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

12

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

18

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



1 assessment;

2

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

6

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

18

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

22

23 (xii) "Electronic signature" means an electronic

1 symbol, sound or process attached to or logically  
2 associated with a record and executed or adopted by a person  
3 with the intent to sign the record;

4

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

8

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

15

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

21

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

1

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

5

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

8

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

12

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

16

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

19

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

22

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

4  
5           (xviii) "Notarial act" means an act, whether  
6 performed with respect to a tangible or electronic record,  
7 that a notarial officer may perform under the law of this  
8 state. The term includes taking an acknowledgment,  
9 administering an oath or affirmation, taking a verification  
10 on oath or affirmation, or jurat, witnessing or attesting a  
11 signature, certifying or attesting a copy and noting a  
12 protest of a negotiable instrument;

13  
14           (xix) "Notarial officer" means a notary public or  
15 other person authorized to perform a notarial act;

16  
17           (xx) "Notary public" means a person commissioned  
18 to perform a notarial act by the secretary of state;

19  
20           (xxi) "Oath" means a notarial act, or part  
21 thereof, which is legally equivalent to an affirmation and  
22 in which a person at a single time and place:

23

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

3

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

7

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

12

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

18

19                   (xxiv) "Person" means an individual,  
20 corporation, business trust, statutory trust, estate, trust,  
21 partnership, limited liability company, association, joint  
22 venture, public corporation, government or governmental  
23 subdivision, agency, instrumentality or any other legal or

1 commercial entity;

2

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

9

10 (xxvi) "Principal" means:

11

12 (A) A person whose signature is notarized;  
13 or

14

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

18

19 (xxvii) "Record" means information that is  
20 inscribed on a tangible medium or that is stored in an  
21 electronic or other medium and is retrievable in perceivable  
22 form;

1

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

7

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

13

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

16

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

20

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

23

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

3

4                   (II) Inspection by the notarial officer  
5 of an identification credential in accordance with W.S. 32-  
6 3-102(xiv); or

7

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

13

14                   (B) If appearing by means of an electronic  
15 notarization system or other form of communication  
16 technology, a principal or credible witness may be required  
17 to prove satisfactory evidence on the basis of two (2) or  
18 more different types of technologies, processes or  
19 services, such as dynamic knowledge-based authentication  
20 assessment, valid public key certificate, identity  
21 proofing, credential analysis or other means required by  
22 the electronic notarization system or other form of  
23 communication technology being used, or as may be



1 prescribed in rule by the secretary of state.

2

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

5

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

8

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

11

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

15

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

21

22 (xxxv) "Sole control" or "sole possession" means  
23 at all times being in the direct physical custody of a

1 notarial officer or safeguarded by a notarial officer with  
2 a password or other secure means of authentication or  
3 access;

4

5 (xxxvi) "Stamping device" means:

6

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

9

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

13

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

18

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

21

22 (xxxix) "Verification on oath or affirmation",  
23 or "jurat" means a declaration, made by a principal on oath

1 or affirmation before a notarial officer, that a statement  
2 in a record is true and that the record has been signed  
3 knowingly and willingly before the notarial officer for the  
4 purposes intended;

5

6 (x1) "This act" means W.S. 32-3-101 through 32-3-  
7 131.

8

9 **32-3-103. Applicability.**

10

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

13

14 **32-3-104. Authority to perform; venue for notarial**  
15 **acts; reciprocity.**

16

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

21

22 (b) A commission to act as a notary public authorizes  
23 the notary public to perform notarial acts in any county in

1 this state or in any bordering state if the border state  
2 recognizes the officer's authority within that state. The  
3 commission does not provide the officer any immunity or  
4 benefit conferred by the laws of this state on public  
5 officials or employees. If performing an allowable  
6 notarization in a bordering state, a Wyoming notary public  
7 shall adhere to the laws and rules of Wyoming.

8

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

12

13 **32-3-105. Notarial acts in this state.**

14

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

16

17 (i) A notary public of this state;

18

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

21

22 (iii) A district court commissioner;

23

1           (iv) A full-time magistrate as authorized by W.S.  
2 5-9-208;

3

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

6

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

9

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

14

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

19

20           **32-3-106. Notarial acts in another state.**

21

22          (a) A notarial act, including the acknowledgment of  
23 any deed, mortgage or conveyance, performed in another

1 state has the same effect under the law of this state as if  
2 performed by a notarial officer of this state, if the act  
3 performed in that state is performed by:

4

5 (i) A notary public of that state;

6

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

9

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

12

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

17

18 (c) The signature and title of an individual  
19 performing a notarial act in another state are prima facie  
20 evidence that the signature is genuine and that the  
21 individual holds the designated title.

22

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

5

6           **32-3-107. Notarial acts under authority of federally**  
7 **recognized Indian tribe.**

8

9           (a) A notarial act, including the acknowledgment of  
10 any deed, mortgage or conveyance, performed under the  
11 authority and in the jurisdiction of a federally recognized  
12 Indian tribe has the same effect as if performed by a  
13 notarial officer of this state, if the act performed in the  
14 jurisdiction of the tribe is performed by:

15

16                   (i) A notary public of the tribe;

17

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

20

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

23

1           (b) The signature and title of an individual  
2 performing a notarial act under the authority of and in the  
3 jurisdiction of a federally recognized Indian tribe are  
4 prima facie evidence that the signature is genuine and that  
5 the individual holds the designated title.

6

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

11

12           **32-3-108. Notarial acts under federal authority.**

13

14           (a) A notarial act, including the acknowledgment of  
15 any deed, mortgage or conveyance, performed under federal  
16 law 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 under federal law is performed by:

19

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

21

22                   (ii) An individual in military service or  
23 performing duties under the authority of military service



1 who is authorized to perform notarial acts under federal  
2 law;

3

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

7

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

10

11 (b) The signature and title of an individual acting  
12 under federal authority and performing a notarial act are  
13 prima facie evidence that the signature is genuine and that  
14 the individual holds the designated title.

15

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

20

21 **32-3-109. Foreign notarial act.**

22

1           (a) If a notarial act is performed under authority  
2 and in the jurisdiction of a foreign state or constituent  
3 unit of the foreign state or is performed under the  
4 authority of a multinational or international governmental  
5 organization, the act has the same effect under the law of  
6 this state as if performed by a notarial officer of this  
7 state.

8

9           (b) If the title of office and indication of  
10 authority to perform notarial acts in a foreign state  
11 appears in a digest of foreign law or in a list customarily  
12 used as a source for that information, the authority of an  
13 officer with that title to perform notarial acts is  
14 conclusively established.

15

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

20

21           (d) An apostille in the form prescribed by the Hague  
22 Convention of October 5, 1961, and issued by a foreign  
23 state party to the Convention conclusively establishes that

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

3

4 (e) A consular authentication issued by an individual  
5 designated by the United States Department of State as a  
6 notarizing officer for performing notarial acts overseas  
7 and attached to the record with respect to which the  
8 notarial act is performed conclusively establishes that the  
9 signature of the notarial officer is genuine and that the  
10 officer holds the indicated office.

11

12 **32-3-110. Certificate of Authentication.**

13

14 (a) The secretary of state or his designee may sign  
15 and issue a certificate of authentication or an apostille  
16 evidencing the origin of a public document or the  
17 authentication of the official stamp or signature of the  
18 person or authority in this state that stamped or signed  
19 the document.

20

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

23

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

5

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

8

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

11

12                   (ii)           A record:

13

14                           (A) Regarding allegiance to a government or  
15 jurisdiction;

16

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

20

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

1

2           **32-3-111. Requirements for certain notarial acts.**

3

4           (a) A notarial officer who takes an acknowledgment of  
5 a record shall determine from satisfactory evidence of the  
6 identity of the principal that the principal appearing  
7 before the notarial officer and making the acknowledgment  
8 has the identity claimed and that the signature on the  
9 record is the signature of the principal and was made  
10 knowingly and willingly for the purposes intended.

11

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

20

21           (c) A notarial officer who witnesses or attests to a  
22 signature shall determine from satisfactory evidence of the  
23 identity of the principal that the principal appearing

1 before the notarial officer and signing the record has the  
2 identity claimed and has executed the record knowingly and  
3 willingly for the purposes intended.

4

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

15

16 (e) A notarial officer who certifies or attests a  
17 copy of a record or an item that was copied shall determine  
18 that the copy is a full, true and accurate transcription or  
19 reproduction of the original or official record or the  
20 item. A notarial officer may certify that a tangible copy  
21 of an electronic record is an accurate copy of the  
22 electronic record and shall comply with W.S. 32-3-

1 123(a)(iv) regarding certification or attestation of a copy  
2 of a record or item.

3

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

7

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

14

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

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

3

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

7

8 (i) In this state;

9

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

12

13 (iii) Outside the United States if:

14

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

18

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

20

21 (I) A matter that is to be filed with  
22 or is before a public official or court, governmental



1 entity or other entity located in the territorial  
2 jurisdiction of the United States;

3

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

6

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

9

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

12

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

16

17 (ii) The notarial officer:

18

19 (A) Identifies the principal through  
20 satisfactory evidence;

21

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

1

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

6

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

12

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

16

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

20

21 (ii) The notarial officer shall then initiate the  
22 notarial act with the remotely located principal by means  
23 of an electronic notarization system or other form of

1 communication technology and identify the remotely located  
2 principal or witness through satisfactory evidence; and

3

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

7

8 (n) A notarial officer who performs a remote ink  
9 notarization or remote online notarization shall take  
10 reasonable steps to ensure that the principal and any  
11 required witnesses are viewing the same record.

12

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

18

19 **32-3-112. Authority to refuse to perform notarial**  
20 **acts.**

21

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

1

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

5

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

8

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

13

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

18

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

22

23 **32-3-113. Signature if principal unable to sign.**

1

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

4

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

11

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

20

21 (b) A notarial officer may use signals or electronic  
22 or mechanical means to take an acknowledgment from,  
23 administer an oath or affirmation to, or otherwise

1 communicate with any principal or witness in the presence  
2 of the officer when it appears that the principal or  
3 witness is unable to communicate orally or in writing.

4

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

9

10 **32-3-114. Certificate of notarial act.**

11

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

14

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

17

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

20

21 (iii) Identify the name of the principal, the  
22 type of record and issuing entity that is copied, or, if

1 performing a verification of fact, the information the  
2 notarial officer has certified to;

3

4 (iv) Specify the notarial act being performed;

5

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

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

10

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

13

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

17

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

20

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

1

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

9

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

13

14 (i) Is in a short form set forth in W.S. 32-3-  
15 115;

16

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

19

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

23



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

5

6           (f) By executing a certificate of a notarial act, a  
7 notarial officer certifies that the officer has complied  
8 with the requirements and made the determinations specified  
9 in this act.

10

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

14

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

20

21           (j) A notarial officer shall not change or correct an  
22 impression or electronic image of an official stamp on a  
23 certificate. If the stamp is incorrect, the officer shall

1 obtain a corrected stamp. If the impression or electronic  
2 image of an official stamp is missing from a certificate,  
3 is illegible or the official stamp contained incorrect  
4 information the officer may affix a subsequent impression  
5 of the official stamp on a tangible record or attach or  
6 logically associate a subsequent impression with an  
7 electronic record.

8

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

22

23 **32-3-115. Short form certificates.**

1

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

5

6 (i) For an acknowledgment in an individual  
7 capacity:

8

9 State of \_\_\_\_\_

10

11 County of \_\_\_\_\_

12

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

15

16 \_\_\_\_\_

17

18 (Stamp) (Signature of notarial officer)

19

20 \_\_\_\_\_

21

22 Title (and Rank)

23

1 [My commission expires: ]

2

3 (ii) For an acknowledgment in an representative  
4 capacity:

5

6 State of \_\_\_\_\_

7

8 County of \_\_\_\_\_

9

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

14

15 \_\_\_\_\_

16

17 (Stamp) (Signature of notarial officer)

18

19 \_\_\_\_\_

20

21 Title (and Rank)

22

23 [My commission expires: ]

1

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

3

4 State of \_\_\_\_\_

5

6 County of \_\_\_\_\_

7

8 Signed and sworn to (or affirmed) before me on (date) by

9 (name(s) of person(s) making statement)

10

11 \_\_\_\_\_

12

13 (Stamp) (Signature of notarial officer)

14

15 \_\_\_\_\_

16

17 Title (and Rank)

18

19 [My commission expires: ]

20

21 (iv) For witnessing or attesting a signature:

22

23 State of \_\_\_\_\_

1

2 County of \_\_\_\_\_

3

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

6

7 \_\_\_\_\_

8

9 (Stamp) (Signature of notarial officer)

10

11 \_\_\_\_\_

12

13 Title (and Rank)

14

15 [My commission expires: ]

16

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

18

19 State of \_\_\_\_\_

20

21 County of \_\_\_\_\_

22

1 I certify that this is a true and correct copy of a record  
2 in the possession of \_\_\_\_\_ .

3

4 Dated \_\_\_\_\_

5

6 \_\_\_\_\_

7

8 (Stamp) (Signature of notarial officer)

9

10 \_\_\_\_\_

11

12 Title (and Rank)

13

14 [My commission expires: \_\_\_\_\_ ]

15

16 **32-3-116. Official signature and stamp.**

17

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

20

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

23

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

3

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

6

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

9

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

13

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

17

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

20

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



1

2                   (A) Be rectangular in shape and  
3 approximately one (1) inch in width by two and one-half (2  
4 1/2) inches in length;

5

6                   (B) Be in blue or black ink;

7

8                   (C) Have a border outline;

9

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

12

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

15

16                   (II) The words "notary public";

17

18                   (III) The words "state of Wyoming";

19

20                   (IV) The notary public's identification  
21 number;

22

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

4

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

7

8                   (E) If it is a physical image, be in blue or  
9 black ink and be capable of being copied together with the  
10 record to which it is affixed or attached, or with which it  
11 is logically associated;

12

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

19

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

22

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

5

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

9

10           **32-3-117. Stamping device.**

11

12           (a) A notary public is the sole owner of the notary  
13 public's stamping device, is responsible for the security  
14 of the notary public's stamping device and may not allow  
15 another individual to use the device to perform a notarial  
16 act. On resignation from, or the revocation or expiration  
17 of, the notary public's commission, or on the expiration of  
18 the date set forth in the stamping device, the notary  
19 public shall disable the stamping device by destroying,  
20 defacing, damaging, erasing or securing it against use in a  
21 manner that renders it unusable. On the death or  
22 adjudication of incompetency of a notary public, the notary  
23 public's personal representative or guardian or any other

1 person knowingly in possession of the stamping device shall  
2 render it unusable by destroying, defacing, damaging,  
3 erasing or securing it against use in a manner that renders  
4 it unusable.

5

6 (b) If a notary public's stamping device is lost or  
7 stolen, the notary public or the notary public's personal  
8 representative or guardian shall promptly notify the  
9 secretary of state in a manner set forth by the secretary  
10 of state upon discovering that the device is lost or  
11 stolen.

12

13 **32-3-118. Audiovisual recordings; journal; security**  
14 **and retention.**

15

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

20

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

1

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

6

7 (d) A notarial officer shall retain an audiovisual  
8 recording for two (2) years from the date of the recording.

9

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

13

14 (f) A journal may be created on a tangible medium or  
15 in an electronic format to chronicle all notarial acts,  
16 whether those notarial acts are performed regarding  
17 tangible or electronic records. If the journal is  
18 maintained on a tangible medium it shall be a permanent,  
19 bound register with consecutively numbered pages designed  
20 to deter fraud. If the journal is maintained in an  
21 electronic format it shall be in a permanent, tamper-  
22 evident electronic format complying with the rules of the  
23 secretary of state.

1

2 (g) An entry in a journal shall be made  
3 contemporaneously with performance of the notarial act and  
4 contain the following information:

5

6 (i) The date and time of the notarial act;

7

8 (ii) The county and state in which the notarial  
9 act took place;

10

11 (iii) A description of the record, including the  
12 date of the record if indicated, and type of notarial act;

13

14 (iv) The full name and address of each principal  
15 and any witness for whom or with whom the notarial act is  
16 performed;

17

18 (v) If the identity of the principal or witness  
19 is based on personal knowledge, a statement to that effect;

20

21 (vi) If the identity of the principal or witness  
22 is based on other satisfactory evidence, a brief  
23 description of the method of identification and the

1 identification credential presented, including the date of  
2 issuance and expiration of any identification credential;

3

4 (vii) The ink or electronic signature of each  
5 principal or witness for whom or with whom the notarial act  
6 is performed;

7

8 (viii) If the notarial act is performed using an  
9 electronic notarization system or other form of  
10 communication technology, the journal record may omit the  
11 electronic signature of each principal for whom the  
12 notarial act is performed;

13

14 (ix) If the notarial act is performed using an  
15 electronic notarization system or other form of  
16 communication technology, a notation identifying the system  
17 or technology, as well as the storage location of the  
18 audiovisual recording; and

19

20 (x) The fees, if any, charged by the notarial  
21 officer.

22

1           (h) From the list of personal identifying information  
2 set forth in W.S. 6-3-901(b), a notary public may only  
3 record in the journal the address of each principal or  
4 witness for whom the notarization is being performed as  
5 required in this section. A notary public may not include  
6 any other personal identifying information set forth in  
7 W.S. 6-3-901(b).

8

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

15

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



1 of notarial acts performed within the scope of the  
2 officer's employment.

3

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

8

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

13

14 (o) All active and inactive notary publics shall  
15 retain a journal for two (2) years after the performance of  
16 the last notarial act chronicled in the journal.

17

18 (p) On the death or adjudication of incompetency of a  
19 current or former notary public, the notary public's  
20 personal representative or guardian or any other person  
21 knowingly in possession of the notary public's journal or  
22 audiovisual recordings may transmit all journals and  
23 recordings to the secretary of state.

1

2           **32-3-119. Acceptance of tangible copy of electronic**  
3 **record.**

4

5 A recorder may accept for recording a tangible copy of an  
6 electronic record containing a notarial certificate as  
7 satisfying any requirement that a record accepted for  
8 recording be an original, if the notarial officer executing  
9 the notarial certificate certifies that the tangible copy  
10 is an accurate copy of the electronic record.

11

12           **32-3-120. Notary public commissions and renewals;**  
13 **qualification; no immunity or benefit.**

14

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

17

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

19

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

23

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

5

6           (v) Be able to read and write English;

7

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

10

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

13

14           (b) To be eligible for a new or renewed commission,  
15 an applicant shall pass an examination and shall meet the  
16 education requirements as provided in rule and in W.S. 32-  
17 3-121 and shall not have been disqualified as provided in  
18 W.S. 32-3-122.

19

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

23

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

3

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

6

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

8

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

12

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

15

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

20

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

1

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

12

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

16

17 **32-3-121. Examination and education of notary public.**

18

19 (a) An applicant for a new or renewed commission as a  
20 notary public in this state must pass an examination  
21 administered by the secretary of state or an entity  
22 approved by the secretary of state. The examination must be

1 based on the course of study described in subsection (b) of  
2 this section.

3

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

9

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

16

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

21

22 **32-3-122. Grounds to deny, refuse to renew, revoke,**  
23 **suspend or condition commission of a notary public.**

1

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

5

6 (i) Meet the examination and education  
7 requirements set forth in W.S. 3-2-121; or

8

9 (ii) Pay the application filing fee.

10

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

16

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

21

1           (ii) A conviction of the applicant or notary  
2 public of any felony or a crime involving fraud, dishonesty  
3 or deceit;

4

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

9

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

14

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

18

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

22



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

4

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

8

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

13

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

19

20           (d) The authority of the secretary of state to deny,  
21 refuse to renew, suspend, revoke or impose conditions on a  
22 commission as a notary public does not prevent a person

1 from seeking and obtaining other criminal or civil remedies  
2 provided by law.

3

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

9

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

15

16 **32-3-123. Prohibited acts; penalties.**

17

18 (a) A notarial officer shall not:

19

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

1

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

3

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

7

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

13

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

17

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

21

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

4

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

7

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

11

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

14

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

17

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

20

21           (iii)   Represent a person in a judicial or  
22 administrative proceeding relating to immigration to the

1 United States, United States citizenship or related  
2 matters; or

3

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

6

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

9

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

13

14 (e) A notary public, other than an attorney licensed  
15 to practice law in this state, shall not advertise or  
16 represent that the notary public may assist persons in  
17 drafting legal records, give legal advice or otherwise  
18 practice law. If a notary public who is not an attorney  
19 licensed to practice law in this state in any manner  
20 advertises or represents that the notary public offers  
21 notarial services, whether orally or in a record, including  
22 broadcast media, print media and the internet, the notary  
23 public shall include the following statement, or an

1 alternate statement authorized or required by the secretary  
2 of state, in the advertisement or representation,  
3 prominently and in each language used in the advertisement  
4 or representation: "I am not an attorney licensed to  
5 practice law in this state. I am not allowed to draft  
6 legal records, give advice on legal matters, including  
7 immigration, or charge a fee for those activities". If the  
8 form of advertisement or representation is not broadcast  
9 media, print media or the internet and does not permit  
10 inclusion of the statement required by this subsection  
11 because of size, it must be displayed prominently or  
12 provided at the place of performance of the notarial act  
13 before the notarial act is performed.

14

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

19

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

1

2           **32-3-124. Validity of notarial acts.**

3

4 The failure of a notarial officer to perform a duty or meet  
5 a requirement specified in this act does not invalidate a  
6 notarial act performed by the notarial officer. The  
7 validity of a notarial act in this act does not prevent an  
8 aggrieved person from seeking to invalidate the record or  
9 transaction that is the subject of the notarial act or from  
10 seeking other remedies based on the law of this state other  
11 than this act or law of the United States. This section  
12 does not validate a purported notarial act performed by an  
13 individual who does not have the authority to perform  
14 notarial acts.

15

16           **32-3-125. Rulemaking authority.**

17

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

21

22           **32-3-126. Notarial officer fees.**

23

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

4

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

6

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

9

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

15

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

19

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

23



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

5

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

8

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

12

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

16

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

21

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

4

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

8

9                   (i) The act was completed;

10

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

18

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

23

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

4

5           **32-3-127. Change of name or contact information.**

6

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

11

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

14

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

17

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

19

20           **32-3-128. Notary public commission in effect.**

21

22 A commission as a notary public in effect on the effective  
23 date of this act continues until its date of expiration. A

1 notary public who applies to renew a commission as a notary  
2 public on or after the effective date of this act is  
3 subject to and shall comply with this act. A notary  
4 public, in performing notarial acts after the effective  
5 date of this act, shall comply with this act.

6

7 **32-3-129. Savings clause.**

8

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

11

12 **32-3-130. Uniformity of application and construction.**

13

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

17

18 **32-3-131. Relation to electronic signatures in Global  
19 and National Commerce Act.**

20

21 This act modifies, limits and supersedes the Electronic  
22 Signatures in Global and National Commerce Act, 15 U.S.C.  
23 Section 7001 et seq., but does not modify, limit or

1 supersede Section 101(c) of that act, 15 U.S.C. Section  
2 7001(c) or authorize electronic delivery of any of the  
3 notices described in Section 103(b) of that act, 15 U.S.C.  
4 Section 7003(b).

5

6 **Section 2.** W.S. 1-2-102(b), 6-5-114, 8-1-102(a)(xiv),  
7 9-1-303(e), 9-1-305(a)(i) and (iii) and 34-1-113 are  
8 amended to read:

9

10 **1-2-102. Officers authorized to administer.**

11

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

17

18 **6-5-114. Notarial officers; issuance of certificate**  
19 **without proper acknowledgment; penalties.**

20

21 A notarial officer commits a misdemeanor punishable by  
22 imprisonment for not more than six (6) months, a fine of  
23 not more than seven hundred fifty dollars (\$750.00), or

1 both, if he signs and affixes his ~~seal~~stamp to a  
2 certificate of acknowledgment when the party executing the  
3 instrument has not first acknowledged the execution of the  
4 instrument in the presence of, as defined in W.S. ~~34-26-~~  
5 ~~101(b)(xxi)~~32-3-102(a)(iii), the notarial officer, if by  
6 law the instrument is required to be recorded or filed and  
7 cannot be filed without a certificate of acknowledgment  
8 signed and sealed by a notarial officer.

9

10 **8-1-102. Definitions.**

11

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

15

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

19

20 **9-1-303. Powers and duties; affixing seal to and**  
21 **countersigning commissions and documents; certified copies**  
22 **of acts; file of commissions and appointments; publication**  
23 **of documents.**

1

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

5

6 **9-1-305. Fees; amounts; collection; exceptions.**

7

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

10

11 (i) Except as provided in W.S. ~~32-1-114(e)~~32-3-  
12 110(c), certificate and seal, three dollars (\$3.00);

13

14 (iii) Issuing a notarial officer commission,  
15 ~~thirty dollars (\$30.00)~~fifty dollars (\$50.00);

16

17 **34-1-113. Acknowledgment of conveyances; generally.**

18

19 Execution of deeds, mortgages or other conveyances of  
20 lands, or any interest in lands, shall be acknowledged by  
21 the party or parties executing same, before any notarial  
22 officer. The notarial officer taking such acknowledgment

1 shall comply with the requirements of W.S. ~~34-26-107-32-3-~~  
2 109.

3

4       **Section 3.** W.S. 32-1-101 through 32-1-114 and W.S.  
5 34-26-101 through 34-26-304 are repealed.

6

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

9

10       **Section 5.**

11

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

14

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

19

20

(END)