

HB73 INTRODUCED



1 HB73
2 W1JSXEE-1
3 By Representative Hollis
4 RFD: State Government
5 First Read: 13-Jan-26
6 PFD: 02-Dec-25



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4 SYNOPSIS:

5 Under existing law, notaries public are
6 officials appointed and commissioned to serve the
7 public as impartial witnesses to the signing of
8 official documents and verifying the identity of those
9 involved.

10 This bill would decrease the term of a
11 commission from four to two years.

12 This bill would require all notary stamps to be
13 embedded with specific information identifying the
14 notary public and his or her commission.

15 This bill would also provide penalties for using
16 an unapproved, manually altered, or fraudulent notary
17 stamp.

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20 A BILL
21 TO BE ENTITLED
22 AN ACT

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24 Relating to notaries public; to amend Sections
25 36-20-70, 36-20-72, and 36-20-75, Code of Alabama 1975, to
26 create the Notary Integrity and Property Protection Act of
27 2025; to decrease the term of commission from four to two
28 years; to require all notary stamps to be embedded with

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29 certain identifying information; and to provide penalties for
30 violations.

31 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

32 Section 1. This act shall be known and may be cited as
33 the Notary Integrity and Property Protection Act of 2025.

34 Section 2. Sections 36-20-70, 36-20-72, and 36-20-75 of
35 the Code of Alabama 1975, are amended to read as follows:

36 "§36-20-70

37 (a) A competent number of notaries public for the state
38 ~~at large~~at large shall be appointed and commissioned by the
39 judges of probate of the several counties of the state~~and~~
40 ~~shall hold office for four years from~~Commencing on October
41 1, 2026, a commission shall expire two years after the date of
42 ~~their~~ commission. Notaries public shall perform all the acts
43 and exercise all authority under the general laws of the State
44 of Alabama. The jurisdiction of the notaries public shall not
45 be limited to the counties of their residence and shall extend
46 to any county of the state. The judges of probate shall
47 collect a fee of twenty-five dollars (\$25) for each notary
48 commission issued. The judges of probate shall also report to
49 the Secretary of State the name, county of residence, date of
50 issuance, and date of expiration of the commission of each
51 notary public appointed and commissioned under this
52 subsection.

53 (b) All existing notaries public functioning on
54 ~~September 1, 2023~~October 1, 2026, shall continue to function
55 pursuant to their existing authority for the remainder of
56 their~~existing~~unexpired commission.



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(c) Each applicant for notary public commission shall pay a ten dollar (\$10) application fee. A judge of probate may accept or deny any application for notary public commission, as developed by the Alabama Probate Judges Association and the Alabama Law Institute, and shall deny an application for notary public commission on any of the following grounds:

(1) The applicant is not a resident of this state.

(2) The applicant makes the application to a judge who is not the judge of probate of the county of the applicant's residence.

(3) The applicant has been convicted of a felony or crime of moral turpitude.

(4) The applicant is currently a debtor in a bankruptcy proceeding.

(5) The applicant is under a current order adjudicating him or her incapacitated.

(6) The applicant provides false information on the application.

(7) The applicant is unable or unwilling to successfully complete the training program required in subsection (e) within 30 days after submitting his or her application. This time frame may be extended by the judge of probate upon good cause shown.

(d) A notary public is not an insurer but is under a duty to act honestly, skillfully, and with reasonable diligence. A notary public shall not perform an acknowledgment in any transaction where he or she has a pecuniary interest.

(e) Before being commissioned, an applicant for a



85 notary public commission shall successfully complete a
86 training program prepared by the Alabama Probate Judges
87 Association and the Alabama Law Institute that reinforces and
88 updates the applicant's knowledge of all matters relevant to
89 the appointment, authority, duties, and legal and ethical
90 responsibilities of a notary public. An attorney who is
91 commissioned as a notary public under this article is not
92 required to complete the training requirement. A notary public
93 who is commissioned as of September 1, 2023, shall be required
94 to complete the training requirement upon submitting an
95 application for the renewal of his or her expired commission."

96 "§36-20-72

97 (a) For the authentication of his or her official acts,
98 each notary public shall provide a seal of office, ~~which shall~~
99 ~~present, by its impression or stamp, the name, office, and the~~
100 ~~state for which he or she was appointed.~~

101 (b) The form and content of any notarial act on an
102 instrument to be recorded in the public records, including the
103 court system, shall include an oath, acknowledgment, and
104 signature of each party to the document, or his or her mark,
105 and the signature of the notary public and his or her seal of
106 office by either ink stamp or embossed impression.

107 (c) Effective October 1, 2026, a notary seal shall be
108 permanently affixed to each notary stamp and all of the
109 following information shall be embedded in the notary stamp:

- 110 a. The full legal name of the notary public.
- 111 b. The commission number of the notary public.
- 112 c. The expiration date of the notary's commission.



113 d. The official title "Notary Public, State of
114 Alabama."

115 (d) Manual entry of the name or commission expiration
116 date of a notary public on a notary stamp is strictly
117 prohibited.

118 (e) Upon renewal, the Secretary of State's office
119 shall:

120 (1) Conduct a verification check to ensure the notary
121 public is in good legal standing;

122 (2) Confirm the notary public is alive and has not been
123 convicted of any crime involving dishonesty or fraud; and

124 (3) Issue to the applicant an updated notary seal and
125 stamp as provided in subsection (c).

126 (f) Any notary public who violates this section by
127 using an unapproved or manually altered notary stamp shall be
128 subject to suspension or revocation of commission and civil
129 penalties."

130 "§36-20-75

131 (a) The commissioning judge of probate, or his or her
132 successor in office, may issue a warning to a notary public or
133 restrict, suspend, or revoke a notarial commission for a
134 violation of this article and on any ground for which an
135 application for a commission may be denied under this article.
136 A period of restriction, suspension, or revocation does not
137 extend the expiration date of a commission.

138 (b) Except as otherwise permitted by law, an individual
139 who commits any of the following acts is guilty of a Class C
140 misdemeanor:



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141 (1) Holding one's self out to the public as a notary
142 public without being commissioned.

143 (2) Performing a notarial act with an expired,
144 suspended, or restricted commission.

145 (3) Performing a notarial act before taking an oath of
146 office.

147 (4) Charging a fee for a notarial act in excess of the
148 maximum fee allowed by this article.

149 (5) Taking an acknowledgment or administering an oath
150 or affirmation without the principal appearing in person
151 before the notary public or following the procedures for
152 remote notarization set out in this article.

153 (6) Taking an acknowledgment or administering an oath
154 or affirmation without personal knowledge or satisfactory
155 evidence of the identity of the principal.

161 (c) A notary public is guilty of a Class D felony if he
162 or she does any of the following with the intent to commit
163 fraud or to intentionally assist in the commission of a
164 fraudulent act:

165 (1) Takes an acknowledgment, or a verification or
166 proof, or administers an oath or affirmation he or she knows
167 or reasonably believes to be false.

168 (2) Takes an acknowledgment or administers an oath or



169 affirmation without the principal appearing in person before
170 the notary public, or without following the procedures for
171 remote notarization set out in this article.

172 (3) Takes a verification or proof without the
173 subscribing witness appearing in person before the notary
174 public, or without following the procedures for remote
175 notarization set out in this article.

176 (4) Performs notarial acts in this state with the
177 knowledge that he or she is not properly commissioned under
178 this chapter.

179 (d) For purposes of enforcing this chapter, all of the
180 following are applicable:

181 (1) Any party to a transaction requiring a notarial
182 certificate for verification, and any attorney licensed in
183 this state who is involved in such a transaction in any
184 capacity, may execute an affidavit and file it with either the
185 Secretary of State or the judge of probate who issued the
186 commission to the notary public, setting forth the actions
187 which the affiant alleges are violations. Upon receipt of an
188 affidavit, the Secretary of State or judge of probate shall
189 forward the affidavit to the Alabama State Law Enforcement
190 Agency. Upon receipt of the affidavit, the Alabama State Law
191 Enforcement Agency shall initiate and carry out, on its own or
192 in coordination with local law enforcement agencies,
193 investigations of violations. Founded investigations shall be
194 referred to the appropriate district attorney for prosecution.

195 (2) Resignation or expiration of a notarial commission
196 does not terminate or preclude an investigation into the

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197 conduct of a notary public by the Secretary of State, a judge
198 of probate, or a law enforcement agency who may pursue the
199 investigation to a conclusion, whereupon it may be a matter of
200 public record whether or not the finding would have been
201 grounds for disciplinary action.

202 (3) The commissioning judge of probate may order
203 injunctive relief against any individual who violates this
204 chapter including, but not limited to, ordering the surrender
205 and destruction of a notary commission and a notary seal.

206 (e) Any individual who knowingly solicits, coerces, or
207 in any material way influences a notary public to commit
208 official misconduct is guilty as an aider and abettor and is
209 subject to the same level of punishment as the notary public."

210 Section 3. This act shall become effective on October
211 1, 2026.