

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



SYNOPSIS:

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

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

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

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

A BILL
TO BE ENTITLED
AN ACT

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



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certain identifying information; and to provide penalties for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

"§36-20-70

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

(b) All existing notaries public functioning on ~~September 1, 2023~~ October 1, 2026, shall continue to function pursuant to their existing authority for the remainder of 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



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

"§36-20-72

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

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

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

a. The full legal name of the notary public.

b. The commission number of the notary public.

c. The expiration date of the notary's commission.



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

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

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

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

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

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

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

"§36-20-75

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

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



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

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

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

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

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

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

(7) Taking a verification or proof without personal knowledge or satisfactory evidence of the identity of the subscribing witness.

(8) Knowingly using a fraudulent notarial stamp in a real estate transaction.

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

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

(2) Takes an acknowledgment or administers an oath or



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

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

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

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

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

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



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

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

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

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