

**SB292 INTRODUCED**



1 SB292

2 W1JBQ95-1

3 By Senator Orr

4 RFD: Fiscal Responsibility and Economic Development

5 First Read: 10-Feb-26



1  
2  
3

4     SYNOPSIS:

5                 This bill would create the Alabama Property  
6     Protection Act of 2026 which would provide best  
7     practices for title agents, attorneys, realtors, and  
8     notaries public to prevent title fraud and classify the  
9     existing crime of fraudulent sale of real property as a  
10    Class D felony.

11                This bill would establish the crime of  
12    aggravated fraudulent sale of real property and  
13    classify it as a Class C felony.

14                This bill would establish the Alabama Title  
15    Fraud Recovery Fund and an administrative complaint  
16    process through the Alabama Securities Commission;  
17    allow judges of probate to establish a real property  
18    owner notification service; require online real estate  
19    platforms to verify ownership prior to publishing a  
20    listing; and to remove listings for properties not for  
21    sale.

22                This bill would create an expedited quiet title  
23    process for victims of title fraud and provide for the  
24    recovery of costs and attorney fees in certain quiet  
25    title actions.

26                This bill would prohibit remote notarization of  
27    documents conveying interest in real property under  
28    certain circumstances and also make nonsubstantive,

## SB292 INTRODUCED



29                   technical revisions to update the existing code  
30                   language to current style.

31

32

33                   A BILL

34                   TO BE ENTITLED

35                   AN ACT

36

37                   Relating to title fraud; to add a new Chapter 21 to  
38                   Title 35, Code of Alabama 1975, to create the Alabama Property  
39                   Protection Act of 2026; to provide best practices for title  
40                   agents, attorneys, realtors, and notaries public to prevent  
41                   title fraud; to establish a consumer administrative complaint  
42                   process through the Alabama Securities Commission; to add  
43                   Sections 8-6-61, 12-13-55, and 13A-9-23 to the Code of Alabama  
44                   1975, to create the Alabama Title Fraud Recovery Fund to be  
45                   administered by the Alabama Securities Commission; to grant  
46                   the Alabama Securities Commission investigative and  
47                   enforcement authority; to authorize civil penalties for  
48                   certain fraudulent conveyance actions; to allow judges of  
49                   probate to establish a real property owner notification  
50                   service; to establish the crime of aggravated fraudulent sale  
51                   or lease of residential real property and classify the crime  
52                   as a Class C felony; to add a new Chapter 19J to Title 8, Code  
53                   of Alabama 1975, to require online real estate platforms to  
54                   verify ownership for listings in certain transactions; to  
55                   amend Sections 6-6-540, 6-6-545, and 6-6-571, Code of Alabama  
56                   1975, to provide for expedited quiet title actions and

## SB292 INTRODUCED



57 recovery of costs and attorney fees in certain quiet title  
58 actions; to amend Section 13A-9-22, Code of Alabama 1975, to  
59 make fraudulent sale of residential real property a Class D  
60 felony; to amend Sections 35-4-20, 35-4-51, and 35-4-58, Code  
61 of Alabama 1975, to require instruments conveying title to  
62 real property be notarized and to increase the identification  
63 required by judges of probate to record instruments conveying  
64 title to real property; to amend Sections 36-20-70, 36-20-73,  
65 and 36-20-73.1, Code of Alabama 1975, to revise duties of  
66 notaries public, to prohibit remote notarization of deeds for  
67 certain transactions; and to make nonsubstantive, technical  
68 revisions to update the existing code language to current  
69 style.

70 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

71         Section 1. Chapter 21, commencing with Section 35-21-1,  
72 is added to Title 35, Code of Alabama 1975, to read as  
73 follows:

74             §35-21-1

75             This chapter shall be known and may be cited as the  
76 Alabama Property Protection Act of 2026.

77             §35-21-2

78             For the purposes of this act, the term "commission"  
79 means the Alabama Securities Commission.

80             §35-21-3

81             (a) The commission shall have authority to investigate  
82 claims and administer, implement, and enforce the law under  
83 this chapter with respect to all regulated conduct,  
84 individuals, and entities described herein, regardless of



85 licensure under any other provision of law. This authority  
86 shall not preclude other professional licensing authorities  
87 from pursuing professional licensing violations under Chapter  
88 25 of Title 27, Chapter 3 of Title 34, Chapter 27 of Title 34,  
89 or Chapter 20 of Title 36.

90 (b) The commission may adopt rules necessary to carry  
91 out this chapter, including, but not limited to, rules  
92 governing:

93 (1) Consumer complaint intake and resolution  
94 procedures;

95 (2) Disclosure forms and content;

96 (3) Examination, reporting, and recordkeeping  
97 requirements;

98 (4) Any fees, fines, penalty schedules, and remedial  
99 measures established by rule;

100 (5) The creation and administration of a consumer  
101 recovery fund; and

102 (6) Definitions and standards necessary to prevent  
103 circumvention of this chapter.

104 (c) The commission may:

105 (1) Conduct investigations and examinations and issue  
106 administrative orders detailing their findings;

107 (2) Require the production of documents and testimony;

108 (3) Issue subpoenas;

109 (4) Issue cease and desist orders;

110 (5) Impose administrative fines and penalties per  
111 violation;

112 (6) Order restitution, rescission, disgorgement, or

**SB292 INTRODUCED**



113 other remedial relief;

114 (7) Prosecute criminal violations where authorized by  
115 law; and

116 (8) Coordinate with other agencies as authorized by law.

117 (d) The commission may bring an action in any court of  
118 appropriate jurisdiction to obtain an order imposing:

119 (1) Injunctive or other relief;

120 (2) Civil penalties;

121 (3) Restitution, rescission, or disgorgement;

122 (4) Enforcement of administrative orders;

123 (5) Recovery of investigative and enforcement costs;

124 and

125 (6) Appointment of a receiver.

126 (e) Nothing in this chapter shall be construed to limit  
127 criminal prosecution under any law or to require exhaustion of  
128 administrative remedies prior to criminal enforcement.

129 §35-21-4

130 (a) When the commission determines, after receiving a  
131 complaint and conducting an investigation, that a real  
132 property or real estate conveyance occurred as a result of a  
133 criminal act or fraud, any proceeds derived from the  
134 fraudulent conveyance shall be forfeited and deposited into  
135 the Alabama Title Fraud Recovery Fund established under  
136 Section 8-6-61. No person or individual may profit by  
137 retaining proceeds from such a conveyance. Proceeds may  
138 include, but are not limited to:

139 (1) Real estate agent commissions or fees;

140 (2) Closing attorney fees;



## **SB292 INTRODUCED**

141 (3) Title insurance premiums or agent fees; and  
142 (4) Other payments connected to the fraudulent  
143 transaction.

144 (b) This act does not limit the right to bring civil or  
145 equitable actions that may lawfully arise under existing  
146 Alabama laws.

147 (c) The commission shall have the authority to  
148 administratively determine land fraud and fraudulent  
149 conveyance under this chapter. Nothing in this act shall limit  
150 the jurisdiction of the circuit court to hear de novo appeals  
151 or to grant equitable relief consistent with a final  
152 administrative order of the commission.

153 §35-21-5

154 (a) For purposes of fraudulent conveyances of real  
155 property, when the seller, real property owner, or landlord is  
156 unknown to the real estate agent or broker licensed under  
157 Chapter 27 of Title 34 and is not physically present to meet  
158 with a real estate agent prior to listing real property for  
159 sale or rent, the following shall be considered best practices  
160 for real estate agents or brokers prior to listing real  
161 property on any multiple listing services, websites, or  
162 listing portals.

163 (1) If real property is owned by an individual, a real  
164 estate agent should request and obtain the legal  
165 identification of the real property owner, then:

166 a. Verify that the identification provided matches the  
167 county land records;

168 b. Use an identity verification technology service to



169 ensure the identification provided matches the phone records  
170 of the telephone number provided by the seller, real property  
171 owner, or landlord; and

172                   c. Document and maintain these records for a period of  
173 five years.

174                   (2) If real property is owned by an entity, a real  
175 estate agent should request and obtain:

176                   a. The legal identification of the real property owner  
177 or an authorized company representative;

178                   b. The real property deed or documents showing the  
179 exact company name;

180                   c. Written authority for the individual to act on the  
181 company's behalf, such as a member or manager resolution,  
182 board resolution, operating agreement, or other document that  
183 establishes the individual's authority to act on behalf of the  
184 company; and

185                   d. A verification from an identity verification service  
186 that the identification and company records provided match the  
187 county land records, and confirmation, using the identity  
188 verification service, that the identification matches the  
189 phone records for the telephone number provided by the seller,  
190 real property owner, or landlord.

191                   (3) The real estate agent shall document and maintain  
192 the records required in subdivision (2) for five years.

193                   (b) Adherence to these best practices shall create a  
194 rebuttable presumption that the licensed real estate agent or  
195 broker acted in a reasonable manner. Such adherence does not  
196 preclude administrative action by the commission. The

## SB292 INTRODUCED



197       existence of the presumption shall be a question of law for  
198       the court and may be determined on a motion for summary  
199       judgment.

200               (c) An action against a real estate agent or broker  
201       arising from a transfer of real property shall be commenced no  
202       later than four years after the date the transfer is recorded  
203       in the public records.

204               \$35-21-6

205               (a) For purposes of fraudulent conveyances of real  
206       property, the following shall be considered best practices for  
207       a title agent licensed under Chapter 25 of Title 27 when the  
208       real property owner is unknown to the title agent and is not  
209       physically present at the closing:

210               (1) Obtaining the real property owner's legal  
211       identification and proof of real property ownership before  
212       conducting a closing.

213               (2) Verifying the real property owner's identification  
214       using an identification verification technology service.

215               (3) Conducting live voice or facial recognition  
216       verification of the real property owner.

217               (4) Providing written notice to the record owner that  
218       the real property is under contract to be sold and that a  
219       title policy has been requested for the real property.

220               (5) Verifying notarizations for remote signers by  
221       speaking with the notary and confirming that the notary is  
222       listed on the Secretary of State's website.

223               (6) For mail-away or remote closings, selecting the  
224       notary public that the real property owner will use near the



225 owner's geographic location to ensure a neutral, independent  
226 third party is physically present to verify the owner's  
227 identity and witness the real property owner's signature.

228 (b) Adherence to these best practices shall create a  
229 rebuttable presumption that the title agent acted in a  
230 reasonable manner. Such adherence does not preclude  
231 administrative action by the commission. The existence of the  
232 presumption shall be a question of law for the court and may  
233 be determined on a motion for summary judgment.

234 (c) An action arising against a title agent arising  
235 from a transfer of real property shall be commenced no later  
236 than four years after the date the transfer is recorded in the  
237 public record.

238 (d) A title insurance company shall not be civilly  
239 liable for the negligent acts or omissions of a title agent,  
240 except as expressly provided in the terms of a title insurance  
241 policy.

242 §35-21-7

243 (a) For purposes of fraudulent conveyances of real  
244 property, the following shall be considered best practices for  
245 an attorney licensed under Chapter 3 of Title 34 who conducts  
246 real estate closing services but is not acting on behalf of a  
247 title insurer or title agent when the real property owner is  
248 unknown to the attorney and is not physically present at the  
249 closing:

250 (1) Obtaining the real property owner's legal  
251 identification and proof of property ownership, prior to  
252 conducting a closing.



## **SB292 INTRODUCED**

253 (2) Verifying the real property owner's identification  
254 using an identification verification technology service.

255 (3) Conducting live voice or facial recognition  
256 verification of the real property owner.

257 (4) Providing written notice to the record owner that  
258 the real property is under contract to be sold.

259 (5) Verifying notarizations for remote signers by  
260 speaking with the notary and confirming that the notary is  
261 listed on the Secretary of State's website.

262 (6) For mail-away or remote closings, selecting the  
263 notary public that the real property owner will use from near  
264 the owner's geographic location to ensure a neutral,  
265 independent third party is physically present to verify the  
266 owner's identity and witness the real property owner's  
267 signature.

268 (b) Any expense associated with the additional due  
269 diligence resulting from the real property owner's absence may  
270 be passed on to the buyer or seller according to the terms of  
271 the purchase agreement or other contractual documents.

272 (c) Adherence to these best practices shall create a  
273 rebuttable presumption that the attorney acted in a reasonable  
274 manner. Such adherence does not preclude administrative action  
275 by the commission. The existence of the presumption shall be a  
276 question of law for the court and may be determined on a  
277 motion for summary judgment.

278 (d) An action against an attorney arising from a  
279 transfer of real property shall be commenced no later than  
280 four years after the date the transfer is recorded in the



281 public record.

282                   \$35-21-8

283                   (a) For purposes of fraudulent conveyances of real  
284 property, the following shall be considered best practices for  
285 notaries public appointed and commissioned under Chapter 20 of  
286 Title 36:

287                   (1) If a notary is asked to perform a notarial act for  
288 a party who is a signatory to an instrument that conveys,  
289 transfers, encumbers, or affects real estate, verifying the  
290 legal identity of the signatory.

291                   (2) Maintaining a current address and phone number with  
292 the Secretary of State.

293                   (b) Adherence to these best practices shall create a  
294 rebuttable presumption that the notary acted in a reasonable  
295 manner. Such adherence does not preclude administrative action  
296 by the commission. The existence of the presumption shall be a  
297 question of law for the court and may be determined on a  
298 motion for summary judgment.

299                   (c) An action against a notary arising from a transfer  
300 of real property shall be commenced no later than four years  
301 after the date of the transfer is recorded in the public  
302 record.

303                   \$35-21-9

304                   (a) For purposes of fraudulent conveyances of real  
305 property, the following shall be considered best practices for  
306 online real estate platforms, as defined by Section 8-19J-1,  
307 that display and advertise real property for sale or lease:

308                   (1) The online real estate platform requires

## SB292 INTRODUCED



309 verification of identity and proof of ownership before a  
310 listing originating on its site is made active.

311 (2) The website, portal, or service follows the best  
312 practices outlined in Section 8-19J-2.

313 (b) Adherence to these best practices shall create a  
314 rebuttable presumption that the online real estate platform  
315 acted in a reasonable manner. Such adherence does not preclude  
316 administrative action by the commission. The existence of the  
317 presumption shall be a question of law for the court and may  
318 be determined on a motion for summary judgment.

319 (c) An action against an online real estate platform  
320 shall be commenced no later than four years after the date the  
321 transfer is recorded in the public record.

322 (d) An online real estate platform may not be liable  
323 for the negligence arising from a syndicated listing or an  
324 intermediary agent or broker that fails to obtain property  
325 documentation before listing real property.

326 §35-21-10

327 (a) The commission may fund a statewide real property  
328 notification alert system that notifies a real property owner  
329 by text or email when a recording is made on his or her real  
330 property. Judges of Probate offices, upon request, may provide  
331 the commission with available contact information for real  
332 property owners within his or her county for this purpose.

333 (b) Judges of probate and their staff are encouraged to  
334 work with the commission to successfully enforce real estate  
335 fraud laws, prevent fraud, and provide consumer education to  
336 real property owners.



## SB292 INTRODUCED

337 (c) The commission may provide training and assistance  
338 to judges of probate, their staff, and real property owners on  
339 real estate fraud prevention and consumer education. Judges of  
340 probate are encouraged to establish fraud prevention policies  
341 and to provide consumer education to real property owners.

342

343                   The expedited quiet title process established in  
344                   Section 6-6-540 applies to transactions in this chapter.

345 §35-21-12

346 (a) Upon receipt of a complaint alleging land fraud or  
347 a fraudulent conveyance, the commission may investigate the  
348 matter using all authority granted under this chapter.

349 (b) If the commission determines that a real property  
350 conveyance resulted from a criminal act or fraud involving the  
351 true ownership of the real property, the commission may issue  
352 a final administrative order declaring the conveyance void.  
353 The commission, in the same order, may impose civil penalties,  
354 order restitution, or disgorgement, and assess any other  
355 remedies authorized by law.

356 (c) A final administrative order issued by the  
357 commission declaring a conveyance void shall be legally  
358 binding and enforceable. The administrative order shall not be  
359 stayed except by order of the circuit court in a timely filed  
360 appeal.

361 (d) Upon issuance of a final administrative order, the  
362 commission shall serve a copy of the order by certified mail  
363 upon the complainant and all parties to the proceeding. The  
364 complainant may file a certified copy of the final

## SB292 INTRODUCED



365 administrative order in the circuit court of the county where  
366 the real property is located for purposes of enforcement and  
367 quiet title relief.

368 \$35-21-13

369 (a) Any party aggrieved by a final administrative order  
370 of the commission may seek de novo judicial review by filing  
371 an appeal in the circuit court of the county where the real  
372 property is located no later than 30 days after the date of  
373 the final administrative order.

374 (b) The circuit court shall conduct a de novo review of  
375 the commission's determination and may affirm, modify, or  
376 vacate the order.

377 \$35-21-14

378 (a) If no timely appeal is filed, the circuit court,  
379 upon a quiet title petition by the complainant, shall enter an  
380 order enforcing the final administrative order no later than  
381 30 days from the filing date of the quiet title petition  
382 without further evidentiary hearing or procedural delay. The  
383 court may waive the filing fees and court costs for good cause  
384 shown. The enforcement order shall:

385 (1) Declare the fraudulent conveyance or attempted  
386 conveyance void;

387 (2) Direct the judge of probate to remove or nullify  
388 any recorded instrument that clouds title or conflicts with  
389 the administrative order; and

390 (3) Quiet title in favor of the rightful real property  
391 owner.

392 (b) The probate court shall act promptly upon receipt



393 of a quiet title enforcement order issued by the circuit court  
394 pursuant this section.

395                   \$35-21-15

396                   (a) When the commission determines, after receiving a  
397 complaint and conducting an investigation, that a real  
398 property or real estate conveyance occurred as a result of a  
399 criminal act or fraud, any proceeds derived from the  
400 fraudulent conveyance shall be forfeited and deposited into  
401 the Alabama Title Fraud Recovery Fund established under  
402 Section 8-6-61, unless otherwise ordered by the circuit court.  
403 Proceeds may include, but are not limited to:

404                   (1) Real estate agent commissions or fees;  
405                   (2) Closing attorney fees;  
406                   (3) Title insurance premiums or agent fees; and  
407                   (4) Other payments connected to the fraudulent  
408 transaction.

409                   (b) This section does not limit the right to bring  
410 civil or equitable actions that may lawfully arise under  
411 existing Alabama laws.

412                   (c) Any person who knowingly fails to remit proceeds  
413 from a fraudulent conveyance or files frivolous litigation to  
414 delay enforcement may be assessed an additional civil penalty  
415 of ten thousand dollars (\$10,000), payable to the Alabama  
416 Title Fraud Recovery Fund.

417                   \$35-21-16

418                   The crimes of fraudulent sale or lease of residential  
419 real property or aggravated fraudulent conveyance of real  
420 property established in Article 1, Chapter 9 of Title 13A does

## SB292 INTRODUCED



421 not preclude the state from pursuing additional criminal  
422 prosecution as authorized by law.

423                   §35-21-17

424                   (a) For the purpose of combating real estate related  
425 fraud, the Secretary of State may implement, by rule, a secure  
426 business filing system that includes authentication of filer  
427 identity, verification of authority to file, and credentialed  
428 filers programs. The Secretary of State may establish  
429 expedited and streamlined filing processes for verified or  
430 credentialed filer and additional verification review  
431 requirements for unverified or infrequent filers as necessary  
432 to protect the integrity of the filing system. The Secretary  
433 of State's office may refuse a business filing that it  
434 believes to be fraudulent.

435                   (b) Rules adopted under this section shall be  
436 reasonable, nondiscriminatory, and designed to preserve public  
437 access to lawful filings while preventing fraud and abuse.

438                   Section 2. Sections 8-6-61, 12-13-55, and 13A-9-23 are  
439 added to the Code of Alabama 1975, to read as follows:

440                   §8-6-61

441                   (a) There is established in the State Treasury an  
442 Alabama Title Fraud Recovery Fund to be administered by the  
443 Alabama Securities Commission in accordance with this section.  
444 The fund shall be budgeted and allotted in accordance with  
445 Article 4 of Chapter 4 of Title 41 and Chapter 19 of Title 41.

446                   (b) Money in the fund shall only be used to compensate  
447 individuals injured by title conveyance fraud for actual  
448 economic damages, excluding interest and court costs, incurred



449 by the injured party. Payments from the fund are subject to  
450 the following limitations and conditions:

451 (1) The fund shall only make payments to real property  
452 owners who file a complaint with the commission as required by  
453 this section.

454 (2) The fund shall not issue payments based on consent  
455 judgments.

456 (c) The commission, by rule, shall set the maximum  
457 payment amount that can be issued from the fund to a  
458 complainant.

459 (d) Any person with a claim for title conveyance fraud  
460 may submit a written complaint to the commission, which may  
461 investigate it.

462 (e) During the investigation of a complaint, the  
463 commission may:

464 (1) Hold hearings;  
465 (2) Subpoena witnesses;  
466 (3) Administer oaths;  
467 (4) Examine any individual under oath; and  
468 (5) Compel the production of records, books, papers,  
469 contracts, or other documents.

470 (f) If an individual fails to comply with a subpoena  
471 issued by the commission or to testify on matters for which  
472 they can be questioned under this section, the commission may  
473 petition a court of competent jurisdiction for enforcement.

474 (g) If the commission determines that a person is  
475 liable for fraudulent title conveyance, the commission may  
476 take any of the following actions:



## **SB292 INTRODUCED**

477 (1) Issue an administrative order finding the  
478 fraudulent conveyance void and removing it from the official  
479 real property records of the probate court.

480 (2) Impose a civil penalty of up to one million dollars  
481 (\$1,000,000) per transaction on the liable individual or  
482 entity, which shall be deposited into the Alabama Title Fraud  
483 Recovery Fund.

484 (h) Any final order issued by the commission shall be  
485 legally binding and shall not be stayed except by order of the  
486 circuit court in a timely filed appeal. Any party dissatisfied  
487 with a final judgment or decision by the commission may appeal  
488 to the circuit court where the property is located no later  
489 than 30 days from the date of the final administrative order  
490 of the Alabama Securities Commission. For appeals, the  
491 commission shall provide a certified transcript of the  
492 proceedings and actions taken by the commission to the circuit  
493 court to which the appeal is taken.

494

495 (a) In cooperation with the Alabama Securities  
496 Commission, each judge of probate may establish a real  
497 property owner notification service that informs owners of  
498 real property in the county whenever a document is recorded in  
499 the name of the real property owner or the address of the real  
500 property owner registered with the recording clerk where the  
501 property is located.

502 (b) Once established, the property owner notification  
503 service shall be free and available to any property owner who  
504 owns real property in the county.

## SB292 INTRODUCED



505 (c) A judge of probate, the commission, or a third-party provider shall not be liable for failure to provide  
506 notice under this section.

508 §13A-9-23

509 (a) A person commits the crime of aggravated fraudulent  
510 sale or lease of residential real property if, with the intent  
511 to defraud:

512 (1) The person either: (i) lists, advertises, or causes  
513 the listing or advertisement of residential real property for  
514 sale knowing that the person or the purported seller has no  
515 legal title or authority to sell the real property; or (ii)  
516 rents, leases, or causes the rental or leasing of real  
517 property knowing the person or the purported lessor has no  
518 legal ownership or authority to lease the property; and

519 (2) Either: (i) the person received funds related to  
520 the sale or lease; or (ii) the property is owned individually  
521 or jointly by an individual who is 70 years of age or older.

522 (b) Aggravated fraudulent sale of real property is a  
523 Class C felony.

524 Section 3. Chapter 19J, commencing with Section  
525 8-19J-1, is added to Title 8, Code of Alabama 1975, to read as  
526 follows:

527 Chapter 19J

528 §8-19J-1

529 For the purposes of this chapter, the term "online real  
530 estate platform" means: (i) a digital media platform whose  
531 primary business purpose is to publicly advertise real estate  
532 for sale or lease; or (ii) a real estate website whose primary

## SB292 INTRODUCED



533 purpose is publicly advertising real estate for sale or lease.  
534 This definition does not apply to nonpublic websites, portals,  
535 list servers, social media websites, or new sites.

536           \$8-19J-2

537           For a listing that originates from an online real  
538 estate platform, the platform shall require the following  
539 before publishing, hosting, advertising, or otherwise publicly  
540 disseminating real property for sale or lease by a person who  
541 is not represented by an agent, broker, or brokerage service:

542           (1) A copy of the owner's government-issued  
543 identification that is unexpired and includes the individual's  
544 photograph, name, and address.

545           (2) A copy of the official county recorder's records  
546 showing the owner of record, a copy of the deed to the real  
547 property with the owner's name and signature, or a title  
548 history.

549           \$8-19J-3

550           (a) Interior photos and videos may not be: (i) used  
551 indefinitely by an online real estate platform for commercial  
552 purposes; (ii) used to imply that a property is for sale; or  
553 (iii) remain publicly available without written permission  
554 from the current owner of the real property.

555           (b) An online real estate platform shall remove all  
556 publicly available interior photos, videos, and all nonpublic  
557 information from the real estate platform website no later  
558 than 30 days from the date of sale, withdrawal from sale,  
559 request of the owner or real estate agent representing the  
560 owner that the media be removed, or upon notification and



561 syndication from a multiple listing service.

562 (c) An online real estate platform may not publicly  
563 display, publish, host, advertise, or otherwise distribute  
564 interior photos or listings for real estate: (i) that is not  
565 for sale; or (ii) that was previously listed for sale and sold  
566 more than 30 days ago.

567 §8-19J-4

568 The commission may create an administrative complaint  
569 process for real property owners to ensure compliance with  
570 this chapter.

571 §8-19J-5

572 No Internet service provider, or its affiliates or  
573 subsidiaries, search engine, or cloud service provider shall  
574 be considered to have violated this chapter solely for  
575 providing access or connection to or from a website, to  
576 content on the Internet, or to a facility, system, or network  
577 not under that provider's control, including transmission,  
578 download, intermediate storage, or access software.

579 Section 4. Sections 6-6-540, 6-6-545, 6-6-571,  
580 13A-9-22, 35-4-20, 35-4-51, 35-4-58, 36-20-70, 36-20-73, and  
581 36-20-73.1, Code of Alabama 1975, are amended to read as  
582 follows:

583 "§6-6-540

584 (a) When any person is in peaceable possession of  
585 lands, whether actual or constructive, claiming to own the  
586 same, in his or her own right or as a personal representative  
587 or guardian, and his or her title ~~thereto~~, or any part  
588 thereof, is denied or disputed or any other person claims or



589 is reputed to own the same, any part thereof, or any interest  
590 therein or to hold any lien or encumbrance thereon and no  
591 action is pending to enforce or test the validity of ~~such the~~  
592 title, claim, or encumbrance, ~~such the~~ person or his or her  
593 personal representative or guardian, ~~so~~ in possession, may  
594 commence an action to settle the title to such lands and to  
595 clear up all doubts or disputes concerning the same.

596 (b) (1) An expedited quiet title action against a parcel  
597 of real property may be maintained under this article based on  
598 a fraudulent title conveyance allegation. All actions to quiet  
599 title based on fraudulent title conveyance allegations shall  
600 be brought in the circuit court where the real property is  
601 located which shall have equitable jurisdiction pursuant to  
602 Section 12-11-31.

603 (2) a. A petitioner bringing an action to quiet title  
604 based on fraudulent title conveyance allegations is entitled  
605 to an expedited procedure. The court shall set the date, time,  
606 and place for a preliminary hearing on the petition no later  
607 than 30 days from service of the complaint.

608 b. In an expedited action to quiet title under this  
609 section, when the court determines that an attempt was made to  
610 fraudulently convey the land at issue from a plaintiff who had  
611 legal title to the land before the conveyance, the court must  
612 quiet title in and award the plaintiff with the same title and  
613 rights to the land that the plaintiff enjoyed before the  
614 attempted conveyance.

615 (3) A petitioner may file a single petition with the  
616 clerk of the circuit court for the judicial circuit in which



617 the subject property is located for an order to quiet title  
618 and expedite foreclosure to one or more parcels of real  
619 property under this section. The petition shall identify each  
620 parcel by its legal description, tax parcel number, and street  
621 address, if available.

622 (4) The Administrative Office of Courts shall provide a  
623 simplified form for the filing of a complaint to quiet title  
624 based on a fraudulent title conveyance allegation and  
625 instructions for completing such form."

626 "§6-6-545

627 (a) No judgment for costs shall be had under this  
628 division against a defendant~~who suffers a judgment by default~~  
629 ~~against him~~ against whom a plaintiff receives a default  
630 judgment or who, in his or her answer, disclaims all title to,  
631 interest in, or encumbrance on the lands~~; but the~~. The court  
632 ~~shall~~, in those cases~~;~~ and without further proof, shall  
633 adjudge that~~such the~~ defendant has no estate or interest in  
634 or encumbrance on such lands~~;~~ or any part thereof. Any  
635 defendant who~~shall~~, by answer under oath, ~~deny denies~~ that he  
636 or she claims, or ever has claimed, or pretended to have any  
637 estate, interest, or encumbrance in~~;~~ or upon~~;~~ such lands, or  
638 any part~~thereof of the lands~~, shall be entitled to recover  
639 his or her costs in the action.

640 (b) In any case where it is found that the defendant  
641 fraudulently created or caused to be created the instrument  
642 that is sought to be canceled, the plaintiff shall be entitled  
643 to recover all costs, including reasonable attorney fees,  
644 incurred in bringing the action to cancel the instrument."



645 "§6-6-571

646       (a) The court ~~shall have the power to~~ may assess the  
647 cost of a hearing held pursuant to the terms of this division,  
648 including the fee of the guardian ad litem, to the  
649 plaintiffs~~s~~, provided, ~~that should some of the defendants file~~  
650 that if any defendant files counterclaims or ~~should certain~~  
651 ~~persons intervene~~ any person intervenes, the cost shall be  
652 assessed by the court as justice may require.

653       (b) In any case where it is found that the defendant  
654 fraudulently created the instrument that is sought to be  
655 canceled, the plaintiff shall be entitled to recover all  
656 costs, including reasonable attorney fees, incurred in  
657 bringing the action to cancel the instrument."

658 "§13A-9-22

659       (a) A person commits the crime of fraudulent sale or  
660 lease of residential real property if, with intent to defraud,  
661 he or she does either of the following:

662           (1) Lists~~or~~, advertises, or causes to list or  
663 advertise residential real property for sale knowing that he  
664 or she or the purported seller has no legal title or authority  
665 to sell the property.

666           (2) Rents~~or~~, leases, or causes to rent or lease  
667 residential real property to another person knowing that he or  
668 she or the purported lessor has no legal ownership or other  
669 authority to lease the property.

670       (b) Fraudulent sale or lease of residential real  
671 property is a Class ~~A misdemeanor~~ D felony.

672 "§35-4-20



673 Conveyances ~~for the alienation~~ of lands must be:

674 (1) ~~written~~Written or printed, or partly written and

675 partly printed, on ~~parchment or~~ paper; ~~and must be~~

676 (2) ~~signed~~Signed at their foot by the ~~contracting party~~

677 maker or his or her agent having a written authority; or, if

678 ~~he is~~ the maker is not able to sign ~~his name~~, then ~~his~~ the

679 maker's name must be written for him or her, with the words

680 "his mark" or "her mark" written against the same, or over it;

681 (3) ~~the execution of such conveyance must be~~

682 ~~attested~~Attested by one witness or, where the party cannot

683 write, by two witnesses who are able to write and who must

684 write their names as witnesses; or, if ~~he~~the maker can write

685 his or her name but does not do so and his or her name is

686 written for ~~him~~ the maker by another, then the execution must

687 be attested by two witnesses who can and do write their

688 names; and

689 (4) Attested by a notary public licensed pursuant to

690 Chapter 20 of Title 36."

691 "§35-4-51

692 (a) For the purposes of this section, the following

693 terms have the following meanings:

694 (1) GOVERNMENT ISSUED IDENTIFICATION. One of the

695 following documents that is unexpired and includes the

696 individual's photograph, name, and address:

697 a. A United States passport.

698 b. A United States military identification card.

699 c. A tribal identification card issued by a tribe

700 recognized by the federal government or the State of Alabama.



701                   d. An Alabama driver license or nondriver  
702                   identification card.

703                   e. An Alabama voter identification card.

704                   f. A driver license issued by another state.

705                   (2) INSTRUMENT. Any of the following:

706                   a. A deed or other document transferring title to real  
707                   property in Alabama.

708                   b. A deed of trust, mortgage, judgment, lien,  
709                   encumbrance, bill of sale, financing statement, affidavit,  
710                   notice, memorandum, or any other instrument that establishes a  
711                   security interest in real property in Alabama.

712                   c. A contract, right of refusal, lease, affidavit,  
713                   memorandum, or any other instrument that purports to establish  
714                   an interest, option, encumbrance, right, or any other claim  
715                   relating to interest in real property in Alabama.

716                   d. An assignment of a mortgage, deed of trust, or other  
717                   security for debt or an extension agreement.

718                   (3) SUSPICIOUS INSTRUMENT. An instrument submitted for  
719                   recording of which the office of the judge of probate has  
720                   found any of the following:

721                   a. The instrument purports not to be subject to the  
722                   laws of the United States or the laws of Alabama.

723                   b. The instrument does not conform to recordation  
724                   requirements established by the laws of Alabama.

725                   c. The instrument is submitted by an individual who is  
726                   not a trusted submitter and the identity verification  
727                   requirements of this section are not met.

728                   (4) TRUSTED SUBMITTER. Any of the following:



729        a. An attorney licensed to practice law in this state  
730        or a representative of an attorney licensed to practice law in  
731        this state.

732        b. An agent of a bank or credit union with federal  
733        deposit insurance or an affiliate of a bank or credit union.

734        c. An agent of a licensed or exempt mortgage lender  
735        pursuant to Chapter 25 or 26 of Title 5.

736        d. An agent of a servicer as defined in 12 C.F.R. §  
737        1024.2.

738        e. A public official or employee of a federal, state,  
739        or local government or a department, agency, board,  
740        commission, or authority performing his or her official  
741        duties.

742        f. A professional land surveyor licensed under Chapter  
743        11 of Title 34 and in good standing with the State Board of  
744        Licensure for Professional Engineers and Land Surveyors.

745        (b) When an instrument is presented to the judge of  
746        probate for recording by a person who is not a trusted  
747        submitter, the following requirements apply:

748        (1) If presented by an individual in person, the judge  
749        of probate shall require the individual presenting the  
750        instrument to produce a government issued identification for  
751        inspection prior to recording the instrument.

752        (2) If presented by an individual via paper or  
753        electronic delivery, the judge of probate shall require the  
754        inclusion of a photocopy of the individual's government issued  
755        identification prior to recording the instrument.

756        (3) If presented by an entity in person, the judge of



probate shall require production of the following, as applicable:

a. A corporation must produce a certificate of good standing and a secretary's certificate signed by an authorized officer of the corporation.

b. A trust must produce a certificate of trust.

c. An estate must produce letters testamentary or letters of administration.

d. A limited liability company must produce a resolution signed by its members.

e. An unincorporated nonprofit association must present a statement attesting to the authority of the individual signing the instrument to act on behalf of the association.

f. If presented by an individual on behalf of the entity, the government issued identification of the individual presenting the instrument for recordation.

g. If presented by an entity via paper or electronic delivery, a photocopy of the government issued identification of the individual or officer of the entity authorized to record the instrument, as applicable.

(c) If the instrument was prepared and executed by mail, the instrument must contain a statement to that effect.

(d) The judge of probate shall accept, without certification, a deed submitted for recording by a trusted submitter, as defined in this section, containing the following statement on the deed: "This instrument prepared by \_\_\_\_\_, an attorney licensed in the State of Alabama. As closing attorney or title agent, I certify what I



785 was physically present at the closing. I also certify that any  
786 delinquent and current taxes owed will be paid by my office to  
787 the county tax assessing official upon disbursement of closing  
788 proceeds."

789       (e) The judge of probate shall provide notice of the  
790 requirements of this section on the website of the judge of  
791 probate or in the area of the office of the judge of probate  
792 open to the public for the purpose of allowing the public to  
793 record instruments.

794       (f) Except as may be otherwise provided by the Uniform  
795 Commercial Code, ~~all deeds, mortgages, deeds of trust, bills~~  
796 ~~of sale, contracts, or other documents purporting to convey~~  
797 ~~any right, title, easement, or interest in any real estate or~~  
798 ~~personal property and all assignments of mortgages, deeds of~~  
799 ~~trust, or other securities for debt or extension agreements~~  
800 ~~instruments with respect thereto, when that are~~ executed in  
801 accordance with law, shall be admitted to record in the office  
802 of the ~~probate~~ judge of probate of any county. ~~Their~~Its filing  
803 for registration shall constitute notice of ~~their~~ its  
804 contents.

805       (g) This section shall not be construed as superseding  
806 or repealing any other laws effective in Alabama relative to  
807 the subject matter in this article, but shall be held and  
808 construed to be cumulative."

809       "§35-4-58

810       (a) Judges of probate ~~are to~~ shall procure, at the  
811 expense of their counties, large and well-bound books, in  
812 which must be recorded in a fair hand, or by printing the



813 same, or by the use of a typewriter or other writing or  
814 printing, ~~photograph or photostat or photocopier~~ machine, word  
815 for word, conveyances of property and all other instruments  
816 authorized to be recorded, with the acknowledgments, proofs,  
817 schedules, plats, surveys, etc., belonging thereto; and, at  
818 the foot or in the margin of the record of each conveyance or  
819 other instrument, the day of the month and year of the  
820 delivery of the ~~same~~ instrument for record must be specified.

821 The judge making the record of any conveyance or other  
822 instrument must certify on the same when it was received and  
823 recorded and in what book and page the same is recorded and  
824 must deliver it to the party entitled thereto, or his or her  
825 order, on the payment of the fees of registration; ~~but the~~.

826 (b) The judge of probate may refuse to ~~endorse~~ endorse  
827 "filed" on any conveyance or other instrument or to record the  
828 ~~same~~ until instrument if one of the following occurs:

829 (1) ~~such~~ The fees of registration are not paid ~~and~~  
830 ~~unless~~.

831 (2) ~~the~~ The conveyance or other instrument is not  
832 witnessed, probated, or acknowledged as required by this ~~Code~~  
833 chapter ~~†~~.

834 (3) The individual or entity presenting the instrument  
835 for recording is not a trusted submitter and fails to provide  
836 the required government issued identification or documents.

837 (4) The individual or entity presenting the instrument  
838 for recording is not a trusted submitter and the required  
839 government issued identification or documents do not match the  
840 name of the grantor, grantee, or officer of the grantor or



841 grantee in the instruments presented for recording.

842 (5) The office of the judge of probate deems the  
843 instrument presented for recording a suspicious instrument.

844 (c) Upon finding that an instrument presented for  
845 recording is a suspicious instrument, the office of the judge  
846 of probate may report the suspicious instrument to an  
847 appropriate law enforcement agency.

848 (d) There is no right or cause of action against, and  
849 no civil liability on the part of, the office of the judge of  
850 probate or county with respect to the office of the judge of  
851 probate's requirement of a government issued identification or  
852 other documentation or any refusal to record any instruments  
853 pursuant to this chapter.

854 (e) provided, that in In counties wherein where a  
855 photostat photocopier machine or other similar ~~photograph~~  
856 copying machine is used and ~~an electric~~ a time clock or time  
857 stamp is used, the judge of probate may make the certificate  
858 required by this section by having ~~same~~ the certificate  
859 stamped upon the instrument with the ~~electric~~ time stamp ~~to~~  
860 ~~read as follows~~ the following statement:

861 "STATE OF ALABAMA \_\_\_\_\_ COUNTY

862 I CERTIFY THIS INSTRUMENT WAS FILED ON THE \_\_\_\_\_ DAY OF  
863 \_\_\_\_\_ (Month), \_\_\_\_\_ (Year) at \_\_\_\_\_ (time). Recorded book and  
864 page as shown above.

865 (Signed) \_\_\_\_\_, Judge of Probate."

866 For making the certificate required by this section the  
867 judge of probate shall not be entitled to any additional fee  
868 for his or her service, other than that now provided for in

## SB292 INTRODUCED



869 Section 12-19-90."

870 "§36-20-70

871 (a) (1) A competent number of notaries public for the  
872 state~~at large~~ at-large shall be appointed and commissioned by  
873 the judges of probate of the several counties of the state and  
874 shall hold office for four years from the date of their  
875 commission. Notaries public shall perform all the acts and  
876 exercise all authority under the general laws of the State of  
877 Alabama. The jurisdiction of the notaries public shall not be  
878 limited to the counties of their residence and shall extend to  
879 any county of the state.

880 (2) The judges of probate shall collect a fee of  
881 twenty-five dollars (\$25) for each notary commission issued.

882 (3) The judges of probate shall also report to the  
883 Secretary of State the name, phone number, county of  
884 residence, date of issuance, and date of expiration of the  
885 commission of each notary public appointed and commissioned  
886 under this subsection on a form prescribed by the Secretary of  
887 State. The Secretary of State shall post this information on  
888 his or her official website searchable by name.

889 (4) Each commissioned notary public shall maintain  
890 accurate contact information with the Secretary of State and  
891 update the contact information no later than 30 days after any  
892 change.

893 (b) All existing notaries public functioning on  
894 September 1, 2023, shall continue to function pursuant to  
895 their existing authority for the remainder of their existing  
896 commission.



## **SB292 INTRODUCED**

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

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

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

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

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

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

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

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

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

924 (e) Before being commissioned, an applicant for a



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

936 "§36-20-73

937 (a) Notaries public may do all of the following:

938 (1) Administer oaths in all matters incident to the  
939 exercise of their office.

940 (2) Take the acknowledgment or proof of instruments of  
941 writing relating to commerce or navigation and certify the  
942 same and all other of their official acts under their seal of  
943 office.

944 (3) Demand acceptance and payment of bills of exchange,  
945 promissory notes, and all other writings which are governed by  
946 the commercial law as to days of grace, demand, and notice of  
947 nonpayment and protest the same for nonacceptance or  
948 nonpayment and ~~to~~ give notice thereof as required by law.

949 (4) Exercise such other powers, according to commercial  
950 usage or the laws of this state, as may belong to notaries  
951 public.

952 (b) No notary public shall be obligated to perform a



953       notarial act if he or she has a reason to believe the act is:

954           (1) For a transaction that the notary public knows or  
955       suspects is illegal, false, or deceptive;

956           (2) For an individual who is being coerced;

957           (3) For an individual whose demeanor causes compelling  
958       doubts as to whether the person knows the consequences of the  
959       transaction requiring the notarial act; or

960           (4) For situations that compromise the notary public's  
961       impartiality."

962       "§36-20-73.1

963           (a) Except as otherwise provided in this section, any  
964       signature acknowledged by a notary public shall be executed  
965       within this state and shall be executed in the physical  
966       presence of the notary public at the time of the  
967       acknowledgment, only after the notary public has positively  
968       identified the prospective signatory via personal knowledge of  
969       the prospective signatory or the examination of photo  
970       identification issued by a governmental entity or agency.

971           (b) For the purposes of this section, the following  
972       terms shall have the following meanings:

973           (1) ORIGINAL SIGNATURE. A signature signed directly  
974       onto a document in wet ink by an individual who is named on  
975       the document.

976           (2) SIGNATORY. The individual who is named on the  
977       document and is to sign the document.

978           (c) Unless otherwise provided by law, the powers and  
979       functions of a notary public require his or her original  
980       signature.



981 (d) For purposes of this article, and subject to  
982 subsections (e) to (g), inclusive, an individual may  
983 personally appear before an acknowledging notary by either of  
984 the following:

985 (1) Physically appearing before the notary as provided  
986 in subsection (a).

994 (e) All of the following shall occur prior to the  
995 performance of a remote electronic notarial act:

996                   (1) If appearing through the use of two-way audio-video  
997 ~~communication, the~~The identity of the signatory shall be  
998 verified by the notary public using either of the following  
999 methods:

1000                    (1)a. The personal knowledge of the notary public of  
1001                    the identity of the signatory.

1002                   (2)a.b.1. The presentation of two valid forms of  
1003 government issued identification, one of which shall include  
1004 the face and signature of the signatory; and

1005                   b.2. A process by which the notary public verifies the  
1006                   identity of the signatory through a review of public or  
1007                   private data sources.

1008 (2) The remote notary shall verify that the remotely



1009       located signatory does not appear, in the judgment of the  
1010       electronic notary, to be incompetent, lacking in understanding  
1011       of the nature and consequences of the transaction requiring  
1012       the notarial act, or acting involuntarily, under duress, or  
1013       under undue influence.

1014           (3) The notary shall verify the identity of the  
1015       remotely located signatory pursuant to this section.

1016           (4) The notary shall inform the participants that  
1017       Alabama law requires that a recording be made of the remote  
1018       electronic notarization.

1019           (f) The two-way audio-video communication recording  
1020       shall contain all of the following:

1021           (1) The date and time of the remote notarial act.

1022           (2) A description of the documents to which the remote  
1023       notarial act relates.

1024           (3) An attestation by the notary public of being  
1025       physically located in this state.

1026           (4) A description of how the identification of the  
1027       signatory was verified.

1028           (5) A clear image of any government issued  
1029       identification, if applicable.

1030           (6) A clear image of the act of signing observed by the  
1031       notary public.

1032           (g) The official date and time of the notarization is  
1033       the date and time the notary public witnessed the signature,  
1034       including the date and time the signature was witnessed via  
1035       two-way audio-video communication technology. All documents  
1036       used during the two-way audio-video communication, shall be

## SB292 INTRODUCED



1037 provided to the notary public for his or her authentication  
1038 and original signature.

1039 (h) An electronic notary shall refuse to perform a  
1040 remote electronic notarial act if either of the following  
1041 applies:

1042 (1) The electronic notary has reasonable grounds to  
1043 believe the remotely located signatory appears in the judgment  
1044 of the electronic notary to be incompetent, lacking in  
1045 understanding of the nature and consequences of the  
1046 transaction requiring the notarial act, or acting  
1047 involuntarily, under duress, or under undue influence.

1048 (2) The electronic notary becomes aware that the  
1049 communication technology is not secure or the image presented  
1050 of the signatory appears to be artificially generated.

1051 ~~(h)~~(i) Any action taken before July 1, 2021, allowing  
1052 for the remote notarization of signatures under the Emergency  
1053 Management Act of 1955, Article 1 of Chapter 9 of Title 31, is  
1054 ratified and confirmed.

1055 (i) Remote notarization may not be used to notarize an  
1056 absentee ballot application or an absentee ballot affidavit,  
1057 or for any purpose related to voting."

1058 Section 5. This act shall become effective on October  
1059 1, 2026.