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1 SB292
2 I3L8Y6Z-2
3 By Senator Orr
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 10-Feb-26



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A BILL

TO BE ENTITLED

AN ACT

Relating to title fraud; to add a new Chapter 21 to Title 35, Code of Alabama 1975, to create the Alabama Property Protection Act of 2026; to establish a consumer administrative complaint process through the Alabama Securities Commission; to authorize the commission to investigate and take action against alleged fraud in certain real estate conveyances including voiding fraudulent conveyances; to require settlement agents to verify identity of a seller prior to closing and to maintain identification documentation for five years; to allow appeals to the circuit court of administrative orders regarding the validity of real property conveyances; to provide that circuit court shall use a de novo standard of review for appeals; to add Sections 8-6-61, 12-13-55, and 13A-9-23 to the Code of Alabama 1975, to create the Alabama Title Fraud Recovery Fund to be administered by the Alabama Securities Commission; to grant the Alabama Securities Commission investigative and enforcement authority; to authorize civil penalties for certain fraudulent conveyance actions; to allow judges of probate to establish a real property owner notification service; to establish the crime of



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aggravated fraudulent sale or lease of residential real property and classify the crime as a Class C felony; to add a new Chapter 19J to Title 8, Code of Alabama 1975, to require online real estate platforms to verify ownership for listings in certain transactions; to amend Sections 6-6-540, 6-6-545, and 6-6-571, Code of Alabama 1975, to provide for expedited quiet title actions and recovery of costs and attorney fees in certain quiet title actions; to amend Sections 13A-9-12 and 13A-9-22, Code of Alabama 1975, to make fraudulent sale of residential real property a Class D felony and to allow expungement of fraudulent conveyance documents; to amend Sections 36-20-73, and 36-20-73.1, Code of Alabama 1975, to revise duties of notaries public, to prohibit remote notarization of deeds for certain transactions; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

§35-21-1

(a) This chapter shall be known and may be cited as the Alabama Property Protection Act of 2026.

(b) The Legislature finds that protecting private property owners from seller impersonation fraud and other forms of title fraud, and ensuring swift remedies when real property is fraudulently conveyed, are essential to the public interest and to the integrity of Alabama's property records



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and real estate market.

§35-21-2

For the purposes of this chapter, the term "commission" means the Alabama Securities Commission.

§35-21-3

(a) The commission shall have authority to investigate claims and administer, implement, and enforce the law under this chapter with respect to all regulated conduct, individuals, and entities described herein, regardless of licensure under any other provision of law. This authority shall not preclude other professional licensing authorities from pursuing professional licensing violations under Chapter 25 of Title 27, Chapter 3 of Title 34, Chapter 27 of Title 34, or Chapter 20 of Title 36.

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

(1) Consumer complaint intake and resolution procedures;

(2) Disclosure forms and content;

(3) Examination, reporting, and recordkeeping requirements;

(4) Fees, fines, penalty schedules, and remedial measures established by rule;

(5) A means of giving constructive notice of the commission's administrative orders to third parties in a central location or searchable database; and

(6) Definitions and standards necessary to prevent



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circumvention of this chapter.

(c) The commission may:

(1) Conduct investigations and examinations and issue administrative orders detailing its findings;

(2) Require the production of documents and testimony;

(3) Issue subpoenas;

(4) Issue cease and desist orders;

(5) Impose administrative fines and penalties per violation;

(6) Order restitution, rescission, disgorgement, or other remedial relief;

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

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

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

(1) Injunctive or other relief;

(2) Civil penalties;

(3) Restitution, rescission, or disgorgement;

(4) Enforcement of administrative orders;

(5) Recovery of investigative and enforcement costs;

and

(6) Appointment of a receiver.

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

(f) Nothing in this chapter shall apply to the



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113 acquisition of real property, easements, or rights-of-way for
114 utility infrastructure.

115 §35-21-4

116 (a) When the commission determines, after receiving a
117 complaint and conducting an investigation, that a real
118 property or real estate conveyance occurred as a result of a
119 criminal act or fraud, any proceeds derived from the
120 fraudulent conveyance may be forfeited and deposited into the
121 Alabama Title Fraud Recovery Fund established under Section
122 8-6-61. No person or individual may profit by retaining
123 proceeds from such a conveyance. Bank, credit union, title
124 insurer, state or local government fees, premiums, or
125 principal and interest payments to a lender may not be
126 included in forfeiture. Any forfeiture penalty under this
127 section shall be commenced not later than four years after the
128 date the transfer is recorded in the public record.

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

132 (c) The commission shall have the authority to
133 administratively determine land fraud and fraudulent
134 conveyance under this chapter. Nothing in this chapter shall
135 limit the jurisdiction of the circuit court to hear de novo
136 appeals or to grant equitable relief consistent with a final
137 administrative order of the commission.

138 35-21-5

139 (a) A real estate agent or broker licensed under
140 Chapter 27 of Title 34 may not enter into an agreement to sell



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or lease real property when the seller is unknown to the real estate agent or broker and is not physically present to meet with the real estate agent or broker, unless the seller provides government-issued identification and ownership records of the real property.

(b) Prior to closing any transfer of Class III properties, as defined in Section 40-8-1, a settlement agent shall conduct identity document validation and identity verification of the seller of real property that is vacant or not owner-occupied and unencumbered by a security instrument.

(c) Documentation demonstrating compliance with this section shall constitute an affirmative defense to a civil claim brought under this chapter. The existence of this affirmative defense shall be a question of law for the court and may be decided on a motion for summary judgment.

(d) The documentation demonstrating compliance required under this section shall be maintained for five years. Any civil action against a real estate agent, broker, or settlement agent arising from a transfer of real property shall be commenced no later than four years after the date the transfer is recorded in the public records.

§35-21-6

(a) The commission may fund a statewide real property notification alert system that notifies a real property owner by text or email when a recording is made on his or her real property.

(b) The commission may provide training and assistance to any municipal, county, or state entity, their staff, and



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real property owners on real estate fraud prevention and consumer education.

§35-21-7

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

§35-21-8

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

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

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

(d) Upon issuance of a final administrative order, the commission shall serve a copy of the order by certified mail upon the complainant and all parties to the proceeding. The complainant may file a certified copy of the final administrative order in the circuit court of the county where the real property is located for purposes of enforcement and quiet title relief.



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§35-21-9

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

(b) An appeal to the circuit court shall be tried de novo.

§35-21-10

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

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

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

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

(b) Upon receipt of a quiet title enforcement order issued to the circuit court pursuant to this section, the judges of probate shall promptly record the circuit court order and administrative order.



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(c) The judge of probate may comply with an enforcement order under this section by recording the enforcement order in the official real property records and making a marginal notation on the voided instrument referencing the recorded order, or making a cross reference to the voided instrument when recording the enforcement order.

§35-21-11

(a) When the commission determines, after receiving a complaint and conducting an investigation, that a real property or real estate conveyance occurred as a result of a criminal act or fraud, any proceeds derived from the fraudulent conveyance may be ordered to be forfeited and deposited into the Alabama Title Fraud Recovery Fund established under Section 8-6-61, unless otherwise ordered by the circuit court.

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

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

§35-21-12

The crimes of fraudulent sale or lease of residential real property or aggravated fraudulent conveyance of real property established in Article 1, Chapter 9 of Title 13A does not preclude the state from pursuing additional criminal



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prosecution as authorized by law.

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

§8-6-61

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

(b) Money in the fund shall only be used to compensate individuals injured by title conveyance fraud for actual economic damages, excluding interest and court costs, incurred by the injured party. Payments from the fund are subject to the following limitations and conditions:

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

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

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

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

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

(1) Hold hearings;



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(2) Subpoena witnesses;
(3) Administer oaths;
(4) Examine any individual under oath; and
(5) Compel the production of records, books, papers, contracts, or other documents.

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

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

(1) Issue an administrative order declaring the conveyance void pursuant to Chapter 21 of Title 35.

(2) Impose a civil penalty of up to one hundred thousand dollars (\$100,000) per transaction on the liable person or persons who have committed the fraud, which shall be deposited into the Alabama Title Fraud Recovery Fund.

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



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court to which the appeal is taken.

(i) The judge of probate may comply with an administrative order under this section by recording the enforcement order in the official real property records and making a marginal notation on the voided instrument referencing the recorded order, or by making a cross reference to the voided instrument when recording the administrative order.

(j) (1) Nothing in this chapter shall apply to the acquisition of real property, easements, or rights-of-way for utility infrastructure.

(2) Banks, credit unions, title insurers, and state or local governments shall not be subject to civil penalties under this section.

(3) Any civil penalty under this section shall be commenced not later than four years after the date the transfer is recorded in the public record.

§12-13-55

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

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



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

§13A-9-23

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

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

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

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

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

Chapter 19J

§8-19J-1

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



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purpose is publicly advertising real estate for sale or lease.
For purposes of this chapter, an online real estate platform
does not include:

(1) Nonpublic websites, portals, list serves, social
media websites, or news sites.

(2) Multiple listing services operated by or on behalf
of licensed real estate brokers and accessible only to
licensed real estate professionals and their clients; or

(3) Internal business tools that do not provide a
public-facing listing search experience to the general public.

§8-19J-2

(a) For a listing that originates from an online real
estate platform through a direct contract with the property
owner and is not first listed with a licensed real estate
broker, real estate brokerage, or multiple listing service,
the platform shall require the following before publishing,
hosting, advertising, or otherwise publicly disseminating real
property for sale or lease:

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

(2) A copy of the official county recorder's records
showing the owner of record, a copy of the deed to the real
property with the owner's name, a title history, or a last
will and testament.

(b) An online real estate platform may satisfy the
requirements of this section by using a third-party identity
or title verification service.



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§8-19J-3

(a) An online real estate platform may display, publish, host, advertise, or otherwise distribute interior photos or videos of real property that is not currently listed for sale, subject to the requirements of this section.

(b) The current owner of record of real property may submit a written request to an online real estate platform to remove interior photos or videos of the owner's property from public display.

(c) Upon receipt of a request submitted pursuant to subsection (b), the online real estate platform shall:

(1) Verify the identity and ownership status of the requesting party through reasonable means; and

(2) Remove the interior photos or videos from public display within 30 days after verification of ownership.

(d) Nothing in this section shall require an online real estate platform to remove interior photos or videos absent a request from the current property owner.

(e) This section shall not be construed to prohibit the retention of interior photos or videos for archival, legal compliance, fraud prevention, or internal business purposes, provided such photos or videos are not publicly displayed after a valid removal request.

§8-19J-4

(a) An online real estate platform that follows the practices outlined in Sections 8-19J-2 and 8-19J-3 shall create a rebuttable presumption that the platform acted reasonably. Such adherence does not preclude administrative



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421 action by the commission. The existence of the presumption
422 shall be a question of law for the court and may be determined
423 on a motion for summary judgment.

424 (b) An action under this chapter against an online real
425 estate platform shall be commenced no later than four years
426 after the date the transfer is recorded in the public record.

427 (c) An online real estate platform may not be liable
428 for negligence arising from a syndicated listing or from an
429 intermediary agent or broker that fails to obtain property
430 documentation before listing real property.

431 §8-19J-5

432 No Internet service provider, or its affiliates or
433 subsidiaries, search engine, or cloud service provider shall
434 be considered to have violated this chapter solely for
435 providing access or connection to or from a website, to
436 content on the Internet, or to a facility, system, or network
437 not under that provider's control, including transmission,
438 download, intermediate storage, or access software.

439 Section 4. Sections 6-6-540, 6-6-545, 6-6-571, 13A-9-12
440 13A-9-22, 36-20-73, and 36-20-73.1, Code of Alabama 1975, are
441 amended to read as follows:

442 "§6-6-540

443 (a) When any person is in peaceable possession of
444 lands, whether actual or constructive, claiming to own the
445 same, in his or her own right or as a personal representative
446 or guardian, and his or her title ~~thereto~~, or any part
447 thereof, is denied or disputed or any other person claims or
448 is reputed to own the same, any part thereof, or any interest



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therein or to hold any lien or encumbrance thereon and no action is pending to enforce or test the validity of ~~such~~ the title, claim, or encumbrance, ~~such~~ the person or his or her personal representative or guardian, ~~so~~ in possession, may commence an action to settle the title to such lands and to clear up all doubts or disputes concerning the same.

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

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

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

(3) A petitioner may file a single petition with the clerk of the circuit court for the judicial circuit in which the subject property is located for an order to quiet title



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and expedite an action to invalidate a fraudulent instrument to one or more parcels of real property under this section. The petition shall identify each parcel by its legal description, tax parcel number, and street address, if available.

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

"§6-6-545

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

(b) In any case where the court finds that the defendant fraudulently created or caused to be created the instrument that is sought to be cancelled, the plaintiff shall be entitled to recover all costs, including reasonable attorney fees, incurred in bringing the action to cancel the



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505 instrument."

506 "§6-6-571

507 (a) ~~The court shall have the power to~~ may assess the
508 cost of a hearing held pursuant to the terms of this division,
509 including the fee of the guardian ad litem, to the
510 plaintiffs, ~~provided, that should some of the defendants file~~
511 that if any defendant files counterclaims or should certain
512 ~~persons intervene~~ any person intervenes, the cost shall be
513 assessed by the court as justice may require.

514 (b) In any case where it is found that the defendant
515 fraudulently created the instrument that is sought to be
516 canceled, the plaintiff shall be entitled to recover all
517 costs, including reasonable attorney fees, incurred in
518 bringing the action to cancel the instrument."

519 "§13A-9-12

520 (a) A person commits the crime of offering a false
521 instrument for recording if, knowing that a written instrument
522 relating to or affecting real or personal property, or an
523 interest therein, or directly affecting contractual
524 relationships contains a material false statement or material
525 false information, and with intent to defraud, he or she
526 presents or offers it to a public office or a public employee,
527 with the knowledge that it will be registered, filed, or
528 recorded or will become a part of the records of that public
529 office or public employee.

530 (b) Offering a false instrument for recording is a
531 Class A misdemeanor.

532 (c) A person commits the crime of offering a false



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instrument for recording against a public servant if the person offers, for recording, a written instrument~~which~~ that relates to or affects the real or personal property, or an interest therein, or a contractual relationship of a public servant, knowing that the written instrument contains a materially false statement or materially false information, with the intent to defraud, intimidate, or harass the public servant, or to impede the public servant in the performance of his or her duties. For the purposes of this subsection, public servant is defined as in Section 13A-10-1.

(d) Offering a false instrument for recording against a public servant is a Class C felony.

(e) (1) A ~~recording official~~ judge of probate may nullify or expunge from an official record a false or fraudulent lien, deed, or other instrument. A person or entity whose rights are affected by the filing of a lien, deed, or other instrument may petition a ~~recording official~~ judge of probate to nullify or expunge the filing. If a lien, deed, or other instrument is recorded with more than one ~~recording official judge of probate~~, ~~then~~ the petitioner may file such a petition with any such ~~recording official~~ judge of probate, but may file only one ~~such~~ petition, and any decision rendered on that petition in accordance with the procedures outlined in this subsection shall be equally applicable to all other filings. ~~Such~~ The petition shall be in writing and sworn under oath and based upon the personal knowledge of the petitioner. A copy of ~~such~~ the petition shall be delivered via certified and first class mail to the person or entity who filed the



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561 lien, deed, or other instrument or who claims the rights or
562 interests thereby at an address shown on the lien, deed, or
563 other instrument.

564 (2) Within 14 days of the filing of ~~such~~ a petition
565 pursuant to subdivision (1), the ~~recording official~~ judge of
566 probate shall give written notice of the filing of the
567 petition to the person or entity who filed the lien, deed, or
568 other instrument or who claims the rights or interests
569 thereby. ~~Such~~ The notice shall be sent by certified and first
570 class mail, shall be deemed delivered when placed in the mail,
571 and shall state that any additional proof of the validity of
572 the lien, deed or other instrument shall be filed with the
573 ~~recording official~~ judge of probate within 14 days of the date
574 of mailing the notice and that the failure to do so could
575 result in the lien, deed or other instrument being nullified
576 or expunged. The judge of probate's written notice may be
577 waived upon submission to the recording official of a written
578 waiver of notice, sworn to by the person who filed the false
579 or fraudulent lien, deed, or other instrument, or who claims
580 rights or interest under the document.

581 (3) If the ~~recording official~~ judge of probate does not
582 grant the petition within 28 days of the date that it is
583 filed, the petition shall be deemed denied. An order granting
584 or denying a petition, if rendered, shall be delivered to the
585 parties by the ~~recording official~~ judge of probate by
586 certified first class mail, but shall not be enforced, acted
587 upon, or effective before the expiration of 28 days from the
588 date of mailing or the final adjudication of ~~any and~~ all



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appeals of that decision, at which time any final order granting the petition shall be recorded and indexed in order to provide notice that the lien, deed, or other instrument has been nullified or expunged.

(4) A final order granting the petition shall: (i) state the names of the persons referenced in the false or fraudulent lien, deed, or other instrument; (ii) state the indexing and recording information for that lien, deed, or other instrument; and (iii) declare that the false or fraudulent lien, deed, or other instrument is nullified and expunged.

(5) A party may appeal the decision of the~~recording official~~ judge of probate to the circuit court of any county where the lien, deed, or other instrument was filed or to the Circuit Court of Montgomery County, Alabama.~~Such appeals~~An appeal must be filed within 28 days of the~~recording official judge of probate's~~ order or deemed denied.~~Such appeals~~Appeals shall be filed and commenced as a civil action under the Alabama Rules of Civil Procedure, which shall otherwise apply to such actions on appeal. A notice of the appeal shall also be filed with the~~recording official~~ judge of probate, who shall file the notice as a lis pendens filing. The appeal shall be de novo by the circuit court without a jury.~~The prevailing party on appeal shall be entitled to a judgement against the other party for the prevailing party's attorneys fees and expenses arising out of and relating to the appeal, and court costs shall be taxed against the non-prevailing party.~~ The remedy and procedure provided in this subsection is



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not exclusive or mandatory. Nothing in this subsection shall prevent the enforcement or challenge of any recorded lien or instrument as may otherwise be allowed by law. Nothing in this section alters or modifies any other requirements for the filing, enforcement, or challenge of any lien, deed, or other instrument required or allowed by law."

"§13A-9-22

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

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

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

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

"§36-20-73

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

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

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



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

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

(b) No notary public shall be obligated to perform a notarial act if he or she has a reason to believe the act is:

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

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

(3) For an individual whose demeanor causes compelling doubts as to whether the person knows the consequences of the transaction requiring the notarial act."

"§36-20-73.1

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

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

(1) ORIGINAL SIGNATURE. A signature signed directly



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673 onto a document in wet ink by an individual who is named on
674 the document.

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

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

680 (d) For purposes of this article, and subject to
681 subsections (e) to (g), inclusive, an individual may
682 personally appear before an acknowledging notary by either of
683 the following:

684 (1) Physically appearing before the notary as provided
685 in subsection (a).

686 (2) Appearing through the use of two-way audio-video
687 communication technology that allows a notary public and a
688 remotely located signatory to communicate with each other
689 simultaneously by sight and sound, provided that: (i) the
690 notary public is physically located in this state; and (ii)
691 the two-way audio-video communication is recorded and
692 maintained for a period of seven years by the notary public.

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

695 ~~(1) If appearing through the use of two-way audio-video~~
696 ~~communication, the~~ The identity of the signatory shall be
697 verified by the notary public using either of the following
698 methods:

699 ~~(1) a.~~ a. The personal knowledge of the notary public of
700 the identity of the signatory.



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

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

(2) The remote notary shall verify that the remotely located signatory does not appear, in the judgment of the electronic notary, to be incompetent, lacking in understanding of the nature and consequences of the transaction requiring the notarial act, or acting involuntarily, under duress, or under undue influence.

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

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

(5) The remotely located signatory must be located within the United State of America.

~~The~~A two-way audio-video communication recording shall contain all of the following:

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

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

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

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



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

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

(g) The official date and time of the notarization is the date and time the notary public witnessed the signature, including the date and time the signature was witnessed via two-way audio-video communication technology. All documents used during the two-way audio-video communication, shall be provided to the notary public for his or her authentication and original signature.

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

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

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

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

~~(i)~~ (j) Remote notarization may not be used to notarize



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757 an absentee ballot application or an absentee ballot
758 affidavit, or for any purpose related to voting."

759 Section 5. This act shall become effective on October
760 1, 2026.



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761
762
763 Senate

764 Read for the first time and referred10-Feb-26
765 to the Senate committee on Fiscal
766 Responsibility and Economic
767 Development

768
769 Read for the second time and placed10-Mar-26
770 on the calendar:
771 0 amendments

772
773 Read for the third time and passed12-Mar-26
774 as amended
775 Yeas 34
776 Nays 0
777 Abstains 0

778
779
780 Patrick Harris,
781 Secretary.
782