



1 SB292

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ACT #2026-536

3 By Senator Orr

4 RFD: Fiscal Responsibility and Economic Development

5 First Read: 10-Feb-26





1 Enrolled, An Act,

2  
3  
4 Relating to title fraud; to add a new Chapter 21 to  
5 Title 35, Code of Alabama 1975, to create the Alabama Property  
6 Protection Act of 2026; to establish a consumer administrative  
7 complaint process through the Alabama Securities Commission;  
8 to authorize the commission to investigate and take action  
9 against alleged fraud in certain real estate conveyances  
10 including voiding fraudulent conveyances; to require  
11 settlement agents to verify identity of a seller prior to  
12 closing and to maintain identification documentation for five  
13 years; to allow appeals to the circuit court of administrative  
14 orders regarding the validity of real property conveyances; to  
15 provide that circuit court shall use a de novo standard of  
16 review for appeals; to add Sections 8-6-61, 12-13-55, and  
17 13A-9-23 to the Code of Alabama 1975, to create the Alabama  
18 Title Fraud Recovery Fund to be administered by the Alabama  
19 Securities Commission; to grant the Alabama Securities  
20 Commission investigative and enforcement authority; to  
21 authorize civil penalties for certain fraudulent conveyance  
22 actions; to allow judges of probate to establish a real  
23 property owner notification service; to establish the crime of  
24 aggravated fraudulent sale or lease of residential real  
25 property and classify the crime as a Class C felony; to add a  
26 new Chapter 19J to Title 8, Code of Alabama 1975, to require  
27 online real estate platforms to verify ownership for listings  
28 in certain transactions; to amend Sections 6-6-540, 6-6-545,

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29 and 6-6-571, Code of Alabama 1975, to provide for expedited  
30 quiet title actions and recovery of costs and attorney fees in  
31 certain quiet title actions; to amend Sections 13A-9-12 and  
32 13A-9-22, Code of Alabama 1975, to make fraudulent sale of  
33 residential real property a Class D felony and to allow  
34 expungement of fraudulent conveyance documents; to amend  
35 Sections 36-20-73, and 36-20-73.1, Code of Alabama 1975, to  
36 revise duties of notaries public, to prohibit remote  
37 notarization of deeds for certain transactions; and to make  
38 nonsubstantive, technical revisions to update the existing  
39 code language to current style.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

44 §35-21-1

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

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

53 §35-21-2

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

56 §35-21-3



57 (a) The commission shall have authority to investigate  
58 claims and administer, implement, and enforce the law under  
59 this chapter with respect to all regulated conduct,  
60 individuals, and entities described herein, regardless of  
61 licensure under any other provision of law. This authority  
62 shall not preclude other professional licensing authorities  
63 from pursuing professional licensing violations under Chapter  
64 25 of Title 27, Chapter 3 of Title 34, Chapter 27 of Title 34,  
65 or Chapter 20 of Title 36.

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

69 (1) Consumer complaint intake and resolution  
70 procedures;

71 (2) Disclosure forms and content;

72 (3) Examination, reporting, and recordkeeping  
73 requirements;

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

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

79 (6) Definitions and standards necessary to prevent  
80 circumvention of this chapter.

81 (c) The commission may:

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

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



85 (3) Issue subpoenas;  
86 (4) Issue cease and desist orders;  
87 (5) Impose administrative fines and penalties per  
88 violation;

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

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

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

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

97 (1) Injunctive or other relief;

98 (2) Civil penalties;

99 (3) Restitution, rescission, or disgorgement;

100 (4) Enforcement of administrative orders;

101 (5) Recovery of investigative and enforcement costs;

102 and

103 (6) Appointment of a receiver.

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

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

110 §35-21-4

111 (a) When the commission determines, after receiving a  
112 complaint and conducting an investigation, that a real



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

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

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

133 35-21-5

134 (a) A real estate agent or broker licensed under  
135 Chapter 27 of Title 34 may not enter into an agreement to sell  
136 or lease real property when the seller is unknown to the real  
137 estate agent or broker and is not physically present to meet  
138 with the real estate agent or broker, unless the seller  
139 provides government-issued identification and ownership  
140 records of the real property.



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

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

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

157 §35-21-6

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

162 (b) The commission may provide training and assistance  
163 to any municipal, county, or state entity, their staff, and  
164 real property owners on real estate fraud prevention and  
165 consumer education.

166 §35-21-7

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



169 §35-21-8

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

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

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

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

192 §35-21-9

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



197 administrative order.

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

200 §35-21-10

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

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

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

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

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

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



225 when recording the enforcement order.

226 §35-21-11

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

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

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

243 §35-21-12

244 The crimes of fraudulent sale or lease of residential  
245 real property or aggravated fraudulent conveyance of real  
246 property established in Article 1, Chapter 9 of Title 13A does  
247 not preclude the state from pursuing additional criminal  
248 prosecution as authorized by law.

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

251 §8-6-61

252 (a) There is established in the State Treasury an



253 Alabama Title Fraud Recovery Fund to be administered by the  
254 Alabama Securities Commission in accordance with this section.  
255 The fund shall be budgeted and allotted in accordance with  
256 Article 4 of Chapter 4 of Title 41 and Chapter 19 of Title 41.

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

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

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

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

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

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

275 (1) Hold hearings;

276 (2) Subpoena witnesses;

277 (3) Administer oaths;

278 (4) Examine any individual under oath; and

279 (5) Compel the production of records, books, papers,  
280 contracts, or other documents.



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

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

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

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

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

305 (i) The judge of probate may comply with an  
306 administrative order under this section by recording the  
307 enforcement order in the official real property records and  
308 making a marginal notation on the voided instrument



309 referencing the recorded order, or by making a cross reference  
310 to the voided instrument when recording the administrative  
311 order.

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

315 (2) Banks, credit unions, title insurers, and state or  
316 local governments shall not be subject to civil penalties  
317 under this section. This subdivision does not apply to any  
318 individual acting as a real estate agent or settlement agent,  
319 regardless of the individual's employer.

320 (3) Documentation demonstrating compliance with the  
321 requirements of Section 35-21-5 shall constitute an  
322 affirmative defense to any civil penalty under this section  
323 for individuals acting as a real estate agent or settlement  
324 agent.

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

328 §12-13-55

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

336 (b) Once established, the property owner notification



337 service shall be free and available to any property owner who  
338 owns real property in the county.

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

342 §13A-9-23

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

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

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

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

358 Section 3. Chapter 19J, commencing with Section  
359 8-19J-1, is added to Title 8, Code of Alabama 1975, to read as  
360 follows:

361 Chapter 19J

362 §8-19J-1

363 For the purposes of this chapter, the term "online real  
364 estate platform" means: (i) a digital media platform whose



365 primary business purpose is to publicly advertise real estate  
366 for sale or lease; or (ii) a real estate website whose primary  
367 purpose is publicly advertising real estate for sale or lease.  
368 For purposes of this chapter, an online real estate platform  
369 does not include:

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

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

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

377 §8-19J-2

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

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

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

392 (b) An online real estate platform may satisfy the



393 requirements of this section by using a third-party identity  
394 or title verification service.

395 §8-19J-3

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

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

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

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

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

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

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

418 §8-19J-4

419 (a) An online real estate platform that follows the  
420 practices outlined in Sections 8-19J-2 and 8-19J-3 shall



421 create a rebuttable presumption that the platform acted  
422 reasonably. Such adherence does not preclude administrative  
423 action by the commission. The existence of the presumption  
424 shall be a question of law for the court and may be determined  
425 on a motion for summary judgment.

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

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

433 §8-19J-5

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

441 Section 4. Sections 6-6-540, 6-6-545, 6-6-571, 13A-9-12  
442 13A-9-22, 36-20-73, and 36-20-73.1, Code of Alabama 1975, are  
443 amended to read as follows:

444 "§6-6-540

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



449 thereof, is denied or disputed or any other person claims or  
450 is reputed to own the same, any part thereof, or any interest  
451 therein or to hold any lien or encumbrance thereon and no  
452 action is pending to enforce or test the validity of ~~such~~ the  
453 title, claim, or encumbrance, ~~such~~ the person or his or her  
454 personal representative or guardian, ~~so~~ in possession, may  
455 commence an action to settle the title to such lands and to  
456 clear up all doubts or disputes concerning the same.

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

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

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

476 (3) A petitioner may file a single petition with the



477 clerk of the circuit court for the judicial circuit in which  
478 the subject property is located for an order to quiet title  
479 and expedite an action to invalidate a fraudulent instrument  
480 to one or more parcels of real property under this section.  
481 The petition shall identify each parcel by its legal  
482 description, tax parcel number, and street address, if  
483 available.

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

488 "§6-6-545

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

502 (b) In any case where the court finds that the  
503 defendant fraudulently created or caused to be created the  
504 instrument that is sought to be cancelled, the plaintiff shall



505 be entitled to recover all costs, including reasonable  
506 attorney fees, incurred in bringing the action to cancel the  
507 instrument."

508 "§6-6-571

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

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

521 "§13A-9-12

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

532 (b) Offering a false instrument for recording is a



533 Class A misdemeanor.

534 (c) A person commits the crime of offering a false  
535 instrument for recording against a public servant if the  
536 person offers, for recording, a written instrument ~~which~~ that  
537 relates to or affects the real or personal property, or an  
538 interest therein, or a contractual relationship of a public  
539 servant, knowing that the written instrument contains a  
540 materially false statement or materially false information,  
541 with the intent to defraud, intimidate, or harass the public  
542 servant, or to impede the public servant in the performance of  
543 his or her duties. For the purposes of this subsection, public  
544 servant is defined as in Section 13A-10-1.

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

547 (e) (1) A ~~recording official~~ judge of probate may  
548 nullify or expunge from an official record a false or  
549 fraudulent lien, deed, or other instrument. A person or entity  
550 whose rights are affected by the filing of a lien, deed, or  
551 other instrument may petition a ~~recording official~~ judge of  
552 probate to nullify or expunge the filing. If a lien, deed, or  
553 other instrument is recorded with more than one ~~recording~~  
554 ~~official~~ judge of probate, ~~then~~ the petitioner may file such a  
555 petition with any such ~~recording official~~ judge of probate,  
556 but may file only one ~~such~~ petition, and any decision rendered  
557 on that petition in accordance with the procedures outlined in  
558 this subsection shall be equally applicable to all other  
559 filings. ~~Such~~ The petition shall be in writing and sworn under  
560 oath and based upon the personal knowledge of the petitioner.



561 A copy of ~~such~~ the petition shall be delivered via certified  
562 and first class mail to the person or entity who filed the  
563 lien, deed, or other instrument or who claims the rights or  
564 interests thereby at an address shown on the lien, deed, or  
565 other instrument.

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

583 (3) If the recording official judge of probate does not  
584 grant the petition within 28 days of the date that it is  
585 filed, the petition shall be deemed denied. An order granting  
586 or denying a petition, if rendered, shall be delivered to the  
587 parties by the recording official judge of probate by  
588 certified first class mail, but shall not be enforced, acted



589 upon, or effective before the expiration of 28 days from the  
590 date of mailing or the final adjudication of ~~any and~~ all  
591 appeals of that decision, at which time any final order  
592 granting the petition shall be recorded and indexed in order  
593 to provide notice that the lien, deed, or other instrument has  
594 been nullified or expunged.

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

602 (5) A party may appeal the decision of the ~~recording~~  
603 official ~~judge of probate~~ to the circuit court of any county  
604 where the lien, deed, or other instrument was filed or to the  
605 Circuit Court of Montgomery County, Alabama. ~~Such appeals~~ An  
606 appeal must be filed within 28 days of the ~~recording official~~  
607 judge of probate's order or deemed denied. ~~Such appeals~~  
608 Appeals shall be filed and commenced as a civil action under  
609 the Alabama Rules of Civil Procedure, which shall otherwise  
610 apply to such actions on appeal. A notice of the appeal shall  
611 also be filed with the ~~recording official~~ judge of probate,  
612 who shall file the notice as a lis pendens filing. The appeal  
613 shall be de novo by the circuit court without a jury. ~~The~~  
614 ~~prevailing party on appeal shall be entitled to a judgement~~  
615 ~~against the other party for the prevailing party's attorneys~~  
616 ~~fees and expenses arising out of and relating to the appeal,~~



617 ~~and court costs shall be taxed against the non-prevailing~~  
618 ~~party.~~ The remedy and procedure provided in this subsection is  
619 not exclusive or mandatory. Nothing in this subsection shall  
620 prevent the enforcement or challenge of any recorded lien or  
621 instrument as may otherwise be allowed by law. Nothing in this  
622 section alters or modifies any other requirements for the  
623 filing, enforcement, or challenge of any lien, deed, or other  
624 instrument required or allowed by law."

625 "§13A-9-22

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

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

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

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

639 "§36-20-73

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

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

643 (2) Take the acknowledgment or proof of instruments of  
644 writing relating to commerce or navigation and certify the



645 same and all other of their official acts under their seal of  
646 office.

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

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

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

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

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

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

663 "§36-20-73.1

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

672 (b) For the purposes of this section, the following



673 terms shall have the following meanings:

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

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

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

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

686 (1) Physically appearing before the notary as provided  
687 in subsection (a).

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

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

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



701           ~~(1)~~a. The personal knowledge of the notary public of  
702 the identity of the signatory.

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

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

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

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

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

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

722           (f) ~~The~~A two-way audio-video communication recording  
723 shall contain all of the following:

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

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

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



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

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

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

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

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

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

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

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



757 ratified and confirmed.

758           ~~(i)~~(j) Remote notarization may not be used to notarize  
759 an absentee ballot application or an absentee ballot  
760 affidavit, or for any purpose related to voting."

761           Section 5. This act shall become effective on October  
762 1, 2026.

SB292 Enrolled



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\_\_\_\_\_  
President and Presiding Officer of the Senate

\_\_\_\_\_  
Speaker of the House of Representatives

SB292

Senate 17-Mar-26

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

\_\_\_\_\_  
House of Representatives  
Amended and passed: 09-Apr-26

\_\_\_\_\_  
Senate concurred in House amendment 09-Apr-26

By: Senator Orr

APPROVED 4/15/2026  
TIME 8:50 am

\_\_\_\_\_  
GOVERNOR

Alabama Secretary Of State  
Act Num....: 2026-536  
Bill Num....: S-292

SPONSOR

Or  
CO-SPONSORS

- 2 \_\_\_\_\_ 19 \_\_\_\_\_
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SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 292.

Yours 30 days 1 abstain 0  
**PATRICK HARRIS,**  
Secretary

I hereby certify that the notice & proof is attached to the Bill, SB \_\_\_\_\_ as required in the General Acts of Alabama, 1975 Act No. 919.  
**PATRICK HARRIS,**  
Secretary

CONFERENCE COMMITTEE


Senate Conferees \_\_\_\_\_

HOUSE ACTION

DATE: 3-19 202

RD 1 RFD Jody

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on \_\_\_\_\_ was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) w/sub 2026  
This 1 day of April 2026  
 Chairperson

DATE: 4-1 2026

RF RD 2 C

DATE: \_\_\_\_\_ 2026

RE-REFERRED  RE-COMMITTED

Committee \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB \_\_\_\_\_

YEAS \_\_\_\_\_ NAYS \_\_\_\_\_  
**JOHN TREADWELL,**  
Clerk

FURTHER HOUSE ACTION (OVER)