

**HB426 ENGROSSED**



1 HB426  
2 I3L8366-2  
3 By Representative Lee  
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## HB426 Engrossed

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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



## HB426 Engrossed

29 aggravated fraudulent sale or lease of residential real  
30 property and classify the crime as a Class C felony; to add a  
31 new Chapter 19J to Title 8, Code of Alabama 1975, to require  
32 online real estate platforms to verify ownership for listings  
33 in certain transactions; to amend Sections 6-6-540, 6-6-545,  
34 and 6-6-571, Code of Alabama 1975, to provide for expedited  
35 quiet title actions and recovery of costs and attorney fees in  
36 certain quiet title actions; to amend Sections 13A-9-12 and  
37 13A-9-22, Code of Alabama 1975, to make fraudulent sale of  
38 residential real property a Class D felony and to allow  
39 expungement of fraudulent conveyance documents; to amend  
40 Sections 36-20-73, and 36-20-73.1, Code of Alabama 1975, to  
41 revise duties of notaries public, to prohibit remote  
42 notarization of deeds for certain transactions; and to make  
43 nonsubstantive, technical revisions to update the existing  
44 code language to current style.

45 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

49 §35-21-1

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

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



## HB426 Engrossed

57 and real estate market.

58 §35-21-2

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

61 §35-21-3

62 (a) The commission shall have authority to investigate  
63 claims and administer, implement, and enforce the law under  
64 this chapter with respect to all regulated conduct,  
65 individuals, and entities described herein, regardless of  
66 licensure under any other provision of law. This authority  
67 shall not preclude other professional licensing authorities  
68 from pursuing professional licensing violations under Chapter  
69 25 of Title 27, Chapter 3 of Title 34, Chapter 27 of Title 34,  
70 or Chapter 20 of Title 36.

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

74 (1) Consumer complaint intake and resolution  
75 procedures;

76 (2) Disclosure forms and content;

77 (3) Examination, reporting, and recordkeeping  
78 requirements;

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

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

84 (6) Definitions and standards necessary to prevent



## HB426 Engrossed

85 circumvention of this chapter.

86 (c) The commission may:

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

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

90 (3) Issue subpoenas;

91 (4) Issue cease and desist orders;

92 (5) Impose administrative fines and penalties per  
93 violation;

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

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

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

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

102 (1) Injunctive or other relief;

103 (2) Civil penalties;

104 (3) Restitution, rescission, or disgorgement;

105 (4) Enforcement of administrative orders;

106 (5) Recovery of investigative and enforcement costs;

107 and

108 (6) Appointment of a receiver.

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

112 (f) Nothing in this chapter shall apply to the



## HB426 Engrossed

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, or principal and  
125 interest payments to a lender may not be included in  
126 forfeiture.

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

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

136 35-21-5

137 (a) A real estate agent or broker licensed under  
138 Chapter 27 of Title 34 may not enter into an agreement to sell  
139 or lease real property when the seller is unknown to the real  
140 estate agent or broker and is not physically present to meet



## HB426 Engrossed

141 with the real estate agent or broker, unless the seller  
142 provides government-issued identification and ownership  
143 records of the real property.

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

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

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

160 §35-21-6

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

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



## HB426 Engrossed

169 §35-21-7

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

172 §35-21-8

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

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

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

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

195 §35-21-9

196 (a) Any party aggrieved by a final administrative order



## HB426 Engrossed

197 of the commission may seek judicial review by filing an appeal  
198 in the circuit court of the county where the real property is  
199 located no later than 30 days after the date of the final  
200 administrative order. The circuit court shall apply a de novo  
201 standard of review.

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

205 §35-21-10

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

213 The enforcement order shall:

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

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

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

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



## HB426 Engrossed

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

231 §35-21-11

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

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

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

248 §35-21-12

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



## HB426 Engrossed

253 prosecution as authorized by law.

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

256 §8-6-61

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

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

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

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

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

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

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

280 (1) Hold hearings;



## HB426 Engrossed

281 (2) Subpoena witnesses;

282 (3) Administer oaths;

283 (4) Examine any individual under oath; and

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

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

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

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

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

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



## HB426 Engrossed

309 court to which the appeal is taken.

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

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

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

323 §12-13-55

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

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

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



## HB426 Engrossed

337 §13A-9-23

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

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

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

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

353 Section 3. Chapter 19J, commencing with Section  
354 8-19J-1, is added to Title 8, Code of Alabama 1975, to read as  
355 follows:

356 Chapter 19J

357 §8-19J-1

358 For the purposes of this chapter, the term "online real  
359 estate platform" means: (i) a digital media platform whose  
360 primary business purpose is to publicly advertise real estate  
361 for sale or lease; or (ii) a real estate website whose primary  
362 purpose is publicly advertising real estate for sale or lease.  
363 For purposes of this chapter, an online real estate platform  
364 does not include:



## HB426 Engrossed

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

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

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

372 §8-19J-2

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

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

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

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

389 §8-19J-3

390 (a) An online real estate platform may display,  
391 publish, host, advertise, or otherwise distribute interior  
392 photos or videos of real property that is not currently listed



## HB426 Engrossed

393 for sale, subject to the requirements of this section.

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

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

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

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

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

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

412 §8-19J-4

413 (a) An online real estate platform that follows the  
414 practices outlined in Sections 8-19J-2 and 8-19J-3 shall  
415 create a rebuttable presumption that the platform acted  
416 reasonably. Such adherence does not preclude administrative  
417 action by the commission. The existence of the presumption  
418 shall be a question of law for the court and may be determined  
419 on a motion for summary judgment.

420 (b) An action under this chapter against an online real



## HB426 Engrossed

421 estate platform shall be commenced no later than four years  
422 after the date the transfer is recorded in the public record.

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

427 §8-19J-5

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

435 Section 4. Sections 6-6-540, 6-6-545, 6-6-571, 13A-9-12  
436 13A-9-22, 36-20-73, and 36-20-73.1, Code of Alabama 1975, are  
437 amended to read as follows:

438 "§6-6-540

439 (a) When any person is in peaceable possession of  
440 lands, whether actual or constructive, claiming to own the  
441 same, in his or her own right or as a personal representative  
442 or guardian, and his or her title ~~thereto~~, or any part  
443 thereof, is denied or disputed or any other person claims or  
444 is reputed to own the same, any part thereof, or any interest  
445 therein or to hold any lien or encumbrance thereon and no  
446 action is pending to enforce or test the validity of ~~such~~ the  
447 title, claim, or encumbrance, ~~such~~ the person or his or her  
448 personal representative or guardian, ~~so~~ in possession, ~~7~~ may



## HB426 Engrossed

449 commence an action to settle the title to such lands and to  
450 clear up all doubts or disputes concerning the same.

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

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

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

470 (3) A petitioner may file a single petition with the  
471 clerk of the circuit court for the judicial circuit in which  
472 the subject property is located for an order to quiet title  
473 and expedite foreclosure to one or more parcels of real  
474 property under this section. The petition shall identify each  
475 parcel by its legal description, tax parcel number, and street  
476 address, if available.



## HB426 Engrossed

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

481 "§6-6-545

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

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

501 "§6-6-571

502 (a) The court shall have the power to may assess the  
503 cost of a hearing held pursuant to the terms of this division,  
504 including the fee of the guardian ad litem, to the



## HB426 Engrossed

505 plaintiffs, provided, ~~that should some of the defendants file~~  
506 that if any defendant files counterclaims or should certain  
507 ~~persons intervene~~ any person intervenes, the cost shall be  
508 assessed by the court as justice may require.

509 (b) In any case where it is found that the defendant  
510 fraudulently created the instrument that is sought to be  
511 canceled, the plaintiff shall be entitled to recover all  
512 costs, including reasonable attorney fees, incurred in  
513 bringing the action to cancel the instrument."

514 "§13A-9-12

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

525 (b) Offering a false instrument for recording is a  
526 Class A misdemeanor.

527 (c) A person commits the crime of offering a false  
528 instrument for recording against a public servant if the  
529 person offers, for recording, a written instrument ~~which~~ that  
530 relates to or affects the real or personal property, or an  
531 interest therein, or a contractual relationship of a public  
532 servant, knowing that the written instrument contains a



## HB426 Engrossed

533 materially false statement or materially false information,  
534 with the intent to defraud, intimidate, or harass the public  
535 servant, or to impede the public servant in the performance of  
536 his or her duties. For the purposes of this subsection, public  
537 servant is defined as in Section 13A-10-1.

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

540 (e) (1) A ~~recording official judge of probate~~ may  
541 nullify or expunge from an official record a false or  
542 fraudulent lien, deed, or other instrument. A person or entity  
543 whose rights are affected by the filing of a lien, deed, or  
544 other instrument may petition a ~~recording official judge of~~  
545 probate to nullify or expunge the filing. If a lien, deed, or  
546 other instrument is recorded with more than one ~~recording~~  
547 official judge of probate, ~~then~~ the petitioner may file such a  
548 petition with any such ~~recording official judge of probate~~,  
549 but may file only one ~~such~~ petition, and any decision rendered  
550 on that petition in accordance with the procedures outlined in  
551 this subsection shall be equally applicable to all other  
552 filings. ~~Such~~ The petition shall be in writing and sworn under  
553 oath and based upon the personal knowledge of the petitioner.  
554 A copy of ~~such~~ the petition shall be delivered via certified  
555 and first class mail to the person or entity who filed the  
556 lien, deed, or other instrument or who claims the rights or  
557 interests thereby at an address shown on the lien, deed, or  
558 other instrument.

559 (2) Within 14 days of the filing of ~~such~~ a petition  
560 pursuant to subdivision (1), the ~~recording official judge of~~



## HB426 Engrossed

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

576 (3) If the ~~recording official~~ judge of probate does not  
577 grant the petition within 28 days of the date that it is  
578 filed, the petition shall be deemed denied. An order granting  
579 or denying a petition, if rendered, shall be delivered to the  
580 parties by the ~~recording official~~ judge of probate by  
581 certified first class mail, but shall not be enforced, acted  
582 upon, or effective before the expiration of 28 days from the  
583 date of mailing or the final adjudication of ~~any and all~~  
584 appeals of that decision, at which time any final order  
585 granting the petition shall be recorded and indexed in order  
586 to provide notice that the lien, deed, or other instrument has  
587 been nullified or expunged.

588 (4) A final order granting the petition shall: (i)



## HB426 Engrossed

589 state the names of the persons referenced in the false or  
590 fraudulent lien, deed, or other instrument; (ii) state the  
591 indexing and recording information for that lien, deed, or  
592 other instrument; and (iii) declare that the false or  
593 fraudulent lien, deed, or other instrument is nullified and  
594 expunged.

595       (5) A party may appeal the decision of the recording  
596 official judge of probate to the circuit court of any county  
597 where the lien, deed, or other instrument was filed or to the  
598 Circuit Court of Montgomery County, Alabama. Such appeals An  
599 appeal must be filed within 28 days of the recording official  
600 judge of probate's order or deemed denied. Such appeals  
601 Appeals shall be filed and commenced as a civil action under  
602 the Alabama Rules of Civil Procedure, which shall otherwise  
603 apply to such actions on appeal. A notice of the appeal shall  
604 also be filed with the recording official judge of probate,  
605 who shall file the notice as a lis pendens filing. The appeal  
606 shall be de novo by the circuit court without a jury. The  
607 prevailing party on appeal shall be entitled to a judgement  
608 against the other party for the prevailing party's attorneys  
609 fees and expenses arising out of and relating to the appeal,  
610 and court costs shall be taxed against the non-prevailing  
611 party. The remedy and procedure provided in this subsection is  
612 not exclusive or mandatory. Nothing in this subsection shall  
613 prevent the enforcement or challenge of any recorded lien or  
614 instrument as may otherwise be allowed by law. Nothing in this  
615 section alters or modifies any other requirements for the  
616 filing, enforcement, or challenge of any lien, deed, or other



## HB426 Engrossed

617 instrument required or allowed by law."

618 "§13A-9-22

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

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

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

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

632 "§36-20-73

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

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

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

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



## HB426 Engrossed

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

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

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

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

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

656 "§36-20-73.1

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

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

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

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

672 (c) Unless otherwise provided by law, the powers and



## HB426 Engrossed

673 functions of a notary public require his or her original  
674 signature.

675 (d) For purposes of this article, and subject to  
676 subsections (e) to (g), inclusive, an individual may  
677 personally appear before an acknowledging notary by either of  
678 the following:

679 (1) Physically appearing before the notary as provided  
680 in subsection (a).

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

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

690 (1) If appearing through the use of two-way audio-video  
691 communication, theThe identity of the signatory shall be  
692 verified by the notary public using either of the following  
693 methods:

694 ~~(1)~~a. The personal knowledge of the notary public of  
695 the identity of the signatory.

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

699 ~~b.2.~~ A process by which the notary public verifies the  
700 identity of the signatory through a review of public or



## HB426 Engrossed

701 private data sources.

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

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

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

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

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

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

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

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

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

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

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

728 (g) The official date and time of the notarization is



## HB426 Engrossed

729 the date and time the notary public witnessed the signature,  
730 including the date and time the signature was witnessed via  
731 two-way audio-video communication technology. All documents  
732 used during the two-way audio-video communication, shall be  
733 provided to the notary public for his or her authentication  
734 and original signature.

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

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

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

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

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

754 Section 5. This act shall become effective on October  
755 1, 2026.

