

House Engrossed Senate Bill

deeds; identification; forgery; notice; notaries

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1479

AN ACT

AMENDING TITLE 11, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-472; AMENDING TITLE 11, CHAPTER 3, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-544; AMENDING SECTION 11-1133, ARIZONA REVISED STATUTES; REPEALING SECTION 12-524, ARIZONA REVISED STATUTES; AMENDING SECTIONS 33-420, 41-254 AND 41-263, ARIZONA REVISED STATUTES; RELATING TO REAL PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAG

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 11, chapter 3, article 3, Arizona Revised
3 Statutes, is amended by adding section 11-472, to read:

4 11-472. Recording; photo identification; exemptions

5 A. FOR ANY DOCUMENT THAT IS RECORDED IN PERSON AT THE RECORDER'S
6 OFFICE OR AT A RECORDING KIOSK, A PERSON SHALL PROVIDE THE RECORDER WITH A
7 VALID FORM OF PHOTO IDENTIFICATION UNLESS THE DOCUMENT TO BE RECORDED IS
8 SUBMITTED BY ANY OF THE FOLLOWING:

9 1. AN ESCROW OFFICER OR ESCROW OFFICE.

10 2. A TITLE INSURANCE AGENT OR TITLE INSURER AS DEFINED IN SECTION
11 20-1562.

12 3. A STATE-CHARTERED OR FEDERALLY CHARTERED BANK OR CREDIT UNION.

13 4. AN ACTIVE MEMBER OF THE STATE BAR OF ARIZONA.

14 5. A GOVERNMENTAL ENTITY, INCLUDING AN AGENCY, BRANCH OR
15 INSTRUMENTALITY OF THE FEDERAL GOVERNMENT.

16 B. THE RECORDER MAY NOT RETAIN A COPY OF THE PERSON'S
17 IDENTIFICATION, BUT SHALL NOTE IN THE RECORDING SYSTEM OR RECEIPT FOR THE
18 RECORDING, OR BOTH, THE FOLLOWING:

19 1. THE TYPE OF IDENTIFICATION.

20 2. THE NAME ON THE IDENTIFICATION.

21 3. THE IDENTIFICATION NUMBER.

22 C. THE INFORMATION NOTED PURSUANT TO SUBSECTION B OF THIS SECTION
23 IS NOT A PUBLIC RECORD, IS EXEMPT FROM TITLE 39, CHAPTER 1 AND IS NOT
24 SUBJECT TO DISCLOSURE.

25 Sec. 2. Title 11, chapter 3, article 7, Arizona Revised Statutes,
26 is amended by adding section 11-544, to read:

27 11-544. Notice to owner; changed information

28 ON OR BEFORE JANUARY 1, 2027, THE ASSESSOR SHALL PROVIDE A SYSTEM
29 FOR NOTIFYING AN OWNER OF A PARCEL OF REAL PROPERTY WHEN THE ASSESSOR
30 RECEIVES NOTICE OF A CHANGE IN THE OWNERSHIP OF OR THE MAILING ADDRESS FOR
31 THE OWNER OF THE PARCEL OF REAL PROPERTY. THE SYSTEM SHALL ALLOW AN OWNER
32 TO CHOOSE TO PARTICIPATE AND IS VOLUNTARY FOR THE OWNER, AND THE NOTICE
33 SHALL BE PROVIDED PROMPTLY BY EMAIL, TEXT MESSAGE OR OTHER SIMILAR MEANS.

34 Sec. 3. Section 11-1133, Arizona Revised Statutes, is amended to
35 read:

36 11-1133. Affidavit of legal value

37 A. Each deed evidencing a transfer of title and any contract
38 relating to the sale of real property shall have appended at the time of
39 recording an affidavit of the seller and the buyer to the transaction, or
40 the agent of either the seller or buyer, or both, in a form approved by
41 the department of revenue, who shall declare and jointly certify the
42 following information:

43 1. The name, ~~and~~ MAILING address AND TELEPHONE NUMBER of the buyer
44 and seller. THE BUYER AND SELLER MAY PROVIDE ADDITIONAL CONTACT
45 INFORMATION, INCLUDING EMAIL ADDRESSES.

- 1 2. The name and address where a tax statement may be sent.
- 2 3. The complete legal description of the property.
- 3 4. The situs address, if any, of the property.
- 4 5. The date of sale.
- 5 6. The total consideration paid for the property, the amount of
- 6 cash down payment and whether ~~or not~~ the type of financing included cash,
- 7 a new ~~third party~~ THIRD-PARTY loan, a new loan from the seller, an
- 8 assumption of an existing loan or an exchange or trade of property.
- 9 7. Whether ~~or not~~ the estimated market value of personal property
- 10 received by the buyer equals five ~~per cent~~ PERCENT or more of the total
- 11 consideration.
- 12 8. The assessor's parcel number or numbers assigned to the real
- 13 property by the county assessor or, in the case of a new parcel or parcels
- 14 not yet assigned a parcel number, the parcel number or numbers of the
- 15 previous parcel or parcels from which the new parcel or parcels are
- 16 created.
- 17 9. The conditions of the transaction, including the relationship,
- 18 if any, of the parties.
- 19 10. The use and description of the property and, in the case of a
- 20 residential dwelling, whether the property is to be owner-occupied or
- 21 rented.
- 22 11. The name and address of the person to contact regarding
- 23 information contained on the affidavit.
- 24 B. If a beneficiary of a foreclosed trustee's deed receives payment
- 25 based on private mortgage insurance covering the sale that is in addition
- 26 to the proceeds of the sale, the beneficiary shall submit, in a form
- 27 approved by the department of revenue, to the county recorder in the
- 28 county where the property is located within four months after the date of
- 29 the trustee's sale a beneficiary's declaration of additional funds
- 30 received that contains the following:
 - 31 1. The county assessor's parcel number or numbers assigned as of
 - 32 the date of the trustee's sale.
 - 33 2. The name and address of the beneficiary submitting the
 - 34 declaration.
 - 35 3. The date of the trustee's sale.
 - 36 4. The highest bid amount received by the trustee at the trustee's
 - 37 sale.
 - 38 5. The recording number of the trustee's deed on sale.
 - 39 6. The amount of any additional compensation received by the
 - 40 beneficiary within three months after the date of the trustee's sale.
 - 41 C. The county recorder shall refuse to record any deed and any
 - 42 contract relating to the sale of real property if a complete affidavit of
 - 43 legal value is not appended unless the instrument bears a notation
 - 44 indicating an exemption pursuant to section 11-1134.

1 D. An affidavit is complete for THE purposes of this section if all
2 of the required information is stated on the affidavit form or is
3 indicated on the form as "not applicable".

4 Sec. 4. Repeal

5 Section 12-524, Arizona Revised Statutes, is repealed.

6 Sec. 5. Section 33-420, Arizona Revised Statutes, is amended to
7 read:

8 33-420. False documents; liability; special action; damages;
9 violation; classification

10 A. A person purporting to claim an interest in, or a lien or
11 encumbrance against, real property, who causes a document asserting such
12 claim to be recorded in the office of the county recorder, knowing or
13 having reason to know that the document is forged, ~~OR~~ groundless,
14 contains a material misstatement or false claim or is otherwise invalid is
15 liable to the owner or beneficial title holder of the real property for
16 the sum of ~~not less than five thousand dollars,~~ AT LEAST \$5,000 or for
17 treble the actual damages caused by the recording, whichever is greater,
18 and reasonable attorney fees and costs of the action.

19 B. The owner or beneficial title holder of the real property may
20 bring an action pursuant to this section in the superior court in the
21 county in which the real property is located for such relief as is
22 required to immediately clear title to the real property as provided for
23 in the rules of procedure for special actions. This special action may be
24 brought based on the ground that the lien is forged, ~~OR~~ groundless,
25 contains a material misstatement or false claim or is otherwise invalid.
26 The owner or beneficial title holder may bring a separate special action
27 to clear title to the real property or join such action with an action for
28 damages as described in this section. In either case, the owner or
29 beneficial title holder may recover reasonable attorney fees and costs of
30 the action if ~~he~~ THE OWNER OR BENEFICIAL TITLE HOLDER prevails.

31 C. A person who is named in a document ~~which~~ THAT purports to
32 create an interest in, or a lien or encumbrance against, real property and
33 who knows that the document is forged, ~~OR~~ groundless, contains a material
34 misstatement or false claim or is otherwise invalid ~~shall be~~ IS liable to
35 the owner or BENEFICIAL title holder for the sum of ~~not less than one~~
36 ~~thousand dollars,~~ AT LEAST \$1,000 or for treble actual damages, whichever
37 is greater, and reasonable attorney fees and costs as provided in this
38 section, if ~~he~~ THE PERSON wilfully refuses to release or correct ~~such~~ THE
39 document of record within twenty days ~~from~~ AFTER the date of a written
40 request from the owner or beneficial title holder of the real property.

41 D. A document purporting to create an interest in, or a lien or
42 encumbrance against, real property not authorized by statute, judgment or
43 other specific legal authority is presumed to be groundless and invalid.

1 E. A person purporting to claim an interest in, or a lien or
2 encumbrance against, real property, who causes a document asserting such
3 claim to be recorded in the office of the county recorder, knowing or
4 having reason to know that the document is forged, ~~OR~~ OR groundless,
5 contains a material misstatement or false claim or is otherwise invalid,
6 is guilty of a class ~~1 misdemeanor~~ 5 FELONY.

7 Sec. 6. Section 41-254, Arizona Revised Statutes, is amended to
8 read:

9 41-254. Personal appearance required; thumbprint; exceptions

10 A. If a notarial act relates to a statement made in or a signature
11 executed on a record, the individual making the statement or executing the
12 signature shall appear personally before the notarial officer.

13 B. If a notarial act involves a translator under section 41-253,
14 subsection F, the translator shall appear personally before the notary
15 public.

16 C. IF THE DOCUMENT TO BE NOTARIZED IS A DEED, QUITCLAIM DEED, DEED
17 OF TRUST OR OTHER DOCUMENT THAT AFFECTS REAL PROPERTY OR A POWER OF
18 ATTORNEY DOCUMENT, THE NOTARY PUBLIC SHALL REQUIRE THE PARTY SIGNING THE
19 DOCUMENT TO PLACE THE PARTY'S RIGHT THUMBPRINT IN THE NOTARY'S
20 JOURNAL. IF THE RIGHT THUMBPRINT IS NOT AVAILABLE, THE NOTARY PUBLIC
21 SHALL HAVE THE PARTY USE THE PARTY'S LEFT THUMB, OR ANY AVAILABLE FINGER,
22 AND SHALL SO INDICATE IN THE JOURNAL. IF THE PARTY SIGNING THE DOCUMENT
23 IS PHYSICALLY UNABLE TO PROVIDE A THUMBPRINT OR FINGERPRINT, THE NOTARY
24 PUBLIC SHALL SO INDICATE IN THE JOURNAL AND SHALL ALSO PROVIDE AN
25 EXPLANATION OF THAT PHYSICAL CONDITION.

26 D. SUBSECTION C OF THIS SECTION DOES NOT APPLY TO ANY OF THE
27 FOLLOWING:

28 1. A TRUSTEE'S DEED THAT RESULTS FROM A JUDICIAL OR NONJUDICIAL
29 FORECLOSURE.

30 2. A DEED OF RELEASE AND RECONVEYANCE.

31 3. A NOTARIAL ACT PERFORMED FOR A REMOTELY LOCATED INDIVIDUAL AS
32 PRESCRIBED BY AND IN COMPLIANCE WITH SECTION 41-263 IF BOTH OF THE
33 FOLLOWING APPLY:

34 (a) THE NOTARY JOURNAL INCLUDES THE INDIVIDUAL'S IDENTIFICATION
35 CREDENTIAL NUMBER.

36 (b) THE NOTARY RETAINS THE AUDIOVISUAL RECORDING FOR AT LEAST SEVEN
37 YEARS.

38 Sec. 7. Section 41-263, Arizona Revised Statutes, is amended to
39 read:

40 41-263. Notarial act performed for remotely located
41 individual; definitions

42 A. A remotely located individual may comply with section 41-254 by
43 using communication technology to appear before a notary public.

44 B. A notary public located in this state may perform a notarial act
45 using communication technology for a remotely located individual if:

1 1. The notary public has any of the following:

2 (a) Personal knowledge under section 41-255, subsection A of the
3 remotely located individual's identity.

4 (b) Satisfactory evidence of the identity of the REMOTELY LOCATED
5 individual by oath or affirmation from a credible witness appearing before
6 and identified by the notary public under section 41-255, subsection B or
7 this section.

8 (c) Satisfactory evidence of the identity of the remotely located
9 individual by using at least two different types of identity proofing.

10 2. The notary public is able reasonably to confirm that a record
11 before the notary public is the same record in which the remotely located
12 individual made a statement or on which the individual executed a
13 signature.

14 3. The notary public, or a person acting on behalf of the notary
15 public, creates an audiovisual recording of the performance of the
16 notarial act.

17 4. For a remotely located individual located outside the United
18 States, both of the following apply:

19 (a) The record either:

20 (i) Is to be filed with or relates to a matter before a public
21 official or court, governmental entity or other entity subject to the
22 jurisdiction of the United States.

23 (ii) Involves property located in the territorial jurisdiction of
24 the United States or involves a transaction substantially connected with
25 the United States.

26 (b) The notary public has no actual knowledge that the act of
27 making the statement or signing the record is prohibited by the foreign
28 state in which the remotely located individual is located.

29 C. If a notarial act is performed under this section, the
30 certificate of notarial act required by section 41-264 and the short form
31 certificate provided in section 41-265 must indicate that the notarial act
32 was performed using communication technology.

33 D. A short form certificate provided in section 41-265 for a
34 notarial act subject to this section is sufficient if either of the
35 following applies:

36 1. The form of certificate complies with rules adopted under
37 subsection G, paragraph 1 of this section.

38 2. The certificate is in the form provided in section 41-265 and
39 contains a statement substantially as follows: "This notarial act involved
40 the use of communication technology."

1 E. A notary public, a guardian, conservator or agent of a notary
2 public or a personal representative of a deceased notary public shall
3 retain the audiovisual recording created under subsection B, paragraph 3
4 of this section or cause the recording to be retained by a repository
5 designated by or on behalf of the person required to retain the recording.
6 Unless a different period is required by rule adopted under subsection G,
7 paragraph 4 of this section **AND EXCEPT AS PRESCRIBED BY SECTION 41-254**,
8 the recording must be retained for a period of at least five years after
9 the recording is made.

10 F. Before a notary public performs the notary public's initial
11 notarial act under this section, the notary public must notify the
12 secretary of state that the notary public will be performing notarial acts
13 with respect to remotely located individuals and identify the technologies
14 the notary public intends to use. If the secretary of state has
15 established standards under subsection G of this section and section
16 41-275 for approval of communication technology or identity proofing, the
17 communication technology and identity proofing must conform to the
18 standards.

19 G. In addition to adopting rules under section 41-275, ~~on or before~~
20 ~~July 1, 2022~~, the secretary of state shall adopt rules under this section
21 regarding performance of notarial acts for remotely located individuals.
22 The rules may:

23 1. Prescribe the means of performing a notarial act involving a
24 remotely located individual using communication technology.

25 2. Establish standards for communication technology and identity
26 proofing.

27 3. Establish requirements or procedures to approve providers of
28 communication technology and the process of identity proofing.

29 4. Establish standards and a period for the retention of an
30 audiovisual recording created under subsection B, paragraph 3 of this
31 section.

32 H. Before adopting, amending or repealing a rule governing
33 performance of a notarial act with respect to a remotely located
34 individual, the secretary of state must consider:

35 1. The most recent standards regarding the performance of a
36 notarial act with respect to a remotely located individual adopted by
37 national standard-setting organizations and the recommendations of the
38 national association of secretaries of state.

39 2. Standards, practices and customs of other jurisdictions that
40 have laws substantially similar to this section.

41 3. The views of governmental officials and entities and other
42 interested persons.

- 1 I. For the purposes of this section:
2 1. "Communication technology" means an electronic device or process
3 that:
4 (a) Allows a notary public and a remotely located individual to
5 communicate with each other simultaneously by sight and sound.
6 (b) When necessary and consistent with other applicable law,
7 facilitates communication with a remotely located individual who has a
8 vision, hearing or speech impairment.
9 2. "Foreign state" means a jurisdiction other than the United
10 States, a state or a federally recognized Indian tribe.
11 3. "Identity proofing" means a process or service by which a third
12 person provides a notary public with a means to verify the identity of a
13 remotely located individual by a review of personal information from
14 public or private data sources.
15 4. "Outside the United States" means a location outside the
16 geographic boundaries of the United States, Puerto Rico, the United States
17 Virgin Islands and any territory, insular possession or other location
18 subject to the jurisdiction of the United States.
19 5. "Remotely located individual" means an individual who is not in
20 the physical presence of the notary public who performs a notarial act
21 under subsection B of this section.