



ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

Senate: RAGE DP 5-0-2-0 | Third Read 29-0-1-0-0

House: GOV DP 7-0-0-0 | Third Read 49-0-11-0-0

Final Read: 28-1-1-0-0 | Chapter: 31

SB 1479: deeds; identification; forgery; notice; notaries

Sponsor: Senator Carroll, LD 28

Signed by the Governor

Overview

Establishes requirements for providing valid photo identification (ID) when recording documents in person at the county recorder's office or a recording kiosk.

History

An individual purporting to claim an interest in, or a lien or encumbrance against real property and documents asserting such claim with the county recorder knowing the document is forged, groundless or a false claim is liable to the owner or beneficial title holder of the real property for at least \$5,000 or for triple the actual damages caused by the recording, whichever is greater, and reasonable attorney fees and costs of the action. The individual is also guilty of a class 1 misdemeanor.

The owner or beneficial title holder of real property may bring an action in the superior court in the county where the real property is located to immediately clear the real property's title ([A.R.S. § 33-420](#)).

Provisions

1. Requires any document that is recorded in person at the county recorder's office or at a recording kiosk to be submitted along with a valid form of ID unless the document is submitted by any of the following:
 - a. an escrow officer or escrow office;
 - b. title insurance agent or title insurer;
 - c. state-chartered or federally chartered bank or credit union;
 - d. active member of the Arizona State Bar; or
 - e. government entity, including an agency, branch or instrumentality of the federal government. (Sec. 1)
2. Prohibits the county recorder from retaining a copy of the person's identification. (Sec. 1)
3. Directs the county recorder to note the following in the recording system or receipt for the recording:
 - a. type of identification;
 - b. name on identification; and
 - c. identification number. (Sec. 1)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

4. Stipulates that the outlined information is not a public record and is not subject to disclosure. (Sec. 1)
5. Instructs the county assessor to provide a system where an owner of a parcel of real property may choose to participate for notification of when the county assessor receives notice of a change in ownership or change in mailing address by January 1, 2027. (Sec. 2)
6. Requires the notice to be provided promptly by email, text message or other similar means. (Sec. 2)
7. Allows the buyer and seller of real property to provide additional contact information, including email addresses. (Sec. 3)
8. Modifies the information an affidavit must include for the sale of real property. (Sec. 3)
9. Changes the classification, from a class 1 misdemeanor to a class 5 felony, for an individual who knowingly submits a false claim or forgery to real property. (Sec. 5)
10. Directs the notary public to require the party signing documents involving real property or power of attorney to place their right thumbprint in the notary's journal. (Sec. 6)
11. Stipulates that if the right thumbprint is unavailable, the notary must use the party's left thumb or any available finger and indicate in the journal. (Sec. 6)
12. Requires the notary to indicate in the journal if the party signing the document is physically unable to provide a fingerprint and provide an explanation of the physical condition. (Sec. 6)
13. Stipulates that this legislation does not apply to a trustee's deed that results from a judicial or nonjudicial foreclosure or to a deed of release and reconveyance. (Sec. 6)
14. Stipulates that this legislation does not apply to notarial acts performed for a remotely located individual, if both of the following apply:
 - a. a notary journal includes the individual's identification credential number; and
 - b. the notary retains the audiovisual recording for at least seven years. (Sec. 6)
15. Repeals statutes related to a city lot claimed under a recorded deed. (Sec. 4)
16. Makes technical and conforming changes. (Sec. 3, 5, 7)