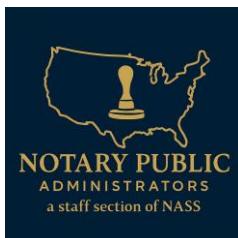


2026 NASS Winter Conference

Business Services Committee

WASHINGTON, DC
JANUARY 30, 2026



UNIFORM LAW COMMISSION (ULC) DEED FRAUD STUDY COMMITTEE

- Deed fraud, including mortgage fraud, is a growing concern across the United States, with fraud becoming more common as real property records have become available online.
- Deed fraud occurs when a person (the “fraudster”) executes and records a deed that purports to be a bona fide conveyance of real estate (typically a deed or a mortgage) by the record owner, but without having any authority from the record owner to do so.
- In other circumstances, the fraud may work because the fraud involves undeveloped land or the property is not regularly visited or observed by the rightful owner.

UNIFORM LAW COMMISSION (ULC) DEED FRAUD STUDY COMMITTEE

- The ULC Executive Committee appointed a study committee in January 2025, and the committee began meeting in February.
- The Study Committee met monthly to consider various solutions to the problem of deed fraud for a total of seven online committee meetings.
- The Study Committee concluded that no single solution would solve the problem of deed fraud and that several solutions enacted simultaneously would best address it. A uniform or model act could include several solutions or provide options for states to adopt one or more of them.

UNIFORM LAW COMMISSION (ULC) DEED FRAUD STUDY COMMITTEE

The Committee found the following solutions to be viable options for inclusion in a uniform or model act:

1. Known Filer System for Recorded Documents
2. Electronic Notification System for Landowners
3. Property Title Freeze
4. Recorder Discretion to Flag Suspicious Filings
5. Expedited Quiet Title Action for Fraud Victims
6. **Electronic Notification System for Notaries**
7. **Dual Authentication for Notarial Act**

UNIFORM LAW COMMISSION (ULC) DEED FRAUD STUDY COMMITTEE

ULC drafting projects are inclusive. While the actual drafting committee members are ULC commissioners, interested persons and groups — such as representatives of the Notary Public Administrators Section — may participate as "observers." ULC staff does an excellent job of ensuring public access to information on each drafting committee's work. Simply visit <http://uniformlaws.org/home> and enter the search term "deed fraud."



AI'S EFFECTS ON NOTARIAL ACTS

While artificial intelligence can improve efficiency with documentation and processes prior to the notarial act, NPA is looking at the potential impact during, and after, notarization.

Negative Effects of AI on Notarial Acts

Data Privacy Concerns

- The use of AI may raise issues related to the security of sensitive personal information.
- Potential for data breaches and unauthorized access.

Loss of Personal Touch

- Reduced human interaction in the notarization process may lead to a lack of trust.
- Notary's personal judgment and contextual understanding may be compromised.

Regulatory Challenges

- Existing laws may not adequately address AI's role in notarization.
- Potential for legal ambiguities and challenges in enforcement.

AI'S EFFECTS ON NOTARIAL ACTS

Balancing AI's Impact on Notarial Acts

Establishing Guidelines

- Development of clear regulations to govern AI use in notarization.
- Ensuring compliance with data protection laws to safeguard privacy.

Training and Awareness

- Educating notaries and the public about AI tools and their benefits/risks.
- Promoting a balanced approach that combines AI efficiency with human oversight.
- Maintaining the integrity of the notarial act while leveraging AI advancements.

ADA COMPLIANCE IN THE NOTARY WORLD

At the 2025 Summer Conference in Biloxi, the NPA had an open discussion on these questions:

- Should persons with disabilities be eligible for a Notary commission?
- Should any disabilities disqualify someone from being a Notary?
- Should Notaries with disabilities be allowed to use proxies?
- What tasks may proxies perform under the direction of the Notary?
- What tasks may proxies not perform under the direction of the Notary?
- What protections for the public and Notaries are essential?

ADA COMPLIANCE IN THE NOTARY WORLD

It's pretty clear that:

- All Notaries, whether employees or independent business owners, are required to comply with the Americans with Disabilities Act. **This obligation arises from their role as providers of a public service.** Many Notaries may be unaware that federal laws such as the ADA apply to them, as their attention is often exclusively focused on complying with state-specific rules for performing notarial acts.

ADA COMPLIANCE IN THE NOTARY WORLD

RULONA Adoption

- Twenty-five states have enacted Section 8(b) of the Revised Uniform Law on Notarial Acts, which reads, *A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than this [act].* “Law” in this context would include the Americans with Disabilities Act. States and jurisdictions that have enacted the provision include **Arizona, Colorado, Delaware, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Minnesota, Mississippi, Montana, New Jersey, New Mexico, North Dakota, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.**

ADA COMPLIANCE IN THE NOTARY WORLD

Background

- The U.S. Department of Justice was conducting an ADA compliance review of a notary commissioning official in its district.
- USDOJ wanted to know how it felt about allowing Notaries to use qualified interpreters during notarial acts. Currently, very few states have laws that authorize the use of interpreters.
- The commissioning official said that the notary community generally was not supportive of notaries using interpreters and pointed to the National Notary Association as supporting that position.

ADA COMPLIANCE IN THE NOTARY WORLD

Result

NNA updated its Model Notary Act and Notary Public Code of Professional Responsibility to require Notaries to provide appropriate "auxiliary aids and services" to ensure effective communication with any individual involved in a notarial act who has a vision, hearing, or speech disability.

Under the ADA, "auxiliary aids and services" include things like interpreters, written notes, captioning, and assistive listening devices. It's on the Notary, not the document signer, to provide one if requested.

ADA COMPLIANCE IN THE NOTARY WORLD

Exceptions

Under the ADA, A Notary providing an "auxiliary aid or service" is subject to two exceptions:

- The "undue burden" exception, which allows someone to decline providing a specific aid requested by the person with a disability if it would cause significant difficulty or cost.
- The "fundamental alteration" exception applies if providing an aid would change the nature of the notarial service itself. In that case, the Notary may decline, as the notarial service would not be the same notarial service that is offered to others who do not have disabilities.

ADA COMPLIANCE IN THE NOTARY WORLD

Moving Forward

State notary laws may offer some protections and accommodations, but they often do not meet the comprehensive standards of the Americans with Disabilities Act (ADA). This is especially true regarding the requirement for providing auxiliary aids and services that ensure effective communication.

Regardless of whether a state has specific laws related to the ADA and notarial acts, it is essential to educate notaries about compliance.