



Insurance Department

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State of Utah

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Bulletin 2014-6

To: Title Insurers, Individual Title Insurance Producers, Agency Title Insurance Producers and Escrow Agents

From: Todd E. Kiser, Utah Insurance Commissioner

Date: October 21, 2014

Subject: **Required Retention of Title and Escrow Records Pursuant to 31A-20-110 and 31A-23a-412**

The purpose of this Bulletin is to highlight for title insurers, individual title insurance producers, agency title insurance producers and escrow agents the statutory requirements related to retention of title related records and escrow related records.

Section [31A-20-110\(1\)](#) of the Utah Code Annotated (“U.C.A.”) specifically controls retention of title related records and does not apply to other lines or types of insurance related records. This section requires records related to a *title search and examination*, used for purposes of underwriting and determining insurability, be retained for not less than fifteen (15) years after the policy is issued.

U.C.A. [31A-23a-412](#) applies generally to all lines and types of insurance conducted in Utah, including *escrow* transactions involving real property. Subsection (5)(a) of 31A-23a-412 requires books and records be retained and be available for inspection for the remainder of the current calendar year plus three full additional years.

It is the interpretation of the Utah Department of Insurance (“Department”) that records related to title search, examination and underwriting used to determine insurability must be retained and be available for inspection for not less than fifteen (15) years after the underlying policy is issued. Records related solely to escrow, as defined in [\(31A-1-301\(58\)\(a\)\)](#), must be maintained for three full calendar years plus the rest of the calendar year in which the policy is issued.

A record may be maintained either in “its original form or as recorded by any process which can accurately and reliably reproduce the original.” U.C.A. 31A-20-110(1).

DATED this 21st day of October 2014.



Todd E. Kiser
Insurance Commissioner