



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Insurance Department

JONATHAN T. PIKE
Insurance Commissioner

BULLETIN 2025-1

To: Utah Title Insurance Licensees
From: Jonathan T. Pike, Insurance Commissioner
Date: January 23, 2025
Subject: **Advertising Jointly With a Client**

This Bulletin provides guidance as to the meaning of Utah Admin. Code [R592-6-4\(12\)](#) which prohibits "advertising jointly with a client."

Meaning of "advertising"

An analysis of this rule should begin with a consideration of the term "advertising." It is not defined in the rule. It is not among the Insurance Code's collection of definitions at Utah Code § [31A-1-301](#). However, "advertising" is defined in an unrelated section of the Code, the Life Settlements Act, which states:

"Advertising" means a communication placed before the public to: (i) create an interest in a life settlement. *Utah Code § [31A-36-102\(1\)](#).*

This definition is consistent with the commonly-understood meaning of the term, which is to create interest in a thing by publicizing information about it. A search of online definitions of "advertising" confirms this, e.g. <https://www.dictionary.com/browse/advertising> ("the act or practice of calling public attention to one's product, service, need, etc.").

Accordingly, the Department will follow the lead of the Life Settlements Act in interpreting "advertising" in Utah Admin. Code [R592-6-4\(12\)](#). The term will refer to a communication placed before the public to create an interest in a title insurance licensee, its products or its services.

Meaning of "jointly"

The rule also states that prohibited advertising is done "jointly" with a "client." Although "client" is defined in the rule, "jointly" is not. "Jointly" is an adverb that means "involving the united activity of two or more." <https://www.merriam-webster.com/dictionary/joint>. The Department accepts this definition for the purposes of the rule.

Prohibition and enforcement

Applying these definitions to the rule, it prohibits united activity involving a title licensee and a client that places before the public a communication designed to create an interest in a title insurance licensee, its products or its services.

In enforcing this prohibition, the Department will presume that a communication is designed to create an interest in a title licensee, its products or its services if the communication in any way identifies a title licensee and a client. The presumption is subject to rebuttal by the title licensee.

Scope of Bulletin

This Bulletin is not legal advice and is not legally binding on the Insurance Department or the commissioner. Nothing in this Bulletin affects the meaning of Utah Admin. Code [R592-6-4\(12\)\(b\)\(ii\)\(A\) and \(B\)](#) that allow a title a licensee to repost social media posts made by a client.

DATED this 23rd day of January 2025.


Jonathan T. Pike
Insurance Commissioner