NOTICE OF PROPOSED RULE

TYPE OF RULE: New ___; Amendment _x_; Repeal ___; Repeal and Reenact ___

Title No. - Rule No. - Section No.
Utah Admin. Code Ref (R no.): R592-1
Changed to Admin. Code Ref. (R no.): R

Agency Information

1. Department: Insurance
   Agency: Title and Escrow Commission
   Room no.: Suite 2300
   Building: Taylorsville State Office Building
   Street address: 4315 S. 2700 W.
   City, state and zip: Taylorsville, UT 84129
   Mailing address: PO Box 146901
   City, state and zip: Salt Lake City, UT 84114-6901
   Contact person(s):
   Name: Steve Gooch
   Phone: 801-957-9322
   Email: sgooch@utah.gov

   Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline: R592-1. Title Insurance Licensing

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
   The rule is being changed in compliance with Executive Order 2021-12. During the review of this rule, the department discovered a number of minor issues that needed to be amended. The Title & Escrow Commission approved these changes in a June 30, 2021 meeting by a vote of 3-0.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
   The majority of the changes are being done to fix style issues to bring the rule text more in line with current rulewriting standards and to make the language of the rule more clear. It also updates the Severability section to use the department's current language. It does not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
   A) State budget:
      There is no anticipated cost or savings to the state budget. The changes are clerical in nature and do not add, remove, or change regulations.

   B) Local governments:
      There is no anticipated cost or savings to local governments. This rule applies to insurance licensees and has no bearing on local governments.

   C) Small businesses ("small business" means a business employing 1-49 persons):
      There is no anticipated cost or savings to small businesses. The changes are clerical in nature and do not add, remove, or change regulations.

   D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. The changes are clerical in nature and do not add, remove, or change regulations.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):  

There is no anticipated cost or savings to any other persons. The changes are clerical in nature and do not add, remove, or change regulations.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):  

There are no compliance costs for any affected persons. Any affected persons are already required to comply with the provisions of the rule, and the changes do not add, remove, or change regulations.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):  

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses.  — Jonathan T. Pike, Insurance Commissioner

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<table>
<thead>
<tr>
<th>Fiscal Cost</th>
<th>FY2022</th>
<th>FY2023</th>
<th>FY2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Government</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Local Governments</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Small Businesses</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Non-Small Businesses</td>
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<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other Persons</td>
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<td>$0</td>
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</tr>
<tr>
<td>Total Fiscal Cost</td>
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<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fiscal Benefits</th>
<th>FY2022</th>
<th>FY2023</th>
<th>FY2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Government</td>
<td>$0</td>
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<tr>
<td>Local Governments</td>
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<td>Non-Small Businesses</td>
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</tr>
<tr>
<td>Net Fiscal Benefits</td>
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<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

B) Department head approval of regulatory impact analysis:  
The Commissioner of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 31A-2-404(2)(a)(ii) Subsection 31A-2-404(2)(b)

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; if none, leave blank):

<table>
<thead>
<tr>
<th>First Incorporation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Official Title of Materials Incorporated (from title page)</td>
<td></td>
</tr>
<tr>
<td>Publisher</td>
<td></td>
</tr>
</tbody>
</table>
R592. Insurance, Title and Escrow Commission.
R592-1. Title Insurance Licensing.

R592-1-1. Authority.
This rule is promulgated [pursuant to Subsections 31A-2-404(2)(a)(ii) and (b), which direct ]by the Title and Escrow Commission pursuant to Subsections 31A-2-404(2)(a)(ii) and 31A-2-404(2)(b)[to make rules pertaining to the licensing of a title licensee and require the Title and Escrow Commission's concurrence in the issuance and renewal of title licensee licenses].

R592-1-2. Purpose and Scope.
   (1) The purpose of this rule is to establish the Commission's preliminary concurrence in the commissioner's decision to issue or renew a title license under Subsection 31A-2-404(2)(b);
      (a) to establish rules for the licensing of a title licensee; and
      (b) to concur in the issuance and renewal of a title license in accordance with Section 31A-2-404(2)(b).
   (2) This rule applies to [all] a title licensee[s] and an applicant[s] for a title insurance license[ or renewal of a title insurance license].

R592-1-3. Definitions.
Terms used in this rule are defined in Sections 31A-1-301 and 31A-2-402["Title licensee" has the same meaning as found in Section 31A-2-402(2)].

R592-1-4. Licensing.
The Commission hereby grants its preliminary concurrence to the commissioner for the issuing or renewing of title insurance licenses issued by the commissioner, subject to final concurrence as specified in Section R592-1-5, to an applicant that:

(1) complies with Sections 31A-23a-104, 31A-23a-105, 31A-23a-106, 31A-23a-107, 31A-23a-108, and 31A-23a-204 for initial application; and
(2) complies with Section 31A-23a-202 as an applicant for renewal of a license; and
(3) meets all other each requirement[s] for the issuance of a license.

R592-1-5. Commission Concurrence with License Issuance or Renewal.
(1) The commissioner will report to the Title and Escrow Commission, at an interval and in a format acceptable to the commissioner and the Commission, the name[s] of each title licensee and applicant[s or licensees] who is issued:
   (a) who were issued an initial license; and/or
   (b) who were issued a renewal license.
(2) In an open and public meeting, the Commission shall:
   (a) give final concurrence; or
   (b) not concur with the licensing decision of the commissioner.
(3) If the Commission does not concur with a licensing decision of the commissioner for a licensee, the commissioner shall commence an administrative proceeding under the Utah Administrative Procedures Act to deny, revoke, suspend, limit, or place on probation the license.

If any section, term, or provision of this rule shall be adjudged invalid for any reason, such judgment shall not affect, impair or invalidate any other section, term, or provision of this rule and the remaining sections, terms, and provisions shall be and remain in full force.

R592-1-7. Enforcement Date.
The commissioner will begin enforcing this rule upon the rule's effective date. If any provision of this rule, Rule R592-1, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: title insurance
Date of Enactment or Last Substantive Amendment: September 30, 2005
Notice of Continuation: September 1, 2020
Authorizing, and Implemented or Interpreted Law: 31A-2-402