

**State of Utah**  
**Administrative Rule Analysis**  
 Revised June 2021

NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> New ___; Amendment _x_; Repeal ___; Repeal and Reenact ___		
<b>Title No. - Rule No. - Section No.</b>		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R592-7</b>	<b>Filing ID (Office Use Only)</b>
<b>Changed to Admin. Code Ref. (R no.):</b>	<b>R</b>	

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R592-7. Title Insurance Continuing Education
<b>3. Purpose of the new rule or reason for the change</b> (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 July 12, 2021 meeting by a vote of 5-0.
<b>4. Summary of the new rule or change</b> (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 If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):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 and removes an unlicensed person from the scope.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
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>B) Local governments:</b>
There is no anticipated cost or savings to local governments. This rule applies to insurance licensees and has no bearing on local governments.
<b>C) Small businesses</b> ("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.
<b>D) Non-small businesses</b> ("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.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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)(iii)		

#### 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*):

	First Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	

<b>Date Issued</b>	
<b>Issue, or version</b>	

**B) 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*):

	<b>Second Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Date Issued</b>	
<b>Issue, or version</b>	

**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

**A) Comments will be accepted until** (mm/dd/yyyy): 08/31/2021

**B) A public hearing (optional) will be held:**

<b>On</b> (mm/dd/yyyy):	<b>At</b> (hh:mm AM/PM):	<b>At</b> (place):

**10. This rule change MAY become effective on** (mm/dd/yyyy): 09/07/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

**Agency Authorization Information**

**To the agency:** Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

<b>Agency head or designee, and title:</b>	Steve Gooch, Public Information Officer	<b>Date</b> (mm/dd/yyyy):	07/15/2021
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**R592. Insurance, Title and Escrow Commission.**

**R592-7. Title Insurance Continuing Education.**

**R592-7-1. Authority.**

This rule is promulgated by the Title and Escrow Commission pursuant to Subsection 31A-2-404(2)(a)(iii) ~~[, which directs the Title and Escrow Commission to make rules for the administration of the provisions related to continuing education courses related to a title licensee].~~

**R592-7-2. Purpose and Scope.**

(1) The purpose[s] of this rule ~~are~~ is to:

(a) adopt continuing education requirements for ~~[the approval of]~~ approving a continuing education course under Subsection 31A-2-404(2)(a)(iii);

(b) delegate authority from the Commission to the commissioner to approve a continuing education course related to a title licensee; and

(c) exempt a title licensee from the ~~[provisions]~~ requirements of Subsection R590-142-4(2)(c).

(2) This rule applies to:

(a) a title licensee; and

(b) ~~[an unlicensed individual authorized to do business as a title licensee; and~~

~~(d)]~~ a continuing education [course] provider related to title insurance.

(3) This rule does not apply to an individual who ~~[is considered to have]~~ has met the continuing education requirements ~~[pursuant~~

~~to~~ under Subsection 31A-23a-202(3)(b)(iii)(C).

### **R592-7-3. Definitions.**

Terms used in this rule are defined in Sections 31A-1-301, 31A-2-402, and Rule R590-142. An additional term is defined as follows:~~The following definitions shall apply for the purpose of this rule.~~

- ~~(1) "Commission" means the Title and Escrow Commission as created under Subsection 31A-2-403(1)(a).~~
- ~~(2) "Continuing education course" means a continuing education course related to title insurance[-~~
- ~~(3) "Title licensee" has the same meaning as found in Subsection 31A-2-402(6).]~~

### **R592-7-4. Continuing Education Course and Approval.**

(1) The Commission ~~hereby~~ delegates to the commissioner the authority to approve a continuing education course under Subsection 31A-2-404(2)(e).

(2) The commissioner shall ~~rely on~~ use the requirements of Rule R590-142, Continuing Education Rule, ~~for the consideration of~~ when considering a request for a continuing education course approval.

(3) When the commissioner approves a continuing education course, the course:

(a) is ~~deemed~~ considered approved by the Commission and has concurrence of the commissioner under Subsection 31A-2-404(2)(e) and ~~this~~ Subsection R592-7-4(1); and

(b) ~~will be~~ is added to the ~~D~~ department's approved course list.

(4) The commissioner shall provide a report to the Commission on a quarterly basis listing ~~new~~ continuing education courses approved ~~pursuant to this section~~ during the prior quarter.

(5) If the commissioner disapproves a continuing education course, the commissioner shall:

(a) remove the course from the ~~D~~ department's approved course list; and

(b) notify the course provider of the disapproved course.

### **R592-7-5. Course Submission.**

A continuing education provider shall submit to the commissioner a request for approval of a continuing education course ~~in accordance with~~ under Section 31A-23a-202 and Rule R590-142.

### **R592-7-6. Licensee Course Requirements.**

(1) The continuing education credit hours required for the renewal of a title insurance producer license ~~pursuant to~~ under Subsections 31A-23a-202(3)(b)(iii)(A) and (B), may ~~only~~ be ~~fulfilled through~~ satisfied by completing an approved course that is:

(a) related to title insurance, escrow, real estate, or ethics; and

(b) categorized by the commissioner as:

(i) title;

(ii) title ethics; or

(iii) ethics.

(2) ~~(a)~~ The restrictions ~~set forth in~~ under Subsection R590-142-4(2)(c) ~~shall~~ do not apply to a title licensee.

~~(b)~~ 3 A title licensee may obtain ~~all~~ required credit hours through one or more insurers.

### **R592-7-7. Penalties.**

~~A person found, after a hearing or other regulatory process, to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.~~

### **R592-7-8. Enforcement Date.**

~~The commissioner will begin enforcing this rule upon the rule's effective date.~~

### **R592-7-9. Severability.**

~~[If any provision of this rule or its application to any person or situation is held to be invalid, such invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.]~~ If any provision of this rule, Rule R592-7, 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 continuing education**

**Date of Enactment or Last Substantive Amendment: July 30, 2018**

**Notice of Continuation: June 10, 2019**

**Authorizing, and Implemented or Interpreted Law: 31A-2-308; 31A-2-402; 31A-2-404; 31A-23a-202**