

**Appendix 1: Regulatory Impact Summary Table\***

<b>Fiscal Costs</b>	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	Unknown	Unknown	Unknown
Non-Small Businesses	Unknown	Unknown	Unknown
Other Person	Unknown	Unknown	Unknown
<b>Total Fiscal Costs:</b>	Unknown	Unknown	Unknown
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	Unknown	Unknown	Unknown
Non-Small Businesses	Unknown	Unknown	Unknown
Other Persons	Unknown	Unknown	Unknown
<b>Total Fiscal Benefits:</b>	Unknown	Unknown	Unknown
Net Fiscal Benefits:	Unknown	Unknown	Unknown

\*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 for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

**Appendix 2: Regulatory Impact to Non-Small Businesses**

There are 19 title insurance companies operating in Utah, according to Insurance Department licensing records. These businesses may experience a fiscal cost associated with continuing education (CE) courses if they choose to increase the number of courses they offer. The Insurance Department cannot know which or how many insurers may choose to increase the frequency of their CE courses, nor how much that might cost each business, because those numbers will vary depending on each insurer's decisions. The rule is being amended to allow title insurance producers to obtain all of their required CE training through one or more insurers if they choose. Title insurers may, at their discretion, change the number of CE courses they will provide. The Insurance Department cannot estimate the impact of this change on these insurers because it cannot know if insurers will take on additional costs as a result of the rule. Insurers may determine that it makes more business sense to continue operating as usual in the wake of this rule, or they may choose to add staff to increase the number of CE courses they teach. Any change in the way a large business operates after this rule is enacted will be a business decision made by the business.

“The head of the Insurance Department, Todd E. Kiser, has reviewed and approved this fiscal analysis.”

~~[R592. Insurance, Title and Escrow Commission.~~

~~R592-7. Title Insurance Continuing Education Program.~~

~~R592-7-1. Authority.~~

~~— This rule is promulgated pursuant to Subsections 31A-2-404(2)(a) and (g), which direct the Title and Escrow Commission to make rules for the administration of the provisions in this title related to title insurance and the approval of continuing education programs related to title insurance.~~

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

~~— (1) The purposes of this rule are to:~~

~~— (a) delegate authority from the Commission to the commissioner to provisionally approve continuing education programs related to title insurance; and~~

~~— (b) establish procedures for the Commission to approve continuing education programs related to title insurance provisionally approved by the commissioner.~~

~~— (2) This rule applies to all title licensees, applicants for a title insurance license, unlicensed persons doing business as a title licensee, and continuing education providers submitting continuing education programs related to title insurance for approval pursuant to 31A-2-404.~~

~~R592-7-3. Definitions.~~

~~— "Title licensee" has the same meaning as found in Section 31A-2-402(5).~~

~~R592-7-4. Program Approval.~~

~~— (1) The Commission hereby delegates to the commissioner provisional authority to approve continuing education programs related to title insurance including~~

~~— (a) continuing education course providers; and~~

~~— (b) continuing education courses.~~

~~— (2) The commissioner will report to the Commission on all continuing education programs related to title insurance provisionally approved by the commissioner. This report will include approved:~~

~~— (a) continuing education course providers; and~~

~~— (b) continuing education courses added to the Department's list of approved continuing education courses.~~

~~— (3) The Commission will review the report and~~

~~— (a) concur with and thus approve the continuing education course providers and continuing education courses provisionally approved by~~

~~the commissioner; or~~

~~— (b) disapprove the provisionally approved continuing education course providers or continuing education courses.~~

~~— (4) If the Commission disapproves a provisionally approved continuing education provider or continuing education course, the commissioner will:~~

~~— (a) remove the provider or the course from the Department's approved provider or course list; and~~

~~— (b) notify the provider of the disapproval.~~

**~~R592-7-5. Program Submission.~~**

~~— (1) Title insurance related continuing education providers shall submit initial and renewal provider approval information to the commissioner in accordance with 31A-23a-202 and R590-142.~~

~~— (2) Approved title insurance related continuing education providers shall submit requests for continuing education course approval to the commissioner in accordance with 31A-23a-202 and R590-142.~~

**~~R592-7-6. 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 31A-2-308.~~

**~~R592-7-7. Enforcement Date.~~**

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

**~~R592-7-8. Severability.~~**

~~— 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.~~

**~~KEY: title insurance continuing education~~**

**~~Date of Enactment or Last Substantive Amendment: June 25, 2009~~**

**~~Notice of Continuation: June 13, 2014~~**

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

**R592. Insurance, Title and Escrow Commission.**

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

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

This rule is promulgated 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 purposes of this rule are to:
- (a) adopt continuing education requirements for the approval of a continuing education course under 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 of R590-142-4(2)(c).
- (2) This rule applies to:
- (a) a title licensee;
  - (b) an unlicensed individual authorized to do business as a title licensee; and
  - (d) a continuing education course related to title insurance.
- (3) This rule does not apply to an individual who is considered to have met the continuing education requirements pursuant to Subsection 31A-23a-202(3)(b)(iii)(C).

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

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 the requirements of R590-142, Continuing Education Rule, for the consideration of a request for a continuing education course approval.
- (3) When the commissioner approves a continuing education course, the course:
  - (a) is deemed approved by the Commission and has concurrence of the commissioner under Subsection 31A-2-404(2)(e) and this Subsection (1); and
  - (b) will be added to the 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.
- (5) If the commissioner disapproves a continuing education

course, the commissioner shall:

(a) remove the course from the 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 Section 31A-23a-202 and 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 Subsections 31A-23a-202(3)(b)(iii)(A) and (B), may only be fulfilled through 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 R590-142-4(2)(c) shall not apply to a title licensee.

(b) 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.