



D KENT MICHIE
Utah Insurance Department
Insurance Commissioner

JON M HUNTSMAN, JR
Governor

C. TOM BRASHER
Director
Producer Licensing Services Division

**INSTRUCTIONS FOR TITLE ORGANIZATION LICENSE
(Requirements effective 5-5-2005)**

1. Utah Insurance Department Rule R590-154 requires that the name of an insurance agency licensed in the State of Utah must not be (1) misleading or deceptive; (2) likely to be mistaken for another licensee already in business; or (3) implies association or connection with any other organization where actual bona fide association or connection does not exist.
2. The agency shall include words such as "**Title Insurance Agency**" in the agency's name **OR** the agency shall state that it is a title insurance agency in **any** letterhead, business cards, advertising, slogan, emblem, or other promotional material used or distributed by the agency in the State of Utah. No agency is allowed to use the word "Company" in their name.
3. Complete application (front & back). Unless all questions are fully answered and all forms and fees required by this application are completed and attached, the application cannot be processed.
4. A title insurance organization must maintain a fidelity bond or a professional liability insurance policy in an amount no less than \$50,000 [Utah Insurance Code 31A-23a-204(1)]. Proof of this bond or policy must be submitted with the application.
5. All agents designated to represent an organization must be individually licensed in Utah.
6. License fee is \$87.00 per two-year period.

BEFORE OPERATING AS AN AGENCY:

1. A certificate of appointment is required from each company represented. Must be filed with the Insurance Department with a copy to you.
2. Rates for escrow, settlement, and closing charges must be filed as required in Utah Insurance Department Bulletin 99-6. **RATES MUST BE FILED PRIOR TO ANY CLOSINGS BEING CONDUCTED.** 30-day waiting period is waived for the initial filing of rates only.
3. A 1% reserve account must be established as outlined in U.C.A. 31A-23a-204(2)

You are responsible to know and follow all statutes and rules regarding the operation of your business. This information, including the attached documents, is for your convenience only and should not be considered comprehensive in its scope.



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Insurance Commissioner
Utah Insurance Department

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C. BRADFORD TIBBITTS
Director
Property/Casualty Division

TITLE INSURANCE CODE, RULE, and BULLETIN REFERENCES

www.insurance.utah.gov

31A-2-201	General duties and powers (of Commissioner)
R590-160	Administrative Proceedings
31A-2-308	Enforcement penalties and procedures
31A-3-103	Fees – See Website
31A-4-105	Deposit required from domestic insurers
31A-4-107	"Other Business" – Definition
31A-14-211	Restrictions on foreign title insurers
31A-17-408	Title insurance reserves (Company/Insurer)
31A-19a-201	Rate standards (general)
31A-19a-202	Rating methods
31A-19a-203	Rate fillings
31A-19a-209	Special provisions for title insurance (Rates)
31A-20-109	Single Risk Limitation for Title Insurance
31A-20-110	Underwriting rules for title insurance (Policy Retention)
31A-21-102(2)	Oral contracts of insurance and binders
31A-21-105(1)	Representations, warranties and conditions
31A-23a-101	Purposes (of General Provisions)
31A-23a-104	Application for individual license – Application for agency license
31A-23a-105	General requirements for license issuance and renewal
31A-23a-106	License types
31A-23a-107	Character requirements
31A-23a-108	Examination Requirements
R590-118	Licensing Examination Rule
31A-23a-111	Revocation, suspension, surrender, lapsing, or limiting of license
R590-141	Individual and Agency Lapse and Reinstatement Rule
31A-23a-112	Probation
31A-23a-115	Appointment and listing of insurance producers
R590-101	Appointment and Termination of Individuals Licensed as Agents, & Organizations
R590-123	Additions and Deletions of Designees by Organizations
Bulletin 90-2(a)	Persons Authorized To Appoint and Remove Agents
31A-23a-202	Continuing education requirements – Regulatory authority
R590-142	Continuing Education Rule
31A-23a-203	Training period requirements
31A-23a-204	Special requirements for title insurance – 1% reserve account
R590-190	Unfair Property, Liability and Title Claims Settlement Practices Rule
Bulletin 90-1	Requirements Pertaining To The Orderly Withdrawal From The Utah Title Insurance Marketplace

31A-23a-302	Agency designations
31A-23a-401	Disclosure of conflicting interests
31A-23a-402	Unfair marketing practices
R590-99	Failure to record
R590-153	Unfair Inducements
R590-154	Unfair Marketing Practices Rule
31A-23a-405	Insurer liability
31A-23a-406	Title insurance agents business
R590-170	Fiduciary and Trust Account Obligations
R590-212	Requirements for Interest Bearing Accounts Used by Title Insurance Agencies for Trust Fund Deposits
31A-23a-407	Liability of title insurers for acts of title insurance agents
31A-23a-408	Representations of agency
31A-23a-409	Trust obligation for funds collected
31A-23a-410	Insurer's liability if insured pays premium to a licensee or group policyholder
31A-23a-411.1	Person's liability if premium received is not forwarded to the insurer
31A-23a-412	Place of business and business address – Records
31A-23a-413	Title agents' annual report
R590-136	Title Insurance Agents' Annual Reports
Bulletin 90-8	Insurance Department rule R590-136, Title Insurance Agents' Annual Reports
31A-23a-415	Assessment on title insurers
R590-187	Assessment of Title Insurance Agencies & Title Insurers for Costs Related to Regulation of Title Insurance
31A-23a-501	Licensee compensation
31A-23a-503	Controlled business in title insurance
31A-23a-504	Sharing commissions
31A-23a-605	Penalties and liabilities
31A-26-303	Unfair claim settlement practices
R590-190	Unfair Property, Liability and Title Claims Settlement Practices Rule
31A-31	Insurance Fraud Act
R590-160	Administrative Proceedings
Bulletin 93-2	¹ Lenders' Valid First Lien Letter Request
Bulletin 99-5	¹ Procedures For The Submission of Title Insurance Rate, Rule and Form Filings
Bulletin 99-6	¹ Procedures For Filing Escrow, Settlement, and Closing Charges
Bulletin 2000-2	Written Consent For A Prohibited Person to Engage In The Business of Insurance Under Title 18, United States Code, Sections 1033 and 1034
Bulletin 2000-3	Written Consent For A Prohibited Person to Engage In The Business of Insurance Under Title 18, United States Code, Sections 1033 and 1034
Bulletin 2002-4	USA Patriot Act of 2001

You are responsible to know and follow all statutes and rules regarding the operation of your business. This information, including the attached documents, is for your convenience only and should not be considered comprehensive in its scope.

¹ In process of revision to an Administrative Rule

BULLETIN 99-6

PROCEDURES FOR FILING ESCROW, SETTLEMENT, AND CLOSING CHARGES

- Part 1. [Applicability](#)
- Part 2. [General Filing Procedures](#)
- Part 3. [Procedures for Escrow, Settlement, and Closing Charge Filings](#)
- Part 4. [Filing Fees](#)
- Part 5. [Required Filing Transmittal Form](#)
- Part 6. [Correspondence and Inquiries](#)

INFORMATIONAL NOTE: Utah Insurance Department Bulletins and Forms are available through our web page - www.insurance.state.ut.us

Part 1. APPLICABILITY

This bulletin sets forth the procedures which should be followed by all licensed title insurance agencies and insurers in submitting a schedule of escrow, settlement or closing charges or amendments to schedules in compliance with Utah Code Ann. §31A-19-209.

This bulletin replaces Bulletin 96-6. All filings should comply with these procedures beginning July 1, 1999. Filings must be submitted as required by this bulletin in order to be "filed" as defined in the Utah Insurance Code. Filings that do not comply with these procedures will be considered incomplete and will be rejected without action by the department, and the filing fee will be forfeited. Rejected filings that are subsequently resubmitted will be treated as new filings and new filing fees will be required.

Part 2. GENERAL FILING PROCEDURES

1. A "complete" filing consists of the following documents submitted in order as a packet to the commissioner: the correct filing fee, the Utah Escrow Filing Transmittal Form, a cover letter from the agency or the insurer making the filing, a schedule of the escrow, settlement or closing charges, required filing memoranda, exhibits, and documents. Return notification materials, if desired, will be the last items in the packet.
 - a. Filing fee. The fee must be attached to the Utah Escrow Filing Transmittal Form. **THE FEE MUST BE ATTACHED TO THE TRANSMITTAL.**
 - b. UTAH Escrow Filing Transmittal Form. **THIS MUST BE THE FIRST PAGE OF THE FILING.** It must be properly completed.
 - c. Cover Letter. This letter, on company letterhead, explains the filing.
 - d. Required filing memoranda and exhibits. As applicable.
 - i. One legible copy of the schedule of charges being filed separate from the cover letter.
 - ii. Other material as desired by the company to further explain or support the filing.

- e. Return notification materials. For return notification of "filing", provide a copy of the cover letter or filing and a self-addressed, stamped envelope of sufficient size to accommodate whatever you want returned. The department will not send notice of "filing" unless you provide the means to do so. The department will only return as much of the materials as will fit in the envelope provided.
2. It is the responsibility of the title insurance agency or company making a filing to provide the department with complete information relevant to the filing. The Insurance Department will not research prior filings to determine what the present filing is trying to accomplish.
3. Do not submit filings in binders.

Part 3.
**PROCEDURES FOR ESCROW, SETTLEMENT,
AND CLOSING CHARGE FILINGS**

Utah statutes require every authorized title insurance agency and insurer to file with the commissioner a schedule of the escrow, settlement and closing charges used in this state for services performed in connection with the issuance of policies of title insurance. "Filed" means it has been received by the commissioner with the applicable filing fee, the applicable transmittal forms, and all other required documentation. Each change or amendment to the schedule of charges shall state the effective date of the change or amendment, which may not be less than 30 days after the date of filing. Any change or amendment remains in force for a period of at least 90 days from its effective date.

No charge may be filed or used which would require the agency or insurer to operate at less than the cost of doing business. Filings must be supported and justified by each agency or company. Justification must include submission of all factors used in determining initial charges or changes in existing charges along with a complete explanation as to the extent to which each factor has been used.

Part 4. FILING FEES

The Utah Insurance Department requires a fee for the filing of escrow, settlement, and closing charges. Filings received without the appropriate fees are incomplete and not considered "filed" as defined in the Utah Insurance Code.

1. The filing fee is \$25 and applies per filing (effective 7/1/04).
2. No filing fee is required for the following:
 - a. Notifying the department of the withdrawal (without replacement or amendment) of a prior filing.
 - b. Changes in effective date.
 - c. Technical and/or typographical corrections to filings previously made if submitted within 30 days of the date "filed" with the department. Provide the date and description of original filing.
3. Checks should be made payable to the Utah Insurance Department and attached to the UTAH Escrow Filing Transmittal Form.

Part 5. REQUIRED FILING TRANSMITTAL FORMS

The Utah Insurance Department requires that the Utah Escrow Filing Transmittal Form be included with filings submitted to the department. The required form is attached to this bulletin and may be found at the department's web- site at www.insurance.utah.gov.

1. Actual copies of the attached transmittal form may be used or you may adapt them to your word processing system. If adapted, the content and the format must be substantially the same as the form attached to this bulletin.
2. The filing transmittal form must be completely filled out. DO NOT write such things as "refer to letter," "see filing memorandum," or "upon approval," etc. This may result in a rejection of the filing.

Part 6. CORRESPONDENCE AND INQUIRIES

1. Correspondence.
 - a. When referencing a filing in any way provide sufficient information to identify the original filing: type of filing, line of insurance, date of filing, form number(s), date of prior correspondence, and a copy of the original cover letter or the latest correspondence from the Department. The Department will not verify receipt of correspondence unless you provide a self-addressed stamped envelope.
 - b. When resubmitting a form in response to an Order of Disapproval, send a copy of the disapproval letter; a resubmission letter identifying the changes made and one copy of the corrected form(s). If you desire notification of the filing send a copy of the resubmission letter and a self -addressed stamped envelope.
 - c. When resubmitting a form in response to a rejection send a copy of the rejection form.
2. Inquiries and Status Checks. Normally, complete filings will be processed within 45 days of the date the complete filing is received in our office. Please allow a minimum of 60 days, plus mail time, from your date of submission before requesting a status check. You must tell us whether you are asking for a status of:
 - a. your original submission,
 - b. your resubmission of a rejected filing,
 - c. your response letter to an Order of Disapproval.

You must include a copy of your original cover letter or the latest correspondence and a **self-addressed stamped envelope**. The Department will not send a response to a request for a status check unless you provide the means to do so.

DATED this 13th day of May, 1999

Insurance Commissioner

UTAH ESCROW FILING TRANSMITTAL FORM

BULLETIN 99-6

This form must be placed on top of the filing, before the cover letter. Escrow rate filings must be received by the Insurance Department at least 30 days prior to the effective date. (If a filing is rejected, a new filing fee is required to refile. The 30 days prior to the effective date will apply to the resubmission date.)

1. Agency Name _____

2. Agency License No. _____

3. Submission Date of Filing _____

4. Proposed Effective Date _____
(Proposed effective date can **NOT** be **LESS** than 30 days **AFTER** the "filed" date)

5. Type of Charge (Full closing, Streamline, "Mini" etc.) _____

6. Overall increase + _____% or decrease - _____%

If the change is a decrease, a letter signed by an officer of the agency must accompany the filing confirming that the charge will not cause the agency to operate at less than the cost of doing an escrow, closing, or settlement business.

7. Date the last time **THIS** escrow, closing, or settlement charge was changed _____

8. Brief Description of this filing:

9. Attachments:

- _____ Cover Letter
- _____ Filing memoranda, documents, as applicable
- _____ Agency statement on rate decrease, if applicable
- _____ Return notification materials

10. Name and Title of person making this filing _____
Phone Number _____
Company filing number if applicable _____