31A-19a-209. Special provisions for title insurance.

(1)

(a)

(i) The Title and Escrow Commission may [~~shall~~] adopt rules subject to Section 31A-2-404, establishing rate standards and rating methods~~ for individual title insurance producers and agency title insurance producers.~~.

(ii) The commissioner shall determine compliance with rate standards and rating methods. ~~for title insurers, individual title insurance producers, and agency title insurance producers.~~

(b) In addition to the considerations in determining compliance with rate standards and rating methods as set forth in Sections 31A-19a-201 and 31A-19a-202, including for title insurers, the commissioner and the Title and Escrow Commission shall consider the costs and expenses incurred by title insurers, individual title insurance producers, and agency title insurance producers peculiar to the business of title insurance including:

(i) the maintenance of title plants; and

(ii) the examining of public records to determine insurability of title to real ~~redevelopment~~ property.

(2)

(a) A title insurer, an agency title insurance producer, or an individual title insurance producer who is not an employee of a title insurer or who is not designated by an agency title insurance producer shall file with the commissioner, the initial filing occurring on July 1, 2022, and thereafter to be included in the annual report filed under Section 31A-23a-413, a certified statement of the average residential escrow fee charged by the filer for the prior calendar year.

(b) The commissioner shall establish an industry average escrow fee by calculating the average of the residential escrow fees submitted under Subsection (2)(a).

(3) A title insurer, an agency title insurance producer, or an individual title insurance producer shall not charge an escrow fee for its escrow services on any side of a transaction~~:~~ ~~(a)~~ in an amount less than 50% of the industry average escrow fee established under Subsection (2)(b). ~~; or~~

~~(b) unless there is a changed circumstance, in an amount that differs from the escrow fee originally disclosed to the consumer.~~

~~(4) A "changed circumstance" shall mean:~~

~~(a) an extraordinary event beyond the control of any interested party;~~

~~(b) an unexpected event specific to the consumer or the transaction;~~

~~(c) a material change to the information relied upon at the time of the original disclosure.~~

(4~~5~~) "Residential escrow fee" shall be calculated as follows:

(a) per each side of a transaction (i.e., buyer-side or seller-side):

(i) the sum of the fees charged by a filer for conducting escrow services on any transaction involving a dwelling;

(ii) excluding any pass-through cost incurred incident to the escrow services or the issuance of the title insurance and separately charged to the consumer.

(5~~6~~) "Dwelling" shall have the same meaning as Section 57-21-2.