



## State of Utah

SPENCER J. COX  
Governor

DEIDRE M. HENDERSON  
Lieutenant Governor

## Insurance Department

JONATHAN T. PIKE  
Insurance Commissioner

### Title & Escrow Commission Meeting

(<https://insurance.utah.gov/licensee/title/tec>)

**Date:** July 12, 2021

**Time:** 9:00 AM

**Place:** In Person

Taylorsville SOB  
4315 S. 2700 W.  
Bonneville Room  
Taylorsville, UT 84129

Virtual

Google Meet  
[meet.google.com/nib-eikv-ybr](https://meet.google.com/nib-eikv-ybr)  
260-333-5673 Phone  
792 895 274# Password

### ATTENDEES

#### TITLE & ESCROW COMMISSION

Chair, Chase Phillips ( <i>Agency, Weber County</i> )	Darla Milovich ( <i>Agency, Salt Lake County</i> )
Vice Chair, Nancy Frandsen ( <i>Insurer, Salt Lake County</i> )	Alison McCoy ( <i>Agency, Tooele County</i> )
Randy Smart ( <i>Public Member, Salt Lake County</i> )	Perri Babalis, <i>AG Counsel - TEC</i>

#### DEPARTMENT STAFF

Jon Pike, <i>Insurance Commissioner</i>	Reed Stringham, <i>Deputy Comm.</i>	Tracy Klausmeier, <i>P&amp;C Dir.</i>
Randy Overstreet, <i>Licensing Dir.</i>	Danny Schoenfeld, <i>Finance Dir.</i>	Adam Martin, <i>MC Examiner</i>
Michael Covington, <i>CE Specialist</i>	Steve Gooch, <i>PIO Recorder</i>	Eddie Vasquez, <i>AG Counsel</i>

### AGENDA

#### General Session: (Open to the Public)

- **Welcome** / Chase Phillips, Chair
- **Telephone Roll Call**
- **Swear in New Commission Members**
  - Kim Holbrook
  - Cal Robinson
- **Thank Nancy & Alison for Service** / Reed
- **Adopt Minutes of Previous Meetings**
  - June 14
  - June 30
- **Concurrence Reports** / Reed
  - Licenses
- **Board Duties & Responsibilities** / Perri
- **Update on 2021 Goals**
  - ULTA report / Chase
  - REC report / Darla
- **New Business**
  - Review proposed rule changes under Executive Order 2021-12
    - R592-7: Title Insurance Continuing Education Program
    - R592-8: Application Process for an Attorney Exemption for Agency Title Insurance Producer Licensing

- R592-10: Title Insurance Regulation Assessment for Agency Title Insurance Producers and Title Insurers
- R592-11: Title Insurance Producer Annual Reports
- **Old Business**
  - Determining compliance with Section 31A-19a-209(3) / Reed
- **Other Business**
  - Update on rate manual resubmission / Adam
- **Hot Topics**

*Executive Session* (None)

- **Adjourn**
- **Next Meeting: August 9, 2021** — Bonneville Room, Taylorsville State Office Building

**2021 Meeting Schedule**

<del>Jan 11</del>	<b>Feb 8</b>	<del>Mar 8</del>	<del>Apr 19</del>	<b>May 10</b>	<del>Jun 14</del>
Jul 12	<b>Aug 9</b>	Sept 13	Oct 18	<b>Nov 8</b>	Dec 20

**2021 Goals**

1. Continue making sure testing is relevant
2. Continue working with the Real Estate Commission
3. Continue working with the ULTA as a liaison
4. Increase awareness of wire fraud's effect on consumers and agencies
5. Increase awareness of affiliated business arrangements (ABA)

**Title Agency Licensing  
June 2021**

**New Licenses:**

<b>Agency ID</b>	<b>Name</b>	<b>Orig Issue Date</b>	<b>Expire Date</b>	<b>LOA</b>
197823	PROSPECT TITLE INSURANCE AGENCY LLC	6/28/2021	6/30/2023	TE
197823	PROSPECT TITLE INSURANCE AGENCY LLC	6/28/2021	6/30/2023	TS

**Renewed Licenses:**

<b>Agency ID</b>	<b>Name</b>	<b>Orig Issue Date</b>	<b>Expire Date</b>	<b>LOA</b>
16790	COVIUS TITLE INSURANCE AGENCY OF UTAH LLC	6/20/2007	6/30/2023	TE
16790	COVIUS TITLE INSURANCE AGENCY OF UTAH LLC	6/20/2007	6/30/2023	TS
166570	EAGLE GATE TITLE INSURANCE AGENCY INC.	6/15/2011	6/30/2023	TE
166570	EAGLE GATE TITLE INSURANCE AGENCY INC.	6/15/2011	6/30/2023	TMR
166570	EAGLE GATE TITLE INSURANCE AGENCY INC.	6/15/2011	6/30/2023	TS
6030	FARM AND HOME TITLE INSURANCE AGENCY INC	6/6/1997	6/30/2023	TE
6030	FARM AND HOME TITLE INSURANCE AGENCY INC	6/5/1997	6/30/2023	TS
178484	INVICTUS TITLE INSURANCE AGENCY LLC	6/15/2015	6/30/2023	TE
178484	INVICTUS TITLE INSURANCE AGENCY LLC	6/15/2015	6/30/2023	TS
178387	NOVATION TITLE INSURANCE AGENCY	6/4/2015	6/30/2023	TE
178387	NOVATION TITLE INSURANCE AGENCY	1/2/2018	6/30/2023	TS
14481	eTITLE INSURANCE AGENCY LLC	6/8/2005	6/30/2023	TE
14481	eTITLE INSURANCE AGENCY LLC	6/8/2005	6/30/2023	TS

**Lapsed Licenses:**

<b>Agency ID</b>	<b>Name</b>	<b>Orig Issue Date</b>	<b>Expired Date</b>	<b>LOA</b>
6933	COALITION TITLE AGENCY	6/21/1989	6/30/2021	TE
6933	COALITION TITLE AGENCY	6/21/1989	6/30/2021	TS
161179	KEYSTONE TITLE INSURANCE AGENCY LLC	6/11/2009	6/30/2021	TE
161179	KEYSTONE TITLE INSURANCE AGENCY LLC	6/11/2009	6/30/2021	TS

**Reinstated Licenses:**

<b>Agency ID</b>	<b>Name</b>	<b>Orig Issue Date</b>	<b>Expire Date</b>	<b>Reinstated</b>	<b>LOA</b>
(none)					

**Title Agent Licensing:  
June 2021**

**New Licenses:**

<b>Individual ID</b>	<b>Last Name</b>	<b>First Name</b>	<b>Orig Issue Date</b>	<b>Expire Date</b>	<b>LOA</b>
1961288	ADAMS	JOHN	6/25/2021	2/29/2024	TMR
1955920	BENNETT	NICOLE	6/11/2021	12/31/2023	TE
1925605	CHRISTENSEN	ELYSA	6/1/2021	9/30/2023	TE
1958762	FORSMAN	RICHARD	6/18/2021	1/31/2024	TMR
1954539	GRIFFITHS	JOSEPH	6/10/2021	9/30/2023	TE
1950674	HUNT	JAXON	6/9/2021	8/31/2023	TE
1956226	JOHNSON	RAEANNA	6/16/2021	6/30/2023	TS
1916964	JONES	CHRISTINA	6/25/2021	9/30/2023	TS
1954480	MANGELSON	NICHOLAS	6/7/2021	8/31/2023	TS
1956729	PETTEM	SUSAN	6/8/2021	6/30/2023	TMR
1956567	SMITH	RYAN	6/21/2021	5/31/2024	TMR
1958125	STEVENS	ALYSSA	6/17/2021	12/31/2023	TE

**Renewed Licenses:**

<b>Individual ID</b>	<b>Last Name</b>	<b>First Name</b>	<b>Orig Issue Date</b>	<b>Expire Date</b>	<b>LOA</b>
79546	ANDERSEN	ANDREA	2/15/2007	6/30/2023	TE
1588880	ANDREWSEN	KURT	10/10/2014	6/30/2023	TMR
1588880	ANDREWSEN	KURT	11/17/2014	6/30/2023	TE
1589381	AOKI	NICOLE	11/18/2014	6/30/2023	TE
97397	ARMSTRONG	MEGAN	1/6/2004	6/30/2023	TE
97397	ARMSTRONG	MEGAN	5/25/2016	6/30/2023	TS
1429739	ARRETT	MICHAEL	8/19/2010	6/30/2023	TE
1429739	ARRETT	MICHAEL	8/19/2010	6/30/2023	TS
136552	BACK	ALLEN	11/7/2006	6/30/2023	TMR
136552	BACK	ALLEN	6/24/2008	6/30/2023	TE
1588349	BETTOLO	SHELLEY	11/17/2014	6/30/2023	TE
14520	BROWN	RON	4/29/1996	4/30/2022	TS
1616636	BUNKER	DANIELLE	6/9/2015	6/30/2023	TE
90776	BUTTERFIELD	VALERIE	6/4/2003	6/30/2023	TS
90776	BUTTERFIELD	VALERIE	9/16/2013	6/30/2023	TE
114453	CESPEDES	JOSE	6/7/2005	6/30/2023	TE
45828	CHANDLER	JILL	11/12/1996	6/30/2023	TMR
45828	CHANDLER	JILL	5/6/1998	6/30/2023	TE
104261	CHRISTENSEN	LORRAINE	7/14/2004	6/30/2023	TE
31971	CHRISTENSEN	GARY	9/9/1996	6/30/2023	TS
104261	CHRISTENSEN	LORRAINE	9/2/2005	6/30/2023	TS
31971	CHRISTENSEN	GARY	9/9/1996	6/30/2023	TE
105542	CRAVENS	SCOTT	9/9/2004	6/30/2023	TS
109933	DEVORE	AMY	1/26/2005	6/30/2023	TS
109933	DEVORE	AMY	2/13/2008	6/30/2023	TE
1348492	DUNFORD	NATHAN	6/2/2009	6/30/2023	TE
53600	GREENING	TAMARA	6/21/1994	6/30/2023	TE
90457	GRESSMEN	CHERRI	5/23/2003	6/30/2023	TMR
39812	GUSTAFSON	DAVID	3/18/1992	6/30/2023	TS
39812	GUSTAFSON	DAVID	3/18/1992	6/30/2023	TE

**Renewed Licenses:**

<b>Individual ID</b>	<b>Last Name</b>	<b>First Name</b>	<b>Orig Issue Date</b>	<b>Expire Date</b>	<b>LOA</b>
1617257	HALVORSEN	DALTON	6/25/2015	6/30/2023	TS
1617257	HALVORSEN	DALTON	12/22/2016	6/30/2023	TE
10155	HANLON	PAMELA	12/22/1997	5/31/2022	TS
10155	HANLON	PAMELA	12/22/1997	5/31/2022	TE
1592762	HATCH	CATHERINE	12/18/2014	6/30/2023	TS
1592762	HATCH	CATHERINE	12/18/2014	6/30/2023	TMR
1592762	HATCH	CATHERINE	12/18/2014	6/30/2023	TE
112174	HILL	SHAUNIE	3/31/2005	6/30/2023	TMR
112174	HILL	SHAUNIE	1/25/2019	6/30/2023	TE
32508	JOHNSON	DAVID	4/7/1993	6/30/2023	TS
39537	JOHNSON	KIMBERLY	9/8/1992	6/30/2023	TE
32508	JOHNSON	DAVID	5/5/1993	6/30/2023	TE
1704118	KIDMAN	BRANDON	4/10/2017	6/30/2023	TS
1704118	KIDMAN	BRANDON	4/10/2017	6/30/2023	TMR
1704118	KIDMAN	BRANDON	4/10/2017	6/30/2023	TE
36298	LUNDBERG	J	11/25/1992	6/30/2023	TE
36298	LUNDBERG	J	11/25/1992	6/30/2023	TS
1795928	MARTIN	KENNALEE	12/18/2018	6/30/2023	TE
44853	MATICH	TORRI	7/10/2000	6/30/2023	TMR
44853	MATICH	TORRI	9/16/2008	6/30/2023	TE
82710	MAUCHLEY	JILL	3/27/2003	6/30/2023	TS
34218	MECHAM	BONNIE	8/31/1998	6/30/2023	TS
1708491	MELTZER	MELISSA	5/19/2017	6/30/2023	TE
45007	MERRILL	MARTIN	6/17/1982	6/30/2023	TS
45007	MERRILL	MARTIN	6/17/1982	6/30/2023	TE
1817198	MILLER	PHILLIP	5/2/2019	6/30/2023	TE
86137	MOTZKUS	RONALD	1/27/2003	6/30/2023	TMR
1810416	MUIR	CHAYLEE	5/24/2019	6/30/2023	TE
1559597	Mitchell	Amanda	3/9/2015	6/30/2023	TE
1759004	NIELSEN	NICHOLAS	8/31/2018	6/30/2023	TMR
1759004	NIELSEN	NICHOLAS	3/11/2019	6/30/2023	TS
1759004	NIELSEN	NICHOLAS	3/11/2019	6/30/2023	TE
36659	OGDEN	MERRILL	3/22/1985	6/30/2023	TS
36659	OGDEN	MERRILL	3/22/1985	6/30/2023	TE
42392	OLSEN	DEBRA	3/24/1995	6/30/2023	TS
106103	OSTLER	RYAN	9/28/2004	6/30/2023	TE
81290	PARKER	RAYNEE	9/12/2002	6/30/2023	TE
134358	PUTNAM	EVELYN	9/21/2006	6/30/2023	TE
106205	RENGERS	JAMIE	9/30/2004	6/30/2023	TS
36507	SAFFORD	C	1/13/2000	6/30/2023	TMR
1705007	SCHAMBER	BLAIR	4/26/2017	6/30/2023	TE
38346	SCOTT	DOLORES	12/17/1992	6/30/2023	TE
44836	SIDDOWAY	DAWN	4/4/1986	6/30/2023	TE
44836	SIDDOWAY	DAWN	4/4/1986	6/30/2023	TS
108159	SMITH	JOHN	12/1/2004	6/30/2023	TMR
45595	SMITH	SHELDON	7/23/1998	6/30/2023	TS
114564	SMITH	ASHLIE	6/8/2005	6/30/2023	TE

**Renewed Licenses:**

<b>Individual ID</b>	<b>Last Name</b>	<b>First Name</b>	<b>Orig Issue Date</b>	<b>Expire Date</b>	<b>LOA</b>
45595	SMITH	SHELDON	5/4/2018	6/30/2023	TE
30730	SQUIRES	KERYL	3/7/2001	6/30/2023	TE
45330	STANLEY	DOUGLAS	6/20/1985	6/30/2023	TS
1460825	STEPHENS	CHRISTINE	6/27/2011	6/30/2023	TMR
26587	TAYLOR	WADE	2/21/2003	6/30/2023	TE
26587	TAYLOR	WADE	8/18/1994	6/30/2023	TS
1389647	UTLEY	RYAN	4/16/2010	6/30/2023	TS
1389647	UTLEY	RYAN	4/16/2010	6/30/2023	TE
137901	VROTNEY	BRITTANY	12/28/2006	6/30/2023	TE
85973	WALTON	KIRK	1/22/2003	6/30/2023	TE
106263	WILSON	JOEEN	10/4/2004	6/30/2023	TE
131305	WOOLSEY	HEATHER	7/12/2006	6/30/2023	TE
1429742	Wilkey	Jacey	10/18/2010	6/30/2023	TE

**Lapsed Licenses:**

<b>Individual ID</b>	<b>Last Name</b>	<b>First Name</b>	<b>Orig Issue Date</b>	<b>Expired Date</b>	<b>LOA</b>
1770999	BICKEL	GARRY	7/16/2018	5/31/2021	TS
1798454	MADDOX	TRAVIS	1/15/2019	5/31/2021	TE
40287	RIOS	DEBBIE	11/18/1998	5/31/2021	TE
1572557	SEVILLA	GONZALO	7/31/2014	5/31/2021	TE
1794805	SEVY	MADISEN	11/16/2018	5/31/2021	TE
1810665	SMITH	MORGAN	3/21/2019	5/31/2021	TE
1817705	THOMPSON	SARAH	5/9/2019	5/31/2021	TMR
1682324	WILSON	WALTER	10/20/2016	5/31/2021	TS
1788054	WRIGHT	CAROLINE	11/8/2018	5/31/2021	TMR

**Reinstated Licenses:**

<b>Individual ID</b>	<b>Last Name</b>	<b>First Name</b>	<b>Orig Issue Date</b>	<b>Expire Date</b>	<b>Reinstated</b>	<b>LOA</b>
1602379	BUOY	EMMALEE	4/14/2015	5/31/2023	6/11/2021	TE
38877	CHRISTENSON	STEPHANIE	7/26/1996	4/30/2023	6/1/2021	TMR
1781448	HOUTZ	HUNTER	9/7/2018	4/30/2023	6/4/2021	TMR
144848	JAMES	NICOLE	1/11/2016	6/30/2022	7/1/2021	TE
78318	MOSLEY	JENNIFER	6/19/2002	2/28/2023	6/7/2021	TMR
78318	MOSLEY	JENNIFER	8/18/2014	2/28/2023	6/7/2021	TE

## **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 purposes of this rule ~~is~~are to:
  - (a) adopt continuing education requirements for ~~the approv~~ingal of 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 requirements ~~provisions~~ 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~~ met the continuing education requirements underpursuant to 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).~~
- ~~(12) "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 use the ~~rely on 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 ~~considered~~deemed 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) ~~is will be~~ added to the dDepartment's approved course list.
- (4) The commissioner shall provide a report to the Commission on a quarterly basis listing new continuing education courses approved during the prior quarter ~~[RS1][PB2] approved pursuant to this section.~~
- (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 ~~under in accordance with~~ 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 ~~under pursuant to~~ Subsections 31A-23a-202(3)(b)(iii)(A) and (B), may ~~only~~ be ~~fulfilled~~satisfied by completing 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 ~~underset forth in Subsection~~ R590-142-4(2)(c) ~~doshall~~ not apply to a title licensee.

~~(3b)~~ 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.~~

#### **R592-7-69. Severability.**

If any provision of this rule, Rule R592-7, or its application to any person or situation is held to be invalid, such invalidity ~~doesshall~~ not affect any other provision or application of this rule ~~that which~~ 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. and to this end the provisions of this rule are declared to be severable.

**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**



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

### **R592-8. Application Process for an Attorney Exemption for Agency Title Insurance Producer Licensing.**

#### **R592-8-1. Authority.**

This rule is promulgated by the Title and Escrow Commission pursuant to Section 31A-2-404. ~~by the Title and Escrow Commission pursuant to Section 31A-2-404 which authorizes the Commission to make rules for the administration of the provisions in this title related to title insurance and Section 31A-23a-204 which authorizes the Commission to make a rule to exempt attorneys with real estate experience from the three year licensing requirement to license an agency title insurance producer.~~

#### **R592-8-2. Purpose and Scope.**

- (1) The purposes of this rule isare to:
  - (a) ~~to~~ delegate to the cCommissioner preliminary approval or denial of a request for an attorney exemption;
  - (b) ~~to~~ provide acceptable a description of the types of real estate experience that mayeould be used by an attorney seeking an to qualify for the exemption;
  - (c) ~~to~~ provide a process to apply for an an attorney request for exemption; and
  - (d) ~~to~~ provide a process to appeal a denial of an an attorney request for exemption.
- (2) This rule applies to anH attorneys seeking an exemption under the provisions of Section 31A-23a-204.

#### **R592-8-3. Definitions.**

Terms used in this rule are defined in Sections 31A-1-301, 31A-2-402, and 31A-23a-102.  
Additional terms are defined as follows:  
~~In addition to the definitions of Sections 31A-1-301, 31A-2-402 and 31A-23a-102, the following definitions shall apply for the purposes of this rule:~~

- (1) "Attorney" means a person licensed, and in good standing, with the Utah State Bar.
- (2) "Real estate experience" includes:
  - (a) law firm transactional experience consisting of any or all of the following:
    - (i) real estate transactions, ~~including~~ drafting documents, reviewing and negotiating contracts of sale, ~~including~~ real estate purchase contracts (REPC), commercial transactions, residential transactions;
    - (ii) financing and securing construction and permanent financing;
    - (iii) title review, due diligence, consulting and negotiating ~~ngons~~ with title companies, researching and drafting ~~opinions of title~~ opinions, coordinating with title companies, pre-closing;
    - (iv) zoning, development, construction, homeowners' associations, subdivisions, condominiums, planned unit developments;
    - (v) conducting closings; and
    - (vi) estate planning, and probate-related transactions and conveyances.
  - (b) law firm litigation experience consisting of any or all of the following:
    - (i) foreclosures;
      - (A) judicial and non-judicial;
      - (B) homeowner association (HOA) lien foreclosure;
    - (ii) ~~either side of~~ homeowner vs HOA litigation;
    - (iii) state construction registry litigation, ~~-~~ mechanics lien filing and litigation;

- (iv) real estate disputes or litigation involving:
  - (A) a real estate contract;
  - (B) a boundary line;
  - (C) a rights of way, an easement, or both; and/or easement;
  - (D) a zoning issue;
  - (E) a property tax issue;
  - (F) a title issue or claim;
  - (G) a landlord/tenant issue; and
  - (F) an estate orand/or probate litigation, or both, involving real property assets, claims, and disputes.
- (c) non-law firm experience consisting of any or all of the following:
  - (i) real estate agent, broker, developer, investor;
  - (ii) mortgage broker;
  - (iii) general contractor;
  - (iv) professor or instructor teaching real estate licensing, real estate contracts, or real estate law;
  - (v) lender involved with any or all of the following real estate lending activities:
    - (A) lending;
    - (B) escrow; or
    - (C) foreclosure;
  - (vi) private lender;
  - (vii) in-house counsel involved in real estate transactions for bank, mortgage lender, credit union, title company, or agency title insurance producer;
  - (viii) employment with or counsel to a government agency involved in regulation of real estate, such as HUD, FHA, zoning, tax assessor, county recorder, insurance department, and ~~f~~Federal or state legislatures;
  - (ix) escrow officer;
  - (x) title searcher; or
  - (xi) surveyor; and
  - (d) other experience with real estate not included in Subsections R592-8-3(a), (b), and (c) above.

#### **R592-8-4. Delegation of Authority.**

The Commission hereby grants its preliminary concurrence ~~for to the~~ approval or denial of a request for exemption ~~requested by an attorney under pursuant to~~ Section 31A-23a-204 to the ~~Utah Insurance C~~commissioner.

#### **R592-8-5. Request for Exemption Process.**

(1) An individual title licensee, who is an attorney ~~as defined in this rule desiring seeking to obtain~~ an agency title insurance producer license under ~~the exemption provided in~~ Subsection 31A-23a-204(1)(c), shall ~~make a request for exemption to the Commissioner in accordance with the requirements of this subsection.~~

~~(2) The applicant will~~ submit a letter addressed to the Commission:

- (a) requesting an exemption from the licensing time period requirements in Subsection 31A-23a-204(1)(a)(~~i~~); and
- (b) providing the following information:

(i) the applicant's name, mailing address, ~~and~~ email address, telephone number, and title license number;

(ii) a description of the applicant's real estate experience; and

(iii) a statement explaining why the applicant feels ~~the~~ eat experience qualifies the applicant for the exemption.

~~(23)~~ The ~~c~~Commissioner shall~~will~~ review the request for exemption within five business days of its receipt, and:

(a) request additional information from the applicant, if necessary;

(b) preliminarily approve the request for exemption; or

(c) preliminarily disapprove the request for exemption.

~~(34)~~ The ~~c~~Commissioner shall~~will~~ report monthly to the Commission ~~all~~ preliminarily approved or denied requests for exemption received and reviewed, ~~since the previous Commission meeting.~~

~~(45)~~ The Commission shall~~will~~ concur or non-concur with the ~~c~~Commissioner's preliminary approval or denial of a request for exemption.

~~(56)~~ If the ~~c~~Commissioner's preliminary denial of a request for exemption is concurred with by the Commission, the ~~c~~Commissioner will:

(a) notify the applicant of the denial; and

(b) inform the applicant of the applicant's right to a hearing.

(7) If the ~~c~~Commissioner's preliminary approval of a request for exemption is concurred with by the Commission, the ~~c~~Commissioner will expeditiously notify the applicant to submit an electronic license application and pay the required fees and assessments.

(8) If the Commission does not concur with the commissioner's preliminary approval or preliminary denial, the applicant shall be informed of the applicant's right to a hearing.

#### **~~R592-8-6. 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 Section 31A-2-308.~~

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

~~———— The Commission will begin enforcing this rule on the rule's effective date.~~

#### **~~R592-8-68. Severability.~~**

~~If any provision of this rule, Rule R592-8, or itsthe application ~~of it~~ to any person or situation~~circumstance~~ is ~~for any reason~~ held to be invalid, such invalidity does not affect any other provision or application of this rule that can be give effect without the invalid provision or application. The remainder~~ing~~ of this rule shall be given effect without the invalid provision or application. ~~provisions to other persons or circumstances shall not be affected.~~~~

#### **KEY: attorney exemption application process**

**Date of Enactment or Last Substantive Amendment: March 10, 2014**

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

**Authorizing, and Implemented or Interpreted Law: 31A-1-301; 31A-2-308; 31A-2-402; 31A-2-404; 31A-23a-102; 31A-23a-204**

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

### **R592-10. Title Insurance Regulation Assessment for Agency Title Insurance Producers and Title Insurers.**

#### **R592-10-1. Authority.**

This rule is promulgated by the Title and Escrow Commission (Commission) pursuant to Subsections:

- ~~\_\_\_\_\_ (1) 31A-2-404(2)(d) and which requires the Commission to determine by rule the assessment required by 31A-23a-415; and~~
- ~~\_\_\_\_\_ (2) 31A-23a-415(2)(d) which requires the Commission to establish the amount of costs and expenses that will be covered by the assessment.~~

#### **R592-10-2. Purpose and Scope.**

- (1) The purposes of this rule ~~is~~are to:
  - (a) determine the assessment on a title insurer and an agency title insurance producer;
  - ~~\_\_\_\_\_ (b) establish the categories of costs and expenses covered by the assessment; incurred by the department in administering, investigating and enforcing the provisions of Title 31A, Chapter 23a, Parts IV and V related to the marketing of title insurance and the audits of agency title insurance producers;~~
  - ~~(c) require the reporting by a title insurer and~~ an agency title insurance producer ~~and a title insurer to report of~~ the mailing address and physical location of each office in each county where the title insurer or agency title insurance producer ~~or title insurer~~ maintains an office;
  - ~~(d) establish a calculation method for the calculation of~~ the number of title insurer or agency title insurance producer ~~or title insurer~~ offices; and
  - ~~(e) determine the premium year used in calculating the assessment of title insurers.~~
- (2) This rule applies to all title insurers and agency title insurance producers.

#### **R592-10-3. Definitions.**

Terms used in this rule are defined in Section 31A-1-301, 31A-2-402 and 31A-23a-415. Additional terms are defined as follows:

- ~~\_\_\_\_\_ (1)(a) For the purpose of the rule the Commission adopts the definitions as set forth in Sections 31A-1-301, 31A-2-402, and the following:~~
  - ~~\_\_\_\_\_ (a) "Office" means each physical location of a title insurer or an agency title insurance producer or a title insurer in a county.~~
  - ~~\_\_\_\_\_ (b) "Office" includes any physical location that is open and available to the public.~~

#### **R592-10-4. Costs and Expenses.**

The ~~amount of costs and expenses that will be covered by the~~ assessment underimposed by 31A-23a-415 covers the cost of is ~~for any fiscal year in which an assessment exists:~~

- ~~\_\_\_\_\_ (1) will be for~~ a Market Conduct Examiner I<sub>1</sub> as determined by the department's budget ~~and~~ approved by the Utah State Legislature, including: ~~any approved salary increases or increases in benefits; and~~
- ~~\_\_\_\_\_ (2) will include the following expenses:~~
  - ~~(1a)~~ salary and state paid benefits;
  - ~~(2b)~~ travel expenses, including daily vehicle expenses;
  - ~~(3e)~~ computer hardware and software expenses;
  - ~~(4d)~~ e-commerce expenses;

- (5e) wireless communications expenses; and
- (6f) training expenses.

#### **R592-10-5. Office Report.**

(1) A title insurer and an agency title insurance producer ~~and a title insurer~~ shall submit a completed Office Report Form not later than 30 days after the date a change described below occurs in a county<sup>[PB1]</sup><sup>[RS2]</sup> where the title insurer or agency title insurance producer ~~or title insurer~~ maintains an office:

- (a) the opening or closing of an office; or
- (b) a change of address of an office.

(2) An Office Report Form shall be submitted electronically via email to licensing.uid@utah.gov.

(3) The department's Office Report Form, ~~which~~ is available on the department's website, ~~shall be used to report changes in~~<sup>[PB3]</sup> offices.

- (a) An actual copy of the form may be used or may be adapted to a particular word processing system.
- (b) If adapted, the content, size, font, and format must be similar.

#### ~~**R592-10-6. Calculation Method**~~<sup>[PB4]</sup><sup>[RS5]</sup> ~~for the Calculation of the Number of Agency Title Insurance Producer Offices.~~

~~(4)~~ All offices reported ~~under in accordance with~~ Section R592-10-5 are used to calculate ~~will be included in the calculation of the title insurance~~ assessment.

~~(25)~~ An annual assessment calculation for a title insurer or an agency title insurance producer ~~or title insurer~~ that uses and is calculated using incorrect numbers of offices because the number of offices was incorrectly reported will not be recalculated.

~~(3)~~ ~~An agency title insurance producer or title insurer found to have improperly reported their offices may be subject to penalties in accordance with Section R592-10-9~~<sup>[PB6]</sup><sup>[RS7]</sup>.

#### ~~**R592-10-67. Premium Year for Title Insurer Assessment.**~~

~~(1)~~ The title insurance assessment ~~is~~ shall be calculated using direct premiums written during the preceding calendar year and.

~~(2)~~ ~~The direct premiums written~~ shall be taken from the insurer's annual statements for that year.

#### ~~**R592-10-78. Assessment Payment.**~~

(1) An annual assessment shall be paid by the due date on the invoice.

(2) Payments shall be made in accordance with R590-102, Insurance Department Fee Payment Rule.

#### ~~**R592-10-9. 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.~~

#### ~~**R592-10-10. Enforcement Date.**~~

~~— The commissioner will begin enforcing this rule 45 days from the rule's effective date.~~

**R592-10-101. Severability.**

If any provision ~~or clause~~ of this rule, Rule R592-10, or its application to any person or situation is held invalid, ~~such that~~ invalidity ~~does will~~ not affect any other provision or application of this rule ~~that which~~ can be given effect without the invalid provision or application, ~~and to this end~~ The remainder of provisions of this rule shall be given effect without the invalid provision or application. are declared to be severable.

**KEY: title insurance**

**Date of Enactment or Last Substantive Amendment: November 9, 2018**

**Notice of Continuation: July 10, 2018**

**Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-23a-415**

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

### **R592-11. Title Insurance Producer Annual Reports.**

#### **R592-11-1. Authority.**

This rule is promulgated by the Title and Escrow Commission pursuant to :

- ~~———— (1) Subsections 31A-2-404(2)(a), which requires the Title and Escrow Commission to make rules related to title insurance;~~
- ~~———— (2) Section 31A-23a-413, and which requires certain title insurance producers to file an annual report; and~~
- ~~———— (3) Subsection 31A-23a-406(1)(g), which requires the maintenance of a physical address in Utah.~~

#### **R592-11-2. Purpose and Scope.**

(1) The purpose of this rule is to establish the requirements of and a filing deadline for the Title Insurance Producer Annual Report required by Section 31A-23a-413.

(2) This rule applies to an agency title insurance producer and an individual title insurance producer.

#### **R592-11-3. Title Insurance Producer Annual Report.**

(1) The following shall file a Title Insurance Producer Annual Report not later than April 30 of each year:

- (a) an agency title insurance producer; and
- (b) an individual title insurance producer who is not an employee of a title insurer or who has not been designated to an agency title insurance producer.

(2) A Title Insurance Producer Annual Report shall include:

- (a) the number and location of each title or escrow trust account;
- (b) proof of financial protection required by under Subsection 31A-23a-204(2)(a)(iii):
  - ~~(i) a copy of the declarations page of a fidelity bond;~~
  - ~~(ii) a copy of the declarations page of a professional liability insurance policy; or~~
  - ~~(iii) a copy of the commissioner's approval of equivalent financial protection approved by the commissioner;~~
- (c) the name of the individual title insurance producer designated as the "qualifying licensee;" as provided in under Section 31A-23a-204;
- (d) the physical address in Utah maintained by an the agency title insurance producer or an individual title insurance producer; pursuant to under Subsection 31A-23a-406(1)(g); and
- (e) the physical address of each Utah branch office maintained by an the agency title insurance producer or an individual title insurance producer.

~~(3) A title insurance producer may comply with Subsection R592-11-3 by completing and submitting the Title Insurance Producer Annual Report Form that is available on the department's website.~~

#### **R592-11-4. Electronic Filing of Title Insurance Producer Annual Report.**

The Title Insurance Producer Annual Report shall be submitted electronically using the ~~Insurance Department's~~ secure file upload site located at <https://forms.uid.utah.gov/insurance/fileUploads/>.

#### **~~R592-11-5. Enforcement Date.~~**

~~————The commissioner will begin enforcing this rule on its effective date.~~

**R592-11-~~56~~. Severability.**

If any provision of this rule, [Rule R592-11](#), or its application to any person or situation is held to be invalid, that 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.

**KEY: title insurance**

**Date of Enactment or Last Substantive Amendment: December 23, 2019**

**Notice of Continuation: June 15, 2016**

**Authorizing, and Implemented or Interpreted Law: 31A-2-404(2)(a); 31A-23a-406(1)(g); 31A-23a-413; 31A-23a-503(8)**