



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: August 9, 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/yqs-bjmi-sec
929-324-2375 Phone
225 723 700# Password

ATTENDEES

TITLE & ESCROW COMMISSION

Chair, Chase Phillips (*Agency, Weber County*)

Kim Holbrook (*Insurer, Davis County*)

Randy Smart (*Public Member, Salt Lake County*)

Darla Milovich (*Agency, Salt Lake County*)

Cal Robinson (*Agency, Iron County*)

Perri Babalis, *AG Counsel - TEC*

DEPARTMENT STAFF

Jon Pike, *Insurance Commissioner*

Randy Overstreet, *Licensing Dir.*

Michael Covington, *CE Specialist*

Reed Stringham, *Deputy Comm.*

Danny Schoenfeld, *Finance Dir.*

Steve Gooch, *PIO Recorder*

Tracy Klausmeier, *P&C Dir.*

Adam Martin, *MC Examiner*

Eddie Vasquez, *AG Counsel*

AGENDA

General Session: (Open to the Public)

- **Welcome** / Chase Phillips, Chair
- **Telephone Roll Call**
- **Adopt Minutes of Previous Meeting**
- **Concurrence Reports** / Reed
 - Licenses
 - Continuing education
- **Board Duties & Responsibilities**
 - Annual board member training / Perri
- **Update on 2021 Goals**
 - ULTA report / Chase
 - REC report / Darla
- **New Business**
 - Review proposed rule changes under Executive Order 2021-12 / Perri
 - R592-8: Application Process for an Attorney Exemption for Agency Title Insurance Producer Licensing
 - R592-9: Title Insurance Recovery, Education, and Research Fund Assessment Rule
 - R592-10: Title Insurance Regulation Assessment for Agency Title Insurance Producers and Title Insurers
- **Old Business**
 - Discussion of Section 31A-19a-209(3), including report on legislative history / Reed & Perri
- **Other Business**

- Elect chair & vice chair
- **Hot Topics**

Executive Session (None)

- **Adjourn**
- **Next Meeting: September 13**, 2021 — Bonneville Room, Taylorsville State Office Building

2021 Meeting Schedule

Jan 11	Feb 8	Mar 8	Apr 19	May 10	Jun 14
Jul 12	Aug 9	Sept 13	Oct 18	Nov 8	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
July 2021**

New Licenses:

Agency ID	Name	Orig Issue Date	Expire Date	LOA
198123	TRAVIS COUNTY TITLE COMPANY	7/9/2021	7/31/2023	TE
198123	TRAVIS COUNTY TITLE COMPANY	7/9/2021	7/31/2023	TS
197882	WWLT OF UTAH LLC	7/9/2021	7/31/2023	TE
197882	WWLT OF UTAH LLC	7/9/2021	7/31/2023	TS

Renewal Licenses:

Agency ID	Name	Orig Issue Date	Expire Date	LOA
7701	ASPEN TITLE INSURANCE AGENCY LLC	7/26/1999	7/31/2023	TE
7701	ASPEN TITLE INSURANCE AGENCY LLC	7/26/1999	7/31/2023	TS
6938	BACKMAN TITLE SERVICES LTD	7/28/1989	7/31/2023	TE
6938	BACKMAN TITLE SERVICES LTD	7/28/1989	7/31/2023	TMR
6938	BACKMAN TITLE SERVICES LTD	7/28/1989	7/31/2023	TS
6938	BACKMAN TITLE SERVICES LTD	7/28/1989	7/31/2023	TS
185617	NATIONWIDE TITLE INSURANCE AGENCY INC	7/26/2017	7/31/2023	TE
185617	NATIONWIDE TITLE INSURANCE AGENCY INC	7/26/2017	7/31/2023	TS
191305	TITLE GUARANTEE SETTLEMENT SERVICES, A TITLE INSURANCE AGENCY, LLC	7/11/2019	7/31/2023	TE
191305	TITLE GUARANTEE SETTLEMENT SERVICES, A TITLE INSURANCE AGENCY, LLC	7/11/2019	7/31/2023	TS
178701	VANGUARD TITLE INSURANCE AGENCY LLC	7/14/2015	7/31/2023	TE
178701	VANGUARD TITLE INSURANCE AGENCY LLC	7/14/2015	7/31/2023	TS
172439	VANTAGE TITLE INSURANCE AGENCY	7/25/2013	7/31/2023	TE
172439	VANTAGE TITLE INSURANCE AGENCY	7/25/2013	7/31/2023	TS

Lapsed Licenses:

Agency ID	Name	Orig Issue Date	Expired Date	LOA
(none)				

Reinstated Licenses:

Agency ID	Name	Orig Issue Date	Expire Date	Reinstated	LOA
6933	COALITION TITLE AGENCY	6/21/1989	6/30/2003	7/13/2021	TE
6933	COALITION TITLE AGENCY	6/21/1989	6/30/2023	7/13/2021	TS
161179	KEYSTONE TITLE INSURANCE AGENCY LLC	6/11/2009	6/30/2023	7/16/2021	TE
161179	KEYSTONE TITLE INSURANCE AGENCY LLC	6/11/2009	6/30/2023	7/16/2021	TS

Title Agent Licensing

July 2021

New Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
95590	DUNCAN	TAI	7/12/2021	1/31/2024	TS
95590	DUNCAN	TAI	7/12/2021	1/31/2024	TE
1963671	FOSTER	AMANDA	7/12/2021	6/30/2024	TE
1963671	FOSTER	AMANDA	7/12/2021	6/30/2024	TS
1963332	FRANCO	ATANACIA	7/8/2021	10/31/2023	TS
1957538	GASTELUM	ANA	7/19/2021	1/31/2024	TE
1950669	HAGLIN	PETER	7/7/2021	6/30/2024	TMR
1960328	OLSEN	MADISON	7/26/2021	4/30/2024	TMR
1966711	WOODS	DIANA	7/29/2021	8/31/2023	TE

Renewed Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
138286	ARCHIBALD	ERICA	3/10/2010	7/31/2023	TE
138286	ARCHIBALD	ERICA	2/23/2007	7/31/2023	TMR
1807337	ARTEAGA	XIOMAIRA	2/19/2019	7/31/2023	TE
80937	BARNES	NATHAN	9/3/2002	7/31/2023	TE
1805368	BARNEY	JESSICA	2/5/2019	7/31/2023	TE
41633	BARNHILL	BRIAN	2/22/1999	7/31/2023	TS
1703740	BARTHOLOMEW	AARON	4/7/2017	7/31/2023	TE
1814295	BECKER	WILLIAM	4/8/2019	7/31/2023	TS
36330	BLAKE	LARRY	3/9/1977	7/31/2023	TE
36330	BLAKE	LARRY	3/9/1977	7/31/2023	TS
115645	BOWEN	JENNIFER	10/2/2014	7/31/2023	TE
115645	BOWEN	JENNIFER	7/7/2005	7/31/2023	TMR
1700968	BUCKNER	CORY	3/23/2017	7/31/2023	TS
116710	Borba	Nicole	7/28/2005	7/31/2023	TE
1442547	CARLSON	PEARL	2/14/2011	7/31/2023	TE
1816588	CASTLES	KRISTIN	4/22/2019	7/31/2023	TS
79845	CHOLODOWSKI	RYSZARD	6/26/2008	7/31/2023	TE
79845	CHOLODOWSKI	RYSZARD	8/6/2002	7/31/2023	TS
1780411	COLBY	ASHLEE	8/31/2018	7/31/2023	TE
1779526	COWDIN	MEGAN	9/10/2018	7/31/2023	TE
45993	Christensen	Natalie	12/31/1999	7/31/2023	TE
30863	DAY	SANDY	12/27/1962	7/31/2023	TE
45407	DOMIRE	ROLLIN	7/10/2000	7/31/2023	TS
1681472	DREDGE	ALEXUS	2/23/2017	7/31/2023	TMR
1791000	DUNCAN	DANIEL	10/26/2020	7/31/2023	TE
111347	FELT	TROY	7/5/2012	7/31/2023	TE
111347	FELT	TROY	3/14/2005	7/31/2023	TMR
35376	FOSTER	KIM	1/11/1999	7/31/2023	TE
35376	FOSTER	KIM	12/16/2005	7/31/2023	TS
1784394	GARDINER	ROGER	11/1/2018	7/31/2023	TMR

Renewed Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
44630	GATES	RICK	8/30/2004	7/31/2023	TMR
44630	GATES	RICK	1/1/2021	7/31/2023	TE
1373383	GATES	CELESTE	9/16/2008	7/31/2023	TMR
141978	GEHRING	PAUL	8/24/2012	7/31/2023	TE
141978	GEHRING	PAUL	5/16/2007	7/31/2023	TS
31831	GILLIS	BLAKE	2/2/1995	7/31/2023	TS
31831	GILLIS	BLAKE	11/9/2006	7/31/2023	TE
1775513	GODINEZ	LUIS	12/17/2018	7/31/2023	TE
127677	GOODRICH	RYAN	7/3/2006	7/31/2023	TE
127677	GOODRICH	RYAN	4/17/2006	7/31/2023	TS
37666	GULL	JANENE	3/14/1983	7/31/2023	TE
37680	GULL	JANETTE	3/14/1983	7/31/2023	TE
37680	GULL	JANETTE	3/14/1983	7/31/2023	TS
37666	GULL	JANENE	3/14/1983	7/31/2023	TS
37317	HANSEN	CLAYTON	10/30/2008	7/31/2023	TMR
37317	HANSEN	CLAYTON	4/20/1995	7/31/2023	TS
1807041	HARMON	KAYLA	2/15/2019	7/31/2023	TE
39915	HENNING	NATALIE	6/9/1993	7/31/2023	TE
64224	HOLLEY	JOEL	3/22/2001	7/31/2023	TMR
136340	JENSEN	STACY	10/30/2006	7/31/2023	TE
1702363	JEPPESEN	KAMIE	4/14/2017	7/31/2023	TE
39287	JONES	JANYCE	9/2/1992	7/31/2023	TE
1446747	KRUSHENSKY	JULIE	12/29/2010	7/31/2023	TMR
1566020	LEAVITT	KARIANN	1/26/2015	7/31/2023	TE
39500	LOVE	KATHY	8/23/1990	7/31/2023	TE
134940	LUNT	JANET	5/1/2007	7/31/2023	TE
43868	Ludlow	Meggi	4/28/2003	7/31/2023	TMR
43868	Ludlow	Meggi	6/18/1993	7/31/2023	TE
144857	MAUGHAN	BRANDON	5/25/2007	7/31/2023	TS
994	MC PHIE	JOSEPH	4/11/1995	7/31/2023	TS
994	MC PHIE	JOSEPH	4/11/1995	7/31/2023	TE
1821770	MOWER	MADISON	6/3/2019	7/31/2023	TE
137010	NELSON	JENNIE	12/26/2013	7/31/2023	TE
135103	NIELSON	JENS	10/4/2006	7/31/2023	TE
135103	NIELSON	JENS	10/4/2006	7/31/2023	TS
1614811	OLDROYD	CORI	5/18/2015	7/31/2023	TE
84024	PATTERSON	BRANDON	11/19/2002	7/31/2023	TS
1525890	PILI	BEAU	6/3/2013	7/31/2023	TE
1452831	QUINN	NANETTE	3/29/2011	7/31/2023	TMR
1452831	QUINN	NANETTE	5/9/2011	7/31/2023	TE
146689	REED	DANIEL	2/28/2008	7/31/2023	TS
146689	REED	DANIEL	2/28/2008	7/31/2023	TE
1820758	ROBINS	REGAN	6/7/2019	7/31/2023	TE
43967	SWARTZ	SHALIE	1/19/1996	7/31/2023	TE
87159	TAYLOR	DEANN	2/26/2003	7/31/2023	TE

Renewed Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
1695556	UNG	TIFFANY	2/10/2017	7/31/2023	TE
140133	WESTOVER	SCOTT	2/23/2007	7/31/2023	TS
90401	WORTH	BETH	5/21/2003	7/31/2023	TE
137619	Washington	Julie	12/12/2006	7/31/2023	TE
44706	YAMAMOTO	CAROL	5/10/1995	7/31/2023	TE
1658609	ZONDERVON	MARGO	11/20/2018	7/31/2023	TE

Lapsed Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expired Date	LOA
1605506	ANDRESS	ROBERT	3/9/2015	6/30/2021	TS
46305	BARNEY	KIMM	3/2/1987	6/30/2021	TE
46305	BARNEY	KIMM	3/2/1987	6/30/2021	TS
1496128	BATEMAN	GAIL	7/2/2012	6/30/2021	TE
37786	STRATFORD	KAREN	5/27/1998	6/30/2021	TMR
1670060	WHEELER	NICOLE	8/11/2016	6/30/2021	TMR
138995	WHITNEY	JESSE	1/24/2007	6/30/2021	TE
138995	WHITNEY	JESSE	1/2/2007	6/30/2021	TS

Reinstated Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	Reinstated	LOA
79147	ARVESETH	BRENT	5/8/2014	6/30/2023	7/13/2021	TMR
144848	Antelope	Nicole	1/11/2016	6/30/2022	7/1/2021	TE
1598306	STEED	SPENCER	1/27/2015	6/30/2023	7/14/2021	TE

Approval Date	2nd Quarter May 2021 -July 2021 Approved Title Courses	Provider Name	Totals	Comments
May-21			3	
5/13/2021	Privacy in Land Records: Redaction and Record Shielding	American Land Title Association		
5/21/2021	ALTA/NSPS Minimum Survey Standards	First American Title Ins. Co.		
5/25/2021	Wire Fraud Response: How to Protect Yourself and Your Clients	North American Title Ins. Co.		
Jun-21			11	
6/1/2021	Conveyance of Water Rights	Utah Land Title Association		
6/2/2021	Foreclosure & Forfeitures	Fulghum		
6/3/2021	Introduction to Commercial Transactions	Fulghum		
6/4/2021	Ethics for the Title Professional - A Blueprint for Success	Northern American Title Ins. Co.		
6/25/2021	ABA's vs All Title Co.'s	Utah Land Title Association		
6/25/2021	Proptech Space	Utah Land Title Association		
6/25/2021	ALTA Update	Utah Land Title Association		
6/25/2021	Insurance Industry Update and Defending Against Wire Fraud	Utah Land Title Association		
6/25/2021	FIRPTA	Utah Land Title Association		
6/25/2021	Underwriter Panel	Utah Land Title Association		
6/25/2021	SSU - FIRPTA Explained	Old Republic Title Ins. Co.		
Jul-21			5	
7/1/2021	Closer Training - July 2021	Southern Utah Title Company		
7/21/2021	Common Endorsements	First American Title Ins. Co		
7/21/2021	SSU - Dirty Rotten Scoundrels	Old Republic National Title Ins Co		
7/29/2021	The Dirt on McGirt: The Impact of McGirt v Oklahoma on the Title Industry	American Land Title Association		
7/29/2021	Cyber Security: Dawn of the Digital Age	First American Title Ins. Co		

Open and Public Meetings Act

A Summary of Key Provisions | April 2021

The *Open and Public Meetings Act (OPMA)* requires that members of a public body be “provided with annual training on the requirements of [the *Open and Public Meetings Act*]” (Section 52-4-104). This document is intended to facilitate compliance with that requirement. Key terms are defined at the end of the document.

The stated goal of the OPMA is to ensure that the state, its agencies, and its political subdivisions deliberate and take action openly. (Section [52-4-102](#))

Public Notice

(Section [52-4-202](#))

A public body is required to provide public notice of a meeting at least 24 hours before the meeting. The public notice is required to:

- specify the date, time, and place of the meeting;
- include an agenda that specifies the topics the public body will consider;
- be posted on the Utah Public Notice Website and at the location of the meeting; and
- be provided to a newspaper or local media correspondent.

A public body may discuss an item raised by the public that is not listed on the agenda but may not take final action on the item at the meeting.

Minutes and Recordings

(Section [52-4-203](#))

- A public body is required to keep written minutes and a recording of all meetings unless the meeting is a site visit or traveling tour where no vote or action is taken.
- A recording of the open portions of the meeting must be posted on the Utah Public Notice Website within three business days after the public meeting.
- Draft minutes are required to be made available to the public within 30 days after the meeting.
- The approved minutes and any public materials distributed at the meeting must, within three business days after their approval, be:
 - posted on the Utah Public Notice Website; and
 - made available at the public body's office.

2021 Amendments to OPMA

- [HB 27](#) modifies the process of publishing public notice and "public information" on the "Utah Public Notice Website." Creates a new "Utah Open Records Portal Website" and "Utah Open Data Portal Website" to serve as a GRAMA request point of access.
- [SB 72](#) modifies the provision to prohibit a vote in a closed meeting except to end the closed portion of the meeting. Provides a majority vote to approve the ending of the closed portion of a meeting.
- [SB 125](#) modifies the statute to require an "anchor location" if a public meeting is held virtually or electronically.
- [HB 293](#) modifies the statute to require a public body that is not a state or specified local public body to post and make available minutes and any public materials distributed at the meeting.

Closed Meetings

(Sections [52-4-204](#), [52-4-205](#), and [52-4-206](#))

A public body may hold a closed meeting only for certain purposes, including to discuss:

- a person's character, competence, or health;
- pending or imminent litigation;
- certain matters regarding acquisition or sale of real property, including water rights or shares;
- the deployment of security personnel, devices, or systems;
- an investigation of alleged criminal conduct; or
- certain deliberations and decision making involved in the procurement process.

A public body may close a meeting only by a two-thirds vote with a quorum present, except that a majority vote is sufficient for closing a meeting of:

- the Health and Human Services Interim Committee to review a fatality review report;
- the Child Welfare Legislative Oversight Panel to review a fatality review report or review and discuss an individual case; or
- an ethics committee of the Legislature to receive legal advice or deliberate on a complaint.

A public body that closes a meeting is required to announce and record in the minutes the reasons for closing the meeting.

A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence for an elected position, or to discuss a person whose name was submitted to fill a midterm vacancy or temporary absence for an elected position.

An ordinance, resolution, rule, regulation, contract, or appointment may not be approved during the closed portion of a meeting.

Emergency Meetings

(Section [52-4-202](#))

A public body may hold an emergency meeting and is not required to give 24-hour notice if unforeseen circumstances arise that require the public body to consider matters of an emergency or urgent nature. However, a public body may not hold an emergency meeting unless it attempts to notify all members of the public body and a majority of its members approve the meeting.

Definitions (Section [52-4-103](#))

Anchor Location means the physical location from which an electronic meeting originates, or the participants are connected.

Meeting means a convening of a public body with a quorum present to discuss, receive public comment about, or act upon a matter over which the public body has jurisdiction or advisory power.

Meeting does *not* mean a chance or social gathering or a convening of a public body that has both legislative and executive responsibilities in certain circumstances.

Electronic Meetings

(Section [52-4-207](#))

A public body may not convene or conduct a meeting by electronic communications unless it has adopted procedures to govern electronic meetings. The Utah Department of Health's rule for electronic meetings is found in Utah Administrative Code R380-42.

Penalties

(Sections [52-4-301](#), [52-4-302](#), and [52-4-305](#))

Open Meetings - Any final action taken in a meeting that is in violation of certain open-meeting provisions of the OPMA is voidable by a court.

Closed Meetings - It is a class B misdemeanor to knowingly or intentionally violate the closed meeting provisions of the OPMA.

Disruption of Meetings - A person who willfully disrupts the meeting to the extent order is seriously compromised may be removed from the meeting.

Public Body means an administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

- is created by the Utah constitution, state statute, rule, ordinance, or resolution;
- expends, disburses, or is supported in whole or in part by tax revenue and;
- is vested with the authority to make decisions regarding the public's business.

Public body does not include a political party, political group, or political caucus, or a conference committee, rules committee, or sifting committee of the Legislature.

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 Sections 31A-2-404 and 31A-23a-204~~[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 purpose[s] of this rule [are]is to:

(a) ~~[to]~~delegate to the [C]ommissioner preliminary approval or denial of a request for an attorney exemption;

(b) ~~[to]~~provide [a description of the types of] acceptable real estate experience that [could] may be used by an attorney seeking [to qualify for the] an exemption;

(c) ~~[to]~~provide a process to apply for [a request for] an attorney exemption; and

(d) ~~[to]~~provide a process to appeal a denial of [a request for] an attorney exemption.

(2) This rule applies to ~~[all attorneys]~~ an attorney 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-10. 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 ~~[negotiations]~~ negotiating 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 right[s] 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 ~~[and/]~~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 (a), (b), and (c)~~[-above]~~.

R592-8-4. Delegation of Authority.

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

R592-8-5. Request for Exemption Process.

(1) An individual title licensee, who is an attorney ~~[as defined in this rule desiring to obtain]~~seeking an agency title insurance producer license under ~~[the exemption provided in]~~Subsection 31A-23[A]a-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)~~[(†)]~~; 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 [that]the experience qualifies the applicant for the exemption.

(~~3~~2) The [€]commissioner [~~will~~]shall 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.

(~~4~~3) The [€]commissioner [~~will~~]shall report monthly to the Commission [~~all~~]any preliminarily approved or denied requests for exemption received and reviewed[~~since the previous Commission meeting~~].

(~~5~~4) The [€]ommission [~~will~~]shall concur or [~~non~~]not concur with the [€]commissioner's preliminary approval or denial of a request for exemption.

(~~6~~5) If the [€]commissioner's preliminary denial of a request for exemption is concurred with by the Commission, the [€]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 [~~Commissioner's~~]Commission concurs with the commissioner's preliminary approval of a request for exemption[~~is concurred with by the Commission~~], the [€]commissioner will expeditiously notify the applicant to submit an electronic license application and pay [~~the~~]any required fee[~~s and~~]or assessment[s].

(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.~~

~~R592-8-8]. Severability.~~

~~[If any provision of this rule or the application of it to any person or circumstance is for any reason held to be invalid, the remaining provisions to other persons or circumstances shall not be affected.]~~If any provision of this rule, Rule R592-8, 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: 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.

R592-9. Assessment for Title Insurance Recovery, Education, and Research Fund~~[Assessment Rule]~~.

R592-9-1. Authority.

This rule is promulgated by the Title and Escrow Commission pursuant to Sections 31A-2-404 and 31A-41-202~~[which requires the Title and Escrow Commission to determine the amount of required assessments from individual title insurance producers and agency title insurance producers to provide funding for the recovery, education, and research fund]~~.

R592-9-2. Purpose and Scope.

- (1) The purpose of this rule is to:
 - (a) ~~[to]~~ establish the amount[s] for an individual title insurance producer assessment[s]; and
 - (b) ~~[to]~~ establish the amount[s] for an agency title insurance producer assessment[s].
- (2) This rule applies to:
 - (a) an agency title insurance producer; and
 - (b) an individual title insurance producer~~[all individual title insurance producer applicants and licensees and all agency title insurance producer license applicants and licensees and any unlicensed person doing the business of title insurance]~~.

R592-9-3. Definitions.

Terms used in this rule are defined in Sections 31A-1-301 and 31A-41-102.

R592-9-4. Establishing Assessment Amounts.

- (1) The Commission adopts the Annual Title Recovery, Education, and Research Fund assessment set forth in Rule R590-102, Insurance Department Fee Payment Rule~~[Prior to July 1 of each year, the Commission shall establish the assessment amounts for:~~
 - ~~(a) an initial producer license for an individual title insurance producer applicant;~~
 - ~~(b) a renewal license for a licensed individual title insurance producer;~~
 - ~~(c) an initial agency license for a title insurance agency applicant; and~~
 - ~~(d) an annual assessment for a licensed agency title insurance producer.~~
- (2) Annual licensed agency title insurance producer assessment amounts shall be established for the following four premium bands of title insurance premiums:
 - ~~(a) Band A: \$0 to \$1 million;~~
 - ~~(b) Band B: more than \$1 million to \$10 million;~~
 - ~~(c) Band C: more than \$10 million to \$20 million; and~~
 - ~~(d) Band D: more than \$20 million.~~
- (3) The individual title insurance producer and agency title insurance producer assessment amounts shall be adopted by motion of the Commission.
- (4) The adopted assessment amounts shall be posted on the Insurance Department's web page].

R592-9-~~4~~5. Individual Title Insurance Producer Assessment.

- (1) An individual title insurance producer assessment shall be paid in accordance with Rule R590-102, Insurance Department Fee Payment Rule~~[Beginning July 1, 2009:~~
 - ~~(a) A person applying for an initial individual title insurance producer license or a licensed individual title insurance producer adding an additional title insurance line of authority shall pay an~~

assessment not to exceed \$20.00 at the time of application; and

~~_____ (b) a licensee renewing an individual title insurance producer license shall pay an assessment not to exceed \$20.00 at the time of application.~~

~~_____ (2) An individual title insurance producer assessment will be paid in accordance with R590-102, Insurance Department Fee Payment Rule].~~

R592-9-[5]6. Agency Title Insurance [Agency-]Producer Assessment.

~~(1) An agency title insurance producer assessment shall be paid in accordance with Rule R590-102, Insurance Department Fee Payment Rule[Beginning July 1, 2008, a person applying for an initial title insurance agency license shall pay an assessment of \$1,000 at the time of application.~~

~~_____ (2) Beginning January 1, 2009, a licensed title insurance agency shall pay an annual assessment.~~

~~_____ (3) An agency's placement in one of the four assessment bands will be determined by an agency's title insurance written premium volume for the preceding calendar year as of December 31 of that calendar year.~~

~~_____ (4) An agency title insurance producer's annual assessment will be paid in accordance with R590-102, Insurance Department Fee Payment Rule.~~

~~R592-9-6. 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.~~

~~R592-9-7. Enforcement Date.~~

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

R592-9-[8]7. Severability.

~~[If any provision or clause of this rule or its application to any person or situation is held invalid, such invalidity may 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 R592-9, 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 recovery assessment

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

Notice of Continuation: June 10, 2019

Authorizing, and Implemented or Interpreted Law: 31A-2-308; 31A-41-202

R592. Insurance, Title and Escrow Commission.

R592-10. ~~[Title Insurance Regulation]~~Assessment for the Title Licensee Enforcement Restricted Account~~[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 31A-2-404(2)(d) and 31A-23a-415(2)(d) ~~:~~

~~_____ (1) 31A-2-404(2)(d) 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 purpose[s] of this rule ~~[are]~~ is 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];~~

~~_____ ([b]c) require [the reporting by] a title insurer and an agency title insurance producer [and a title insurer of] to report 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;~~

~~_____ ([e]d) [establish a calculation method for the calculation of] calculate the number of title insurer or agency title insurance producer [or title insurer] offices; and~~

~~_____ ([e]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 Sections 31A-1-301, 31A-2-402, and 31A-23a-415. Additional terms are defined as follows:

~~_____ (1) [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 ~~[imposed by]~~ under Section 31A-23a-415 covers the cost of [for any fiscal year in which an assessment exists:

~~_____ (1) will be for] a Market Conduct Examiner I₂ as determined by the department's budget [as]and approved by the Utah State Legislature, including[any approved salary increases or increases in benefits; and~~

~~_____ (2) will include the following expenses]:~~

~~_____ ([a]1) salary and state paid benefits;~~

~~_____ ([b]2) travel expenses, including daily vehicle expenses;~~

~~_____ ([e]3) computer hardware and software expenses;~~

~~_____ ([d]4) e-commerce expenses;~~

- (~~[e]~~5) wireless communications expenses; and
- (~~[f]~~6) 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 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, <https://insurance.utah.gov> [~~shall be used to report changes in 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 for the Calculation of the Number of Agency Title Insurance Producer Offices.~~

(~~[1]~~4) All offices reported [~~in accordance with~~] under Section R592-10-5 are used to calculate the [~~will be included in the calculation of the title insurance~~] assessment.

(~~[2]~~5) An annual assessment calculation for a title insurer or an agency title insurance producer [~~or title insurer that is calculated using~~] that uses an incorrect number[s] 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].~~

R592-10-~~[7]~~6. Premium Year for Title Insurer Assessment.

(~~[1]~~) The title insurance assessment [~~shall be~~] is calculated using direct premium[s] 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-~~[8]~~7. Assessment Payment.

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

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

~~R592-10-~~[9]~~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.~~

R592-10-11]8. Severability.

~~[If any provision or clause of this rule or its application to any person or situation is held invalid, that invalidity will 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 R592-10, 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

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



State of Utah

SPENCER J. COX

Governor

DEIDRE M. HENDERSON

Lieutenant Governor

Insurance Department

JONATHAN T. PIKE

Insurance Commissioner

August 5, 2021

Chase Phillips

Chair, Title and Escrow Commission

Via email: cphillips@americansecure.com

Re: Regulation of below-cost escrow charges

Dear Mr. Phillips:

As you are aware, the Insurance Department and the title insurance industry currently disagree about Utah's prohibition on below-cost escrow charges. See Utah Code § 31A-19a-209(3)(a)(ii). Under the Department's interpretation of this statute, the prohibition applies to charges in each escrow transaction. According to industry, however, the prohibition applies to average annual escrow charges and costs. Because both positions are arguable from a legal and a policy standpoint, I believe that the appropriate method of resolving the disagreement is to:

- determine the best regulatory approach to the question; and
- draft a statutory amendment that reflects the approach.

The Title and Escrow Commission could provide valuable assistance in this endeavor. It has expertise concerning below-cost escrow services, and has authority to "advise the commissioner" on important title insurance industry matters when requested. Utah Code § 31A-2-404(2)(f). For those reasons, I am directing the Commission to:

- evaluate the need to regulate below-cost escrow services;
- determine the best approach for regulating below-cost escrow services; and
- draft a proposed amendment to § 31A-19a-209(3)(a)(ii) that reflects this approach.

Please have the proposed amendment completed by October 15 so that it can be included in the Department's legislative bill.

I encourage the Commission to consult with industry, the Department and its counsel in this undertaking. If you have any questions, please feel free to contact my deputy, Reed Stringham.

Sincerely,

Jonathan Pike
Insurance Commissioner

Cc by email: Darla Milovich, Randy Smart, Kim Holbrook, Cal Robinson, Tracy Klausmeier, Perri Babalis, Adam Martin, Reed Stringham