



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: **November 8, 2021**

Place: **In Person**
None

Virtual
Google Meet

Time: **9:00 AM**

ATTENDEES

TITLE & ESCROW COMMISSION

xChair, Kim Holbrook (<i>Insurer, Davis County</i>)	Darla Milovich (<i>Agency, Salt Lake County</i>)
xVice Chair, Chase Phillips (<i>Agency, Weber County</i>)	xCal Robinson (<i>Agency, Iron County</i>)
Randy Smart (<i>Public Member, Salt Lake County</i>)	xPerri Babalis, <i>AG Counsel - TEC</i>

DEPARTMENT STAFF

xJon Pike, <i>Insurance Commissioner</i>	xReed Stringham, <i>Deputy Comm.</i>	xTracy Klausmeier, <i>P&C Dir.</i>
xRandy Overstreet, <i>Licensing Dir.</i>	xPatrick Lee, <i>Finance Dir.</i>	xAdam Martin, <i>MC Examiner</i>
xMichael Covington, <i>CE Specialist</i>	xSteve Gooch, <i>PIO Recorder</i>	xEddie Vasquez, <i>AG Counsel</i>

PUBLIC

Blake Heiner	Bob Rice	Matt Ryden
Wade Taylor	Joseph McPhie	Matt Olson
Nathan Sprague	Matt Sager	

MINUTES — Approved

General Session: (Open to the Public)

- **Welcome** / Kim Holbrook, Chair (9:00 AM)
- **Reading of Anchor Location Determination**
- **Telephone Roll Call**
- **Adopt Minutes of Previous Meeting**
 - October 18 meeting
 - **Motion by Cal to adopt minutes. Seconded by Chase. Motion passes 3-0.**
 - October 28 meeting
 - **Motion by Chase to adopt minutes. Seconded by Kim. Motion passes 3-0.**
- **Concurrence Reports**
 - Licenses
 - **Motion by Chase to concur. Seconded by Kim. Motion passes 3-0.**
 - Continuing education
 - Kim notes that there has been a number of courses about cyber information and wire fraud.
 - **Motion by Cal to concur. Seconded by Chase. Motion passes 3-0.**
- **Board Duties & Responsibilities** / Perri
- **Update on 2021 Goals**

- ULTA report / Chase
 - The ULTA has been working on proposed language for the UID's amended bill.
 - There is a meeting today at noon, and Chase suspects it will be back to the ULTA's normal focus.
- **New Business**
- **Old Business**
 - Subcommittee amendments to 31A-19a-209 / Cal
 - Kim notes that at the last subcommittee meeting, the industry voiced a need for regulation and provided language that was amended by the ULTA. The subcommittee approved the language in principle at its Oct. 28 meeting.
 - Cal says the version with the redlining is what was discussed at the Oct. 28 meeting and looks good to him. Chase agrees and expresses his gratitude to everyone who helped with the process.
 - Commissioner Pike says this is the kind of thing the TEC should handle, and he appreciates the work it has done to respond to his request. He feels good about where we are, and wonders about setting a sunset date, which is commonly done by the legislature.
 - Reed notes that the language may not survive exactly as-is. The language is submitted to legislative drafters who may tweak the language. He's not concerned about meaning changes, but the specific language may be different. The bill will be up for consideration on Nov. 17 at its interim committee meeting. Reed says this specific provision is in some ways an experiment. The current language isn't reflective of how the industry does business, and there has been concerns about a race to the bottom. The UID wants to make sure to address industry concerns, and this is the way to do that. It's an experiment, but it's a safe one. He suggests that after 5 years, there may be better insight about how to deal with this particular issue. Rates may stay the same and not need to be regulated, or they may drop quickly and suggest regulation is necessary. The 5 year sunset would give plenty of data for the UID to make a decision. A sunset would also show certain legislators that the state isn't setting rates and being anticompetitive. He asks for industry comment.
 - Kim thinks it's a great proposal and a good opportunity to gather information. Chase thinks it's a great idea. Cal agrees. He notes that the 5 year timeframe would help with gathering information and whether there will be a race to the bottom.
 - Commissioner Pike likes this approach and says what the industry has proposed is excellent. This process is how he would like to get industry input on various title matters in the future. Together everyone has made something better than what is currently in statute.
 - **Motion by Chase to propose that the UID include the proposed amendment to 31A-19a-209 in its legislative bill. Seconded by Cal. Motion passes 3-0.**
 - Review proposed rule change under Executive Order 2021-12 / Perri
 - R592-14: Unfair or Deceptive Acts or Practices Affecting Title to Real Property
 - Perri say this version is substantially unchanged from what was discussed on Oct. 28. The only significant change from Oct. 28 is striking "knowingly" from Subsection (2). She noted that Matt Sager initially didn't agree with the change. After rereading the language, Matt retracts his objection and supports the change.
 - **Motion by Cal to approve the amendments. Seconded by Chase. Motion passes 3-0.**
- **Other Business**
- **Hot Topics**

Executive Session (None)

- **Adjourn** (9:28 AM)
 - **Motion by Cal to adjourn. Seconded by Chase. Motion passes 3-0.**
- **Next Meeting: December 20, 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

* bold dates denote quarterly required in-person meetings