

NAIC Title Insurance (C) Task Force

Survey of State Insurance Laws Regarding Title Data and Title Matters

March 2019

The Title Insurance (C) Task Force conducted a survey of each jurisdiction's laws and regulations regarding title insurance. The Task Force agreed at the 2018 Summer National Meeting to update the Survey of State Insurance Laws Regarding Title Data and Title Matters. The survey's intent is to be a tool for regulators and interested parties to gain insight into the regulation of title insurance. The survey was enhanced by the Task Force members and sent out for completion in August 2018. Respondents were the insurance department or other jurisdictional agency responsible for title agents or title insurance as appropriate in each jurisdiction.

The information in this document contains the results of the survey. The initial responses were provided in SurveyMonkey. Great care was taken in assembling and compiling the responses that appear in the summarized tables that follow. Each jurisdiction will be given an opportunity to review the data for accuracy. Requests for revisions can be sent to Jennifer Gardner at jgardner@naic.org.

DISCLAIMER

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COMMENTS

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1. From which of these title participants is the state department/division authorized to require data reporting?							
	Title Insurers	Title Agents	Attorneys	Abstractors	Escrow/ Settlement Agents	N/A	Other (please specify)
AL	X	X					
AR	X	X					
AZ	X	X					
CA	X	X			X		
CO	X	X	X		X		
CT						X	
DC	X	X					
FL	X						Title insurers and title insurance agencies, not individual agents. A title agency may employ multiple licensed title agents. We are not authorized to collect data from individual title insurance agents.
HI						X	
IA						X	
ID	X	X					
IL						X	
IN	X	X		X	X		
KS		X					
LA	X	X					
MA						X	
MD	X	X	X		X		
ME	X	X	X				
MI	X	X	X	X	X		
MN	X	X		X	X		
MO	X	X					
MS	X						
NC	X						
ND	X						
NE	X	X					
NH							
NJ	X						
NM	X	X			X		
NV	X	X					
OH	X	X					Title Marketing Representatives
OK	X	X					
OR	X						
PA	X	X					
SC	X	X					
SD	X	X	X	X			
TN	X						
TX	X	X			X		
UT	X	X	X		X		Title insurers, agents, attorney's, and escrow agents
VA	X				X		
VT	X	X	X				
WA	X	X					
WI	X	X					
WV	X						Title Insurance Producers. Title agent in instances has a much broader meaning the title producer.

2. From which of these title participants is the state department/division authorized to require title insurers to obtain the participant's data and report it to the state?							
	Title Insurers	Title Agents	Attorneys	Abstractors	Escrow/ Settlement Agents	N/A	Other (please specify)
AL	X						
AR		X					
AZ		X					
CA	X				X		
CO	X	X	X		X		
CT						X	
DC						X	
FL	X	X					
HI						X	
IA						X	
ID						X	
IL						X	
IN		X			X		
KS						X	
LA		X					
MA						X	
MD		X	X		X		
ME	X	X	X				
MI	X	X	X	X	X		
MN	X						
MO	X	X					
MS						X	
NC							NC Title Insurance Rating Bureau
ND	X						
NE	X	X					
NH							
NJ		X					
NM	X	X			X		
NV						X	
OH	X	X					X
OK	X						
OR	X						
PA	X	X					
SC	X	X					X
SD	X						
TN		X	X				
TX	X	X			X		
UT						X	We do not require Title insurers to obtain this information
VA	X	X			X		
VT							X
WA						X	
WI							Title insurers and agents may indirectly be required to obtain information relating to a title policy in order to resolve issues regarding the policy, but this would be on a case-by-case basis.
WV	X						Title producers.
WY							

3. Comments regarding the state's general authority to collect agent data:	
AL	
AR	The Arkansas Insurance Department is authorized by statute to collect data from title agents. See Ark. Code Ann. §§ 23-64-512 and 23-103-406.
AZ	The Department has authority to request information from title insurers and agents. Escrow/Settlement agents are regulated by the Arizona Department of Financial Institutions (DFI). Arizona does not have abstractors.
CA	CA Code of Regulations, Title 10 sections 2355.1 and 2355.2 approved in august 2009, require title insurers to submit a statistical plan and income report. CA Code of Regulation, Title 10 section 2355.4 authorizes rating examinations of title insurers, title agents and controlled escrow companies. Insurance Code Section 730 et. seq. provides exam authority.
CO	The Division maintains general subpoena authority and can obtain data through formal request.
CT	Title Agent regulated by the statewide bar counsel of the Judicial Branch
DC	The authority is under the general authority of the law on examinations.
FL	Section 627.782(8), F.S., provides specific authorization for the Office of insurance Regulation (OIR) to collect data from both agencies and insurers. Section 627.8437, F.S., states that the Department of Financial Services (DFS) shall suspend, revoke or refuse to renew and license an agency if the agency fails to timely submit data as required
HI	N/A
IA	
ID	
IL	While Illinois does not require title insurers or agents to report specific data, title insurers apply for registration of their agents and certain data will be submitted during that process.
IN	IC 27-7-3. Chapter 3, Abstract and Title
KS	N/A
LA	N/A
MA	N/A
MD	
ME	We would collect data from attorneys in their capacity as title agents.
MI	Authorized per statute-has not requested a survey in the past 15 years.
MN	General investigative and examination authority. Minn. Stat. §§ 45.027 and 60A.031
MO	
MS	N/A
NC	N/A
ND	NA
NE	
NH	
NJ	
NM	The data is collected annually by statute.
NV	Commissioner's general authority is pursuant to NRS 679B.120(5), NRS 692A.100(4) and NRS 692A.260.
OH	N/A
OK	The only information regularly collected by the OID are certifications of biennial policy inventory audits conducted by title carriers on Oklahoma title agents in accordance with Rule 365:20-3-5.
OR	Title agent data can be collected as part of target exam through market analysis.
PA	Statutes require title agents to give the Commissioner access to all agent books and records and to maintain the same in such a manner that the Commissioner or his representative may determine compliance with the law. See 40 P.S. § 910-27. Title agents must also respond in writing to inquiries from the Commissioner. See 40 P.S. § 910-28. Violations of these provisions are punishable by license revocation. Finally, our statute provides that a title insurer shall have access and a right to copy all of an agent's files and records related to its business in a form acceptable to the insurer, and the Commissioner shall have access to all files, accounts and records of the title agent in a form usable by the Commissioner. See 40 P.S. §910-26.1(6).
SC	Data can be collected by data calls, or if necessary by exam under §38-13-10 (insurer) or §38-43-250 (agents and agencies).
SD	
TN	
TX	
UT	Data collected Annual and Controlled Business reports which include title premium and escrow income and expenses reported separately. We also report location of main and additional branch offices in the state. They must also file their minimum escrow fees
VA	N/A Code of Virginia
VT	No comment.
WA	
WI	The Commissioner has broad authority to collect information from title insurers and agents pertaining to their title insurance business under s. 601.42, Wis. Stat.
WV	The same authority to collect data from any insurer or producer.

	4. Does the state department/division currently collect data from title agents?	5. Does the state department/division aggregate or compile data collected from title agents?	6. How would data reported to the state insurance department/division by title agents, attorneys, abstractors and escrow/settlement agents be handled?
AL	No	N/A	N/A
AR	Yes, on an ad hoc basis	No	It depends on the type of data collected
AZ	Yes, on an ad hoc basis	Yes	It depends on the type of data collected
CA	Yes, on an ad hoc basis	Yes	Kept confidential
CO	Yes, on an ad hoc basis	Yes	It depends on the type of data collected
CT	No	No	N/A
DC	No	N/A	It depends on the type of data collected
FL	Yes, on a regular basis	Yes	Kept confidential
HI	No	No	N/A
IA	No	N/A	N/A
ID	Yes, on an ad hoc basis	No	It depends on the type of data collected
IL	No	N/A	N/A
IN	Yes, on an ad hoc basis	No	Kept confidential
KS	No	N/A	N/A
LA	No	N/A	It depends on the type of data collected
MA	No	N/A	N/A
MD	Yes, on a regular basis	Yes	Kept confidential
ME	Yes, on an ad hoc basis	No	Kept confidential
MI			
MN	Yes, on an ad hoc basis	No	It depends on the type of data collected
MO	Yes, on a regular basis	No	Kept confidential
MS	No	N/A	N/A
NC	No	No	N/A
ND	No	N/A	N/A
NE	No	N/A	N/A
NH			
NJ	No	N/A	Open to public disclosure
NM	Yes, on a regular basis	Yes	Open to public disclosure
NV	No	No	Kept confidential
OH	Yes, on a regular basis	Yes	It depends on the type of data collected
OK	Yes, on a regular basis	No	It depends on the type of data collected
OR	No	No	Kept confidential
PA	Yes, on an ad hoc basis	Yes	It depends on the type of data collected
SC	No	No	It depends on the type of data collected
SD	Yes, on a regular basis	Yes	Kept confidential
TN	No	N/A	N/A
TX	Yes, on a regular basis	Yes	Open to public disclosure
UT	Yes, on a regular basis	No	It depends on the type of data collected
VA	No	N/A	It depends on the type of data collected
VT	No	No	N/A
WA	Yes, on a regular basis	Yes	It depends on the type of data collected
WI	Yes, on an ad hoc basis	No	It depends on the type of data collected
WV	No	N/A	It depends on the type of data collected
WY	No	N/A	It depends on the type of data collected

	7. By what legal protection is the data reported kept confidential?	8. Statutes and regulations regarding confidentiality and public disclosure of title data:
AL	N/A	N/A
AR	Arkansas law protects information that is part of an examination or active and open investigation.	Ark. Code Ann. § 23-61-103
AZ	Arizona Revised Statutes (ARS) 20-157.01 provides that materials provided to the Department as part of an examination are confidential and not subject to disclosure.	ARS 20-157.01, 20-158(F)
CA	Statutory authority, both regulatory and non-regulatory, and general state law as applicable.	Insurance Code Sections 730 et. seq. (including 735.5), 12370-12377, 12389-123897, 1215 et. seq. and 12919; Civil Code Sections 3426 et. Seq. (Uniform Trade Secret Act); Government Code Section 6254(d) (portion of the Public Records Act).
CO	§10-1-309-Statutory Authority Market Regulation Laws. All of the above in question 8 apply depending upon the circumstances (including n/a because there are times the Division cannot keep reported data confidential)	§10-1-309-Statutory Authority Market Regulation Laws. All of the above in question 8 apply depending upon the circumstances (including n/a because there are times the Division cannot keep reported data confidential)
CT		N/A
DC	Law on examinations. Proprietary information.	§ 31-1404 (f)
FL	Section 626.84195, F.S. designates the information submitted in a data call by an agency or an insurer is proprietary information if so requested by the agency or insurer submitting the information.	Section 626.84195, F.S.
HI	N/A	HRS sections 431:20-103 and 431:2-209
IA		
ID	Pursuant to Idaho Public Records Laws	Idaho Code 74-101 through 74-126
IL	N/A	N/A
IN	Market Regulation Laws	IC 27-7-3-15.5
KS	N/A	N/A
LA	Legal protection for confidential or proprietary data is set forth in the provisions of the Louisiana Public Records Act (La. R.S. 44.1 et seq.)	N/A
MA	N/A	N/A
MD	Market Regulation Laws	Public Information Act
ME	Market Regulation Laws	24-A M.R.S. § 216
MI		
MN	The Minnesota Government Data Practices Act; Minn. Stat. 13.001 et	Minn. Stat. 13.001 et seq
MO	Proprietary information	20 CSR 500-7.070(2) and Chapter 610, RSMo (2016)
MS	Market Analysis Regulation Laws, Miss. Code Ann. § 83-5-209(7)	Miss. Code Ann. § 83-5-209(7)
NC		
ND	NA	N.D.C.C. 44-04-18.4
NE	Market Regulation Laws	Neb. Rev. Stat. 44-5906 and 44-1997(4)
NH		
NJ	N/A	N/A
NM	N/A	N/A
NV	NRS 692A.117, NRS 679B.190(5),(6),(7): The Commissioner may classify as confidential documents obtained or received on the express condition that they remain confidential.	NRS 692A.117, 679B.190(5),(6),(7)
OH	Data collected as a result of an annual review is public information. Information can only be kept confidential if it falls into an exception of the public records statute.	Ohio Revised Codes 149.43, 3901.045, 3901.48, 3905.24, 3901.075
OK	N/A	
OR	The data would confidential under the market analysis examination statute.	Market analysis statute states that data collected in an exam is confidential.
PA	Generally, information submitted to the Department is considered public unless it is exempt from public disclosure under Pennsylvania's Right-to-Know Law or other applicable statute. See 65 P.S. §§67.101 - 67.3104. The person or entity submitting the information must typically assert a claim that the information submitted is exempt from disclosure under one of the exceptions to public disclosure such as that for trade secrets or confidential proprietary financial information.	65 P.S. §§ 67.101 - 67.3104
SC	Refer to Code Sections 38-13-160 and 38-13-10.	Refer to Code Section 38-13-160.
SD	Proprietary Information	SDCL Title 1-27
TN	N/A	N/A
TX	N/A	Texas Insurance Code §2552.252 (d), 2602.011(c), 2651.155, 2651.205(a)(2), 2651.206(a)(4); Form T-1 Conditions 6. (b); Form T-1R Conditions 3.c; Form T-2 Conditions 6.(b); Form PPT-1 Conditions 5; Forms PPT-5, PPT-6, PPT-7 Conditions and Stipulations E.5; Forms PPT-8 and PPT-9 Conditions and Stipulations E.6; Forms PPT-10, PPT-11, and PPT-12 Conditions and Stipulations 5.
UT	Government Records Access and Management Act(GRAMA).	Government Records Access and Management Act(GRAMA).
VA	Code of Virginia	55-525.32
VT	not applicable	N/A
WA	Statute	RCW 48.29.018
WI	In general, all records held by OCI are subject to inspection under Wisconsin's open records law found in s. 19.35 (1), Wis. Stat., unless the record falls within the scope of one of the numerous exceptions. [See generally ss. 19.35 and 19.36, Wis. Stat.]. In addition, OCI has specific authority to withhold certain records under s. 601.465, Wis. Stat, and s. Ins 6.13, Wis. Adm. Code.	See #9
WV	W.Va. Code 33-2-9, W.Va. code 29B-1 -7. Under the WV FOIA statute data is open to disclosure unless there is a statutory exemption.	See #9
WY	N/A	N/A

9. What kind of data is collected and how is it used?		10. Statutes and regulations regarding data collection from title participants:
AL	N/A	N/A
AR	The Department receives and reviews the annual statutory audits performed by title insurers. The Department also collects other data, such as closing files and policy records, during investigations or examinations.	Ark. Code Ann. §§ 23-103-406; 23-103-411
AZ	Underwriting, claims handling and operational data which includes procedures and policy holder data for Market Conduct Exams.	ARS 20-157, 20-1581, 20-1582, 20-1588, 20-1593
CA	Data collected may include a review of the books, records, accounts, rates, charges, fees, rating plans, rating systems, underwriting rules, policy forms; loss or expense experience and the data, statistics, or information collected or used in determining or establishing the rates, charges, fees, rating plans, rating systems, underwriting rules or policy forms; statistical plan and financial data reports. Purpose is to aid in the administration of rate regulatory laws.	Insurance Code Sections 730 et. seq., 12401.5 and 12414.21. California Code of Regulations Title 10 Sections 2355.1, 2355.2 and 2355.4.
CO	The Division collects complaint and market share data that it uses for reporting, assessment, and statistical purposes.	Various sections of Title 10, C.R.S., and various insurance Regulations including 8-1-1 to 8-1-5.
CT	CT does not collect such data in the insurance dept.	
DC	None currently.	None.
FL	Revenues; expenses; premiums and losses by limit of liability; amount of time spent on primary title services, search and closing. It is used to analyze title insurance premium rates, title insurance search costs and the general condition of the title insurance industry in Florida.	Section 627.782(8), F.S., Rule 69O-186.013 and 69O-186.014, F.A.C.
HI	N/A	N/A
IA		
ID	Complaint information; title and escrow rates; any data needed to complete examinations, investigations or audits.	Idaho Code Title 41 Chapter 27; IDAPA 18.01.01, 18.01.25, 18.01.39 and 18.01.56.
IL	Illinois does not require title insurers to report specific data.	N/A
IN	Please See IC 27-7-3-15.5	IC 27-7-3, Chapter 3 Abstract and Title Insurance
KS	N/A	K.S.A. 40-1138
LA	N/A	La. R.S. 22:517; La. R.S. 22:523
MA	N/A	N/A
MD	The Commissioner may examine the accounts, records, documents, and transactions of licensees for the purpose of determining compliance with MD Insurance laws.	The Maryland Insurance Administration may collect data from officers, employees, and representatives of insurers and producers pursuant to the Annotated Code of Maryland, Insurance Article, Title 2, Subtitle 1 and 2.
ME	We have not collected data from title agents. We have the authority to do so, however, and would collect data for whatever purpose was necessary to enforce the Maine insurance laws.	24-A M.R.S. § 220, if regulated by the Bureau of Insurance
MI		
MN	Data relating to compliance issues. It is collected and used in investigations and examinations	Minn. Stat. §§ 13.011 et seq., 45.027, and 60A.031
MO	DIFP collects an annual underwriter on site review of report of agents title and closing practices and the ownership/affiliated business information	Sections 381.023; 381.029 and 381.122, RSMo 20 CSR 500-7.070
MS	Annual Statements; Holding Company Filings	N/A
NC		
ND	NA	NA
NE	Investigate consumer complaints and conduct examinations.	Neb. Rev. Stat 44-5905 and 44-19, 110
NH		
NJ	N/A	N.J.S.A. 17:46B-41 et seq.
NM	Revenue/Expense - setting title insurance rates. Claims history. Escrow procedures.	13.14.4.8 NMAC; 13.14.4.9 NMAC; 13.14.4.10 NMAC; 13.14.11 NMAC; 13.14.4.12 NMAC 58-28-1 et seq. and 59A-12-22 NMSA 1978; 1.12.7 NMAC; 59A-30-4 NMSA 1978; 59A-30-7 NMSA 1978; 13.14.16 NMAC; 13.14.17 NMAC; 13.14.2.13 NMAC; 13.14.2.14 NMAC; 59A-4-5 NMSA 1978; 13.14.2.15 NMAC; 59A-4-6 NMSA 1978; 59A-12-13 NMSA 1978
NV	N/A	NRS 692A.260, NRS 679B.120, NRS 679B.140, NRS 679B.340
OH	Ohio collects data related to the annual review of escrow accounts, IOTA accounts, affiliated business arrangements, errors and omissions insurance and surety bond coverage. The data is used to determine compliance with Ohio title insurance laws. Data may also be collected as part of a market conduct or financial exam to determine compliance with Ohio insurance laws.	Ohio Revised Codes 3901.011, 3953.33 and Ohio Administrative Code 3901-7-01
OK		
OR	summary annual statement data is collected and aggregated annually from title insurers. No data is collected from title agents.	ORS 731.752 thru ORS 731.764
PA	The Department does not regularly collect data from the title industry. In 1984 and 1993 we conducted studies of agent commissions. In 2010 we conducted a study of the expense component of title insurance rates. In order to perform the 2010 study, we required title agent information from title insurers in 2009.	40 P.S. §§ 910-26.1(6), 910-27, 910-28, 910-46, 910-47
SC	It would typically be either a data call affecting all carriers, or a focused investigation on an agent or agency.	Refer to Code Sections 38-13-10, 38-13-160 and 38-43-250.
SD	Premiums remitted for premium tax purposes and determination of liability	SDCL Title 58-25
TN	N/A	
TX	Income, expenses, losses, number of claims, and number of policies. Used for setting rates.	Texas Insurance Code Chapter 2703, Subchapter D
UT	Income, Expense, Fees, number of offices, banking institution, fidelity bond, qualifying title individual. To resolve consumer and industry issues.	31A-23a-413, 31A-23a-415, 31A-23a-503, R592-9, R592-11
VA	Audit Data on Title Settlement Agents	55-525.3238.2-4608 of the Code of Virginia
VT	no data is collected - title agents are renewed/licensed	none
WA	Policy & order count, premium, income, and expense data to be used to support the filing of title insurance rates. Affiliated business ownership of title agents.	RCW 48.29.015 and RCW 48.29.017
WI	OCI has broad authority to collect any kind of information from title insurers and agents relating to their title insurance business. Generally, information is collected in relation to complaints filed with OCI or as a filing requirement.	Section 601.42, Wis. Stat.
WV	Currently there is no specific data collection or analysis.	§ 33-2-8. Insured to produce records upon request. WV authority is limited to title insurance transactions.
WY	N/A	N/A

11. Which processes does the state insurance department/division regulate if a title insurance policy is issued?						
	Risk Transfer	Policy Production/Issuance	Title Search or Abstract	Examination of Title	Clearing of Title Defects	Escrow & Closing
AL	X	X				
AR	X	X	X	X	X	
AZ	X	X	X	X		
CA	X	X	X	X	X	X
CO	X	X	X	X	X	X
CT		X				
DC	X	X				X
FL	X	X	X	X	X	
HI		X				
IA						
ID	X	X	X	X	X	X
IL	X	X	X	X	X	X
IN	X	X	X	X	X	X
KS						
LA	X	X				
MA						
MD	X	X		X	X	X
ME	X	X				
MI						
MN	X	X	X			X
MO	X	X	X	X		X
MS						
NC	X					
ND	X	X				
NE	X	X	X	X	X	X
NH						
NJ	X	X		X		
NM		X	X	X	X	X
NV	X	X	X	X	X	X
OH	X	X				
OK	X	X				
OR	X	X	X	X		
PA	X	X				
SC	X	X				X
SD	X					
TN	X	X	X	X		
TX	X	X	X	X		X
UT		X	X	X	X	X
VA		X				
VT	X	X				
WA	X	X		X	X	X
WI	X	X				
WV	X	X				
WY	X	X	X	X		X

12. Which processes does the state department/division regulate if NO title insurance policy is issued? (Some states only regulate the transaction if title insurance is involved maintaining that ancillary services such as title search, escrow & closing, etc. are not insurance products and are therefore only regulated if title insurance is included in the transaction.)

	Title Search or Abstract	Examination of Title	Clearing of Title Defects	Escrow & Closing
AL				
AR				
AZ	X	X		
CA	X	X	X	X
CO	X	X	X	X
CT				
DC				
FL				
HI				
IA				
ID				
IL	X	X	X	X
IN				X
KS				
LA				
MA				
MD	X	X	X	X
ME				
MI				
MN				X
MO				X
MS				
NC				
ND				
NE				
NH				
NJ				
NM				X
NV				
OH				
OK				
OR				
PA				
SC				
SD				
TN				
TX				
UT	X		X	X
VA				X
VT				
WA				X
WI				
WV				
WY				

13. For which processes does the state department/division regulate the pricing if a title insurance policy is issued?						
	Risk Transfer	Policy Production/ Issuance	Title Search or Abstract	Examination of Title	Clearing of Title Defects	Escrow & Closing
AL	X	X				
AR						
AZ	X	X	X	X		
CA	X	X	X	X	X	X
CO	X	X	X	X	X	X
CT		X				
DC	X	X				
FL	X	X		X	X	
HI		X				
IA						
ID	X	X	X	X	X	X
IL						
IN	X	X				
KS	X	X	X	X	X	X
LA	X	X				
MA						
MD		X				
ME	X	X				
MI						
MN	X	X				
MO	X					
MS						
NC	X					
ND	X	X				
NE	X	X	X	X	X	
NH						
NJ	X		X	X		
NM		X	X	X	X	
NV	X	X	X	X	X	X
OH	X	X				
OK						
OR	X	X	X	X	X	
PA	X	X	X	X	X	X
SC	X	X				X
SD	X	X				
TN	X	X	X	X		
TX	X	X	X	X	X	X
UT		X	X	X	X	X
VA	X	X				
VT	X	X				
WA	X	X	X	X	X	
WI	X	X				
WV	X	X				
WY		X				

14. Which processes are included in the title rates?						
	Risk Transfer	Policy Production/ Issuance	Title Search or Abstract	Examination of Title	Clearing of Title Defects	Escrow & Closing
AL	X	X				
AR						
AZ	X	X	X	X		
CA	X	X	X	X	X	
CO	X	X	X	X	X	X
CT		X				
DC	X	X				
FL	X	X		X	X	
HI		X				
IA						
ID	X	X	X	X	X	
IL						
IN	X	X				
KS	X	X	X	X	X	X
LA	X	X				
MA						
MD	X	X	X	X	X	X
ME	X	X				
MI						
MN	X	X				
MO	X					
MS						
NC	X	X	X	X	X	X
ND	X	X				
NE	X	X	X	X	X	
NH						
NJ	X	X	X	X	X	X
NM		X	X	X	X	
NV	X	X	X	X	X	
OH	X	X				
OK						
OR	X	X	X	X	X	
PA	X	X	X	X	X	X
SC	X	X				X
SD	X	X	X	X	X	
TN	X	X	X	X		
TX	X	X	X	X	X	X
UT	X	X	X	X	X	
VA	X	X				
VT	X	X				
WA	X	X	X	X	X	
WI	X	X				
WV	X	X				
WY		X				

	15. Are rates required to be filed with the state department/division?	16. How does the state department/division regulate title insurance rates?
AL	Yes	Prior Approval
AR	No	Rates are not regulated in Arkansas for title insurance.
AZ	Yes	File and use
CA	Yes	File and use
CO	Yes	File and use.
CT	Yes	Pursuant to Conn. Gen State §38a-418 premium rates shall not be inadequate or unfairly discriminated.
DC	Yes	Prior approval.
FL	No	The Florida Office of Insurance Regulation promulgates rates by administrative rule.
HI	No	N/A
IA	N/A	Iowa prohibit the sale of title insurance.
ID	Yes	Rates are filed 30 days prior to use to allow for comments.
IL	No	Illinois does not regulate rates.
IN	Yes	Prior - Approval
KS	Yes	File and Use
LA	Yes	Prior Approval
MA	No	N/A
MD	Yes	File, Approval and Use
ME	Yes	File and Use
MI		
MN	Yes	File and Use
MO	Yes	File & use if not disapproved within 30 days
MS	No	Rates are not regulated.
NC	Yes	Subject to review by Actuarial Services Division
ND	Yes	Use and File
NE	Yes	Prior Approval
NH		
NJ	Yes	Prior-Approval
NM	Yes	New Mexico holds a biennial hearing every odd year to determine the rates. The aggregation of data is used that is collected annually. The state uses an actuary and economist.
NV	Yes	Prior Approval
OH	Yes	Prior approval required
OK	No	Rates are not regulated
OR	Yes	Prior Approval
PA	Yes	Title insurance rate filings are generally subject to a File & Use standard (see 40 P.S. §910-3(d)) unless they are consent-to-rate filings, for which Use and File applies (see 40 P.S. §910-37(g)). The Department typically issues affirmative approvals of filings that are not consent-to-rate filings. It is not uncommon for insurers and rating organizations to submit filings with proposed effective dates that negate the File & Use standard and instead require the Department's approval (see 40 P.S. §910-37(d)).
SC	Yes	This is done with prior approval and are made through SERFF system. Refer to Code Sections 38-75-970 & 38-75-980.
SD	Yes	Prior-approval
TN	Yes	Prior approval
TX	No	Promulgate rates. Note: rates include a charge for closing but not escrow.
UT	Yes	File 30 days before they can be used.
VA	No	38.2-4608 of the Code of Virginia
VT	Yes	use and file
WA	Yes	Prior approval
WI	Yes	Use and file unless the rate is exempt from the filing requirement under s. Ins 6.78, Wis. Adm. Code.
WV	Yes	§ 33-20-3. Ratemaking, statutory
WY	Yes	Prior Approval

	17. Does the state department/division require title agents to file their fees for processes which are not included in the title rate?	18. What is the statutory standard for title rate adequacy?
AL	No	Rates to be adequate, not excessive and not unfairly discriminatory
AR	No	Title insurance rates are unregulated in Arkansas.
AZ	No	ARS 20-375 Not Excessive, Inadequate or Unfairly Discriminatory
CA	Yes	Rates are not excessive, inadequate or unfairly discriminatory.
CO	No	Rates not excessive, inadequate or unfairly discriminatory.
CT	N/A	Pursuant to Conn. Gen State §38a-418 premium rates shall not be inadequate or unfairly discriminated.
DC	No	Rates shall be reasonable and adequate for the class of risks to which they apply. Rates may not discriminate unfairly between risks that involve essentially the same hazards and expense elements.
FL	No	Rates may not be excessive, inadequate or unfairly discriminatory
HI	N/A	N/A
IA	N/A	
ID	Yes	Rates are filed 30 days prior to use to allow for comments.
IL	No	Illinois does not regulate rates.
IN	No	Rates Not Excessive, Inadequate, or Unfairly Discriminatory
KS	Yes	No Particular Standard
LA	N/A	Rates Not Excessive, Inadequate or Unfairly Discriminatory
MA	N/A	N/A
MD	No	Rates not excessive, Inadequate, or Unfairly Discriminatory
ME	No	Rates Not Excessive, Inadequate or Unfairly Discriminatory
MI		
MN	No	Rates Not Excessive, Inadequate, or Unfairly Discriminatory
MO	No	Rates not excessive, inadequate or unfairly discriminatory
MS	N/A	No particular standard.
MV	Yes	Rates may not be excessive, inadequate or unfairly discriminatory.
NC	No	Rates not excessive, inadequate, or unfairly discriminatory
ND	No	Rates not excessive, inadequate nor unfairly discriminatory
NE	No	N/A
NH		
NJ	N/A	Rates not excessive, inadequate or unfairly discriminatory.
NM	No	Revenue/Expenses/Profits/Claims Paid/ losses
OH	No	Rates not excessive, inadequate or unfairly discriminatory
OK	No	No particular standard
OR	No	Inadequate, excessive, and not unfairly discriminatory, ORS 737.310(1). However, the statutory definition of these terms in ORS 737.310(2) does not apply to title insurance.
PA	No	Rates shall not be excessive, inadequate or unfairly discriminatory in accordance with 40 P.S. § 910-39.
SC	No	Refer to Code Section 38-75-970.
SD	No	Rates not excessive, inadequate or unfairly discriminatory
TN	No	Rates Not Excess, Inadequate or Unfairly Discriminatory
TX	No	Rates must be reasonable to the public and nonconfiscatory to title insurers and title agents
UT	Yes	Rates Not Excessive, Inadequate or Unfairly Discriminatory. Title & escrow rates cannot cause a title insurer, title or escrow producer or agency to operate at less than the cost of doing business.
VA	No	38.2-4608A of the Code of Virginia
VT	No	Rates are not excessive, inadequate or unfairly discriminatory
WA	No	Rates Not Excessive, Inadequate or Unfairly Discriminatory
WI	No	Rates cannot be excessive, inadequate or unfairly discriminatory.
WV	N/A	Title producers may not charge fees in excess of the premium charged.
WY	No	Premium rates shall not be inadequate, excessive or unfairly discriminatory.

	19. Are forms required to be filed with the state department/division?	20. How does the state department/division regulate title insurance policy forms and endorsements?
AL	Yes	Forms are reviewed to confirm compliance with statutory requirements.
AR	Yes	Arkansas does not have different requirements for title insurance policy forms than it does for policy forms in other lines of insurance. Arkansas requires most lines of insurance to file forms prior to use.
AZ		File and Use 30 Day Hold ARS 20-1591
CA	Yes	File and Use. We look at the forms for clarity, to make sure that the coverage is indeed title insurance, to make sure there is no undue discrimination, and try to make sure there are not mistakes.
CO	No	N/A
CT	Yes	Form standards are set forth in Conn. Gen Stat §38a-422
DC	Yes	Prior Approval
FL	Yes	Section 627.777, F.S., requires that all forms must be filed with and approved by the Office of Insurance Regulation prior to use.
HI	Yes	File and use subject to disapproval.
IA	N/A	
ID	Yes	Forms and Endorsements are filed 30 days prior to use to allow for comments.
IL	No	Policy forms and endorsements are not regulated in Illinois.
IN	Yes	Indiana Department of Insurance/ Company Compliance Division
KS	Yes	Forms must be filed with the department.
LA	Yes	Prior Approval- The forms are reviewed for compliance with state statutes, regulations and rules prior to use and implementation in the market.
MA	No	N/A
MD	Yes	File, Approve, Use
ME	Yes	File and Use
MI	N/A	MCL500. Chapter 73 specifically
MN	No	N/A
MO	Yes	Prior to use with 30 day notice.
MS	No	Exempt pursuant to Miss. Code Ann. § 83-2-1.
NC	Yes	G.S. 58-3-150 requires submission and approval of all forms.
ND	Yes	Prior Approval
NE	Yes	Prior Approval
NH	Yes	Use and File
NJ	Yes	Prior-Approval
NM	Yes	A hearing is held to determine the need for specific forms and endorsements determining the need and risk involved.
NV	Yes	Prior Approval
OH	Yes	Prior approval of forms and endorsements required.
OK		
OR	Yes	Prior Approval
PA	Yes	They are subject to the Department's prior approval in accordance with 40 P.S. § 477b.
SC	Yes	Prior approval SERFF Filings. Refer to Code Section 38-61-20.
SD	Yes	Approval by director
TN	No	N/A
TX	No	The department promulgates title insurance policy forms and endorsements
UT	Yes	File and Use.
VA	Yes	38.2-4606 of the Code of Virginia
VT	Yes	Prior Approval
WA	No	Prior Approval
WI	Yes	Forms must be filed with the Commissioner 30 days before its use.
WV	Yes	33-6-8, filing and approval or file and use. personal as opposed to commercial insurance.
WY	Yes	Prior Approval

	21. Is the state department/division authorized to regulate the percentage of premium that title agents retain?	22. Is there a statutory standard for determining that percentage?	23. Statutes and regulations regarding title rate and form regulation:
AL	No	N/A	Sections 27-25-1.1, et seq., Code of Alabama 1975.
AR	No	N/A	Ark. Code Ann. § 23-67-203 exempts title insurance from rate regulation. Ark. Code Ann. § 23-79-109 requires form filings.
AZ	No	N/A	Title 20, Chapter 6, Article 9
CA	Yes	No	California Insurance Code Sections 12340 et. seq., 12389 et. seq., 12401-1240.10.10, 12404-12413.5
CO	No	N/A	10-11-118(2); 10-4-401
CT	Yes	Yes	Chapter 700a of the Conn Gen Statutes and Conn agencies regs §§38a-424a-38a-424a-4 dealing with Indian land claims
DC	Yes	No	§ 31-5031.17. Premium rate filings and standards. § 31-5031.18. Form filing. DCMR Title: 26 Subtitle: 26-A INSURANCE Chapter: 26-A41 TITLE INSURANCE RATE MAKING
FL	Yes	Section 627.782, F.S., states that the title insurer must retain no less than 30% of the premium.	Sections 627.777, (Forms) and 627.782 (Rates), F.S.
HI	No	N/A	HRS section 431:20-121
IA	No		
ID	No	No	Idaho Code 41-2705, 2706 and 2707.
IL	No	N/A	As noted above, the Department is prohibited from setting or otherwise adjusting rates or fees. Section 19 of the Title Insurance Act (215 ILCS 155/19). There is no regulation of insurance forms.
IN	No	N/A	Section 2 of 270, IC 27-1-22-28
KS	No	N/A	K.S.A. 40-952(c), K.S.A. 40-216
LA	No	No	La.R.S. 22:861 (forms); La. R.S. 22:1451 (rates); La. R.S. 22:1456
MA	No	N/A	N/A
MD	No	N/A	Annotated Code of Maryland, Title 11, Subtitle 4 - Title Insurance Rating
ME	No	n/a	24-A M.R.S. §§ 2302(1)(D), 2410, and 2412
MI			
MN	No	N/A	
MO	No	N/A	Sections 381.085; 381.181; 381.171 and 381.201, RSMo . 20 CSR 500-7.100 and 20 CSR 500-7.130
MS	No	N/A	N/A
NC	No	N/A	Title rates are subject to Articles 26 (G.S. 58-26-1) and 40 (G.S. 58-40-20, 25, 30, 35, 40, and 45). Forms subject to G.S. 58-3-150.
ND	Yes	No	N.D.C.C. 21.1-20
NE	No	No	Neb. Rev. Stat. 44-1997 and 44-1998
NH			
NJ	No	N/A	N.J.S.A. 17:46B-1 et seq.
NM	Yes	Revenue/Expenses/Profits/Losses	59-A-30-4 NMSA 1978; 59A-30-5 NMSA 1978; 13.14.18 NMAC;
NV	No	N/A	NRS 692A.120 - .140
OH	No	N/A	Ohio Revised Code 3953.28
OK		No	No
OR	No		ORS 737.310, ORS 737.320 for rates. ORS 742.003 for forms
PA	No	N/A	40 P.S. §§ 477b, 910-37, 910-38, 910-39, 910-40, 910-42
SC	Yes	Yes, refer to Code Section 38-75-1000 – (establish commission for agent.) [Note: There are a limited number of agents and agency contracts that predate the statutory enactment, allowing for a 70% commission allowance.]	Refer to Code Sections 38-75-970 and, 38-75-980 (rates) and 38-61-20 (forms).
SD	No	N/A	SDCL Title 58-25
TN	No	N/A	Title 56, Chapter 35 Tennessee Code Annotated Tennessee Rule 0780-01-12
TX	Yes	The department sets premium rates, which must be reasonable to the public and nonconfiscatory to title insurers and title agents	Texas Insurance Code Chapter 2703; Basic Manual for Rules, Rates, and Forms for the Writing of Title Insurance in The State of Texas, Sections II through IV
UT	No	N/A	31A-19a-101, 31A-19a-102, 31A-19a-103, 31A-19a-201, 31A-19a-202, 31A-19a-203, 31A-19a-204, 205, 31A-19a-206, 207, 31A-19a-208, 31A-19a-209
VA	No	N/A	Chapter 46 of Title 38.2 of the Code of Virginia
VT	Yes	No	VSA 8 Section 3541 and 8 VSA Section 4688 as well as Regulation I-2010-03 Section 8
WA	No	N/A	RCW 29.140, RCW 48.29.143, RCW 48.29.147, RCW 48.29.148, RCW 48.29.149, and chapter 284-29A WAC.
WI	No	N/A	Ch. 625 and s. 631.20, Wis. Stat., and ss. Ins 3.32, 6.05, 6.06, 6.07, 6.78 and 6.785, Wis. Adm. Code.
WV	Yes	No, just review of the overall premium.	33-6-8, 33-6-9, 33-20-3
WY	No	N/A	W.S. 26-23-325,326,328 and 329

24. Which processes are, or can be, performed by title insurers?							
	Risk Transfer	Policy Production /Issuance	Title Search or Abstract	Examination of Title	Clearing of Title Defects	Escrow & Closing	N/A
AL	X	X	X	X		X	
AR							X
AZ	X	X	X	X	X	X	
CA	X	X	X	X	X	X	
CO	X	X	X	X	X	X	
CT							X
DC	X	X	X	X	X	X	
FL	X	X	X	X	X	X	
HI	X	X	X	X	X		
IA							X
ID	X	X					
IL	X	X	X	X	X	X	
IN	X	X	X	X	X	X	
KS	X	X	X	X	X	X	
LA	X	X					
MA							X
MD	X	X	X	X	X	X	
ME	X	X	X	X	X	X	
MI							
MN	X	X	X	X	X	X	
MO	X	X	X	X	X	X	
MS							X
NC	X	X	X				
ND	X	X	X	X	X	X	
NE	X	X	X	X	X	X	
NH							
NJ	X	X	X	X	X	X	
NM	X	X	X	X	X	X	
NV	X	X	X	X	X	X	
OH	X	X	X	X	X	X	
OK	X	X					
OR	X	X	X	X	X	X	
PA	X	X	X	X	X	X	
SC	X						
SD	X						
TN	X	X	X	X			
TX	X	X					
UT	X	X	X	X	X	X	
VA	X	X	X	X	X	X	
VT	X	X					
WA	X	X	X	X	X	X	
WI	X	X	X	X	X		
WV	X	X					
WY	X	X	X	X	X	X	

25. Which processes are, or can be, performed by title agents?							
	Risk Transfer	Policy Production/Issuance	Title Search or Abstract	Examination of Title	Clearing of Title Defects	Escrow & Closing	N/A
AL		X	X	X		X	
AR	X	X	X	X	X	X	
AZ		X	X	X	X	X	
CA	X	X	X	X	X	X	
CO		X	X	X	X	X	
CT	X	X	X	X	X	X	
DC			X	X	X	X	
FL		X	X	X	X	X	
HI							
IA							X
ID		X	X	X	X	X	
IL		X	X	X	X	X	
IN		X	X	X	X	X	
KS	X	X	X	X	X	X	
LA	X	X					
MA							X
MD		X	X	X	X	X	
ME	X	X	X	X		X	
MI							
MN		X	X	X	X	X	
MO		X	X	X	X	X	
MS							X
NC							X
ND		X					
NE	X	X	X	X	X	X	
NH							
NJ		X	X	X	X	X	
NM		X	X	X	X	X	
NV		X	X	X	X	X	
OH	X	X	X	X	X	X	
OK		X	X	X		X	
OR		X	X	X	X	X	
PA		X	X	X	X	X	
SC		X	X	X	X	X	
SD		X	X	X	X	X	
TN		X	X	X			
TX		X	X	X	X	X	
UT		X	X	X	X	X	
VA		X	X	X		X	
VT		X	X	X	X	X	
WA	X	X	X	X	X	X	
WI		X	X	X		X	
WV	X	X					
WY		X	X	X		X	

26. What types of title insurance and closing activities are required to be performed within the state?							
	Risk Transfer	Policy Production/Issuance	Title Search or Abstract	Examination of Title	Clearing of Title Defects	Escrow & Closing	N/A
AL							X
AR		X					
AZ		X					
CA			X	X	X	X	
CO							X
CT	X	X	X	X	X	X	
DC			X	X	X	X	
FL							X
HI							
IA							X
ID							X
IL							X
IN							X
KS							X
LA				X	X		
MA							X
MD							X
ME	X	X					
MI							X
MN							X
MO							X
MS							X
NC	X	X	X	X	X	X	
ND			X	X			
NE							X
NH							X
NJ	X	X	X	X	X	X	
NM							X
NV							X
OH	X	X					
OK		X	X	X	X		
OR		X			X	X	
PA							X
SC							X
SD			X	X	X	X	
TN	X	X	X	X			
TX		X				X	
UT		X	X	X	X	X	
VA						X	
VT		X	X	X	X	X	
WA							X
WI							X
WV							X
WY							

27. Can a title policy be prepared (search, abstract, commitment, etc.) by an entity located outside of the state?		
AL	Yes	
AR	Yes	Technically yes, but Arkansas requires the policy and commitment to be signed by an agent who is licensed in AR, appointed with a title insurer, and affiliated with a title agency. Arkansas does not license nonresident agents or agencies, so while it is technically legal for the policy or commitment to be prepared outside of the state, it cannot be issued until it is countersigned by an agent licensed in Arkansas and a determination of insurability of title that is made by either the agent or the insurer.
AZ	Yes	Statute does not expressly address to allow or prohibit.
CA	No	
CO	Yes	
CT	Yes	
DC	Yes	
FL	Yes	
HI	Yes	
IA	No	
ID	Yes	
IL	Yes	There is no requirement that closings take place within the state. Therefore, closings can occur outside Illinois.
IN	Yes	Bulletin 135, IC 27-1-5-1, IC 27-7-3
KS	Yes	
LA	Yes	The title examination and the title opinion shall be conducted/rendered only by an attorney duly licensed and authorized to practice law in Louisiana. See: La. R.S. 22:512(17)(b)(vi)
MA	Yes	M.G.L. c. 175, s. 116A permits admitted foreign companies to transact title insurance in Massachusetts.
MD	Yes	
ME	Yes	If licensed in Maine.
MI	Yes	
MN	Yes	
MO	Yes	The entity must have a valid business entity producer license issued by the DIFP
MS		N/A
NC	Yes	
ND	Yes	
NE	Yes	
NH	Yes	
NJ	No	
NM	Yes	
NV	Yes	Yes, if entity is licensed as a title insurer or title agent in this state.
OH	Yes	
OK	No	
OR	Yes	The title insurer has to have access to a title plant in the county in which the property is located, ORS 731.438. The records for the title plant can be stored and accessed from out of state.
PA	Yes	
SC	Yes	The individual or entity preparing the title policy must be an insurer, agency, or agent properly licensed by SCDOI.
SD	No	
TN	Yes	
TX	No	
UT	No	
VA	Yes	
VT	Yes	if licensed by the Department
WA	Yes	
WI	Yes	There are no insurance laws prohibiting this practice.
WV	Yes	This overly broad and vague. A producer with a nonresident license can sell a title policy for a WV location.
WY		It depends on the type of activity.

	28. Can a title policy be issued by an entity located outside the state?	29. Can closing be performed by an entity located outside the state?	30. Are there any requirements for a licensed entity to have physical offices or perform activities within the state?
AL	Yes	Yes	Yes
AR	No	Yes	Yes. Arkansas does not license nonresident agents or agencies and we require physical offices that are open to the public.
AZ	No	No	ARS 20-1575
CA	Yes	No	All UTCs must be domestics.
CO	Yes	Yes	No
CT	No	No	Yes
DC	No	Yes	No
FL	Yes	Yes	All escrow funds to be held in trust that are received by a title agent shall be placed in a financial institution in the State of Florida or one that has at least a branch in the state.
HI	Yes		No
IA	No		
ID	No	Yes	No
IL	Yes	Yes	No
IN	Yes	Yes	None
KS	Yes	Yes	N/A
LA	Yes	Yes	No
MA	Yes	Yes	N/A
MD	Yes	Yes	N/A
ME	Yes	Yes	No
MI	Yes	Yes	No
MN	Yes	Yes	No
MO	Yes	Yes	Valid insurance producer license
MS			N/A
NC	Yes	No	Yes for NC licensed closing attorney. No for title insurers.
ND	Yes	No	No
NE	Yes	Yes	No
NH	Yes	Yes	No
NJ	No	No	Yes
NM	Yes	Yes	No
NV	Yes	No	Yes, title agents must have a physical office in the state.
OH	Yes		No
OK	No		Every policy of title insurance issued must be countersigned by person, partnership, corporation, or agency actively engaged in the real estate title business and maintaining an office in the state.
OR	Yes	Yes	No. The actual closing needs to be recorded in the county records in Oregon; so the closing would occur in Oregon in most cases.
PA	Yes	Yes	No
SC	Yes	Yes	No
SD	Yes	Yes	The Division of Insurance does not regulate real estate closings
TN	No	No	No
TX	No	No	Yes, title agents must have an office within the state
UT	No	No	Yes 31A-14-211 and 31a-23A-406(g)
VA	Yes	Yes	No
VT	Yes	No	no - required to have approved/appointed agents within VT
WA	Yes	Yes	Yes, title insurers and title agents must maintain their escrow records in the state unless otherwise approved by the Commissioner.
WI	Yes	Yes	No, there are no insurance requirements. We cannot speak to requirements from other areas.
WV	Yes		As to title insurance no. As to other activities in this survey they are not regulated by the DO and the answer is not known.
WY		Yes	Yes. Nonresidents are not eligible for licensing as title insurance agents or agencies.

	31. Are attorneys required to be licensed as title agents in order to transact title business in the state?	32. Are attorneys, not licensed as title agents, allowed by state law to perform any duties of title agents?	33. Does the state department/division require the use of attorneys in lieu of title agents?
AL	No	Yes, all	No, allowed but not required
AR	Yes	No	No, don't allow
AZ	Yes	No	No, don't allow
CA	No	No	No, don't allow
CO	Yes	Yes, limited to specific tasks	No, allowed but not required
CT	No	Yes, all	Yes, required
DC	Yes	Yes, limited to specific tasks	No, don't allow
FL	No	Yes, all	No, allowed but not required
HI			N/A
IA		N/A	N/A
ID	Yes	No	No, allowed but not required
IL	No	No	No, don't allow
IN	Yes	Yes, limited to specific tasks	No, allowed but not required
KS	Yes	N/A	No, don't allow
LA	Yes	No	No, don't allow
MA	No	Yes, all	Yes, allowed but not required
MD	Yes	Yes, limited to specific tasks	No, allowed but not required
ME	Yes	No	No, allowed but not required
MI	Yes	No	Yes, allowed but not required
MN	Yes	Yes, limited to specific tasks	No, allowed but not required
MO	Yes	No	No, allowed but not required
MS	Yes	Yes, all	No, allowed but not required
NC	No	Yes, all	Yes, required
ND	No	No	No, don't allow
NE	Yes	No	No, don't allow
NH	No	Yes, all	No, allowed but not required
NJ		N/A	N/A
NM	No	Yes, limited to specific tasks	N/A
NV	Yes	No	No, don't allow
OH	Yes	No	No, don't allow
OK	No	Yes, limited to specific tasks	N/A
OR	No	N/A	No, allowed but not required
PA	No	Yes, all	No, allowed but not required
SC	Yes	Yes, limited to specific tasks	No, allowed but not required
SD	No	Yes, limited to specific tasks	N/A
TN	No	Yes, limited to specific tasks	No, allowed but not required
TX	No	Yes, limited to specific tasks	No, allowed but not required
UT	Yes	No	No, allowed but not required
VA	Yes	Yes, limited to specific tasks	No, allowed but not required
VT	No	Yes, limited to specific tasks	No, allowed but not required
WA	Yes	Yes, limited to specific tasks	No, don't allow
WI	Yes	No	N/A
WV	No	Yes, all	N/A
WY	No	Yes, limited to specific tasks	No, allowed but not required

	34. What roles do these attorneys (not licensed as title agents) perform?					35. Does their role vary geographically within the state?
	Policy Production/ Issuance	Review Abstracts and Provide Opinions	Conduct Closings	Supervise Employees Who Conduct Closings	N/A	
AL	X	X	X	X		No
AR					X	N/A
AZ					X	No
CA					X	No
CO		X	X	X		No
CT	X	X	X	X		No
DC		X	X	X		No
FL	X	X	X	X	X	No
HI					X	No
IA					X	N/A
ID					X	No
IL					X	No
IN		X				No
KS					X	N/A
LA		X	X	X		No
MA	X	X	X	X		No
MD		X				No
ME		X	X	X		No
MI					X	N/A
MN		X	X	X		Yes
MO					X	N/A
MS	X	X	X	X		No
NC		X	X	X		No
ND		X				No
NE					X	N/A
NH	X	X	X	X		No
NJ					X	N/A
NM					X	N/A
NV					X	N/A
OH					X	N/A
OK		X				No
OR					X	N/A
PA	X	X	X	X		No
SC		X	X	X		No
SD		X	X	X		No
TN	X	X	X	X		No
TX		X	X	X		No
UT					X	No
VA		X	X	X		No
VT					X	No
WA			X			No
WI					X	N/A
WV		X	X	X		No
WY		X	X	X		No

36. Which processes are, or can be, performed by attorneys not licensed as title agents?							
	Risk Transfer	Policy Production/Issuance	Title Search or Abstract	Examination of Title	Clearing of Title Defects	Escrow & Closing	N/A
AL	X	X	X	X	X	X	
AR							X
AZ							X
CA							X
CO			X	X	X	X	
CT							X
DC			X	X	X	X	
FL		X	X	X	X	X	
HI							X
IA							X
ID							X
IL		X	X	X	X	X	
IN							X
KS							X
LA			X	X	X	X	
MA	X	X	X	X	X	X	
MD			X	X	X		
ME			X	X	X	X	
MI							X
MN			X	X	X	X	
MO					X	X	
MS							X
NC			X	X	X	X	
ND			X	X			
NE							X
NH							X
NJ			X			X	
NM							X
NV							X
OH			X	X	X	X	
OK			X	X	X		
OR				X	X	X	
PA		X	X	X	X	X	
SC			X	X	X	X	
SD			X	X	X	X	
TN		X	X	X	X	X	
TX				X	X	X	
UT							X
VA			X	X	X	X	
VT			X	X	X	X	
WA					X	X	
WI							X
WV			X	X	X	X	
WY			X	X	X	X	

37. Statutes and regulations regarding use of attorneys as title participants:	
AL	The attorney exception is in the title agent definition in Section 27-25-3(10), Code of Alabama 1975.
AR	
AZ	ARS 20-1580, 20-1563
CA	N/A
CO	Section 10-11-116, C.R.S and Colorado Insurance Regulation 8-1-5.
CT	Conn gen stat §38a-402(13); 38a-415
DC	No specific requirements
FL	Section 626.8417(4), F.S.
HI	The Division of Financial Institutions statutes and rules would control in this matter.
IA	
ID	none
IL	Section 3(3), 16 and 16.1 of the Tittle Insurance Act [215 ILCS 155/3(3), 16 and 16.1].
IN	N/A
KS	N/A
LA	La.R.S. 22:513.1; La.R.S. 22:514
MA	N/A
MD	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-125
ME	24-A M.R.S. § 1420-H(3)(C) (exemption from producer examination)
MI	
MN	Minn. Stat. § 60K.32.
MO	
MS	Miss. Code Ann. § 83-15-3.
NC	G.S. 58-26-1
ND	
NE	Neb. Rev. Stat. 44-19, 109(1)
NH	
NJ	N.J.S.A. 17:46B-1(h)
NM	N/A
NV	N/A
OH	N/A
OK	
OR	Attorneys are not regulated by Oregon's DFR. Attorneys who are licensed as escrow agents through the Oregon real estate Division can perform that function. An attorney can examine the title records or preliminary title report and advise a client. This would not be title search required under Oregon title plant law, ORS 731.438.
PA	40 P.S. §§ 910-1 and 910-7
SC	N/A
SD	SDCL Title 36-13
TN	Title 56, Chapter 35 Tennessee Code Annotated Tennessee Rule 0780-01-12
TX	Texas Insurance Code §§ 2501.003 (2), 2501.003(4), 2501.005(2); 2501.053(4), 2551.001(e), 2652.003, 2702.053(c); Basic Manual for Rules, Rates, and Forms for the Writing of Title Insurance in The State of Texas, Procedural Rules P-1.a & s., P-22, P-24, P-44.C.(1), P-45.E., P-69, Section V Exhibits and Forms
UT	N/A
VA	55-525.19
VT	none
WA	N/A
WI	No insurance statues/Code that we are aware of.
WV	The insurance code in relation to title insurance only. All other activities are the practice of law in WV and only attorneys can perform these. WV State Bar Advisory Opinion 06-01
WY	W.S. 26-23-302(c) and W.S. 26-23-308

38. Which processes are, or can be, performed by abstractors?							
	Risk Transfer	Policy Production/ Issuance	Title Search or Abstract	Examination of Title	Clearing of Title Defects	Escrow & Closing	N/A
AL			X	X			
AR							X
AZ							X
CA							X
CO							X
CT							X
DC			X				
FL			X				
HI							X
IA							X
ID							X
IL			X				
IN			X	X			
KS			X	X			
LA			X				
MA							X
MD			X				
ME			X				
MI							
MN			X				
MO							X
MS							X
NC			X				
ND			X				
NE			X	X			
NH							
NJ			X				
NM			X	X			
NV							X
OH							X
OK			X				
OR							X
PA							X
SC			X	X			
SD		X	X	X	X		
TN			X				
TX			X				
UT			X				
VA			X				
VT							X
WA			X				
WI							X
WV							X
WY			X				

39. Which processes are, or can be, performed by escrow/settlement agents?

	Risk Transfer	Policy Production /Issuance	Title Search or Abstract	Examination of Title	Clearing of Title Defects	Escrow & Closing	N/A
AL						X	
AR							X
AZ						X	
CA						X	
CO						X	
CT							X
DC							
FL						X	
HI							X
IA							X
ID						X	
IL		X	X	X	X	X	
IN			X	X	X	X	
KS						X	
LA						X	
MA							X
MD		X	X	X	X	X	
ME			X			X	
MI							
MN						X	
MO							X
MS							X
NC			X	X		X	
ND						X	
NE						X	
NH							
NJ						X	
NM					X	X	
NV						X	
OH						X	
OK						X	
OR					X	X	
PA							X
SC							X
SD						X	
TN						X	
TX		X	X	X	X	X	
UT			X		X	X	
VA		X	X	X		X	
VT						X	
WA					X	X	
WI							X
WV							X
WY						X	

40. Which of these participants does the state department/division license?						
	Title Insurers	Title Agents	Attorneys	Abstractors	Escrow/Settlement Agents	N/A
AL	X	X				
AR	X	X				
AZ	X	X				
CA	X	X				
CO	X	X	X			
CT	X					
DC	X	X	X			
FL	X	X				
HI	X	X				
IA						X
ID	X	X				
IL	X				X	
IN	X	X			X	
KS	X	X				
LA	X	X				
MA	X					
MD	X	X	X		X	
ME	X	X				
MI						
MN	X	X		X	X	
MO	X	X				
MS	X	X				
NC	X	X				
ND	X	X				
NE	X	X			X	
NH						
NJ	X	X				
NM	X	X		X	X	
NV	X	X				
OH	X	X				
OK	X	X				
OR	X	X				
PA	X	X				
SC	X	X				
SD	X					
TN	X	X				
TX	X	X			X	
UT	X	X	X		X	
VA	X	X			X	
VT	X	X				
WA	X	X				
WI	X	X				
WV	X					
WY	X	X				

41. From which of the following does the state department/division require a title agent license?

	Title Agencies	Individual Title Agents	N/A
AL	X	X	
AR	X	X	
AZ	X	X	
CA	X		
CO	X	X	
CT			X
DC	X	X	
FL	X	X	
HI	X	X	
IA			X
ID	X	X	
IL	X	X	
IN	X	X	
KS	X	X	
LA	X	X	
MA			X
MD	X	X	
ME	X	X	
MI			
MN	X	X	
MO	X	X	
MS		X	
NC		X	
ND	X	X	
NE	X	X	
NH			
NJ	X	X	
NM	X	X	
NV	X	X	
OH	X	X	
OK	X	X	
OR	X	X	
PA	X	X	
SC	X	X	
SD			X
TN		X	
TX	X	X	
UT	X	X	
VA	X	X	
VT		X	
WA	X		
WI		X	
WV			X
WY	X	X	

42. If title participants are not licensed by state departments/divisions, by who are they licensed?				
	Title Agents	Attorneys	Abstractors	Escrow/Settlement Agents
AL	Alabama Department of Insurance	Alabama State Bar	No license required	No license required
AR	Arkansas Insurance Department	Arkansas Supreme Court	Arkansas Abstractors Board	Not regulated
AZ		N/A	N/A	AZDFI
CA	California Division of Business Oversight			
CO			Unlicensed	Unlicensed
CT	Office of bar counsel, statewide grievance committee	of the judicial branch		
DC			No license (other than business license)	No license (other than business license)
FL		The Florida Bar	Abstractors are not licensed	Escrow agents must be licensed title agents or title insurers; lenders (Office of Financial Regulation); real estate brokers (Department of Business & Professional Regulation) or attorneys (the Florida Bar) per Florida statutes.
HI	Division of Financial Institutions	Division of Financial Institutions	Division of Financial Institutions	Division of Financial Institutions
IA				Idaho Department of Finance
ID				
IL				
IN	Indiana Department of Insurance	Indiana Supreme Court	Indiana Department of Insurance	Indiana Department of Insurance
KS		Kansas Supreme Court	Abstractors Board of Examiners	
LA		Louisiana State Supreme Court	Not licensed by DOI	Louisiana Office of Financial Institutions
MA	N/A	Massachusetts Board of Bar Overseers	N/A	N/A
MD	Maryland Insurance Administration	Maryland Bar	N/A	Maryland Insurance Administration
ME		Maine Supreme Judicial Court		Maine Bureau of Consumer Credit Protection
MI				
MN		Minnesota Supreme Court/Office of Lawyer's Professional Responsibility		
MO				
MS		The Mississippi Bar		
NC	NCDOI	State Bar	N/A	N/A
ND				
NE	Department of Insurance	Nebraska Bar Association (to be licensed as a title agent, must go through DOI)	Nebraska Board of Abstractors	Must be licensed or regulated by one of the following entities: Department of Insurance, Supreme Court, Real Estate Commission, Department of Banking and Finance, Federal Deposit Insurance Corporation, Federal Office of Thrift Supervision, Federal Farm Credit Administration or National Credit Union Administration
NH				
NJ		NJ Supreme Court to Practice Law Bar	Completely Unlicensed	
NM				
NV				Division of Mortgage Lending
OH		Ohio Supreme Court		
OK		Oklahoma Bar Association	Oklahoma Abstractors Board	N/A
OR		Oregon state bar		Oregon Real Estate Division
PA	N/A (Licensed by Insurance Department)	PA Supreme Court	Unlicensed	Unlicensed
SC	N/A			
SD	N/A	State Bar of South Dakota	South Dakota Abstractors' Board of Examiners	N/A
TN		Tennessee Bar Association	Unlicensed	Unlicensed
TX		State Bar of Texas		
UT		Utah State Bar Assoc. and the Insurance Dept.		In addition to being licensed with the department they are registered thru Div. of Financial Institutions unrelated to title insurance
VA	N/A			
VT				
WA		State Supreme Court		Those entities not licensed as title insurers/agents are licensed by the Department of Financial Institutions.
WI	Office of the Commissioner of Insurance	Wisconsin State Supreme Court		
WV		WV State Bar		
WY		Wyoming State Bar		

43. Statutes and regulations regarding the licensing of title participants:	
AL	Section 27-25-1.1, et seq., Code of Alabama 1975.
AR	Ark. Code Ann. § 23-103-401 et seq., and Department Rules 87 and 88.
AZ	ARS20-1561, 20-1563, 20-1580, 20-1593
CA	Title insurers-Insurance Code Sections 699 et. seq. and Insurance Code Sections 12340 et. seq. Underwritten title companies-Insurance Code Section 12389 et. seq., Escrow companies-Financial Code Sections 17000 et. seq.
CO	C.R.S 10-2-401; Regulation 8-1-5.
CT	Chapter 700a. and chapter 698 for licensing insurers.
DC	
FL	Sections 626.8412 (licensed and appointed), 626.8417 (agent licensure), 626.8418 (agency licensure), 718.202 (escrow agents), F.S.
HI	Division of Financial Institutions' statutes and rules would apply in these matters.
IA	
ID	Idaho Code 41-2710
IL	Sections 5 and 17 of the Title Insurance Act (215 ILCS 155/5 and 17).
IN	Bulletin 135, IC 27-1-5-1, IC 27-7-3, IC 27-1-15.6-3
KS	K.S.A. 40-4903
LA	La. R.S. 22:1547
MA	N/A
MD	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-125
ME	24-A M.R.S. § 1420 et seq. for producers, 24-A M.R.S. § 404 for insurers; 10 M.R.S. § 1400-A for escrow and settlement agents
MI	
MN	Minn. Stat. §§ 60A.07, subd. 4, 60K.32, and 82.641.
MO	Section 381.115; 381.118; 381.014; 381.015; 381.052 and 381.055, RSMo and 20 CSR 700
MS	Miss. Code Ann. § 83-15-3.
NC	
ND	
NE	Neb. Rev. Stat. 44-19, 109 and 76-2, 121 and 76-2, 122
NH	
NJ	N.J.S.A. 17:22A-26 et seq.
NM	N/A
NV	NRS 692A.100-.1037, NAC 692A.030-.060.
OH	Ohio Revised Codes 3905.02, 3905.01, 3953.21, 3905.06, 3905.07, Ohio Administrative Code 3901-5-9(G)
OK	OAC 365:20-3(1)-(5).
OR	
PA	40 P.S. §§ 910-1(3), 910-3, 910-22, 910-26, 910-41
SC	See Code Section 38-43-10 (agents) and 38-43-30 (agencies).
SD	SDCL Title 36-13
TN	Title 56, Chapter 35 Tennessee Code Annotated Tennessee Rule 0780-01-12
TX	Texas Insurance Code Chapters 2651 and 2652; Basic Manual for Rules, Rates, and Forms for the Writing of Title Insurance in The State of Texas, Section VI
UT	31A-23a-103, 31A-23a-105, 31A-23a-204, 31A-23a-406
VA	38.2-1822 of the Code of Virginia
VT	none
WA	RCW 48.05.030, RCW 48.05.330, RCW 48.05.340, RCW 48.17.060, RCW 48.17.090, RCW 48.17.173, RCW 48.29.020, RCW 48.29.040, RCW 48.29.155, RCW 48.29.160, and RCW 48.29.170.
WI	Chapter 611, Wis. Stat.; ss. 601.04, 610.11, 628.02, 628.03 and 628.04, Wis. Stat.; and ss. Ins 6.58 and 6.59, Wis. Adm. Code.
WV	N/A
WY	W.S. 26-23-316-318

	44. Are title insurers required to appoint the title agents they use?	45. Is the state department/division authorized to review contracts between title insurers and title agents?
AL	Yes	Yes, but the department rarely reviews these contracts
AR	Yes	Yes, but the department rarely reviews these contracts
AZ		Yes, but the department rarely reviews these contracts
CA	Yes	Yes, and the department sometimes reviews these contracts
CO	Yes	Yes, and the department sometimes reviews these contracts
CT	N/A	Yes, but the department rarely reviews these contracts
DC	Yes	Yes, but the department rarely reviews these contracts
FL	Yes	Yes, and the department sometimes reviews these contracts
HI	Yes	No
IA	N/A	N/A
ID	Yes	Yes, and the department sometimes reviews these contracts
IL	Yes	No
IN	Yes	Yes, and the department sometimes reviews these contracts
KS	Yes	No
LA	Yes	No
MA	N/A	No
MD	Yes	Yes, and the department sometimes reviews these contracts
ME	Yes	Yes, but the department rarely reviews these contracts
MI		
MN	Yes	Yes, but the department rarely reviews these contracts
MO	Yes	Yes, and the department sometimes reviews these contracts
MS	Yes	N/A
NC	Yes	No
ND	Yes	No
NE	Yes	Yes, but the department rarely reviews these contracts
NH		
NJ	Yes	Yes, but the department rarely reviews these contracts
NM	Yes	Yes, and the department sometimes reviews these contracts
NV	Yes	Yes, and the department sometimes reviews these contracts
OH	Yes	Yes, but the department rarely reviews these contracts
OK	Yes	Yes, but the department rarely reviews these contracts
OR	Yes	Yes, but the department rarely reviews these contracts
PA	Yes	Yes
SC	Yes	Yes, but the department rarely reviews these contracts
SD	No	No
TN	Yes	Yes
TX	Yes	Yes, and the department sometimes reviews these contracts
UT	Yes	No
VA	Yes	Yes, but the department rarely reviews these contracts
VT	Yes	Yes, but the department rarely reviews these contracts
WA	Yes	Yes, but the department rarely reviews these contracts
WI	Yes	Yes, but the department rarely reviews these contracts
WV	Yes	No
WY	Yes	Yes, but the department rarely reviews these contracts

46. Is the state department/division required to keep the details of these contracts confidential?	
AL	No
AR	If the contract is part of an investigatory file, the file contents are subject to disclosure under the AR Freedom of Information Act once the file is closed.
AZ	Yes – ARS 20-1593, 20-158
CA	No
CO	In some circumstances.
CT	Pursuant to Conn. Gen. Stat. 38a-16 data call information is not subject too FOIA disclosure.
DC	Yes
FL	If requested by either party.
HI	N/A
IA	
ID	Yes
IL	N/A
IN	Yes
KS	N/A
LA	N/A
MA	N/A
MD	Yes
ME	yes
MI	
MN	The answer depends on how the data was obtained.
MO	Confidentiality may depend on how the contract was obtained and whether the parties to it asserted it was a trade secret.
MS	N/A
NC	N/A
ND	NA
NE	yes
NH	
NJ	No
NM	No
NV	Typically such contracts are proprietary company information and kept confidential per NRS 679B.190(5).
OH	It depends on the authority under which the information was obtained (i.e. Market Conduct, Enforcement, etc.)
OK	No.
OR	Yes
PA	Maybe, depending on why/how the agreement was obtained by the Department. For example, materials that are investigatory or obtained in a Market Conduct examination are privileged and are generally required to be protected. Also, materials otherwise submitted to the Department that are claimed to be trade secret or confidential proprietary financial information must also be treated as such, unless a determination is made in the context of a public records request that such claims are not, in fact, valid (which the party that submitted the materials may then appeal).
SC	Yes, unless and until a formal public exam report is released.
SD	N/A
TN	No
TX	No
UT	N/A
VA	Yes
VT	yes
WA	No
WI	No. These contracts would be subject to Wisconsin's open records laws, confidentiality would depend on the circumstances of each case.
WV	Again title agent is overly broad. WV regulates title producers. Title agent has a broader definition in many states.
WY	N/A

47. Statutes and regulations regarding the relationship between title insurers and title agents:	
AL	Section 27-25-1.1, et seq., Code of Alabama 1975; Alabama Insurance Regulation, Ala. Admin Code, Chapter 482-1-148.
AR	Ark. Code Ann. §§ 23-103-403; 23-103-407; 23-103-410; 23-103-411; 23-103-412
AZ	Title 20, Chapter 6, Article 9
CA	California Insurance Code Sections 735.5, 12919; Civil Code Sections 3426 et. seq. (Uniform Trade Secret Act); Government Code Section 6254(d) (portion of the Public Records Act).
CO	Various sections of Title 10, C.R.S. and Colorado Insurance Regulation 8-1-3.
CT	See ch. 700a of the Conn. Gen. Statutes
DC	§ 31-5031.13. Duties of title insurers utilizing the services of title insurance producers. § 31-5041.08. Underwriting contract required with title insurer.
FL	Sections 626.8412, 626.8419, 627.792, F.S.
HI	N/A
IA	
ID	Idaho Code 41-2710
IL	Sections 3, 16 and 16.1 of the Title Insurance Act (215 ILCS 155/3, 16 and 16.1)
IN	IC 27-1-5-1 Class 2(j), IC 27-7-3, IC 27-1-15.6-2, IC 27-1-16.6-18
KS	N/A
LA	La. R.S. 22:518; La. R.S. 22:520; La. R.S. 22:521; La. R.S. 22:522; La. R.S. 22:526; La. R.S. 22:527; La. R.S. 22:530
MA	N/A
MD	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-118; 10-121.1
ME	24-A M.R.S. §§ 1420-M, 1445, and 2422
MI	
MN	Minn. Stat. §§ 60K.30 et seq.
MO	Sections 381.018 and 381.023, RSMo
MS	N/A
NC	
ND	
NE	Neb. Rev. Stat. 44-1993 and 44-19, 114; Neb. Admin. Code 34-006
NH	
NJ	N.J.S.A. 17:22A-26
NM	13.14.3 NMAC; 59A-30-4 NMSA 1978;
NV	NRS 692A.1045, NAC 692A.080-.115, NAC 692A.160
OH	Ohio Revised Code 3905.20 - Appointments
OK	OAC 365:20-3(1) – (5); 36 O.S. § 5001, et seq.
OR	ORS 744.078 thru ORS 744.087
PA	40 P.S. §§ 910-24 to 910-24.2
SC	Refer to Article 11 of Chapter 75.
SD	SDCL Title 58
TN	Title 56, Chapter 35 Tennessee Code Annotated Tennessee Rule 0780-01-12
TX	Texas Insurance Code Chapter 2651; Basic Manual for Rules, Rates, and Forms for the Writing of Title Insurance in The State of Texas, Sections III and IV
UT	N/A
VA	38.2-1822 and 38.2-1833 of the Code of Virginia
VT	none
WA	RCW 48.17.160
WI	Sections 628.11, 628.40 and 631.09, Wis. Stat.; and s. Ins 6.57, Wis. Adm. Code.
WV	Title producers only in WV. § 33-12-22. Person soliciting insurance is agent of insurer. § 33-12-18. Individual insurance producer to deal only with licensed insurer or solicitor; appointment as individual insurance producer required.
WY	W.S. 26-23-303(a)(xix) and W.S. 26-23-316(b)(iii)

	48. Are title insurers liable for losses resulting from defalcation by title agents?	49. Are title insurers liable for losses resulting from defalcation by escrow/settlement agents?	50. If title insurers are liable for losses resulting from defalcations, by what is that liability imposed?	51. Statutes and regulations regarding the liability of title insurers for defalcations of other title participants:
AL	Yes	N/A	N/A	N/A
AZ	Yes	Yes	ARS §6-841.02(C) through (E)	ARS §6-841.02(C) through (E)
AR	Yes	Yes, if a CPL was issued.	Common law.	
CA	Yes	Yes	Common Law	Common Law
CO	Yes	Yes	Statute and regulation	C.R.S. 10-2-401, 10-3-131, 10-11-101 et seq. Colorado Insurance Regulation 8-1-2, 8-14
CT	Only licensed attorneys may act as title agents.			
DC	If a closing protection letter is issued.	If a closing protection letter is issued.	Contract	None.
FL	Yes	Yes	Statutory	Section 627.792, F.S.
HI				
IA				
ID	Yes	No	Their contract with the agent.	
IL	Yes	Yes	Contract	N/A
IN	Yes	Yes	Common Law	
KS				N/A
LA	No	No	N/A	La.R.S. 22:518
MA	N/A	N/A	N/A	N/A
MD	Yes	Yes	Yes	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-118; Section 10-121; and Title 22
ME	yes	yes	contract	n/a
MI				
MN	If there is a CPL	If there is a CPL	The CPL	
MO	Maybe related to a closing protection letter being issued to the parties.	It depends on the facts, including the issuance of a closing protection letter.	Common Law	None
MS	N/A	N/A	N/A	N/A
NC	Based on contract	N/A	Contract	
ND				
NE	Yes	Yes	Statute	Neb. Rev. Stat. 44-1993(8)
NH				
NJ	Yes	Yes	Common Law	Sears Mortgage Corporation v Rose 134 N.J. 326(1993)
NM	yes	Yes	13.14.3.9 NMAC	13.14.3.9 NMAC
NV	While NRS 692A.110 states that a title insurer is responsible for and shall supervise the acts of each title agent and escrow officer it employs or appoints, the result may depend on the presence of a closing protection letter.	No	NRS 692A.110 states that a title insurer is responsible for and shall supervise the acts of each title agent and escrow officer it employs or appoints. In addition, NRS 683A.400 imposes a fiduciary duty on the agent, and the agent is a representative of the insurer.	NRS 692A.110, NRS 692A.225
OH	Title insurers are liable for losses resulting from defalcations by title agents if closing protection coverage was purchased by the person or entity claiming the loss.	Only if title insurance is issued and the closing/escrow agent is acting on behalf of the title agent or insurer.	Contract	Ohio Revised Code 3953.32
OK	Yes	Yes	Common law.	
OR	Usually title insurers are liable under to the policy terms.	Usually under the terms of the title policy.	According to the terms of the title policy.	ORS 731.190 defines what can be covered under a title insurance policy.
PA	Yes	Yes	Contract	N/A
SC	Potentially, but they would typically retain a claim against the involved agent or agency.	Not Certain.	It depends. There is no governing statute. The outcome will be affected by the specific facts. In many, but not all cases, the involved attorney's or law firm's E & O insurance is called upon to address and defend the allegations.	None.
SD	N/A	N/A	N/A	SDCL Title 58
TN	Statute makes no mention of defalcation	Statute makes no mention of defalcation	N/A	
TX	Sometimes (e.g., under an insured closing letter)	Sometimes (e.g., under an insured closing letter)	Contract	Texas Insurance Code Chapter 2602 and Section 2702.001
UT	Yes	Yes	Statute	31A-23a-405, 31A-23a-407
VA	In some instances	Generally no	38.2-1801 of the Code of Virginia	N/A
VT	yes	yes	unsure	unsure
WA	No	No	N/A	N/A
WI	Potentially - title insurers may be held responsible for the acts of their agents.	Our Office generally does not regulate escrow/settlement agents unless their services are in relation to the sale or issuance of a title insurance policy.	It would depend on the circumstances of the case.	Sections 628.34 (1) (a), 628.40, and 631.09 Wis. Stat.
WV	WV does not allow title agents only producers. Under general agency law and attorney may be an agent of the insurer if there is an agency relationship.	Not under the insurance statutes. It would depend on if an agency relationship could be established.	unknown	No specific statute addressing this.
WY	Yes		Common Law	

	52. Is a title search required before a title policy is issued?	53. Are title insurers required to maintain a title plant?	54. Is it acceptable for the title plant's records to be electronic?	55. Is it acceptable for searches to be conducted from publicly available recorders' websites?	56. Is it acceptable for title plants to offer their records via a secured web portal?	57. Statutes and regulations regarding title plants:
AL	Yes	No	N/A	N/A	N/A	N/A
AR	Yes	No	N/A	N/A	N/A	None. Title plants are not required in Arkansas.
AZ	Yes	Yes	Yes	Yes	Yes	ARS 20-1562(10), 20-1564 (F), 20-1567
CA	No	No	Yes	Yes	Yes	California Insurance Code Sections 12372 and 12372.5.
CO	Yes	No	Yes	Yes	Yes	§10-11-114, C.R.S
CT	Yes	No	N/A	N/A	N/A	
DC	No	No	Yes	Yes	Yes	None.
FL	Yes	No	Yes	Yes	Yes	
HI	N/A	N/A	N/A	N/A	N/A	
IA	N/A	N/A	N/A	N/A	N/A	
ID	Yes	Yes	Yes	No	Yes	IDAPA 18.01.01
IL	No	No	Yes	Yes	Yes	The definition of "title plant" is found at 50 Ill. Admin. Code 8100.240.
IN	Yes	No	N/A	No	N/A	N/A
KS	Yes	N/A	N/A	N/A	N/A	N/A
LA	Yes	No	N/A	Yes	N/A	La. R.S. 22:529; La. R.S. 22:533 (inventory maintenance and record retention)
MA	N/A	N/A	N/A	N/A	N/A	N/A
MD	Yes	No	N/A	Yes	N/A	N/A
ME	No	No	N/A	N/A	N/A	n/a
MI						
MN	No	No	N/A	N/A	N/A	
MO	Yes	No	Yes	Yes	Yes	Sections 381.071; 381.031(22); and 381.068 20 CSR 500-7.200(2) and (3)
MS	N/A	N/A	N/A	N/A	N/A	N/A
NC	Yes	No	N/A	N/A	N/A	
ND	Yes	Yes	Yes			
NE	No	No	N/A	N/A	N/A	n/a
NH						
NJ	Yes	No	N/A	N/A	N/A	N/A
NM	Yes	Yes	Yes	No	Yes	13.14.2 NMAC; 59A-30-4, and 59A-30-12 NMSA 1978; 59A-12-13 NMSA 1978; 59A-12-2-2 NMSA 1978
NV	Yes	No	Yes	Yes	Yes	NRS 692A.080, NRS 692A.220, NRS 692A.230
OH	Yes	No	N/A	N/A	N/A	N/A
OK	Yes	No	N/A	N/A	N/A	36 O.S. § 5001(C)(1) 1 O.S. § 31
OR	Yes	Yes	Yes	Yes	Yes	ORS 731.438 and OAR 836-010-0135, OAR 836-010-0140
PA	Yes	No	N/A	N/A	N/A	40 P.S. § 910-39(c)
SC	Yes	No	N/A	Yes	N/A	N/A
SD	Yes	Yes	N/A	N/A	N/A	SDCL Title 36-13
TN	Yes	No	Yes	N/A	N/A	
TX	Yes	No	Yes	No	Yes	Texas Insurance Code 2501.004; Basic Manual for Rules, Rates, and Forms for the Writing of Title Insurance in The State of Texas, Procedural Rule P-12. (Note: Title agents are required to maintain title plants.)
UT	Yes	No	N/A	Yes	N/A	N/A
VA	Yes	No	N/A	N/A	N/A	N/A
VT	Yes	N/A	N/A	N/A	N/A	none
WA	No	Yes	Yes	No	No	RCW 48.29.020, RCW 48.29.040, RCW 48.29.160, and WAC 284-16-030
WI	N/A	N/A	N/A	N/A	N/A	N/A
WV	Yes	N/A	N/A	N/A	N/A	N/A
WY	Yes	No			Yes	W.S. 33-2-101

	58. In your state, closing protection letters are:	59. To who are closing protection letters provided?			
		Buyer	Seller	Lender	N/A
AL	Voluntary and typically used	X	X	X	
AR	Voluntary and typically used	X		X	
AZ	Required by statute	X	X	X	
CA	N/A				X
CO	Voluntary and typically used		X	X	
CT	Voluntary and typically used			X	
DC	Voluntary and not typically used	X	X	X	
FL	Voluntary and typically used	X		X	
HI	N/A				X
IA	N/A				X
ID	Voluntary and typically used	X	X	X	
IL	Required by statute	X	X	X	
IN	Required by statute	X	X	X	
KS	Voluntary and typically used	X	X		
LA	Voluntary and typically used	X	X	X	
MA	N/A				X
MD	Voluntary and typically used	X	X	X	
ME	Voluntary and typically used	X		X	
MI					
MN	Voluntary and typically used	X		X	
MO	Required by statute	X	X	X	
MS	N/A				X
NC	Voluntary and typically used	X			
ND	Voluntary and typically used				X
NE	Required by statute	X	X	X	
NH					
NJ	Voluntary and typically used				X
NM	Voluntary and not typically used			X	
NV	Voluntary and typically used	X	X	X	
OH	Required by statute	X	X	X	
OK	N/A				X
OR	Voluntary and not typically used	X	X	X	
PA	Voluntary and typically used	X			
SC	Voluntary and typically used	X	X	X	
SD	Voluntary and not typically used				X
TN	Voluntary and typically used			X	
TX	Voluntary and typically used	X	X	X	
UT	Voluntary and typically used	X	X	X	
VA	Voluntary and typically used	X			
VT	Voluntary and typically used			X	
WA	Voluntary and typically used				
WI	Voluntary and not typically used			X	
WV	N/A				X
WY	Voluntary and typically used			X	

	60. Can title insurers issue closing protection letters?	61. If closing protection letter are used, how are they paid?	62. Statutes and regulations regarding closing protection letters:
AL	Yes	By a separate charge to the consumer	Section 27-3-6.1, Code of Alabama 1975
AR	Yes	By a separate charge to the consumer	Ark. Code Ann. §§ 23-103-404; 23-103-405; Department Rule 87, § 14
AZ	Yes	By a separate charge to the consumer	ARS §6-841.02(C) through (E)
CA	Yes	N/A	California Insurance Code Section 12340.3(e).
CO	Yes	By a separate charge to the consumer	Colorado Insurance Regulation 8-1-3.
CT	Yes		Conn. Gen. Stat. 38a-404
DC		By a separate charge to the consumer	§ 31-5031.04(c)
FL	Yes	Included in the rate	Section 627.786, F.S.
HI			
IA	N/A	N/A	
ID	Yes	By a separate charge to the consumer	Idaho Code 41-2714
IL	Yes	By a separate charge to the consumer	Sections 16.1 and 17.1 of the Title Insurance Act (215 ILCS 155/16.1 and 17.1).
IN	Yes	By a separate charge to the consumer	IC 27-1-22-28
KS	Yes	By a separate charge to the consumer	Department Bulletin 1996-6
LA	Yes	By a separate charge to the consumer	La. R.S. 22:515; La. R.S. 22:531;
MA	N/A	N/A	N/A
MD	Yes	By a separate charge to the consumer	N/A
ME	Yes	By a separate charge to the consumer	24-A M.R.S. § 3202
MI			
MN	Yes	Included in the rate	
MO	Yes	By a separate charge to the consumer	Sections 381.022.5 and .6; 381.058.3 and 381.403(2) 20 CSR 500-7.130
MS	N/A	N/A	N/A
NC	Yes	By a separate charge to the consumer	
ND			
NE	Yes	By a separate charge to the consumer	Neb. Rev. Stat. 44-1984
NH			
NJ	Yes	By a separate charge to the consumer	Sears Mortgage Corporation v Rose 134 N.J. 326(1993)
NM	Yes	N/A	13.14.18.103 NMAC
NV	Yes	By a separate charge to the consumer	NRS 692A.225
OH	Yes	By a separate charge to the consumer	Ohio Revised Code 3953.32
OK	N/A	N/A	N/A
OR	Yes	Included in the rate	Oregon DFR has a position that closing protection letters can be issued if it is incidental to a title insurance policy and does not have a separate charge.
PA	Yes	By a separate charge to the consumer	N/A
SC	Yes	By a separate charge to the consumer	Refer to 38-75-1010
SD	Yes	By a separate charge to the consumer	SDCL Title 36
TN	Yes	By a separate charge to the consumer	
TX	Yes	N/A	Texas Insurance Code Chapter 2702, Subchapter A; Basic Manual for Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas, Procedural Rules P-67 and P-69
UT	Yes	By a separate charge to the consumer	31A-4-117
VA	Yes	By a separate charge to the consumer	
VT	Yes	By a separate charge to the consumer	Bulletin 108 and 8 VSA Section 3541
WA	Yes	N/A	N/A
WI	Yes	Included in the rate	N/A
WV	N/A	N/A	N/A
WY	Yes	Included in the rate	

	63. Does state law require the maintenance of surety bonds or fidelity insurance?	64. If surety bonds or fidelity insurance is required, what amount is required for title agents?	65. If surety bonds or fidelity insurance is required, what amount is required for escrow officers?
AL	No	N/A	N/A
AR	No	N/A	N/A
AZ	Not Required	N/A	N/A
CA	Not required	N/A	N/A
CO	Not Required	N/A	N/A
CT	No		
DC	Required for Title Agents Only	Surety - \$200,000, Fidelity \$200,000 (if there are employees)	
FL	Both are required for Title insurance agencies.	In Florida the title insurance agency is required to have the following: Surety bond; \$35,000 - Fidelity bond: \$50,000 - Errors and Omissions: \$250,000 with a \$10,000 deductible.	If the escrow agent is a license title insurance agent, then the amount would be the same as those listed above.
HI			
IA			
ID	Required for Escrow Officers Only		\$10,000 per escrow officer with a maximum of \$50,000.
IL	Illinois requires a "pledge deposit" of \$1 million. Title insurers and independent escrowees must have a pledge deposit but agents are not required to have it.	Pledge deposit \$1,000,000	Not required for escrow agents
IN	Not Required	N/A	N/A
KS	Required for Title Agents Only	\$100,000/50,000/25,000 based on size of County	N/A
LA	N/A	N/A	N/A
MA	N/A	N/A	N/A
MD	Yes	150,000	150,000
ME	No	N/A	n/a
MI			
MN	No	N/A	N/A
MO	No	N/A	N/A
MS	N/A	N/A	N/A
NC	Not required		
ND			
NE	Yes	N/A	\$100,000
NH			
NJ	Not Required		
NM	No	N/A	N/A
NV	Yes	2% of average collected balance of the trust account, not less than \$20,000 nor more than \$250,000	N/A
OH	Required for title agents only. All title insurance agents or agencies that handle escrows in real property transactions not involving the issuance of title insurance shall have coverage that protects the parties to such transactions against theft, misappropriation, fraud, or any other failure to properly disburse settlement, closing, or escrow funds.	Title agents must maintain at least \$250,000 in E&O coverage. Surety bond coverage of at least \$150,000.00 is required for agents who handle escrow transactions not involving the issuance of title insurance. However, E&O coverage and surety bond coverage is not required to be maintained by title agents employed by a title insurer.	N/A
OK	No	N/A	N/A
OR	No		This is not regulated by Oregon DFR. I'm not sure what is required of escrow agents.
PA	Required for Title Agents Only	\$100,000 for Surety; \$150,000 for Fidelity	N/A
SC	Our informal survey of real estate practitioners indicates that surety bonds and fidelity insurance are most commonly required by the title insurance carriers and not based upon a state imposed requirement.	N/A	Our research suggests the amount most title insurers expect is a minimum of \$1 million.
SD	Required for both	N/A	N/A
TN	For Title Agents only	\$25,000	N/A
TX	Yes	Varies, maximum \$100,000, Texas Insurance Code §2651.101(b)	Varies, maximum \$50,000, Texas Insurance Code §2652.103
UT	Yes or a professional liability insurance policy.	\$250,000.00 or a professional liability insurance policy.	Yes - \$250,000.00
VA	Escrow agents only	N/A	Surety \$200,000 Fidelity \$100,000
VT	No	N/A	N/A
WA	Required for title agents only	\$200,000	\$200,000
WI	N/A	N/A	N/A
WV	No	N/A	N/A
WY	No	N/A	N/A

	66. Are title agents authorized to put title premiums into separate trust accounts rather than general trust accounts?	67. Statutes and regulations regarding title escrow and trust accounts:	68. Statutes and regulations regarding the use of surety bonds or fidelity insurance in title or real estate closing processes:
AL	No	N/A	N/A
AR	Yes	Ark. Code Ann. § 23-64-223 and Department Rule 87, § 12(A)(2)	N/A
AZ	Yes	ARS §6-834	ARS §6-814
CA	Yes	California Insurance Code Sections 12413.1, 12413.2 and 12413.5 and Financial Code Sections 17000 et. seq.	California Insurance Code Section 12389.6(a)(1).
CO	No	C.R.S. 10-2-704, Regulation 1-2-1, 8-1-4	N/A
CT	N/A	Regulated by judicial branch	
DC	Yes	§ 31-5031.14. Conditions for maintaining escrow and indemnity deposit accounts.	§ 31-5041.02. Licensing requirements.
FL	Yes	Section 626.8473, F.S.	Section 626.8419, F.S.
HI	Yes		
IA	N/A		
ID	No	IDAPA 18.01.25.011	Idaho Code 41-2711
IL	No	Sections 16, 17 and 26 [215 ILCS 115/16, 17 and 26].	Section 4b of the Title Insurance Act [215 ILCS 155/4(b)].
IN	Yes	IC 27-7-3.7-6-10, IC 27-7-3.7-7, IC 27-7-3.7-8, IC 27-7-3.7-9, IC 27-7-3.7-10	N/A
KS	Yes	K.S.A. 40-1137	K.S.A. 40-1139
LA	Yes	La. R.S. 22:532	N/A
MA	N/A	N/A	N/A
MD	Yes	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-121 and Title 22, Sections 22-101 through 22-105.	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-121
ME	Yes	24-A M.R.S. § 1447; C.M.R. 02 032 540	n/a
MI			
MN	Yes	Minn. Stat. § 82.75	N/A
MO	Yes	Sections 381.022; 381.023; 381.403; 381.410 and 381.412, RSMo	N/A
MS	N/A	N/A	N/A
NC	N/A		
ND	No		
NE	No	Neb. Rev. Stat. 44-1994 an 44-19, 116	Neb. Rev. Stat. 44-19, 109(3)
NH			
NJ		N.J.S.A. 17:46B-10.1 and N.J.A.C. 11:17C-2.2	N/A
NM	No	13.14.5.9, 3.14.4 and 13.14.4.10 NMAC; 58-28-1 NMSA 1978; 1.13.70 NMAC; 1.12.7 NMAC	N/A
NV	Yes	NRS 692A.250-.225, NRS 683A.400	NRS 692A.1041-1044
OH	N/A	Ohio Revised Codes 3953.23, 3953.231, 3953.33	Ohio Revised Code 3953.23; Ohio Administrative Code 3901-7-02
OK	No	N/A	N/A
OR	Yes	ORS 744.083, ORS 744.086, ORS 746.160(3), ORS 746.240, OAR 836-080-0305	
PA	Yes	40 P.S. §§ 910-39.1, 910-26.1(5)	40 P.S. §§ 910-26.1(2) and (3)
SC	Yes	Not in insurance code. Chapter 57 of Title 40 contains additional requirements related to real estate transactions.	N/A
SD	No	N/A	SDCL Title 36-13
TN	Yes		
TX	Yes	Texas Insurance Code Chapter 2651, Subchapter A; Basic Manual for Rules, Rates, and Forms for the Writing of Title Insurance in The State of Texas, Section V	Texas Insurance Code Chapters 2651 and 2652
UT	Yes	31A-23a-406, 31A-23a-409, R590-170	31A-23a-204
VA	Yes	55-525.24	55-525.20
VT	N/A	none	none
WA	Yes	RCW 48.29.190 and RCW 48.29.200	RCW 48.29.155
WI	N/A	There are no insurance requirements that agents maintain trust accounts - either separate or general.	N/A
WV	N/A	See WV State Bar Interest on Lawyer Trust Accounts.	N/A
WY	Yes	W.S. 26-23-314	

69. Does state law limit or restrict the use of affiliated business arrangements? If yes, how? An affiliated business arrangement means an arrangement in which a person who is in a position to refer business incident to or a part of a real estate settlement service involving a federally related mortgage loan, or an associate of such person, has either an affiliate relationship with or a direct or beneficial ownership interest of more than one percent in a provider of settlement services and either of such persons directly or indirectly refers such business to that provider or affirmatively influences the selection of that provider.	
AL	No
AR	No
AZ	No
CA	Yes. Affiliated business arrangements are required to comply with the Controlled Business Source law. Insurance Code Sections 12396-12399, including record keeping and reporting of closed title orders from controlled business sources, an intent to not rely on more than 50% of such from controlled business sources, and active competition in the market place. In addition, companies must also comply with anti-kickback, rebating provisions in Insurance Code Section 12404 et. seq.
CO	Yes – generally in the same way RESPA restricts AFBA’s.
CT	Yes. Disclosure of the financial interest to the buyer, seller or lender required. See Conn. Gen. Stat. §38a-416
DC	No
FL	Yes, only to the extent that affiliations may be illegal because entities are being paid for services they did not provide, or for services the entity is not licensed to provide. Sections 626.8412, 626.9541 and 627.782, F.S.
HI	As relating purely to the application of title insurance laws, no.
IA	
ID	Yes, generally, in the same way that RESPA restricts the use of AFBAs.
IL	No
IN	No
KS	Yes, no title insurer or title agent may accept an order for title insurance business, issue a title insurance policy, or receive or retain any premium, or charge in connection with any transaction if: (i) The title insurer or title agent knows or has reason to believe that the transaction will constitute controlled business for that title insurer or title agent, and (ii) 70% or more of the closed title orders of that title insurer or title agent during the 12 full calendar months immediately preceding the month in which the transaction takes place is derived from controlled business. The prohibitions contained in this subparagraph shall not apply to transactions involving real estate located in a county that has a population, as shown by the last preceding decennial census, of 10,000 or less.
LA	No
MA	N/A
MD	Licenseses of the Maryland Insurance Administration are required to comply with the federal law regarding disclosure - 12 U.S.C. Section 2607 (c)(4), 24 C.F.R. 3500.15, and Appendix D to 24 C.F.R. Part 3500, as applicable, regarding disclosures of affiliated business arrangements, as defined in 12 U.S.C. Section 2602. Licenseses of the Maryland Insurance Administration are also required to comply with the Annotated Code of Maryland, Real Property Article, Title 14, Subtitle 1, Section 14-127.
ME	No
MI	
MN	No
MO	Yes, to the parties to the transaction and annually to the DIFP
MS	N/A
NC	No
ND	No
NE	Yes. A) The party making the referral discloses the referral at the outset and provides the customer with an estimate of the charges; and B) Not required to use a specified title agent or title insurer; and C) The only thing of value received is a return on the ownership interest
NH	
NJ	N/A
NM	No
NV	No
OH	Yes
OK	No
OR	
PA	No
SC	Yes, if it's a domestic company and has filed a Form D. Refer to Code Section 38-21- 250.
SD	Yes, Insurers must file for approval by the director.
TN	No
TX	No
UT	Yes, It is not permitted by statute.
VA	No
VT	
WA	No
WI	Yes, individuals in engaged in certain affiliated business arrangements may be regulated in accordance with s. Ins 3.32, Wis. Adm. Code.
WV	WV Rules of Professional Conduct for Lawyers. In WV closing and settlement activities are considered the practice of law.
WY	Regulations governing the transaction of controlled business by title insurers and title agents.

	70. Is the state department/division authorized by state law to require disclosure of affiliated business arrangements? If yes, by whom must they be disclosed?	71. Statutes and regulations regarding affiliated business arrangements:
AL	No	N/A
AR	No	N/A.
AZ	No	ARS 20-223
CA	No	California Insurance Code Sections 12396-12399.
CO	Yes – disclosed by insurer and/or agent.	10-2-401, 10-11-124, 10-11-126, C.R.S. Colorado Insurance Regulation 8-1-3.
CT	Conn. Gen. Stat. §38a-416, any producer of the title business as defined in 38a-402(10)	Conn. Gen. Stat. §38a-416, any producer of the title business as defined in 38a-402(10)
DC	No	
FL	No	
HI	N/A	N/A
IA		
ID	Yes, Idaho Code Title 41, Chapter 39 requires all affiliated business arrangements be disclosed in writing by the producer of title business and provided to the title agent at the time of the sell and/or purchase contract is entered into.	IDAPA 18.01.39
IL	Yes, Illinois requires that a producer of title business or an associate of such producer, disclose any financial interest in the transaction to any party paying for its product or service.	Sections 3(4) and (5) and 18(b) of the Title Insurance Act [215 ILCS 155/3(4), 3(5) and 18(b)].
IN	Yes, Title Agency and Insurer	HUD: 61 Fed Reg 29258-64
KS	Yes, title insurer's or title agent's chief executive officer or designee	K.S.A. 40-2404 (14)(f)-(i)
LA	No	N/A
MA	N/A	N/A
MD	Agents must comply with federal law.	Licenses of the Maryland Insurance Administration are required to comply with the federal law regarding disclosure - 12 U.S.C. Section 2607 (c)(4), 24 C.F.R. 3500.15, and Appendix D to 24 C.F.R. Part 3500, as applicable, regarding disclosures of affiliated business arrangements, as defined in 12 U.S.C. Section 2602. Licenses of the Maryland Insurance Administration are also required to comply with the Annotated Code of Maryland, Real Property Article, Title 14, Subtitle 1, Section 14-127.
ME	No	n/a
MI		
MN	No	N/A
MO	Yes, the parties to the transaction. The DIFP annually.	Section 381.029, RSMo and 20 CSR 500-7.070
MS	N/A	N/A
NC	No	
ND	No	
NE	Yes. Must be disclosed to the customer at or prior to the time of the referral.	Neb. Rev. Stat. 44-19, 112
NH		
NJ	N/A	N/A
NM	No	N/A
NV	Yes, during an examination pursuant to NRS 679B.230-240	N/A
OH	Yes. Business entity title agents and applicants are required to notify the Department of affiliated business arrangements	Ohio Revised Code 3953.21(B) and Ohio Administrative Code 3901-7-04
OK	No	N/A
OR	No, This comes under federal law.	
PA	No	40 P.S. § 910-31 prohibits any form of compensation or benefit, directly or indirectly, to an "applicant for title insurance" as an inducement for the placement or referral of title insurance business. Under 40 P.S. § 910-1, the term "applicant for title insurance" is "deemed to include approved attorneys, real estate brokers, real estate salesmen, attorneys at law and all others who from time to time apply . . . for title insurance, and . . . are not agents for a title insurance company."
SC	Yes, they are generally submitted by the company's CFO, counsel or annual statement contact person.	See Code Section 38-21-250.
SD	Yes, Insurance Holding Companies	SDCL Title 58-5A and SDCL Title 58-6
TN	No	
TX	No	N/A
UT	Yes, the Title licensee would need to disclose.	31A-23a-401, 31A-23a-503
VA	No	N/A
VT	N/A	none
WA	Yes, title agents	RCW 48.29.015, and WAC 284-29-110 through WAC 284-29-160
WI	Yes, in accordance with s. 601.42, Wis. Stat., and ss. Ins 3.32 and 6.61 (11), Wis. Adm. Code.	Sections Ins 3.32 and 6.61 (11), Wis. Adm. Code.
WV	N/A	Not directly related but would cover some aspects of loans and closing activities, Insurance Sales Consumer Protection Act. (§§ 33-11A-1 — 33-11A-16)
WY	title insurers and title agents	Wyoming Regulations Chapter 3

	72. Does the state have a guaranty association that covers title insurance?	73. Is the guaranty association for title insurance only?	74. Is the guaranty association operated in conjunction with other states?	75. Statutes and regulations regarding guaranty associations:
AL	No	N/A	N/A	N/A
AR	No	N/A	N/A	N/A.
AZ	No	N/A	N/A	ARS §20-685
CA	No	N/A	N/A	N/A
CO	No	N/A	N/A	N/A
CT	No	N/A	N/A	
DC	No	N/A	N/A	
FL	No	N/A	N/A	N/A
HI	Yes	No	No, it is for one state only	HRS Chapter 431, Article 16, Part 1.
IA		N/A	N/A	
ID	No	N/A	N/A	
IL	No	N/A	N/A	N/A
IN	No	N/A	N/A	N/A
KS		N/A	N/A	N/A
LA	No	N/A	N/A	La. R.S. 22:2053
MA	Yes	Yes	No, it is for one state only	M.G.L. c. 175, s. 116
MD	Yes	No	No, it is for one state only	Annotated Code of Maryland, Title 9 Impaired Entities, Subtitle 3 Property and Casualty Insurance Guaranty Corporation
ME	No	N/A	N/A	24-A M.R.S. § 4433(2)(E) (title insurance exclusion in guaranty association law)
MI				
MN	No	N/A	N/A	
MO	No	N/A	N/A	
MS	No	N/A	N/A	None applicable to Title Insurance
NC	No	N/A	N/A	
ND	No	N/A	N/A	
NE	No	N/A	N/A	n/a
NH				
NJ	No	N/A	N/A	N/A
NM	Yes	Yes	No, it is for one state only	59A-30A-1-18 NMSA 1978; 59A-30A-15 NMSA 1978; 13.5.2 NMAC
NV	No	N/A	N/A	N/A
OH	No	N/A	N/A	N/A
OK	No	N/A	N/A	N/A
OR	No	N/A	N/A	
PA	No	N/A	N/A	N/A
SC	No	N/A	N/A	Refer to Code Section 38-31-30 (7).
SD	No	N/A	N/A	SDCL Title 58-29A
TN	No	N/A	N/A	
TX	Yes	Yes	No, it is for one state only	Texas Insurance Code Chapter 2602; Basic Manual for Rules, Rates, and Forms for the Writing of Title Insurance in The State of Texas, Procedural Rule P-30 and Administrative Rule G.1
UT	No	N/A	N/A	N/A
VA	No	N/A	N/A	N/A
VT	No	N/A	N/A	none
WA	No	N/A	N/A	N/A
WI	No	N/A	N/A	No insurance statues/Code that we are aware of.
WV	No	N/A	N/A	N/A
WY	No	N/A	N/A	N/A

76. What types of issues, if any, related to title insurance have been the source of regulatory (investigation or enforcement) activity in the past five years?	
AL	N/A
AR	Title agent defalcation, policies not issued timely, technical violations such as agents and agencies issuing policies after their licenses have expired and in some cases not being properly appointed with an insurer and affiliated with an agency; missed liens in the search; failure to comply with closing instructions.
AZ	
CA	Failure to file title insurance rates and escrow rates and fees. Title insurer or title company using rates that were not part of its filed schedule. (Insurance Code Sections 12401.1, 12401.3, 12401.7 and 12405.)
CO	Producer Licensing, Market Conduct Exams and Varied continuum actions
CT	Vetting services performed by the title insurers are not allowed generally if they could implicate or cause an inducement to the title insurer refers business to its authorized title agent.
DC	None
FL	Unlawful inducement, Defalcations, Unauthorized entities.
HI	Producer misrepresentation
IA	
ID	
IL	The Department recently initiated its first market conduct examinations, which will be focused on agent activities and oversight by underwriters, generally looking into operations/management, marketing and sales, and underwriting and rating.
IN	Lack of Fitness/ Trustworthiness/ Misappropriation of Funds
KS	
LA	N/A
MA	N/A
MD	The Maryland Insurance Administration examines the annual on-site reviews conducted by insurers of their appointed title agencies, pursuant to the Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-121, as well as COMAR 31.04.22
ME	none
MI	Problems with Agents & possibly some companies
MN	Unfair claims practices; RESPA anti-kickback; unlicensed activity.
MO	Wire fraud schemes; lack of title agent attention to red flags; unlicensed activity; premium disclosure to consumers and filing annual reports
MS	
NC	No Market Conduct issues.
ND	1 incident, dealt with problems with title search
NE	Decline to respond
NH	
NJ	Producer defalcations.
NM	Fraud, Premium Calculations, Claim coverage, Surveys, Premium Discounts, Escrow Procedures, Escrow Receivables, Bank Reconciliations, Licensing, Out of Date Title Plants
NV	The majority of investigation and enforcement activity is related to unlawful inducements.
OH	Over the past five years, the Department's Fraud & Enforcement Division has investigated titles issues involving rebating, fraudulent or coercive practices, the failure to file an annual review, unlicensed activities, affiliated business arrangements, action on professional licenses and wire fraud.
OK	Maintaining contact records and expediting record requests.
OR	Whether title insurers provide an intermediary a thing of value or an inducement for title insurance.
PA	
SC	The South Carolina Department of Insurance has had no regulatory actions with any title insurance companies within the past five years.
SD	The Division has undertaken no market conduct examinations on title companies in the last 5 years.
TN	
TX	Late annual escrow audit reports, rebating, CE violations, late underwriter remittances, late policy guaranty fees, thefts of escrow funds, unauthorized insurance, failure to properly close the transaction, failure to defend, insuring around, policy issuance, claims handling, fraud, noncompliance with escrow accounting regulations, failure to report statistical data, and other miscellaneous violations.
UT	
VA	N/A
VT	None
WA	Inducements and Rebates
WI	Record retention, rate downward deviation, blanket exceptions and the use of arbitration.
WV	N/A
WY	Failure to comply with underwriting standards and deceptive practices.

77. How many full-time equivalent staff are dedicated to, or on average, work on title insurance issues in your state?	
AL	1
AR	Arkansas Insurance Department does not have any full time staff that are dedicated solely to title insurance. The attorney assigned to title insurance is also assigned to regulate other areas, and besides that person there are two other investigators that work on title insurance issues, among other responsibilities that are not related to title insurance.
AZ	one
CA	It varies.
CO	Three (3)
CT	0.5
DC	1
FL	1 full-time equivalent staff at the Office of insurance Regulation 1 full-time equivalent staff at the Department of Financial Services
HI	0
IA	
ID	1
IL	There are three positions in the title insurance section.
IN	4
KS	
LA	6
MA	N/A
MD	4 - 6
ME	1/2
MI	2-5
MN	One
MO	2
MS	Two (2) financial analysts review title companies as part of their normal review duties.
NC	NCDOI does not have any staff solely dedicated to work on title insurance issues. Divisions involved in title issues are listed in response to #2.
ND	Less than 1 FTE
NE	Declined to respond
NH	0 dedicated staff, consumer unit responds to title insurance inquiries
NJ	1/4 full time equivalent staff.
NM	Three
NV	One person is dedicated to title insurance full time.
OH	Within the Department, a total of 26 individuals handle title related issues, however, no one within the agency works on title issues on a full time basis.
OK	Variable
OR	The division does not have staff dedicated to title insurance. Title insurance is part of other duties for property and casualty staff at the Division.
PA	No Insurance Department staff are dedicated to title insurance issues alone. Title insurance rate filings are reviewed by P&C actuarial staff. Title insurance policy form filings are reviewed by P&C policy form examiner staff. Title insurance consumer complaints are handled by our Bureau of Consumer Services. Title insurance companies are licensed by our Company Licensing Staff. Title insurance agents are licensed by our Producer Licensing Staff. Market conduct issues are handled by our Bureau of Market Actions. Etc. We do not have dedicated staff for title insurance issues alone but practically the entire Insurance Department complement could be involved in some manner with title insurance issues, similar to most insurance products.
SC	South Carolina DOI does not have any full-time position dedicated solely to title insurance issues. However, the time expended by staff involved in title insurance form review, rate review, agent and agency licensing, among other tasks (6-8 staff members total) very likely accumulates to approximately one FTE position.
SD	One employee has oversight in this area as Assistant Director of property and casualty insurance.
TN	1
TX	28
UT	1
VA	6
VT	one to four
WA	0.5
WI	One (1)
WV	0 directly. However, Rates and Forms, Producer Licensing, and Financial Conditions, Market Conduct personnel would have oversight of title insurers and producers.
WY	

78. Miscellaneous comments:	
AL	
AR	
AZ	
CA	
CO	
CT	
DC	
FL	Florida's regulatory set-up involves oversight by two separate state agencies. The Office of Insurance Regulation oversees the title insurance underwriters and the Department of Financial Services oversees the tile insurance agents and agencies. This completed survey involves input from both state agencies.
HI	The Division of Financial Institutions has statutes and rules which might apply to some of these questions.
IA	
ID	
IL	
IN	The aforementioned responses are from the Indiana Department of Insurance
KS	Escrow and closing is regulated to a limited extent in Kansas when performed by licensed title agents. We require their escrow, settlement or closing accounts to be bonded and audited.
LA	
MA	
MD	
ME	In 2009, the Maine Law Court held that an insurer's charges for title search and examination that the insureds paid to the insurer's agents are gross direct premiums subject to the premium tax. <i>Stewart Title Guaranty Company v. State Tax Assessor</i> , 2009 ME 8, 963 A.2d 169 (Me. 2009). The insurer argued that the insureds had paid its agents for these services and that it had not actually received the payments for these services, so they were not subject to the tax. The Law Court disagreed, reasoning that "gross direct premium," which the tax law did not define, should have a broad meaning because of the broad definition of this term in the Insurance Code. 24-A M.R.S. § 2403 defines premium as "the consideration for insurance, by whatever name called. Any 'assessment', or any 'membership', 'policy', 'survey', 'inspection', 'service' or similar fee or other charge in consideration for an insurance contract is deemed part of the premium." The title searches and examinations were services as defined in the statute, and the definition did not focus on whether the insurer or the agent received the consideration for the service.
MI	
MN	
MO	The responses to the survey questions are the opinion of Investigator Marjorie Thompson and are not a formal interpretation of the statutes and regulations by the DIFP.
MS	Mississippi has not adopted the NAIC Model Law on Title Insurance. The chapter in the Mississippi Code addressing title insurance is very brief. Pursuant to statute, the Mississippi Insurance Department only regulates the solvency of title insurance companies.
NC	
ND	
NE	
NH	
NJ	
NM	
NV	

78. Miscellaneous comments:

OH	Comments regarding question 9: Data collected as a result of the annual review is public information. Information can only be kept confidential if it falls into an exception to the public records statute. Comments regarding question 14: Title agents must comply with all insurance regulations. They may engage in the closing process with certain conditions. See Ohio Revised Code 3953.23. Comments regarding question 27: The Department only regulates risk transfer and policy production/issuance. There is nothing that would prohibit title agents from engaging in the activities listed in answers C-F. Comments regarding question 30: A title policy can be issued by an entity located outside the state as long as they are licensed to do business in Ohio. Comments regarding question 31: The Department does not regulate closings. Comments regarding question 33: Attorneys must be licensed to sell, solicit or negotiate title insurance. They may perform other duties that a title agent may perform that does not require a license. Comments regarding question 34: Only licensed title agents may sell, solicit or negotiate title insurance. Comments regarding question 40: The Ohio Department of Insurance does not regulate abstractors. Comments regarding question 41: The Ohio Department of Insurance does not regulate escrow/settlement agents. Comments regarding question 44: The Ohio Supreme Court licenses attorneys. Abstractors and escrow/settlement agents are unregulated in Ohio. Comments regarding question 60: Closing protection letters are required to be offered. It is not mandatory that they be purchased. Comments regarding question 63: Closing protection letters are paid for by a separate charge to the buyer, seller and/or lender, depending on who has to purchase the coverage. Comments regarding question 72: Business entity title agents and applicants are required to notify the Department of affiliated business arrangements.
OK	
OR	
PA	
SC	
SD	For title insurance policies to be issued by an entity located outside the state, the policy has to be countersigned by a person or entity who has met the abstracting requirements under SDCL Title 36-13.
TN	
TX	
UT	
VA	
VT	
WA	
WI	
WV	WV has only regulatory jurisdiction over the insurance transaction. All other activities are considered the practice of law and fall under the jurisdiction of the WV State Bar. WV does not allow title agents or title companies. A corporation or LLC which is not a Professional Corporation or Professional LLC cannot practice law in WV, and thus cannot conduct closings as a corporation or other business entity.
WY	