

Draft date: 11/13/24

2024 Fall National Meeting
Denver, Colorado

TITLE INSURANCE (C) TASK FORCE

Monday, November 18, 2024

3:30 – 4:30 p.m.

Gaylord Rockies Hotel—Colorado A—Level 3

ROLL CALL

Eric Dunning, Chair	Nebraska	Marie Grant	Maryland
Kevin Gaffney, Vice Chair	Vermont	Grace Arnold	Minnesota
Mark Fowler	Alabama	Scott Kipper	Nevada
Lori K. Wing-Heier	Alaska	Alice T. Kane	New Mexico
Barbara D. Richardson	Arizona	Mike Causey	North Carolina
Karima M. Woods	District of Columbia	Jon Godfread	North Dakota
Michael Yaworsky	Florida	Judith L. French	Ohio
Gordon I. Ito	Hawaii	Glen Mulready	Oklahoma
Dean L. Cameron	Idaho	Michael Humphreys	Pennsylvania
Holly W. Lambert	Indiana	Elizabeth Kelleher Dwyer	Rhode Island
Doug Ommen	Iowa	Michael Wise	South Carolina
Vicki Schmidt	Kansas	Larry D. Deiter	South Dakota
Timothy J. Temple	Louisiana	Scott A. White	Virginia

NAIC Support Staff: Anne Obersteadt/Aaron Brandenburg

AGENDA

1. Consider Adoption of its Summer National Meeting Minutes Attachment One
—*Director Eric Dunning (NE)*
2. Consider Adoption of the Updated *Survey of State Insurance Laws Regarding Title Data and Title Matters*—*Director Eric Dunning (NE)* Attachment Two
3. Receive an Update from NAIC Government Relations Staff on Recent Federal Activities—*Alexander Swindle (NAIC)*
4. Hear an Update on Metrics to be Used in American Academy of Actuaries (Academy) Title-Related Research—*Steven Jackson (Academy)* Attachment Three
5. Hear an Update on the Aug. 29, 2024, Office of the Attorney General (OAG) for the District of Columbia Settlements with Four Title Firms Over Alleged Kickback Schemes—*Pratima Lele (DC)*

6. Discuss Any Other Matters Brought Before the Task Force
—*Director Eric Dunning (NE)*

7. Adjournment

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Draft: 8/25/24

Title Insurance (C) Task Force
Chicago, Illinois
August 14, 2024

The Title Insurance (C) Task Force met in Chicago, IL, Aug. 14, 2024. The following Task Force members participated: Eric Dunning, Chair (NE); Kevin Gaffney, Vice Chair (VT); Mark Fowler represented by Jimmy Gunn (AL); Lori K. Wing-Heier represented by Sian Ng-Ashcraft (AK); Barbara D. Richardson represented by Tom Zuppan (AZ); Michael Yaworsky represented by Jeffrey Joseph (FL); Doug Ommen represented by Mathew Cunningham (IA); Dean L. Cameron represented by Shannon Hohl (ID); Vicki Schmidt (KS); Timothy J. Temple represented by Chuck Myers (LA); Mike Causey represented by Robert Croom (NC); Jon Godfread represented by Blaine Bergstedt (ND); Scott Kipper represented by Todd Rich and Gennady Stolyarov (NV); Glen Mulready represented by Erin Wainner (OK); Michael Humphreys represented by Michael McKenney (PA); Elizabeth Kelleher Dwyer represented by Patrick Smock (RI); Michael Wise represented by Melissa Manning (SC); Larry D. Deiter represented by Tony Dorschner (SD), and Scott A. White represented by Angela Crooker (VA).

1. Adopted its Spring National Meeting Minutes

Commissioner Gaffney made a motion, seconded by Rich, to adopt the Task Force's March 17 minutes (*see NAIC Proceedings – Spring 2024, Title Insurance (C) Task Force*). The motion passed unanimously.

2. Received an Update on the Survey of State Insurance Laws Regarding Title Data and Title Matters

Director Dunning said the collection of filings from jurisdictions is complete, and NAIC staff are in the process of compiling the results to produce the updated *Survey of State Insurance Laws Regarding Title Data and Title Matters*. It is anticipated that the report will be adopted at the Fall National Meeting.

3. Heard an Update from NAIC Government Relations Staff on Recent Federal Activities

Alexander Swindle (NAIC) said title insurance made a surprising appearance in President Biden's State of the Union Address in March when he said the administration would eliminate title insurance fees for federally backed mortgages. Since then, there was a U.S. House Financial Services Subcommittee on Financial Institutions and Monetary Policy hearing on housing and insurance in March that included some discussion about the Federal Housing Finance Agency's (FHFA's) pilot program to waive traditional title insurance and effectively allow the Federal National Mortgage Association (Fannie Mae) to self-insure, or reserve money for unexpected title losses. While Rep. Mike Flood (R-NE) highlighted the gap between average income and average home costs, Rep. Andrew Garbarino (R-NY) emphasized the critical protections against future legal action against the property ownership or mortgage priority that title insurance provides.

In May, the Federal Home Loan Mortgage Corporation (Freddie Mac) expanded its program to bypass traditional title insurance on mortgage loans it purchases. This move allows attorney opinion letters (AOLs) to replace title insurance in most states, aligning with the Biden-Harris Administration's efforts to address housing affordability issues by exploring alternative approaches to traditional insurance. However, the move is likely to face resistance from lawmakers concerned about consumer protection and small title insurers.

Rep. Garbarino introduced the Protecting American's Property Rights Act (H.R. 5873) in May. This bipartisan bill would require title insurance on all loans purchased by Freddie Mac and Fannie Mae, the government-run mortgage financiers underpinning about half of the housing market. The bill has gained the bipartisan support of 15 cosponsors.

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In June, NAIC staff responded to Rep. Emanuel Cleaver (D-MO), addressing his concerns about title insurance, AOLs, and consumer protection. The NAIC emphasized the Task Force's efforts to analyze the benefits and risks of alternatives to title insurance and the NAIC's commitment to educating consumers. The NAIC also reiterated its support of federal-state cooperation in information gathering and stakeholder engagement in this area. This communication is part of the NAIC's ongoing work to address concerns and provide information on industry practices and regulations.

On June 13, Consumer Financial Protection Bureau (CFPB) Director Rohit Chopra testified before the House Committee on Financial Services about the CFPB's role in regulating title insurance. He emphasized the importance of disclosures in the Real Estate Settlement Procedures Act (RESPA) and the CFPB's commitment to consumer protection. Rep. Blaine Luetkemeyer (R-MO) argued that insurance is regulated at the state level and that title insurance is outside the CFPB's authority. Chopra emphasized that the CFPB does have authority over disclosure practices related to mortgage insurance but respects the state model for the business of insurance.

On July 10, following White House directives to reduce housing costs, the Federal Insurance Office (FIO) held a title insurance roundtable. Deputy Commissioner Myers and Commissioner Ommen both participated. Various stakeholders attended, including White House representatives, industry, trade associations, consumer representatives, housing groups, and academics. Overall, industry and consumer advocates drove the discussion. Industry emphasized the need for regulatory consistency across states. Consumer advocates also mentioned a mismatch in the variety of services offered by title insurers across states and the relative consistency of title insurance pricing as a percentage of housing as "proof" that the market was not functioning and as a flaw in state regulation. The overarching themes were the demands for more competition, transparency, and consumer protection in the title insurance sector. The FIO is contemplating no further action at this time.

Director Dunning thanked Deputy Commissioner Myers for attending the FIO roundtable to discuss the important role of state regulation of title insurance.

Steve Gottheim (American Land Title Association—ALTA) said he had heard that the FIO was contemplating a report and asked if Swindle had heard the same. Swindle said his impression from speaking with FIO staff is that they are ready to wrap up the matter for now. FIO's roundtable was in response to the White House's address on the topic.

Deputy Commissioner Myers said it is important for state insurance regulators to be involved and reach out to title insurers to ensure they are aware of what products are coming out. He acknowledged that October Research was in attendance and that its coverage of the Task Force's meetings would provide a good source of communication in the industry.

Gottheim stated that ALTA expects FHFA Director Sandra Thompson to testify before the House Committee on Financial Services in mid-September. Title insurance is likely to be discussed. It might be helpful to the Task Force to look into the technology and partners the FHFA is using in its pilot program. ALTA has also noted the wider use of AOLs, especially in a program run by United Wholesale Mortgage (UWM). AOLs are being marketed very aggressively in a number of states, even in those states where AOLs are not the more common factor. Consumers are paying more for AOLs than they would have if they had purchased title insurance. ALTA will notify the affected states to ensure they are aware of this situation. Transactions are occurring in Florida, Pennsylvania, and Texas, where marketing is ramped up.

Swindle said the NAIC would reach out to FHFA before Director Thompson testifies in September. It will also reach out to the House Committee on Financial Services to better understand what to expect regarding title insurance.

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4. Heard an Update on Soon-to-Be Initiated Title-Related Research

Steven Jackson (American Academy of Actuaries—Academy) said the Academy is starting a broader look at homeowners insurance and related topics. The Academy just chartered a Homeowners Insurance Task Force that is still organizing. The research on title insurance will be done by a working group under the Homeowners Insurance Task Force. Title insurance is one of the few insurances required in most households, which differs greatly from most insurance products. Most consumers paying for title insurance do not understand what they are paying for and why they are paying for it. Consistent with the Academy's mission of serving the public and the actuarial profession, the Academy sees this research as informative. Title actuaries sign statements of actuarial opinion (SAOs) and insurance departments approve rate filings based on submitted reports, which include pre-issue expenses associated with title searching, identification and remedy of title defects, and post-issue loss experience. Actuaries are experienced in converting loss experience into premiums. However, they are much less experienced in reviewing pre-issue expenses that account for a majority of the premium. The Academy believes that understanding more about these pre-issue expenses would be useful to title actuaries and state insurance regulators and help inform the Academy's consumer education. Outside of ALTA, little publicly available research exists on pre-issue title expenses. With its commitment to independence and objectivity, the Academy is in a good position to contribute to this needed public research.

Jackson said the project will be data-driven, and the agenda and specific research proposals will be built around initial findings in the data. The initial focus of the research is the expenses as reported in the Operations and Investment Exhibit, Part 3 of the Title Insurance Financial Statements. Initial research will focus on identifying trends in a series of expense line items across companies and over time. The Academy will then reach out to experts in the industry and academics to assist in understanding the drivers of these trends. The Working Group will finish determining what data is fit for purpose within six weeks and then begin to determine what questions it can answer with the data. It is also in the process of identifying the key stakeholders to reach out to early in the process to help guide it. Director Dunning said the Academy is in the perfect position to do this type of research, and he looks forward to the information it will provide.

Hohl asked what type of cooperation the Academy anticipates from stakeholders. Jackson said the Academy anticipates other stakeholders will be fully cooperative. The Academy's results may or may not be agreeable to everyone, but its analysis will be unbiased and informative.

McKenney said that, as a state insurance regulator who reviews title insurer rate information, title insurance is unique in its high expenses. It would benefit state insurance regulators to better understand if title expenses are excessive. Title agents should make a good living but not charge excessive amounts. McKenney said it would also be helpful to better understand where expenses can be reduced. It is his understanding that multiple agents do the curative work on the search and examination results, and the title insurer uses whichever agent finishes first. This duplicative work could be wasteful. It would also be helpful to know the consequences of a title insurer who decided to take higher title losses.

Commissioner Gaffney said expense metrics would be helpful. He asked if they would come from sources other than the annual financial statement since expenses such as commission rates are not reported in the annual financial statement. It would be helpful to know if commission rates differ on refinances versus first-time originations. He asked if the Academy would be willing to update the Task Force on its metrics and allow it an opportunity to contribute additional complementary metrics.

Jackson said the Academy is starting with the Direct Operations and Expense Table in the annual financial statement. It appears difficult to glean much from the agency data. The Academy has started collecting agency call data from states that make data calls for agents and make the results publicly available. This information will go into a companion database, and more data could be added if it becomes available. The Academy will be looking

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for additional data sources as it identifies trends that the current data cannot explain. He said the Academy will not have results by the Fall National Meeting, but it would be happy to share what metrics it is looking at and get feedback from the Task Force.

Gottheim stated that ALTA has offered the Academy the use of its data. With regard to Commissioner Gaffney's inquiry, the annual financial statement includes commercial and residential commissions but not a breakdown of commissions for refinances versus purchases. There is no difference in commissions between these transactions because utilizing centralized operations allows the work to be done in the direct operations channel. Therefore, data from the direct operations channel is more refinance-heavy than the direct agency channel. Title insurance's loss tail is unique, as 50% of the loss claims do not become realized until between years five and seven; thus, pulling one year's worth of expense data does not provide much information. For this reason, ALTA has encouraged the Academy to look at five to seven years of data. It also encouraged the Academy to examine public data call information from states like Florida and Texas.

5. Heard a Presentation from CertifID on its "2024 State of Wire Fraud" Report and "Wire Fraud Liability: Insights from 2020–2024 Court Battles" Report

Tom Cronkright (CertifID) said CertifID is seeing challenges that will not be found by examining title production expenses and losses. Title insurance is closely coupled with the escrow settlement function because of the underwriting standards and what is needed to issue either a lender's or owner's policy. The title industry must remain the neutral forum and last line of defense for the consumer. The disruption in the last 24 months with lending through fiscal policy and the rules that will take effect on Saturday have led to an interesting market.

Cybercrime business email compromise (BEC) occurs when scammers have found a way to use technology to open-source information, gain access to email accounts, and learn of an upcoming transfer of funds. In real estate, this is the largest transaction the general public faces in their lifetime. These syndicate cartels are globally organized and domestically coordinated from the money laundering perspective, and they have focused primarily on the real estate sector. The Internet Crime Complaint Center (IC3) reported \$446 million in BEC and real estate-related crime. This is likely only about 20% of the actual amount. CertifID's Recovery Services Division has addressed over \$250,000 of wire fraud from victims' inbound phone calls to date. This indicates that much more fraud is occurring than is reported to the IC3.

A CertifID survey administered by a third party found that 17% of title agents sent funds to the wrong account due to wire fraud last year. Additionally, 1-in-20 consumers became victims of fraud during a real estate transaction. The real estate sector is targeted because it provides the perfect conditions for bad actors. Data on property listings is publicly available via Multiple Listing Services (MLS) and county records. Transactions involve large sums of money. The median sale price of existing homes in the U.S. is \$387,000, with typically up to 10 different parties involved in sharing information about the closing.

Everyone in the transaction is being targeted. Buyers—through phishing attacks, spoofed emails, social engineering, and realtor or title agent impersonation—had a \$72,000 median loss and only 28% recoveries. Sellers—through open-source records, identify theft, social engineering, and seller impersonation—had a \$70,000 median loss and only 18% of recoveries. Title and law firms—through compromised systems, lender impersonation, lender callbacks, and fraudulent payoff instructions—had a \$257,000 median loss and 54% of recoveries.

Scammers have weaponized the latest tech in record time. In November 2023, OpenAI announced ChatGPT, a chatbot and virtual assistant that uses artificial intelligence (AI) to generate dialogue. Fraudsters are increasingly using this technology to easily create realistic AI-generated scams. These scams include callback spoofing (SpoofCard) and AI-generated voice, video, or audio replication that seems real but has been manipulated

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(deepfakes). They also include the use of bots leveraging open-source intelligence to boost engagement metrics like views, likes, shares, and comments to create influence, fill in fraudulent registration forms, or generate fake listings. Subscriber Identity Module (SIM) swap, where the device tied to a customer's phone number is fraudulently manipulated, is another scam. AI-driven hacker tools such as FraudGPT are on the rise. FraudGPT is a product sold on the dark web on a subscription basis that works similarly to ChatGPT but creates content to facilitate AI-generated social engineering attacks. In July 2024, Microsoft called on U.S. lawmakers to address AI-generated fraud through a new deepfake fraud statute.

Victims are looking to the courts for answers on who is liable. The proximate cause is the scammer. However, in these types of fraud cases, the scammer is not able to be held accountable. The courts are struggling with this idea that everyone involved has been victimized through reputational risks, actual or indirect loss, or cost of defense, but the bad actor is elsewhere. The legal theory carrying through most consistently when there is a wire fraud loss is simple negligence.

Certifid's "Wire Fraud Liability: Insights from 2020–2024 Court Battles" report analyzed over 100 wire fraud cases and found that title companies, law firms, and real estate professionals are increasingly being held liable for losses when client funds are diverted to fraudulent accounts. Despite criminals being the primary perpetrators, courts hold these professionals to higher standards of care, expecting them to implement robust security measures and educate their clients about the risks of wire fraud.

Cases against insurers rely on clear-cut terms. A business that is a victim of wire fraud would only recoup losses from its insurance carrier under its policy if the loss is specifically covered by the policy and all the requirements for coverage have been met. Policies often include significant sub-limits for wire transfer or social engineering fraud. To win in court, the business must ensure clear contractual language regarding covered claims, terms and conditions, and exclusions. This was evidenced in *Helms v. Hanover Insurance*, where a buyer cash-to-close real estate transaction mishap led to a couple wiring \$120,000 to fraudsters. The couple sued their broker and real estate agent, alleging negligence. Seeking defense from Hanover Insurance, the agent's errors and omissions (E&O) policy claims were denied based on the terms of the insurance agreement. According to the court, the agent's E&O insurance was never designed to cover wire fraud, containing unambiguous "fund misappropriation and fraudulent transfer policy" exclusions. The court cited that "The exclusion's plain language... states that no coverage is provided for claims based on or arising out of the theft, stealing, conversion, or misappropriation of funds."

Banks are mostly protected from liability by Uniform Commercial Code (UCC) Article 4A if they follow commercially reasonable security procedures. Banks consider these "authorized" payments, even if the consumer is tricked into authorizing payment under false pretenses. In 2020, JPMorgan reimbursed three of 41,390 scam disputes, and Wells Fargo did not reimburse any of its 25,061 scam disputes. Bank of America did not track scam data as a separate dispute category until the second half of 2020.

Consumer education is needed. Fifty-one percent of consumers reported they were unaware or only somewhat aware of the risks of wire fraud before closing. Seventy-one percent believe it is someone else's responsibility to educate them. State protective measures are in development across the U.S. Utah is pursuing legislation, and Arizona, Illinois, Rhode Island, New Mexico, and Tennessee are pursuing regulation. Actual knowledge or identity verification is needed as a legal requirement for notarizations, especially for real estate transactions. Public and private partnerships are needed to share data and slow the flow of diverted payments.

Dorschner asked if the real estate industry was interested in establishing different standards. Cronkright said there is an acknowledgment that fraud is bad for all involved parties. However, it ends there because the title settlement industry has taken over the management of the funds. This has led the other industries to say they will help educate, but the title industry is responsible for safeguarding the funds.

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Stolyarov said he would like to better understand the mechanics of how scammers can find out these transactions are occurring. Cronkright said that in a purchase money transaction, the MLS listing is an instantaneous thread into who the listing agent would be, the brokerage firm associated with that agent, and the property owners. The fraudster then sends a phishing email, someone clicks the link, and the fraudster gains access to their information. The fraudster could also call someone and allege they are the consumer unable to get ahold of their agent. The fraudster can even track who the title agent is likely to send the title work to by looking at the register of deeds. Gaining email access and changing the rules behind the email allows a fraudster to filter the email traffic for closing statements, loan estimates, wire, etc. The fraudster then spoofs one of the trusted parties in the communication chain. The real estate agent or mortgage lender is typically the one compromised. For instance, if the buyer is the target, the title company is typically spoofed. From a loan perspective, the fraudster gains access to the email of a loan officer or processor's email. Trigger leads can be bought from the credit bureau. If the title company is the target, the seller is typically impersonated for the net proceeds, or the mortgage lender is paid off through a tampered mortgage payoff letter.

Nicole Moon (Illinois Department of Financial & Professional Regulation—IDFPR) asked what timeframe for fraud notification to the bank would increase victims' likelihood of recovery. Cronkright said that in most cases, the victim is not being asked to transfer the funds to a crypto wallet. Typically, a compromised email that looks authentic because it includes the title company name, logo, and account information will include a routing number that will divert the funds to the fraudster. A bank would need to intercede the same day or, at most, the next day. Fraudsters prey on holiday weekends and the disjointed nature of when a branch is open, but the Federal Reserve System is closed. This allows them access to online banking, cashier's checks, and money movement into crypto wallets. The money goes from the victim's account to a domestic receiving bank, then to gift card purchases or a crypto wallet. Once in a crypto wallet, it gets further anonymized by a crypto tumbler, then goes to an overseas deposit and, ultimately, a fiat bank.

Moon also asked what types of things state insurance regulators could require to increase the notice a bank receives. Cronkright said the challenge is the difference between the receiving and sending bank. The representative of the sending bank believes the funds are heading to a certain title company. A name-matched verification system would be helpful. The barrier is that the Bank Secrecy Act (BSA) and the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) prevent the display of information to a non-account holder. There should, however, be more training on the banking end for identifying the more egregious wire frauds.

Having no further business, the Title Insurance (C) Task Force adjourned.

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NAIC Title Insurance (C) Task Force

Survey of State Insurance Laws Regarding Title Data and Title Matters

December 2024

The Title Insurance (C) Task Force conducted a survey of each jurisdiction's laws and regulations regarding title insurance. The Task Force specified in its 2024 charges it would update the *Survey of State Insurance Laws Regarding Title Data and Title Matters*. The survey's intent is to be a tool for state insurance regulators and interested parties to gain insight into the regulation of title insurance. The Task Force members enhanced the survey and sent it out for completion in December 2024. 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 Microsoft Forms and then summarized in the following tables. Each jurisdiction is given an opportunity to review the data for accuracy. Requests for revisions can be sent to Anne Obersteadt at aobersteadt@naic.org.

DISCLAIMER

THE DATA REFLECTED IN THIS REPORT WAS VOLUNTARILY SUBMITTED BY STATE INSURANCE DEPARTMENTS. THE NAIC DOES NOT GUARANTEE THE TRUTH, ACCURACY, QUALITY OR COMPLETENESS OF THE DATA AND IS NOT RESPONSIBLE FOR ERRORS, OMISSIONS OR RESULTS OF FURTHER USE OF THE DATA. THE DATA SUBMITTED MAY REFLECT ONLY THE OPINIONS OF INDIVIDUAL RESPONDENTS TO AN INFORMAL SURVEY. THE SURVEY RESULTS DO NOT CONSTITUTE A BINDING LEGAL OR REGULATORY OPINION.

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92. 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? **Page 94**

STAFFING

93. How many full-time equivalent staff are dedicated to, or on average, work on title insurance issued in your state? **Page 96**

COMMENTS

94. Miscellaneous Comments **Page 98**

	1. From which of these title participants is the state department/division authorized to require?						
	Title Insurers	Title Agents	Attorneys	Abstractors	Escrow/ Settlement Agents	N/A	Other
AL	X						
AK	X						
AS						X	
AZ	X	X					
AR	X	X					
CA	X	X			X		
CO	X	X					
CT	X	X					
FL	X	X					
GA	X						
ID	X	X					
IN	X	X		X	X		
KS	X	X			X		
LA						X	
ME	X	X	X				
MD	X	X	X		X		
MA	X						
MI	X	X					
MN	X	X		X	X		
MS						X	
MO	X						
MT	X	X	X				Any in violation of MCA § 33-1-311 (4), MCA § 33-1-315, and ARM 6.6.2202 (15)
NE	X	X		X	X		
NV	X	X					
NM	X	X			X		
NC	X						
ND	X						
OH	X	X					Title Ins. Marketing Reps
OK	X	X					
OR	X						
PA	X	X					
PR	X	X					
RI	X	X					
SC	X						
TN	X	X					
TX	X	X			X		
UT	X	X	X		X		Title Ins. Marketing Reps
VT	X	X	X				
VA		X			X		
WA	X	X					
WV	X						
WI	X	X					
WY	X	X					

	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	Escrow/ Settlement Agents	N/A	Other
AL					X	
AK	X					
AS					X	
AZ		X		X		
AR		X				
CA	X			X		
CO		X		X		
CT					X	
FL	X	X				
GA	X					
ID					X	
IN		X		X		
KS	X					
LA					X	
ME	X	X	X			
MD		X	X	X		
MA	X					
MI		X				
MN	X					
MS					X	
MO	X	X				
MT					X	
NE	X	X		X		
NV	X	X				
NM	X	X		X		
NC	X					
ND	X					
OH	X	X				
OK	X					
OR	X					
PA	X	X				
PR		X				Anyone involved in insurance
RI					X	
SC	X					
TN	X	X				
TX	X	X		X		
UT						Annual report requirements for agency title insurance producers
VT					X	
VA	X	X		X		
WA					X	
WV					X	

	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	Escrow/ Settlement Agents	N/A	Other
WI						Title insurers/agents may be indirectly required
WY	X	X				

3. Comments regarding the state's general authority to collect agent data:	
AL	N/A
AK	<p>3 AAC 27.340 requires title insurance limited producers to provide the title insurance company with all data necessary for the title insurance company to comply with the requirements under 3 AAC 27.320(c)(3).</p> <p>Collection of agent data is not usually asked for unless there is suspicion or report of activity not complying with statute or regulation. Then A.S. 21.27.020 provisions requiring the Director to know if someone was trustworthy would trigger a request.</p>
AS	ASCA Title 29.0205 list the authority of the Insurance Commissioner.
AZ	<p>The Department has authority to request information from title insurers and agents.</p> <p>Escrow/Settlement agents are regulated by the Financial Institutions Division of the Department. Arizona does not have abstractors.</p>
AR	The Department is authorized by statute to collect data from title agents pursuant to Ark. Code Ann. 23-64-512 and 23-104-406.
CA	CA Code of Regulations, Title 10 sections 2355.1 and 2355.2 approved in August of 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	C.R.S. 10-1-108(5)-Duties of Commissioner-Conduct investigations and examinations.
CT	Under Conn. Gen. Stat. (CGS) section 38a-16, the Insurance Commissioner is authorized to conduct investigations under Title 38a and pursuant to such investigation, the Commissioner may issue "data calls, subpoenas, administer oaths..."
FL	Section 627.782, 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 shall suspend, revoke or refuse to renew and license an agency that fails to timely submit data as required. Rules 69O-186.013 and 69O-186.014, F.A.C. outline the data required
GA	Title insurers are required to file their forms but are not required to file rates and rules.
ID	§ 41-2705(6), Idaho Code, insurers & agents; § 41-2710(7), Idaho Code, examination of agents.
IN	IC 27-7-3. Chapter 3, Abstract and Title Insurance

3. Comments regarding the state's general authority to collect agent data:	
KS	<p>-K.S.A 40-103: the Commissioner has general supervision, control and regulation of companies or persons involved in transacting insurance business in the state.</p> <p>-K.S.A. 40-952(c): Agents/agencies must file rates and charges for cost of title insurance included in premium, and any fees charged for non-insurance-related services, e.g., closing/escrow costs, document prep, etc., if handle title work in counties with over 10K in population.</p> <p>-Bulletin 1989-31: Also must file a U & U filing if vary from rates or other charges filed with the Department due to a unique or special situation presenting higher risks or need for additional services.</p> <p>-K.S.A. 40-1137(d): Must file by January 30 an annual audit of escrow/settlement/closing account done by a CPA or insurer with which the agent/agency has a licensing agreement.</p> <p>-K.S.A. 40-1138(b): A title insurance agent must make available all books and records relating to escrow, settlement and closing business upon request.</p> <p>-KSA 40-4909(a)(17): All licensed agents must respond to inquiries from the Commissioner within 15 days</p>
LA	N/A
ME	Data would be collected from attorneys in their capacity as title agents.
MD	Annotated Code of Maryland and Insurance Article.
MA	While the Department of Insurance's regulation of title insurance is primarily limited to the solvency of the title insurance companies, applicable Massachusetts law (see M.G.L. c. 175, §§ 114, 116 & 116A) does provide the Commissioner of Insurance with the authority to examine title insurers licensed to do business in Massachusetts. We have not, however, historically used this authority to gather agent data from licensed entities
MI	DIFS may collect agent data under its general authority through MCL 500.249.
MN	We have authority to require production of data under Minnesota Statutes, sections 45.027 and 60A.031 (exams/market analysis).
MS	N/A
MO	Section 374.190, RSMo; Section 374.205, RSMo; Section 381.023.4, RSMo
MT	A title insurance producer shall keep books of account, records, and vouchers pertaining to any escrow, closing, settlement, or title indemnification business transacted, in a manner that allows the Commissioner to readily ascertain whether the title insurance producer has complied with all applicable provisions of this title [MCA § 33-25-201 (9)]. The offices, places of business, books, records, accounts, safes, files, and papers of an escrow agent shall be maintained so as to be freely accessible and available for audit, inspection, or examination by the Commissioner at all reasonable times [ARM 6.6.2202 (13)]. See also MCA § 33-1-311 (4) and MCA § 33-1-315.
NE	Neb. Rev. Stat. 44-1993 (entire); 44-19,107
NV	Commissioner's general authority is pursuant to NRS 679B.120(5), NRS 692A.100(4) and NRS 692A.260
NM	The data is collected annually by statute and pursuant to state regulations.
NC	Chapter 58 of the NC General Statutes, Articles 2, 3, 6, 26, and 40.
ND	N/A
OH	The Ohio Department of Insurance has the power necessary to perform all duties vested in and imposed upon it by Ohio law.

3. Comments regarding the state's general authority to collect agent data:	
OK	Every title insurer holding a Certificate of Authority from the Oklahoma Department of Insurance shall conduct a policy inventory audit, in accordance with its accepted company practice, of each of its licensed agents periodically, but at least every two years. Such policy inventory audit is defined as an audit of the unused forms in the possession of each of its licensed title insurance agents so as to determine that all used policy forms have been reported to the title insurer. A report of each such audit shall be made to the Oklahoma Insurance Department in writing in a form acceptable to the Insurance Commissioner. Interested parties may upon request obtain a copy of an approved title policy inventory audit report form from the Oklahoma Insurance Department per OAC 365-20-3-5. All licensed insurers and HMOs are subject to Annual Statement Filings including annual reporting and premium tax remittance per Oklahoma Title 36 O.S. § 624.
OR	Title agent data can be collected as part of a targeted exam during 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).
PR	Sections 2.030(12), 2.110 and 2.120 of the Puerto Rico Insurance Code
RI	R.I. Gen. Laws Chapters 27-13.1, 27-71
SC	South Carolina does not have authority to collect agent data
TN	Tennessee law, T.C.A. 56-35-101 et seq. and 56-35-201 et seq., include general rulemaking authority so that rules can be promulgated to require agent data collection by title insurance companies, title insurance agents, and title insurance agencies; however, Tennessee law does not currently have any substantive requirements for the collection of agent data.
TX	Texas Insurance Code – Sec. 2703.153
UT	Utah has broad authority to collect relevant information from any Department licensee. Utah Code Section 31A-2-202.
VT	N/A
VA	Chapter 18 of the Code of Virginia allows for collection of data/documentation. https://law.lis.virginia.gov/vacode/title38.2/chapter18/
WA	Washington's general authority to collect title insurance agent data is located in three sections of insurance laws in the Revised Code of Washington (RCW), including RCW 48.17.595, 48.29.017, and 48.29.147. Washington also has rules regulating title insurance agent data in the Washington Administrative Code (WAC) under WAC 284-29-160, 284-29-320, 284-29A-010, 284-29A-040, 284-29A-080, 284-29A-100, and 284-29A-110. See also - Market conduct oversight - Chapters 284-37 WAC and 48.37 RCW.
WV	N/A
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.
WY	Wyoming generally has authority to request data from insurers and agents under its general examination statutes. See, W.S. 26-2-109, 26-2-116 through 26-2-124.

	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
AK	Yes, on an ad hoc basis	No	It depends on the type of data collected
AS	No, but we have the authority to do so if needed	N/A	N/A
AZ	Yes, on an ad hoc basis	Yes	It depends on the type of data collected
AR	Yes, on an ad hoc basis	No	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	N/A	Kept confidential
FL	Yes, on a regular basis	Yes	Kept confidential
GA	No	No	Open to public disclosure
ID	Yes, on an ad hoc basis	No	It depends on the type of data collected
IN	Yes, on a regular basis	Yes	Kept confidential
KS	Yes, on a regular basis	No	Open to public disclosure
LA	No	N/A	N/A
ME	Yes, on an ad hoc basis	No	Kept confidential
MD	Yes, on a regular basis	Yes	Kept confidential
MA	No	N/A	N/A
MI	Yes, on an ad hoc basis	No	Kept confidential
MN	Yes, on an ad hoc basis	N/A	It depends on the type of data collected
MS	No	No	N/A
MO	No	N/A	Kept confidential
MT	No, but we have the authority to do so if needed	Yes	It depends on the type of data collected
NE	Yes, on an ad hoc basis	No	Open to public disclosure
NV	No	No	Kept confidential
NM	Yes, on a regular basis	Yes	It depends on the type of data collected
NC	No	No	N/A
ND	No	N/A	N/A
OH	Yes, on a regular basis	Yes	Open to public disclosure
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
PR	Yes, on an ad hoc basis	N/A	It depends on the type of data collected
RI	Yes, on an ad hoc basis	No	It depends on the type of data collected
SC	No	No	N/A
TN	No	No	It depends on the type of data collected
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
VT	No	No	N/A
VA	Yes, on a regular basis	No	Kept confidential
WA	Yes, on a regular basis	Yes	Kept confidential
WV	No	No	N/A
WI	Yes, on an ad hoc basis	N/A	It depends on the type of data collected
WY	No	No	It depends on the type of data collected

	7. By what legal protection is the data reported kept confidential?
AL	Alabama Code
AK	A.S. 21.06.060 covers what is held confidential and what is an exception. Title insurance companies or agents are not specifically addressed. Rate filings, as to statement and justification for them, is open to public inspection under A.S. 21.66.380. Under A.S. 21.66.460(c), information required for escrow, settlement, and closing charges filed under schedule in the section are available to the public, if requested.
AS	American Samoa Code
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. For escrow agents information "shall be prohibited from using or releasing said information except in the proper performance of the Deputy Director's or Agency's duties."
AR	Arkansas law protects information that is part of an examination or active and open investigation.
CA	Statutory authority, both regulatory and non-regulatory, and general state law as applicable.
CO	Confidential Treatment and Confidentiality of Records-C.R.S. 10-3-808 and 10-3-1709
CT	CGS section 38a-16 (a)(2) provides that data provided in response to a data call under that section shall not be subject to disclosure under the CT Freedom of Information Act.
FL	Section 626.84195, F.S. addresses the confidentiality of information supplied by title insurance agencies and insurers. The information is considered proprietary business information and is exempt from Florida's public records laws.
GA	Filed through SERFF. System can be amended to not allow public access.
ID	Idaho Code
IN	Market Regulation Laws
KS	N/A
LA	N/A
ME	Market regulation laws
MD	Market Regulation Laws
MA	N/A
MI	MCL 500.222, 500.226, 500.1246
MN	Minn. § Stat. 13.39, Minn. Stat. § 13.41, Minn. Stat. § 60A.03, Minn. Stat. § 60A.031
MS	Mississippi does not have statutory authority to collect data from title agents.
MO	Section 374.070, RSMo, Section 374.071, RSMo, Missouri Regulation 20 CSR 500-7.070(2)
MT	There is a constitutional presumption that all documents in the hands of public officials are subject to public inspection.
NE	Neb. Rev. Stat. 44-5906(8)(a); 44-1997(4); 44-5906(8)(a)
NV	NRS 692A.117. NRS 6798. 190(5).(6U7) The Commissioner may classify as confidential documents obtained or received on the express condition that they remain confidential.
NM	Statutory Authority
NC	N/A
ND	NA
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 Ohio's public records law.

	7. By what legal protection is the data reported kept confidential?
OK	Data collected in response to a complaint, as part of an investigation, or any financial exam or market conduct survey is confidential by law. Data collected in a policy inventory audit and annual financial statements are public information by law.
OR	Market analysis examination statutes
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.
PR	All data collected is presumed to be public information subject to public inspection except for those specific cases provided by law or that are privileged among other reasons stated on Section 2.090 of Puerto Rico Insurance Code
RI	If requested in an examination it would fall under the exclusion from public access in our examination statute. If requested in another manner it would fall under our general access to public records statute and depend upon the information requested.
SC	Title data is not regularly collected, but the Department has the authority to request it from insurers. Confidential data requested by the Department is statutorily protected.
TN	N/A
TX	N/A
UT	Utah's Government Records Access and Management Act, Utah Code Sections 63G-2-101, et seq. is similar to the Freedom of Information Act. Additionally, data is protected under Utah Code Sections 31A-2-204, 31A-4-113.5, 31A-5-701, 31A-16-109, 31A-16a-108, 31A-16b-106, 31A-17-517, 31A-17-608, 31A-23a-104.
VT	N/A
VA	Virginia Code
WA	Data reported is protected by statute, kept confidential, and not subject to the state's Public Records Act (Ch. 42.56 RCW), unless the Insurance Commissioner finds, after notice and hearing with affected parties, it is in the public interest to disclose the information (RCW 48.29.018). RCW 48.17.595(6) also provides industry participants with confidentiality protections in certain circumstances.
WV	N/A
WI	In general, all records held by the Office of the Insurance Commissioner (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. In addition, OCI has specific authority to withhold certain records under s. 601.465, Wis. Stat., and s. Ins 6.13, Wis. Adm. Code.
WY	Wyoming Public Records Act, W.S. 16-4-201 et seq. Other sections of the insurance code may be applicable depending on the type of data.

	8. Statutes and regulations regarding confidentiality and public disclosure of title data:
AL	Ala. Code Section 27-2-24(g) [General Examination Authority; Confidentiality]
AK	A.S. 21.06.060; A.S. 21.66.380; A.S. 21.66.460(c)
AS	ASCA. Title 29.0211,.0212,0213
AZ	Arizona Revised Statutes (ARS) 20-157.01 and 20-158(F), ARS 6-837, 832, and 6-860
AR	Ark. Code Ann. 23-61-103(d)(2), 23-15-208, and 23-103-411
CA	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	C.R.S. 10-3-808 and 10-3-1709
CT	CGS section 38a-16 (a)(2)
FL	Section 626.84195, F.S.
GA	O.C.G.A. 33-7-8 defines title insurance and lists it as a line of insurance subject to regulation. O.C.G.A. 33-9-3(a)(6) exempts title insurers from having to file rates and rules. O.C.G.A. 33-24-2(4) exempts title insurance policies from certain provisions such as cancellation.
ID	Title 74, Chapter 1, Idaho Code, the Idaho Public Records Act § 41-2710(7), Idaho Code.
IN	IC 27-7-3-15.5
KS	N/A
LA	N/A
ME	24-A M.R.S. § 216
MD	MD Ins Code § 2-209 Public Information Act
MA	N/A
MI	MCL 500.249, 500.1246, 500.222, 500.226
MN	Minn. § Stat. 13.39, Minn. Stat. § 13.41, Minn. Stat. § 60A.03, Minn. Stat. § 60A.031
MS	N/A
MO	Section 374.070, RSMo, Section 374.071, RSMo, Missouri Regulation 20 CSR 500-7.070(2)
MT	(Great Falls Tribune v. MT Public Service Commission, 2003 MT 359, P 54, 319 Mont. 38, P 54, 82 P.3d 876, P 54). ¶¶ 56 – A non-human entity must make a prima facie case showing that data is confidential.
NE	Neb. Rev. Stat 44-1997(4); 44-5906(8)(a); Neb. Rev. Stat. 84-712 - 84-712.09
NV	NRS 692A.117. 679B.190(5),(6),(7)
NM	New Mexico's Inspection of Public Records Act. 14-2-1 et. seq. NMSA; 59A-30A-16 NMSA
NC	N/A
ND	N.D.C.C. 44-04-18.4
OH	Ohio Revised Code Sections 149.43, 3901.045, 3901.075, 3901.36, 3901.48, and 3905.24
OK	36 O.S. § 306 (A), 36 O.S. § 309.4(F), OAC 365:25-7-81, OAC 365-20-3-5, 36 O.S. § 624
OR	The market analysis statute states that data collected in an exam is confidential.
PA	65 P.S. §§ 67.101 - 67.3104
PR	Section 2.090 Puerto Rico Insurance Code
RI	R.I. Gen. Laws §§ 27-13.1-5, 27-71-8, and 38-2-2

	8. Statutes and regulations regarding confidentiality and public disclosure of title data:
SC	S.C. Code Ann. 38-13-140, Director may request information and all replies are strictly confidential. Section 38-13-160, Confidentiality of special reports.
TN	There are no specific statutes or regulations regarding confidentiality and public disclosure of title data; however, T.C.A. 10-7-501 et seq. pertains to what records, on a statewide basis, may be kept confidential and excluded from the public record. T.C.A. 56-1-420 keeps certain insurance company actuarial information confidential, and T.C.A. 56-6-120 keeps investigation information related to insurance companies or agents confidential.
TX	Texas Insurance Code, 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	Utah Code Sections 63G-2-101, et seq., 31A-2-204, 31A-4-113.5, 31A-5-701, 31A-16-109, 31A-16a-108, 31A-16b-106, 31A-17-517, 31A-17-608, 31A-23a-104
VT	N/A
VA	55.1-1016 of the Code of Virginia
WA	RCW 48.17.595(6) and 48.29.018.
WV	W.Va. Code 33-2-9 for the confidentiality of data collected during examination or analyses of a regulated entity.
WI	ss. 19.35 and 19.36, Wis. Stat. s. 601.465, Wis. Stat, and s. Ins 6.13, Wis. Adm. Code
WY	W.S. 16-4-201 et seq.

9. What kind of data is collected and how is it used?	
AL	Typically data is collected for financial and market conduct examinations.
AK	Yearly rate filings and forms of policies to be written are collected and retained. A.S. 21.66.080 requires an annual statement of all assets and liabilities and all title premiums received during the preceding calendar year. A.S. 21.66.085 allows the Director to require quarterly financial statements. Also, the Director is authorized to examine the books, accounts, assets, and title plants of a company authorized to write title insurance in Alaska to determine there is no impairment of capital and the company has complied with the provisions of the title insurance chapter. See A.S. 21.66.120. Title insurance limited producers must keep records in accordance with A.S. 21.66.280 and the Director may inquire into them under A.S. 21.66.290 and 21.66.330. Rate filings by title insurance companies are required under A.S. 21.66.370. See 3 AAC 27.320 for minimum ratemaking standards and 3 AAC 27.330 for required reports and rate filing. See also 3 AAC 27.350 for short-term rates.
AS	N/A
AZ	Underwriting, claims handling, and operational data which includes procedures and policyholder data for market conduct exams. For escrow agents, an audit of the escrow, account servicing, and subdivision trust activities of the escrow agent to determine if significant deficiencies in the design or operation of the internal control structure of the escrow agent would adversely affect the agent's ability to record, process, summarize and report financial data consistent with the assertions of management in the financial statements.
AR	The Department receives and reviews the annual statutory audits performed by title insurers. It may collect other data, such as closing files and policy records during an investigation.
CA	Data collected may include a review of the books, records, accounts, rates, charges, fees, rating plans, rating systems, underwriting rules, policy forms. It may also include 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 plans and financial data reports may also be collected. Data collected is to aid in the administration of rate regulatory laws.
CO	Affiliated Business Arrangement Disclosure, late premium remittances, trust account discrepancies, title agent terminations and new agent appointments.
CT	Data is only collected in connection with an investigation of a title insurer or title agent.
FL	Revenues; expenses and losses. The data is used in the analysis of title insurance rates, title search costs, and the condition of the title insurance industry in the state.
GA	Forms are reviewed for compliance with state laws
ID	Complaint information, title and escrow rates, and any related data, including, but not limited to, examinations, investigations, or audits.
IN	Please see IC 27-7-3-15.5
KS	Insurers must submit policy forms for review and approval. Forms are reviewed by policy examiners. Insurers, agencies, and agents must file title rates they will use, as well as other fees and charges for services provided. Rates and fees are accessible to the public and posted publicly on the Department's website. Escrow audit reports are required annually if agent/agency is performing escrow, settlement or closing services. Unique and unusual filings, if premiums or rates charged vary from those on file with the Department. Controlled/associated business reports.
LA	N/A

	9. What kind of data is collected and how is it used?
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.
MD	The Commissioner may examine the accounts, records, documents and transactions of licensees for the purpose of determining compliance with Maryland Insurance Laws.
MA	N/A
MI	Ad hoc, as needed, use varies.
MN	Data relating to compliance issues. It is collected and used in investigations and examinations.
MS	N/A
MO	We collect supplement data from title insurers. It is used to compile reports based on direct written premium, direct premium earned, incurred losses, paid losses, and loss ratio in order to monitor the Missouri market.
MT	MCA § 33-1-311 (4). The Commissioner may conduct investigations of insurance matters. MCA § 33-1-401. Examination of insurers et seq. MCA § 33-25-302. Disapproval of agency contracts.
NE	Neb. Rev. Stat. 44-1993 (2) & (4); 44-19.112(3); 44-19.114(14)
NV	N/A
NM	Revenue/expense for setting title insurance rates, claims history, escrow procedures, and data related to complaints.
NC	N/A
ND	N/A
OH	Ohio collects data related to the annual review of escrow accounts, interest on trust accounts, affiliated business arrangements, errors and omissions insurance, and surety bond coverage. The data is used to determine compliance with Ohio's title insurance laws. Data may also be collected as part of a market conduct or financial exam to determine compliance with Ohio's insurance laws.
OK	Every title insurer holding a Certificate of Authority from the Oklahoma Department of Insurance shall conduct a policy inventory audit, in accordance with its accepted company practice, of each of its licensed agents periodically, but at least every two years. Such policy inventory audit is defined as an audit of the unused forms in the possession of each of its licensed title insurance agents so as to determine that all used policy forms have been reported to the title insurer. A report of each such audit shall be made to the Department in writing in a form acceptable to the Insurance Commissioner. Interested parties may, upon request, obtain a copy of an approved title policy inventory audit report form from the Department per OAC 365-20-3-5. All licensed insurers and HMOs are subject to annual statement filings, including annual reporting and premium tax remittance, per Oklahoma Title 36 O.S. § 624.
OR	Annual statement data is collected from insurers. No data is collected from title agents.
PA	The Department does not regularly collect data from the title industry. In 1984 and 1993, the Department conducted studies of agent commissions. In 2010, it conducted a study of the expense component of title insurance rates. In order to perform the 2010 study, title agent information was required from title insurers in 2009.
PR	The Department collects title insurance information from insurers and title agents on an ad hoc basis. Information is also obtained from title insurers from regular examinations and from its annual and quarterly financial statements.

	9. What kind of data is collected and how is it used?
RI	Rhode Island is completing a project on title insurance currently. It questioned 20 agents as part of that process and asked questions about disclosure and marketing. It also sent a series of interrogations to 11 title insurers and asked for considerably more, including loss ratios, policy count, oversight of agents and more.
SC	Under South Carolina Code Ann. 38-13-80, every insurer must file a statement showing the business standing and financial condition of the insurer with the Department annually.
TN	The Department currently collects rate information filed by title insurance companies and also collects annual financial statements filed by title insurance companies. The data is used to ensure rates are actuarially justified and to ensure that the title insurance company is financially secure for purposes of licensure.
TX	Income, expenses, losses, number of claims, and number of policies are collected for setting premium rates.
UT	Regarding title insurers, data is collected about their financial condition and used to promote their solvency. Regarding title agents, data is collected concerning their qualifications for a license and their compliance with market conduct laws. The Department also collects data regarding the operations of title insurers, agencies and agents for the purpose of imposing assessments that fund the Department's regulatory activities.
VT	No data is collected. Title agents are licensed and those licenses are subject to approval when renewed.
VA	Real Estate Settlement Agents (RESA) annual audit from title settlement agencies are reviewed for compliance with regulations and Code of Virginia. Market conduct examinations are reviewed for financial stability.
WA	Policy counts and costs to issue policies are collected. Additionally, aggregate data are published and could be used for ratemaking.
WV	Data is not collected from title agents, attorneys, abstractors and escrow/settlement agents.
WI	The Department 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 filed complaints or as a filing requirement.
WY	No data is currently being collected.

	10. If the number of policies issued is collected, how are they separated?			
	Policies issued are separated by standard title policies and enhanced title policies	Policies issued are not separated	N/A	Other
AL			X	
AK		X		
AS			X	
AZ		X		
AR		X		
CA			X	
CO			X	
CT			X	
FL				Other
GA		X		
ID			X	
IN				Policy Type: None, Owners, Lenders, Both
KS			X	
LA			X	
ME			X	
MD	X			
MA			X	
MI			X	
MN			X	
MS			X	
MO		X		
MT	X			
NE			X	
NV			X	
NM	X			
NC			X	
ND			X	
OH	X			
OK			X	
OR			X	
PA				Number of policies is reported annually by a title insurance rating organization in its annual statistical report and available for public view using SERFF.
PR			X	
RI	X			
SC			X	
TN			X	
TX			X	
UT			X	
VT			X	
VA			X	
WA		X		
WV			X	
WI			X	
WY			X	

	11. Statutes and regulations regarding data collection from title participants:
AL	N/A
AK	N/A
AS	N/A
AZ	ARS 20-157, 20-1581, 20-1582, 20-1588, 20-1593, 6-837, 6-832, and 6-860
AR	The Department is authorized by statute to collect data from title agents pursuant to Ark. Code Ann. 23-64-512 and 23-104-406.
CA	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	C.R.S. 10-1-108 and 10-2-804
CT	N/A
FL	Section 627.782(8), F.S., Rule 69O-186.013 and 69O-186.014, F.A.C.
GA	O.C.G.A. 33-7-8 defines title insurance and lists it as a line of insurance subject to regulation. O.C.G.A. 33-9-3(a)(6) exempts title insurers from having to file rates and rules. O.C.G.A. 33-24-2(4) exempts title insurance policies from certain provisions such as cancellation.
ID	Title 41, chapter 27, Idaho Code. IDAPA 18.05.01
IN	IC 27-7-3. Chapter 3 Abstract and Title Insurance
KS	K.S.A. 40-955; K.S.A. 40-952(c); K.S.A. 40-1137(d), Bulletin 1989-31; K.S.A. 40-2404(14)(h); K.A.R. 40-3-43; K.A.R. 40-3-52
LA	La.R.S. 22:529
ME	24-A M.R.S. § 220, if regulated by the Bureau of Insurance
MD	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, 2 and 2-206.
MA	N/A
MI	MCL 500.222, 500.249, 500.438, 500.1246, 500.2028
MN	N/A
MS	N/A
MO	N/A
MT	MCA § 33-1-311 (4); MCA § 33-1-401; MCA § 33-25-302.
NE	In addition to the aforementioned, Nebraska Administrative Code Title 210 Chapter 34 ["Title Insurance"], section 006.03
NV	NRS 692A.260. NRS 6798.120, NRS 6798.140, NRS 6798.340
NM	New Mexico Insurance Code 59A-1-1 et. seq.; 58-28-1 et. seq.; 13.14.1 et. seq. NMAC
NC	N/A
ND	N/A
OH	Ohio Revised Code Sections 3901.011, 3901.045, 3901.075, 3901.36, 3901.48, and 3905.24, and 3953.33. Ohio Administrative Code 3901-7-01
OK	36 O.S. § 306 (A), 36 O.S. § 309.4(F), OAC 365:25-7-81, OAC 365-20-3-5, 36 O.S. § 624
OR	ORS 731.752 through 764
PA	40 P.S. §§ 910-26.1(6), 910-27, 910-28, 910-46, 910-47
PR	N/A
RI	R.I. Gen. Laws Chapters 27-13.1 and 27-71
SC	N/A

	11. Statutes and regulations regarding data collection from title participants:
TN	N/A
TX	Texas Insurance Code Chapter 2703, Subchapter D
UT	Utah Code Sections 31A-2-202, 31A-4-113.5, 31A-5-701, 31A-16-109, 31A-16a-108, 31A-16b-106, 31A-17-517, 31A-17-608, 31A-23a-104.
VT	N/A
VA	38.2-4606 of the Code of Virginia
WA	RCW 48.17.595, 48.29.017, and 48.29.147. WAC 284-29-160, 284-29-320, 284-29A-010, 284-29A-040, 284-29A-080, 284-29A-100, and 284-29A-110. See also, Market conduct oversight, Chapters 284-37 WAC and 48.37 RCW.
WV	N/A
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.
WY	N/A

	12. 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	Escrow & Closing	N/A
AL	X					
AK	X	X	X	X		
AS						X
AZ	X	X	X	X	X	
AR	X	X	X	X		
CA	X	X	X	X	X	
CO		X	X	X	X	
CT	X	X				
FL	X	X	X	X		
GA						X
ID	X	X	X	X	X	
IN		X	X	X	X	
KS			X	X	X	
LA	X				X	
ME	X	X				
MD	X	X		X	X	
MA						X
MI	X	X	X	X	X	
MN	X	X			X	
MS	X					
MO	X	X	X	X	X	
MT		X	X	X	X	
NE		X	X	X	X	
NV	X	X	X	X	X	
NM		X	X	X	X	
NC	X					
ND	X	X				
OH	X	X				
OK	X	X				
OR	X	X	X	X		
PA	X	X				
PR						X
RI		X				
SC		X				
TN		X		X	X	
TX	X	X	X	X	X	
UT	X	X	X	X	X	
VT	X	X				
VA		X			X	
WA	X	X	X	X		
WV	X	X				
WI	X	X				
WY	X	X	X	X	X	

	13. 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 ancillary services are not insurance products and therefore only regulated if title insurance is included in the transaction.)					14. Does the department set requirements for standard and/or enhanced title policies?
	Title Search or Abstract	Examination of Title	Clearing of Title Defects	Escrow & Closing	N/A	
AL					X	Yes, for standard and enhanced policies
AK					X	N/A
AS					X	Yes, for standard and enhanced policies
AZ				X		N/A
AR					X	N/A
CA	X	X	X	X		N/A
CO					X	Yes, for standard and enhanced policies
CT					X	N/A
FL					X	N/A
GA					X	N/A
ID	X	X	X	X		N/A
IN				X		Yes, for standard and enhanced policies
KS					X	N/A
LA					X	N/A
ME					X	N/A
MD	X	X	X	X		Yes, for standard and enhanced policies
MA					X	N/A
MI					X	N/A
MN				X		N/A
MS					X	N/A
MO					X	Yes, for standard and enhanced policies
MT	X	X	X	X		Yes, for standard and enhanced policies
NE				X		Yes, for standard and enhanced policies
NV	X	X	X	X		N/A
NM				X		Yes, for standard and enhanced policies
NC					X	N/A
ND					X	N/A
OH					X	N/A
OK					X	Yes, for standard and enhanced policies
OR					X	N/A
PA					X	N/A
PR					X	Yes, for standard and enhanced policies
RI					X	N/A
SC					X	N/A
TN					X	N/A
TX					X	N/A
UT					X	Yes, for standard and enhanced policies
VT					X	Yes, for standard and enhanced policies
VA				X		N/A
WA					X	N/A
WV					X	N/A
WI					X	Yes, for standard and enhanced policies
WY					X	Yes, for standard and enhanced policies

	15. 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	N/A
AL	X						
AK		X	X	X			
AS							X
AZ	X	X	X	X		X	
AR							X
CA	X	X	X	X	X	X	
CO		X	X	X	X	X	
CT	X	X					
FL	X	X		X	X		
GA							X
ID	X	X	X	X	X	X	
IN	X	X					
KS							X
LA	X	X					
ME	X	X					
MD		X					
MA							X
MI	X	X	X	X			
MN	X	X					
MS							X
MO	X						
MT		X	X	X	X	X	
NE							X
NV	X	X	X	X	X	X	
NM		X	X	X	X		
NC	X						
ND	X	X					
OH	X	X					
OK							X
OR	X	X	X	X	X		
PA	X	X	X	X	X	X	
PR							X
RI		X					
SC	X	X					
TN		X					
TX	X	X	X	X	X	X	
UT	X						
VT	X	X					
VA							X
WA	X	X	X	X	X		
WV	X	X					
WI	X	X					
WY		X					

	16. 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	N/A
AL	X	X					
AK	X	X	X	X	X	X	
AS							X
AZ	X	X	X	X		X	
AR	X						
CA	X	X	X	X	X	X	
CO	X	X	X	X	X	X	
CT	X	X					
FL	X	X		X	X		
GA							X
ID	X	X	X	X	X		
IN	X	X					
KS	X	X	X	X	X		
LA	X	X	X	X	X		
ME	X	X					
MD	X	X			X		
MA							X
MI	X	X	X	X			
MN	X	X					
MS							X
MO	X						
MT		X	X	X	X	X	
NE	X	X	X	X	X	X	
NV	X	X	X	X	X		
NM		X	X	X	X		
NC	X	X	X	X	X	X	
ND	X	X					
OH	X	X					
OK							X
OR	X	X	X	X	X		
PA	X	X	X	X	X	X	
PR							X
RI		X					
SC	X	X					
TN	X	X		X			
TX	X	X	X	X	X	X	
UT	X	X	X	X	X		
VT	X	X					
VA		X					
WA	X	X	X	X	X		
WV	X	X					
WI	X	X					
WY		X					

	17. Are rates required to be filed with the state department/division?	18. How does the state department/division regulate title insurance rates?
AL	Yes	Prior approval
AK	Yes	Prior approval
AS	Yes	Prior approval
AZ	Yes	File and use
AR	No	Rates are not regulated for title insurance
CA	Yes	File and use
CO	Yes	File and use
CT	Yes	Prior approval
FL	No	Promulgate rates
GA	No	Rates are not regulated for title insurance
ID	Yes	File 30 days in advance of use to allow for comments and objections
IN	Yes	Prior approval
KS	Yes	File and use
LA	Yes	Prior approval
ME	Yes	File and use
MD	Yes	File and use
MA	No	Rates are not regulated for title insurance
MI	Yes	File and use
MN	Yes	File and use
MS	Yes	File and use
MO	Yes	Prior approval
MT	Yes	Prior approval
NE	Yes	Prior approval
NV	Yes	Prior approval
NM	Yes	Promulgate rates
NC	Yes	File and use
ND	Yes	File and use
OH	Yes	Prior approval
OK	No	Rates are not regulated for title insurance
OR	Yes	Prior approval
PA	Yes	Title insurance rate filings are generally subject to a File & Use standard (see 40 P.S. § 910-37(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)).
PR	Yes	Prior approval
RI	Yes	File and use
SC	Yes	Prior approval
TN	Yes	Prior approval

	17. Are rates required to be filed with the state department/division?	18. How does the state department/division regulate title insurance rates?
TX	N/A	Promulgate rates
UT	Yes	File and use
VT	Yes	use and file
VA	Yes	File and use
WA	Yes	Prior approval
WV	Yes	File and use for commercial if not disapproved in 30 days
WI	Yes	File and use unless the rate is exempt from the filing requirement under s. Ins. 6.78, Wis. Adm. Code
WY	Yes	Prior approval

	19. Does the state department/division require title agents to file their fees for processes which are not included in the title rate?	20. What is the statutory standard for title rate adequacy?
AL	No	Rates are not excessive, inadequate or unfairly discriminatory
AK	Yes	Rates are not excessive, inadequate or unfairly discriminatory
AS	Yes	At the discretion of the Commissioner
AZ	No	Rates are not excessive, inadequate or unfairly discriminatory
AR	No	Title insurance rates are unregulated
CA	Yes	Rates are not excessive, inadequate or unfairly discriminatory
CO	Yes	Rates are not excessive, inadequate or unfairly discriminatory
CT	No	Rates are not excessive, inadequate or unfairly discriminatory
FL	No	Rates are not excessive, inadequate or unfairly discriminatory
GA	No	Title insurance rates are unregulated
ID	Yes	Rates are not excessive, inadequate or unfairly discriminatory
IN	No	Rates are not excessive, inadequate or unfairly discriminatory
KS	Yes	Title insurance rates are unregulated
LA	No	Rates are not excessive, inadequate or unfairly discriminatory
ME	No	Rates are not excessive, inadequate or unfairly discriminatory
MD	No	Rates are not excessive, inadequate or unfairly discriminatory
MA	N/A	N/A
MI	No	Rates are not excessive, inadequate or unfairly discriminatory
MN	No	Rates are not excessive, inadequate or unfairly discriminatory
MS	Yes	Title insurance rates are unregulated
MO	N/A	Rates are not excessive, inadequate or unfairly discriminatory
MT	No	Rates are not excessive, inadequate or unfairly discriminatory
NE	No	Title insurance rates are unregulated
NV	Yes	Rates are not excessive, inadequate or unfairly discriminatory
NM	No	Rates are not excessive, inadequate or unfairly discriminatory
NC	N/A	Rates are not excessive, inadequate or unfairly discriminatory
ND	No	Rates are not excessive, inadequate or unfairly discriminatory
OH	No	Rates are not excessive, inadequate or unfairly discriminatory
OK	No	Title insurance rates are unregulated
OR	No	Rates are not excessive, inadequate or unfairly discriminatory
PA	No	Rates are not excessive, inadequate or unfairly discriminatory
PR	Yes	Rates are not excessive, inadequate or unfairly discriminatory
RI	Yes	Rates are not excessive, inadequate or unfairly discriminatory
SC	No	Rates are not excessive, inadequate or unfairly discriminatory
TN	No	Rates are not excessive, inadequate or unfairly discriminatory
TX	No	Rates must be reasonable to the public and non-confiscatory to the title insurers and title agents
UT	No	Rates are not excessive, inadequate or unfairly discriminatory
VT	No	Rates are not excessive, inadequate or unfairly discriminatory
VA	No	Title insurance rates are unregulated
WA	Yes	Rates are not excessive, inadequate or unfairly discriminatory
WV	N/A	Rates are not excessive, inadequate or unfairly discriminatory
WI	No	Rates are not excessive, inadequate or unfairly discriminatory
WY	No	Rates are not excessive, inadequate or unfairly discriminatory

	21. Are forms required to be filed with the state department/division?	22. How does the state department/division regulate title insurance policy forms and endorsements?
AL	Yes	Same as all other insurance policy forms and endorsements
AK	Yes	In A.S. 21.66.450, all forms of title policies and other contracts of title insurance proposed to issue in Alaska must be filed before issuance 31 days prior. If after 30 days it is presumed approved.
AS	Yes	Discretion of the Commissioner
AZ	Yes	File and Use 30 Day Hold ARS 20-1591
AR	Yes	File and Approve
CA	Yes	File and Use. The Department looks 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	See CGS section 38a-422 for Policy Form Standards and CGS 38a-423. Under CGS 38a-423 disclosure of a buyer's title policy needs to be waived, in writing, by the buyer if the buyer chooses not to purchase an owner's title policy.
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.
GA	Yes	O.C.G.A. 33-24 has provisions for form requirements for all types of insurance
ID	Yes	Forms and endorsements filed 30 days in advance of use to provide opportunity for comments and objections.
IN	Yes	Indiana Department of Insurance Company Compliance Division
KS	Yes	Admitted title companies must file through SERFF every manual of classification, rules and rates, every rating plan, every rate card and every modification of any of those. Policy forms are reviewed by policy examiners.
LA	Yes	Forms are subject to review and prior approval
ME	Yes	File and Use
MD	Yes	Pursuant to 11-404, the insurer must file the forms and they are deemed approved if not disapproved by the Commissioner.
MA	No	The Division of Insurance does not regulate title insurance forms and endorsements.
MI	Yes	All forms and endorsements are filed in SERFF. The title analysts ensure the forms comply with statute.
MN	Yes	Prior Approval
MS	Yes	File and Use
MO	Yes	Missouri Regulation 20 CSR 500-7.060 and 20 CSR 500-7.130 Section 381.085, RSMo

	21. Are forms required to be filed with the state department/division?	22. How does the state department/division regulate title insurance policy forms and endorsements?
MT	Yes	An insurance policy or annuity contract form, certificate, enrollment form, application form, printed rider or endorsement form, or form of renewal certificate may not be delivered or issued for delivery in Montana unless the form has been filed and approved by the commissioner [MCA § 33-1-501 (1)].
NE	Yes	See Neb. Rev. Stat. 44-1998. Form filing. (1)(a) A title insurer or rate service organization shall not deliver or issue for delivery or permit any of its title insurance agents to deliver in this state any form, in connection with title insurance business written, unless it has been filed and approved by the Director or thirty days have elapsed and it has not been disapproved. The waiting period may be extended ...not to exceed thirty days if the Director gives written notice within such waiting period.... (b) Forms shall not (i) be unjust, unfair, or inequitable, (ii) be misleading, be deceptive, or encourage misrepresentation of the coverage, (iii) be contrary to public policy, or (iv) provide coverage that is of such a limited nature so as to be contrary to public interest. (2) Forms covered by this section shall include: (a) Title insurance policies, including standard form endorsements; and (b) Title insurance commitments. (3) After notice and opportunity to be heard are given to the title insurer or rate service organization which submitted a form for approval, the Director may withdraw approval of the form on finding that the use of the form is contrary to the legal requirements applicable at the time of withdrawal. The effective date of withdrawal of approval shall not be less than ninety days after notice of withdrawal is given. (4) An approved title insurance policy form or endorsement providing coverage for which no identifiable premium is assessed shall be incorporated into every applicable title insurance policy. The title insurer shall disclose any additional coverage to the insured. The provisions of this section shall not operate to eliminate any underwriting standard of conditions... (5) Any term or condition related to insurance coverage provided by an approved title insurance policy or any exception to the coverage, except those ascertained from a search and examination of records relating to a title or an inspection or survey of a property to be insured, may only be included in the title insurance policy after the term, condition, or exception has been filed with the Director and approved.
NV	Yes	Prior Approval
NM	Yes	A hearing is held to determine the need for specific forms and endorsements. The hearing also determines the risks involved.
NC	Yes	NCGS 58-3-150 requires the submissions and approval of all forms.
ND	Yes	Prior Approval
OH	Yes	Prior approval of forms and endorsements required
OK	No	N/A
OR	Yes	ORS 742.003

	21. Are forms required to be filed with the state department/division?	22. How does the state department/division regulate title insurance policy forms and endorsements?
PA	Yes	They are subject to the Department's prior approval in accordance with 40 P.S. § 477b.
PR	Yes	The Actuarial Division received standard forms and endorsement (ALTAS forms) that are reviewed prior to its approval. The Division reviews that the forms and endorsements comply with Puerto Rico's Insurances Code, particularly with the jurisdiction required on appraisal process in law and regulation.
RI	Yes	R.I. Gen. Laws § 27-2.6-17
SC	Yes	We review them as prior approval.
TN	Yes	Title insurance companies are not required to file policy forms and endorsements.
TX	N/A	The Department of Insurance promulgates title insurance policy forms and Endorsements.
UT	Yes	The Commissioner may prohibit the use of a form at any time upon a finding that: (i) the form: (A) is inequitable; (B) is unfairly discriminatory; (C) is misleading; (D) is deceptive; (E) is obscure; (F) is unfair; (G) encourages misrepresentation; or (H) is not in the public interest; (ii) the form provides benefits or contains another provision that endangers the solidity of the insurer; (iii) the form is an insurance policy or application for an insurance policy, that fails to conspicuously provide: (A)the exact name of the insurer; and (B) the state of domicile of the insurer filing the insurance policy or application for the insurance policy; (iv) the form violates a statute or a rule adopted by the commissioner; or (v) the form is otherwise contrary to law.
VT	Yes	Prior Approval
VA	Yes	All forms customarily used by any title insurance company or agent of shall be filed with the Commission.
WA	Yes	Prior Approval
WV	Yes	Forms and endorsements must be filed for approval pursuant to WV Code 33-6-8.
WI	Yes	Forms must be filed with the Commissioner 30 days before use.
WY	Yes	Prior Approval

	23. Is the state department/division authorized to regulate the percentage of premium that title agents retain?	24. Is there a statutory standard for determining that percentage?
AL	No	N/A
AK	No	No
AS	Yes	No
AZ	No	N/A
AR	No	N/A
CA	Yes	No
CO	No	No
CT	No	Yes
FL	Yes	Yes
GA	No	N/A
ID	No	No
IN	No	N/A
KS	No	N/A
LA	No	No
ME	No	N/A
MD	No	N/A
MA	N/A	N/A
MI	No	N/A
MN	No	N/A
MS	No	No
MO	N/A	N/A
MT	Yes	No
NE	No	No
NV	No	N/A
NM	Yes	Yes
NC	No	N/A
ND	Yes	No
OH	No	N/A
OK	No	N/A
OR	No	N/A
PA	No	N/A
PR	Yes	The Actuarial Division reviews that the rate is in accordance with the rate priorly approved by the Office for the rest of the title insurers.
RI	No	No
SC	Yes	Yes
TN	No	N/A
TX	Yes	The Department sets premium rates, which must be reasonable to the public and non-confiscatory to title insurers and title agents.
UT	No	N/A
VT	Yes	No
VA	No	No
WA	No	N/A
WV	No	N/A
WI	No	N/A
WY	No	N/A

	25. Statutes and regulations regarding title rate and form regulation.
AL	N/A
AK	A.S. 21.66.370 Rate filing, A.S. 21.66.380 Justification for rates, A.S. 21.66.390 Making of rates, A.S. 21.66.400 Disapproval of filings, A.S. 21.66.410 Rate administration, A.S. 21.66.420 False or misleading information, 3 AAC 27.310 General ratemaking components, 3 AAC 27.320 Minimum ratemaking standards, 3 AAC 27.330 Required reports and rate filing, 3 AAC 27.340 Other requirements, A.S. 21.66.350 Division of rates, and 3 AAC 27.350 Short-term rates. See also A.S. 21.06.090.
AS	ASCA Title.29.0156,61,62, thru 29.1566
AZ	Title 20, Chapter 6, Article 9
AR	Ark. Code Ann. 23-79-109
CA	California Insurance Code Sections 12340 et. seq., 12389 et. seq., 12401-1240.10.10, 12404-12413.5
CO	C.R.S. 10-1-108, 10-1-109, 10-3-1110, 10-4-401, 10-4-403, 10-4-404, 10-11-108 and Regulation 8-1-1
CT	CGS sections 38a-422 (and 38a-421) for Policy Form Standards. CGS section 38a-418 for Premium Rate Standards (and 38a-419).
FL	Sections 627.777, (Forms) and 627.782, (Rates) F.S.
GA	O.C.G.A. 33-24-9 and 10 pertain to filing, approval and disapproval of forms
ID	§§ 41-2705, 41-2706, and 41-2707, Idaho Code, and IDAPA 18.05.01.012 and 18.05.01.013.
IN	IC 27-7-3; IC 27-1-22-28
KS	K.S.A. 40- 216(2)(A); K.S.A. 40-952(c); K.S.A. 40-955; K.S.A. 40-1134
LA	La.R.S. 22:516 (rates); La.R.S. 22:1464; La.R.S. 22:1466; La.R.S. 22:1468; La.R.S. 22:861
ME	24-A M.R.S. §§ 2302(1)(D), 2410, and 2412
MD	Annotated Code of Maryland, Title 11, Subtitle 4 - Title Insurance Rating.
MA	N/A
MI	MCL 500.7310, 500.7312, 500.7313, 500.2401
MN	Minnesota Statutes, chapter 70A
MS	Miss. Code Ann. Sections 83-15-1 through 83-15-11
MO	Missouri Regulation 20 CSR 500-7.100 and 20 CSR 500-7.130 Section 381.085, RSMo; Section 381.171, RSMo; Section 381.181, RSMo
MT	Title rate regulation – MCA § 33-25-212. Rates filed with commissioner. Title form regulation – MCA § 33-1-501 (1). Filing of forms – approval – review of disapproval or withdrawal of approval – application.
NE	Title rate regulation: n/a; Title form regulation: Neb. Rev. Stat. 44-1998.
NV	NRS 692A.120
NM	59A-30-4 & 5; 13.14.18 NMAC; 13.14.1 et. seq. NMAC
NC	NC General Statutes, Articles 3, 26, and 40.
ND	N.D.C.C. 21.1-20
OH	Ohio Revised Code Section 3953.28
OK	N/A
OR	For title rate regulation, see ORS 737.310 and 320. For title form regulation, see ORS 742.003.
PA	40 P.S. §§ 477b, 910-37, 910-38, 910-39, 910-40, 910-42
PR	Section 12.040 Insurance Code of Puerto Rico
RI	R.I. Gen. Laws §§ 27-2.6-16, 17 and Chapter 27-44
SC	38-75-970; 38-75-980; 38-75-990
TN	T.C.A. 56-35-111
TX	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	Utah Code Sections 31A-19a-201, -202, -209 and 31A-21-201.

	25. Statutes and regulations regarding title rate and form regulation.
VT	VSA 8 Section 3541 and 8 VSA Section 4688 as well as Regulation I-2010-03 Section 8
VA	38.2-4606 of the Code of Virginia
WA	Rates - Chapter 48.29 RCW - Including RCW 48.29.005, 48.29.010, 48.29.040, 48.29.140, 48.29.143, 48.29.147, 48.29.148, 48.29.149, and 48.29.400-470. Chapter 284-29A WAC. Forms - RCW 48.29.015, 48.29.017, 48.29.147, 48.29.148, 48.29.400, and 48.29.470. WAC 284-29-120, 284-29A-020, and 284-29A-130.
WV	33-6-8 Forms; 33-20-1, et seq., Rates
WI	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.
WY	W.S. 26-23-325, 326, 328 and 329

	26. 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	X	
AK	X	X	X	X	X	X	
AS							X
AZ	X	X	X	X	X	X	
AR							X
CA	X	X	X	X	X	X	
CO	X	X	X	X	X	X	
CT	X	X					
FL	X	X	X	X	X	X	
GA	X	X	X	X	X		
ID	X	X					
IN	X	X	X	X	X	X	
KS	X	X	X	X	X	X	
LA	X	X				X	
ME	X	X	X	X	X	X	
MD	X	X	X	X	X	X	
MA	X	X					
MI	X	X	X	X	X	X	
MN	X	X	X	X	X	X	
MS			X	X	X		
MO	X	X	X	X	X	X	
MT		X	X	X	X	X	
NE	X	X	X	X	X	X	
NV	X	X	X	X	X	X	
NM	X	X	X	X	X	X	
NC	X	X	X				
ND	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	
PR	X	X	X	X	X	X	
RI	X	X	X	X	X	X	
SC	X	X					
TN	X	X	X	X		X	
TX	X	X					
UT	X	X	X	X	X		
VT	X	X					
VA		X					
WA	X	X	X	X	X	X	
WV	X	X					
WI	X	X	X	X			
WY	X	X	X	X	X	X	

	27. 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	X	
AK		X	X	X	X	X	
AS							X
AZ	X	X	X	X	X	X	
AR	X	X	X	X	X	X	
CA	X	X	X	X	X	X	
CO		X	X	X	X	X	
CT			X	X	X	X	
FL		X	X	X	X	X	
GA		X	X	X	X	X	
ID		X	X	X	X	X	
IN		X	X	X	X	X	
KS	X	X	X	X	X	X	
LA	X	X	X		X	X	
ME	X	X	X	X		X	
MD		X	X	X	X	X	
MA							X
MI	X	X	X	X	X	X	
MN		X	X	X	X	X	
MS			X	X	X		
MO		X	X	X	X	X	
MT		X	X	X	X	X	
NE	X	X	X	X	X	X	
NV		X	X	X	X	X	
NM		X	X	X	X	X	
NC							X
ND		X					
OH	X	X	X	X	X	X	
OK		X	X			X	
OR		X	X	X	X	X	
PA		X	X	X	X	X	
PR			X	X			
RI		X	X	X	X	X	
SC			X	X	X	X	
TN			X	X		X	
TX		X	X	X	X	X	
UT		X	X	X	X	X	
VT		X	X	X	X	X	
VA		X	X	X			
WA	X	X	X	X	X	X	
WV							X
WI		X	X	X		X	
WY		X	X	X		X	

	28. 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	X			
AK			X	X			
AS							X
AZ		X				X	
AR							X
CA			X	X	X	X	
CO							X
CT							X
FL							X
GA		X	X	X	X	X	
ID							X
IN							X
KS			X	X			
LA	X	X	X	X	X		
ME	X	X					
MD		X					
MA							X
MI							X
MN							X
MS							X
MO							X
MT							X
NE							X
NV						X	
NM							X
NC	X	X	X	X	X	X	
ND			X	X			
OH							X
OK		X	X	X	X		
OR		X			X	X	
PA							X
PR	X	X	X	X	X	X	
RI							X
SC						X	
TN							X
TX		X				X	
UT						X	
VT		X	X	X	X	X	
VA						X	
WA							X
WV							X
WI							X
WY							X

	29. Can a title policy be prepared (search, abstract, commitment, etc.) by an entity located outside of the state?
AL	Yes
AK	A.S. 21.66.270 requires title insurance limited producers to be residents of this state, thus a search, abstract, and commitment is done in this state.
AS	No
AZ	Yes. Statute does not expressly address to allow or prohibit.
AR	No
CA	No
CO	Yes
CT	Yes
FL	Yes
GA	N/A
ID	Yes, but the entity must be licensed in Idaho. § 41-2710, Idaho Code
IN	Yes
KS	Yes
LA	No
ME	Yes, if licensed in Maine.
MD	Yes
MA	N/A
MI	Yes
MN	Yes
MS	N/A
MO	Yes
MT	Yes
NE	Yes
NV	Yes
NM	Yes
NC	Yes
ND	Yes
OH	Yes
OK	No
OR	Yes
PA	Yes
PR	No
RI	Yes
SC	Yes
TN	Yes
TX	A title agent in Texas must sign.
UT	The title search, abstract and commitment can be prepared out of state, however, it must be issued through a Utah Title Agency.
VT	Yes
VA	Yes
WA	Yes
WV	N/A. In West Virginia, only licensed attorneys can provide a title opinion.
WI	Yes
WY	It depends on the type of activity.

	30. Can a title policy be issued by an entity located outside the state?	31. Can closing be performed by an entity located outside the state?	32. Are there any requirements for a licensed entity to have physical offices or perform activities within the state?
AL	Yes	Yes	Yes
AK	Yes	Yes	Yes
AS	No	No	Yes
AZ	No	No	Yes
AR	No	N/A	Yes
CA	Yes	No	Yes
CO	Yes	Yes	No
CT	Yes	N/A	No
FL	Yes	Yes	Yes
GA	Yes	No	No
ID	No	Yes	No
IN	Yes	Yes	No
KS	Yes	Yes	N/A
LA	No	No	Yes
ME	Yes	Yes	No
MD	Yes	Yes	N/A
MA	Yes	N/A	Yes
MI	Yes	Yes	No
MN	Yes	Yes	No
MS	N/A	N/A	No
MO	Yes	Yes	N/A
MT	Yes	Yes	No
NE	Yes	Yes	No
NV	Yes	No	Yes
NM	Yes	Yes	No
NC	Yes	No	Yes
ND	Yes	No	No
OH	Yes	Yes	No
OK	No	N/A	Yes
OR	Yes	Yes	No
PA	Yes	Yes	No
PR	No	No	Yes
RI	Yes	Yes	No
SC	Yes	No	Yes
TN	Yes	N/A	No
TX	No	N/A	Yes
UT	No	No	Yes
VT	Yes	No	No
VA	Yes	Yes	No
WA	Yes	Yes	Yes
WV	N/A	Yes	N/A
WI	Yes	Yes	No
WY	N/A	Yes	Yes

	33. Description of requirements for a licensed entity to have physical offices or perform activities within the state.
AL	Ala. Code Section 27-25-4.1(b)(2) : "[Title agent must be] ... a bona fide resident and citizen of this state or is a full-time employee of a duly licensed title insurance agent whose principal place of business is physically located in this state."
AK	A.S. 21.09.010 states an insurer may not transact business in this state without a certificate of authority. It also is required to have an office or a representative. A.S. 21.66.200 requires a title insurance company to own and maintain in the recording district in which its principal office in the state is located a title plant consisting of adequate maps and fully indexed records showing all instruments of record affecting all land within the recording district for a period of at least 25 years immediately before the date a policy of title insurance is issued by title insurance company. It also has to own and maintain and addition title plant for each additional recording district in which it or its agent maintains and office to transact title business. A.S. 21.66.240 addresses the requirements of title plants. It also allows for different title insurers to contract together to maintain a title plant.
AS	
AZ	ARS 20-1575, 6-834
AR	Ark. Code Ann. 23-103-403(b), 23-103-409(4), and 23-64-220(a)(1)
CA	All UTCs must be domestic stock corporations.
CO	
CT	
FL	The trust account used by a title agent to deposit escrow funds must be with a financial institution located in the State of Florida or a financial institution that has at least one branch in the state.
GA	
ID	
IN	
KS	
LA	An agency title insurance producer shall be a Louisiana entity whose principal place of business is physically located in Louisiana or a foreign entity registered to do business in Louisiana whose principal place of business in Louisiana is suitable for conducting the business of title insurance or closings. (La.R.S. 22:513 (C)(1))
ME	
MD	
MA	See MGL c 175, s 116A. Company must be admitted to transact business under c. 175, s. 47 (11), which is for title insurance.
MI	
MN	
MS	
MO	
MT	
NE	
NV	Title agents must have a physical office in the state.
NM	
NC	Closing attorney must be licensed to practice law in North Carolina (see NCGS 58-26-1).
ND	

	33. Description of requirements for a licensed entity to have physical offices or perform activities within the state.
OH	
OK	Every policy of title insurance 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	
PA	
PR	Section 9.340 Puerto Rico Insurance Code
RI	
SC	Closings must be completed by a South Carolina licensed attorney.
TN	
TX	Title agents must have an office within the state.
UT	Utah Code Section 31A-23a-406: "the individual title insurance producer or agency title insurance producer shall maintain a physical office in Utah staffed by a person with an escrow subline of authority who processes the escrow."
VT	
VA	
WA	RCW 48.29.020(2) requires title insurers to own or lease and maintain a complete set of tract indexes of the county in this state in which its principal office is located. RCW 48.29.190 and WAC 284-29-160 require title insurers to maintain records within this state, unless otherwise approved by the Insurance Commissioner.
WV	
WI	
WY	Nonresidents are not eligible for licensing as title insurance agents or agencies.

	34. Is there a statutory requirement for an attorney opinion letter concerning the title examination for the issuance of a title insurance policy?	35. Statutory requirement for an attorney opinion letter concerning the title examination for the issuance of a title insurance policy.
AL	No	
AK	No	
AS	N/A	
AZ	No	
AR	No	
CA	No	
CO	No	
CT	No	
FL	No	
GA	N/A	
ID	No	
IN	N/A	
KS	No	
LA	Yes	La.R.S. 22:513.1 requires every title policy and mortgage to include the name bar roll of the attorney licensed to practice law in Louisiana who provided the title opinion upon which the title insurance policy is based.
ME	No	
MD	N/A	
MA	N/A	
MI	No	
MN	No	
MS	No	
MO	N/A	
MT	No	
NE	No	
NV	No	
NM	No	
NC	No	
ND	No	
OH	No	
OK	Yes	Pursuant to 36 O.S. § 5001 and OAC 365:20-3-3, title insurer's must attach to the policy an opinion of title covering the insured real property issued by an attorney licensed in the State of Oklahoma.
OR	N/A	
PA	N/A	
PR	No	
RI	N/A	
SC	No	
TN	No	

	34. Is there a statutory requirement for an attorney opinion letter concerning the title examination for the issuance of a title insurance policy?	35. Statutory requirement for an attorney opinion letter concerning the title examination for the issuance of a title insurance policy.
TX	N/A	
UT	Yes	There is a bulletin indicating AOLs can not be used. Also, 31A-23a-406, indicates an owner's policy or lender's policy must be issued on a split close or one on a single close.
VT	No	
VA	N/A	
WA	No	
WV	Yes	WV Code 33-11A-11(c)
WI	No	
WY	Yes	No title insurance policy shall be written unless it is based upon adequate evidence of the current condition of title certified in writing as of the date of the policy by a person duly authorized under W.S. 33-2-101 to act as a title abstractor in the county where the property is situated, or based upon the opinion of an attorney authorized to practice law in this state as to the condition of the title following a review by the attorney of pertinent title records of abstracts. See W.S. 26-23-308

	36. Is there a statutory standard for the information contained in a title examination?	37. Statutory standard for the information contained in a title examination.
AL	No	
AK	Yes	A.S. 21.66.170 requires title insurance company, through a licensed title insurance limited producer, conduct a reasonable search and examination of the title, a determination of insurability of title in accordance with the title insurance company's established underwriting practices.
AS	Yes	ASCA. Title 29.1508
AZ	Yes	ARS 20-1562(10)
AR	Yes	Minimum search requirements found in Ark. Code Ann. 23-103-408; Policyholder rights and disclosure found in Ark. Code Ann. 23-103-413
CA	Yes	12340.10, 12340.11
CO	N/A	
CT	No	
FL	No	
GA	N/A	
ID	Yes	§§ 41-2708(1)(b) and 41-2708(2), Idaho Code.
IN	No	
KS	Yes	K.S.A. 40-235(b) requires a reasonable search and examination of the title to the property to be conducted and a determination made of the insurability of title and the risk in accordance with sound underwriting practices. A search must be conducted of all applicable records of the county, state and federal offices in which the real estate is located as may pertain to the marketability of title for a minimum period of the lesser of 25 years or from the date of the previously issued title insurance policy. K.S.A. 40-1134 also contains requirements for inclusion of information regarding public improvement or special benefit districts which may be able to impose assessments upon the real estate.
LA	Yes	La.R.S. 22:512 (22)(b)(vi)
ME	No	
MD	N/A	
MA	N/A	
MI	N/A	
MN	No	
MS	No	
MO	Yes	Missouri Regulation 20 CSR 500-7.200 Section 381.071, RSMo
MT	Yes	MCA § 33-25-214 (1). A title insurer may not issue a title insurance policy unless it, its title insurance producer, or an approved attorney has conducted a reasonable search and examination of the title and made a determination of insurability of title in accordance with sound underwriting practices. ARM 6.6.2201. Liens, Encumbrances, and Standards of Insurability.
NE	N/A	
NV	No	
NM	Yes	13.14.1 et. seq. NMAC and 59A-30-1 et. seq.

	36. Is there a statutory standard for the information contained in a title examination?	37. Statutory standard for the information contained in a title examination.
NC	No	
ND	No	
OH	No	
OK	N/A	
OR	N/A	
PA	No	
PR	N/A	
RI	N/A	
SC	N/A	
TN	No	
TX	Yes	Texas Insurance Code – Sec. 2704.001 and 2704.002.
UT	Yes	31A-23-406(10) shall conduct a reasonable search
VT	No	
VA	No	
WA	Yes	RCW 48.29.010(3)(g) "Abstract of title" means a written representation, provided under contract, whether written or oral, intended to be relied upon by the person who has contracted for the receipt of this representation, listing all recorded conveyances, instruments, or documents that, under the laws of the state of Washington, impart constructive notice with respect to the chain of title to the real property described. An abstract of title is not a title policy as defined in this subsection.
WV	No	
WI	N/A	
WY	No	

	38. Is there a statutory standard for the information contained in a title opinion letter?	39. Statutory standard for the information contained in a title opinion letter.
AL	N/A	
AK	No	
AS	N/A	
AZ	N/A	
AR	No	
CA	N/A	
CO	N/A	
CT	N/A	
FL	No	
GA	N/A	
ID	No	
IN	N/A	
KS	N/A	
LA	Yes	The information that should be contained in a title opinion is outlined in La.R.S. 22:512 (22).
ME	No	
MD	N/A	
MA	N/A	
MI	No	
MN	No	
MS	No	
MO	N/A	
MT	N/A	
NE	N/A	
NV	No	
NM	No	
NC	N/A	
ND	No	
OH	No	
OK	Yes	
OR	N/A	
PA	No	
PR	N/A	
RI	N/A	
SC	N/A	
TN	No	
TX	Yes	
UT	No	
VT	No	
VA	N/A	

	38. Is there a statutory standard for the information contained in a title opinion letter?	39. Statutory standard for the information contained in a title opinion letter.
WA	Yes	RCW 48.29.010(3)(f) "Preliminary report," "commitment," or "binder" means reports furnished in connection with an application for title insurance and are offers to issue a title policy subject to the stated exceptions in the reports, the conditions and stipulations of the report and the issued policy, and other matters as may be incorporated by reference. The reports are not abstracts of title, nor are any of the rights, duties, or responsibilities applicable to the preparation and issuance of an abstract of title applicable to the issuance of any report. The report is not a representation as to the condition of the title to real property, but is a statement of terms and conditions upon which the issuer is willing to issue its title policy, if the offer is accepted.
WV	No	
WI	N/A	
WY	Yes	W.S. 26-23-308; W.S. 33-2-101

	40. Are attorneys required to be licensed as title agents in order to transact title business in the state?	41. Are attorneys, not licensed as title agents, allowed by state law to perform any duties of title agents?	42. Does the state department/division require the use of attorneys in lieu of title agents?
AL	No	Yes, all	No, allowed but not required
AK	Yes	Yes, limited to specific tasks	No, allowed but not required
AS	N/A	N/A	N/A
AZ	Yes	N/A	No, don't allow
AR	Yes	No	No, don't allow
CA	N/A	No	No, don't allow
CO	Yes	N/A	N/A
CT	No	Yes, all	Yes, required
FL	No	Yes, all	No, allowed but not required
GA	No	Yes, all	Yes, required
ID	Yes	No	No, allowed but not required
IN	Yes	Yes, limited to specific tasks	No, allowed but not required
KS	Yes	No	No, don't allow
LA	Yes	Yes, limited to specific tasks	N/A
ME	Yes	No	No, allowed but not required
MD	Yes	Yes, limited to specific tasks	No, allowed but not required
MA	N/A	N/A	N/A
MI	Yes	No	No, don't allow
MN	Yes	Yes, limited to specific tasks	No, allowed but not required
MS	No	Yes, all	No, don't allow
MO	Yes	Yes, limited to specific tasks	N/A
MT	No	Yes, limited to specific tasks	No, allowed but not required
NE	Yes	No	No, don't allow
NV	Yes	No	No, don't allow
NM	Yes	No	No, don't allow
NC	No	Yes, all	Yes, required
ND	No	No	No, don't allow
OH	Yes	No	No, don't allow
OK	No	Yes, limited to specific tasks	No, don't allow
OR	No	N/A	No, allowed but not required
PA	No	Yes, all	No, allowed but not required
PR	Yes	No	No, don't allow
RI	No	Yes, all	No, allowed but not required
SC	Yes	Yes, limited to specific tasks	Yes, required
TN	No	Yes, limited to specific tasks	No, allowed but not required
TX	No	Yes, limited to specific tasks	N/A
UT	No	Yes, all	No, allowed but not required
VT	Yes	Yes, limited to specific tasks	No, don't allow
VA	Yes	No	No, allowed but not required
WA	Yes	Yes, limited to specific tasks	No, don't allow
WV	No	Yes, all	Yes, required
WI	Yes	No	N/A
WY	No	Yes, limited to specific tasks	No, allowed but not required

	43. What roles do these attorneys (not licensed as title agents) perform?				44. Does their role vary geographically within the state?
	Policy Production/ Issuance	Review Abstracts and Provide Opinions	Conduct Closings	Supervise Employees Who Conduct Closings	
AL	X	X	X	X	No
AK		X	X		Yes
AS					N/A
AZ					No
AR					No
CA					No
CO					N/A
CT	X	X	X	X	No
FL	X	X	X	X	No
GA	X	X	X		N/A
ID					No
IN		X			No
KS					N/A
LA		X			No
ME		X	X	X	No
MD		X			No
MA					N/A
MI		X			No
MN		X	X	X	N/A
MS					N/A
MO		X	X		Yes
MT	X				No
NE					N/A
NV					N/A
NM		X	X	X	No
NC		X	X	X	No
ND		X			No
OH					N/A
OK		X			No
OR					N/A
PA	X	X	X	X	No
PR					N/A
RI		X	X	X	No
SC		X	X		No
TN		X	X	X	N/A
TX		X	X		No
UT	X	X	X	X	No
VT			X	X	No
VA		X	X	X	No
WA			X		No
WV		X	X		No
WI					N/A
WY		X	X	X	No

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

	46. Statutes and regulations regarding use of attorneys as title participants:
AL	Ala. Code Section 27-25-3(10)c
AK	N/A
AS	N/A
AZ	N/A
AR	N/A
CA	N/A
CO	N/A
CT	CGS section 38a-402(13) includes the definition of "Title agent".
FL	Section 626.8417(4), F.S.
GA	O.C.G.A. 33-23
ID	N/A
IN	N/A
KS	N/A
LA	La.R.S. 22:512 (22)(b)(vi); La.R.S. 22:513.1
ME	24-A M.R.S. § 1420-H(3)(C) (exemption from producer examination)
MD	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-125
MA	N/A
MI	N/A
MN	Minnesota Statutes, section 60K.32
MS	83-15-3
MO	Missouri Regulation 20 CSR 700-8 Section 375.015, RSMo and Section 381.115, RSMo
MT	MCA § 33-25-105 (3). Approved attorney means an attorney authorized to practice law in this state, except an agent or employee of a title insurer, whose certification as to the status of the title to real property a title insurer is willing to accept as the basis for issuance of a title insurance policy. MCA § 33-25-401 (2)(b). The following arrangements are not a violation of subsection (2)(a)(ii) – an arrangement by which an attorney or law firm represents a client in a real estate transaction and issues or arranges for the issuance of a policy of title insurance in the transaction directly as insurance producer or through a separate corporate title insurance agency that may be established by that attorney or law firm and operated as an adjunct to the attorney’s or firm’s law practice.
NE	N/A
NV	N/A
NM	N/A
NC	NCGS 58-26-1
ND	N/A
OH	N/A
OK	N/A
OR	Attorneys who are licensed as escrow agents through the Oregon Real Estate Agency can perform that function. An attorney can also examine the title records or title report and advise a client.
PA	40 P.S. §§ 910-1 and 910-7
PR	N/A
RI	R.I. Gen. Laws § 27-2.6
SC	N/A
TN	T.C.A. 56-35-111
TX	Texas Insurance Code §§ 2501.003 (2), 2501.003(4), 2501.005(2); 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 q & s., P-22, P-24, P-44.C.(1), P-45.E., P-69, Section V Exhibits and Forms
UT	Utah Code Section 31A-23a-204; Utah Admin. Code R592-8
VT	N/A

	46. Statutes and regulations regarding use of attorneys as title participants:
VA	N/A
WA	N/A
WV	33-11A-11 see also WV State Bar Advisory opinions 2001-02, 2003-01, 2006-01 and 2010-002
WI	N/A
WY	W.S. 26-23-302(c) and W.S. 26-23-308

47. Which processes are, or can be, performed by abstractors?					
	Title Search or Abstract	Examination of Title	Clearing of Title Defects	Escrow & Closing	N/A
AL	X				
AK					X
AS					X
AZ					X
AR	X				
CA					X
CO	X				
CT					X
FL	X				
GA					X
ID					X
IN	X	X			
KS	X	X			
LA	X				
ME	X				
MD	X				
MA					X
MI				X	
MN	X	X	X		
MS					X
MO					X
MT					X
NE	X				
NV					X
NM	X	X	X	X	
NC	X				
ND	X				
OH	X				
OK	X				
OR					X
PA					X
PR					X
RI					X
SC	X				
TN	X	X			
TX	X				
UT					X
VT					X
VA	X	X			
WA	X				
WV					X
WI					X
WY	X				

	48. Which processes are, or can be, performed by escrow/settlement agents?					
	Policy Production /Issuance	Title Search or Abstract	Examination of Title	Clearing of Title Defects	Escrow & Closing	N/A
AL					X	
AK						X
AS						X
AZ					X	
AR					X	
CA					X	
CO					X	
CT						X
FL					X	
GA	X	X	X	X	X	
ID					X	
IN		X	X	X	X	
KS					X	
LA					X	
ME		X			X	
MD	X	X	X	X	X	
MA						X
MI					X	
MN					X	
MS						X
MO						X
MT					X	
NE					X	
NV					X	
NM	X	X	X	X	X	
NC		X			X	
ND					X	
OH					X	
OK					X	
OR					X	
PA						X
PR						X
RI						X
SC						X
TN		X	X		X	
TX	X	X	X	X	X	
UT						X
VT						X
VA					X	
WA				X	X	
WV						X
WI						X
WY					X	

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

	50. From which of the following does the state department/division require a title agent license?		
	Title Agencies	Individual Title Agents	N/A
AL		X	
AK		X	
AS			X
AZ		X	
AR		X	
CA	X		
CO		X	
CT			X
FL	X		
GA			X
ID	X		
IN	X	X	
KS		X	
LA	X		
ME		X	
MD	X	X	
MA			X
MI		X	
MN		X	
MS		X	
MO	X		
MT	X		
NE		X	
NV		X	
NM	X		
NC		X	
ND	X		
OH		X	
OK		X	
OR	X		
PA		X	
PR		X	
RI		X	
SC	X		
TN		X	
TX	X		
UT	X	X	
VT		X	
VA		X	
WA	X		
WV			X
WI		X	
WY		X	

51. If title participants are not licensed by state departments/divisions, by who are they licensed?				
	Title Agents	Attorneys	Abstractors	Escrow/Settlement
AL	N/A	Alabama State Bar Association. Attorneys are not required to be licensed as title insurance agents but are also not prohibited from being licensed as title insurance agents.	N/A	N/A
AK	N/A	Alaska Bar Association. However, to do a title search and give an opinion on which a title insurance insurer will issue a policy requires the attorney to have a licensed title insurance limited producers license under A.S. 21.66.270.	N/A. Alaska has licensed title insurance limited producers under A.S. 21.66.270.	N/A. Alaska has licensed title insurance limited producers under A.S. 21.66.270.
AS	N/A	N/A	N/A	N/A
AZ	N/A	N/A	N/A	N/A
AR	Licensed by State Department/Division	Arkansas Supreme Court	Arkansas Abstractors Board	N/A
CA	Licensed by State Department/Division	Licensed by State Department/Division	N/A	Department of Financial Protection and Innovation
CO	N/A	N/A	N/A	N/A
CT	N/A	N/A	N/A	N/A
FL	Licensed by State Department/Division	Florida Bar Association	N/A	N/A
GA	N/A	N/A	N/A	N/A
ID	N/A	N/A	N/A	Licensed Title Agents and their Employees can act as Escrow/ Settlement Agents. Escrow/Settlement only Agents are licensed by the Idaho Department of Finance.
IN	Licensed by State Department/Division	Indiana Supreme Court	Licensed by State Department/Division	Licensed by State Department/Division
KS	N/A	Kansas Supreme Court	Abstractors' Board of Examiners	N/A
LA	N/A	Louisiana State Bar Association	N/A	Louisiana Office of Financial Institutions
ME	Licensed by State Department/Division	Maine Supreme Judicial Court	Licensed by State Department/Division	Maine Bureau of Consumer Credit Protection
MD	Licensed by State Department/Division	Maryland Supreme Court	Maryland Depart of Labor Licensing Regulation	Licensed by Maryland Insurance Administration

	51. If title participants are not licensed by state departments/divisions, by who are they licensed?			
	Title Agents	Attorneys	Abstractors	Escrow/Settlement
MA	N/A	Massachusetts Bar Association	N/A	N/A
MI	Licensed by State Department/Division	Michigan State Bar	N/A	N/A
MN	N/A	Minnesota Supreme Court	N/A	N/A
MS	N/A	Mississippi Bar Association	N/A	N/A
MO	N/A	Missouri Supreme Court	N/A	N/A
MT	N/A	Montana State Bar	N/A	Division of Banking and Financial Institutions
NE	Licensed by State Department/Division	Licensed by Nebraska Supreme Court; Regulated by Nebraska Bar Association and Supreme Court	Nebraska Abstractors Board of Examiners	see Neb. Rev. Stat. 76-2,121 (3) & (4) for applicable state Department
NV	Licensed by State Department/Division	N/A	N/A	Escrow officers employed by title insurers/agents are licensed by the Division of Insurance. Escrow agents/agencies are licensed by the Division of Mortgage Lending.
NM	Licensed by State Department/Division	State Bar	N/A	Licensed by State Department/Division.
NC	N/A	North Carolina State Bar	N/A	N/A
ND	N/A	N/A	N/A	N/A
OH	N/A	Ohio Supreme Court	N/A	N/A
OK	N/A	Oklahoma Bar Association	Oklahoma Abstractors Board	N/A
OR	Licensed by State Department/Division	Oregon State Bar	N/A	Oregon Real Estate Agency
PA	Licensed by State Department/Division	Pennsylvania Supreme Court	N/A	N/A
PR	N/A	N/A	N/A	N/A
RI	Licensed by State Department/Division	Rhode Island Supreme Court	N/A	N/A
SC	Licensed by State Department/Division	South Carolina Bar	N/A	N/A
TN	N/A	Board of Professional Responsibility	N/A	Real Estate Commission
TX	Licensed by State Department/Division	State Bar of Texas	N/A	Licensed by Texas Department of Insurance

51. If title participants are not licensed by state departments/divisions, by who are they licensed?				
	Title Agents	Attorneys	Abstractors	Escrow/Settlement
UT	N/A	N/A	N/A	N/A
VT	N/A	If a title attorney is a title agent, they must be licensed by the Department of Financial Regulation.	N/A	N/A
VA	Licensed by State Department/Division	Attorneys can elect to register with State Dept/Division or the Virginia State Bar, which oversees attorneys.	N/A	Licensed by State Department/Division
WA	N/A	Washington State Supreme Court and the Washington State Bar Association	N/A	Those not licensed as title insurers/agents are licensed by the Washington State Department of Financial Institutions (for financial professions unrelated to insurance).
WV	N/A	N/A	N/A	N/A
WI	Licensed by State Department/Division	Wisconsin State Supreme Court	N/A	N/A
WY	Licensed by State Department/Division	Wyoming State Bar	N/A	N/A

52. Statutes and regulations regarding the licensing of title participants:	
AL	N/A
AK	A.S. 21.66.270 requires title Insurance limited producers to be licensed. A.S. 21.66.190(a) requires title insurance companies to only transact title insurance and no other type of insurance.
AS	N/A
AZ	N/A
AR	Ark. Code. Ann. 23-103-401 et seq.
CA	Title Insurers-Insurance Code Section 699 et. Seq. and Insurance Code Sections 12340 et. Seq. Underwritten title companies-Insurance Code Section 12389 et. Seq., Escrow Companies-Financial Code Sections 7000 et. Seq.
CO	N/A
CT	N/A
FL	Sections 626.8412, (licensed and appointed), 626.8417, (agent licensure), 626.8418, (agency licensure), F.S.
GA	N/A
ID	§§ 41-2710, 41-2711, Idaho Code, IDAPA 18.05.01.021.07 and 18.05.01.021.08.
IN	IC 27-1-5-1, IC 27-7-3, IC 27-1-15.6-3, and IDOI Bulletin 135
KS	Title Insurers: K.S.A. Chapter 40 - licensed to do business in Kansas. Title Agents/Agencies: K.S.A. 40-4903 and 40-4905. Abstractors: K.S.A. 58-2801 - licensing requirements.
LA	Louisiana Administrative Code; Title 10, section XV-903
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
MD	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-125, 10-103, 104,111, 113,114,116,121, 121.1, 126.
MA	MGL c 175 ss 47 (11), 114, 116 and 116A for title insurers
MI	MCL 500.7302, 500.7303, 500.7317, 500.1201
MN	Minn. Stat. §§ 60A.07, subd. 4; 60K.32; 82.641; 386.62.
MS	Mississippi Code, Section 83-15-3
MO	Missouri Regulation 20 CSR 700-8 Section 381.115, RSMo
MT	Except as expressly otherwise provided in this code, a person acting as an insurer and an insurer transacting insurance in this state must have a subsisting certificate of authority issued by the commissioner [MCA § 33-2-101 (1)]. Title insurer means an insurer formed and authorized under the laws of this state to transact the business of title insurance in this state or a foreign or alien insurer so authorized [MCA § 33-25-105 (14)]. A person may not sell, solicit, or negotiate insurance or act as an insurance producer in this state unless licensed as an insurance producer under this chapter [MCA § 33-17-201 (1)]. Title insurance producer means a person who holds a valid title insurance producer's license and is authorized in writing by a title insurer [MCA § 33-25-105 (13)(a)]. The MT Financial Institutions statute MCA § 32-7-103 (1)(c) exempts a person whose principal business is that of preparing abstracts or making searches of title that are used as a basis for the issuance of any title insurance policy. MCA § 32-7-109 Application for license – bond – issuance. (1) A person must be licensed pursuant to this part before engaging in an escrow business.
NE	Neb. Rev. Stat. 44-19,109 - required licensing for title insurance agents, pursuant to Nebraska Insurance Producers Act [Neb. Rev. Stat. 44-4047-4069]
NV	NRS 692A.100-.1037, NAC 692A.030-.060.
NM	Title 13 Insurance NMAC Chapters 1, 2, 4 and 14

	52. Statutes and regulations regarding the licensing of title participants:
NC	Chapter 58 of the NC General Statutes. Title insurers are licensed under Article 7. Title agents are licensed under Article 33.
ND	N/A
OH	Ohio Revised Code Sections 3905.01, 3905.02, 3905.06, 3905.07, and 3953.21; Ohio Administrative Code 3901-5-09
OK	36 O.S. § 5001, 36 O.S. §1435.4, 36 O.S. § 1435.7
OR	N/A
PA	40 P.S. §§ 910-1(3), 910-3, 910-22, 910-26, 910-41
PR	Chapter 3, 11, 12, 24, 29, 40, 45 of the Puerto Rico Insurance Code for title insurers. For producers and authorized representatives with title insurance line of business- Section 9.020, 9.021,9.022, 9.060, 9.061, 9.070, 9.090, 9.110, 9.140, 9.160, 9.170, 9.190, 9.200, 9.210, 9.260, 9.270, 9.340, 9.350, 9.351, 9.360, 9.370, 9.380, 9.400, 9.401, 9.420, 9.430, 9.440, 9.450, 9.460, 9.471, 9.480 Puerto Rico Insurance Code. Chapter 27 of the Puerto Rico Insurance Code.
RI	R.I. Gen. Laws §§ 27-2.4-3, 27-2.6-4
SC	N/A
TN	N/A
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	Utah Code Section 31A-23a-204; Utah Admin. Code R592-8
VT	Producer licensing statute (not specific to title insurance) 8 V.S.A. § 4813b
VA	38.2-1814.1 of the Code of Virginia 55.1-1014 of the Code of Virginia
WA	RCW 48.05.030, 48.05.330, 48.05.340, 48.17.060, 48.17.090, 48.17.173, 48.29.020, 48.29.040, 48.29.155, 48.29.160, and 48.29.170. Chapter 284-29 WAC.
WV	N/A
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.
WY	W.S. 26-23-316 - 318

	53. Are title insurers required to appoint the title agents they use?	54. Is the state department/division authorized to review contracts between title insurers and title agents?
AL	Yes	No
AK	Yes	Yes, but the department rarely reviews these contracts
AS	Yes	N/A
AZ	No	Yes, and the department regularly reviews these contracts
AR	Yes	Yes, but the department rarely reviews these contracts
CA	Yes	Yes, and the department sometimes reviews these contracts
CO	No	No
CT	No	Yes, but the department rarely reviews these contracts
FL	Yes	Yes, and the department sometimes reviews these contracts
GA	Yes	N/A
ID	Yes	Yes, and the department sometimes reviews these contracts
IN	Yes	Yes, and the department sometimes reviews these contracts
KS	Yes	No
LA	Yes	No
ME	Yes	Yes, but the department rarely reviews these contracts
MD	Yes	Yes, and the department regularly reviews these contracts
MA	N/A	N/A
MI	Yes	Yes, and the department sometimes reviews these contracts
MN	Yes	Yes, but the department rarely reviews these contracts
MS	Yes	No
MO	Yes	Yes, and the department sometimes reviews these contracts
MT	Yes	Yes, and the department sometimes reviews these contracts
NE	Yes	Yes, and the department sometimes reviews these contracts
NV	Yes	Yes, and the department sometimes reviews these contracts
NM	Yes	Yes, and the department regularly reviews these contracts
NC	Yes	No
ND	Yes	No
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, but the department rarely reviews these contracts
PR	Yes	Yes, but the department rarely reviews these contracts
RI	Yes	Yes, but the department rarely reviews these contracts
SC	Yes	No
TN	Yes	No
TX	Yes	Yes, and the department sometimes reviews these contracts
UT	Yes	No
VT	Yes	Yes, but the department rarely reviews these contracts
VA	Yes	Yes, and the department sometimes reviews these contracts
WA	Yes	Yes, but the department rarely reviews these contracts
WV	N/A	N/A
WI	Yes	Yes, but the department rarely reviews these contracts
WY	Yes	Yes, but the department rarely reviews these contracts

	55. Is the state department/division required to keep the details of these contracts confidential?	56. When is the state department/division required to keep the details of contracts confidential?
AL	N/A	
AK	Yes	A.K. 21..6. 060(b-g) requires confidentiality of documents provided to the Director.
AS	N/A	
AZ	Yes	ARS 20-1593, 20-158
AR	In certain circumstances	If the contract is part of an investigatory file, the files contents are subject to disclosure under the Freedom of Information Act once the file is closed.
CA	In certain circumstances	May be confidential pursuant to California Public Records Act. California insurance Code sections 735.5, 12919. Civil Code Sections 3426 et. Seq. (Uniform Trade Secret Act)
CO	In certain circumstances	C.R.S. 10-3-808 and 10-3-1709
CT	In certain circumstances	
FL	In certain circumstances	Agency agreements may be kept confidential if requested by either party.
GA	N/A	
ID	Yes	§ 41-2710(7), Idaho Code, relating to documents and working papers as provided under the subsection (7), and Title 41, Chapter 1, Idaho Code.
IN	No	
KS	N/A	
LA	N/A	
ME	Yes	
MD	In certain circumstances	In cases where records are obtained, it is pursuant to Section 2-205, 206 of the Insurance Article and Annotated Code of Maryland Title 7.
MA	N/A	
MI	Yes	MCL 500.222 specifies the procedures and requirements for the disclosure of confidential information. Specifically, Section 222(7), MCL 500.222(7), generally requires DIFS to withhold from public inspection all information and testimony furnished to DIFS and DIFS work papers, correspondence, memoranda, reports, records, and other written or oral information related to an examination report or an investigation. In addition, MCL 500.1246 specifies, with limited exceptions, confidentiality requirements for documents, materials, or other information furnished by an insurer or otherwise obtained by DIFS' Director in an investigation.
MN	In certain circumstances	
MS	N/A	
MO	Yes	Section 374.070, RSMo; Section 374.071, RSMo
MT	In certain circumstances	There is a constitutional presumption that all documents in the hands of public officials are subject to public inspection (Great Falls Tribune v. MT Public Service Commission, 2003 MT 359, P 54, 319 Mont. 38, P 54, 82 P.3d 876, P 54). ¶¶ 56 – A non-human entity must make a prima facie case showing that data is confidential.

	55. Is the state department/division required to keep the details of these contracts confidential?	56. When is the state department/division required to keep the details of contracts confidential?
NE	Yes	Regulated by Neb. Rev. Sta. 44-5906(8)(a) through Nebraska Administrative Code Title 210, Chapter 34, section 006.01 & Neb. Rev. Stat. 44-19,110
NV	Yes	Typically, such contracts are proprietary company information and kept confidential per NRS 679B.190(5).
NM	In certain circumstances	It depends on the information provided. For example, personal identified information will be kept confidential.
NC	N/A	
ND	N/A	
OH	In certain circumstances	Ohio Revised Code Sections 149.43, 3901.045, 3901.075, 3901.36, 3901.48, and 3905.24
OK	No	
OR	Yes	
PA	In certain circumstances	Depends 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).
PR	No	
RI	In certain circumstances	If requested in an examination it would fall under the exclusion from public access in our examination statute. If requested in another manner it would fall under our general access to public records statute and depend upon the information requested.
SC	N/A	
TN	N/A	
TX	No	
UT	N/A	
VT	Yes	If the contract is collected and/or reviewed in the course of an investigation, examination, or complaint it would be kept confidential.
VA	Yes	Contracts and all documentation obtained during an investigation are kept confidential. 55.1-1016 of the Code of Virginia
WA	No	
WV	N/A	
WI	In certain circumstances	These contracts would be subject to Wisconsin's open records laws, confidentiality would depend on the circumstances of each case.
WY	N/A	

	57. Statutes and regulations regarding the relationship between title insurers and title agents:
AL	Ala. Code Section 27-25-4 has the requirement for title insurance agents to be licensed by the Department and appointed to represent the title insurance company.
AK	A.S. 21.66.170 Determination of insurability required, A.S. 21.66.290 Title insurance limited producer replies to director inquiries, A.S. 21.66.350 Division of rates, A.S. 21.66.480(8) Definition of title insurance limited producer.
AS	N/A
AZ	Title 20, Chapter 6, Article 9
AR	Ark. Code Ann. 23-103-407
CA	California Insurance Code Sections 12340.1, 12340.3, 12340.4, 12340.5, 12389, 12389.5 and 12389.6, 12418.1, 12418.4
CO	N/A
CT	CGS section 38a-402 (13). Title insurers may authorized in writing for title agents to "solicit, collect premium, determine insurability of risks, issue policies..."
FL	Sections 626.8412, 626.8419, 627.792, F.S.
GA	N/A
ID	§§ 41-2702, 41-2705, 41-2710, 41-2711, Idaho Code.
IN	IC 27-1-5-1 Class 2(j), IC 27-7-3, IC 27-1-15.6-2, and IC 27-1-16.6-18
KS	Agents must be appointed by insurer to sell, solicit or negotiate policies: K.S.A. 40-241, K.S.A. 40-252, K.S.A. 40-4912(a).
LA	La.R.S. 22:520 - La.R.S. 22:527
ME	24-A M.R.S. §§ 1420-M, 1445, and 2422
MD	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-103, 10-118;10-121.1 and 4-205 of the Insurance Article.
MA	N/A
MI	MCL 500.7317, 500.1201
MN	Minn. Stat. §§ 60K.30 et seq.
MS	83-15-3
MO	Missouri Regulation 20 CSR 500-7 Section 381.018, RSMo
MT	Title insurance producer means a person who holds a valid title insurance producer's license and is authorized in writing by a title insurer [MCA § 33-25-105 (13)(a)]. Title insurers and insurance producers may share rate proceeds between or among themselves in any combination and may accept commissions unless the sharing of rate proceeds is an unlawful rebate or inducement under this title or is a payment of a forwarding fee or a finder's fee (MCA § 33-25-202). The commissioner may disapprove a title agency contract between a title insurance producer and title insurer, upon appropriate notice to the parties to the contract (MCA § 33-25-302).
NE	Neb. Rev. Stat. 44-1993 [Duties of Title Insurers Utilizing Services of Title Agents]
NV	NRS 692A.1045, NAC 692A.080-.115, NAC 692A.160
NM	13.14.1 et. seq. NMAC; 59A-30-1 et. seq. NMSA; 59A-30-4 NMSA
NC	N/A
ND	N/A
OH	Ohio Revised Code Sections 3905.20, 3905.21, and 3953.21
OK	N/A

	57. Statutes and regulations regarding the relationship between title insurers and title agents:
OR	ORS 744.078 through 087
PA	40 P.S. §§ 910-24 to 910-24.2
PR	Sections 9.020, 9.021, 9.040, 9.060, 9.061, 9.062, 9.063, 9.211, 9.212 Puerto Rico Insurance Code
RI	R.I. Gen. Laws § 27-2.6-13
SC	38-75-960
TN	N/A
TX	Primarily regulated by Texas Insurance Code Chapters 2651
UT	Utah Code Section 31A-23a-115
VT	N/A
VA	38.2-4600 et seq. of the Code of Virginia
WA	RCW 48.17.160
WV	N/A
WI	Sections 628.11, 628.40 and 631.09, Wis. Stat.; and s. Ins 6.57, Wis. Adm. Code.
WY	W.S. 26-23-303(a)(xix) and W.S. 26-23-316(b)(iii)

	58. What are the requirements for title insurers to confirm/verify valid license status of title agents? How often is confirmation/verification completed?
AL	License can be verified online by anyone. Insurer seeking to process title insurance agent appointment would be notified if agent is not licensed.
AK	A.S. 21.27.140(c) allows the Director to penalize a firm who has someone unlicensed act or represent them on their behalf. An inquiry to the Department would verify the license.
AS	N/A
AZ	N/A
AR	N/A
CA	Title insurers will require valid licenses for underwriting companies they appoint as their issuing agents in California. Title insurers will verify this information when they enter into an issuing agent contract with the underwritten title company.
CO	N/A
CT	N/A
FL	Title insurers confirm an agent has a valid license upon their initial appointment and every two years thereafter when the insurer is required to reappoint their agents.
GA	N/A
ID	Section 41-2710, Idaho Code
IN	N/A
KS	Like all insurers, title insurers must verify appointed agents are properly licensed as title agents, pay an initial appointment fee, and pay annual appointment renewal fees.
LA	La.R.S. 22:530 requires a title insurer to maintain a file that illustrates that an appointed title producer is licensed by the State of Louisiana and that the title producer maintains errors and omissions coverage. There is no time requirement or frequency requirement provided.
ME	N/A
MD	At least once every 31 days, an insurer shall determine whether the license of any insurance producer who currently is appointed by the insurer has been suspended or revoked. Code of Maryland Regulation Title 31, Subtitle 03
MA	N/A
MI	N/A
MN	Minn. Stat. §§ 60K.30 et seq.
MS	Title insurance companies must comply with the same laws and requirements regarding the licensure of their agents as insurance companies and their agents.
MO	Missouri Regulation 20 CSR 500-7.080 Section 381.023, RSMo
MT	MCA § 33-17-231 (1). Each insurer appointing an insurance producer in this state shall file with the commissioner the appointment, specifying the kinds of insurance to be transacted by the insurance producer for the insurer. MCA § 33-17-231 (2). Each appointment remains in effect until the insurance produce license is revoked or otherwise terminated unless written notice of earlier termination of appointment is filed with the commissioner by the insurer or the insurance producer.
NE	Neb. Rev. Stat. 44-1993(6) for requirements for insurers to verify licensure of agents/employees under them. Title agent licenses require renewal every two years; expiration date depends on agent's birthdate.

	58. What are the requirements for title insurers to confirm/verify valid license status of title agents? How often is confirmation/verification completed?
NV	NAC 692A.115 prohibits a title insurer from allowing a title agent to issue a policy or allowing a title agent or escrow officer to disburse money from an escrow account unless the title agent or escrow officer has been certified to the Commissioner in an annual certification required by NAC 692A.110.
NM	Annually
NC	The Commissioner annually licenses the agents of title insurance companies as required under GS 58-26-10.
ND	N/A
OH	Title insurers are required to annually certify all title insurance agents representing it.
OK	Pursuant to 36 O.S. § 1435.13, the license of a business entity, such as a title insurer, is subject to administrative penalty for knowingly accepting insurance business from an unlicensed individual. 36 O.S. § 1435.14 prohibits an insurer from paying any commission or other consideration to an unlicensed producer. Pursuant to 36 O.S. § 1435.15, insurers must file appointments with the OID within 15 days of the date the agent contract is executed for a determination of eligibility, which the Department must complete within 30 days.
OR	N/A
PA	The agent needs to be appointed by the company and the company needs to verify license status at that time. They should be tracking that throughout and the appointment would cancel if the license expires.
PR	Section 3.340, 9.060, 9.061 of the Insurance Code of Puerto Rico
RI	R.I. Gen. Laws § 27-2.6-13
SC	License status is reported to the State Producer Licensing Database. Insurers should verify that they are licensed. Insurers are also supposed to vet the background before appointing.
TN	N/A
TX	N/A
UT	N/A
VT	The title producer must be licensed and appointed at the time of the transaction. So, the confirmation/verification must occur at such time as to ensure that is the case.
VA	N/A
WA	A valid license is required to sell/solicit/negotiate title insurance in this state (RCW 48.17.060). A licensed title agent must be appointed by an insurer to act as an agent for the title insurer (RCW 48.17.160(1)). All appointments are completed online (WAC 284-17-055). The title insurer cannot appoint the title agency if the agency does not have an active insurance producer license with the title line of authority (WAC 284-17-429). The verification of a valid title agent license is made: 1) during the initial online appointment process, 2) during the title agents' license renewal process (every 2 years), 3) during the insurers' appointment renewal process (every 2 years), and 4) if the title agency license becomes inactive (all appointments are automatically cancelled by the online system).
WV	N/A
WI	Insurers must confirm/verify valid license status of agents at appointment and should monitor status on an ongoing basis.
WY	W.S. 26-23-315, annual basis

	59. Are title insurers liable for losses resulting from defalcation by title agents?	60. Are title insurers liable for losses resulting from defalcation by escrow/settlement agents?
AL	Yes	Yes, if a closing protection letter is issued
AK	Yes, if a closing protection letter is issued	There is no statute or regulation making them liable. However, A.S. 21.36.390(b) requires reporting. An insurer or licensee that has reason to believe that an insurance producer with which it is doing business is involved in a defalcation, embezzlement, or violation of the provisions of AS 21.36.030, 21.36.050, or 21.36.360 shall immediately send the Director a report disclosing the basis for that belief and any other information that the director may require.
AS	N/A	N/A
AZ	Yes	Yes
AR	Yes	Yes, if a closing protection letter is issued
CA	Yes	Yes
CO	Yes	Yes, if a closing protection letter is issued
CT	Yes, if a closing protection letter is issued	N/A
FL	Yes	Yes
GA	Yes, if a closing protection letter is issued	Yes, if a closing protection letter is issued
ID	Yes, if a closing protection letter is issued	Title agents comprise their employees acting as escrow agents. In this capacity, yes, if a closing protection letter is issued.
IN	Yes	Yes
KS	Possibly	Possibly
LA	Yes	Yes, if a closing protection letter is issued
ME	Yes	Yes
MD	Yes	Yes
MA	N/A	N/A
MI	Yes	No
MN	Yes, if a closing protection letter is issued	Yes, if a closing protection letter is issued
MS	Yes	N/A
MO	Yes, if a closing protection letter is issued	Yes, if a closing protection letter is issued

	59. Are title insurers liable for losses resulting from defalcation by title agents?	60. Are title insurers liable for losses resulting from defalcation by escrow/settlement agents?
MT	MCA § 28-10-602.	MCA § 28-10-602. Principal's responsibility for agent's negligence, omissions, and wrongs. (1) Unless required by or under the authority of law to employ that particular agent, a principal is responsible to third persons for the negligence of the principal's agent in the transaction of business of the agency, including wrongful acts committed by the agent...
NE	Yes	Title insurers are not liable, but under Neb. Rev. Stat. 44-19,109(3), the Director requires the title ins agent, or any "bona fide employee" of a title insurer (defined in statute), to maintain a surety bond or similar.
NV	Yes, if a closing protection letter is issued	No
NM	Yes	Yes
NC	Based on contract	N/A
ND	N/A	N/A
OH	Yes	Yes
OK	Yes	Yes
OR	Depends on the terms of the contract	Depends on the terms of the contract
PA	Yes	Yes
PR	Yes	N/A
RI	Yes, if a closing protection letter is issued	Yes, if a closing protection letter is issued
SC	N/A	N/A
TN	N/A	N/A
TX	Yes, if a closing protection letter is issued	Yes, if a closing protection letter is issued
UT	Yes	Yes
VT	Yes	Yes
VA	Yes	Yes, if a closing protection letter is issued
WA	Yes	Yes
WV	N/A	N/A
WI	Title insurers may be held responsible for the acts of their agents.	N/A
WY	Yes	N/A

	61. If title insurers are liable for losses resulting from defalcations, by what is that liability imposed?	62. Statutes and regulations regarding the liability of title insurers for defalcations of other title participants:
AL	Contract	N/A
AK	Common law	N/A
AS	N/A	N/A
AZ	Closing protection letter	ARS §6-841.02(C) through (E)
AR	Common law	N/A
CA	Common law	Common law
CO	Statue, Closing protection letter	C.R.S. 10-3-131
CT	N/A	N/A
FL	Statue	Section 627.792, F.S.
GA	N/A	O.C.G.A. 33-7-8.1 Closing protection letter
ID	Contract, Closing protection letter	N/A
IN	Common law	N/A
KS	Common law, Closing protection letter	Title agent/agencies that handle escrow, settlement or closing services must post a bond with the Department to protect customers against defalcations. Also, they must comply with statutory requirements for segregation of escrow funds, and must have an annual audit done of their escrow accounts each year by a CPA or a title insurer for which they do business. K.S.A. 40-1137 to 40-1139.
LA	Statue, Closing protection letter	La.R.S. 22:515 (C)
ME	Contract	N/A
MD	Contract, Statue, Common law, Closing protection letter	N/A
MA	N/A	N/A
MI	Closing protection letter	N/A
MN	Closing protection letter	N/A
MS	Common law	Common contract law
MO	Statue, Contract, Closing protection letter	Missouri Regulation 20 CSR 100 Section 375.144, RSMo Section 375.1007, RSMo Section 381.018, RSMo Section 381.022, RSMo
MT	MCA § 28-10-602. Principal's responsibility for agent's negligence, omissions, and wrongs.	MCA § 33-1-1205. Duties of authorized insurers, adjusters, administrators, consultants, and producers. MCA § 28-10-602. Principal's responsibility for agent's negligence, omissions, and wrongs.

	61. If title insurers are liable for losses resulting from defalcations, by what is that liability imposed?	62. Statutes and regulations regarding the liability of title insurers for defalcations of other title participants:
NE	Statue	Neb. Rev. Stat. 44-19,109(3) and Neb. Rev. Stat. 44-1993(8)(a) [NOTE: only applies if title ins policy is ISSUED]; Neb. Rev. Stat. 44-1984(2)(a)(1)
NV	Closing protection letter, Statue	NRS 692A.110, NRS 692A.225
NM	Common law, Statue, Contract, Closing protection letter	13.14.1 et. seq. NMAC
NC	Contract	N/A
ND	N/A	NA
OH	Common law, Statue, Closing protection letter	Ohio Revised Code Section 3905.20 and 3953.32
OK	Common law	N/A
OR	Depends on the terms of the contract	N/A
PA	Contract	N/A
PR	Contract. The insurer is the ultimate responsible for the insurance contract issued.	N/A
RI	Statue	R.I. Gen. Laws § 27-2.6-6
SC	N/A	N/A
TN	N/A	N/A
TX	Closing protection letter	Closing protection letters are governed by Ins Code Sections 2702.001 and 2702.002, and promulgated under the Texas Department of Insurance. Ins Code Ch. 2602 governs the Texas Title Insurance Guaranty Association, which can assess title insurers.
UT	Statue, Closing protection letter	Utah Code Sections 31A-4-117, 31A-23a-407
VT	Common law	Common law
VA	Statue, Closing protection letter	38.2-1801 of the Code of Virginia
WA	Statue	RCW 48.29.155(5)
WV	N/A	N/A
WI	It would depend on the circumstances of the case.	Sections 628.34(1)(a), 628.40, and 631.09 Wis. Stat.
WY	Common law	N/A

	63. Is a title search required before a title policy is issued?	64. Are title insurers required to maintain a title plant?	65. Is it acceptable for the title plant's records to be electronic?	66. Is it acceptable for searches to be conducted from publicly available recorders' websites?	67. Is it acceptable for title plants to offer their records via a secured web portal?
AL	No	No	N/A	N/A	N/A
AK	Yes	Yes	Yes	Yes	N/A
AS	N/A	N/A	N/A	N/A	N/A
AZ	Yes	Yes	Yes	Yes	Yes
AR	Yes	No	Yes	Yes	Yes
CA	Yes	No	Yes	Yes	Yes
CO	Yes	No	Yes	Yes	Yes
CT	Yes	No	N/A	N/A	N/A
FL	Yes	No	Yes	Yes	Yes
GA	Yes	N/A	N/A	N/A	N/A
ID	Yes	N/A	Yes	No	Yes
IN	Yes	No	N/A	No	Yes
KS	Yes	No	N/A	No	Yes
LA	Yes	Yes	N/A	N/A	N/A
ME	No	No	N/A	N/A	N/A
MD	Yes	N/A	N/A	Yes	N/A
MA	N/A	N/A	N/A	N/A	N/A
MI	No	No	Yes	Yes	Yes
MN	No	No	N/A	Yes	Yes
MS	N/A	N/A	N/A	N/A	N/A
MO	Yes	No	Yes	Yes	Yes
MT	Yes	No	Yes	Yes	Yes
NE	Yes	No	Yes	N/A	N/A
NV	Yes	No	Yes	Yes	Yes
NM	Yes	Yes	Yes	Yes	Yes
NC	Yes	No	N/A	N/A	N/A
ND	Yes	Yes	Yes	N/A	N/A
OH	Yes	No	Yes	Yes	Yes
OK	Yes	No	N/A	N/A	N/A
OR	Yes	Yes	Yes	Yes	Yes
PA	Yes	No	N/A	N/A	N/A
PR	Yes	N/A	N/A	Yes	N/A
RI	No	No	Yes	Yes	Yes
SC	Yes	No	N/A	N/A	N/A
TN	Yes	No	Yes	Yes	Yes
TX	Yes	No	Yes	No	Yes
UT	Yes	No	Yes	Yes	Yes
VT	Yes	N/A	N/A	N/A	N/A
VA	Yes	N/A	N/A	N/A	N/A
WA	No	Yes	Yes	No	No
WV	N/A	No	N/A	No	N/A
WI	N/A	N/A	N/A	N/A	N/A
WY	Yes	No	N/A	N/A	Yes

	68. Statutes and regulations regarding title plants:
AL	N/A
AK	A.S. 21.66.200, A.S. 21.66.210 and A.S. 21.66.240
AS	N/A
AZ	ARS 20-1562(10), 20-1564 (F), 20-1567
AR	N/A
CA	See CICS 12389, 12372, AND 12372.5
CO	N/A
CT	CGS sections 38a-402(17), 38a-406 (single risk limitation), and 38a-412 (Investments)
FL	N/A
GA	N/A
ID	§§ 41-2702, 41-2708(1)(a), 41-2710, Idaho Code. IDAPA 18.05.01.011
IN	N/A
KS	K.S.A. 40-235 requires "a reasonable search and examination of the title to the property and must be based on all applicable records of the county, state and federal offices in which the real estate is located." There are many records which may be confidential and not publicly available which may only be available for inspection at the applicable court, county, or state office.
LA	N/A
ME	N/A
MD	N/A
MA	N/A
MI	N/A
MN	N/A
MS	N/A
MO	Missouri Regulation 20 CSR 500-7.200, Section 381.071, RSMo Section 381.115.8, RSMo
MT	MCA § 33-25-105 (16). "Title plant" means a set of privately maintained records in which entries have been made of documents imparting constructive notice, under the law, of matters affecting title to real property, an interest therein, or an encumbrance thereon, that have been filed or recorded in the jurisdiction for which the title plant is maintained and from which the ownership of real property within the jurisdiction can be ascertained and liens, encumbrances, defects, and clouds on title to the real property can be determined.
NE	Nebraska Administrative Code Title 210 Chapter 34, section 006.05 [Title Plant Maintenance]
NV	NRS 692A.080, NRS 692A.220, NRS 692A.230
NM	13.14.1 et. seq. NMAC; 13.14.2 NMAC; 59A-1-1 et. seq. NMSA; 59A-30-4 NMSA; 59-A-30-12 NMSA; 59A-12-13 NMSA; 59A-12-2-2 NMSA
NC	N/A
ND	NA
OH	N/A
OK	36 O.S. § 5001(C)(1); 1 O.S. §§ 21 and 27-37; OAC 5:2-1-2; OAC 5:11-3-1; OAC 5:11-3-6; OAC 5:11-7-1 through OAC 5:11-7-4
OR	ORS 731.438
PA	40 P.S. § 910-39(c)

	68. Statutes and regulations regarding title plants:
PR	N/A. The Government of Puerto Rico maintains a database where all transactions of a property title and their tract are recorded (named "Registro de la Propiedad") that is part of the Puerto Rico Department of Justice and gives protection to citizens of its records by civil law.
RI	R.I. Gen. Laws § 27-2.6-3(21)
SC	N/A
TN	T.C.A. 56-35-103
TX	Texas Insurance Code Chapters 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 agent required to maintain title plants.)
UT	N/A
VT	N/A
VA	N/A
WA	RCW 48.29.020, 48.29.040, 48.29.160, and Chapter 284-29 WAC
WV	N/A
WI	N/A
WY	W.S. 33-2-101

	69. In your state, closing protection letters are:	70. To who are closing protection letters provided?		
		Buyer	Seller	Lender
AL	Voluntary and Typically Used	X	X	X
AK	Voluntary and Typically Used	X		X
AS	N/A			
AZ	Required by Statute	X	X	X
AR	Voluntary and Typically Used	X	X	X
CA	N/A			
CO	Voluntary and Typically Used	X	X	X
CT	Voluntary and Typically Used	X		X
FL	Voluntary and Typically Used	X		X
GA	Voluntary and Typically Used	X	X	X
ID	Voluntary and Typically Used	X	X	X
IN	Required by Statute	X		X
KS	Voluntary and Typically Used	X	X	X
LA	Voluntary and Typically Used	X	X	X
ME	Voluntary and Typically Used	X		X
MD	Voluntary and Typically Used	X	X	X
MA	N/A			
MI	Voluntary and Typically Used			X
MN	Voluntary and Typically Used	X	X	
MS	N/A			
MO	Required by Statute	X	X	X
MT	N/A			
NE	Required by Statute	X		X
NV	Voluntary and Typically Used	X	X	X
NM	Voluntary and Typically Used	X		X
NC	Voluntary and Typically Used	X		
ND	Voluntary and Typically Used			
OH	Required by Statute	X	X	X
OK	N/A			
OR	Voluntary and Not Typically Used	X	X	X
PA	Voluntary and Typically Used	X		
PR	N/A			
RI	Voluntary and Typically Used	X		X
SC	Voluntary and Typically Used			
TN	N/A			
TX	Voluntary and Typically Used	X	X	X
UT	Voluntary and Typically Used	X	X	X
VT	Voluntary and Typically Used			X
VA	Voluntary and Typically Used	X	X	X
WA	Voluntary and Typically Used			
WV	Voluntary and Typically Used			X
WI	Voluntary and Not Typically Used			X
WY	Voluntary and Typically Used			X

	71. Can title insurers issue closing protection letters?	72. If closing protection letters are used, how are they paid?	73. Statutes and regulations regarding closing protection letters:
AL	Yes	By separate charge to the consumer	Ala. Code Section 27-3-6.1
AK	Yes	Included in the rate	N/A
AS	N/A	N/A	N/A
AZ	Yes	By separate charge to the consumer	ARS §6-841.02(C) through (E)
AR	Yes	By separate charge to the consumer	Rule 87, Section 14
CA	Yes	N/A	California Insurance Code Section 12340.3(e)
CO	Yes	By separate charge to the consumer	Regulation 8-1-3
CT	Yes	By separate charge to the consumer	CGS section 38a-404
FL	Yes	Included in the rate	Sections 627.782(2) and 627.786, F.S.
GA	Yes	N/A	O.C.G.A. 33-7-8.1
ID	Yes	By separate charge to the consumer	§ 41-2714, Idaho Code
IN	Yes	By separate charge to the consumer	IC 27-1-22-8
KS	Yes	By separate charge to the consumer	Bulletin 1996-6 authorizes insurance companies to issue closing protection letters at their option to purchasers, sellers, and lenders.
LA	Yes	By separate charge to the consumer	La.R.S. 22:515 (C)
ME	Yes	By separate charge to the consumer	24-A M.R.S. § 3202
MD	Yes	By separate charge to the consumer	N/A
MA	N/A	N/A	N/A
MI	Yes	N/A	N/A
MN	Yes	Included in the rate	N/A
MS	N/A	N/A	N/A
MO	Yes	By separate charge to the consumer	Missouri Regulation 20 CSR 500-7.200, Section 381.071, RSMo, Section 381.115.8, RSMo
MT	N/A	N/A	N/A
NE	Yes	By separate charge to the consumer	Neb. Rev. Stat. 44-1978 et seq., 44-1984 and 44-19,106 et seq., also [NOT LEGALLY BINDING] Insurance Guidance Doc ("IGD") C12
NV	Yes	By separate charge to the consumer	NRS 692A.225
NM	Yes	N/A	13.14.18.1 et. seq NMAC

	71. Can title insurers issue closing protection letters?	72. If closing protection letters are used, how are they paid?	73. Statutes and regulations regarding closing protection letters:
NC	Yes	By separate charge to the consumer	N/A
ND	N/A	N/A	NA
OH	Yes	By separate charge to the consumer	Ohio Revised Code Section 3953.32
OK	Yes	N/A	N/A
OR	Yes	Included in the rate	It is the Department of Financial Regulation's position that CPLs can be issued if incidental to a title insurance policy (without a separate charge).
PA	Yes	By separate charge to the consumer	N/A
PR	N/A	N/A	N/A
RI	Yes	By separate charge to the consumer	R.I. Gen. Laws § 27-2.6-6
SC	Yes	Included in the rate	38-75-1010
TN	N/A	N/A	N/A
TX	Yes	N/A	Texas Insurance Code Chapters 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 separate charge to the consumer	Utah Code Section 31A-4-117
VT	Yes	By separate charge to the consumer	Bulletin 108 and 8 VSA Section 3541
VA	Yes	By separate charge to the consumer	38.2-4606 of The Code of Virginia
WA	Yes	N/A	N/A
WV	Yes	N/A	N/A
WI	Yes	Included in the rate	N/A
WY	Yes	Included in the rate	N/A

	74. Does the state department regulate title opinion letters?	75. Does the state department regulate the pricing of title opinion	76. Are title opinion letter forms and rates filed with the state	77. Does the state license the entity that generates the title	78. What license is required?
AL	No	No	No	Yes	Attorney
AK	No	Yes	Yes	Yes	Licensed title insurance limited producer and licensure of title company insurer.
AS	N/A	N/A	N/A	N/A	Certificate of Authority and Business License from DOC
AZ	N/A	N/A	N/A	N/A	N/A
AR	No	N/A	N/A	N/A	N/A
CA	No	No	No	No	N/A
CO	No	Yes	No	No	N/A
CT	N/A	N/A	N/A	N/A	N/A
FL	No	No	No	No	N/A
GA	No	No	No	No	N/A
ID	N/A	N/A	N/A	N/A	A title insurance agent license is required.
IN	No	No	No	No	N/A
KS	No	No	No	No	N/A.
LA	No	No	No	No	Louisiana State Bar Association license
ME	No	No	No	No	The opinion is generated by a licensed attorney.
MD	No	N/A	N/A	N/A	N/A
MA	N/A	N/A	No	N/A	N/A
MI	No	No	No	N/A	N/A
MN	No	No	No	No	Attorney license
MS	No	No	No	No	N/A
MO	N/A	N/A	N/A	N/A	N/A
MT	N/A	N/A	N/A	N/A	N/A
NE	No	No	N/A	N/A	N/A
NV	No	No	No	No	N/A
NM	No	No	N/A	No	N/A
NC	No	No	No	Yes	An attorney licensed to practice law in North Carolina.
ND	N/A	N/A	N/A	N/A	N/A
OH	No	No	No	No	N/A
OK	No	No	No	Yes	Title opinion letters must be issued by an attorney licensed to practice law in Oklahoma by the Oklahoma Bar Association and the title is required to prominently display the attorney's bar number.
OR	No	N/A	N/A	N/A	N/A

	74. Does the state department regulate title opinion letters?	75. Does the state department regulate the pricing of title opinion	76. Are title opinion letter forms and rates filed with the state	77. Does the state license the entity that generates the title	78. What license is required?
PA	Yes	Yes	Yes	Yes	Insurers use opinion letters and the insurers are licensed. A licensed rating organization also files one on behalf of its member insurers.
PR	N/A	N/A	N/A	N/A	N/A
RI	No	No	No	No	N/A
SC	No	No	No	No	N/A
TN	N/A	N/A	N/A	N/A	N/A
TX	N/A	N/A	N/A	N/A	N/A
UT	No	No	No	No	N/A
VT	No	No	No	Yes	The attorney must conduct real estate transactions per Vermont Bar Association rules.
VA	No	N/A	N/A	N/A	N/A
WA	No	N/A	N/A	N/A	N/A
WV	No	No	No	Yes	State Bar license for attorneys
WI	No	No	No	N/A	N/A
WY	Yes	No	No	Yes	Wyoming Bar Association

	79. Does state law require the maintenance of surety bonds or fidelity insurance?	80. If surety bonds or fidelity insurance is required, what amount is required for escrow officers?
AL	No, not required	N/A
AK	Yes, or a professional liability insurance policy	N/A
AS	N/A	N/A
AZ	No, not required	N/A
AR	No, not required	N/A
CA	Yes, but required for title agents/agencies only	N/A
CO	No, not required	N/A
CT	N/A	N/A
FL	Yes	N/A
GA	N/A	N/A
ID	Yes	Surety bond required in amount of \$10,000 in each county title insurance agent is licensed, and in increments of \$10,000 for each additional person employed as an escrow officer in the county, up to a total of \$50,000. § 41-2711, Idaho Code.
IN	No, not required	N/A
KS	Required only for title agents/agencies that conduct escrow, settlement or closing services. Also required for licensed abstractors.	N/A
LA	Yes, or a professional liability insurance policy	No specified amount- Louisiana Administrative Code; Title 10, section XV-903
ME	No, not required	N/A
MD	Yes	\$150,000.
MA	N/A	N/A
MI	No, not required	N/A
MN	No, not required	N/A
MS	No, not required	N/A
MO	N/A	N/A
MT	MCA § 33-2-517. Title insurance reserves. (1) In addition to an adequate reserve as to outstanding losses as required under MCA § 33-2-511, a title insurer shall maintain a guaranty fund or unearned premium reserve. A title insurer may not engage in the business of guaranteeing payment of the principal or interest of bonds or mortgages [MCA § 33-25-213 (2)].	N/A
NE	Yes, or a professional liability insurance policy	Neb. Rev. Stat. 44-19, 109(3) -requires surety bond [or other, similar financial instrument] of \$100,000.00 for EVERY title insurance agent or "bona fide employee" of a title insurer who handle escrow accounts or security deposits.
NV	Yes	N/A
NM	No, not required	N/A
NC	No, not required	N/A
ND	N/A	N/A
OH	Yes, but required for title agents/agencies only	N/A
OK	No, not required	N/A

	79. Does state law require the maintenance of surety bonds or fidelity insurance?	80. If surety bonds or fidelity insurance is required, what amount is required for escrow officers?
OR	No	N/A
PA	Yes, but required for title agents/agencies only	N/A
PR	Yes, it is required to participate in a guaranty fund by Section 24.020 of the Puerto Rico Insurance Code. Producers with the title insurance line of business need a surety to obtain a license (Section 9.170(9) PR Insurance Code).	N/A
RI	No, not required	N/A
SC	No, not required	N/A
TN	Yes, but required for title agents/agencies only	N/A
TX	Yes	Varies, maximum \$50,000, Texas Insurance Code §2652.103
UT	Yes, or a professional liability insurance policy	N/A
VT	No, not required	N/A
VA	Yes, but required for escrow officers only	Surety Bond - \$200,000; Fidelity Bond - \$100,000; E&O - \$250,000
WA	Yes, but required for title agents/agencies only	RCW 48.29.155 - \$200,000
WV	No, not required	N/A
WI	No, not required	N/A
WY	No, not required	N/A

	81. If surety bonds or fidelity insurance is required, what amount is required for title agents?
AL	N/A
AK	N/A
AS	N/A
AZ	N/A
AR	N/A
CA	For underwritten title companies (UTCs), CIC Section 12389(b)(2)(A) requires UTCs to establish an escrow surety bond or cash deposit, either \$50,000 or \$100,000, depending on the county(ies) of licensure. CIC Section 12389.6 requires UTCs to maintain a fidelity bond or insurance policy. The face amount of the fidelity bond or insurance policy shall be at least 10 times the UTC's minimum net worth required by CIC Section 12389; thus, the face amount may vary from \$750,000 to \$4,000,000, depending on the aggregate number of documents the UTC records in all counties.
CO	N/A
CT	N/A
FL	Surety Bond; \$35,000 - Fidelity Bond; \$50,000 - Errors and Omissions; \$250,000 with a deductible that does not exceed \$10,000.
GA	N/A
ID	Surety bond required in amount of \$10,000 in each county title insurance agent is licensed, and in increments of \$10,000 for each additional person employed as an escrow officer in the county, up to a total of \$50,000. § 41-2711, Idaho Code.
IN	N/A
KS	Required only for title agents/agencies which handle escrow, settlement or closing. Amounts are \$25,000/\$50,000/\$100,000 based on population of county in which real estate is located. Most companies file a \$100,000 bond to cover all counties in the state.
LA	N/A
ME	N/A
MD	\$150,000.
MA	N/A
MI	N/A
MN	N/A
MS	N/A
MO	N/A
MT	MCA § 33-2-517. Title insurance reserves. (1) In addition to an adequate reserve as to outstanding losses as required under MCA § 33-2-511, a title insurer shall maintain a guaranty fund or unearned premium reserve. A title insurer may not engage in the business of guaranteeing payment of the principal or interest of bonds or mortgages [MCA § 33-25-213 (2)].
NE	Neb. Rev. Stat. 44-19, 109(3) -requires surety bond [or other, similar financial instrument] of \$100,000.00 for EVERY title insurance agent or "bona fide employee" of a title insurer who handle escrow accounts or security deposits.
NV	2% of average collected balance of the trust account, not less than \$20,000 nor more than \$250,000
NM	N/A
NC	N/A
ND	N/A

	81. If surety bonds or fidelity insurance is required, what amount is required for title agents?
OH	Title agents must maintain at least \$250,000 in E&O coverage. Surety bond coverage of at least \$150,000 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.
OK	N/A
OR	N/A
PA	\$100,000 for Surety; \$150,000 for Fidelity
PR	For title insurers - Section 24.020 of the Puerto Rico Insurance Code. Producers with the title insurance line of business needs a surety to obtain a license by Section 9.170(9) PR Insurance Code
RI	N/A
SC	N/A
TN	\$25,000
TX	Varies, maximum \$100,000, Texas Insurance Code §2651.101(b)
UT	\$250,000 minimum
VT	N/A
VA	N/A
WA	RCW 48.29.155 - \$200,000
WV	N/A
WI	N/A
WY	N/A

	82. Are title agents authorized to put title premiums into separate trust accounts rather than general trust accounts?	83. Statutes and regulations regarding title escrow and trust accounts:
AL	N/A	N/A
AK	Yes	A.S. 21.66.280 (a) In addition to any other requirement of this title, a title insurance limited producer licensee shall maintain books of accounts and records and vouchers pertaining to the business of title insurance in a manner that the director, or an authorized representative, may readily ascertain whether the licensee has complied with the provisions of this chapter. (b) A title insurance limited producer licensee may engage in the business of handling escrows, settlements, and closings in connection with the business of title insurance; however, (1)the licensee shall maintain a separate record of all receipts and disbursements of escrow funds and may not commingle the funds with personal funds or with funds held by the licensee in any other capacity; (2) the licensee shall comply with the standards of solvency that the director requires; and (3) the licensee shall submit financial statements that the director requires. (c) In addition to any other penalty provided by law, if the director determines that a title insurance limited producer licensee has failed to comply with a provision of this section, the director may, after a hearing, revoke the limited producer license. A.S. 34.80.010-095, A.S. 21.18.010(2)(C), A.S. 21.66.460
AS	N/A	N/A
AZ	Yes	ARS §6-834
AR	Yes	N/A
CA	Yes	California Insurance Code sections 12413.1, 12413.2, and 12413.5, and California Financial Code section 17000 et seq.
CO	Yes	C.R.S. 10-2-704, 10-11-127, and Regulation 8-1-4
CT	N/A	N/A. CT only allows licensed Connecticut attorneys to act as title agents.
FL	Yes	Section 626.8473, F.S.
GA	N/A	N/A
ID	No	IDAPA 18.05.01.021.04
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
KS	Yes	K.S.A. 40-1136 to 40-1138.
LA	Yes	La.R.S. 22:532 (A)(1)(a)
ME	No	24-A M.R.S. § 1447; C.M.R. 02 032 540
MD	Yes	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-121; and Title 22, Section 22-101 through 22-105.
MA	N/A	N/A
MI	Yes	MCL 500.7304, 500.1207(1)&(2), 500.1239, DIFS Insurance Bulletin 2002-03-INS
MN	Yes	Minn. Stat. § 82.75
MS	No	N/A
MO	N/A	Section 381.022.2, RSMo; Section 381.022.3, RSMo; Section 381.022.4, RSMo

	82. Are title agents authorized to put title premiums into separate trust accounts rather than general trust accounts?	83. Statutes and regulations regarding title escrow and trust accounts:
MT	Yes	ARM 6.6.2202 ESCROW, CLOSING, OR SETTLEMENT SERVICES. MCA § 33-17-1102. Reporting and accounting for premiums – misappropriation. MCA § 33-25-201. Escrow, closing, or settlement services – title indemnification – maintenance of accounts – maintenance of nominal or short-term accounts (1). MCA § 33-25-201 (2)(a).
NE	Yes	Neb. Rev. Stat. 44-1994(1)(b)
NV	Yes	NRS 692A.250-.225, NRS 683A.400
NM	Yes	58-28-1 et. seq. NMSA; 59A-1-1 et seq. NMSA; 13.14.4 NMAC; 13.14.1 et seq. NMAC
NC	N/A	N/A
ND	No	N/A
OH	Yes	Ohio Revised Code Sections 3953.23, 3953.231, and 3953.33
OK	N/A	N/A
OR	Yes	ORS 744.083-086.
PA	Yes	40 P.S. §§ 910-39.1, 910-26.1(5)
PR	N/A	Section 24.020 of the Puerto Rico Insurance Code
RI	Yes	R.I. Gen. Laws § 27-2.4-19
SC	N/A	N/A
TN	Yes	T.C.A. 56-35-130
TX	Yes	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 V
UT	Yes	Utah Code Section 31A-23a-204, -406, -409
VT	N/A	N/A
VA	Yes	55.1-1008 of the Code of Virginia
WA	Yes	RCW 48.29.190, 48.29.193, 48.29.195, and 48.29.200 WAC 284-29-320 and 284-29-330.
WV	N/A	N/A
WI	N/A	N/A
WY	Yes	W.S. 26-23-314

	84. Statutes and regulations regarding the use of surety bonds or fidelity insurance in title or real estate closing processes
AL	N/A
AK	A.S. 21.66.480(2) “business of title insurance” is (A) the making or proposing to make as insurer, guarantor, or surety, a contract or policy of title insurance; A.S. 08.88.455(a) A real estate licensee, when applying for or renewing a real estate license, (a) A real estate licensee, when applying for or renewing a real estate license, in lieu of obtaining a corporate surety bond, shall pay to the commission, in addition to the license fee, a recovery fund fee not to exceed \$125. After each two-year licensing cycle, if the commission finds that the average balance in the recovery fund during the two-year licensing cycle was less than \$250,000 or more than \$500,000, the commission shall by regulation adjust the recovery fund fees so that the average balance of the recovery fund during the next two-year licensing cycle is anticipated to be an amount that is not less than \$250,000 or more than \$500,000. In this subsection, “average balance” means the average balance after taking into account anticipated expenditures for awards from the fund and legal expenses directly related to fund operations, and for real estate educational purposes. See A.S. 08.99.450 Real Estate recovery fund that operates in lieu of surety bonds. A.S. 08.88.460 & 08.88.465.
AS	N/A
AZ	ARS §6-814
AR	N/A
CA	California Insurance Code Sections 12389(b)(2)(A), 12389.6(a)(1)
CO	N/A
CT	N/A
FL	Section 626.8419, F.S.
GA	N/A
ID	§ 41-2711, Idaho Code, IDAPA 18.05.01.021
IN	N/A
KS	K.S.A. 40-1139
LA	N/A
ME	N/A
MD	Licensees 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. Licensees are also required to comply with the Annotated Code of Maryland, Real Property Article Title 14, Subtitle 1, Section 14-127. Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-121
MA	N/A
MI	N/A
MN	N/A
MS	N/A
MO	N/A
MT	N/A
NE	Neb. Rev. Stat. 44-19,109(3)
NV	NRS 692A.1041-1044
NM	N/A
NC	N/A
ND	N/A

	84. Statutes and regulations regarding the use of surety bonds or fidelity insurance in title or real estate closing processes
OH	Ohio Revised Code 3953.23 and Ohio Administrative Code 3901-7-02
OK	N/A
OR	N/A
PA	40 P.S. §§ 910-26.1(2) and (3)
PR	N/A
RI	N/A
SC	N/A
TN	T.C.A. 56-35-202
TX	Texas Insurance Code Chapters 2651 and 2652
UT	N/A
VT	N/A
VA	55.1-1004 of the Code of Virginia
WA	RCW 48.29.155
WV	N/A
WI	N/A
WY	N/A

	<p>85. Does state law limit or restrict the use of affiliated business arrangements? If yes, how?</p> <p>(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.)</p>
AL	No
AK	It regulates joint plant companies under A.S. 21.66.210. Rebates, inducements, special favors, etc. are prohibited under A.S. 21.66.310.
AS	N/A
AZ	No
AR	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	No
CT	No. The title insurer or title agent may accept an order for a title insurance policy if such insurer or title agent knows or has reason to believe that the applicant was referred to such insurer or agent by any producer of title insurance business where to producer has a financial interest in the title insurer or agent unless the producer has disclosed, in writing, to the buyer, seller and lender the financial interest of the producer. Also, Connecticut has restriction on accepting title insurance business if (1) the title insurer or title agent knows or has reason to believe that the transaction will constitute controlled business for that title insurer; and (2) 20% or more of the gross operating revenue of that title insurer in the calendar year in which the transaction takes place is derived from controlled business.
FL	No
GA	N/A
ID	Yes, in general in the same way RESPA regulates/restricts the use of AFBAs.
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 do not apply to transactions involving real estate located in a county that has a population, of 10,000 or less.
LA	N/A
ME	No
MD	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. Licensees are also required to comply with the Annotated Code of Maryland, Real Property Article Title 14, Subtitle 1, Section 14-127.
MA	N/A
MI	No
MN	No
MS	N/A

	<p>85. Does state law limit or restrict the use of affiliated business arrangements? If yes, how?</p> <p>(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.)</p>
MO	In Missouri, an "affiliated business," is any portion of a title insurance agency's business written in this state that was referred to it by a producer of title insurance business or by an associate of the producer, where the producer or associate, or both, have a financial interest in the title agency.
MT	Associate means a corporation, partnership, or other business entity organized for profit, of which a producer of title business is a director, officer, partner, employee, or owner of 5% or more of its equity or capital [MCA § 33-25-105 (4)(a)]. Financial interest means a legal or beneficial interest that entitles the holder, directly or indirectly, to 1% or more of the net profits or net worth of the entity in which the interest is held [MCA § 33-25-105 (6)]. Producer of title business means a person, corporation, partnership, or other business entity, including an officer, director, or owner of 5% or more of the equity or capital thereof, engaged in this state in the trade, business, occupation, or profession [MCA § 33-25-105 (8)]. MCA § 33-25-401. Prohibited practices – referrals – splitting charges – exemptions.
NE	Yes. Neb. Rev. Stat. 44-19,112 [entire], "Affiliated Business Provisions"
NV	No
NM	N/A
NC	No
ND	No
OH	Yes. Ohio law does not allow a bank, trust company, bank and trust company, or other lending institution, mortgage service, brokerage, mortgage guaranty company, escrow company, real estate company, or any subsidiaries thereof or individuals so engaged to act as a title insurance agent.
OK	No
OR	N/A
PA	No
PR	Restrict - Section 9.061, 3.031 and 9.070 Puerto Rico Insurance Code
RI	Yes, R.I. Gen. Laws § 27-2.6-14 prohibits rebating and fee splitting.
SC	Yes. See 38-75-960
TN	§ 56-35-131. Terms and conditions for licenses or certificates (a) Except as provided by §§ 56-35-201 and 56-35-204, the commissioner shall refuse to issue any new license or certificate to any title insurance company, title insurance agent, or title insurance agency, unless the applicant therefor shall agree to abide by any one (1) of the following terms and conditions: (1) The gross operating revenues for any fiscal year attributable to the placement or issuance of policies or contracts of title insurance derived from all sources of controlled business shall not exceed forty percent (40%) of the gross operating revenues of the company, agent or agency; (2) The company, agent or agency will be operated as a subsidiary of a financial institution with its primary business being that of accepting deposits and making real estate loans and subject to regulation, inspection, and supervision of the United States government or an agency of the United States; or (3) The title insurance agency or agent is to be operated by an attorney, a single partnership of attorneys, or a single professional corporation of attorneys as an ancillary part of the general practice of law. (b) Any violation of the terms and conditions of the agreement shall serve as grounds for the commissioner to suspend or revoke the license or certificate to which the agreement pertains and to assess a civil penalty as provided by § 56-35-127. Tenn. Code Ann. § 56-35-131
TX	No

	<p>85. Does state law limit or restrict the use of affiliated business arrangements? If yes, how?</p> <p>(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.)</p>
UT	<p>31A-23a-1003. Affiliated business arrangements. (1) An affiliated business arrangement between a person and a title entity violates Section 8 of RESPA for purposes of state law if: (a) the title entity does not have sufficient capital and net worth in a reserve account in the title entity's name; or (b) more than 70% of the title entity's annual title insurance business is affiliated business on or after the later of: (i) two years after the title entity begins an affiliated business arrangement; or (ii) June 1, 2021. (2) In addition to Subsection (1), the division may find that an affiliated business arrangement between a person and a title entity violates Section 8 of RESPA after evaluating and weighing the following factors in light of the specific facts before the division: (a) whether the title entity: (i) is staffed with the title entity's own employees to conduct title insurance business; (ii) manages the title entity's own business affairs; (iii) has a physical office for business that is separate from any producer's or associate's office and pays market rent; (iv) provides the essential functions of title insurance business for a fee, including incurring the risks and receiving the rewards of any comparable title entity; and (v) performs the essential functions of title insurance business itself; (b) if the title entity contracts with another person to perform a portion of the title entity's title insurance business, whether the contract: (i) is with an independent third party; and (ii) provides payment for the services that bears a reasonable relationship to the value of the services or goods received; and (c) whether the person from whom the title entity receives referrals under the affiliated business arrangement also sends title insurance business to other title entities.</p>
VT	N/A
VA	No
WA	<p>RCW 48.29.015 and WAC 284-29-130 require title insurance agents to submit an Affiliated Business Ownership report with the Commissioner annually. State law outlines when certain payments are authorized for return on ownership in transactions involving title insurance, including with affiliated relationships (RCW 48.29.213). RCW 48.29.210 and WAC 284-29-200 outline prohibited practices regarding business inducements, including with associates and affiliates.</p>
WV	Yes
WI	Yes, individuals engaged in certain affiliated business arrangements may be regulated in accordance with s. Ins. 3.32, Wis. Adm. Code.
WY	Regulations governing the transaction of controlled business by title insurers and title agents.

	86. Is the state department/division authorized by state law to require disclosure of affiliated business arrangements? If yes, by whom must they be disclosed?
AL	No
AK	A.S. 21.66.210 requires two or more title insurance companies or title insurance limited producers or any combination thereof to apply to the Director of Insurance and disclose along the lines of the statute their business arrangement for a joint title plant.
AS	N/A
AZ	No
AR	No
CA	Yes. Underwritten title companies are required to report on controlled business sources.
CO	Yes. Individual licensed title insurance producers and title entities are required to complete and submit the Affiliated Business Arrangement Disclosure form to the Division of Insurance, if they are a party to an affiliated business arrangement.
CT	Yes, per CGS section 38a-416(b), the title insurer and title agent must make the disclosure per CGS section 38a-416(b).
FL	No
GA	N/A
ID	Yes, all affiliated business arrangement must be disclosed in writing by the producer of title business, signed by parties to the transaction, and provided to the title agent at the time of the sell and/or purchase contract is entered into.
IN	Yes, Title agency and insurer
KS	The title insurer's, title agency's or title agent's chief executive officer or designee.
LA	N/A
ME	No
MD	Agents must comply with federal laws.
MA	N/A
MI	No
MN	N/A
MS	N/A
MO	The title insurer, title agency, title agent must report annually on or before March 31st, any affiliated business arrangement on a form prescribed by the Director.
MT	Controlled business means that portion of the business of title insurance in this state of a title insurer or title insurance producer that is referred to it by a producer or associate having a financial interest in the title insurer or title insurance producer [MCA § 33-25-105 (5)]. A person may pay a return on an investment, based on a percentage of an ownership interest in a title insurance agency if at or prior to the time of a referral, a disclosure of the existence of the arrangement is made to the person being referred and, in connection with the referral, the person is provided with a written estimate of the charge or range of charges generally made by the title insurance producer to which the person is referred, and the person is not required to use a particular insurance producer [MCA § 33-25-401 (2)(a)(i)(ii). MCA § 33-2-1601. Licensure of managing general agent.
NE	Yes, must be disclosed to either (A) title insurance agent or (B) party making a referral constituting "affiliated business" - Neb. Rev. Stat. 44-19, 112(4)(a)
NV	Yes, during an examination pursuant to NRS 679B.230-.240
NM	Title Insurance Bureau
NC	No

	86. Is the state department/division authorized by state law to require disclosure of affiliated business arrangements? If yes, by whom must they be disclosed?
ND	No
OH	Yes. The applicant or the applicant's responsible designated agent is responsible for the disclosure.
OK	No
OR	Federal law would apply.
PA	No
PR	N/A
RI	N/A
SC	Yes. Each title insurer and agent shall file with the department reports setting forth the names of persons who have had a financial interest in the title insurer or title agent who are producers of title business or associates of producers.
TN	N/A
TX	Title agents have to disclose their ownership information. (Texas Basic Manual, Procedural Rule P-21)
UT	No
VT	N/A
VA	Yes, 55.1-905 of the Code of Virginia, must be disclosed by settlement service providers (escrow officers)
WA	RCW 48.29.015 and WAC 284-29-130 require title insurance agents to submit an Affiliated Business Ownership report with the Commissioner annually. Title insurance agents are required to submit this report.
WV	Financial institutions engaged in the sale of insurance.
WI	Yes, in accordance with s. 601.42, Wis. Stat., and ss. Ins. 3.32 and 6.61(11), Wis. Adm. Code.
WY	Title insurers and title agents

	87. Please list the statutes and regulations regarding affiliated business arrangements.
AL	N/A
AK	A.S. 21.66.210
AS	N/A
AZ	ARS 20-223
AR	N/A
CA	California Insurance Code Sections 12396-12399 and 12397-12397.5.
CO	C.R.S. 10-2-401 (6), 10-11-124, 10-11-126, Regulation 8-1-3
CT	CGS section 38a-416 entitled Disclosure of Financial Interest. CGS section 38a-402 (6) includes the definition of "Financial interest".
FL	N/A
GA	N/A
ID	IDAPA 18.05.01.014 & 015.
IN	HUD; 61 Fed. Reg 29258-64
KS	K.S.A. 40-2404(14)(h), K.A.R. 40-3-52, K.A.R. 40-3-43.
LA	N/A
ME	N/A
MD	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. Licensees are also required to comply with the Ann. Code of Maryland, Real Property Article Title 14, Subtitle 1, Section 14-127.
MA	N/A
MI	N/A
MN	N/A
MS	N/A
MO	Missouri Regulation 20 CSR 500-7.070 Section 381.029, RSMo
MT	[MCA § 33-25-105 (5)], [MCA § 33-25-401 (2)(a)(i)(ii), MCA § 33-2-1601
NE	Neb. Rev. Stat. 44-19, 112 [entire]
NV	N/A
NM	N/A
NC	N/A
ND	N/A
OH	Ohio Revised Code Section 3953.21 Ohio Administrative Code 3901-5-09 and 3901-7-04
OK	N/A
OR	N/A
PA	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.”
PR	Section 9.061, 3.031 and 9.070 Puerto Rico Insurance Code
RI	R.I. Gen. Laws § 27-2.6-14
SC	38-75-960
TN	Tenn. Code Ann. § 56-35-131

	87. Please list the statutes and regulations regarding affiliated business arrangements.
TX	Texas Insurance Code Chapter 2651.203 and Texas Basic Manual, Procedural Rule P-21
UT	Utah Code Section 31A-23a-1001, et seq.
VT	N/A
VA	55.1-905 of the Code of Virginia
WA	RCW 48.29.015, 48.29.210, and 48.29.213. WAC 284-29-130 and 284-29-200. Also, generally WAC 284-29-120 through 284-29-160.
WV	33-11A-1 et seq.
WI	Sections Ins. 3.32 and 6.61(11), Wis. Adm. Code.
WY	Wyoming regulations Chapter 3

	88. Does the state have a guaranty association that covers title insurance?	89. Is the guaranty association for title insurance only?	90. Is the guaranty association operated in conjunction with other states?
AL	No	N/A	N/A
AK	Yes	Yes	No, it is for one state only
AS	No	No	N/A
AZ	No	N/A	N/A
AR	No	N/A	N/A
CA	No	N/A	N/A
CO	No	N/A	N/A
CT	No	N/A	N/A
FL	No	N/A	N/A
GA	No	N/A	N/A
ID	No	N/A	N/A
IN	No	N/A	N/A
KS	No	N/A	N/A
LA	No	N/A	N/A
ME	No	No	N/A
MD	Yes	No	No, it is for one state only
MA	No	N/A	N/A
MI	Yes	No	No, it is for one state only
MN	No	N/A	N/A
MS	No	N/A	N/A
MO	No	N/A	N/A
MT	No	N/A	N/A
NE	No	N/A	N/A
NV	No	N/A	N/A
NM	Yes	Yes	No, it is for one state only
NC	No	N/A	N/A
ND	No	N/A	N/A
OH	No	N/A	N/A
OK	No	N/A	N/A
OR	No	N/A	N/A
PA	No	N/A	N/A
PR	No	N/A	No, it is for one state only
RI	No	N/A	N/A
SC	No	Yes	N/A
TN	No	N/A	No, it is for one state only
TX	Yes	Yes	No, it is for one state only
UT	No	N/A	N/A
VT	No	N/A	N/A
VA	Yes	No	No, it is for one state only
WA	No	N/A	N/A
WV	No	N/A	N/A
WI	No	N/A	N/A
WY	No	N/A	N/A

	91. Please list the statutes and regulations regarding guaranty associations.
AL	N/A
AK	A.S. 21.66.020
AS	N/A
AZ	ARS §20-685
AR	N/A
CA	N/A
CO	N/A
CT	CGS section 38a-836 et seq. CGS section 38a-837(6) excludes title insurance. See also, CGS section 38a-409 concerning use of reserves on liquidation, dissolution or insolvency of a Connecticut domestic title insurer.
FL	N/A
GA	N/A
ID	N/A
IN	N/A
KS	K.S.A. 40-2901 et seq. K.S.A. 40-2902 exempts from guaranty association coverage policies insuring titles to property against loss by reason of defective titles, and other policies which insure the correctness of searches for liens or charges of instruments affecting property.
LA	La.R.S. 22:2051- 22:2070
ME	24-A M.R.S. § 4433(2)(E) (title insurance exclusion in guaranty association law)
MD	Annotated Code of Maryland, Title 9 Impaired Entities, Subtitle 3 Property and Casualty Insurance Guaranty Corporation.
MA	N/A
MI	MCL 500.7901
MN	N/A
MS	N/A
MO	N/A
MT	Each title insurer shall maintain its own guaranty fund or unearned premium reserve (MCA § 33-2-517). A title insurer shall establish and maintain its guaranty fund [MCA § 33-25-211].
NE	N/A. Neb. Rev. Stat. 44-2402 (guaranty associations in general)
NV	N/A
NM	59-A-30A-1 et seq. NMSA; 13.5.2 NMAC
NC	N/A
ND	N/A
OH	N/A
OK	N/A
OR	N/A
PA	N/A
PR	Title Insurance has its own guaranty fund required in Section 24.020 of Puerto Rico Insurance Code. Puerto Rico Insurance Guaranty Association is regulated in Chapter 38 of the Puerto Rico Insurance Code. Section 38.030(5) specifically excludes title insurance from its coverage.
RI	N/A
SC	N/A
TN	T.C.A. 56-12-101 et seq.
TX	Texas Insurance Code Chapters 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	N/A
VT	N/A
VA	38.2-1600 et seq. of the Code of Virginia
WA	Chapters 48.32 and 48.32A RCW
WV	N/A
WI	N/A
WY	N/A

	92. 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	None
AK	Outsourced work to unlicensed persons
AS	None
AZ	None
AR	None
CA	Twelve market conduct exams covering title insurance during the past five years have been completed. Eight of these focused-on claim handling practices of eight separate title insurers, the remaining four covered rating and underwriting issues, each of which included the title insurer and its affiliated underwritten title companies. In the rating and underwriting examinations, common themes were failure to file all schedules of rates and fees (including fees for escrow services), failure to adhere to rates that were filed, unclear/vague rules for qualifications for special contract or discounted rates that resulted in inconsistency in their application and therefore unfair discrimination, and unlawful rebates in the form of premium undercharges in comparison to filed rate schedules. There was no specific pattern of findings in the claims exams. Findings were miscellaneous in nature and consisted of limited instances of failure to thoroughly document claim files, delays in accepting or denying claims, and failure to conduct and certify annual training of claims agents. For all of these examination findings, the insurers implemented corrective actions to resolve the issue as part of the examination. No administrative enforcement action was initiated.
CO	Marketing, handling of fiduciary funds, closing and settlement
CT	The Department worked with the Connecticut Attorney General's office concerning an investigation related to a "free charge" for title agent vetting services undertaken by lenders. The particular title insurer agreed to resolve the matter by agreeing to charge a reasonable amount for vetting services provided to lenders.
FL	None
GA	None
ID	§§ 41-1314 AND 41-2708, Idaho Code. Rebates and illegal inducements. IDAPA 18.05.01.031 & Exhibit 1 (attachment to Idaho Rule 18.05.01).
IN	Failing to timely enter real estate transactions into the RREAL IN database within the statutory time period; lack of fitness/trustworthiness/misappropriation of funds
KS	None
LA	None
ME	None
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.
MA	None
MI	None
MN	Unfair claims practices, RESPA anti-kickback, unlicensed activity, defalcation, failure to supervise, failure to appoint, misrepresentation regarding required purchase of title insurance, failure to reconcile trust accounts, unauthorized disbursement of trust funds resulting in consumer harm, and provision of false and misleading information.
MS	None
MO	Misstatement on the insurance producer application. Misappropriation of escrow funds. Failure to adhere to written instructions. Delay in timely issuance of the title insurance policy to the insured. Conducting the business of title insurance without a valid insurance producer license issued by this Department. Failure to timely submit the annual agency financial interest report and affiliated business arrangement report.
MT	Revoked title producer defalcation license and suspended title producer defalcation license

	92. 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?
NE	None
NV	The majority of investigation and enforcement activity is related to unlawful inducements.
NM	Fraud, premium calculations, claims, escrow procedures, non-promulgated forms
NC	None
ND	None
OH	The Department's Fraud and Enforcement Division has investigated title insurance issues related to rebating, fraudulent or coercive practices, failure to file annual escrow account reviews, unlicensed activities, affiliated business arrangements, actions on professional license, and wire fraud.
OK	Conducting insurance business without a license
OR	Whether title insurers are providing an intermediary a thing of value exceeding state law limits and/or inducements
PA	None
PR	None
RI	A market conduct sweep was conducted of all title insurers writing in Rhode Island, involving interrogatories and follow-up questions. This was prompted by a Rhode Island Supreme Court decision on whether title insurance agents could conduct real estate closings (yes) and perform all ancillary activities (some, but not all). That sweep will result in some observation letters, a warning letter and a referral to enforcement.
SC	None
TN	There has been no significant regulatory activity related to title insurance in the past five years. However, the Department is currently researching the issue of attorney opinion letters that are becoming available to consumers in lieu of title insurance.
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
UT	Unfair inducements; defalcations
VT	None
VA	Unlicensed/unregistered activity of title agents and settlement agents (escrow), failure to handle funds in a fiduciary capacity, rebating/kickbacks, failure to escheat escrow funds annually, failure to retain settlement records in accordance with the Code of Virginia, acting without an appointment from underwriter/insurer, failure to complete duties of a settlement agent
WA	The most common issue seen in investigations have been related to title insurance agencies not following the terms and conditions of sale and not distributing funds correctly from escrow. On the enforcement side, title agencies and agents not complying with escrow rules or other terms and conditions of sales, not meeting compliance requirements under the Insurance Code, and violating inducement law.
WV	None
WI	Record retention, rate downward deviation, blanket exceptions, and the use of arbitration
WY	None

	93. How many full-time equivalent staff are dedicated to, or on average, work on title insurance issues in your state?
AL	4
AK	None
AS	
AZ	1
AR	None
CA	Licensing has one program technician who processes title marketing representative license applications, appointments, and renewal.
CO	Two FTE. One dedicated to Market Regulation and one dedicated to Investigations.
CT	5
FL	One full-time equivalent staff at the Office of Insurance Regulation and one full-time equivalent staff at the Department of Financial Services.
GA	1
ID	1
IN	3
KS	less than one
LA	3
ME	1/2
MD	3-5
MA	None
MI	3
MN	1 FTE
MS	None. The Department has little regulatory oversight regarding title insurance.
MO	Consumer Affairs Division - 1 full time employee; Market Regulation Division - 0.25 full time employee
MT	15 - the Montana CSI has 5 P&C Insurance Consumer Services compliance specialists who may investigate title insurance consumer complaints, 3 Producer Licensing specialists who may investigate title producer licensing and appointment issues, 2 Market Conduct examiners who may investigate title insurer issues, 4 investigators who may investigate allegations of title producer or insured violations of MCA § 33, and 1 staff attorney dedicated to title insurance.
NE	2 staff members work on title issues, as needed.
NV	1
NM	4
NC	The Department does not have staff solely dedicated to work on title insurance issues.
ND	1 FTE
OH	26 individuals at the Department handle title insurance related issues, but none are wholly dedicated to title insurance issues.
OK	Variable
OR	Title insurance work is encompassed under P&C - there are at least half a dozen staff who can answer questions about title insurance.

	93. How many full-time equivalent staff are dedicated to, or on average, work on title insurance issues in your state?
PA	No 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 the Bureau of Consumer Services. Title insurance companies are licensed by Company Licensing Staff. Title insurance agents are licensed by Producer Licensing Staff. Market conduct issues are handled by the Bureau of Market Actions. Etc.
PR	11 approximately from the Actuarial/Property Division, Licensing Division, Market Conduct and Investigation Division, Financial Analysis and Exam Division - not exclusively dedicated to title insurance tasks
RI	None
SC	None
TN	There are no full-time staff dedicated to work on title insurance.
TX	About 30
UT	The Department does not assign specific staff to do title insurance work only. Licensing is done by the company licensing section or the agent/agency licensing section. Market conduct matters concerning title insurance are handled within the market conduct section.
VT	less than one
VA	8
WA	The Department has at least seven staff dedicated to, or on average work, on title insurance issued in Washington. This includes one Policy Analyst, one Functional Program Analyst, one Producer and Licensing Oversight Manager, and several Insurance Attorneys, Attorney Managers, Investigators and Deputy Insurance Commissioners. While the Department has several staff with specific experience on title insurance issues in the investigative and enforcement side of Legal Affairs, everyone takes on cases involving the issues for cross training.
WV	None
WI	1
WY	2

	94. Miscellaneous comments:
AL	
AK	
AS	
AZ	
AR	
CA	
CO	
CT	
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 title insurance agents and agencies.
GA	
ID	
IN	Pursuant to IC 27-1-22-28, the Indiana Department of Insurance must maintain a title insurance rate comparison tool. The tool is located here: https://www.in.gov/idoi/consumers/title-insurance-rate-comparison-tool
KS	
LA	
ME	
MD	
MA	
MI	
MN	
MS	
MO	Missouri issues an insurance producer license for persons conducting the business of insurance as defined in Section 381.031(19), RSMo.
MT	The American Land Title Association (ALTA) Standard Owners Policy sold in Montana is separate from the ALTA Extended Owners Policy; and Multiple owners' policies may be written as a single risk, but the insureds, however, receive separate policies. Policy Rate And Form Regulation-MCA § 33-25-214. Underwriting standards – record retention. ARM 6.6.2201. Liens, Encumbrances, and Standards of Insurability. ARM 6.6.2203. Rebates and Inducements
NE	
NV	
NM	
NC	
ND	
OH	
OK	
OR	
PA	
PR	
RI	
SC	
TN	

	94. Miscellaneous comments:
TX	Texas promulgates the forms and does not have standard or enhanced policies. Endorsements can be added to the promulgated policy forms as needed. Title Insurance rates are promulgated and include a charge for closing. Escrow fees are not part of the promulgated rates. Title Insurance premium rates are promulgated. Rates include a charge for closing, but not escrow. Rates must be reasonable to the public and non-confiscatory to the title insurers and title agents. The Department promulgates the title insurance policy forms and endorsements. The Department sets premium rates, which must be reasonable to the public and non-confiscatory to title insurers and title agents. Liability for losses resulting from defalcations is primarily imposed through a closing protection letter, but it might be possible for liability to be imposed by other means such as common law, statutory grounds, or contract. Searches are not ordinarily conducted from publicly available recorders' websites, but can be under certain special circumstances. Buyers and sellers can request insured closing letters – T-51, 2702.002
UT	
VT	
VA	
WA	
WV	The Department does little to no activity on title insurance or real estate closing issues. All closings have to be performed by attorneys who are regulated by the West Virginia State Bar.
WI	Additional processes, such as title search or examination of title, may be included in title rates pursuant to s. Ins. 3.32(3)(d), Wis. Adm. Code. Certain exemptions on filing rates with the Department may apply. See ss. Ins. 6.78 and 6.785, Wis. Adm. Code. In regards to filing fees, an agent may be subject to disclosure requirements under s. 628.32, Wis. Stat. There are no insurance laws prohibiting the preparation of a title policy by an entity located outside of the state. There are no insurance requirements for a licensed entity to have physical offices or perform activities within the state.
WY	

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Title Insurance Research Update

Title Insurance (C) Task Force Meeting

November 18, 2024

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The American Academy of Actuaries is a 20,000-member professional association whose mission is to serve the public and the U.S. actuarial profession. For more than 50 years, the Academy has assisted public policymakers on all levels by providing leadership, objective expertise, and actuarial advice on risk and financial security issues.

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GOALS OF THE RESEARCH

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- Examine the patterns and trends in Title Insurance Expenses prior to the issuance of policies.
- Examine the patterns both across companies and over time.
- Identify areas, if possible, where the industry might find ways to reduce costs (for example, by appropriate uses of new technologies) without reducing the quality of their service.

Two Phases

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Phase 1: Relying on Annual Statement data for direct operations, and agents' data from three states, identify potential areas where reductions in expenses seem likely.

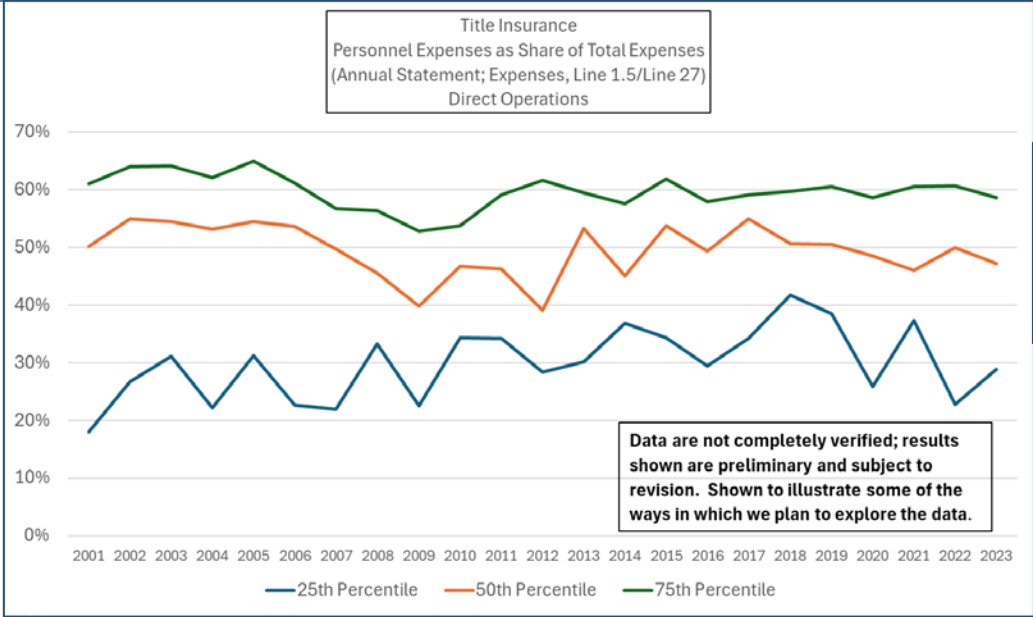
Phase 2: Relying on additional data and conversations with industry participants and stakeholders, examine potential reductions in more detail.

PHASE 1: GENERAL STRATEGY

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1. Examine variation in levels and composition of expenses in 2023 and over time:
 - a) Total expenses
 - b) Expenses per policy
 - c) Insured value per dollar of expense
 - d) Personnel as a share of total expenses
 - e) Surveys, examinations, and abstracts as a share of total expenses

An Example: Personnel Expenses as Share of Expenses over time



(2023) 75th percentile: ~60%;
(2023) 25th percentile: ~30%

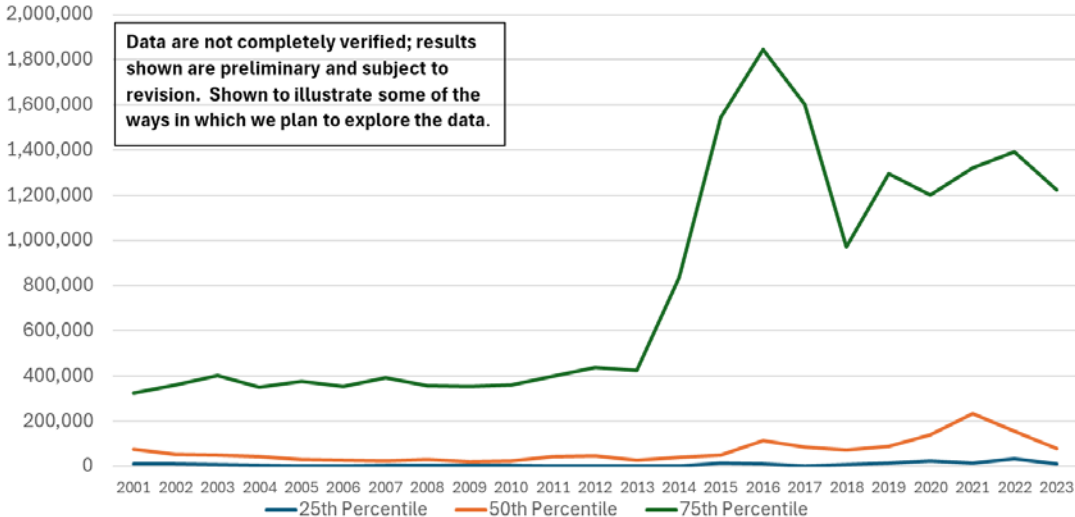
PHASE 1: GENERAL STRATEGY—continue

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2. Once differences observed, examine possible sources for differences.
 - a) Market conditions
 - b) Commercial v. residential policies
 - c) Original financings v. refinancings
 - d) Size of insured amounts
 - e) Geography, by state
 - f) Urban v. rural
3. Where unexplained differences exist, potential efficiency improvements and savings to consumers from best practices should be examined more closely.

An Example: Total Expenses over time

Title Insurance
Total Expenses Paid per company
(Annual Statement; Expenses, Line 27)
Direct Operations



Jump in 75th percentile (2013-2016) due to consolidation of two large companies into one and the disappearance of several smaller companies.

PHASE 1: DATA SOURCES for Direct Operations

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Annual Statements

- Operations And Investment Exhibit—Part 3: Expenses
 - 2001 - 2023
- Schedule T
 - 2010 - 2023
- Exhibit Of Premiums And Losses
 - 2010 - 2023
- Operations And Investment Exhibit—Part 1a:
Summary Premiums Written
 - 2010-2023

PHASE 1: DATA SOURCES for Direct, Affiliated and Non-Affiliated Agencies 10

State Agency Data Calls:

- Washington: Aggregate Summaries By Region
- Texas And New Mexico: Income And Expenses By Agency

NEXT STEPS

11

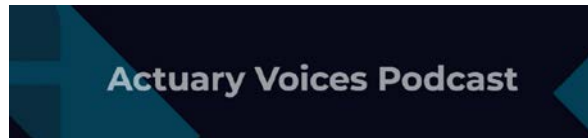
1. Continue review of data
2. Begin systematic analysis of data
3. Expect initial results by Spring National Meeting
4. Anticipate completed Phase 1 results by Summer National Meeting

Other Resources

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Thank you

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Questions?

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