NAIC Title Insurance (C) Task Force

Survey of State Insurance Laws Regarding Title Data and Title Matters

November 2015

The Title Insurance (C) Task Force conducted a survey of each jurisdiction's laws and regulations regarding title insurance. The Task Force agreed at the 2015 Spring National Meeting to update the Survey of State Insurance Laws Regarding Title Data and Title Matters. The survey's intent is to be a tool for regulators and interested parties to gain insight into the regulation of title insurance. The survey was enhanced by the Task Force members and sent out for completion in June 2015. Respondents were the insurance department or other jurisdictional agency responsible for title agents or title insurance as appropriate in each jurisdiction.

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

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	From which of these title participants is the state insurance department authorized to require data reporting? (Check all that apply)						
	Title Insurers	**Title Agents**	**Attorneys**	**Abstractors**	**Escrow/ Settlement Agents**	**N/A**	**Other (please specify)**
AL	X	X					
AK	X	X					
AR	X	X					
AZ	X	X					
CA	X	X			X		
CO	X	X	X				
CT						X	
DC	X	X					
DE	X	X	X				
FL	X						Title insurers and title agencies, not individual agents. A title agency may employ several title agents. We are not authorized to collect data individually from title agents.
GA	X	X					
GU	X	X					
HI						X	
IA						X	
ID	X	X					
IL						X	Illinois does not require title insurers to report specific data.
IN	X	X		X	X		
KS	X	X					
KY	X						
LA	X	X					
MA						X	
MD	X	X	X		X		
ME	X	X					
MI	X	X					
MN	X	X		X	X		
MS	X						
MO	X	X					
MT	X						
NC	X						NC Title Insurance Rating Bureau
ND	X						
NE	X	X			X		
NH	X	X					
NJ	X						
NM	X	X					
NY	X	X					
NV	X	X					
OH	X	X					Title Marketing Representatives
OK	X	X					
OR	X						
PA	X	X					
PR	X	X					
RI	X	X					
SD	X	X	X	X			
TN	X						
TX	X	X			X		
UT	X	X	X		X		
VA	X				X		
VT	X	X	X				
WA	X	X					
WI	X	X					
WV	X						
WY	X	X					

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	From which of these title participants is the state insurance department authorized to require title insurers to obtain the participant's data and report it to the state?					
	Title Agents	**Attorneys**	**Abstractors**	**Escrow/ Settlement Agents**	**N/A**	**Other (please specify)**
AL	X					
AK	X			X		
AR	X					
AZ	X					
CA	X			X		
CO	X	X		X		
CT					X	
DC					X	
DE	X	X				
FL					X	
GA	X	X	X	X		
GU	X			X		
HI					X	
IA					X	
ID					X	
IL					X	Illinois does not require title insurers to report specific data.
IN	X			X		
KS	X					
KY					X	none
LA	X					
MA					X	
MD	X	X		X		
ME	X					
MI	X					"or all persons considered to have material information regarding the insurer's property, assets, business, or affairs." (MCL 500.222, in pertinent part)
MN	X					
MS					X	
MO	X					
MT						If there is a complaint
NC						NC Title Insurance Rating Bureau
ND	X					
NE	X					
NH						
NJ	X					
NM					X	
NY	X					
NV					X	
OH	X					Title Marketing Representatives
OK	X					
OR					X	
PA						Refer to our response to Question 4.
PR	X					
RI					X	
SD	X					
TN	X	X				
TX	X			X		
UT					X	We do not require Title insurers to obtain this information.
VA				X		
VT						Unsure
WA					X	
WI	X					
WV						Title producers only.
WY	X					

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	Comments regarding the state's general authority to collect agent data:
AL	
AK	We may collect data from insurance licensees, which may or may not include escrow/settlement agents, depending upon the functions they perform. Alaska has a regulation that requires a title producer to provide the title insurance company with data necessary to support a rate filing.
AR	The Department is authorized by statute to collect data from title agents. See Ark. Code Ann. 23-64-512 and 23-104-406
AZ	We have authority to request information from either a title insurer who can then turn around and request it from any other participants or from a title agent. Attorneys only represent title insurers. We do not have abstracters (they are equivalent to title agents in other states). Escrow/Settlement agents are regulated by the Arizona Department of Financial Institutions (AZ DFI).
CA	CA Code of Regulations, Title 10 sections 2355.1 and 2355.2 approved in August, 2009, require title insurers to submit a Statistical Plan and Income Report. Section 2355.4 authorizes rating examinations of title insurers, title agents and controlled escrow companies. Insurance Code section 730 et seq. provides exam authority.
CO	The Division maintains general subpoena authority and can obtain data through formal requests.
CT	
DC	Data collection is referenced related to rate filings.
DE	
FL	S. 627.782, F.S. provides specific authorization for the Office of Insurance Regulation (OIR) to collect data from both agencies and insurers. S.627.8437, F.S. says the Department of Financial Services (DFS) shall suspend, revoke or refuse to renew a license of an agency if the agency fails to timely submit data as required by s. 627.782, F.S.
GA	O.C.G.A. §33-2-12 provides agents may be examined to ascertain compliance with the Ga Insurance Code; O.C.G.A. §33-2-11 provides that insurers may be examined.
GU	Commissioner may specifically require data from title insurer (22 GCA Section 15105(c)
HI	
IA	
ID	
IL	While Illinois does not require title insurers or agents to report specific data, title insurers apply for the registration of their title agents.
IN	General Department of Insurance Law
KS	N/A
KY	none
LA	N/A
MA	
MD	The Maryland Insurance Administration may collect data from officers, employees, agents and representatives of insurers and producers pursuant to Annotated Code of Maryland, Title 2, Subtitle 1 and 2.
ME	We would collect information from attorneys in their capacity as title agents.
MI	
MN	General investigative and examination authority. Minn. Stat secs. 45.027 and 60A.031
MS	
MO	
MT	
NC	
ND	Our law is directed at companies and does no set out a specific data collection authority for agents outside of fraud or complaint investigations. We can, in the course of financial or market conduct examinations, request data from any person, including agents.
NE	
NH	RSA 400-B Market conduct record retention, RSA 400-A:16 investigations, enforcement
NJ	
NM	
NY	There is currently no statute or regulation authorizing the department to collect data directly from title agents, accordingly NY directs title insurers to collect title agent data and submit compiled data to the department's statistical agent.
NV	
OH	
OK	The only information regularly collected by the OID are certifications of biennial policy inventory audits conducted by title carriers on Oklahoma title agents in accordance with Rule 365:20-3-5.
OR	Our authority is limited. The Insurance Division can request agent information from title insurers as part of an examination or inquiry.
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	
RI	No specific statutes on this information, however, we believe that we could require a title insurer to provide any information in its possession under our general examination authority.
SD	
TN	
TX	
UT	Data collected Annual and Controlled Business reports which include title and escrow income and expenses reported separately. We also location of main and additional branch offices in the state. They must also file their minimum escrow fees.
VA	
VT	
WA	
WI	
WV	WVOIC only regulates the insurance component of Title Insurance, the WV State Bar regulates closings and title abstracts as this is considered the practice of law in WV.
WY	

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

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	By what legal protection is the data reported kept confidential?	What kind of data is collected and how is it used?
AL	N/A	
AK	confidentiality of examination materials (not specific to market regulation)	We have collected data regarding profit and loss.
AR	Arkansas law protects information that is part of an examination or active and open investigation.	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 investigtion.
AZ	N/A	During a Market Conduct Exam, we collect underwriting, claims handling and operational data which includes procedures and policyholder data.
CA	Statutory authority, both regulatory and non regulatory, and general state law as applicable.	Data collected may include a review of the books, records, accounts, rates, charges, fees, rating plans, rating systems, underwriting rules, policy forms; loss or expense experience and the data, statistics, or information collected or used in determining or establishing the rates, charges, fees, rating plans, rating systems, underwriting rules or policy forms; statistical plan and financial data reports. Purpose is to aid in the administration of rate reglatory laws.
CO	All of the above apply depending upon the circumstances (including n/a because there are times the Division cannot keep reported data confidential).	
CT		
DC	Proprietary Information	None at this time.
DE	N/A	N/A
FL	S. 626.84195 designates the information submitted in a data call by an agency or an insurer as proprietary information if so requested by the agency or insurer.	Revenues; expenses; premiums and losses by limit of liability; amount of time spent on primary title services, searches and closings. It is used to analyze title insurance premium rates, title insurance search costs, and the condition of the title insurance industry in Florida.
GA	Market Regulation Laws	on an ad hoc basis, the GID may collect federal statements, disclosures, policies, CPLs, agent/agency contracts, affiliated agency agreements, premium data, and other items and documents to verify compliance with Ga law.
GU	Applications filed with the Banking and Insurance Commissioner falling within the exemption from Sunshine law. (5 GCA Section 10108(f).	No data is collected, except loss and expense data is required when title company apply for rate increase.
HI	N/A	
IA	N/A	
ID	Pursuant to Idaho Public Records Laws.	Complaint information; title and escrow rates; any data needed to complete examinatrion/audit regulations.
IL	N/A	Illinois does not require title insurers to report specific data.
IN	Market Regulation Laws	
KS	N/A	N/A
KY	N/A	not applicable
LA	Legal protection for confidential or proprietary data would be set forth in the provisions of the Louisiana Public Records Act (La. R.S. 44.1 et seq.).	N/A
MA	N/A	
MD	Market Regulation Laws	When advisable to determine compliance with Maryland's insurance laws, the Commissioner may examine the accounts, records, documents and transactions that related to the insurance affairs or proposed insurance affairs of an insurer or insurance producer and others pursuant to Annotated Code of Maryland, Title 2, Subtitle 2, Section 2-206 through 2-209.
ME	Market Regulation Laws	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.
MI	Market Regulation Laws	Ad Hoc, as needed; use varies
MN	Market Regulation Laws	Transactional, documents, etc.
MS	Market Regulation Laws	
MO	Proprietary Information	MO DIFP collects an annual underwriter on site review of report of agents title and closing practices and ownership/affiliated business information.
MT	Market Regulation Laws	
NC	N/A	

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	By what legal protection is the data reported kept confidential?	What kind of data is collected and how is it used?
ND	N/A	
NE	Market Regulation Laws	Data is collected to investigate consumer complaints and conduct examinations.
NH	Market Regulation Laws	
NJ	N/A	
NM	N/A	New Mexico collects detailed revenue, expenses, and policy issuance information from title insurers, title agents to promulgate rates
NY	N/A	title agent data on revenue and expenses is collected by title insurers.
NV	Market Regulation Laws	
OH	Data collected as a result of an annual review is public information. Information can only be kept confidential if it falls into an exception of the public records statute.	Ohio collects data related to the annual review of escrow accounts, IOTA accounts, affiliated business arrangements, errors and omissions insurance and surety bail bond coverage.The data is used to determine compliance with Ohio title insurance laws.
OK	N/A	
OR	Market Regulation Laws	
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.	The Department does not regularly collect data from the title industry. In 1984 and 1993 we conducted studies of agent commissions. In 2010 we conducted a study of the expense component of title insurance rates. In order to perform the 2010 study, we required title agent information from title insurers in 2009.
PR	N/A	Annual volume of business placed by isurers and the commission earned. The data is used ofr statistical and public inspection purposes.
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.	n/a
SD	Proprietary Information	Premiums remitted for premium tax purposses and determination of liability.
TN	N/A	
TX	N/A	Revenues, expenses, policies, claims. Used for setting rates and other purposes.
UT	Proprietary through Government Records Access and Management Act(GRAMA).	Income, Expense, Fees, number of offices, banking institution, fidelity bond, qualifying title individual.
VA	Market Regulation Laws	Financial information and insurance information is collected on escrow/settlement agents
VT	N/A	We do not collect anything but routine license/renewal data from Agents
WA	N/A	Policy & order count, premium, income, and expense date to be used to support the filing of title insurance rates.
WI	N/A	
WV	A combination of laws or statutes. FOIA, Insuracne confidentilay statutes, etc...	N/A
WY	N/A	

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

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	Which processes does the state insurance department regulate if NO title insurance policy is issued? (Some states only regulate the transaction if title insurance is involved maintaining that ancillary services such as title search, escrow & closing, etc. are not insurance products and are therefore only regulated if title insurance is included in the transaction.)			
	Title Search or Abstract	**Examination of Title**	**Clearing Title Defects**	**Escrow & Closing**
AL				
AK	X	X	X	
AR				
AZ				
CA	X	X	X	X
CO	X	X	X	X
CT				
DC				
DE				
FL				
GA				
GU				
HI				
IA				
ID				
IL	X	X	X	X
IN				
KS				
KY				
LA				
MA				
MD	X	X	X	X
ME				
MI				
MN				
MS				
MO				
MT				
NC				
ND				
NE				
NH				
NJ				
NM				
NY				
NV	X	X	X	X
OH				X
OK				
OR				
PA				
PR				X
RI				
SD				
TN				
TX				
UT	X		X	X
VA				X
VT				
WA				X
WI	X	X	X	
WV				
WY				

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

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

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	Are rates required to be filed with the state insurance department?	How does the state insurance department regulate title insurance rates?	Does the state insurance department require title agents to file their fees for processes which are not included in title rate?
AL	Yes	Prior-Approval	No
AK	Yes	Prior-Approval	N/A
AR	No	Rates Are Not Regulated	No
AZ	Yes	File and Use	N/A
CA	Yes	File and Use	Yes
CO	Yes	File and Use	Yes
CT	Yes	Prior-Approval	No
DC	Yes	Prior-Approval	No
DE	Yes	File and Use	No
FL	Florida's OIR promulgates rates by administrative rule.	Promulgated Rates	No
GA	No	agents must charge the book rates (i.e., rates fixed by the insurer.)	N/A
GU	Yes	Prior-Approval	No
HI	No	Rates Are Not Regulated	No
IA			N/A
ID	Yes	Rates are filed 30 days prior to use to allow for comments.	Yes
IL	No	Illinois does not regulate rates.	No
IN	Yes	Prior-Approval	No
KS	Yes	File and Use	Yes
KY	Yes	File and Use	No
LA	Yes	Prior-Approval	N/A
MA	No	Rates Are Not Regulated	No
MD	Yes	File, Approval and Use.	No
ME	Yes	File and Use	No
MI	Yes	File and Use	No
MN	Yes	File and Use	No
MS	No	Rates Are Not Regulated	N/A
MO	Yes	File & use if not disapproved within 30 days	No
MT	Yes	File and Use	No
NC	Yes	Subject to review by Actuarial Services Division	No
ND		Prior approval for initial filing. Use & File for changes.	Yes
NE	Yes	Prior-Approval	No
NH	Yes	File and Use	No
NJ	Yes	Prior-Approval	N/A
NM	A biennial hearing is held and rates are set by the Superintendent of Insurance	Promulgated Rates	No
NY	Yes	Prior-Approval	No
NV	Yes	Prior-Approval	Yes
OH	Yes	Prior-Approval	No
OK	No	Rates Are Not Regulated	No
OR		Prior-Approval	Yes
PA	Yes	Title rate filings are typically File & Use (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.	No
PR	Yes	Prior-Approval	No
RI	Yes	File and Use	Yes
SD	Yes	Prior-Approval	No
TN	Yes	Prior-Approval	No
TX	Rates are promulgated	Promulgated Rates	No
UT	Yes	File and Use	Yes
VA	No	Not required to be filed	No
VT	Yes	Use and File	No
WA	Yes	Currently is file and use, but will change to prior approval on July 1, 2016.	No
WI	Yes	Use and File	No
WV	Yes	Seperate personal and commercial. personal file with 60 day deemer if not approved or disapproved. Commercial if file and use.	N/A
WY	Yes	Prior-Approval	No

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	What is the statutory standard for title rate adequacy?
AL	Rates Not Excessive, Inadequate or Unfairly Discriminatory
AK	Rates Not Excessive, Inadequate or Unfairly Discriminatory
AR	N/A The Department does not regulate rates.
AZ	Rates Not Excessive, Inadequate or Unfairly Discriminatory
CA	Rates Not Excessive, Inadequate or Unfairly Discriminatory
CO	Rates Not Excessive, Inadequate or Unfairly Discriminatory
CT	Rates Not Excessive, Inadequate or Unfairly Discriminatory
DC	No Particular Standard
DE	Rates Not Excessive, Inadequate or Unfairly Discriminatory
FL	(2) In adopting premium rates, the commission (The commission refers to Florida's Financial Services Commission. It is the agency head of OIR and is made up of the Governor and the Cabinet.) must give due consideration to the following: (a) The title insurers' loss experience and prospective loss experience under closing protection letters and policy liabilities. (b) A reasonable margin for underwriting profit and contingencies, including contingent liability under s. 627.7865, sufficient to allow title insurers, agents, and agencies to earn a rate of return on their capital that will attract and retain adequate capital investment in the title insurance business and maintain an efficient title insurance delivery system. (c) Past expenses and prospective expenses for administration and handling of risks. (d) Liability for defalcation. (e) Other relevant factors.
GA	Unfair Trade Practices Act governs.
GU	Rates Not Excessive, Inadequate or Unfairly Discriminatory
HI	No Particular Standard
IA	
ID	Rates Not Excessive, Inadequate or Unfairly Discriminatory
IL	Illinois does not regulate rates.
IN	Rates Not Excessive, Inadequate or Unfairly Discriminatory
KS	No Particular Standard
KY	Rates Not Excessive, Inadequate or Unfairly Discriminatory
LA	Rates Not Excessive, Inadequate or Unfairly Discriminatory
MA	No Particular Standard
MD	Rates Not Excessive, Inadequate or Unfairly Discriminatory
ME	Rates Not Excessive, Inadequate or Unfairly Discriminatory
MI	Rates Not Excessive, Inadequate or Unfairly Discriminatory
MN	Rates Not Excessive, Inadequate or Unfairly Discriminatory
MS	No Particular Standard
MO	Rates Not Excessive, Inadequate or Unfairly Discriminatory
MT	Rates Not Excessive, Inadequate or Unfairly Discriminatory
NC	Rates Not Excessive, Inadequate or Unfairly Discriminatory
ND	Rates Not Excessive, Inadequate or Unfairly Discriminatory
NE	No Particular Standard
NH	Rates Not Excessive, Inadequate or Unfairly Discriminatory
NJ	Rates Not Excessive, Inadequate or Unfairly Discriminatory
NM	Rates Not Excessive, Inadequate or Unfairly Discriminatory
NY	Rates Not Excessive, Inadequate or Unfairly Discriminatory
NV	Rates Not Excessive, Inadequate or Unfairly Discriminatory
OH	Rates Not Excessive, Inadequate or Unfairly Discriminatory
OK	No Particular Standard
OR	Rates have to be supported with historical data or other information when filed. Investment income also has to be considered.
PA	Rates Not Excessive, Inadequate or Unfairly Discriminatory
PR	Rates Not Excessive, Inadequate or Unfairly Discriminatory
RI	Rates Not Excessive, Inadequate or Unfairly Discriminatory
SD	Rates Not Excessive, Inadequate or Unfairly Discriminatory
TN	Rates Not Excessive, Inadequate or Unfairly Discriminatory
TX	Rates Not Excessive, Inadequate or Unfairly Discriminatory
UT	Rates Not Excessive, Inadequate or Unfairly Discriminatory
VA	Rates Not Excessive, Inadequate or Unfairly Discriminatory
VT	Rates Not Excessive, Inadequate or Unfairly Discriminatory
WA	Rates Not Excessive, Inadequate or Unfairly Discriminatory
WI	Rates Not Excessive, Inadequate or Unfairly Discriminatory
WV	No Particular Standard
WY	Rates Not Excessive, Inadequate or Unfairly Discriminatory

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	Is the state insurance department authorized to regulate the percentage of premium that title agents retain?	Is there a statutory standard for determining that percentage?
AL	No	N/A
AK	Yes	No
AR	No	N/A
AZ	No	N/A
CA	Yes	No
CO	No	N/A
CT	Yes	Yes, CT General Statutes Section 38a-415: agents may retain no more than 60% of the premium.
DC	Yes	No
DE	No	N/A
FL	Yes	Yes, S. 627.782 says that the tile insurer must retain no less than 30 percent, which means that the agent can retain no more than 70 percent.
GA	No	N/A
GU	No	No
HI	No	No
IA	N/A	N/A
ID	No	No
IL	No	N/A
IN	No	N/A
KS	No	N/A
KY	No	N/A
LA	No	No
MA	N/A	N/A
MD	No	N/A
ME	No	N/A
MI	No	N/A
MN	No	N/A
MS	N/A	N/A
MO	No	N/A
MT	No	No
NC	No	N/A
ND	Yes	No
NE	No	N/A
NH	No	N/A
NJ	No	N/A
NM	Yes	No
NY	No	N/A
NV	No	N/A
OH	No	N/A
OK	No	No
OR	No	N/A
PA	No	N/A
PR	Yes	No
RI	No	No
SD	No	N/A
TN	No	N/A
TX	Yes	No
UT	No	N/A
VA	No	N/A
VT	Yes	No
WA	No	N/A
WI	No	N/A
WV	Yes	No
WY	No	N/A

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

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

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

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

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

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

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	From which of the following does the state insurance department require a title agent license?			Does the state insurance department require the use of attorneys in lieu of title agents?	Are attorneys, not licensed as title agents, allowed by state law to perform any duties of title agents?
	Title Agencies	Individual Title Agents	N/A		
AL		X		N/A	N/A
AK	X	X		No, don't allow	N/A
AR	X	X		No, don't allow	No
AZ	X			No, don't allow	N/A
CA	X			No, don't allow	No
CO	X	X		No, don't allow	No
CT			X	Yes, required	
DC	X	X		No, allowed but not required	No
DE		X		Yes, required	N/A
FL	X	X		No, allowed but not required	Yes
GA	X	X			
GU	X	X		No, don't allow	No
HI	X	X		N/A	
IA			X	N/A	N/A
ID	X	X		No, don't allow	No
IL	X	X		No, don't allow	No
IN	X	X		No, don't allow	No
KS	X	X		No, don't allow	N/A
KY			X	N/A	N/A
LA	X	X		No, don't allow	No
MA			X	No, allowed but not required	N/A
MD	X	X		No, don't allow	No
ME	X	X		No, allowed but not required	No
MI	X	X		No, don't allow	No
MN	X	X		No, allowed but not required	No
MS		X		No, allowed but not required	Yes
MO	X	X		No, don't allow	No
MT				No, allowed but not required	Yes
NC		X		Yes, required	Yes
ND	X	X		No, allowed but not required	No
NE	X	X		No, don't allow	No
NH	X	X		No, allowed but not required	Yes
NJ	X	X		N/A	N/A
NM	X	X		No, don't allow	No
NY	X	X		No, don't allow	No
NV	X	X		No, don't allow	No
OH	X	X		No, don't allow	No
OK	X	X		No, allowed but not required	Yes
OR	X	X		No, don't allow	N/A
PA	X	X		No, allowed but not required	Yes
PR	X	X		No, don't allow	No
RI		X		No, allowed but not required	No
SD	X	X		No, don't allow	N/A
TN		X		No, allowed but not required	Yes
TX	X	X		N/A	Yes
UT	X	X		No, allowed but not required	No
VA	X	X		No, don't allow	No
VT		X		No, allowed but not required	No
WA	X			No, don't allow	No
WI		X		No, allowed but not required	Yes
WV		X		N/A	N/A
WY	X	X		No, don't allow	No

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	What roles do these attorneys perform?					Does their role vary geographically within the state?
	Policy Production/ Issuance	Review Abstracts and Provide Opinions	Conduct Closings	Supervise Employees Who Conduct Closings	N/A	
AL					N/A	N/A
AK					X	N/A
AR					X	N/A
AZ					X	N/A
CA					X	No
CO					X	No
CT						
DC					X	No
DE					X	N/A
FL	X	X	X	X		No
GA						
GU		X				No
HI						
IA					X	N/A
ID						
IL					X	N/A
IN					X	No
KS					X	N/A
KY					X	N/A
LA					X	No
MA					X	N/A
MD					X	N/A
ME		X	X	X		No
MI		X				No
MN					X	N/A
MS					X	N/A
MO					X	N/A
MT					X	No
NC			X			No
ND		X				N/A
NE					X	N/A
NH	X	X	X	X		No
NJ					X	
NM					X	No
NY					X	Yes
NV					X	N/A
OH					X	N/A
OK	X	X	X	X		No
OR					X	N/A
PA	X	X	X	X		No
PR					X	N/A
RI		X	X	X		No
SD					X	N/A
TN	X	X	X	X		No
TX			X			No
UT					X	No
VA					X	N/A
VT	X	X	X			No
WA					X	N/A
WI	X	X	X	X		No
WV		X	X	X		No
WY					X	No

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	If title participants are not licensed by state insurance departments, by whom are they licensed?			
	Title Agents	**Attorneys**	**Abstractors**	**Escrow/ Settlement Agents**
AL		Alabama State Bar		
AK		Alaska Bar Association		
AR	Arkansas Insurance Department	Arkansas Supreme Court	Arkansas Abstractors Board	None
AZ				AZ DFI
CA				CA Division of Business Oversight
CO			completely unlicensed	completely unlicensed
CT		The State Bar Association		
DC			No license (other than business license)	No license (other than business license)
DE		DE Bar Assoc.		
FL		Florida Bar	Must hold title agent license, or be an attorney	Escrow agents may be licensed title agents, or insurers; lenders (Office of Financial Regulation); real estate brokers (Dept. of Bus. & Prof. Reg.) or attorneys (FL Bar) under Florida Statutes.
GA		State Bar, in addition to GID (if necessary; see OCGA 33-23-1(b)(1) and 33-23-4(b))		
GU		Guam Bar Association	General Licensing and Registration Branch	General Licensing and Registration Branch
HI		Hawaii State Bar Association		Division of Financial Institutions
IA				
ID				Idaho Department of Finance
IL			Not regulated	
IN				
KS		Kansas Supreme Court	Kansas Board of Technical Professions	
KY	not licensed by DOI	Kentucky Bar Association	not licensed by DOI	not licensed by DOI
LA		Louisiana State Supreme Court		Louisiana Office of Financial Institutions
MA		Board of Bar Overseers		
MD				
ME		Maine Supreme Judicial Court		Bureau of Consumer Credit Protection
MI	N/A	Michigan State Bar	Not Licensed	Not Licensed
MN		Lawyers Professional Responsibility Board	Department of Commerce	Department of Commerce
MS		Mississippi State Bar		
MO				
MT		Supreme Court		
NC	NC DOI	State Bar	N/A	N/A
ND				
NE	Department of Insurance	Nebraska State Bar Association	Nebraska Board of Abstractors	Must be licensed or regulated by one of the following entities: Department of Insurance, Supreme Court, State Real Estate Commission, Department of Banking and Finance, Federal Deposit Insurance Corporation, Federal Office of Thrift Supervision, Federal Farm Credit Administration, or National Credit Union Administration.
NH		NH Bar Association		
NJ		NJ Supreme Court to practice law	Completely unlicensed	
NM				
NY		State Bar		
NV				Division of Mortgage Lending
OH		Ohio Supreme Court		Completely Unlicensed
OK		Oklahoma Bar Assoc.	Oklahoma Abstractors Board	N/A
OR		Oregon State Bar		Oregon Real Estate Agency
PA	N/A (Licensed by Insurance Department)	PA Supreme Court	Completely Unlicensed	Completely Unlicensed
PR				
RI	Insurance Department	Rhode Island Supreme Court	not licensed	not licensed
SD	South Dakota Abstracters Board of Examiners	South Dakota Abstracters Board of Examiners	South Dakota Abstracters Board of Examiners	
TN		Tennessee Bar Association	Unlicensed	Unlicensed
TX		State Bar of Texas		
UT		Utah State Bar Assoc. and the Insurance Dept.		Registered thru Div. of Financial Institutions unrelated to title insurance.
VA				
VT				
WA				Those entities not licensed as title insurers/agents are licensed by the Department of Financial Institutions.
WI				Completely unlicensed
WV	WV OIC	WV State Bar		
WY		Wyoming State Bar	Completely unlicensed	Completely unlicensed

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	Are title insurers required to appoint the title agents they use?	Is the state insurance department authorized to review contracts between title insurers and title agents?	Is the state insurance department required to keep the details of these contracts confidential?
AL	Yes	Yes, but the department rarely reviews these contracts	No
AK	Yes	Yes, but the department rarely reviews these contracts	Yes
AR	Yes	Yes, but the department rarely reviews these contracts	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.
AZ	Yes	N/A	N/A
CA	Yes	Yes, and the department sometimes reviews these contracts	No
CO	No	Yes, and the department sometimes reviews these contracts	In certain, limited circumstances the details of the contracts may be required to be kept confidential.
CT	N/A	No	
DC	Yes	Yes, but the department rarely reviews these contracts	Yes
DE	Yes	N/A	N/A
FL	Yes	Yes, and the department sometimes reviews these contracts	If requested by either party, which is usually the case.
GA	Yes	Yes	Insurers are not required to file contracts in the ordinary course of business. If the GID obtains a contract in the course of an examination, it is kept confidential.
GU	Yes	Yes, but the department rarely reviews these contracts	No
HI	Yes	No	
IA	N/A	N/A	N/A
ID	Yes	Yes, and the department sometimes reviews these contracts	Yes
IL	Yes	No	N/A
IN	Yes	Yes, and the department sometimes reviews these contracts	Yes
KS	Yes	No	N/A
KY	No	No	N/A
LA	Yes	No	N/A
MA	N/A	N/A	N/A
MD	Yes	Yes, and the department sometimes reviews these contracts	Yes
ME	Yes	Yes, but the department rarely reviews these contracts	Yes
MI	Yes	Yes, and the department sometimes reviews these contracts	Yes
MN	Yes	Yes, but the department rarely reviews these contracts	Depends upon how they were obtained
MS	Yes	N/A	N/A
MO	Underwriters must have a written contract with the agents issuing the insurers' policies.	Yes, and the department sometimes reviews these contracts	Confidentiality may depend on how the contract was obtained and whether the parties to it asserted it was a trade secret.
MT	Yes	No	N/A
NC	Yes	No	N/A
ND	Yes	No	N/A
NE	Yes	Yes, and the department sometimes reviews these contracts	Yes

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	Are title insurers required to appoint the title agents they use?	Is the state insurance department authorized to review contracts between title insurers and title agents?	Is the state insurance department required to keep the details of these contracts confidential?
NH	Yes	Yes, but the department rarely reviews these contracts	Depends upon authority to gather information in first instance.
NJ	Yes	Yes, but the department rarely reviews these contracts	No
NM	Yes	Yes, and the department sometimes reviews these contracts	No
NY	Yes	Yes, but the department rarely reviews these contracts	No
NV	Yes	Yes, and the department sometimes reviews these contracts	No
OH	Yes	Yes, and the department sometimes reviews these contracts	It depends on the authority under which the information was obtained (i.e. Market Conduct, Enforcement, etc.)
OK	Yes	Yes, but the department rarely reviews these contracts	No
OR	Yes	This type of review would arise if there were other concerns about the activity, a particular agent or questionable practice.	Yes
PA	Yes	While the Department has authority to obtain a copy of such agreements, there are no statutory standards for the "review" of such agreements.	Maybe, depending on why/how the agreement was obtained by the Department. For example, materials that are investigatory or obtained in a Market Conduct examination are privileged and are generally required to be protected. Also, materials otherwise submitted to the Department that are claimed to be trade secret or confidential proprietary financial information must also be treated as such, unless a determination is made in the context of a public records request that such claims are not, in fact, valid (which the party that submitted the materials may then appeal).
PR	Yes	Yes, and the department sometimes reviews these contracts	No
RI	Yes	Issue is not addressed in statute, however, we would take the position that we are entitled to review contracts (although we have not done so to date).	N/A
SD	Yes	No	N/A
TN	Yes	No	N/A
TX	Yes	Yes, and the department sometimes reviews these contracts	No
UT	Yes	No	N/A
VA	Yes	Yes, but the department rarely reviews these contracts	Yes
VT	Yes	Yes, but the department rarely reviews these contracts	Other (please specify)
WA	Yes	Yes, but the department rarely reviews these contracts	No
WI	Yes	Yes, but the department rarely reviews these contracts	No
WV	Yes	Yes, but the department rarely reviews these contracts	If the information contained therein falls with an exemption form disclosure under FOIA, then it is confidential. Depends on the content of the contract, whether part of an examination, or trade secret in nature.
WY	Yes	No	N/A

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	Are title insurers liable for losses resulting from defalcation by title agents?	Are title insurers liable for losses resulting from defalcation by escrow/settlement agents?	If title insurers are liable for losses resulting from defalcations, by what is that liability imposed?
AL	Yes	N/A	
AK	Yes	Yes	Common Law
AR	Yes	If a compliant Closing Protection Letter was issued, the insurer is liable for the loss.	Common Law
AZ	N/A	N/A	N/A
CA	Yes	Yes	Common Law
CO	Yes	Yes	Statute
CT			
DC	If a closing protection letter is issued.	If a closing protection letter is issued.	Contract
DE	N/A	N/A	N/A
FL	Yes	Only when the defalcation is of a title agent or agency appointed to represent the insurer.	Statute
GA	Yes, if covered under a closing protection letter. See O.C.G.A. §33-7-8.1.	Yes, if covered under a CPL.	CPL/Contract
GU	Yes	Yes	Contract
HI			
IA	N/A	N/A	N/A
ID	Yes	No	Contract
IL	Yes	Yes	Contract
IN	Yes	Yes	Common Law
KS			
KY	Questionable as there is no express insurance law and title agents are not licensed.	No	Common Law
LA	No	No	N/A
MA	N/A	N/A	N/A
MD	Yes	Yes	Statute
ME	Yes	Yes	Contract
MI	Only losses covered by the title policies and/or closing protection letters when issued.	No	N/A
MN	Yes	Yes	Statute
MS	N/A	N/A	N/A
MO	It depends on the facts, including whether a closing protection letter was issued.	It depends on the facts, including whether a closing protection letter was issued.	Common Law
MT	depends on the contract	N/A	Contract
NC	Based on contractual relationship	N/A	Contract
ND			
NE	Yes	Yes	Statute
NH	Yes	No	Statute
NJ	Yes	Yes	Common Law
NM	No	No	
NY	Yes	Yes	Common Law
NV	While NRS 692A.110 states that a title insurer is responsible for and shall supervise the acts of each title agent and escrow officer it employs or appoints, it is unclear whether it can be held liable for defalcations in the absence of a closing protection letter.	N/A	The liability may be imposed by statute or by contract. While NRS 692A.110 states that a title insurer is responsible for and shall supervise the acts of each title agent and escrow officer it employs or appoints, it is unclear whether it can be held liable for defalcations in the absence of a closing protection letter.

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	Are title insurers liable for losses resulting from defalcation by title agents?	Are title insurers liable for losses resulting from defalcation by escrow/settlement agents?	If title insurers are liable for losses resulting from defalcations, by what is that liability imposed?
OH	Title insurers are liable for losses resulting from defalcations by title agents if closing protection coverage was purchased by the person or entity claiming the loss.	Only if title insurance is issued and the closing/escrow agent is acting on behalf of the title agent.	Contract
OK	Yes	Yes	Common Law
OR	Yes	Yes	Contract
PA	Yes	Yes	Contract
PR	Yes	No	N/A
RI	Closing protection letters are required for residential properties.	Closing protection letters are required for residential properties.	Statute
SD	N/A	N/A	N/A
TN	Statute makes no mention of defalcation. Common law or contractual remedies.	Statute makes no mention of defalcation. Common law or contractual remedies.	N/A
TX	Sometimes, for example, under an insured closing letter	Sometimes, for example, under an insured closing letter	Contract
UT	Yes	Yes	Statute
VA	Yes	It depends on the type of theft	Statute
VT	Yes	unsure	Other (please specify)
WA	No	No	N/A
WI	No	No	N/A
WV	Yes with a caveat. The WVOIC only regulates the sale of insurance. Thus only premium falls with in the Insurance regulation. Other funds fall with the pnumbra of the WV State Bar escrow account regulations. Closings and title searches are considered the practice of law in WV.	See question 35 answer.	It would be combination of the above, Statue, Common law and contract.
WY	Yes	No	

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

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	In your state, closing protection letters are:	To whom are closing protection letters provided?				Can title insurers issue CPLs?	If closing protection letters are used, how are they paid?
		Buyer	Seller	Lender	N/A		
AL	Voluntary and Typically Used	X				Yes	No Charge
AK	Voluntary and Not Typically Used						
AR	Voluntary and Typically Used	X	X	X		Yes	By a Separate Charge to Consumer
AZ	N/A				X	N/A	N/A
CA	N/A				X	Yes	N/A
CO	Voluntary and Typically Used	X	X	X		Yes	N/A
CT				X		Yes	By a Separate Charge to Consumer
DC	Voluntary and Not Typically Used	X	X	X		Yes	By a Separate Charge to Consumer
DE	Voluntary and Not Typically Used	X		X		N/A	Included in the Rate
FL	Voluntary and Typically Used	X		X		Yes	Included in the Rate
GA	Voluntary and Typically Used			X		Yes	By a Separate Charge to Consumer
GU	Voluntary and Typically Used	X		X		Yes	Included in the Rate
HI	N/A						
IA	N/A				X	N/A	N/A
ID	Voluntary and Typically Used			X		Yes	By a Separate Charge to Lender
IL	Voluntary and Typically Used	X	X	X		Yes	By a Separate Charge to Consumer
IN	Required	X	X	X		Yes	By a Separate Charge to Consumer
KS	Voluntary and Typically Used	X	X			Yes	By a Separate Charge to Lender
KY	Voluntary and Typically Used	X	X	X		Yes	By a Separate Charge to Lender
LA	Voluntary and Typically Used	X	X	X		Yes	Included in the Rate
MA	N/A				X	N/A	N/A
MD	Voluntary and Typically Used	X				Yes	By a Separate Charge to Consumer
ME	Voluntary and Typically Used	X		X		Yes	N/A
MI	Voluntary and Typically Used			X		Yes	No Charge
MN	Voluntary and Typically Used	X				Yes	No Charge
MS	N/A				X	N/A	N/A
MO	Voluntary and Typically Used	X	X	X		Yes	By a Separate Charge to Consumer
MT	N/A				X	Yes	N/A
NC	Voluntary and Typically Used	X				Yes	By a Separate Charge to Consumer
ND	Voluntary and Typically Used				X	N/A	N/A
NE	Required	X		X		Yes	By a Separate Charge to Consumer
NH	N/A				X	Yes	No Charge
NJ	Voluntary and Typically Used				X	Yes	By a Separate Charge to Consumer
NM	Voluntary and Typically Used	X	X	X		Yes	No Charge
NY	Prohibited and Not Issued				X	N/A	N/A
NV	Voluntary and Typically Used	X	X	X		Yes	By a Separate Charge to Consumer
OH	Required	X	X	X		Yes	By a Separate Charge to Consumer
OK	N/A				X	N/A	N/A
OR	Voluntary and Not Typically Used				X	N/A	N/A
PA	Voluntary and Typically Used	X				Yes	By a Separate Charge to Consumer
PR	N/A				X	Yes	By a Separate Charge to Consumer
RI	Voluntary and Typically Used	X		X		Yes	Included in the Rate
SD	Voluntary and Typically Used				X	Yes	By a Separate Charge to Lender
TN	Voluntary and Typically Used			X		Yes	By a Separate Charge to Consumer
TX	Voluntary and Typically Used			X		Yes	No Charge
UT	Voluntary and Typically Used	X	X	X		Yes	By a Separate Charge to Consumer
VA	Voluntary and Typically Used	X				Yes	By a Separate Charge to Consumer
VT	Voluntary and Typically Used			X		Yes	N/A
WA	Voluntary and Typically Used				X	Yes	No Charge
WI	Voluntary and Not Typically Used				X	N/A	N/A
WV	N/A				X		N/A
WY	Voluntary and Not Typically Used						

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	Does state law require the maintenance of surety bonds or fidelity insurance?	If surety bonds or fidelity insurance is required, what amount is required for title agents?	If surety bonds or fidelity insurance is required, what amount is required for escrow officers?	Are title agents authorized to put title premiums into separate trust accounts rather than general trust accounts?
AL	Not Required			No
AK	Not Required	N/A	N/A	Yes
AR	Not Required	n/a	n/a	Yes
AZ	Not Required			Yes
CA	Not Required	N/A	N/A	Yes
CO	Not Required	n/a	n/a	Yes
CT	Not Required			Yes
DC	Required for Title Agents Only	Surety - $200,000, Fidelity $200,000 (if there are employees)		Yes
DE	Not Required	N/A	N/A	No
FL	Required for title insurance agencies. Amounts listed in next question are for title agencies.	Surety bond: $35,000 - Fidelity bond: $50,000 - Errors & Omissions: $250,000, with deductible =/< $10,000	If the escrow agent is a licensed title insurance agent, then the amounts would be the same.	Yes
GA	not required under the Ga Insurance Code	n/a	n/a	
GU	Not Required	n/a	n/a	No
HI	N/A			Yes
IA	N/A			N/A
ID	Required for Escrow Officers Only		$10,000 per escrow officer with a maximum of $50,000.	No
IL	Not Required	N/A	N/A	No
IN	Not Required			Yes
KS	Required for Title Agents Only	$100,000/50,000/25,000 based on size of County	N/A	Yes
KY	N/A			N/A
LA	N/A	N/A	N/A	Yes
MA	N/A			N/A
MD	Required for Both	$150,000.00 for each fidelity and surety bond	$150,000.00 for each fidelity and surety bond	Yes
ME	Not Required			N/A
MI	Not Required	N/A	N/A	Yes
MN	Not Required			No
MS	N/A			N/A
MO	Not Required			Yes
MT	Not Required			Yes
NC	Not Required			N/A
ND	N/A			No
NE	Required for Escrow Officers Only		100000	No
NH	Not Required			No
NJ	Not Required			Yes
NM	Not Required			Yes
NY	Not Required			Yes
NV	Required for Title Agents Only	2% of average collected balance of trust account		Yes

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	Does state law require the maintenance of surety bonds or fidelity insurance?	If surety bonds or fidelity insurance is required, what amount is required for title agents?	If surety bonds or fidelity insurance is required, what amount is required for escrow officers?	Are title agents authorized to put title premiums into separate trust accounts rather than general trust accounts?
OH	Required for Title Agents Only	Title agents must maintain $250,000 in E&O coverage. Surety bond coverage is required only for agents who handle escrow transactions unrelated to the issuance of title insurance.		No
OK	Not Required			No
OR	Not Required			Yes
PA	Required for Title Agents Only	$100,000 for Surety; $150,000 for Fidelity	N/A	Yes
PR	Not Required	N/A	N/A	No
RI	Not Required	n/a	n/a	Yes
SD	Required for Both			No
TN	Required for Title Agents Only	25000		Yes
TX	Required for Both	Varies--$10,000 or 10% of gross premium, Texas Insurance Code § 2651.101(b)	Varies, maximum $50,000; Texas Insurance Code § 2652.103	Yes
UT	Required for Both	$500,000 for the agency. Individuals do not have this requirement and Attorneys can use their law firm coverage if less than 12 policies are issued in a year.	See 49	Yes
VA	Required for escrow/settlement agents & agencies		Surety $200,000 Fidelity $100,000	Yes
VT	Not Required			N/A
WA	Required for Both	200000	200000	Yes
WI	Not Required			No
WV	Not Required			Yes
WY	Not Required			No

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	Does state law limit or restrict the use of affiliated business arrangements? If yes, how?An affiliated business arrangement means an arrangement in which a person who is in a position to refer business incident to or a part of a real estate settlement service involving a federally related mortgage loan, or an associate of such person, has either an affiliate relationship with or a direct or beneficial ownership interest of more than one percent in a provider of settlement services and either of such persons directly or indirectly refers such business to that provider or affirmatively influences the selection of that provider.	**Is the state insurance department authorized by state law to require disclosure of affiliated business arrangements? If yes, by whom must they be disclosed?**
AL	No	No
AK		
AR	No	No
AZ	No	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.	No
CO	Yes, generally, in the same way that RESPA restricts the use of AFBAs.	Yea, the title agent or insurer must disclose.
CT	Yes, see Conn. Gen. Stat. section 38a-416 disclosure requirements.	
DC	No	No
DE		
FL	Yes, only to the extent that affiliations may be illegal because entities are being paid for services they did not provide, or for services the entity is not licensed to receive. (§626.8412, 626.9541, F.S.)	No
GA	Yes, see Unfair Trade Practices Act.	Yes, licensed entities
GU	No	No
HI		
IA		
ID	No	Yes, Idaho Code Title 41, Chapter 39 requires all affiliated business arrangements be disclosed in writing by the producer of title business and provided to the title agent at the time of the sell and/or purchase contract is entered into.
IL	No	Yes, Illinois requires that a producer of title business disclose any financial interest in the transaction to any party paying for its product or service.
IN	No	Yes, title agency and insurer
KS	Yes, no title insurer or title agent may accept an order for title insurance business, issue a title insurance policy, or receive or retain any premium, or charge in connection with any transaction if: (i) The title insurer or title agent knows or has reason to believe that the transaction will constitute controlled business for that title insurer or title agent, and (ii) 70% or more of the closed title orders of that title insurer or title agent during the 12 full calendar months immediately preceding the month in which the transaction takes place is derived from controlled business. The prohibitions contained in this subparagraph shall not apply to transactions involving real estate located in a county that has a population, as shown by the last preceding decennial census, of 10,000 or less.	Yes, title insurer's or title agent's chief executive officer or designee
KY	No	No
LA	No	No
MA	No	No
MD	No	Yes, 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 of the Maryland Insurance Administration are also required to comply with the Annotated Code of Maryland, Real Property Article, Title 14, Subtitle 1, Section 14-127.
ME	No	No
MI	No	No
MN	No	No
MS		
MO	Yes, to parties to the transaction and to the Director annually.	Yes, to parties to the transaction and to the Director annually.
MT	Yes, no license - no commissions	No
NC	Yes, NCGS 58-27-5	No
ND	No	No
NE	Yes, A) The party making the referral discloses the referral at the outset and provides the customer with an estimate of the charges; and B) No required to use a specified title agent or title insurer; and C) The only thing of value received is a return on the ownership interest.	Yes, must be disclosed to the customer at or prior to the time of the referral.
NH	No	No

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	Does state law limit or restrict the use of affiliated business arrangements? If yes, how?An affiliated business arrangement means an arrangement in which a person who is in a position to refer business incident to or a part of a real estate settlement service involving a federally related mortgage loan, or an associate of such person, has either an affiliate relationship with or a direct or beneficial ownership interest of more than one percent in a provider of settlement services and either of such persons directly or indirectly refers such business to that provider or affirmatively influences the selection of that provider.	Is the state insurance department authorized by state law to require disclosure of affiliated business arrangements? If yes, by whom must they be disclosed?
NJ		
NM	No	No
NY	Yes, affiliated title agents must have significant and multiple sources of business.	Yes, disclosure must be made by both the title agent and the affiliated party.
NV	No	No
OH	Yes, Ohio Revised Code 3953.21(B) provides that no bank, trust company, bank and trust company, or other lending institution, mortgage service, brokerage, mortgage guarantee company, escrow company, real estate company or any subsidiaries thereof or any individuals so engaged shall be permitted to act as an agent for a title insurance company. Ohio Administrative Code 3901-7-04 further discusses agency ownership and control.	Yes, applicants for licensure, both individuals and business entities, at the time of initial application and renewal.
OK	No	No
OR		
PA	No	No
PR	No	Yes, Chapter 40, Insurance Code of PR, Rule 83 of the Rules and Regulations of the Insurance Code of PR.
RI	Yes, R.I. Gen. Laws sections 27-2.6-14 prohibits rebating and fee splitting.	No
SD	Yes, Insurers. SDCL 58-6-8	Yes, SDCL 58-5A
TN	No	No
TX	No	No
UT	Yes, It is not permitted by statute.	Yes, the Title licensee would need to disclose.
VA	No	No
VT		
WA	No	Yes, title agents.
WI	No	No
WV	No	Yes, this would only be applicable if the holding compnay stature is applicable. Generally, closings are regulated as the practise of law in WV.
WY	No	No

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	Does the state have a guaranty association that covers title insurance?	Is the guaranty association for title insurance only?	Is the guaranty association operated in conjunction with other states?
AL	No	N/A	N/A
AK	No	N/A	N/A
AR	No	N/A	N/A
AZ	No	N/A	N/A
CA	No	N/A	N/A
CO	No	N/A	N/A
CT	No	N/A	N/A
DC	No	N/A	N/A
DE		N/A	N/A
FL	No	N/A	N/A
GA	No	N/A	N/A
GU	No	N/A	N/A
HI	No	N/A	N/A
IA		N/A	N/A
ID	No		
IL	No	N/A	N/A
IN	No	N/A	N/A
KS		N/A	N/A
KY	No	N/A	N/A
LA	No	N/A	N/A
MA	No	N/A	N/A
MD	Yes	No	No, it is for one state only
ME	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
NC	No	N/A	N/A
ND	No	N/A	N/A
NE	No	N/A	N/A
NH	No	N/A	N/A
NJ	No		
NM	Yes	Yes	No, it is for one state only
NY	No	N/A	N/A
NV	No	N/A	N/A
OH	No	N/A	N/A
OK	No	No	N/A
OR			
PA	No	N/A	N/A
PR	Yes	No	No, it is for one state only
RI	No	N/A	N/A
SD	No	N/A	N/A
TN	No	N/A	N/A
TX	Yes	Yes	No, it is for one state only
UT	No	N/A	N/A
VA	No		N/A
VT	No	N/A	N/A
WA	No	N/A	N/A
WI	No	No	N/A
WV			No, it is for one state only
WY	No	N/A	N/A

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	Statutes and regulations regarding data collection from title participants:
AL	27-2-7
AK	AS 21.66.120; AS 21.66.380; 3 AAC 27.301-320 and 3 AAC 27.340
AR	Ark. Code Ann. 23-61-103, 23-64-512 and 23-103-406
AZ	Arizona Revised Statutes ("ARS") 20-223 (Annual Statement)
CA	California 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	Various sections of Title 10, C.R.S. and various insurance regulations applicable to title insurance, including Colorado Insurance Regulation 3-5-1.
CT	
DC	DC Code §31-5031.17
DE	
FL	§627.782 (8), F.S.; 626.84195,F.S.; 626.8437(11), F.S.; 69O-186.013, 69O-186.014
GA	O.C.G.A. §§33-2-11, 12, & 13
GU	22 GCA Sections 15101(h); 15105(c).
HI	
IA	
ID	Idaho Code Title 41, Chapter 27 and promulgated rules.
IL	Illinois does not collect detailed data from title insurers or agents.
IN	General Department of Insurance Law
KS	K.S.A. 40-1138
KY	NA
LA	La.R.S. 22:517
MA	
MD	Annotated Code of Maryland, Title 2, Subtitle 2, Enforcement Sections 2-205 through 2-208.
ME	24-A MRSA § 220 if regulated by the Bureau of Insurance
MI	MCLs 500.222, 500.249, 500.438, 500.1246, 500.2028
MN	Minn. Stat. §§ 45.027 and 60A.031
MS	83-5-205
MO	374.205 RSMo 381.122 rsmo (Supp 2013) & 20 CSR 100-7.005
MT	MCA 33-25-201
NC	
ND	
NE	Neb. Rev. Stat. 44-5905 and 44-19, 110
NH	RSA 400-B, RSA 400-A:37, RSA 400-A:16
NJ	N.J.S.A. 17:46B-41 et. seq.
NM	59A-30-7 NMSA 1978; 13.14.16 and 13.14.17 NMAC
NY	Ins law sections 308 and 2315
NV	NRS 692A.260, NRS 679B.120, NRS 679B.140, NRS 679B.340
OH	Ohio Revised Code 3901.011, 3953.33 and Ohio Administrative Code 3901-7-01
OK	None
OR	ORS 731.296
PA	40 P.S. §§910-26.1(6), 910-27, 910-28, 910-46, 910-47
PR	Sections 2.100, 2.120, 9.370 of the Insurance Code of Puerto Rico.
RI	n/a
SD	SDCL 58-25
TN	Title 56, Chapter 35, Tennessee Code Annotated; Tn Rule 0780-1-12
TX	Texas Insurance Code Chapter 2703, Subchapter D
UT	31A-23a-413, 31A-23a-415, 31A-23a-503, R592-9, R592-11
VA	55-525.20
VT	
WA	RCW 48.29.017, RCW 48.29.018, WAC 284-29A-110, WAC 284-29A-170, and WAC 284-29A-180.
WI	s. 601.42, Wis. Stat.
WV	N/A priactise of law in WV.
WY	

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	Statutes and regulations regarding title rate regulation:
AL	27-25-6
AK	AS 21.66.390-410. 3 AAC 27.301-399
AR	n/a
AZ	ARS 20375 and 20-376
CA	California Insurance Code sections 12401-12401.10, 12404 - 12413.5.
CO	Sections 10-4-401, et seq., and 10-11-118, C.R.S.; Colorado Insurance Regulations 3-5-1 and 5-1-10.
CT	38a-419
DC	DC Code §31-5031.17
DE	18 Del. C Ccl 25
FL	§627.782; 627.783 F.S.; 69O-186.003 F.A.C.; 69O-186.005, F.A.C.
GA	Title 33, Chapter 6 (UTPA)
GU	22 GCA Section 18501
HI	
IA	
ID	Idaho Code Title 41, Chapter 27 and promulgated rules.
IL	Pursuant to 215 ILCS 155/19, Illinois is specifically prohibited from setting fees for providing title services.
IN	IC 27-1-22-3(a)(4); IC 27-1-22-4(a)
KS	K.S.A. 40-952(c)
KY	KRS 304.22-020
LA	La.R.S. 22:516; La.R.S. 22:1451 et seq.
MA	
MD	Annotated Code of Maryland, Title 11, Subtitle 4 - Title Insurance Rating.
ME	24-A MRSA § 2302(1)(D)
MI	MCLs 500.7312, 500.2401 et seq.
MN	Minn. Stat. §70A.04
MS	
MO	381.171, 181, &.201,RSMo & 20 CSR 500-7.100 & 130
MT	MCA 33-25-201
NC	NCGS 58-26-1
ND	North Dakota Century Code 26.1-25
NE	Neb. Rev. Stat. 44-1997 and 44-1999
NH	RSA 416-A:17
NJ	N.J.S.A. 17:46B-41 et. seq.
NM	59A-30-6 NMSA 1978; 59A-30-3(C),(D),(E) NMSA 1978
NY	Ins law articles 23 and 64
NV	NRS 692A.120
OH	Ohio Revised Code 3935.03
OK	None
OR	ORS 737.310, ORS 737.320, ORS 737.230
PA	40 P.S. §§910-1 to 910-55, specifically 910-37 to 910-50
PR	Chapter 12 of the Insurance Code of Puerto Rico.
RI	R.I. Gen. Laws sections 27-2.6-16
SD	SDCL 58-25
TN	Title 56, Chapter 35, Tennessee Code Annotated; Tn Rule 0780-1-12
TX	Texas Insurance Code Chapter 2703, Subchapter D; Basic Manual For Rules, Rates And Forms For The Writing Of Title Insurance In The State Of Texas, Section III
UT	31A-19a-209
VA	38.2-4806
VT	
WA	RCW 48.29.140, RCW 48.29.143, RCW 48.29.147 and chapter 284-29A WAC.
WI	s. 625, Wis. Stat. & s. Ins 3.32, Wis. Adm. Code
WV	§ 33-20-3. Ratemaking.
WY	W.S. § 26-23-325 and 326

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	Statutes and regulations regarding confidentiality and public disclosure of title data:
AL	27-2-14,-24(c)
AK	AS 21.06.150(g) and AS 21.66.380(b)
AR	Ark. Code Ann. 23-61-103(d) and 23-61-207
AZ	ARS 20-153, 20-157.01(B) and 20-158(D)
CA	Calfirornia Insurance Code sections 735.5, 12919; Civil Code sections 3426 et seq. (Uniform Trade Scret Act); Government Code section 6254 (d) (portion of the Public Records Act).
CO	Colorado Open Records Act ("CORA") Sections 24-72-201, et seq., C.R.S.; Various sections of Title 10, C.R.S.; Colorado Insurance Regulation 3-5-1.
CT	
DC	DC Code §31-1404(f)
DE	
FL	§626.84195, F.S.
GA	O.C.G.A. §33-2-14
GU	5 GCA Section 10108(f)
HI	
IA	
ID	Idaho Code Sections 9-337 to 9-350.
IL	Illinois does not collect detailed data from title insurers or agents.
IN	
KS	N/A
KY	NA
LA	La.R.S. 22:1547
MA	
MD	Annotated Code of Maryland, Title 2, Subtitle 1, Section 2-209 and Title 10, Subtitle 1, Section 10-118.
ME	24-A MRSA § 216
MI	MCLs 500.222, 500.226, 500.1246
MN	Minn. Stat. §§ 13 and 60A.031
MS	
MO	374.070, 071.1 (1), & 205 RSMo, 20 CSR 10-2.400 (3) (K)
MT	
NC	
ND	
NE	Neb. Rev. Stat. 44-5906 and 44-1997(4)
NH	NOT Applicable
NJ	NA
NM	59A-30-8 NMSA 1978; 59A-17-11.1 NMSA 1978
NY	Ins law sections 110 and 2315
NV	NRS 692A.117, NRS 679B.190
OH	Ohio Revised Code 149.43, 3901.045, 3901.48, 3905.24
OK	36 O.S. § 306
OR	ORS 731.752
PA	65 P.S. §§67.101-67.3104
PR	Section 2.090 of the Insurance Code of Puerto Rico.
RI	R.I. Gen. Laws sections 27-13.1-5 and 38-2-2
SD	SDCL Title 1-27
TN	Title 56, Chapter 5, Part 307(a), Tennessee Code Annotated
TX	Texas Insurance Code §§ 2552.252(d), 2602.011(c), 2651.155, 2651.205(a)(2), 2651.206(a)(4); Form T-1 Conditions 6.(b); Form T-1R Conditions 3.c.; Form T-2 Conditions 6.(b); Form PPT-1 Conditions 5; Forms PPT-5, PPT-6, PPT-7 Conditions and Stipulations E.5; Forms PPT-8 and PPT-9 Conditions and Stipulations E.6; Forms PPT-10, PPT-11, and PPT-12 Conditions and Stipulations 5.
UT	63G-2
VA	55-525.32
VT	
WA	RCW 48.29.017 and RCW 42.56.400.
WI	s. 134.90 (1) (c), Wis. Stat.
WV	As to insurers and producers, 33-2-9, and the general WV FOIA statute.
WY	

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	Statutes and regulations regarding use of attorneys as title participants:
AL	N/A
AK	
AR	n/a
AZ	None
CA	California Financial Code section 17206 (a) (2)
CO	Section 10-11-116, C.R.S. and Colorado Insurance Regulation 3-5-1.
CT	CT General Statutes Section 38a-402 (13) requires title agents to be duly licensed CT attorneys.
DC	N/A
DE	18 Del. C 1709 (c)
FL	§626.8417(4) & (6), F.S.; 627.797, F.S.
GA	O.C.G.A. §33-23-1(b)(1); O.C.G.A. §33-23-4
GU	
HI	
IA	
ID	N/A
IL	Pursuant to 215 ILCS 155/16(a), no one can act as a title agent without registering with the state.
IN	N/A
KS	N/A
KY	NA
LA	La.R.S. 22:513.1; La.R.S. 22:514
MA	
MD	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-125.
ME	24-A MRSA § 1420-H(3)(C) (exemption from producer examination)
MI	N/A
MN	
MS	83-15-3
MO	381.031 (3) & 381.071.1
MT	
NC	NCGS 58-26-1
ND	North Dakota Century Code 26.1-20
NE	n/a
NH	RSA 402-J
NJ	N.J.S.A. 17:46B-1(h)
NM	N/A
NY	N/A
NV	N/A
OH	N/A
OK	36 O.S. § 5001
OR	
PA	40 P.S. §§910-1, 910-7
PR	N/A
RI	n/a
SD	SDCL 36-13
TN	Title 56, Chapter 35, Tennessee Code Annotated; Tn Rule 0780-1-12
TX	Texas Insurance Code §§ 2501.003(2), 2501.003(4), 2501.005(2); 2501.053(4), 2551.001(e), 2652.003, 2702.053(c); Basic Manual For Rules, Rates And Forms For The Writing Of Title Insurance In The State Of Texas, Procedural Rules P-1.g. & s., P-22, P-24, P-44.C.(1), P-45.E., P-69, Section V Exhibits and Forms
UT	NA
VA	
VT	
WA	N/A
WI	s. 628.03, Wis. Stat.
WV	§ 33-11A-11. Insurance in connection with a loan.
WY	

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	Statutes and regulations regarding the licensing of title participants:
AL	27-3-7 & 27-25-4
AK	AS 21.27.010 et seq.; AS 21.66.270; AS 21.27.150(a)(2)
AR	Ark. Code Ann. 23-103-403
AZ	ARS 20-1561 through 20-1563 (Title insurers and title agents only
CA	Title Insurers - Insurance Code section 699 et seq., Underwritten title companies, sections 12389 et seq., Escrow companies - Financial Code sections 17000 et seq.
CO	Sections 10-2-4-10 and 10-11-101, et seq., C.R.S.; Colorado Insurance Regulation 3-5-1.
CT	
DC	DC Code §§31-5031.02 & 31-5041.02
DE	18 Del. C 908
FL	Chapter 624, Part III, Florida Statutes, §626.112, 626.207, 626.211, 626.331, 626.8412, 626.8413, 626.8414, 626.8417, 626.8418, 626.8419, 626.842, 626.84201, 626.8421, 626.8423,
GA	O.C.G.A. §33-23-1 et seq.
GU	
HI	
IA	
ID	Idaho Code Title 41, Chapter 27 and promulgated rules.
IL	215 ILCS 155/16
IN	27-1-15.6-3
KS	K.S.A. 40-4903
KY	NA
LA	La.R.S. 22:1547
MA	
MD	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-101.
ME	24-A MRSA § 1420, et seq. for agents 24-A MRSA § 404 for insurers
MI	MCLs 500.7302, 500.7303, 500.7317, 500.1201 et seq.
MN	Minn. Stat. § 60K
MS	83-15-3
MO	375.014-.015, & 381.052,055,115,118, RSMo (Supp 2013) & 20 CSR 700-8
MT	MCA 33-17-212; MCA 33-17
NC	NCGS 58-6-7, NCGS 58-33-26
ND	North Dakota Century Code 26.1-20
NE	Neb. Rev. Stat. 44-19, 109
NH	RSA 402-J
NJ	N.J.S.A. 17:22A-26 et. seq.
NM	59A-30-3(G),(I) NMSA 1978; 13.14.2 NMAC
NY	Ins law section 2113 and regulation 206
NV	NRS 692A.100-104
OH	Ohio Revised Code 3905.02, 3905.01, 3953.21, 3905.06, 3905.07, Ohio Administrative Code 3901-5-9(G)
OK	36 O.S. § 1435.8, 5001
OR	ORS 744.053, ORS 744.086
PA	40 P.S. §§910-3, 910-26
PR	For insurers chapter 3; other participants chapter 9 of the Insurance Code of PR.
RI	R.I. Gen. Laws sections 27-2.6-4 and 27-2.4-3
SD	SDCL 36-13
TN	Title 56, Chapter 35, Tennessee Code Annotated; Tn Rule 0780-1-12
TX	Texas Insurance Code Chapters 2651 and 2652; Basic Manual For Rules, Rates And Forms For The Writing Of Title Insurance In The State Of Texas, Section VI
UT	31A-23a-103, 31A-23a-105, 31A-23a-204
VA	38.2-1822, 38.2-1814.1, 55-525.19
VT	
WA	RCW 48.05.030, RCW 48.05.330, RCW 48.05.340, RCW 48.29.020, RCW 48.29.040, RCW 48.17.060, RCW 48.17.090, RCW 48.17.173, RCW 48.29.155, RCW 48.29.160, and RCW 48.29.170.
WI	Insurers - s. 610.11, Wis. Stat. Agents - s. 628.03, Wis. Stat.
WV	Not licensed. Producer licensing is required to sell title insurance, Attorneys must do closing and title work.
WY	

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	Statutes and regulations regarding the relationship between title insurers and title agents:
AL	27-25-4,-5,-7
AK	AS 21.66.200, 210, 240
AR	Ark. Code Ann. 23-103-403 and 23-103-407
AZ	ARS 20-1584 (Right to pay commission) and 20-1590 (Permitted division of fees).
CA	California Insurance Code sections 12340.4, 12340.5, 12376 and 12389.6.
CO	Various sections of Title 10, C.R.S. and various insurance regulations applicable to title insurance, including Colorado Insurance Regulation 3-5-1.
CT	
DC	DC Code §31-5031.13
DE	
FL	§626.331, 626.381, 626.451, 626.461, 626.471, 626.8419, 626.8421, 626.843, 626.8433, 626.8437, 626.844, 627.7773, 627.7776, 627.791, 627.792
GA	
GU	22 GCA Section 12104(p); 22 GCA Section 15704
HI	
IA	
ID	Idaho Code Title 41, Chapter 27 and promulgated rules.
IL	215 ILCS 155/3; 155/4; 155/16 and 155/17
IN	27-1-15.6-14
KS	N/A
KY	NA
LA	La.R.S. 22:522; La.R.S. 22:527; La.R.S. 22:520
MA	
MD	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-118.
ME	24-A MRSA § 2422, § 1420-M, § 1445
MI	MCLs 500.7317, 500.1201 et seq.
MN	Minn. Stat. § 60K
MS	
MO	381.018, RSMo (Supp 2013)
MT	MCA 33-17-231 through 237
NC	
ND	
NE	Neb. Rev. Stat. 44-1993 and 44-19, 114; 210 Neb. Admin. Code 34-006
NH	RSA 402-J
NJ	N.J.S.A. 17:22A-26
NM	13.14.3 NMAC
NY	Ins law section 2113 and regulation 206
NV	NRS 692A.110
OH	Ohio Revised Code 3905.20 - Appointments
OK	36 O.S. § 1435.3, 1435.15
OR	ORS 744.053
PA	40 P.S. §§910-24 to 910-24.2
PR	Sections 9.022, 9.040 and 9.210 of the Insurance Code of Puerto Rico.
RI	R.I. Gen. Laws section 27-2.6-13
SD	SDCL Title 58
TN	Title 56, Chapter 35, Tennessee Code Annotated; Tn Rule 0780-1-12
TX	Texas Insurance Code Chapter 2651; Basic Manual For Rules, Rates And Forms For The Writing Of Title Insurance In The State Of Texas, Sections III and IV
UT	31A-23a-111, 31A-23a-115, 31A-23a-407
VA	38.2-1824, 38.2-1827, 38.2-1833, 38.2-1834, 38.2-1834.1
VT	
WA	RCW 48.17.160
WI	s. Ins 6.57, Wis. Adm. Code; s. Ins 6.61 (11), Wis. Adm. Code
WV	§ 33-12-22. Person soliciting insurance is agent of insurer. In WV relates only to sell of insurance
WY	

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	Statutes and regulations regarding the liability of title insurers for defalcations of other title participants:
AL	Common law and/or contract
AK	
AR	n/a
AZ	Regulated by AZ DFI-ARS 6-841.02.
CA	California Insurance Code sections 12376 and 12389.6.
CO	Sections 10-2-401, 10-3-131, and 10-11-101, et seq., C.R.S.; Colorado Insurance Regulation 3-5-1.
CT	
DC	N/A
DE	
FL	§627.792, F.S.
GA	O.C.G.A. §33-7-8.1
GU	Appointment of General Agent Form I-5, 12 GAR Section 1107
HI	
IA	
ID	Idaho Code Title 41, Chapter 27 and promulgated rules.
IL	Not statutory regulation
IN	
KS	N/A
KY	NA
LA	La.R.S. 22:518
MA	
MD	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-118, Section 10-121 and Title 22.
ME	N/A
MI	N/A
MN	
MS	
MO	none
MT	33-25-402
NC	
ND	
NE	Neb. Rev. Stat. 44-1993(8)
NH	RSA 402-J
NJ	134NJ326(1993)
NM	13.14.3.8 NMAC
NY	Common agency law
NV	NRS 692A.110
OH	Ohio Revised Code 3953.32
OK	none
OR	
PA	N/A
PR	Section 9.210 of the Insurance Code of Puerto Rico.
RI	R.I. Gen. Laws section 27-2.6-6
SD	SDCL Title 58
TN	N/A
TX	Texas Insurance Code Section 2702.001; Chapter 2602
UT	31A-23a-405, 31A-23a-407
VA	
VT	
WA	N/A
WI	N/A
WV	No statute in Insurance Code on ths topic
WY	

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	Statutes and regulations regarding title plants:
AL	N/A
AK	AS 21.66.200, 210, 240
AR	n/a
AZ	ARS 20-1567(A) and (B)
CA	California Insurance Code sections 12372 and 12372.5.
CO	n/a
CT	
DC	N/A
DE	
FL	None
GA	n/a
GU	n/a
HI	
IA	
ID	Idaho Code Title 41, Chapter 27 and promulgated rules.
IL	Title plants are allowed but are not subject to specific statutory regulation.
IN	N/A
KS	N/A
KY	NA
LA	La.R.S. 22:529; La.R.S. 22:533
MA	
MD	Annotated Code of Maryland, Title 5, Subtitle 1, Section 5-104.
ME	N/A
MI	N/A
MN	
MS	
MO	381.031(22), RSMo, 381.068 & 071.1 RSMo (Supp 2013) & 20 CSR 500-7.200 (3) & (2)
MT	MCA 33-25-211
NC	
ND	
NE	n/a
NH	RSA 402-J
NJ	NA
NM	59A-12-13 NMSA 1978; 13.14.2.8 NMAC
NY	N/A
NV	NRS 692A.230
OH	N/A
OK	none
OR	ORS 731.438
PA	40 P.S. §910-39(c)
PR	Section 24.030 of the Insurance Code of Puerto Rico.
RI	R.I. Gen. Laws section 27-2.6-3(21)
SD	SDCL Title 36-13
TN	Title 56, Chapter 35, Tennessee Code Annotated; Tn Rule 0780-1-12
TX	Texas Insurance Code § 2501.004; Basic Manual For Rules, Rates And Forms For The Writing Of Title Insurance In The State Of Texas, Procedural Rule P-12
UT	NA
VA	
VT	
WA	RCW 48.29.020, RCW 48.29.040, RCW 48.26.160, and WAC 284-16-030.
WI	N/A
WV	N/A
WY	W.S. § 33-2-101

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	Statutes and regulations regarding closing protection letters:
AL	N/A
AK	
AR	Ark. Code Ann. 23-103-405 and AID Rule 87, Section 14
AZ	Regulated by AZ DFI
CA	California Insurance Code section 12340.3 (e)
CO	Colorado Insurance Regulation 3-5-1.
CT	Conn. Gen. Stat. section 38a-404
DC	DC Code §§31-5031.04 & 31-5031.18
DE	
FL	627.786, F.S.
GA	O.C.G.A. §33-7-8.1
GU	n/a
HI	
IA	
ID	Idaho Code Title 41, Chapter 27 and promulgated rules.
IL	215 ILCS 155/3(13) and 155/16.1
IN	27-7-3-22; Senate Enrolled Act 370
KS	Department Bulletin 1996-6
KY	NA
LA	La.R.S. 22:515
MA	
MD	N/A
ME	24-A MRSA § 3202
MI	N/A
MN	
MS	
MO	381.022.5, 022.6, 058.3, RSMo (Supp 2013) & 381.403(2), RSMo & 20 CSR
MT	
NC	
ND	
NE	Neb. Rev. Stat. 44-1984(2)
NH	NA
NJ	134NJ326(1993)
NM	13.14.3.8(D) NMAC
NY	N/A
NV	NRS 692A.225
OH	Ohio Revised Code 3953.32
OK	none
OR	
PA	N/A
PR	N/A
RI	R.I. Gen. Laws sections 27-2.6-6
SD	SDCL Title 58
TN	Title 56, Chapter 35, Tennessee Code Annotated; Tn Rule 0780-1-12
TX	Texas Insurance Code Chapter 2702, Subchapter A; Basic Manual For Rules, Rates And Forms For The Writing Of Title Insurance In The State Of Texas, Procedural Rules P-67 & P-69
UT	31A-4-117
VA	
VT	
WA	N/A
WI	N/A
WV	N/A in insurnace code
WY	

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	Statutes and regulations regarding title escrow and trust accounts:
AL	N/A
AK	AS 21.66.280
AR	Ark. Code Ann. 23-64-223 and AID Rule 87, Section 12(A)(2)
AZ	ARS 20-1581(B). Regulated by AZ DFI.
CA	California Insurance Code sections 12413.1, 12413.2 and 12413.5 and Financial Code sections 17000 et seq.
CO	Section 10-2-704, C.R.S. and Colorado Insurance Regulations 1-2-1 and 3-5-1.
CT	
DC	DC Code §§31-5031.14 & 31-5041.06
DE	
FL	§626.8473, F.S.; 69O-186.008, 69O-186.009
GA	
GU	n/a
HI	
IA	
ID	Idaho Code Title 41, Chapter 27 and promulgated rules.
IL	215 ILCS 155/16(e) and 155/17(e)
IN	27-7-3.7-6; 27-7-3.7-7; 27-7-3.7.8; 27-7-3.7-9; 27-7-3.7-10
KS	K.S.A. 40-1137
KY	NA
LA	La.R.S. 22:532
MA	
MD	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-121 and Title 22, Sections 22-101 through 22-105.
ME	N/A
MI	MCLs 500.7304, 500.1207, 500.1239, Bulletin 2002-03-INS
MN	
MS	
MO	381.022, & 023, RSMo (Supp 2013) & 381.403 & 410-4123 RSMo
MT	33-25-201
NC	NCGS 58-26-31
ND	
NE	Neb. Rev. Stat. 44-1994 and 44-19, 116
NH	
NJ	N.J.S.A. 17:46B-10.1 N.J.A.C. 11:17C-2.2
NM	13.14.4 NMAC
NY	Ins law 2120 and regulation 206
NV	NRS 692A.250, NRS 683A.400
OH	Ohio Revised Code 3953.23, 3953.231, 3953.33
OK	none
OR	ORS 744.083, ORS 744.086, ORS 746.160(3), ORS 746.240, OAR 836-080-0305
PA	40 P.S. §§910-39.1, 910-26.1(5)
PR	N/A
RI	n/a
SD	
TN	Title 56, Chapter 35, Tennessee Code Annotated; Tn Rule 0780-1-12
TX	Texas Insurance Code Chapter 2651, Subchapter A; Basic Manual For Rules, Rates And Forms For The Writing Of Title Insurance In The State Of Texas, Section V
UT	31A-23a-406, 31A-23a-409, R590-170
VA	38.2-1813, 55-525.24
VT	
WA	RCW 48.29.190 and RCW 48.29.200.
WI	N/A
WV	W. Va. Prof. Cond., Rule 1.15 Safekeeping property
WY	W.S. § 26-23-314

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	Statutes and regulations regarding the use of surety bonds or fidelity insurance in title or real estate closing processes:
AL	N/A
AK	
AR	n/a
AZ	None
CA	California Insurance Code section 12389.6 (a) (1)
CO	n/a
CT	
DC	DC Code §31-5041.02
DE	
FL	§626.8419, F.S.
GA	
GU	n/a
HI	
IA	
ID	Idaho Code Title 41, Chapter 27 and promulgated rules.
IL	Surety bonds and fidelity insurance are not statutorily required
IN	N/A
KS	K.S.A. 40-1139
KY	NA
LA	N/A
MA	
MD	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-121.
ME	N/A
MI	N/A
MN	
MS	
MO	none
MT	
NC	
ND	
NE	Neb. Rev. Stat. 44-19, 109(3)
NH	
NJ	NA
NM	N/A
NY	N/A
NV	NRS 692A.1041-1044
OH	Ohio Revised Code 3953.23; Ohio Administrative Code 3901-7-02
OK	none
OR	
PA	40 P.S. §910-26.1(2),(3)
PR	N/A
RI	n/a
SD	SDCL Title 36-13
TN	Title 56, Chapter 35, Tennessee Code Annotated; Tn Rule 0780-1-12
TX	Texas Insurance Code Chapters 2651 and 2652
UT	31A-23a-204
VA	55-525.20
VT	
WA	RCW 48.29.155
WI	N/A
WV	N/A
WY	

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	Statutes and regulations regarding affiliated business arrangements:
AL	N/A
AK	
AR	n/a
AZ	None
CA	California Insurance Code sections 12396 - 12399
CO	Sections 10-2-401, 10-11-124, 10-11-126, and 10-11-102, C.R.S.; Colorado Insurance Regulation 3-5-1.
CT	See Conn. Gen. Stat. section 38a-416.
DC	N/A
DE	
FL	§626.8412, 626.9541
GA	
GU	n/a
HI	
IA	
ID	Idaho Code Title 41, Chapter 27 and promulgated rules.
IL	215 ILCS 155/18(b)
IN	HUD: 61 Fed.Reg. 29258-64
KS	K.S.A. 40-2404 (14)(f)-(i)
KY	NA
LA	N/A
MA	
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 of the Maryland Insurance Administration are also required to comply with the Annotated Code of Maryland, Real Property Article, Title 14, Subtitle 1, Section 14-127.
ME	N/A
MI	N/A
MN	
MS	
MO	381.029, RSMo (Supp 2013) & 20 CSR 500-7.070
MT	
NC	
ND	
NE	Neb. Rev. Stat. 44-19, 112
NH	
NJ	
NM	N/A
NY	Regulation 206
NV	N/A
OH	Ohio Revised Code 3953.21(B) and Ohio Administrative Code 3901-7-04
OK	none
OR	
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	Chapter 40, Rule 83 of the Insurance Code of Puerto Rico.
RI	R.I. Gen. Laws sections 27-2.6-14
SD	SDCL Title 58
TN	Title 56, Chapter 35, Tennessee Code Annotated; Tn Rule 0780-1-12
TX	N/A
UT	31A-23a-401, 31A-23a-503
VA	
VT	
WA	RCW 48.29.015, WAC 284-29-110 through -160.
WI	Ins. 3.32
WV	N/A
WY	

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	Statutes and regulations regarding guaranty association:
AL	N/A
AK	AS 21.80.020(6)
AR	n/a
AZ	None NA
CA	N/A
CO	n/a
CT	Conn. Gen. Stat. section 38a-836 et seq.
DC	N/A
DE	
FL	§631.400, 631.401, F.S. regarding assessing title insurers for claims of insurer in receivership.
GA	O.C.G.A. §33-36-1 et seq. - guaranty association does not cover title.
GU	n/a
HI	
IA	
ID	N/A
IL	A guaranty association is not statutorily required
IN	N/A
KS	N/A
KY	NA
LA	La.R.S. 22:2053
MA	
MD	Annotated Code of Maryland, Title 9 Impaired Entities, Subtitle 3 Property and Casualty Insurance Guaranty Corporation.
ME	N/A
MI	MCL 500.7901 et seq.
MN	
MS	
MO	none
MT	
NC	
ND	Title excluded - North Dakota Century Code 26.1-42.1-01(6)
NE	n/a
NH	
NJ	
NM	59A-30A-1 thru 18 NMSA
NY	N/A
NV	N/A
OH	N/A
OK	none
OR	
PA	N/A
PR	Chapter 38 of the Insurance Code of Puerto Rico.
RI	R.I. Gen. Laws sections 27-34-3(6)
SD	SDCL Title 58
TN	Title 56, Chapter 12, Part 103, Tennessee Code Annotated
TX	Texas Insurance Code Chapter 2602; Basic Manual For Rules, Rates And Forms For The Writing Of Title Insurance In The State Of Texas, Procedural Rule P-30, Adminstrative Rule G.1
UT	NA
VA	
VT	
WA	N/A
WI	Ch. 646
WV	§ 33-26-3. Scope Excludes Title
WY	

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	Miscellaneous comments:
AL	
AK	
AR	
AZ	
CA	AB 704 (Cooley) 2015 proposal to change escrow licensing requirements for title agents, is before the CA state legislature.
CO	
CT	Title insurance is regulated under Chapter 700a of the Connecticut General Statutes
DC	N/A
DE	
FL	Florida's regulatory setup 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. This completed survey involves input from both state agencies.
GA	
GU	
HI	
IA	Iowa prohibits the sale of title insurance.
ID	
IL	NOTE 1) Title agents can include individual attorneys, full service agencies, escrow agencies, etc. They are not "licensed" per se, but are registered and and information is available as to name and contact information for each agent. 215 ILCS 155/3(3) 2) In a transaction, parties obligated to provide and pay for title insurance have the right to choose the title insurer and title agent that will provide the insurance. No lender or producer of title business shall, as a condition of making the loan or providing a service, require a specific title insurer or title agent be used in the transaction. 215 ILCS 155/18.1
IN	The Aforementioned responses are from the Indiana Department of Insurance
KS	Escrow and closing is regulated to a limited extent in Kansas when performed by licensed title agents. We require their escrow, settlement or closing accounts to be bonded and audited.
KY	
LA	
MA	
MD	The Maryland Insurance Administration is now examining 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.And also pursuant to Code of Maryland Regulations 31.04.22 effective December of 2014.
ME	
MI	Independent abstractors are often used; however, responsibility remains with the title agent, agency or insurer who contracts with the abstractor. Attorney's may have more powers or roles than indicated in the survey; however, they are not derived through the Michigan Insurance Code.
MN	
MS	
MO	The responses to survey questions are the opinion of Investigator Kathleen Jolly and are not a formal interpretation of statutes or regulations by the Missouri Department of Insurance, Financial Institutions and Professional Registration. Responses to survey questions may differ in a variety of factual situations and responses do not limit or bind the Department in future enforcement actions.
MT	
NC	
ND	
NE	
NH	
NJ	
NM	
NY	
NV	

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	Miscellaneous comments:
OH	Comments regarding question 7: Data collected as a result of the annual review is public information. Comments regarding question 8: Data collected as a result of the annual review is public information. Information can only be kept confidential if it falls into an exception to the public records statute. Comments regarding question 11: Title agents must comply with all insurance regulations. They may engage in the closing process with certain conditions. See Ohio Revised Code 3953.23. Comments regarding question 22: Attorneys are regulated by the Supreme Court of Ohio. Comments regarding question 23: The Ohio Department of Insurance does not regulate abstractors. Comments regarding question 24: The Ohio Department of Insurance does not regulate escrow/settlement agents. Comments regarding question 28: Only licensed title agents may sell, solicit or negotiate title insurance. Comments regarding question 43: Closing protection letters are required to be offered. It is not mandatory that they be purchased. Comments regarding question 46: Closing protection letters are paid for by a separate charge to the buyer, seller and/or lender, depending on who has to purchase the coverage.
OK	
OR	
PA	These responses are provided by way of informal guidance only. The Pennsylvania Insurance Department does not provide legal opinions, binding or otherwise, and our responses should not be construed as such. Finally, none of the responses provided shall consitute an admission by the Department as to any issue or matter.
PR	
RI	
SD	
TN	Notes regarding items 12 and 13: Tennessee title rate type is defined by statute and regulation into risk rate and all inclusive rate counties based upon population as determined by the most recent census. The majority of Tennessee counties are pure risk rate where other fees (abstract and examination of title) are unregulated. Six Tennessee counties are all inclusive rate, with one of these having separate filed fees for abstract of title. Abstract and Examination of title rate regulation only applies in these six counties.
TX	
UT	
VA	
VT	
WA	
WI	A title search is not statutorily required before a title policy is issued unless the filed rate includes search and examination charges.
WV	WV OIC only regulates title insurance. All other apsects of title workd, including closings are the practise of law in WV and under the jurisdiction of the WV State Bar Association.
WY	

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