NAIC Title Insurance (C) Task Force

Survey of State Insurance Laws Regarding Title Data and Title Matters

November 2015

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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 a

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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 1210(p); 22 GCA Section 1704
HI	
IA	
ID	Idaho Code Title 41, Chapter 27 and promulgated rules.
IL	215 ILCS 155/3; 155/4; 155/[illegible] and 155/17
IN	27-1-15.6-[illegible]
KS	N/A
KY	NA
LA	La.R.S. 22:522; La.R.S. 22:527; [illegible].S. 22:520
MA	
MD	Annotated Code of Ma[illegible] Title 10, Subtitle [illegible] Section 10-118.
ME	24-A MRSA [illegible] 2422, [illegible]-M, § 144[illegible]
MI	MCLs 500.[illegible]817, 500.[illegible]se
MN	Minn. Stat. [illegible]dK
MS	
MO	[illegible]81.018, R[illegible]0 (Supp 2013)
MT	[illegible]CA 33-17-[illegible]1 through 237
NC	
ND	
NE	Neb. [illegible] Stat. [illegible]4-1993 [illegible]4-114; 210 Neb. Admin. Code 34-006
NH	RSA 402-J
NJ	N.J.S.A. 17:22A-26

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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 Sec. 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. 22:5
MA	
MD	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-118, Section 10-121 and Title 22.
ME	N/A
MI	N/
MN	
MS	
MO	0
MT	33 -402
NC	
ND	
NE	Neb. Rev. St . 44-1993
NH	GA-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, Ch. 2602
UT	31A-23a-405, 31A-23a-407
VA	
VT	
WA	N/A
WI	N/A
WV	No statute in Insurance Code on this to
WY	

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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

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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 (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/[illegible](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. 40-11[illegible]
KY	NA
LA	La.R.S. 22:5[illegible]
MA	
MD	Annotated Code of Maryland, Title 10, Subtitle 1, Section 10-121 and Title 22, Sections 22-101 through 22-105.
ME	[illegible]
MI	MCLs 500.7304, 500.[illegible]307, 500.[illegible] Bulletin 2002-03-INS
MN	
MS	
MO	381.022, [illegible] RSMo (Supp. [illegible]) & 381.403 & 410-4123 RSMo
MT	33[illegible]-201
NC	NCGS [illegible]-26-31
ND	
NE	N[illegible] Stat. 44-1994 and 44-19, 116
NH	
NJ	N.J.S.A. 17:46B-10; 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 744.0[illegible], ORS 744.086, ORS 746.[illegible](3), ORS 746.240, OAR 836-080-0305
PA	40 P.S. §§ 910-39.1, 910-26(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	

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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	

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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
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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 agencies.
GA	
GU	
HI	
IA	Iowa prohibits the sale of title insurance.
ID	
IL	NOTE 1) Title agents can include individual attorneys, title service agencies, escrow agencies, etc. They are not "licensed" per se, but are registered and and information is available online 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. A 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
IN	The Aforementioned responses are from the Indiana Department of Insurance
KS	Escrow and closing is regulated to a limited extent in Kansas. Most are 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 annual on-site reviews conducted by insurers of their appointed title agencies pursuant to 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 abstracters are often used; however, responsibility remains with the title agent, agency or insurer who contracts with the abstracter. Attorneys may have more powur specific bolee ofe inddic of

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