



June 1, 2026

Utah Insurance Department

Attn: Title and Escrow Commission

Re: Proposed Rule R592-19 – Winding Down the Business of a Resident Agency Title Insurance Producer

Dear Commissioner Pike and Members of the Commission:

Fidelity National Title appreciates the opportunity to comment on proposed Rule R592-19. We support the Department’s efforts to establish a clear and consistent framework governing the orderly winding down of resident agency title insurance producers. We also welcome continued collaboration on the proposed rule and therefore we are grateful for the opportunity to participate in the rulemaking process.

While we understand and support the policy objectives underlying the proposed rule, we respectfully offer the following technical observations for consideration.

Section R592-19-5 appears to present inconsistencies regarding the timing of the wind down. The rule references multiple triggering dates, such as the initial notice of the wind down and the final date the wind down is complete, without clearly defining their meaning. The Winding Down of operations can take many months and the triggering events for compliance with each step in that process must be clearly articulated to allow agents the opportunity to follow the rule consistently.

Section R592-19-6 raises general concerns regarding potential liability for underwriters in connection with the acts or omissions of independent agencies. In situations where an agency is unable or unwilling to cooperate or timely provide required records or funds to the underwriter, the rule as currently drafted could be interpreted to shift responsibility to the underwriter for actions or inactions over which they have no control. We respectfully suggest that clarifying language is needed that emphasizes an underwriter’s obligations are limited to employing “reasonable means” to facilitate compliance, rather than imposing responsibility for circumstances beyond its control. This language is particularly important as liability questions for funds handling are further magnified in instances where a title agent holds agency appointments with multiple underwriters. Subsections (1) and (2) both contemplate multiple underwriters for the preservation of documents, however subsection (3) dealing with the disbursement of funds requires similar consideration.

Specifically, Section R592-19-6(3)(a) charges the underwriter with determining the proper parties “entitled to the funds.” How this determination should be made by -and-among multiple underwriters requires further clarification. Section R592-19-4 could be amended to add

clarifying language within an Agency's business plan to anticipating those prospective obligations of designating the direction of funds before a Winding Up occurs.

(3)(c) presents timing considerations which should also be considered as above in Section 19-5. Based on experience in Texas, which has a similar rule, the winding down process often occurs in multiple stages and may require 150 days or more to fully complete. Additional review of these milestones for completion, and further clarity in the definition of Winding Down itself, would help to ensure that the enumerated requirements are both practical and effective in real-world application.

Section R592-19-7 introduces requirements for additional post-wind-down audits. We note that these specific incremental audit obligations may not necessarily fit all circumstances, particularly where existing audit and reconciliation processes already apply and may be operating concurrently. The requirement for a final audit, as currently structured, could be duplicative. Alternatively, an underwriter may be unable to obtain sufficient records from the agent to perform the audit as indicated under (3)(b)(i), an occurrence we have experienced in other states. To address that concern, the current language could be improved to acknowledge the potential inability of an underwriter to comply, and set out a process for compelling a title agent to turn over records. A more streamlined approach, potentially aligned with the Texas model, may achieve the same regulatory objectives with less operational burden.

Fidelity National Title offers these comments in the spirit of constructive engagement and with the goal of supporting a clear, effective, and administrable regulatory framework. We would welcome the opportunity to discuss these points further and to provide any technical assistance that may be helpful.

Thank you for your consideration.

Sincerely,

Lindsay Hall Harrison
VP, Regulatory Counsel
Fidelity National Title Insurance Company