

R592. Insurance, Title and Escrow Commission.

R592-10. ~~[Title Insurance Regulation]~~ Assessment for the Title Licensee Enforcement Restricted Account~~[Agency Title Insurance Producers and Title Insurers]~~.

R592-10-1. Authority.

This rule is promulgated by the Title and Escrow Commission [~~(Commission)~~] pursuant to Subsections 31A-2-404(2)(d) and 31A-23a-415(2)(d) ~~:~~

~~_____ (1) 31A-2-404(2)(d) which requires the Commission to determine by rule the assessment required by 31A-23a-415; and~~

~~_____ (2) 31A-23a-415(2)(d) which requires the Commission to establish the amount of costs and expenses that will be covered by the assessment].~~

R592-10-2. Purpose and Scope.

(1) The purpose[s] of this rule ~~[are]~~ is to:

(a) determine the assessment on a title insurer and an agency title insurance producer;

~~_____ (b) establish the [categories of] costs and expenses covered by the assessment [incurred by the department in administering, investigating and enforcing the provisions of Title 31A, Chapter 23a, Parts IV and V related to the marketing of title insurance and the audits of agency title insurance producers];~~

~~_____ ([b]c) require [the reporting by] a title insurer and an agency title insurance producer [and a title insurer of] to report the mailing address and physical location of each office in each county where the title insurer or agency title insurance producer [or title insurer] maintains an office;~~

~~_____ ([e]d) [establish a calculation method for the calculation of] calculate the number of title insurer or agency title insurance producer [or title insurer] offices; and~~

~~_____ ([e]e) determine the premium year used in calculating the assessment of title insurers.~~

(2) This rule applies to all title insurers and agency title insurance producers.

R592-10-3. Definitions.

Terms used in this rule are defined in Sections 31A-1-301, 31A-2-402, and 31A-23a-415. Additional terms are defined as follows:

~~_____ (1) [For the purpose of the rule the Commission adopts the definitions as set forth in Sections 31A-1-301, 31A-2-402, and the following:~~

~~_____](a) "Office" means each physical location of a title insurer or an agency title insurance producer [or a title insurer] in a county.~~

~~_____ (b) "Office" includes any physical location that is open and available to the public.~~

R592-10-4. Costs and Expenses.

The ~~[amount of costs and expenses that will be covered by the]~~ assessment ~~[imposed by]~~ under Section 31A-23a-415 covers the cost of ~~[for any fiscal year in which an assessment exists:~~

~~_____ (1) will be for] a Market Conduct Examiner I₂ as determined by the department's budget [as]and approved by the Utah State Legislature, including[any approved salary increases or increases in benefits; and~~

~~_____ (2) will include the following expenses]:~~

~~_____ ([a]1) salary and state paid benefits;~~

~~_____ ([b]2) travel expenses, including daily vehicle expenses;~~

~~_____ ([e]3) computer hardware and software expenses;~~

~~_____ ([d]4) e-commerce expenses;~~

- (~~e~~) wireless communications expenses; and
- (~~f~~) training expenses.

R592-10-5. Office Report.

(1) A title insurer and an agency title insurance producer [~~and a title insurer~~] shall submit a completed Office Report Form not later than 30 days after the date a change described below occurs in a county where the title insurer or agency title insurance producer [~~or title insurer~~] maintains an office:

- (a) the opening or closing of an office; or
- (b) a change of address of an office.

(2) An Office Report Form shall be submitted electronically via email to licensing.uid@utah.gov.

(3) The department's Office Report Form [~~which~~] is available on the department's website, <https://insurance.utah.gov> [~~shall be used to report changes in offices~~].

(a) An actual copy of the form may be used or may be adapted to a particular word processing system.

- (b) If adapted, the content, size, font, and format must be similar.

~~R592-10-6. Calculation Method for the Calculation of the Number of Agency Title Insurance Producer Offices.~~

(~~1~~) All offices reported [~~in accordance with~~] under Section R592-10-5 are used to calculate the [~~will be included in the calculation of the title insurance~~] assessment.

(~~2~~) An annual assessment calculation for a title insurer or an agency title insurance producer [~~or title insurer that is calculated using~~] that uses an incorrect number[s] of offices because the number of offices was incorrectly reported will not be recalculated[~~:-~~

~~— (3) An agency title insurance producer or title insurer found to have improperly reported their offices may be subject to penalties in accordance with Section R592-10-9].~~

R592-10-~~7~~6. Premium Year for Title Insurer Assessment.

(~~1~~) The title insurance assessment [~~shall be~~] is calculated using direct premium[s] written during the preceding calendar year and[~~:-~~

~~— (2) The direct premiums written] shall be taken from the insurer's annual statements for that year.~~

R592-10-~~8~~7. Assessment Payment.

(1) An annual assessment shall be paid by the due date on the invoice.

(2) Payments shall be made in accordance with Rule R590-102, Insurance Department Fee Payment Rule.

~~R592-10-9. Penalties.~~

~~— A person found, after a hearing or other regulatory process, to be in violation of this rule shall be subject to penalties as provided under 31A-2-308.~~

~~R592-10-10. Enforcement Date.~~

~~— The commissioner will begin enforcing this rule 45 days from the rule's effective date.~~

R592-10-11]8. Severability.

~~[If any provision or clause of this rule or its application to any person or situation is held invalid, that invalidity will not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.]~~If any provision of this rule, Rule R592-10, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: title insurance

Date of Enactment or Last Substantive Amendment: November 9, 2018

Notice of Continuation: July 10, 2018

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-23a-415