

# 5-Year Reviews of Title Insurance Rules

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- **R592-14:** Unfair or Deceptive Acts or Practices Affecting Title to Real Property.

Utah statute requires all state agencies to do 5-year reviews of their rules to ensure they continue to make sense in a changing world.

What must be done at the January 10 Title & Escrow Commission meeting is to make a yes-or-no determination of whether the above rules should stay on the books.

Rules cannot be amended as part of a 5-year review, but the need for future amendments can be discussed for inclusion on a future agenda.

**R592. Insurance, Title and Escrow Commission.**

**R592-14. Unfair or Deceptive Acts or Practices Affecting Title to Real Property.**

**R592-14-1. Authority.**

This rule is promulgated by the Title and Escrow Commission pursuant to Subsections 31A-2-404(2) and 31A-23a-406(8).

**R592-14-2. Purpose and Scope.**

(1) The purpose of this rule is to identify a misleading, unfair, or deceptive act or practice affecting title to real property.

(2) This rule applies to a title insurance company, an agency title insurance producer, and an individual title insurance producer.

**R592-14-3. Definitions.**

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

(1) "Document" means a written instrument that:

(a) relates to real property described in a title insurance policy, contract, or commitment; and

(b) is required to support an insurance provision in a policy.

(2) "Record" means to cause to be delivered to the county recorder, or other appropriate public official, a document in the possession or control of a title insurance company, an agency title insurance producer, and an individual title insurance producer when a request to record has been made by an insured party, a title insurance company, an agency title insurance producer, or an individual title insurance producer.

**R592-14-4. Prohibited Acts or Practices Affecting Title to Real Property.**

A title insurance company, an agency title insurance producer, and an individual title insurance producer are prohibited from engaging in the following unfair or deceptive acts or practices:

(1) knowingly failing to obtain a document for recording or knowingly failing to record a document that results in unmarketable or uninsurable title to real property; or

(2) issuing or agreeing to issue title insurance, or affirming current marketability of title to real property when:

(a) necessary documents for title have not been recorded; and

(b) the record does not manifest an insurable title, according to generally accepted title insurance standards.

**R592-14-5. Severability.**

If any provision of this rule, Rule R592-14, 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: insurance law**

**Date of Enactment or Last Substantive Amendment: November 8, 2021**

**Notice of Continuation: January 9, 2017**

**Authorizing, and Implemented or Interpreted Law: 31A-2-404**