Steve Gooch <sgooch@utah.gov>

Re: The Utah Insurance Department is proposing a new title insurance rule and repealing another

Aimee Black <aimee@sutc.com> Tue, May 17, 2022 at 10:12 AM
To: Steve Gooch <sgooch@utah.gov>

R592-18, Cost of Doing the Escrow Business. The labor cost and liability associated with each escrow varies greatly. The liability for a $18,000.00 transaction will be vastly different than that of a $15,000,000,000.00 and each property is different. While some will require a lot of time and have multiple and difficult requirements, other's will not have any requirements and run very little risk. The cost should reflect this. While the requirements may show the same on certain properties, especially within the same subdivision, the ease of getting the same information can very greatly due to external factors. For example, Signing Authority for a buyer or for a seller. It may be provided with the contract(rarely), or the individual may be easy to reach and will quickly send over the required documentation upon the first request, while at other times for the same requirement, the individuals are difficult to reach, won't return calls, don't have an email account, live out of town or even out of the country permanently or temporarily, don't have the required documentation, have passed on, or involve prior owners of title who are no longer easily accessible or known to current owners or even in some cases still alive, or we could be dealing with a foreign entity which requires a great deal more information and documentation and time investment on the part of the Title and Escrow company involved. I'm curious to see how this will all be evened out under this proposal. Obviously the more cooperative individuals shouldn't be monetarily punished because of other properties that have nothing to do with them, simply to even out costs. May I suggest a graduated scale based on sales price as a minimum and additional charges based on number of requirements and leeway to account for individual difficulty? I also understand some will be better at the difficult tasks and be able to accomplish them quicker due to training and personal skill set, but those with higher skills come at a higher cost, not to mention the **extensive** training involved with being able to do Title and Escrow well. it is not a job anyone can do, let alone with only a month or two of training. It takes years to become proficient. I understand the difficulty you face in trying to set some standards in pricing and limiting unfair inducements by way of reduced closing fees, but as the problem is complex, the answer will likely have to be as well. I appreciate you and your department trying to level the playing field in this aspect and to create longevity for the Title Companies and security for the consumer. I will be watching the progress of this proposed amendment closely. Thank you for your time and consideration.

Be aware! Call us immediately if you receive any communication containing WIRE TRANSFER INSTRUCTIONS. DO NOT RESPOND TO THE EMAIL.

On 5/16/2022 5:33 PM, Steve Gooch wrote:

> *The Utah Insurance Department is sending this message to you as a courtesy.*
>
> The Utah Insurance Department has filed two rulemaking actions related to title and escrow:
>
> - **R592-18**, Cost of Doing the Escrow Business, *new*
> - **R592-15**, Schedule of Minimum Charges for Escrow Services, *repeal*
>
> R592-18 is a new rule that establishes a standard for determining compliance with 31A-19a-209(3)(a)(ii) regarding the cost of escrow business. R592-15 is being repealed because it conflicts with the new rule.
>
> You can see the text of the proposed amendments at https://insurance.utah.gov/consumer/legal-resources/rules and the links below:
>
> - **R592-18, Cost of Doing the Escrow Business.**
> This is a new rule. Comments accepted until 07/01/2022. No hearing is scheduled. Earliest possible effective date is 07/08/2022.
> - **R592-15, Schedule of Minimum Charges for Escrow Services.**
> This is a repeal of an existing rule. Comments accepted until 07/01/2022. No hearing is scheduled. Earliest possible effective date is 07/08/2022.
>
> You are welcome to reply to this email with your comments. Thanks very much.
> --
> **Steve Gooch, Public Information Officer**
> Utah Insurance Department
> 4315 S. 2700 W., Ste. 2300 | Taylorsville, UT 84129
> 801-957-9322 | sgooch@utah.gov
>
> DO NOT SUBMIT confidential or personal information to the Department by email. Please use the secure website at https://forms.uid.utah.gov/fileUploads/, select the appropriate Division and include the applicable Insurance Department file number in the file name when uploading.
>
> The Utah Insurance Department cannot provide you with legal advice. The information contained in this correspondence is not and should not be considered legal advice. If you need a legal opinion, please seek legal counsel.
>
> Information in this message or its attachments may be confidential and is intended solely for use by person(s) identified above. The sender did not intend to waive confidentiality by sending the message. If you are an unintended recipient, please notify the sender by replying and please delete the original message and copies. Duplication, dissemination, or distribution of the message by unintended recipients is prohibited.

Privacy Notice: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.