

State of Utah
Administrative Rule Analysis
Revised May 2023

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Title No. - Rule No.

Rule Number:	R592-10	Filing ID: Office Use Only
Effective Date:	Office Use Only	

Agency Information

1. Department:	Insurance	
Agency:	Title and Escrow Commission	
Room number:	Suite 2300	
Building:	Taylorsville State Office Building	
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Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R592-10. Assessment for the Title Licensee Enforcement Restricted Account
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 31A-2-404(2)(d) requires the Title and Escrow Commission to determine, by rule, the assessment required by Section 31A-23a-415. Subsection 31A-23a-415(2)(d) was amended by HB 410 (2023 General Session) to remove a requirement to establish by rule the costs and expenses to be deposited into the Title Licensee Enforcement Restricted Account, and to instead require the Title and Escrow Commission to approve the prior year's costs and expenses during the first quarter of the fiscal year. The rule will be amended at a later date to reflect this change.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The department has received no written comments regarding this rule during the past five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary to determine the costs and expenses incurred by the department as it regulates the title insurance industry; these costs and expenses are covered by an assessment to the industry. This rule sets a method of calculation that is important for transparency purposes, as well as for fairness, consistency, and accuracy. The Title and Escrow Commission voted [INSERT VOTE TALLY] to [CONTINUE / NOT CONTINUE] this rule at its 07/10/2023 meeting.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*.

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	Click or tap to enter a date.
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Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.

R592. Insurance, Title and Escrow Commission.

R592-10. Assessment for the Title Licensee Enforcement Restricted Account.

R592-10-1. Authority.

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

R592-10-2. Purpose and Scope.

(1) The purpose of this rule is to:

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

(b) establish the costs and expenses covered by the assessment;

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

(d) calculate the number of title insurer or agency title insurance producer offices; and

(e) determine the premium year used in calculating the assessment of title insurers.

(2) This rule applies to each title insurer and each agency title insurance producer.

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

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

R592-10-4. Costs and Expenses.

The assessment under Section 31A-23a-415 covers the cost of a Market Conduct Examiner I, as determined by the department's budget and approved by the legislature, including:

(1) salary and state paid benefits;

(2) travel expenses, including daily vehicle expenses;

(3) computer hardware and software expenses;

(4) e-commerce expenses;

(5) wireless communications expenses; and

(6) training expenses.

R592-10-5. Office Report.

(1) A title insurer and an agency title insurance producer shall submit a completed Office Report Form not later than 30 days after the date a change described in this subsection occurs in a county where the title insurer or agency title insurance producer 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 is available on the department's website, <https://insurance.utah.gov>.

(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.

(4) All offices reported under Section R592-10-5 are used to calculate the assessment.

(5) An annual assessment calculation for a title insurer or an agency title insurance producer that uses an incorrect number of offices because the number of offices was incorrectly reported will not be recalculated.

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

The title insurance assessment is calculated using direct premium written during the preceding calendar year and shall be taken from the insurer's annual statements for that year.

R592-10-7. 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.

R592-10-8. Severability.

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 Last Change: October 12, 2021

Notice of Continuation: July 10, 2018

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