

1 SB460
2 136716-3
3 By Senator Ward
4 RFD: Banking and Insurance
5 First Read: 03-APR-12

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8 SYNOPSIS: Under existing law, title insurance
9 companies receive a certificate of authority for
10 each title insurance agent used in this state.
11 Title insurance agents are not licensed, are not
12 subject to a prelicensing course or examination,
13 and are not subject to continuing education.

14 This bill would require title insurance
15 agents to be licensed, would subject the agents to
16 certain qualifications to include a prelicensing
17 course and examination, and would require the
18 agents to complete a minimum of 24 hours of
19 continuing education every two years to maintain
20 the license.

21 This bill would further provide for those
22 title insurance agents authorized to act on the
23 effective date of this act to continue to be
24 licensed subject to meeting the prelicensing course
25 and examination requirements over a period of time
26 not to exceed one year.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
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6 To amend Sections 27-25-3 and 27-25-4, Code of
7 Alabama 1975, and to add Sections 27-25-4.1, 27-25-4.2,
8 27-25-4.3, 27-25-4.4, 27-25-4.5, 27-25-4.6, 27-25-4.7, and
9 27-25-4.8 to the Code of Alabama 1975, relating to insurance;
10 to provide for the qualifications and procedures for the
11 licensing of title insurance agents by providing definitions
12 and exceptions to the licensing requirements; to require title
13 insurance agents to pass a written examination; to provide
14 exceptions; to require title insurance agents to complete
15 minimum continuing education on a biennial basis; to authorize
16 the Commissioner of Insurance to promulgate rules; and to
17 provide a delayed effective date for certain provisions.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 27-25-3 and 27-25-4 of the Code
20 of Alabama 1975, are amended to read as follows:

21 "§27-25-3.

22 "For the purposes of this chapter, the following
23 terms shall have the following meanings:

24 "(1) ABSTRACT OF TITLE. A compilation or summary of
25 all instruments of public record of whatever kind or nature

1 which in any manner affect title to a specified parcel of real
2 property.

3 "(2) BUSINESS ENTITY. A domestic entity properly
4 formed and existing under Title 10A.

5 ~~"(2) (3) COMMISSIONER. The Commissioner of the~~
6 ~~Alabama Department of Insurance.~~

7 "(4) INDIVIDUAL. A natural person.

8 "(5) NAIC. The National Association of Insurance
9 Commissioners, its subsidiaries and affiliates, and any
10 successor thereof.

11 ~~"(3) (6) OPINION OF TITLE. A written expression of~~
12 ~~the status of title, including, but not limited to, the~~
13 ~~validity or invalidity thereof, based upon an examination by~~
14 ~~an attorney at law, who is licensed to practice law in this~~
15 ~~state, of instruments of public record or an abstract thereof~~
16 ~~affecting title to a specified parcel of real property to~~
17 ~~ascertain the history and present condition of title to such~~
18 ~~real property as to its ownership and status with respect to~~
19 ~~liens, encumbrances, clouds, and defects.~~

20 ~~"(4) (7) PERSON. Any natural person at least 18~~
21 ~~years of age and who is domiciled in this state or is a bona~~
22 ~~fide resident of and resides within this state or any~~
23 ~~partnership, association, corporation, or other legal entity~~
24 ~~properly existing or organized under the laws of this state.~~
25 ~~The term "person" does not include "title insurer," nor does~~

1 ~~it include the officers and employees of a title insurer~~ An
2 individual or business entity.

3 ~~"(5)~~ (8) PRELIMINARY REPORT, COMMITMENT, OR BINDER.
4 Reports furnished in connection with an application or request
5 for title insurance and are offers to issue a title insurance
6 policy subject to certain requirements and exceptions stated
7 in the report, commitment, or binder and such other matters as
8 are incorporated by reference therein.

9 ~~"(6)~~ (9) PREMIUM. Fees charged for assuming
10 liability and risk under a title insurance policy. For the
11 purposes of this chapter, "premium" shall include any amount
12 retained by or paid to an agent under an agreement between the
13 agent and the title insurance company. For the purposes of
14 this chapter, "premium" shall not include expenses for the
15 performance of services such as abstracting, searching, and
16 examining titles or obtaining a title opinion; fees for
17 document preparation; fees for handling escrows, settlements,
18 or closings; fees incurred to cure defects in the title; and
19 fees incident to the issuance of a commitment to insure title
20 or a title insurance policy, including, but not limited to,
21 the costs of reinsurance.

22 ~~"(7)~~ (10) TITLE AGENT or AGENT. a. Any person who is
23 authorized in writing by a title insurer to perform the
24 following:

25 ~~"a.~~ 1. Solicit title insurance business.

26 ~~"b.~~ 2. Collect premiums.

1 ~~"c.~~ 3. Determine insurability in accordance with
2 underwriting rules, standards, and guidelines prescribed by
3 the title insurer.

4 ~~"d.~~ 4. Issue title insurance commitments, policies,
5 or endorsements of the title insurer.

6 "b. The term "title agent" or "agent" does not
7 include the officers or employees of a title insurer.

8 ~~"(8)~~ (11) TITLE INSURANCE POLICY or POLICY. A
9 contract insuring or indemnifying against loss or damage
10 arising from any or all of the following existing on or before
11 the date of the policy:

12 "a. Defects in or liens or encumbrances on the
13 insured title.

14 "b. Unmarketability of the insured title.

15 "c. Invalidity or unenforceability of liens or
16 encumbrances on the property described in the policy.

17 "d. Lack of priority of liens or encumbrances.

18 ~~"(9)~~ (12) TITLE INSURER or INSURER. A company
19 organized under the laws of this state or licensed in this
20 state for the purpose of transacting as insurer the business
21 of title insurance, as defined in Section 27-5-10, and any
22 foreign or alien title insurer licensed to be engaged in this
23 state in the business of title insurance, as defined in
24 Section 27-5-10.

25 ~~"(10)~~ (13) TITLE SEARCH or TITLE EXAMINATION. A
26 search of the records in the office of the judge of probate in

1 the county where the real property is situated through such
2 period of time as is acceptable to the title insurer. The
3 search of the public records relating to matters of title
4 performed in connection with the issuance of a preliminary
5 report, commitment, or binder shall be solely for the benefit
6 of the title insurance company requested to issue its policy
7 or policies of title insurance.

8 "§27-25-4.

9 "~~(a) A title insurance policy insuring the interest~~
10 ~~of an insured in real property in this state shall not be~~
11 ~~issued by any person or agent unless the person or agent~~
12 ~~issuing a title insurance policy is domiciled in or is~~
13 ~~otherwise a bona fide resident of and resides within this~~
14 ~~state or is a partnership, association, corporation, or other~~
15 ~~legal entity properly organized or existing under the laws of~~
16 ~~this state. No person shall act as a title insurance agent in~~
17 ~~this state unless licensed pursuant to this chapter.~~ Nothing
18 herein contained shall be construed to prevent a title insurer
19 licensed to do business in this state, nor an employee
20 thereof, from issuing a policy of title insurance in this
21 state.

22 "~~(b) A title insurance policy insuring the interest~~
23 ~~of an insured in real property in this state shall not be~~
24 ~~issued by an agent of a title insurer unless the title insurer~~
25 ~~first obtains a certificate of authority from the commissioner~~
26 ~~for such an agent. Each title insurance agent acting on behalf~~

1 of a title insurance company shall be appointed by the title
2 insurance company in accordance with this chapter. The
3 commissioner shall collect from the title insurer ~~the sum of~~
4 ~~fifty dollars (\$50) annually for each certificate of authority~~
5 ~~for which application is made~~ the fees set forth in Section
6 27-25-4.7 for each appointment. ~~For the purposes of this~~
7 ~~subsection, a certificate of authority need only be obtained~~
8 ~~for each agency of the title insurer and not for each person~~
9 ~~within an agency who is authorized to execute on behalf of the~~
10 ~~agency title insurance commitments, policies, or endorsements~~
11 ~~of the title insurer.~~ Nothing herein contained shall be
12 construed to require the issuance of ~~a certificate of~~
13 ~~authority~~ an appointment as described in this subsection to a
14 title insurer licensed to do business in this state, nor an
15 employee thereof, for the purpose of issuing a policy of title
16 insurance in this state.

17 "(c) Unless a later date is specifically authorized
18 by the title insurer for a particular transaction or unless
19 the title insurance commitment specifies a time for which it
20 is effective or such commitment is renewed or extended by the
21 title insurer, the title agent shall issue to the insured the
22 policy or policies of title insurance for which a premium has
23 been collected within 60 days from the effective date of the
24 policy or in the case of a title insurance commitment having
25 been issued, within 60 days after the satisfaction of all
26 requirements and conditions set out in the commitment in

1 accordance with the title insurer's underwriting guidelines.
2 For the purpose of this subsection, the effective date of the
3 policy is defined as the date and time the instrument
4 conveying the interest to be insured is recorded unless the
5 policy to be issued is insuring the interest of the proposed
6 insured by virtue of an instrument recorded in the real
7 property records prior to the time the request or order for
8 title insurance is placed.

9 " (d) ~~The fifty dollar (\$50) fee collected by the~~
10 ~~commissioner for the issuance of certificates of authority to~~
11 ~~agents of title insurers shall be deposited into the Insurance~~
12 ~~Department Fund. The name and license number of the title~~
13 ~~insurance agent shall be printed or legibly written by hand~~
14 ~~underneath his or her signature on each commitment, title~~
15 ~~insurance policy, and endorsement to a title insurance~~
16 ~~policy.~~"

17 Section 2. Sections 27-25-4.1, 27-25-4.2, 27-25-4.3,
18 27-25-4.4, 27-25-4.5, 27-25-4.6, 27-25-4.7, and 27-25-4.8 are
19 added to the Code of Alabama 1975, to read as follows:

20 Section 27-25-4.1. Title agent qualifications.

21 (a) The commissioner may contract with
22 non-governmental entities, including NAIC, to perform any
23 ministerial functions, including the collection of fees and
24 data, related to licensing that the commissioner may deem
25 appropriate. The commissioner may require that license
26 applications, license renewal applications, notices of

1 appointments and appointment terminations, and supporting
2 documentation be filed and all required fees and charges be
3 paid electronically through systems operated or maintained by
4 the non-governmental entities.

5 (b) An individual applying for a title insurance
6 agent license shall apply to the commissioner on the
7 appropriate NAIC Uniform Individual Application and declare
8 under penalty of suspension, revocation, or refusal of the
9 license that the statements made in the application are true,
10 correct, and complete to the best of the individual's
11 knowledge and belief. Before approving the application, the
12 commissioner shall find that the individual:

13 (1) Is at least 19 years of age.

14 (2) Is a bona fide resident and citizen of this
15 state or is a full-time employee of a duly licensed title
16 insurance agent whose principal place of business is
17 physically located in this state.

18 (3) Has not committed any act that is a ground for
19 probation, suspension, revocation, or refusal of license as
20 set forth in Section 27-25-4.5.

21 (4) Has completed the prelicensing course of study
22 for title insurance as required in Section 27-25-4.3.

23 (5) Has successfully passed the examination for
24 title insurance as required in Section 27-25-4.3.

25 (6) Has paid the fees set forth in Section
26 27-25-4.7.

1 (c) A business entity applying for a title insurance
2 agent license shall apply to the commissioner on the
3 appropriate NAIC Uniform Business Entity Application and
4 declare under penalty of suspension, revocation, or refusal of
5 the license that the statements made in the application are
6 true, correct, and complete to the best of the business
7 entity's knowledge and belief. Before approving the
8 application, the commissioner shall find that the business
9 entity:

10 (1) Is a domestic entity properly formed and
11 existing under Title 10A and whose principal place of business
12 is physically located in this state.

13 (2) Has designated an individual title insurance
14 agent licensed in this state as responsible for the business
15 entity's compliance with this chapter and with the insurance
16 laws, rules, and regulations of this state.

17 (3) Has not committed an act that is a ground for
18 probation, suspension, revocation, or refusal of license as
19 set forth in Section 27-25-4.5.

20 (4) Has paid the fees set forth in Section
21 27-25-4.7.

22 (d) The commissioner may require any documents
23 reasonably necessary to verify the information contained in
24 the application.

25 Section 27-25-4.2. License; license renewal; name or
26 address change.

1 (a) Unless denied licensure pursuant to Section
2 27-25-4.5, a person who meets the requirements of Sections
3 27-25-4.1 and 27-25-4.3 shall be issued a title insurance
4 agent license.

5 (b) A title insurance agent license must be
6 initially renewed in accordance with a schedule prescribed by
7 the commissioner and shall thereafter be subject to renewal on
8 a biennial basis. A renewal shall be effected by submitting a
9 renewal application, by paying the fee for renewal set forth
10 in Section 27-25-4.7, and by meeting the requirements for
11 renewal, including any applicable continuing education
12 requirements, before the due date for renewal A license
13 expires if not renewed by the due date for renewal.

14 (c) Within the first 30 days following the date a
15 title insurance agent license expires, a reinstatement
16 retroactive to the expiration date shall be effected by
17 submitting a renewal application, by paying the renewal fee
18 plus the late fee set forth in Section 27-25-4.7, and by
19 meeting the other requirements for renewal including any
20 applicable continuing education requirements.

21 (d) After the first 30 days following the date a
22 title insurance agent license expires, but within 12 months
23 after the expiration date, the license may be reinstated
24 effective as of the reinstatement by submitting a renewal
25 application, by paying a fee of double the renewal fee set
26 forth in Section 27-25-4.7, and by meeting the other

1 requirements for renewal including any applicable continuing
2 education requirements.

3 (e) After a title insurance agent license has been
4 expired for 12 months, the person shall reapply pursuant to
5 Section 27-25-4.1 to become licensed.

6 (f) A title insurance agent who is unable to comply
7 with license renewal procedures and requirements due to
8 military service, long-term medical disability, or some other
9 extenuating circumstance may request a waiver, a waiver of an
10 examination requirement, fine, or other sanction imposed for
11 failure to comply with renewal procedures.

12 (g) The license shall contain the licensee's name,
13 address, personal identification number, the date of issuance
14 and expiration, and any other information the commissioner
15 deems necessary.

16 (h) The title insurance agent shall inform the
17 commissioner of a change in legal name or address within 30
18 days of the change in a manner prescribed by the commissioner.
19 Failure to timely inform the commissioner of a change in legal
20 name or address shall result in a penalty of fifty dollars
21 (\$50). If the penalty is not paid within 30 days after notice
22 of the penalty assessment, the license shall be suspended
23 until the penalty is paid.

24 Section 27-25-4.3. Prelicensing course and
25 examination.

1 (a) (1) Every individual subject to the examination
2 required in subsection (b) shall first complete a prelicensing
3 course consisting of 20 classroom hours or equivalent
4 individual instruction on the general principles of title
5 insurance, the duties and responsibilities of a title
6 insurance agent, and the title insurance laws and regulations
7 of this state. The course shall be taught only by those
8 educational institutions, title insurers, or title insurance
9 trade organizations which hold written authority from the
10 commissioner.

11 (2) The prelicensing course must have been completed
12 within 12 months before the date of the examination as shown
13 on the certificate furnished by the prelicensing course
14 provider.

15 (3) Every prelicensing course provider shall apply
16 annually for the continued authority to issue certificates of
17 completion under rules and regulations to be prescribed by the
18 commissioner.

19 (4) At the time of initial approval and annually
20 thereafter, the commissioner shall collect from each
21 prelicensing course provider the fee set forth in Section
22 27-25-4.7. Public institutions shall be exempt from paying the
23 fee but shall otherwise be subject to the rules and
24 regulations applicable to other providers.

1 (b)(1) An individual intending to apply for a title
2 insurance agent license shall first pass a written examination
3 unless exempt pursuant to subsection (c).

4 (2) The examination shall test the knowledge of the
5 individual concerning title insurance, the duties and
6 responsibilities of a title insurance agent, and the insurance
7 laws of this state. Examinations required by this section
8 shall be developed and conducted under rules prescribed by the
9 commissioner.

10 (3) Each individual applying for an examination
11 shall furnish a certificate of completion of the prelicensing
12 course from an authorized prelicensing course provider and pay
13 a nonrefundable examination fee pursuant to Section 27-25-4.7.

14 (4) The commissioner may make arrangements,
15 including contracting with an outside testing service, for
16 administering examinations and collecting the nonrefundable
17 fee prescribed by the commissioner, in which case the fees
18 approved by the commissioner for the examinations may be paid
19 directly to the outside testing service, and the fee shall be
20 in lieu of, but not in excess of, the fees for the examination
21 set forth in Section 27-25-4.7.

22 (5) An individual who fails to appear for the
23 examination as scheduled or fails to pass the examination
24 shall reapply for an examination and remit all required fees
25 and forms before being rescheduled for another examination.

1 (6) No individual who has taken and failed to pass
2 two examinations given pursuant to this section shall be
3 entitled to take any further title insurance agent
4 examinations until after the expiration of three months from
5 the date of the last examination which the individual failed
6 to pass. If the individual thereafter fails to pass the
7 examination after two more attempts, the individual shall not
8 be eligible to take any further title insurance agent
9 examinations until after the expiration of six months from the
10 date of the last unsuccessful examination. An examination fee
11 shall be paid for each and every examination.

12 (c) An individual shall be exempt from the
13 examination requirement of subsection (b) only as follows:

14 (1) If, within 90 days after the effective date of
15 this act, the applicant can establish to the satisfaction of
16 the commissioner that for a period of at least five years
17 preceding the effective date of this act the applicant has
18 been an authorized signatory to commitments, title insurance
19 policies, and endorsements to title insurance policies issued
20 by the title insurance agent on behalf of a title insurer
21 properly authorized to conduct the business of title insurance
22 in this state.

23 (2) If the individual was previously licensed as a
24 title insurance agent in this state after having passed the
25 examination required by subsection (b) or being exempt from
26 the examination under subdivision (1), this exemption is

1 available only if the application is received within 12 months
2 of the cancellation of the applicant's previous license in
3 this state and if, at the time of cancellation, the applicant
4 was in good standing in this state.

5 Section 27-25-4.4. Continuing education.

6 (a) An individual who holds a title insurance agent
7 license shall satisfactorily complete a minimum of 24 hours of
8 continuing education courses as may be approved by the
9 commissioner, of which three hours shall be in ethics,
10 reported to the commissioner on a biennial basis in
11 conjunction with the license renewal cycle.

12 (b) This section shall not apply to licensees not
13 licensed for one full year prior to the end of the applicable
14 continuing education biennium.

15 (c) Only continuing education courses and providers
16 approved by the commissioner shall be used to satisfy the
17 continuing education requirements of this section. Continuing
18 education providers and courses shall be subject to the same
19 requirements and fees set forth in Chapter 8A of this title.

20 (d) The commissioner shall prescribe the number of
21 hours of continuing education credit for each continuing
22 education course approved. Continuing education courses
23 submitted in accordance with a reciprocal agreement the
24 commissioner enters with other states shall be approved
25 according to the provisions of the reciprocal agreement.

1 (e) If a continuing education course requires
2 successful completion of a written examination, no continuing
3 education credit shall be given to licensees who do not
4 successfully complete the written examination.

5 (f) An individual teaching any approved continuing
6 education course shall qualify for the same number of hours of
7 continuing education credit as would be granted to a licensee
8 taking and satisfactorily completing the course.

9 Section 27-25-4.5. License denial, non-renewal, or
10 revocation.

11 (a) The commissioner may place on probation,
12 suspend, revoke, or refuse to issue or renew the license of a
13 title insurance agent or may levy a civil penalty pursuant to
14 subsection (d), or any combination of these actions, for any
15 one or more of the following causes:

16 (1) Providing incorrect, misleading, incomplete, or
17 materially untrue information in the license application.

18 (2) Violating any insurance laws, rules, subpoena,
19 or order of the commissioner.

20 (3) Obtaining or attempting to obtain a license
21 through misrepresentation or fraud.

22 (4) Improperly withholding, misappropriating, or
23 converting any monies or properties received in the course of
24 acting as a title insurance agent or in otherwise doing
25 insurance business in this state or elsewhere.

1 (5) Intentionally misrepresenting the terms of an
2 actual title insurance contract.

3 (6) Having been convicted of a felony.

4 (7) Having admitted or been found to have committed
5 any insurance unfair trade practice or fraud.

6 (8) Using fraudulent, coercive, or dishonest
7 practices, or demonstrating incompetence, untrustworthiness,
8 or financial irresponsibility, in the course of acting as a
9 title insurance agent or otherwise in the conduct of business
10 in this state or elsewhere.

11 (9) Having a title insurance agent license or its
12 equivalent, or an insurance producer license or its
13 equivalent, suspended, revoked, or refused in any other state,
14 province, district, or territory.

15 (10) Forging another's name to any document related
16 to a title insurance transaction.

17 (11) Cheating, including improperly using notes or
18 any other reference material, to complete an examination for a
19 license.

20 (b) In the event that action by the commissioner is
21 to refuse application for licensure or renewal of an existing
22 license, the commissioner shall notify the applicant or
23 licensee in writing, advising of the reason for the refusal.
24 The applicant or licensee may make written demand upon the
25 commissioner within 30 days for a hearing before the

1 commissioner to determine the reasonableness of the refusal.
2 The hearing shall be held pursuant to Chapter 2 of this title.

3 (c) The license of a business entity may be placed
4 on probation, suspended, or revoked if the commissioner finds,
5 after a hearing, that an individual licensee's violation
6 occurred while acting on behalf of or representing the
7 business entity and that the violation was known or should
8 have been known by one or more of the business entity's
9 partners, officers, or managers and that the violation was
10 neither reported to the commissioner nor was corrective action
11 taken in relation thereto.

12 (d) In the absence of a greater fine specifically
13 provided elsewhere in this title, and in addition to or in
14 lieu of an applicable probation, suspension, revocation, or
15 refusal, a person, in the sole discretion of the commissioner
16 after a hearing, may additionally be subject to a civil fine
17 in an amount not to exceed ten thousand dollars (\$10,000) per
18 violation.

19 (e) The commissioner shall retain the authority to
20 enforce the provisions of and impose any penalty or remedy
21 authorized by this chapter or elsewhere in Title 27 against
22 any person who is under investigation for or charged with a
23 violation of this chapter or Title 27 even if the person's
24 license or registration has been surrendered or has expired by
25 operation of law.

26 Section 27-25-4.6. Fingerprints.

1 (a) In order to make a determination of title
2 insurance agent license eligibility, the commissioner may
3 require fingerprints of initial applicants for a title
4 insurance agent license, and the fingerprints and the fee
5 required to perform the criminal history record checks shall
6 be submitted to the Alabama Department of Public Safety and
7 the Federal Bureau of Investigation (FBI) for state and
8 national criminal history record checks.

9 (b) The commissioner shall require a criminal
10 history record check on each initial applicant for title
11 insurance agent license pursuant to this section. The
12 commissioner shall require each applicant to submit a full set
13 of fingerprints, including a scanned file from a hard copy
14 fingerprint, to allow the commissioner to obtain and receive
15 national criminal history records from the FBI Criminal
16 Justice Information Services Division.

17 (c) The commissioner may contract for the
18 collection, transmission, and resubmission of fingerprints
19 required pursuant to this section, and the fee for collecting,
20 transmitting, and retaining fingerprints shall be payable
21 directly to the contractor by the applicant. The commissioner
22 may agree to a reasonable fingerprinting fee to be charged by
23 the contractor, and both the contractor's fee and the fee
24 required to perform the criminal history check shall be
25 collected from the applicant by the contractor.

1 (d) The commissioner may waive submission of
2 fingerprints by any person that has previously furnished
3 fingerprints and those fingerprints are on file with the
4 centralized repository of the NAIC.

5 (e) The criminal history record information may be
6 submitted to the commissioner instead of the Alabama
7 Department of Public Safety.

8 (f) The commissioner may submit electronic
9 fingerprint records and necessary identifying information to
10 the NAIC for permanent retention in a centralized repository.
11 The purpose of a centralized repository is to provide
12 insurance commissioners with access to fingerprint records to
13 perform criminal history record checks.

14 (g) The commissioner shall treat and maintain an
15 applicant's fingerprints and any criminal history record
16 information obtained pursuant to this section as confidential
17 and shall apply security measures consistent with the Criminal
18 Justice Information Services Division of the Federal Bureau of
19 Investigation standards for the electronic storage of
20 fingerprints and necessary identifying information and limit
21 the use of records solely to the purposes authorized in this
22 section. The fingerprints and any criminal history record
23 information shall not be subject to subpoena, other than one
24 issued in a criminal action or investigation, and shall be
25 confidential.

26 Section 27-25-4.7. Fees.

1 (a) The Commissioner of Insurance shall collect in
2 advance the following fees:

3 (1) Title insurance agent licenses:

4 a. Individuals:

5 1. Application fee (for filing of initial
6 application for license)\$20

7 2. License fee (for issuance of original license and
8 each biennial renewal)\$40

9 b. Business entities:

10 1. Application fee (for filing of initial
11 application for license)\$20

12 2. License fee (for original license and each
13 biennial renewal)\$100

14 c. Examination fee, an amount set by the
15 commissioner not to exceed.....\$100

16 d. Late renewal fee, to be paid by each title
17 insurance agent failing to make a timely renewal of
18 license.....\$50

19 (2) Title insurance agent appointment fee:

20 a. Filing notice of appointment
21\$30

22 b. Annual continuation of appointment
23\$10

24 (3) Prelicensing course provider fee (for filing
25 initial application for authority and annual renewal) an
26 amount set by the commissioner not to exceed\$100

1 (b) The fees specified in subsection (a) shall be
2 deposited in the State Treasury and credited to the Insurance
3 Department Fund.

4 Section 27-25-4.8. Implementation.

5 (a) The commissioner, by rule pursuant to Chapter 2
6 of this title, may provide for the implementation of the
7 requirements of this act.

8 (b) Each title insurance agent certificate of
9 authority in force prior to the effective date of this act
10 shall be issued a replacement title insurance agent license
11 and appointment upon payment of the annual fee in the amount
12 set forth in Section 27-25-4 prior to this act. A replacement
13 title insurance agent shall be authorized to continue to issue
14 title insurance policies in the same manner as permitted in
15 Section 27-25-4 prior to this act.

16 (c) A replacement title insurance agent license
17 issued in accordance with subsection (b) shall be valid for
18 six months, during which time the person shall satisfy the
19 requirements for a title insurance agent license pursuant to
20 Sections 27-25-4.1 and 27-25-4.3 or the replacement license
21 shall thereupon expire and be canceled. The appointment issued
22 in accordance with subsection (b) shall be transferred to the
23 title insurance agent license when the license is issued.

24 (d) The commissioner may stagger the renewal periods
25 of title insurance agents over the first two calendar years
26 following the effective date of this act. Certain licensees

1 may be required to renew for one year at half of the biennial
2 fee and continuing education requirements otherwise required
3 under this act.

4 (e) The commissioner may provide for the delayed
5 enforcement of Section 27-25-4.3, regarding examinations,
6 Section 27-25-4.4, regarding continuing education, and Section
7 27-25-4.6, regarding fingerprinting, for up to 24 months
8 following the effective date of this act to allow for
9 implementation.

10 (f) If the enforcement of the examination
11 requirement of Section 27-25-4.3 is delayed as authorized in
12 subsection (e), the commissioner may issue a temporary title
13 insurance agent license to an applicant who is otherwise
14 qualified except as to the prelicensing course and examination
15 requirements of Section 27-25-4.3. A temporary license may be
16 renewed once in accordance with the renewal schedule
17 established by the commissioner as provided in subsection (d).
18 A temporary license shall not be valid for a period of time
19 exceeding three months following implementation of the
20 examination requirement.

21 Section 3. This act shall become effective on the
22 first day of January 2013, following its passage and approval
23 by the Governor, or its otherwise becoming law.