

1 HB460
2 136716-3
3 By Representative Hill
4 RFD: Insurance
5 First Read: 01-MAR-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.
27

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

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

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 "§27-25-3.

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

23 "(1) ABSTRACT OF TITLE. A compilation or summary of
24 all instruments of public record of whatever kind or nature
25 which in any manner affect title to a specified parcel of real
26 property.

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

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

5 "(4) INDIVIDUAL. A natural person.

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

9 "~~(3)~~ (6) OPINION OF TITLE. A written expression of
10 the status of title, including, but not limited to, the
11 validity or invalidity thereof, based upon an examination by
12 an attorney at law, who is licensed to practice law in this
13 state, of instruments of public record or an abstract thereof
14 affecting title to a specified parcel of real property to
15 ascertain the history and present condition of title to such
16 real property as to its ownership and status with respect to
17 liens, encumbrances, clouds, and defects.

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

26 "~~(5)~~ (8) PRELIMINARY REPORT, COMMITMENT, OR BINDER.
27 Reports furnished in connection with an application or request

1 for title insurance and are offers to issue a title insurance
2 policy subject to certain requirements and exceptions stated
3 in the report, commitment, or binder and such other matters as
4 are incorporated by reference therein.

5 ~~"(6)~~ (9) PREMIUM. Fees charged for assuming
6 liability and risk under a title insurance policy. For the
7 purposes of this chapter, "premium" shall include any amount
8 retained by or paid to an agent under an agreement between the
9 agent and the title insurance company. For the purposes of
10 this chapter, "premium" shall not include expenses for the
11 performance of services such as abstracting, searching, and
12 examining titles or obtaining a title opinion; fees for
13 document preparation; fees for handling escrows, settlements,
14 or closings; fees incurred to cure defects in the title; and
15 fees incident to the issuance of a commitment to insure title
16 or a title insurance policy, including, but not limited to,
17 the costs of reinsurance.

18 ~~"(7)~~ (10) TITLE AGENT or AGENT. a. Any person who is
19 authorized in writing by a title insurer to perform the
20 following:

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

22 ~~"b.~~ 2. Collect premiums.

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

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

1 **b.** The term "title agent" or "agent" does not
2 include the officers or employees of a title insurer.

3 "~~(8)~~ (11) TITLE INSURANCE POLICY or POLICY. A
4 contract insuring or indemnifying against loss or damage
5 arising from any or all of the following existing on or before
6 the date of the policy:

7 "a. Defects in or liens or encumbrances on the
8 insured title.

9 "b. Unmarketability of the insured title.

10 "c. Invalidity or unenforceability of liens or
11 encumbrances on the property described in the policy.

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

13 "~~(9)~~ (12) TITLE INSURER or INSURER. A company
14 organized under the laws of this state or licensed in this
15 state for the purpose of transacting as insurer the business
16 of title insurance, as defined in Section 27-5-10, and any
17 foreign or alien title insurer licensed to be engaged in this
18 state in the business of title insurance, as defined in
19 Section 27-5-10.

20 "~~(10)~~ (13) TITLE SEARCH or TITLE EXAMINATION. A
21 search of the records in the office of the judge of probate in
22 the county where the real property is situated through such
23 period of time as is acceptable to the title insurer. The
24 search of the public records relating to matters of title
25 performed in connection with the issuance of a preliminary
26 report, commitment, or binder shall be solely for the benefit

1 of the title insurance company requested to issue its policy
2 or policies of title insurance.

3 "§27-25-4.

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

17 "~~(b) A title insurance policy insuring the interest~~
18 ~~of an insured in real property in this state shall not be~~
19 ~~issued by an agent of a title insurer unless the title insurer~~
20 ~~first obtains a certificate of authority from the commissioner~~
21 ~~for such an agent. Each title insurance agent acting on behalf~~
22 ~~of a title insurance company shall be appointed by the title~~
23 ~~insurance company in accordance with this chapter.~~ The
24 commissioner shall collect from the title insurer ~~the sum of~~
25 ~~fifty dollars (\$50) annually for each certificate of authority~~
26 ~~for which application is made the fees set forth in Section~~
27 ~~27-25-4.7 for each appointment.~~ ~~For the purposes of this~~

1 ~~subsection, a certificate of authority need only be obtained~~
2 ~~for each agency of the title insurer and not for each person~~
3 ~~within an agency who is authorized to execute on behalf of the~~
4 ~~agency title insurance commitments, policies, or endorsements~~
5 ~~of the title insurer.~~ Nothing herein contained shall be
6 construed to require the issuance of ~~a certificate of~~
7 ~~authority~~ an appointment as described in this subsection to a
8 title insurer licensed to do business in this state, nor an
9 employee thereof, for the purpose of issuing a policy of title
10 insurance in this state.

11 "(c) Unless a later date is specifically authorized
12 by the title insurer for a particular transaction or unless
13 the title insurance commitment specifies a time for which it
14 is effective or such commitment is renewed or extended by the
15 title insurer, the title agent shall issue to the insured the
16 policy or policies of title insurance for which a premium has
17 been collected within 60 days from the effective date of the
18 policy or in the case of a title insurance commitment having
19 been issued, within 60 days after the satisfaction of all
20 requirements and conditions set out in the commitment in
21 accordance with the title insurer's underwriting guidelines.
22 For the purpose of this subsection, the effective date of the
23 policy is defined as the date and time the instrument
24 conveying the interest to be insured is recorded unless the
25 policy to be issued is insuring the interest of the proposed
26 insured by virtue of an instrument recorded in the real

1 property records prior to the time the request or order for
2 title insurance is placed.

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

11 Section 2. Sections 27-25-4.1, 27-25-4.2, 27-25-4.3,
12 27-25-4.4, 27-25-4.5, 27-25-4.6, 27-25-4.7, and 27-25-4.8 are
13 added to the Code of Alabama 1975, to read as follows:

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

15 (a) The commissioner may contract with
16 non-governmental entities, including NAIC, to perform any
17 ministerial functions, including the collection of fees and
18 data, related to licensing that the commissioner may deem
19 appropriate. The commissioner may require that license
20 applications, license renewal applications, notices of
21 appointments and appointment terminations, and supporting
22 documentation be filed and all required fees and charges be
23 paid electronically through systems operated or maintained by
24 the non-governmental entities.

25 (b) An individual applying for a title insurance
26 agent license shall apply to the commissioner on the
27 appropriate NAIC Uniform Individual Application and declare

1 under penalty of suspension, revocation, or refusal of the
2 license that the statements made in the application are true,
3 correct, and complete to the best of the individual's
4 knowledge and belief. Before approving the application, the
5 commissioner shall find that the individual:

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

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

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

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

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

18 (6) Has paid the fees set forth in Section
19 27-25-4.7.

20 (c) A business entity applying for a title insurance
21 agent license shall apply to the commissioner on the
22 appropriate NAIC Uniform Business Entity Application and
23 declare under penalty of suspension, revocation, or refusal of
24 the license that the statements made in the application are
25 true, correct, and complete to the best of the business
26 entity's knowledge and belief. Before approving the

1 application, the commissioner shall find that the business
2 entity:

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

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

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

13 (4) Has paid the fees set forth in Section
14 27-25-4.7.

15 (d) The commissioner may require any documents
16 reasonably necessary to verify the information contained in
17 the application.

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

20 (a) Unless denied licensure pursuant to Section
21 27-25-4.5, a person who meets the requirements of Sections
22 27-25-4.1 and 27-25-4.3 shall be issued a title insurance
23 agent license.

24 (b) A title insurance agent license must be
25 initially renewed in accordance with a schedule prescribed by
26 the commissioner and shall thereafter be subject to renewal on
27 a biennial basis. A renewal shall be effected by submitting a

1 renewal application, by paying the fee for renewal set forth
2 in Section 27-25-4.7, and by meeting the requirements for
3 renewal, including any applicable continuing education
4 requirements, before the due date for renewal A license
5 expires if not renewed by the due date for renewal.

6 (c) Within the first 30 days following the date a
7 title insurance agent license expires, a reinstatement
8 retroactive to the expiration date shall be effected by
9 submitting a renewal application, by paying the renewal fee
10 plus the late fee set forth in Section 27-25-4.7, and by
11 meeting the other requirements for renewal including any
12 applicable continuing education requirements.

13 (d) After the first 30 days following the date a
14 title insurance agent license expires, but within 12 months
15 after the expiration date, the license may be reinstated
16 effective as of the reinstatement by submitting a renewal
17 application, by paying a fee of double the renewal fee set
18 forth in Section 27-25-4.7, and by meeting the other
19 requirements for renewal including any applicable continuing
20 education requirements.

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

24 (f) A title insurance agent who is unable to comply
25 with license renewal procedures and requirements due to
26 military service, long-term medical disability, or some other
27 extenuating circumstance may request a waiver, a waiver of an

1 examination requirement, fine, or other sanction imposed for
2 failure to comply with renewal procedures.

3 (g) The license shall contain the licensee's name,
4 address, personal identification number, the date of issuance
5 and expiration, and any other information the commissioner
6 deems necessary.

7 (h) The title insurance agent shall inform the
8 commissioner of a change in legal name or address within 30
9 days of the change in a manner prescribed by the commissioner.
10 Failure to timely inform the commissioner of a change in legal
11 name or address shall result in a penalty of fifty dollars
12 (\$50). If the penalty is not paid within 30 days after notice
13 of the penalty assessment, the license shall be suspended
14 until the penalty is paid.

15 Section 27-25-4.3. Prelicensing course and
16 examination.

17 (a) (1) Every individual subject to the examination
18 required in subsection (b) shall first complete a prelicensing
19 course consisting of 20 classroom hours or equivalent
20 individual instruction on the general principles of title
21 insurance, the duties and responsibilities of a title
22 insurance agent, and the title insurance laws and regulations
23 of this state. The course shall be taught only by those
24 educational institutions, title insurers, or title insurance
25 trade organizations which hold written authority from the
26 commissioner.

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

5 (3) Every prelicensing course provider shall apply
6 annually for the continued authority to issue certificates of
7 completion under rules and regulations to be prescribed by the
8 commissioner.

9 (4) At the time of initial approval and annually
10 thereafter, the commissioner shall collect from each
11 prelicensing course provider the fee set forth in Section
12 27-25-4.7. Public institutions shall be exempt from paying the
13 fee but shall otherwise be subject to the rules and
14 regulations applicable to other providers.

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

18 (2) The examination shall test the knowledge of the
19 individual concerning title insurance, the duties and
20 responsibilities of a title insurance agent, and the insurance
21 laws of this state. Examinations required by this section
22 shall be developed and conducted under rules prescribed by the
23 commissioner.

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

1 (4) The commissioner may make arrangements,
2 including contracting with an outside testing service, for
3 administering examinations and collecting the nonrefundable
4 fee prescribed by the commissioner, in which case the fees
5 approved by the commissioner for the examinations may be paid
6 directly to the outside testing service, and the fee shall be
7 in lieu of, but not in excess of, the fees for the examination
8 set forth in Section 27-25-4.7.

9 (5) An individual who fails to appear for the
10 examination as scheduled or fails to pass the examination
11 shall reapply for an examination and remit all required fees
12 and forms before being rescheduled for another examination.

13 (6) No individual who has taken and failed to pass
14 two examinations given pursuant to this section shall be
15 entitled to take any further title insurance agent
16 examinations until after the expiration of three months from
17 the date of the last examination which the individual failed
18 to pass. If the individual thereafter fails to pass the
19 examination after two more attempts, the individual shall not
20 be eligible to take any further title insurance agent
21 examinations until after the expiration of six months from the
22 date of the last unsuccessful examination. An examination fee
23 shall be paid for each and every examination.

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

26 (1) If, within 90 days after the effective date of
27 this act, the applicant can establish to the satisfaction of

1 the commissioner that for a period of at least five years
2 preceding the effective date of this act the applicant has
3 been an authorized signatory to commitments, title insurance
4 policies, and endorsements to title insurance policies issued
5 by the title insurance agent on behalf of a title insurer
6 properly authorized to conduct the business of title insurance
7 in this state.

8 (2) If the individual was previously licensed as a
9 title insurance agent in this state after having passed the
10 examination required by subsection (b) or being exempt from
11 the examination under subdivision (1), this exemption is
12 available only if the application is received within 12 months
13 of the cancellation of the applicant's previous license in
14 this state and if, at the time of cancellation, the applicant
15 was in good standing in this state.

16 Section 27-25-4.4. Continuing education.

17 (a) An individual who holds a title insurance agent
18 license shall satisfactorily complete a minimum of 24 hours of
19 continuing education courses as may be approved by the
20 commissioner, of which three hours shall be in ethics,
21 reported to the commissioner on a biennial basis in
22 conjunction with the license renewal cycle.

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

26 (c) Only continuing education courses and providers
27 approved by the commissioner shall be used to satisfy the

1 continuing education requirements of this section. Continuing
2 education providers and courses shall be subject to the same
3 requirements and fees set forth in Chapter 8A of this title.

4 (d) The commissioner shall prescribe the number of
5 hours of continuing education credit for each continuing
6 education course approved. Continuing education courses
7 submitted in accordance with a reciprocal agreement the
8 commissioner enters with other states shall be approved
9 according to the provisions of the reciprocal agreement.

10 (e) If a continuing education course requires
11 successful completion of a written examination, no continuing
12 education credit shall be given to licensees who do not
13 successfully complete the written examination.

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

18 Section 27-25-4.5. License denial, non-renewal, or
19 revocation.

20 (a) The commissioner may place on probation,
21 suspend, revoke, or refuse to issue or renew the license of a
22 title insurance agent or may levy a civil penalty pursuant to
23 subsection (d), or any combination of these actions, for any
24 one or more of the following causes:

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

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

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

5 (4) Improperly withholding, misappropriating, or
6 converting any monies or properties received in the course of
7 acting as a title insurance agent or in otherwise doing
8 insurance business in this state or elsewhere.

9 (5) Intentionally misrepresenting the terms of an
10 actual title insurance contract.

11 (6) Having been convicted of a felony.

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

14 (8) Using fraudulent, coercive, or dishonest
15 practices, or demonstrating incompetence, untrustworthiness,
16 or financial irresponsibility, in the course of acting as a
17 title insurance agent or otherwise in the conduct of business
18 in this state or elsewhere.

19 (9) Having a title insurance agent license or its
20 equivalent, or an insurance producer license or its
21 equivalent, suspended, revoked, or refused in any other state,
22 province, district, or territory.

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

25 (11) Cheating, including improperly using notes or
26 any other reference material, to complete an examination for a
27 license.

1 (b) In the event that action by the commissioner is
2 to refuse application for licensure or renewal of an existing
3 license, the commissioner shall notify the applicant or
4 licensee in writing, advising of the reason for the refusal.
5 The applicant or licensee may make written demand upon the
6 commissioner within 30 days for a hearing before the
7 commissioner to determine the reasonableness of the refusal.
8 The hearing shall be held pursuant to Chapter 2 of this title.

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

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

25 (e) The commissioner shall retain the authority to
26 enforce the provisions of and impose any penalty or remedy
27 authorized by this chapter or elsewhere in Title 27 against

1 any person who is under investigation for or charged with a
2 violation of this chapter or Title 27 even if the person's
3 license or registration has been surrendered or has expired by
4 operation of law.

5 Section 27-25-4.6. Fingerprints.

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

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

22 (c) The commissioner may contract for the
23 collection, transmission, and resubmission of fingerprints
24 required pursuant to this section, and the fee for collecting,
25 transmitting, and retaining fingerprints shall be payable
26 directly to the contractor by the applicant. The commissioner
27 may agree to a reasonable fingerprinting fee to be charged by

1 the contractor, and both the contractor's fee and the fee
2 required to perform the criminal history check shall be
3 collected from the applicant by the contractor.

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

8 (e) The criminal history record information may be
9 submitted to the commissioner instead of the Alabama
10 Department of Public Safety.

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

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

1 issued in a criminal action or investigation, and shall be
2 confidential.

3 Section 27-25-4.7. Fees.

4 (a) The Commissioner of Insurance shall collect in
5 advance the following fees:

6 (1) Title insurance agent licenses:

7 a. Individuals:

8 1. Application fee (for filing of initial
9 application for license)\$20

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

12 b. Business entities:

13 1. Application fee (for filing of initial
14 application for license)\$20

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

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

19 d. Late renewal fee, to be paid by each title
20 insurance agent failing to make a timely renewal of
21 license.....\$50

22 (2) Title insurance agent appointment fee:

23 a. Filing notice of appointment
24\$30

25 b. Annual continuation of appointment
26\$10

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

4 (b) The fees specified in subsection (a) shall be
5 deposited in the State Treasury and credited to the Insurance
6 Department Fund.

7 Section 27-25-4.8. Implementation.

8 (a) The commissioner, by rule pursuant to Chapter 2
9 of this title, may provide for the implementation of the
10 requirements of this act.

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

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

1 (d) The commissioner may stagger the renewal periods
2 of title insurance agents over the first two calendar years
3 following the effective date of this act. Certain licensees
4 may be required to renew for one year at half of the biennial
5 fee and continuing education requirements otherwise required
6 under this act.

7 (e) The commissioner may provide for the delayed
8 enforcement of Section 27-25-4.3, regarding examinations,
9 Section 27-25-4.4, regarding continuing education, and Section
10 27-25-4.6, regarding fingerprinting, for up to 24 months
11 following the effective date of this act to allow for
12 implementation.

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

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