

SENATE BILL 61

C4

8lr1038

By: **Senators Kelley, Della, Exum, Garagiola, Klausmeier, Middleton, and Pugh**

Introduced and read first time: January 11, 2008

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 13, 2008

CHAPTER _____

1 AN ACT concerning

2 **Commission to Study the Title Insurance Industry in Maryland**

3 FOR the purpose of establishing the Commission to Study the Title Insurance
4 Industry in Maryland; providing for the membership, staffing, and purposes of
5 the Commission; prohibiting Commission members from receiving compensation
6 for serving on the Commission; requiring the Commission to report to certain
7 persons by a certain date; providing for the termination of this Act; and
8 generally relating to the Commission to Study the Title Insurance Industry in
9 Maryland.

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That:

12 (a) There is a Commission to Study the Title Insurance Industry in
13 Maryland.

14 (b) The Commission consists of the following members:

15 (1) three members of the Senate, including at least one member each
16 from the Senate Finance Committee and Senate Judicial Proceedings Committee,
17 appointed by the President of the Senate;

18 (2) three members of the House, including at least one member each
19 from the House Economic Matters Committee and House ~~Judiciary~~ Environmental
20 Matters Committee, appointed by the Speaker of the House; ~~and~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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- 1 ~~(3) appointed by the Governor;~~
- 2 ~~(i) a title insurance agent licensed in Maryland;~~
- 3 ~~(ii) a representative of a title insurance company domiciled in~~
4 ~~Maryland;~~
- 5 ~~(iii) a representative of the Home Builders Association of~~
6 ~~Maryland;~~
- 7 ~~(iv) a representative of the Maryland Bankers Association;~~
- 8 ~~(v) a representative of a State chartered bank in Maryland;~~
- 9 ~~(vi) a Maryland licensed real estate broker;~~
- 10 ~~(vii) a representative of the Maryland Real Estate Commission;~~
- 11 ~~(viii) a representative of a land title trade association; and~~
- 12 ~~(ix) three consumer members.~~
- 13 (3) the Maryland Insurance Commissioner, or the Commissioner's
14 designee;
- 15 (4) the Maryland Attorney General, or the Attorney General's
16 designee;
- 17 (5) the Commissioner of Financial Regulation, or the Commissioner's
18 designee;
- 19 (6) the Executive Director of the Maryland Real Estate Commission,
20 or the Executive Director's designee;
- 21 (7) the chair of the Maryland Affordable Housing Trust, or the chair's
22 designee;
- 23 (8) a title insurance producer licensed in Maryland, designated by the
24 Maryland Land Title Association;
- 25 (9) a representative of a title insurance company domiciled in
26 Maryland, designated by the Maryland Land Title Association;
- 27 (10) a representative of a national title insurance company doing
28 business in Maryland and other states, designated by the Maryland Coalition of Title
29 Insurers;

1 (11) a mortgage broker licensed in Maryland, designated by the
2 Maryland Association of Mortgage Brokers;

3 (12) a mortgage lender affiliated with a bank and doing business in
4 Maryland, designated by the Maryland Mortgage Bankers Association;

5 (13) a mortgage lender not affiliated with a bank and doing business in
6 Maryland, designated by the Maryland Mortgage Bankers Association;

7 (14) a representative of the Maryland Bankers Association, designated
8 by the Maryland Bankers Association;

9 (15) a representative of a State-chartered community bank in
10 Maryland, designated by the Maryland Bankers Association;

11 (16) a representative of a bank chartered under federal law and doing
12 business in Maryland and other states, designated by the Maryland Bankers
13 Association;

14 (17) a representative of the Maryland State Builders Association,
15 designated by the Maryland State Builders Association;

16 (18) a representative of the Section of Real Property Planning and
17 Zoning of the Maryland State Bar Association, designated by the Maryland State Bar
18 Association;

19 (19) a practicing real estate attorney familiar with title insurance
20 settlements and not licensed as a title insurance producer, designated by the
21 Maryland State Bar Association; and

22 (20) two consumer members appointed by the Governor.

23 (c) The Commission shall ~~elect a chair from among its members~~ be
24 co-chaired by:

25 (1) one of the members of the Senate, as designated by the President
26 of the Senate; and

27 (2) one of the members of the House of Delegates, as designated by the
28 Speaker of the House.

29 (d) A member of the Commission may not receive compensation for serving
30 on the Commission, but is entitled to reimbursement for expenses under the Standard
31 State Travel Regulations, as provided in the State budget.

32 (e) The Commission shall be jointly staffed by the Department of Labor,
33 Licensing, and Regulation, and the Maryland Insurance Administration.

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- 1 (f) The purpose of the Commission is to ~~study:~~
- 2 (1) ~~the relevant state laws and regulations regarding title insurance;~~
- 3 (2) ~~title industry issues that affect consumers in Maryland;~~
- 4 (3) ~~the rate setting factors for title insurance premiums;~~
- 5 (4) ~~commissions paid for referrals from developers, home builders, and~~
6 ~~realtors;~~
- 7 (5) ~~the impact on consumers with respect to unregulated~~
8 ~~home settlement services;~~
- 9 (6) ~~the impact on consumers for failure to receive presettlement~~
10 ~~guaranteed closing letters;~~
- 11 (7) ~~the fiduciary responsibilities of title insurance agents;~~
- 12 (8) ~~how rates and services in a title plant state compare with those in~~
13 ~~Maryland;~~
- 14 (9) ~~the need to audit title agent escrow and operating accounts by the~~
15 ~~underwriter, the State, or both;~~
- 16 (10) ~~the impact of decreasing competition in the market and lack of~~
17 ~~consumer education about the title insurance industry;~~
- 18 (11) ~~the impact of mechanics' liens on title insurance premium rates~~
19 ~~and the timeliness of settlement;~~
- 20 (12) ~~the handling of claims by title insurers in the State;~~
- 21 (13) ~~title reserve requirements for title agencies;~~
- 22 (14) ~~subsequent to closing, time limits for the issuance of title~~
23 ~~insurance policies; and~~
- 24 (15) ~~any other issue with significant impact on market conduct or~~
25 ~~solvency.~~ make recommendations for changes to State laws relating to the title
26 insurance industry.

27 (g) In order to develop recommendations, the Commission shall:

- 28 (1) review State laws relating to the title insurance industry;
- 29 (2) review the mechanisms available to enforce State laws relating to
30 the title insurance industry and the effectiveness of those mechanisms;

1 (3) identify title insurance industry issues that affect consumers in
2 Maryland;

3 (4) examine the rate-setting factors for title insurance premiums;

4 (5) examine how rates and services in a title plant state compare to
5 those in Maryland;

6 (6) identify ways to improve consumer education about the title
7 insurance industry;

8 (7) study whether mechanics' liens on properties scheduled for
9 settlement have an impact on the timeliness of settlements or on title insurance
10 premium rates;

11 (8) review the time limits, subsequent to closing, for the issuance of
12 title insurance policies;

13 (9) study affiliated business arrangements among title insurance
14 producers, builders, title insurance companies, realtors, lenders, and other businesses
15 involved with the settlement of real estate transactions to determine the impact of
16 these arrangements on title insurance premium rates; and

17 (10) study any other issue with significant impact on the title insurance
18 industry.

19 ~~(g)~~ (h) The Commission shall report on its findings and recommendations to the
20 Governor and, in accordance with § 2-1246 of the State Government Article, the
21 General Assembly on or before December 15, 2009.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2008. It shall remain effective for a period of 2 years, and at the end of June 30,
24 2010, with no further action required by the General Assembly, this Act shall be
25 abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.