

CHAPTER 356

(Senate Bill 61)

AN ACT concerning

Commission to Study the Title Insurance Industry in Maryland

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

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

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

(b) The Commission consists of the following members:

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

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

~~(3) appointed by the Governor:~~

~~(i) a title insurance agent licensed in Maryland;~~

~~(ii) a representative of a title insurance company domiciled in Maryland;~~

~~(iii) a representative of the Home Builders Association of Maryland;~~

~~(iv) a representative of the Maryland Bankers Association;~~

~~(v) a representative of a State chartered bank in Maryland;~~

- ~~(vi) a Maryland licensed real estate broker;~~
- ~~(vii) a representative of the Maryland Real Estate Commission;~~
- ~~(viii) a representative of a land title trade association; and~~
- ~~(ix) three consumer members.~~

(3) the Maryland Insurance Commissioner, or the Commissioner's designee;

(4) the Maryland Attorney General, or the Attorney General's designee;

(5) the Commissioner of Financial Regulation, or the Commissioner's designee;

(6) the Executive Director of the Maryland Real Estate Commission, or the Executive Director's designee;

(7) the chair of the Maryland Affordable Housing Trust, or the chair's designee;

(8) a title insurance producer licensed in Maryland, designated by the Maryland Land Title Association;

(9) a representative of a title insurance company domiciled in Maryland, designated by the Maryland Land Title Association;

(10) a representative of a national title insurance company doing business in Maryland and other states, designated by the Maryland Coalition of Title Insurers;

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

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

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

~~(14)~~ (13) a representative of the Maryland Bankers Association, designated by the Maryland Bankers Association;

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

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

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

~~(18)~~ (15) a representative of the Section of Real Property Planning and Zoning of the Maryland State Bar Association, designated by the Maryland State Bar Association;

~~(19)~~ (16) a practicing real estate attorney familiar with title insurance settlements and not licensed as a title insurance producer, designated by the Maryland State Bar Association; and

~~(20)~~ (17) ~~two consumer members~~ a consumer member appointed by the Governor.

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

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

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

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

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

(f) The purpose of the Commission is to ~~study:~~

~~(1) the relevant state laws and regulations regarding title insurance;~~

~~(2) title industry issues that affect consumers in Maryland;~~

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

~~(4) commissions paid for referrals from developers, home builders, and realtors;~~

~~(5) the impact on consumers with respect to unregulated home settlement services;~~

~~(6) the impact on consumers for failure to receive presettlement guaranteed closing letters;~~

~~(7) the fiduciary responsibilities of title insurance agents;~~

~~(8) how rates and services in a title plant state compare with those in Maryland;~~

~~(9) the need to audit title agent escrow and operating accounts by the underwriter, the State, or both;~~

~~(10) the impact of decreasing competition in the market and lack of consumer education about the title insurance industry;~~

~~(11) the impact of mechanics' liens on title insurance premium rates and the timeliness of settlement;~~

~~(12) the handling of claims by title insurers in the State;~~

~~(13) title reserve requirements for title agencies;~~

~~(14) subsequent to closing, time limits for the issuance of title insurance policies; and~~

~~(15) any other issue with significant impact on market conduct or solvency.~~ make recommendations for changes to State laws relating to the title insurance industry.

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

(1) review State laws relating to the title insurance industry;

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 13, 2008.