

**Title 20--DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS  
AND PROFESSIONAL REGISTRATION  
Division 500--Property and Casualty  
Chapter 7—Title**

**PROPOSED RULE**

**20 CSR 500-7.020 Scope and Definitions.**

*PURPOSE: This rule sets out the scope of the rules in this chapter and provides definitions to aid in the interpretation of the rules in this chapter.*

**(1) Applicability of Rules.** The rules in this chapter apply to title insurers, title agencies and title agents transacting the business of insurance in this state under chapter 381, RSMo. The rules shall be read together with chapter 536, RSMo.

**(2) Definitions.** As used in this chapter, the following terms shall mean:

- (A) “Charge”, as defined in section 381.031.4 RSMo 1994;
- (B) “Closing protection letter”, a letter issued on behalf of a title insurer, which indemnifies a buyer, lender, or seller solely against losses not to exceed the amount of settlement funds because of the acts set forth in section 381.058, RSMo;
- (C) “Closing protection fee”, the consideration paid by or on behalf of the buyer, borrower, lender or seller for a closing protection letter calculated from the rate filed with the director;
- (D) “Director”, the director of the department;
- (E) “Department,” the department of insurance, financial institutions and professional registration;
- (F) “Risk rate”, the total consideration paid by or on behalf of the insured for a title insurance policy. Risk rate shall include the title insurance agent’s commission but shall not include any charge as defined in section 381.031.4 RSMo 1994;
- (G) “Residential real estate transaction”, the sale, purchase, financing or refinancing of a house or other dwelling designed principally for the occupancy of from one to four families, but does not include transactions involving real estate designed for business, commercial or agricultural purposes;
- (H) “Title insurance premium”, the premium in a title insurance transaction;
- (I) “Title service charge”, any charge as defined in this rule, except for any closing protection fee or any fee for the handling of escrows, settlements or closing;
- (J) “Premium”, as defined in section 381.031.14, RSMo 1994 and reviewed under section 381.171, RSMo 1994; and
- (K) “Price estimate”, a good faith estimate or prediction of prices based upon information presented at the time of the estimate.

*AUTHORITY: sections 374.045 and 381.042, RSMo.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500.00) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500.00) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on \_\_\_\_\_, 2007. The public hearing will be held at the Harry S. Truman State Office Building, 301 West High Street, Room 530, Jefferson City, MO. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support or in opposition to the proposed amendment, until 5:00 p.m. on \_\_\_\_\_, 2007. Written statements shall be sent to Tamara*

DRAFT 12/3/07

*Wallace, Department of Insurance, Financial Institutions and Professional Registration, P.O. Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five working days prior to the hearing.*

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**PROPOSED RULE**

**20 CSR 500-7.030 General Instructions.**

*PURPOSE: This rule prescribes the general filing requirements for the rules in this chapter.*

**(1) Filing and Report Forms.** The following forms have been adopted and approved for filing with the department:

(A) The Title Insurance Premium and Title Service Charge Disclosure form (Form T-1), revised on January 1, 2008, or any form which substantially comports with the specified form;

(B) The Notice of Availability of Owner's Title Insurance form (Form T-2), approved by the American Land Title Association in 1978, or any form which substantially comports with the specified form;

(C) The Notice of Closing or Settlement Risk form (T-3), revised on January 1, 2008, or any form which substantially comports with the specified form;

(D) The Affiliated Business Disclosure form (Form T-4), approved by the United States Housing and Urban Development on November 15, 1996 in appendix d to 24 CFR part 3500, or any form which substantially comports with the specified form;

(E) The Affiliated Business Arrangement Report form (Form T-5), revised on January 1, 2008, or any form which substantially comports with the specified form;

(F) The Insurer's Onsite Review Report form (Form T-6), revised on January 1, 2008, or any form which substantially comports with the specified form;

(G) The Uniform Premium (Risk Rate) Report form, (Form T - 7), revised January 1, 2008, or any form which substantially comports with the specified form;

(H) The Seller's Closing Protection Letter form (Form T-8), revised on January 1, 2008, or any form which substantially comports with the specified form;

(I) The Buyer's or Lender's Closing Protection Letter form (Form T-9), revised on January 1, 2008, or any form which substantially comports with the specified form;

(J) The Verification of Examination of Title form (Form T-10), revised on January 1, 2008, or any form which substantially comports with the specified form;

(K) The Examination Location Affidavit form (T-11), revised on January 1, 2008, or any form which substantially comports with the specified form; and

(L) The Title Plant Registration form (Form T-12), revised on January 1, 2008, or any form which substantially comports with the specified form.

**(2) Location.** Reports and filings required under this chapter shall be delivered to the Insurance Market Regulation Division, Room 530, 301 W. High Street, Jefferson City, Missouri 65102.

**(3) Availability.** The forms can be accessed at the department's website at [www.insurance.mo.gov](http://www.insurance.mo.gov) or at the department offices.

**(4) Filing Fees.** All reports, filings or amendments to reports required to be filed by title insurers under this chapter shall be accompanied by a filing fee of fifty dollars (\$50) as required by section 374.230(5), RSMo.

*AUTHORITY: sections 374.045 and 381.042, RSMo.*

DRAFT 12/3/07

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Division 500--Property and Casualty  
Chapter 7—Title**

**PROPOSED RULE**

**20 CSR 500-7.050 Disclosure of Premiums and Charges.**

*PURPOSE: This rule implements the disclosure of material price information pursuant to sections 381.019 and 375.144, RSMo.*

**(1) Disclosure with Price Estimate.**

**(A) When a prospective purchaser of title insurance or other party to the residential real estate transaction contacts a title insurer, title agency or title agent for a price estimate, the following must be disclosed:**

- 1. Title insurance premium as calculated based upon the filed title insurance risk rate(s);**
- 2. Closing protection fee as calculated based upon the filed closing protection rate;**
- 3. Title service charges, including, but not limited to, abstracts, search and examination fees; and**
- 4. Closing or settlement charges.**

**(B) The above items may be disclosed orally or in writing.**

**(C) If the above prices are disclosed, the amount may also be totaled.**

**(D) Upon further inquiry or request by a prospective purchaser of title insurance or other party to the residential real estate transaction for explanation, the title insurer, title agency or title agent shall disclose that title premium and closing protection fee are determined by rate schedules filed with the state, but the title service charges, closing charges and other charges are not filed with the state and may vary between different title insurers, agencies and agents.**

**(E) If the title insurer, title agency or title agent discloses the above information in writing when giving a price estimate, the following disclosure statement (Form T-1), or a statement that substantially comports with the following, is acceptable:**

**Title Insurance Premium and Title Service Charge  
Disclosure Statement**

**To: \_\_\_\_\_**

**Based upon the information available to us at this time, we estimate that you will pay as part of your residential real estate transaction the following premiums, charges and/or fees:**

- 1) title insurance premium: \_\_\_\_\_**
- 2) closing protection fee(s): \_\_\_\_\_**
- 3) title service charge(s) (i.e. search and examination, clearing items, etc.): \_\_\_\_\_**
- 4) closing charge(s): \_\_\_\_\_**

**Title insurance premium and a closing protection fee have been calculated according to rates filed with Missouri's insurance director. But title service charges, closing charges and other fees are not limited by state law and may vary between different title insurers, agencies and agents.**

**For further general information regarding title insurance, you may visit the Missouri Insurance website at [www.insurance.mo.gov](http://www.insurance.mo.gov) or call the Missouri Department of Insurance, Financial Institutions and Professional Registration at (800) 726-7390.**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Title Agent**

**(2) Disclosure at a Residential Real Estate Closing.** Title insurance premium, fee and charge disclosure at the closing of a residential real estate transaction shall be made in the following manner:

**(A) Closings that involve use of a HUD-1 form.**

**1. Premium should be the only amount totaled on the "Title Insurance" line, usually line 1108. If multiple title insurance policies are reflected in the "Title Insurance" line, the premium amounts associated with each title insurance policy shall be distinguished on the HUD-1 form on a line other than line 1108.**

**2. Other charges, including but not limited to, the closing protection fee, abstract or title search and examination fees, escrow, settlement or closing fees, or other associated charges or fees shall be listed on lines other than line 1108.**

**(B) Closings that do not require use of a HUD-1 form.**

**Disclosure shall be made on a disclosure form in substantially the same format as the form set forth in section (1)(E) of this rule, but with final price detail and an acknowledgement of receipt by the purchaser.**

**(3) Misleading or Confusing Terms in Marketing Materials.**

**(A) Title insurers, title agencies and title agents shall not use the terms "rate", "card rate", "premium" or other terms of similar import in marketing materials to describe an all-inclusive title insurance price, which aggregates both:**

**1. premium and**

**2. charges that may be negotiable in the particular transaction.**

**(B) The total amount in subparagraph (1)(c) may be described in terms which convey both premium and charges, such as "total cost for title insurance and services" or "total cost for title insurance and charges."**

*AUTHORITY: sections 374.045, 381.019 and 381.042, RSMo.*

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Chapter 7—Title**

**PROPOSED RULE**

**20 CSR 500-7.060 Disclosure of Coverage Limitation.**

*PURPOSE: This regulation prescribes requirements for customer disclosure for limitations of coverage in some circumstances.*

**(1) Lender's Title Insurance Limitation.**

(A) Title insurers, agencies and agents issuing a lender's policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of the real estate securing the loan, where no owner's title insurance policy has been requested, are required under section 381.015.2, RSMo to make disclosure to the purchaser-mortgagor with a Notice of Availability of Owner's Title Insurance form (Form T-2).

**(2) Closing and Settlement Risk.**

(A) Title insurers, agencies and agents making disclosure under subsections 5 and 6 of section 381.022, RSMo may make this disclosure to the unprotected person with a Notice of Closing or Settlement Risk form (T-3).

(B) The authority of a title insurer under section 381.058.3, RSMo to issue a closing protection letter extends only to transactions in which it is issuing a title insurance policy and its issuing agent or agency is performing closing or settlement services.

*AUTHORITY: sections 374.045, 381,015, 381.022 and 381.042, RSMo.*

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**PROPOSED RULE**

**20 CSR 500-7.070 Affiliated Business Arrangements.**

*PURPOSE: This regulation prescribes requirements for disclosure to customers and reporting to the director of affiliated business arrangements.*

**(1) Disclosure to Customer.**

**(A) It is unlawful for a title insurer, title agency or title agent to accept an order for title services from any producer with an affiliated business arrangement, unless contemporaneous with the referral, the title insurer, title agency or title agent discloses the affiliated business arrangement or has taken reasonable steps to verify that the producer has disclosed the arrangement. Disclosure to its customer of the existence of the affiliated business arrangement may be made by using the Affiliated Business Disclosure form (Form T-4).**

**(B) This disclosure may be combined with all disclosures made under Rule 20 CSR 500-7.050.**

**(2) Annual Report.**

**(A) Title insurers, agencies and agents are required under section 381.029.4, RSMo to file reports with the director setting forth the names and addresses of any persons with a financial interest in the insurer, agency or agent, which the insurer, agency or agent knows to be producers or associates of producers. The report shall be made annually by submitting a completed Affiliated Business Arrangement Report form (Form T-5) no later than March 31 of each year.**

**(B) Title insurers, agencies and agents shall have a continuing duty to update the Form T-5 within thirty (30) days of any material change in the information required on the form.**

*AUTHORITY: sections 374.045, 381.029.3, and 381.042, RSMo.*

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**PROPOSED RULE**

**20 CSR 500-7.080 Insurer's Annual Onsite Review**

*PURPOSE: This regulation prescribes requirements for the minimum threshold level of review and the approved review report to the director for the insurer's annual onsite review of title agencies or title agents.*

**(1) Minimum Threshold Level for Review.**

**(A)**

**(2) Review Report to Director.**

**(A) Title insurers conducting an annual onsite review are required under section 381.023.4, RSMo to report the findings to the director. This report shall be made utilizing the Insurer's Onsite Review Report form (Form T-6).**

*AUTHORITY: sections 374.045, 381.023 and 381.042, RSMo.*

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**PROPOSED RULE**

**20 CSR 500-7.090 Special Circumstances for Policy Delay**

*PURPOSE: This regulation prescribes the special circumstances which may delay compliance with the requirement that title policies be issued within forty-five days after compliance with the requirements of the commitment.*

**(1) The definition of “meeting the requirements” shall mean the receipt of documents or completion of tasks set out in the requirements section of the commitment or Schedule B-1; or if the commitment does not have requirements, then receipt of documents and/or completion of tasks required by the closing instructions to create the estate to be insured.**

**(2) A title policy must be issued within forty-five days after compliance with the requirements of the commitment, except in the following circumstances:**

- a. Necessary releases or other documents have not been recorded and no request for a policy has been made by a proposed insured.**
- b. Commitment, policy, recording costs and other fees have not been paid to the title agent, agency, or insurer.**

**(2) A title insurer, title agency or title agent has the burden of proving any exception under this rule.**

*AUTHORITY: sections 374.045, 381.038 and 381.042, RSMo.*

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**PROPOSED AMENDMENT**

**20 CSR 500-7.100 [Forms and] Rate Schedules.** The department is removing Appendix A from the rule and amending the purpose clause and sections (1) and (2).

*PURPOSE OF AMENDMENT: This amendment reflects the requirements that were enacted in SB 66. Furthermore, this amendment may remove forms, separate requirements for form filings and correct any minor grammatical or spelling errors.*

*PURPOSE: This regulation prescribes procedures to be followed by title insurers when filing [forms and] rate schedules with the director [of insurance].*

(1) [Definitions. As used in this regulation, the following terms shall mean:

(A) Charge means any fee charged to the insured, or paid for the benefit of the insured, for the performance of title-related services other than the risk rate charged for title insurance. This charge shall include, but not be limited to, fees for abstracts, title search and examination, handling of escrows, settlements or closings;

(B) Director means the director of the Department of Insurance or his/her appointee;

(C) Department means the Department of Insurance, staff and employees; and

(D) Risk rate means the total consideration paid by or on behalf of the insured for a title insurance policy. Risk rate shall include the title insurance agent's commission but shall not include any charge as defined in subsection (1)(A).

(2)] Filing of [Title Insurance] Rates.

(A) **Title Insurance Rates.** Every title insurer licensed in Missouri shall file with the director as required by section 381.181, RSMo 1994 a completed title insurance rate reporting form for the risk rates it proposes to use in each county of this state and each city not within a county in this state. **Rate schedules filed under this rule must comply with section 381.171, RSMo 1994.** The effective date for these rates shall be no earlier than the thirtieth day following the receipt of the form by the director.

(B) [Appendix A] **Filing Form. The Uniform Premium (Risk Rate) Report form, (Form T-7),** sets forth a risk rate reporting format to be utilized by title insurers in this state for the respective types of title insurance contracts. When computing insurance premiums on a fractional thousand of insurance (except as to minimum premiums), multiply those fractional thousands by the rate per thousand applicable, considering any fraction of one hundred dollars (\$100) as a full one hundred dollars (\$100). **The form can be accessed at the department's website at [www.insurance.mo.gov](http://www.insurance.mo.gov) or at the department offices.**

(C) **Closing Protection Rates.** Every title insurer shall file with the director rates for closing protection letters applicable to residential real estate transactions. Rates for closing protection letters in residential real estate transactions shall meet the following standards:

1. Rates shall not be excessive, nor inadequate.
  2. Rates are excessive if, in the aggregate, they are likely to produce a long run profit that is unreasonably high in relation to the riskiness of the business or if expenses are unreasonably high in relation to the services rendered;
  3. Rates are inadequate if they are clearly insufficient, together with investment income attributable to them, to sustain projected losses and expenses or if continued use of such rates will have the effect of substantially lessening competition or the effect of tending to create a monopoly;
  4. Rate filing standards apply separately to closing protection letters issued under paragraphs (2) and (3) of subsection 381.058.3;
  5. The rate filing shall document the anticipated losses, expenses and profits underlying the rates and provide appropriate actuarial support for the data, methods and assumptions;
  6. Expected losses for these rates do not include losses that result in a title insurance claim;
- and

**7. Rates shall reflect expected fiduciary practices under current law and losses incurred in another state or under prior fiduciary practices may only be used if adjusted to reflect prospective Missouri fiduciary practices.**

*[(3) Filing of Title Insurance Forms.*

*(A) No title insurer licensed in Missouri shall issue or agree to issue any form of title insurance binder, title insurance commitment, preliminary report, title insurance policy, title insurance standard form endorsement, other contract of title insurance or any related form unless these have been filed with the director of the Department of Insurance. The filing shall be received by the director of the Department of Insurance not less than thirty (30) days before the use of the form.*

*(B) No policy, standard form endorsement or simultaneous instrument which provides title insurance coverage shall be issued unless it contains the following:*

- 1. Total amount to be paid for the issuance of the policy; and*
- 2. Risk rate for the policy.*

**APPENDIX A**

**MISSOURI DEPARTMENT OF INSURANCE**

**UNIFORM PREMIUM (RISK RATE) REPORTING FORM**

*NOTE: Risk rates must be filed with the department in accordance with 381.181, RSMo (Cum. Supp. 1989). 20 CSR 500-7.100 requires that the risk rates filed include the title insurance agent's commission.*

*Date Filed and Recorded*

*By Department:è*

**õRISK CLASSIFICATIONS**

		<i>Title Insuranceõ</i>					
		<i>For Owners Orõ</i>		<i>Original Title</i>	<i>Reissue</i>	<i>Title</i>	
		<i>Leasehold</i>		<i>Titleõ</i>			
		<i>Insurance For</i>	<i>Insurance For</i>	<i>Of Contract</i>	<i>Original Reissue</i>	<i>Owners</i>	
		<i>Insuranceõ</i>	<i>Owners and</i>	<i>Owners and</i>	<i>Purchaser's</i>	<i>Title</i>	
		<i>Policies Upon</i>	<i>Title</i>	<i>For Builder/õ</i>	<i>Leasehold</i>	<i>Leasehold</i>	
		<i>And Insurance</i>	<i>Insurance</i>	<i>Acquisition In</i>	<i>Insurance</i>	<i>Simultaneous</i>	
		<i>Developerõ</i>	<i>Description of</i>	<i>Owners Owner</i>	<i>Leasehold</i>	<i>For Loan</i>	
		<i>Satisfaction</i>	<i>For</i>	<i>(Subdepartmentõ</i>	<i>Risk Amount*</i>	<i>Policies</i>	
		<i>Policies' Policies"</i>	<i>Policies"</i>	<i>of Debt•</i>	<i>Substitution-</i>	<i>Policies-</i>	
		<i>Other Otherõ</i>					<i>Rates)~</i>

*Up to \$50,000 of  
Liability  
Writtenõ*

*Over \$50,000  
And Up To  
\$100,000, Addõ*

*Over \$100,000  
And Up To  
\$500,000, Addõ*

*Over \$500,000  
And Up To*

\$10,000,000,  
Addō

Over  
\$10,000,000 And  
Up To  
\$15,000,000,  
Addō

Over  
\$15,000,000,  
Addō

Minimum  
Premiumō

*\* The description of risk amounts shown is provided as a suggestion; other amount classifications will be considered by the department.*

**MISSOURI DEPARTMENT OF INSURANCE FORM P&C-31**

*"Original Title Insurance for Owners and Leasehold Owners Policies" means any owner's policy insuring fee simple estate for the full value of the premises, or any owner's policy insuring a leasehold estate for the present market value of such leasehold estate.*

*"Reissue Title Insurance for Owners and Leasehold Owners Policies" means a title insurance policy issued to a purchaser or lessee of real estate from a person whose title as owner has previously been insured by any company prior to the application for a new policy.*

*"Title Insurance for Conversion of Contract Purchaser's and Leasehold Policies" means a title insurance policy issued to a contract purchaser who has previously obtained a policy from an insurer insuring his/her contract, who subsequently obtains a deed given in pursuance of the contract and makes an application for an owner's policy from the same insurer and surrenders the previous policy; or a title insurance policy issued to a lessee who has previously obtained a leasehold policy of an insurer insuring his/her lease and subsequently purchases the property, makes application for an owner's policy from the same insurer and surrenders the previous policy.*

*"Original Title Insurance for Loan Policies" means a mortgage title insurance policy issued for an amount equal to or higher than the principal amount of the mortgage debt.*

*"Reissue Title Insurance for Loan Policies" means a mortgage title insurance policy issued for an owner of property who has had the title to such property previously insured as owner by any title insurer.*

*"Title Insurance for Owners or Leasehold Owners Policies upon Acquisition in Satisfaction of Debt" means a title insurance policy issued to an insured under a mortgage title policy who acquires title by foreclosure or by voluntary conveyance in extinguishment of debt.*

*"Title Insurance for Substitution" means a title insurance policy issued to a borrower who obtains a substitution loan on the same property by the same lender.*

*"Simultaneous Issue Policies" means an owner's and a mortgagee's policy(ies) covering identical land which are issued simultaneously.*

*"Title Insurance for Builder/Developer (Subdepartment Rates)" means a title insurance policy covering premises owned by one owner which have been platted into multiple lots; a title insurance policy issued to an owner of multiple lots within a platted subdepartment; or a title insurance policy issued to an owner who proposes to sell vacant lots to individual purchasers and furnish an owner's title insurance policy to each purchaser, as evidence of title, in lieu of furnishing an abstract of title.*

*\*The description of risk amounts shown is provided as a suggestion; other amount classifications will be considered by the department.]*

**AUTHORITY:** sections 374.045, 381.058 and 381.042, RSMo.

DRAFT 12/3/07

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500.00) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500.00) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on \_\_\_\_\_, 2007. The public hearing will be held at the Harry S. Truman State Office Building, 301 West High Street, Room 530, Jefferson City, MO. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support or in opposition to the proposed amendment, until 5:00 p.m. on \_\_\_\_\_, 2007. Written statements shall be sent to Tamara Wallace, Department of Insurance, Financial Institutions and Professional Registration, P.O. Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five working days prior to the hearing.*

**Title 20--DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS  
AND PROFESSIONAL REGISTRATION  
Division 500--Property and Casualty  
Chapter 7—Title**

**PROPOSED RULE**

**20 CSR 500-7.130 Insurance and Closing Protection Form Filings.**

*PURPOSE: This regulation prescribes requirements for forms to be used in this state and filing procedures with the director.*

**(1) Title Insurance Commitments, Policies and other Forms.**

(A) No title insurer in this state shall issue or agree to issue any form of title insurance binder, title insurance commitment, preliminary report, title insurance policy, title insurance standard form endorsement, other contract of title insurance or any related form unless the forms have been filed with the director as required by section 381.085, RSMo. The filing shall be received by the director not less than thirty (30) days before the use of the form.

(B) No policy, standard form endorsement or simultaneous instrument which provides title insurance coverage shall be issued unless it contains the premium collected for the issuance of the policy as calculated from the filed risk rate for the policy.

**(2) Closing Protection Letters.**

(A) No title insurer, agency or agent in this state shall issue or agree to issue a closing protection letter unless the form has been filed with the director as required by section 381.085, RSMo. The filing shall be received by the director not less than thirty (30) days before the use of the form.

(B) The terms of coverage shall be consistent with the applicable Closing Protection Letter form (Form T-8 or Form T-9) approved by the director in Rule 20 CSR 500-7.030.

**(3) Filing Fees.** The filing fee for forms filed under this rule is fifty dollars (\$50) per filing as required by section 374.230(5), RSMo.

*AUTHORITY: sections 374.045, 381.042 and 381.085, RSMo.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500.00) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500.00) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on \_\_\_\_\_, 2007. The public hearing will be held at the Harry S. Truman State Office Building, 301 West High Street, Room 530, Jefferson City, MO. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support or in opposition to the proposed amendment, until 5:00 p.m. on \_\_\_\_\_, 2007. Written statements shall be sent to Tamara Wallace, Department of Insurance, Financial Institutions and Professional Registration, P.O. Box 690, Jefferson City, MO 65102.*

*SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five working days prior to the hearing.*

**Title 20--DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS  
AND PROFESSIONAL REGISTRATION  
Division 500--Property and Casualty  
Chapter 7—Title**

**PROPOSED AMENDMENT**

**20 CSR 500-7.200 Standards For Policy Issuance.** The department is removing section (4) and Appendices A, B and C from the rule and amending the purpose clause and sections (1) and (3) of this rule.

*PURPOSE OF AMENDMENT: This amendment will eliminate the incorporation of forms in the rule and adopt the forms by reference and eliminate a redundant provision.*

*PURPOSE: This rule implements section 381.071, RSMo (Cum. Supp. 1989) relating to the duties of a title insurance company before writing a title insurance policy.*

(1) Examination of Title. Before a title insurance policy is written, the title insurer or its licensed agent shall cause a search of the title which is to be insured. The search of the title shall be based upon evidence prepared from a current set of records maintained in order to show all matters affecting the title to the property or interest which is to be insured for a continuous period of not less than the immediate past forty-five (45) years, except for the time table allowed by section 381.071.1(1), RSMo (Cum. Supp. 1989) for a gradual compliance. The set of records used in the search of the title shall be indexed geographically and shall encompass all properties in the county for which the set of records is maintained.

(2) Exceptions.

(A) An attorney licensed to practice law in this state is not required to base an examination of title upon a set of records geographically indexed if s/he [is] personally [responsible for the inspection of] **inspected** the best title evidence available.

(B) If a set of records geographically indexed is not in existence in the county where the property subject to examination of title is located, the title insurance policy shall be based upon the best title evidence available.

(C) If evidence for an examination of title cannot be obtained from a set of records geographically indexed at a reasonable charge or within a reasonable period of time, the title insurance policy shall be based upon the best title evidence available.

(D) The best title evidence available is that evidence which a reasonable and prudent person would depend upon in the conduct of his/her own affairs as determined by the circumstances in existence in the county where the subject property is located.

(3) Documentation.

(A) The individual who performed the examination of title on behalf of the title insurer shall verify in a written statement where s/he obtained the evidence used in the examination of title. If the title examiner followed any of the exceptions as stated in section (2) of this regulation, s/he shall state in the written statement, in clear and specific terms, the reasons for following any exception.

(B) The written statement required by subsection (3)(A) of this regulation shall be placed in and made a part of the title insurance company's files or that of its agent or agency for a period of not less than fifteen (15) years after the title insurance policy has been issued.

(C) The written statement required by subsection (3)(A) of this regulation shall [follow the form as exemplified by Appendix A which follows] **conform to the Verification of Examination of Title form (Form T-10).**

(D) If a title insurance company, agent or agency performs or causes to perform examinations of titles in the same manner for each and every title insurance policy issued, that company, agent or agency may file, in place of the requirements of subsections (3)(A)-(C) of this rule with the director [of the Department of Insurance], an **Examination Location Affidavit (T-11) describing** [affidavit] where examinations of titles are conducted and the specific reasons why any exceptions, if any, as stated in section (2) of this regulation are followed, stating the place. A copy of a **completed Form T-11 [the affidavit]** shall be posted in the office of the agency or agent in a conspicuous place for public view. Any deviation from an examination of title as described by the affidavit shall require compliance with subsections (3)(A)-(C) of this rule. The filing of [the affidavit] **Form T-11** shall be accompanied by a fifty-dollar (\$50) filing fee as mandated by



section 374.230[(6)](5), RSMo [(Cum. Supp. 1989)] if made by an insurance company. Otherwise, no filing fee is mandated.

(E) The [Missouri Department of Insurance] **director** shall maintain a Missouri title plant registry. Any entities which can be defined as a title plant pursuant to section 381.031(22), [Revised Statutes of Missouri] **RSMo (Cum. Supp. 1989)** shall file with the [Missouri Department of Insurance] **director** a registration statement in a **Title Plant Registration form (Form T-12)** [as exemplified by Appendix C which follows]. No filing fee is mandated.

**(F) The forms referenced in subsections (3)(C)-(E) can be accessed at the department's website at www.insurance.mo.gov or at the department offices.**

[ (4) Discipline for Violation. The director of the Missouri Department of Insurance may institute disciplinary action for violations of this regulation in accordance with the provisions of section 375.141, RSMo [(1986)] and any other applicable law.]

[APPENDIX A

*Verification Of The Examination Of Title*

1. Name and residential address of person performing examination of title--

è

2. Location of property subject to examination of title--

è

3. Date examination completed--

è

4. Place where examination conducted--

è

5. Was set of records used in examination geographically indexed?

Yes

No

6. If answer in question 4. was no, explain the reasons why.

è

è

è

è

7. Title insurance policy number (if issued)--

è

The undersigned hereby verifies the information stated herein is true and correct.

è

*Signature of Examiner*

*Date*

APPENDIX B

*Affidavit*

*Person (or Persons) conducting title searches--*

*Name*

è

*Address*

è

*Name of title insurance companies for which title searches are conducted--*

è

è

è

è

*Name of title insurance agency or title insurance agent(s) for which title searches are conducted--*

è

è

Location of set of records where title searches conducted by each county where title insurance policy is issued--

Is set of records for the title search geographically indexed for each county? How many years for a continuous period of time?

Yes	Yes	No	No	No	No	How many years	How many years	How many years
	Yes	No	No	No	No	How many years	How many years	How many years

If no, state reasons why for each no answer--

è

è

è

State of Missouri

County of

I, , an individual charged with conducting title searches for the (name of entity conducting the searches), first being duly sworn, do hereby on my oath state that the information contained in the above document relating to title searches is accurate and correct to the best of my knowledge. I, furthermore state on my oath that I have caused an original copy of this document to be filed with the Missouri Department of Insurance and a copy of same to be displayed in the office of (name of entity conducting title search) in a conspicuous place for public view.

(Print name of signature)

Subscribed and sworn to before me this day of , 19. I am commissioned as a notary public within the County of , State of Missouri, and my commission expires on .

è

Notary Public

APPENDIX C

Annual Registration of Title Plant

(One registration for each county)

1. Name of plant: .....

Name of owner: .....çIncorporated? .....

Address: .....

Telephone no.: .....

County of coverage: .....

2. Organization of plant.

a. Is the plant geographically indexed? .....

b. Does the plant index--

- 1. Judgments
- 2. Mechanics liens
- 3. County taxes
- 4. Municipal taxes
- 5. Public utility easements prior to 45 years
- 6. Public utility assessments
- 7. Subdivision and condominium assessments

c. How many years does your plant cover? .....

d. Does your plant duplicate the records of the Recorder of Deeds? ..... of the Circuit Clerk? .....

3. Is the plant open to use by licensed title insurance agents not affiliated with or employed by the plant?

.....

a. Physical access to the plant? .....

- b. Access by computer modem? .....
  - 4. If the answer to 3 is "yes"--
    - a. What is the charge for each use? .....
    - b. How was this charge determined? .....
  - 5. If the answer to 3 is "yes"--
    - a. Is there any time delay between the request and actual admission to the plant? .....
    - b. Average time delay? .....
      - Maximum? .....
      - Minimum? .....
    - c. Does the time delay vary according to the time of the year? .....
  - 6. Does the Recorder of Deeds maintain a geographical index? .....
  - 7. Does the County Assessor designate each parcel by a locator or other number? .....
  - 8. Do you carry errors and omissions insurance? .....
    - a. Name of carrier .....
    - b. Policy limits .....
    - c. Deductible .....  - 9. How many licensed title insurance agents do you employ? .....
- This statement was prepared by:  
Name: .....  
Address: .....

Date

Signature]

*AUTHORITY: sections 374.045 and 381.042, RSMo.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500.00) in the aggregate.*

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*SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five working days prior to the hearing.*

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION  
Division 700—Insurance Licensing  
Chapter 8—Title Agencies and Title Agents**

**PROPOSED RULE**

**20 CSR 700-8.005 Scope and Definitions**

*PURPOSE:* This rule sets out the scope of the rules in this chapter and provides definitions to aid in the interpretation of the rules in this chapter.

**(1) Applicability of Rules.** The rules in this chapter apply to title agents and title agencies transacting the business of insurance in this state under chapter 381, RSMo, including those licensed as insurance producers under section 375.018, RSMo. The rules shall be read together with chapter 536, RSMo.

**(2) Definitions.**

- (A) “Director”, the director of the department;
- (B) “Department”, the Department of Insurance, Financial Institutions and Professional Registration;
- (C) “Insurer” or “title insurer”, an insurance company organized under the laws of this state, or another state or country, and transacting the business of title insurance in this state;
- (D) “License”, the authority granted by the director to any person to transact business as a title agent or title agency;
- (E) “Licensee”, a person authorized under an insurance producer license by this state to act as a title agent or title agency;
- (F) “NAIC”, the National Association of Insurance Commissioners;
- (G) “NIPR”, the National Insurance Producer Registry;
- (H) “Title agency”, any partnership, corporation, association, sole proprietorship, or any other legal entity not an individual, which as an agent of a title insurer or representative of the title agent or agency, transacts the business of title insurance; and
- (I) “Title agent”, any individual, who as an agent of a title insurer or representative of the title agent or agency, transacts the business of title insurance.

*AUTHORITY:* Section 374.045, 381.042 and 381.115, RSMo.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500.00) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500.00) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* A public hearing will be held on this proposed rule at 10:00 a.m. on February 7, 2008. The public hearing will be held at the Harry S. Truman State Office Building, 301 West High Street, Room 530, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support or in opposition to the proposed rule, until 5:00 p.m. on February 7, 2008. Written statements shall be sent to Tamara Kopp, Department of Insurance, Financial Institutions and Professional Registration, P.O. Box 690, Jefferson City, MO 65102.

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**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION  
Division 700—Insurance Licensing  
Chapter 8—Title Agencies and Title Agents**

**PROPOSED RULE**

**20 CSR 700-8.100 Applications for License**

*PURPOSE: This rule prescribes the information to be contained in, and the documents to accompany applications for license as title agency and title agent.*

**(1) Application Forms.** The following forms have been adopted and approved for filing with the department:

**(A) The Uniform Application for Individual Insurance Producer License form (Form UA-IP), adopted by the NAIC on May 10, 2006, or any form which substantially comports with the specified form; and**

**(B) The Uniform Application for Business Entity Insurance Producer License form (Form UA-BEP), adopted by the NAIC on May 10, 2006, or any form which substantially comports with the specified form; and**

**(C) The report of agency's owners, any ownership interests in other persons or businesses, and all material transactions between the parties under section 381.029.3, RSMo, (Form T- AB), revised on January 1, 2008, or any form which substantially comports with the specified form.**

**(2) Application and Fees.** Application for licensure as a title agent or title agency shall contain the information/requirements outlined for insurance producers in sections 375.015 to 375.018, RSMo and this rule and may be submitted by electronic means to the National Insurance Producer Registry (NIPR) or other system(s) as the director may designate.

**(A) Initial Licensure.**

**1. Resident Title Agent/Individual Insurance Producer.**

- A. A completed Form UA-IP; and**
- B. One hundred dollar (\$100) application fee.**

**2. Nonresident Title Agent/Individual Insurance Producer.**

- A. A completed Form UA-IP; and**
- B. One hundred dollar (\$100) application fee.**

**3. Resident Title Agency/Business Entity Insurance Producer.**

- A. A completed Form UA-BEP;**
- B. One hundred dollar (\$100) application fee;**
- C. Designation of a qualified principal;**
- D. List of Missouri-licensed title agents conducting business on behalf of the title agency;**
- E. Domestic corporations, limited liability companies, or limited liability partnerships must include a certificate of good standing, certificate of incorporation, or certificate of organization issued by the Secretary of State and dated within the past year. Partnerships must include a copy of the fictitious name registration as issued by the Secretary of State; and**
- F. A completed Form T-AB.**

**4. Non-Resident Title Agency/Business Entity Insurance Producer.**

- A. A completed Form UA-BEP;**
- B. One hundred dollar (\$100) application fee;**
- C. Designation of a qualified principal;**
- D. List of Missouri-licensed title agents conducting business on behalf of the title agency; and**

- E. Corporations, limited liability companies, limited liability partnerships or other entities must include a certificate of good standing, certificate of incorporation, or certificate of organization issued by the state of residency and dated within the past year; and
- F. A completed Form T-AB.

**(B) Renewal Application.**

- 1. Title Agents/Individual Producers.
  - A. An updated Form UA-IP. If applying for renewal through NIPR, the application is deemed submitted at the time of fee payment pursuant to the producer's continuing duty to amend the application in sections 375.018 and 375.141, RSMo; and
  - B. One hundred dollar (\$100) application fee.
- 2. Title Agencies/Business Entity Producers.
  - A. An updated Form UA-BEP. If applying for renewal through NIPR, the application is deemed submitted at the time of fee payment pursuant to the producer's continuing duty to amend the application in section 375.018 and 375.141, RSMo;
  - B. One hundred dollar (\$100) application fee; and
  - C. List of Missouri-licensed producers conducting business on behalf of the business entity; and
  - D. A completed Form T-AB.

**(C) Provisional Title Agent Licensure.**

- 1. An employee of a licensed title agency or title insurer under the direct supervision of a licensed title agent may apply for a provisional title agent license by submitting the following:
  - A. a completed Form UA-IP;
  - B. One hundred dollar (\$100) application fee; and
  - C. An acknowledgment that:
    - 1. the applicant's initial employment or initiation of new functions requiring a title agent license has been within the past six months;
    - 2. the applicant is under the direct supervision of a licensed title agent; and
    - 3. unless the examination requirement of 20 CSR 700-8.150 is met within the six months of the applicant's initial employment, the provisional license will expire.
- 2. If the title agent takes and passes within six months of the the agent's initial employment (or initiation of new functions requiring license) the examination required under 20 CSR 700-8.150, the director will grant a full license under this rule without a renewed application or additional fee.
- 3. If the title agent fails to take and pass within six months of the agent's initial employment (or initiation of new functions requiring license) the examination required under 20 CSR 700-8.150, the provisional license may be summarily cancelled by the director.

**(D) All fees must be paid by cashier's check, money order, company check or electronic funds transfer. Fees submitted with electronic applications shall be paid by electronic funds transfer, credit card or other methods approved by any designee under this rule.**

**(E) Application and/or renewal fees are not refundable if an application is refused by the director under section 375.141, RSMo, or withdrawn by the applicant.**

**(3) Failure to Timely Apply for Renewal. If a producer fails to file for renewal of license on or before the expiration date, the director may issue a renewal of the license upon payment of a late renewal fee of twenty-five dollars (\$25) per month or fraction of a month after the renewal deadline in addition to the renewal fee designated in section (2)(B) of this rule. In the alternative to payment of a late renewal fee, the former licensee may apply for a new license except that the former licensee must comply with all provisions of sections 375.015 and 381.118, RSMo regarding issuance of a new license.**

**(4) Availability of Forms.** The department on request will supply in printed format the forms listed in this rule. Accurate reproduction of the forms may be utilized for filing in lieu of the printed forms. All application forms referenced herein are available at <http://www.insurance.mo.gov>.

*AUTHORITY:* Section 374.045, 381.029.3, 381.042 and 381.115, RSMo (2000).

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500.00) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500.00) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* A public hearing will be held on this proposed rule at 10:00 a.m. on February 7, 2008. The public hearing will be held at the Harry S. Truman State Office Building, 301 West High Street, Room 530, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support or in opposition to the proposed rule, until 5:00 p.m. on February 7, 2008. Written statements shall be sent to Tamara Kopp, Department of Insurance, Financial Institutions and Professional Registration, P.O. Box 690, Jefferson City, MO 65102.

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**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION  
Division 700—Insurance Licensing  
Chapter 8—Title Agencies and Title Agents**

**PROPOSED RULE**

**20 CSR 700-8.150 Examination Requirements**

*PURPOSE: This rule prescribes the examination requirements for title agents and qualified principals of title agencies.*

**(1) Title Agents.** Before an individual may be licensed as a title agent, the applicant must first take and pass the Missouri Title Agent Examination, approved by the director on January 1, 2008, testing both the individual's knowledge regarding title services, title insurance, real estate closings, and title insurance statutes and regulations. The examination must be taken and passed prior to submitting an application for a title agent license to the department.

**(2) Title Agency Qualified Principals.** Before a business entity may be licensed as a title agency, the applicant must designate a qualified principal who has taken and passed the Missouri Title Agency Qualified Principal examination, approved by the director on January 1, 2008, testing the individual's knowledge regarding title services, title insurance, real estate closings, and title insurance statutes and regulations. The examination must be taken and passed by the qualified principal prior to submitting an application for a title agency license to the department.

**(3) Testing Service.** The department contracts with an independent testing service, which administers the examinations referred to in this rule. In order to take an examination, an individual must register and pay the appropriate fee to the independent testing service designated by the director. Instructions may be obtained from the independent testing service or the department.

**(4) Time Limitation.** Once an individual has passed an examination, the applicant has one (1) year from the date of the examination in which to submit an application for licensure to the department. Failure to submit an application within this time period will necessitate the individual taking and passing the examination again before the applicant may be licensed.

*AUTHORITY: Section 374.045, 381.042 and 381.118, RSMo (2000).*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500.00) in the aggregate.*

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**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION  
Division 700—Insurance Licensing  
Chapter 8—Title Agencies and Title Agents**

**PROPOSED RULE**

**20 CSR 700-8.160 Continuing Education**

*PURPOSE: This rule sets out the continuing education requirements for title agents and qualified principals of title agencies.*

**(1) Title Agent. All natural persons licensed as title insurance producers with the department must complete during any two-year licensure period courses or programs of study equivalent to a minimum of eight (8) hours of instruction before the producer license may be renewed by the director.**

**(2) Qualified Principal of Title Agency. Since a qualified principal must be licensed as a title agent in order to be designated as a qualified principal, compliance with the continuing education requirements for title agents in section (1) of this rule satisfies the requirement for the qualified principal.**

*AUTHORITY: Section 374.045, 381.042 and 381.115, RSMo (2000).*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500.00) in the aggregate.*

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**Title Insurance Premium and Title Service Charge**  
**Disclosure Statement**

To: \_\_\_\_\_

Based upon the information available to us at this time, we estimate that you will pay as part of your residential real estate transaction the following premiums, charges and/or fees:

- 1) title insurance premium: \_\_\_\_\_
- 2) closing protection fee: \_\_\_\_\_
- 3) title service charge(s)  
(i.e. search and examination, clearing items, etc.): \_\_\_\_\_
- 4) closing charge(s): \_\_\_\_\_

Title insurance premium and a closing protection fee have been calculated according to rates filed with Missouri's insurance director. But title service charges, closing charges and other fees are not limited by state law and may vary between different title insurers, agencies and agents.

For further general information regarding title insurance, you may visit the Missouri Insurance website at [www.insurance.mo.gov](http://www.insurance.mo.gov) or call the Missouri Department of Insurance, Financial Institutions and Professional Registration at (800) 726-7390.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title Agent

NOTICE OF AVAILABILITY OF OWNER'S TITLE INSURANCE  
(Pursuant to RSMo Section 315.015)

Issued By:

NAME OF UNDERWRITER  
STREET ADDRESS  
CITY, STATE ZIP CODE

NAME OF POLICY ISSUING AGENCY/AGENT  
STREET ADDRESS  
CITY, STATE, ZIP CODE

To:

PURCHASER/BUYER NAME  
STREET ADDRESS  
CITY, STATE ZIP CODE

Purchasing Property Identified As:

STREET ADDRESS  
CITY, STATE ZIP CODE

-OR-

BRIEF DESCRIPTION  
COUNTY, STATE

Pursuant to the requirement of an Act of the Legislature of the State of Missouri, notice is hereby given that a Mortgagee's Title Insurance Policy ("Loan Policy Of Title Insurance") is to be issued to your Mortgage Lender and that such policy does not afford title insurance protection to you in the event of a defect in the title to the real estate in which you are the owner of the property being purchased.

You are hereby advised of your right and opportunity to obtain an Owner's Title Insurance Policy in your favor, subject to the terms, conditions and exclusions therein, for the amount of your purchase price (or the amount of your purchase price plus the costs of any improvements which you anticipate making). The approximate additional cost to you for an Owner's Title Insurance Policy in the amount of \$POLICY AMOUNT is \$PRICE, not including any costs to obtain additional coverages you may request through the deletion of standard exceptions, the issuance of policy endorsements and/or third party fees, such as charges for the preparation of surveys, if any. You are hereby notified that such right to obtain an Owner's Title Insurance Policy will expire SIXTY (60) days from the settlement/closing date.

If you are uncertain as to whether you should obtain an Owner's Policy of Title Insurance, you are urged to seek independent advice.

The Act directs and requires that we obtain a written waiver statement from you such as that set forth below if you do not wish to purchase this protection.

*Waiver*

This is to certify that the foregoing Notice of right to purchase an Owner's Title Insurance Policy for the protection of the undersigned (and above named) purchaser(s) has (have) been received and the undersigned purchaser(s) hereby waive(s) such right. It is understood and agreed that the Title Insurer, Title Agency or Title Agent shall have no responsibility to the undersigned purchaser(s) for the status of the title to the real estate being acquired or for any loss by reason of the complete or partial failure of title.

By: \_\_\_\_\_  
Purchaser Name

By: \_\_\_\_\_  
Purchaser Name

Date: \_\_\_\_\_

**Notice of Unprotected Closing or Settlement**

To: \_\_\_\_\_

Because the title insurer, agency or agent performing settlement or closing services for your transaction is not issuing a commitment, binder or title insurance policy, you are not being issued a closing protection letter.

A closing protection letter protects a buyer, lender or seller against losses because of the following acts of the title insurer's named issuing title agency or agent:

- a) Acts of theft of settlement funds or fraud with regard to settlement funds; and
- b) Failure to comply with written closing instructions by the proposed insured when agreed to by the title agency or title agent relating to title insurance coverage.

Under section 381.058.3, RSMo., a title insurer has the authority to issue closing protection letters ONLY for transactions in which it is issuing a title insurance policy and its issuing agent or agency is performing closing or settlement services.

*Waiver*

This is to certify that the foregoing Disclosure of Closing and Settlement Risk has been explained to me, and that I understand that no title insurer is providing any protection to me for closing and settlement funds received by it, or its policy issuing agency or agent.

By: \_\_\_\_\_  
PURCHASER/SELLER Name

By: \_\_\_\_\_  
PURCHASER/SELLER Name

Date: \_\_\_\_\_

**Affiliated Business Disclosure Statement Format**

To:  
From:  
Property:  
Date:

This is to give you notice that [referring party] has a business relationship with [settlement services provider(s)]. [Describe the nature of the relationship between the referring party and the provider(s), including percentage of ownership interest, if applicable.] Because of this relationship, this referral may provide [referring party] a financial or other benefit.

**ACKNOWLEDGEMENT**

I/we have read this disclosure form, and understand that [referring party] is referring me/us to purchase the above-described settlement service(s) and may receive a financial or other benefit as the result of this referral.

.....[signature]

[INSTRUCTIONS TO PREPARER:] [Specific timing rules for delivery of the affiliated business disclosure statement are set forth in 24 CFR 3500.15(b)(1) of Regulation X.] These INSTRUCTIONS TO PREPARERS should not appear on the statement.

**Affiliated Business Arrangement Report**

Date: \_\_\_\_\_

Submitting title insurer, agency or agent: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

List all persons with a financial interest or at least 5% ownership interest in your company, agency, or proprietorship, which you know to be producers or associates of producers. Also include a description and dollar amount of each material transaction between your company, agency, or proprietorship, and an affiliated producer that has occurred during the reporting period. Continue in similar format on a separate sheet if necessary.

Name:  
Address:

Name:  
Address:

Name:  
Address:

Name:  
Address:

Name:  
Address:

This report should be made annually and submitted no later than March 31 of each year. Update and re-submit this form within thirty (30) days of any material change in the information submitted.

## Uniform Premium (Risk Rate) Reporting Form

NOTE: Risk rates must be filed with the department in accordance with 381.181, RSMo 1994, 20 CSR 500-7.100 requires that the risk rates filed include the title insurance agent's commission.

Date Filed and Recorded by Department: \_\_\_\_\_

### RISK CLASSIFICATIONS

Description of Risk Amount*	Original Title Insurance for Owners and Leasehold Owners Policies <sup>1</sup>	Reissue Title Insurance for Owners and Leasehold Owner Policies <sup>2</sup>	Title Insurance for Conversion of Contract Purchaser's and Leasehold Policies <sup>3</sup>	Original Title Insurance for Loan Policies <sup>4</sup>	Reissue Title Insurance for Loan Policies <sup>5</sup>	Title Insurance for Owners or Leasehold Owners Policies Upon Acquisition in Satisfaction of Debt <sup>6</sup>	Title Insurance for Substitution <sup>7</sup>	Simultaneous Issue Policies <sup>8</sup>	Title Insurance for Builder/Developer (Subdivision Rates) <sup>9</sup>	Other	Other
Up to \$50,000 of Liability Written											
Over \$50,000 and up to \$100,000, Add											
Over \$100,000 and up to \$500,000, Add											
Over \$500,000 and up to \$10,000,000, Add											
Over \$10,000,000 and up to \$15,000,000, Add											
Over \$15,000,000, Add											
Minimum Premium											

\* The description of risk amounts shown is provided as a suggestion; other amount classifications will be considered by the department.

<sup>1</sup> “Original Title Insurance for Owners and Leasehold Owners Policies” means any owner’s policy insuring fee simple estate for the full value of the premises, or any owner’s policy insuring a leasehold estate for the present market value of such leasehold estate.

<sup>2</sup> “Reissue Title Insurance for Owners and Leasehold Owners Policies” means a title insurance policy issued to a purchaser or lessee of real estate from a person whose title as owner has previously been insured by any company prior to the application for a new policy.

<sup>3</sup> “Title Insurance for Conversion of Contract Purchaser’s and Leasehold Policies” means a title insurance policy issued to a contract purchaser who has previously obtained a policy from an insurer insuring his/her contract, who subsequently obtains a deed given in pursuance of the contract and makes an application for an owner’s policy from the same insurer and surrenders the previous policy; or a title insurance policy issued to a lessee who has previously obtained a leasehold policy of an insurer insuring his/her lease and subsequently purchases the property, makes application for an owner’s policy from the same insurer and surrenders the previous policy.

<sup>4</sup> “Original Title Insurance for Loan Policies” means a mortgage title insurance policy issued for an amount equal to or higher than the principal amount of the mortgage debt.

<sup>5</sup> “Reissue Title Insurance for Loan Policies” means a mortgage title insurance policy issued for an owner of property who has had the title to such property previously insured as owner by any title insurer.

<sup>6</sup> “Title Insurance for Owners or Leasehold Owners Policies Upon Acquisition in Satisfaction of Debt” means a title insurance policy issued to an insured under a mortgage title policy who acquires title by foreclosure or by voluntary conveyance in extinguishment of debt.

<sup>7</sup> “Title Insurance for Substitution” means a title insurance policy issued to a borrower who obtains a substitution loan on the same property by the same lender.

<sup>8</sup> “Simultaneous Issue Policies” means an owner’s and mortgagee’s policy(ies) covering identical land which are issued simultaneously.

<sup>9</sup> “Title Insurance for Builder/Developer (Subdivision Rates)” means a title insurance policy covering premises owned by one owner which have been platted into multiple lots; a title insurance policy issued to an owner of multiple lots within a platted subdivision; or a title insurance policy issued to an owner who proposes to sell vacant lots to individual purchasers and furnish an owner’s title insurance policy to each purchaser, as evidence of title, in lieu of furnishing an abstract of title.



## Verification of Examination of Title

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Title agent performing examination of title: \_\_\_\_\_  
(name)  
\_\_\_\_\_  
(address  
\_\_\_\_\_  
(city, state, zip code)

Location of property subject to examination:  
\_\_\_\_\_  
(address  
\_\_\_\_\_  
(city, state, zip code)

Date examination completed: \_\_\_\_/\_\_\_\_/\_\_\_\_

Location of examination: \_\_\_\_\_  
(address  
\_\_\_\_\_  
(city, state, zip code)

Title insurance policy number (if issued): \_\_\_\_\_

The undersigned hereby verifies the information stated herein is true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Examiner

## Examination Location Affidavit

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Title agent performing examinations of title: \_\_\_\_\_

(name)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(city, state, zip code)

Title Insurance Companies under Contract: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of Title Agency or Agent(s) for  
Which Title Searches are conducted:

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(city, state, zip code)

Location of title records:

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(city, state, zip code)

Is set of records for the title search geographically indexed for each county? How many years for a continuous period of time?

County \_\_\_\_\_

\_\_\_\_ Yes

\_\_\_\_ No

How many years \_\_\_\_\_

County \_\_\_\_\_

\_\_\_\_ Yes

\_\_\_\_ No

How many years \_\_\_\_\_

County \_\_\_\_\_

\_\_\_\_ Yes

\_\_\_\_ No

How many years \_\_\_\_\_

County \_\_\_\_\_

\_\_\_\_ Yes

\_\_\_\_ No

How many years \_\_\_\_\_

If no, state reasons why for each no answer:

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State of Missouri  
County of \_\_\_\_\_

I, \_\_\_\_\_, an individual charged with conducting title searches for the (name of entity conducting the searches), first being duly sworn, do hereby on my oath state that the information contained in the above document relating to title searches is accurate and correct to the best of my knowledge. I, furthermore state on my oath that I have caused an original copy of this document to be filed with the Department of Insurance, Financial Institutions and Professional Registration and a copy of same to be displayed in the office of (name of entity conducting title search) in a conspicuous place for public view.

\_\_\_\_\_  
Signature of Examiner

\_\_\_\_\_  
(Print name of signature)

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_. I am commissioned as a notary public within the County of \_\_\_\_\_, State of Missouri, and my commission expires on:

Notary Public

**Title Plant Registration**  
**(One registration for each county)**

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Title Insurer or Agency operating title plant: \_\_\_\_\_  
(name)  
\_\_\_\_\_  
(address)  
\_\_\_\_\_  
(city, state, zip code)

Owner of title plant (if different): \_\_\_\_\_  
(name)  
\_\_\_\_\_  
(address)  
\_\_\_\_\_  
(city, state, zip code)

Location of title records: \_\_\_\_\_  
(address)  
\_\_\_\_\_  
(city, state, zip code)

Is the plant geographically indexed? \_\_\_\_\_ Yes \_\_\_\_\_ No

Does the plant index:

Judgements?	_____ Yes	_____ No
Mechanics liens?	_____ Yes	_____ No
County taxes?	_____ Yes	_____ No
Municipal taxes?	_____ Yes	_____ No
Public utility easements prior to 45 years?	_____ Yes	_____ No
Public utility assessments?	_____ Yes	_____ No
Subdivision and condominium assessments?	_____ Yes	_____ No

How many years does the plant cover? \_\_\_\_\_

Does the plant duplicate the records of the Recorder of Deeds? \_\_\_\_\_ Yes \_\_\_\_\_ No  
of the Circuit Court? \_\_\_\_\_ Yes \_\_\_\_\_ No

Is the plant open to use by licensed title insurance agents not affiliated with or employed  
by the plant? \_\_\_\_\_ Yes \_\_\_\_\_ No  
If "yes":  
a. Physical access to the plant? \_\_\_\_\_ Yes \_\_\_\_\_ No  
b. Access by computer modem? \_\_\_\_\_ Yes \_\_\_\_\_ No  
c. What is the charge for each use? \_\_\_\_\_

d. How was this charge determined? \_\_\_\_\_

e. Is there any time delay between the request and actual admission to the plant?

\_\_\_\_\_ Yes \_\_\_\_\_ No

f. Average time delay? \_\_\_\_\_

g. Maximum time delay? \_\_\_\_\_

h. Minimum time delay? \_\_\_\_\_

i. Does the time delay vary according to the time of year? \_\_\_\_\_ Yes \_\_\_\_\_ No

Does the Recorder of Deeds maintain a geographical index? \_\_\_\_\_ Yes \_\_\_\_\_ No

Does the County Assessor designate each parcel by a locator or other number?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Do you carry errors and omissions insurance? \_\_\_\_\_ Yes \_\_\_\_\_ No

If "yes":

a. Name of carrier: \_\_\_\_\_

b. Policy limits: \_\_\_\_\_

c. Deductible: \_\_\_\_\_

How many licensed title insurance agents do you employ? \_\_\_\_\_

This statement was prepared by:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Signature of Examiner

\_\_\_\_\_  
(Print name of signature)

Notary Public