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Office of the Commissioner
Office/Board/Commission promulgating this document

Louisiana Department of Insurance
Department under which office/board/commission is classified

James J. Donelon - Commissioner
(name) (title)
Name and title of person whose signature will appear in the publication (at the end of the document)

Morgan Kelley (225) 219-0057 342-1632
(name) (phone) (fax)
Name, phone number, and FAX number of person to contact regarding this document

Morgan.Kelley@ldi.la.gov
E-mail address of contact person

Reg. 115 - Title Ins. Record Retention
Short descriptive listing for this document to be used in the Louisiana Register's TABLE OF CONTENTS/INDEX

NOI to Adopt Regulation 115
File name



Signature of Agency Head or Designee
Nicholas Lorusso, Chief Dep. Commissioner
Print Name and Title of Agency Head or Designee

Important: If submitting both an Emergency Rule (ER) and a Notice of Intent (NOI) to be published this month, AND if the rule text in the ER is identical to the rule text in the NOI, check here:

CERTIFICATION OF AVAILABLE FUNDS

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ISIS AGENCY: I certify the availability of fiscal year _____ appropriated funds for the payment of the above referenced publication and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental sheet for additional lines of coding.

AGENCY ORGANIZATION # OBJECT SUB-OBJECT REPORTING CATEGORY

NON-ISIS AGENCY: I certify the availability of fiscal year 2021 appropriated funds for the payment of the above referenced publication and agree to place corresponding invoice in line for payment upon receipt.

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La Dept of Insurance
Agency Name
Christopher Bahm
Agency Contact Person for Billing
accounts.payable@ldi.la.gov
Agency E-Mail Address for Billing

Nirshah Crockett 342-5353
Signature of Agency Head or Designee - Phone #

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NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 115—Title Insurance Record Retention (LAC 37:XIII.Chapter 167)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted under the Louisiana Insurance Code, R.S. 22:1 et seq., in particular R.S. 22:11 and R.S. 22:535, the Department of Insurance hereby gives notice of its intent to promulgate Regulation 115—Title Insurance Record Retention. The purpose of Regulation 115 is to implement the provisions of R.S. 22:533, which provides that the department may prescribe the specific record entries and documents to be kept by title insurers and title insurance producers and the retention period of said records. Regulation 115, which applies to all licensed title insurers and licensed title producers in Louisiana, sets forth the length of time that licensed title insurers and licensed title insurance producers must maintain records of their affairs. Regulation 115 provides for a ten-year period commencing on the later of the date of the act of sale or transfer of the underlying property or the date that the initial file on the subject property was opened. Records required to be maintained under Regulation 115 include examinations of title, determinations of insurability, and records of escrow operations and escrow accounts. Regulation 115 shall become effective upon final publication in the Louisiana Register and shall apply to any act or practice committed on or after the effective date.

Title 37 INSURANCE Part XIII. Regulations

Chapter 167. Regulation Number 115— Title Insurance Record Retention

§16701. Purpose

A. Regulation 115 implements the provisions of R.S. 22:533 which provides that the department may prescribe the specific record entries and documents to be kept by licensed title insurers and licensed title insurance producers and the retention period of said records.

B. The purpose of this regulation is to set forth the length of time that licensed title insurers and licensed title insurance producers shall maintain sufficient records of their affairs, including evidence of the examination of title and determination of insurability and records of its escrow operations and escrow accounts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:533, 22:535, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§16703. Applicability and Scope

A. Regulation 115 shall apply to all licensed title insurers and licensed title insurance producers in the State of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:533, 22:535, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§16705. Authority

A. Regulation 115 is promulgated by the commissioner pursuant to the authority granted under the Louisiana Insurance Code, Title 22 of the Louisiana Revised Statutes, including R.S. 22:11, R.S. 22:68, R.S. 22:526, R.S. 22:533, and R.S. 22:535.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:68, 22:526, 22:533, 22:535, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§16707. Definitions

A. For the purposes of Regulation 115 the following terms are defined as follows:

Commissioner—the Commissioner of Insurance for the State of Louisiana.

Title Insurance Producer—a person authorized on behalf of the title insurer to issue title insurance reports or policies.

Title Insurer—a company authorized under the laws of this state to transact the business of title insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:512, 22:533, 22:535, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§16709. Record Retention

A. Every title insurer and title insurance producer shall retain sufficient records of its affairs, including evidence of the examination of title and determination of insurability and records of its escrow operations and escrow accounts, for a period of ten years. The ten-year period shall commence on the date of the act of sale or transfer of the underlying property or the date that the initial file on the subject property was opened, whichever is later.

B. Title insurers and title insurance producers may cause any or all books, records, documents, accounts, and vouchers to be photographed, reproduced on film, or maintained electronically in electronic data processing equipment in such a manner that their financial condition, affairs, and operations can be ascertained and compliance with the law can be determined by the department. Any photographs, microphotographs, optical imaging, electronic, or film reproductions of any original books, records, documents, accounts, and vouchers shall for all purposes be considered the same as the originals thereof and a transcript, exemplification, or certified copy of any such photograph, microphotograph, optical imaging, electronic, or film reproduction shall for all purposes be deemed to be a transcript, exemplification, or certified copy of the original.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:68, 22:526, 22:533, 22:535, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§16711. Effective Date

A. Regulation 115 shall become effective upon final publication in the *Louisiana Register* and shall apply to any act or practice committed on or after the effective date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:533, 22:535, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§16713. Severability

A. If any section or provision of Regulation 115 or the application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions or the application of Regulation 115 to any persons or circumstances that can be given effect without the invalid section or provision or application, and for these purposes the sections and provisions of Regulation 115 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:533, 22:535, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Such comments must be received no later than July 20, 2021, by 4:30 p.m. and should be addressed to Morgan Kelley, Louisiana Department of Insurance. Comments may be sent via mail to P.O. Box 94214, Baton Rouge, LA 70804-9214, or via facsimile to 225-342-1632. Comments may also be mailed express or hand-delivered to Poydras Building, 1702 North Third Street, Baton Rouge, LA 70802.

James J. Donelon
Commissioner of Insurance

Family Impact Statement

1. Describe the effect of the proposed regulation on the stability of the family. The proposed regulation should have no measurable impact upon the stability of the family.
2. Describe the effect of the proposed regulation on the authority and rights of parents regarding the education and supervision of their children. The proposed regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.
3. Describe the effect of the proposed regulation on the functioning of the family. The proposed regulation should have no direct impact upon the functioning of the family.
4. Describe the effect of the proposed regulation on family earnings and budget. The proposed regulation should have no direct impact upon family earnings and budget.
5. Describe the effect of the proposed regulation on the behavior and personal responsibility of children. The proposed regulation should have no impact upon the behavior and personal responsibility of children.
6. Describe the effect of the proposed regulation on the ability of the family or a local government to perform the function as contained in the rule. The proposed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the effect on household income, assets, and financial security. The proposed regulation should have no effect on household income assets and financial security.
2. Describe the effect on early childhood development and preschool through postsecondary education development. The proposed regulation should have no effect on early childhood development and preschool through postsecondary education development.
3. Describe the effect on employment and workforce development. The proposed regulation should have no effect on employment and workforce development.
4. Describe the effect on taxes and tax credits. The proposed regulation should have no effect on taxes and tax credits.
5. Describe the effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance. The proposed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and estimate of the number of the small businesses subject to the proposed rule. The proposed regulation should have no measurable impact upon small businesses.
2. The projected reporting, record keeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record. The proposed regulation should have no measurable impact upon small businesses.
3. A statement of the probable effect on impacted small businesses. The proposed regulation should have no measurable impact upon small businesses.
4. Describe any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule. The proposed regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed regulation should have no measurable effect.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service. The proposed regulation should have no measurable effect.
3. The overall effect on the ability of the provider to provide the same level of service. The proposed regulation should have no measurable effect.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Person Preparing Statement: Anita R. Robert Department: Louisiana Department of Insurance
Phone: (225) 219-0609 Office: Management & Finance
Return Address: P. O. Box 94214 Rule Title: Title Insurance Record Retention
Baton Rouge, LA
70804-9214
Effective Date: Upon Publication

SUMMARY

(Use Complete Sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS. (Summary)

The proposed regulation will not result in implementation costs or savings to state or local governmental units. The proposed regulation enacts Regulation 115 – Title Insurance Record Retention that implements the provisions of R.S. 22:533, which provide that the LA Department of Insurance (LDI) may prescribe the specific record entries and retention period of documents that are to be kept by licensed title insurers and producers.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS. (Summary)

The proposed regulation will have no impact on state or local governmental revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS. (Summary)

The proposed regulation will impact every title insurer and producer in the manner of how to retain sufficient records of its affairs, including evidence of the examination of title and determination of insurability and records of its escrow operations and escrow accounts for a period of ten years.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT. (Summary)

The proposed regulation will have no impact upon competition and employment in the state.



Denise Gardner, Chief of Staff
La. Department of Insurance

6/8/21

Date of Signature



Legislative Fiscal Officer or Designee

6/8/21

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriated legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of the current and proposed rules with amended portions indicated).

The proposed regulation will not result in implementation costs or savings to state or local governmental units. The proposed regulation implements the provisions of R.S. 22:535, which provide that the LDI may prescribe the specific record entries and rendition period of documents that are to be kept by licensed title insurers and producers.

- B. Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

The Louisiana Department of Insurance (LDI) is tasked with administering the Insurance Code, which regulates the business of insurance in all of its phases. The proposed regulation implements the provisions of R.S. 22:535, which provide that the LDI may prescribe the specific record entries and retention period of documents that are to be kept by licensed title insurers and producers.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session:

- (1) Will the proposed rule change result in any increase in expenditure of funds? If so, specify the amount and source of funding.

No increase in expenditure of funds is anticipated as a result of the proposed regulation.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

_____ Yes. If yes, provide documentation.

_____ No. If no, provide justification as to why this rule change should be published at this time.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM ACTION PROPOSED.

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

LDI does not anticipate any implementation costs (savings) as a result the proposed regulation.

COSTS	FY 21	FY 22	FY 23
Personal Services	0	0	0
Operating Expenses	0	0	0
Professional Services	0	0	0
Other Charges	0	0	0
Equipment	0	0	0
Major Repairs & Constr.	0	0	0
TOTAL	0	0	0
POSITIONS (#)			

2. Provide a narrative explanation of the costs or savings shown in "A.1" above, including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed regulation will have no impact on state or local governmental revenues.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 21	FY 22	FY 23
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
DEDICATED	0	0	0
FEDERAL FUNDS	0	0	0
OTHER (SPECIFY)	0	0	0
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

No additional funding is necessary as a result of the proposed regulation.

B. COSTS OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There is no impact on local governmental units as a result of the proposed regulation.

2. Indicate the sources of funding of local governmental unit(s) which will be affected by these cost or savings.

Not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET
(Continued)

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

The proposed regulation will have no impact on state or local governmental revenues.

REVENUE INCREASE/DECREASE	FY 21	FY 22	FY 23
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
DEDICATED FUNDS*	0	0	0
FEDERAL FUNDS	0	0	0
LOCAL FUNDS	0	0	0
TOTAL	0	0	0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A". Describe all data, assumptions and methods used in calculating these increases or decreases.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS

A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.) they may have to incur as a result of the proposed action.

The proposed regulation will impact every title insurer and producer in the manner of how to retain sufficient records of its affairs, including evidence of the examination of title and determination of insurability and records of its escrow operations and escrow accounts for a period of ten years.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The proposed regulation is not anticipated to impact on receipts or income of directly affected persons, small businesses, or non-governmental groups.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed regulation will have no impact upon competition and employment in the state.