

Title 23. Public Utilities and Regulated Industries
Chapter I. State Insurance Department, Department of Commerce
Subchapter C. Property and Casualty
Part 205. Title Insurance Licensing and Appointment Fees

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"SECTION 2. AUTHORITY

The authority for this Rule is power given to the Insurance Commissioner for the State of Arkansas by the Arkansas Title Insurance Act, provisions of Ark. Code Ann. §§ 23-61-701 et seq., § 23-61-108, §§ 25-15-201 et seq., and other applicable Arkansas laws."

"SECTION 7. EFFECTIVE DATE

The provisions of this Rule shall be effective on January 1, 2008."

Subpart 1. Generally

23 CAR § 205-101. Purpose.

The purpose of this part is to:

(1) Implement and clarify the pertinent fees of:

(A) Acts 2007, No. 684, the Arkansas Title Insurance Act; and

(B) Title Insurance, 23 CAR pt. 204; and

(2) Set the fee standards and guidelines for applicants seeking title insurance agent and agency licenses in the State of Arkansas.

Authority. Arkansas Code §§ 23-61-108, 23-61-709.

23 CAR § 205-102. Applicability and scope.

(a) This part shall apply to all applicants seeking a title insurance agent or agency license under the Arkansas Title Insurance Act, Arkansas Code § 23-103-401 et seq.

(b) This part shall apply to title insurance agents or agencies previously licensed pursuant to the repealed Arkansas Title Insurance Agents' Licensing Act, Arkansas Code § 23-103-101 et seq. [repealed], who continue to meet all the residency and other requirements of the Arkansas Title Insurance Act and this part, effective January 1, 2008.

(c) This part shall apply to:

- (1) Title insurers;
- (2) Title insurance agents; and
- (3) Title insurance agencies.

(d) Those not required to have a license under the Arkansas Title Insurance Act are exempt from this part.

Authority. Arkansas Code §§ 23-61-108, 23-61-709.

Codification Notes. The Arkansas Title Insurance Agents' Licensing Act, Arkansas Code § 23-103-101 et seq., was repealed by Acts 2007, No. 684, § 8.

23 CAR § 205-103. Title insurance agent licensing fees.

(a) Applicants for new, first-time agent license:

(1) Administrative and regulatory fee, thirty-five dollars (\$35.00).

(A) Each new title insurance agent applicant for a first-time license shall pay a nonrefundable thirty-five-dollar administrative and regulatory fee for each and every original title insurance license as referenced in Arkansas Code § 23-61-706(b).

(B) Such fees shall be payable to "The State Insurance Department Trust Fund";

(2) Background check fee, twenty-two dollars (\$22.00).

(A) Each new title insurance agent applicant for a first-time license shall pay a nonrefundable twenty-two-dollar fee for the ASP-122, Background Check.

(B)(i) Such fees shall be payable separately to "The State Insurance Department Trust Fund" and must be attached to the ASP-122 form.

(ii) Payment for the ASP-122 cannot be in the form of a personal check; and

(3) Examination fees.

(A) Examination fees will be determined by the examination provider, and such fees will be paid directly to the provider.

(B) Examination provider information will be available on the State Insurance Department website at <https://www.insurance.arkansas.gov/industry-regulation/licensing/>.

(b) Annual renewal fees for title insurance agent licenses:

(1)(A) Administrative and regulatory fee, thirty-five dollars (\$35.00).

(B) Each title insurance agent licensee shall pay a nonrefundable thirty-five-dollar fee for each and every title insurance agent license renewal.

(C) Such fees shall be payable to "The State Insurance Department Trust Fund";

(2)(A) Continuing education filing fee, ten dollars (\$10.00).

(B) Each title insurance agent, upon renewal, shall pay a nonrefundable ten-dollar continuing education filing fee.

(C) Such fees shall be payable to "The State Insurance Department Trust Fund".

(D) Failure to obtain or report educational requirements along with the fee imposed annually to the Insurance Commissioner on or before the birthday of the licensee shall result in the fines contained in Arkansas Code § 23-64-304(d);

(3) Late renewal penalty fee, one hundred five dollars (\$105);

(4) Renewal will be on or before the title insurance agent's birthday, after the year of issue; and

(5)(A) For title insurance agent licenses in effect on December 31, 2007, the first title insurance agent license renewal will be due January 31, 2008.

(B) The first renewal based on the licensee's birthday will start January 1,

2009.

(c) Certification of license fee, ten dollars (\$10.00).

Authority. Arkansas Code §§ 23-61-108, 23-61-706, 23-61-708, 23-61-709, 23-64-304.

23 CAR § 205-104. Title insurance agency licensing fees.

(a) Applicants for new, first-time license, two hundred fifty dollars (\$250).

(1) Each new agency applicant for a first-time license shall pay a nonrefundable two hundred fifty-dollar fee for each and every original title insurance agency license.

(2) The fee of two hundred fifty dollars (\$250) includes the administrative and regulatory fee of thirty-five dollars (\$35.00), as referenced in Arkansas Code § 23-61-706(b).

(b) Title insurance agency affiliation fee, ten dollars (\$10.00).

(1) If a licensed individual title insurance agent is acting for a title insurance agency, the agency must add the individual to the agency license, and an affiliation form and fee must be submitted to the department.

(2)(A) The agency affiliation form, called a producer addition form, can be obtained from the department's website.

(B) The form and instructions are under the "Business Entity (Agency)" heading at <https://www.insurance.arkansas.gov/industry-regulation/licensing/>.

(c) Title agency termination of affiliation fee, ten dollars (\$10.00).

(1) If the affiliation of a title insurance agent with a title insurance agency will be terminated, a termination form and fee must be submitted to the department.

(2)(A) The agency affiliation termination form, called a producer termination form, can be obtained from the department's website.

(B) The form and instructions are under the "Business Entity (Agency)" heading at <https://www.insurance.arkansas.gov/industry-regulation/licensing/>.

(d) Annual renewal fees for title insurance agency licenses, two hundred fifty dollars (\$250).

(1) Each agency title insurance licensee shall pay a nonrefundable two hundred fifty-dollar fee for each and every title insurance license renewal.

(2) The fee of two hundred fifty dollars (\$250) includes the administrative and regulatory fee of thirty-five dollars (\$35.00), as referenced in Arkansas Code § 23-61-706(b).

(3) Late renewal penalty fee, one hundred dollars (\$100).

(4) Renewal deadlines for each title insurance agency license shall be October 1 of each year.

(5)(A) For title insurance agency licenses in effect on December 31, 2007, the first title insurance agency license renewal will be January 31, 2008, with the next renewal date occurring October 1, 2009.

(B) Thereafter, the renewal will occur October 1 of each year.

(e) Certification of license fee, ten dollars (\$10.00).

Authority. Arkansas Code §§ 23-61-108, 23-61-706, 23-61-708, 23-61-709.

23 CAR § 205-105. Title insurance agent appointment fees.

(a) Licensed title agent appointment fee, twenty dollars (\$20.00).

(1) A title insurer must submit a form and fee to the State Insurance Department for each title insurance agent or agency appointment.

(2) The appointment form and instructions can be obtained from the department website at <https://www.insurance.arkansas.gov/industry-regulation/licensing/>.

(b) Licensed title agent appointment renewal fee, twenty dollars (\$20.00).

(1) As of June 1 of each year, an invoice will be mailed to each title insurer reflecting all active title insurance agent appointments as of that date.

(2) Appointment renewal payment will be due thirty (30) days from the invoice

date.

(3) Appointment renewal fees will double if the payment is late.

Authority. Arkansas Code §§ 23-61-108, 23-61-706, 23-61-708, 23-61-709.