

## IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

### 18.01.56 - REBATES AND ILLEGAL INDUCEMENTS TO OBTAINING TITLE INSURANCE BUSINESS RULES

DOCKET NO. 18-0156-1601

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 41-211, Idaho Code.

**MEETING SCHEDULE:** A public meeting on the negotiated rulemaking will be held as follows:

**Wednesday, August 17, 2016 - 2:00 PM**

**Idaho Department of Insurance  
700 W. State Street - 3rd Floor  
Boise, ID 83720**

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

**DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

This existing rule concerns rebates and illegal inducements in title insurance and provides limits on what items of value may be provided to producers of title business. Changes in technology have increased efficiencies of operations for title agents such that items of value can be produced much more quickly, easily, and therefore inexpensively. Additionally, some of the limitations in the rule have not been changed in many years. The negotiated rulemaking anticipates the following changes:

Section 012.02 (Listing Packages) – permit aerial photos and/or property photos to be included in allowed materials if delivered electronically; paper delivery would have commensurate charge.

Section 013.01 (Advertisement) – eliminate the quarterly publication requirement; amend to permit advertising in annual trade association publications.

Section 013.02 (Donations) – eliminate the permission to donate or contribute to, or otherwise sponsor a trade association event.

Section 014.01 (Self-Promotional Items) – increase amount spent on self-promotion items from \$10 to \$15/item and from \$50 to \$75/year in cumulative value.

Section 014.02 (Educational Programs) – increase the expenditure from \$10 to \$20 per person. Also change “solely regarding title and escrow.” The intent is to expand the programs which may be offered while maintaining the integrity of the topics as being “related” to title and escrow.

Social Media – implement new section that clarifies the use of social media.

Section 017 (Escrow Closing Charges and Premium Rates) – remove the reference to § 41-2706, which is improper following a legislative change in 2011.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Jim Scanlon, [jim.scanlon@doi.idaho.gov](mailto:jim.scanlon@doi.idaho.gov) (208) 334-4321. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Insurance website at the following web address: [www.doi.idaho.gov](http://www.doi.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the attention of the undersigned and must be delivered either by hard copy or via email to the same email address for questions set forth on or before Wednesday, August 24, 2016.

DATED this 6th Day of July, 2016.

Dean L. Cameron, Director  
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