



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
Insurance Division – Agent Licensing
500 James Robertson Parkway
Nashville, TN 37243-1134
615 741-2693

Fax: (615) 532-2862

ce.agent.licensing@tn.gov

LICENSING PROCEDURES FOR TITLE AGENCIES

TCA 56-35-110. Agencies to hold certificates of authority.

- (a) No person within this state shall act or hold such person out as a title insurance agency unless the person has been issued a certificate of authority by the commissioner.
- (b) Any application for such certificate shall be in writing and on forms prescribed by the commissioner and shall be accompanied by a filing fee of one hundred ten dollars (\$110.00).

Requirements for a Title Insurance Agency

- (1) Completed, signed and notarized Title Agency Application (add additional pages if necessary to submit required information)
- (2) \$110.00 filing fee
- (3) Title Certification (method of operation, form attached)

Fees

- (1) Application Filing Fee - \$110.00
- (2) No Renewal for Title Agencies

Submission of Application

Completed, signed and notarized Title Agency Application, Completed Title Certification Page,
\$110.00 Application fee (check or money order made to State of TN DOI), Completed Title Certification Page,
and mail to:

State of TN DOI
c/o Agent Licensing
500 James Robertson Parkway
Nashville, TN 37243-1134

NOTE: BY DEPARTMENTAL REQUEST, PLEASE ENCLOSE MONEY ORDER, CERTIFIED CHECK OR CASHIERS CHECK FOR LICENSING FEES.



STATE OF TENNESSEE
TITLE INSURANCE AGENCY APPLICATION

\$110.00 Application Fee and Title Certification Form Required.
FILING FEES ARE NONREFUNDABLE.

Department of Commerce & Insurance
Agent Licensing Section
500 James Robertson Parkway
Nashville, TN 37243-1134

PRINT CLEARLY (BLACK INK) OR TYPE

TO THE COMMISSIONER OF INSURANCE, STATE OF TENNESSEE:

The undersigned hereby applies for a certificate of authority for Title Insurance Agency and submits the following information:

APPLICANT HISTORY

1. FULL NAME OF AGENCY Phone () Email

2. AGENCY ADDRESS Number and Street City County State Zip Code

3. TYPE OF AGENCY: Partnership Association Corporation Other

4. Date applicant commenced doing business in Tennessee: FEIN ID#: Month Date Year

5. List the names of all officers, directors, partners, principals, etc. (Attach additional sheet if needed)

Table with 2 columns: NAME, POSITION

6. (A) Have any of the officers, directors, partners, or principals ever held or now hold an insurance agent's license in this or any other state? Yes No - If yes, list states, type of license, lines of insurance, and last year licensed in each

(B) Have any of those individuals ever been refused or had suspended or revoked, an insurance license in any state? Yes No - If yes, give details.

(C) Have any of those individuals ever been convicted of a criminal offense? Yes No - If yes, give complete information.

(D) Are there any pending criminal charges against these individuals? Yes No - If yes, please explain.

7. List all title insurance companies for which the applicant is authorized to engage in the business of title insurance:

Table for listing title insurance companies

APPLICATIONS WILL NOT BE ACCEPTED UNLESS NOTARIZED AND ALL QUESTIONS ANSWERED IN FULL.

I hereby certify that all information in this application is true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me

this ___ day of _____ 20__

Signature of Agency Official

Title

Notary Public

My commission expires _____

DEPARTMENT USE ONLY



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TITLE CERTIFICATION

**TO: DEPARTMENT OF COMMERCE AND INSURANCE
STATE OF TENNESSEE**

FROM: _____
Name of Title Agency

As required by the "Title Insurance Law" TCA 56-35-131, I hereby agree to abide by one of the following terms or conditions:

() the gross operating revenues for any fiscal year attributable to the placement or issuance of policies or contracts of title insurance derived from all sources of controlled business do not exceed forty percent (40%) of the gross operating revenues for the insurance company or insurance agency;

() the company, agent or agency will be operated as a financial institution or subsidiary thereof, as this term is defined in the Gramm-Leach-Bliley Act of 1999, Pub. L. No. 106-102 (Nov. 12, 1999); or

() the company, agent or agency will be operated as a subsidiary of a financial institution with its primary business being that of accepting deposits and making real estate loans and subject to regulation, inspection, and supervision of the United States Government or an agency thereof; or

() the title insurance agency or agent is to be operated by an attorney, a single partnership of attorneys, or a single professional corporation of attorneys as an ancillary part of the general practice of law.

() I am a title insurance agent who is employed by a title insurance agency or insurance company and therefore do not have to enter into any term or condition listed above, pursuant to Tenn. Code Ann. § 56-35-201(c), provided that I meet all other licensure requirements.

Section 56-35-131 of the aforementioned statute is attached.

Date

Signature Agency Official

Tenn. Code Ann. § 56-35-131. Terms and conditions for licenses or certificates

(a) Except as provided by §§ 56-35-201 and 56-35-204, the commissioner shall refuse to issue any new license or certificate to any title insurance company, title insurance agent, or title insurance agency, unless the applicant therefore shall agree to abide by any one (1) of the following terms and conditions:

(1) The gross operating revenues for any fiscal year attributable to the placement or issuance of policies or contracts of title insurance derived from all sources of controlled business shall not exceed forty percent (40%) of the gross operating revenues of such company, agent or agency;

(2) The company, agent or agency will be operated as a subsidiary of a financial institution with its primary business being that of accepting deposits and making real estate loans and subject to regulation, inspection, and supervision of the United States government or an agency thereof; or

(3) The title insurance agency or agent is to be operated by an attorney, a single partnership of attorneys, or a single professional corporation of attorneys as an ancillary part of the general practice of law.

(b) Any violation of the terms and conditions of such agreement shall serve as grounds for the commissioner to suspend or revoke the license or certificate to which the agreement pertains and to assess a civil penalty as provided by § 56-35-127.

1980 Pub.Acts, c. 857, § 15.

NOTES OF DECISIONS

In general 1

Agency 2

Construction with federal laws 1.5

Savings and loan associations 3

1. In general

Only banks not owned by bank holding companies may have the authority to be limited partners in partnerships which are title insurance agencies and then only if such partnerships otherwise comply with state law; however, it is not clear at the present whether such national or state banks have such authority. Tenn. Op.Atty.Gen. No. 92-34, April 16, 1992.

1.5. Construction with federal laws

To the extent that the provisions of § 56-6-201, prohibiting a bank holding company from owning or controlling an insurance agency, and the provisions of § 56-35-131, restricting the amount of business income title insurance agents may receive from owners and affiliates, prevent or hinder national banks from exercising their ability to control or own an interest in title insurance agencies, these provisions are preempted by the federal Gramm--Leach--Bliley Financial Modernization Act. Tenn. Op.Atty.Gen. No. 02-013, Feb. 1, 2002.

2. Agency

Lawyer issuing title insurance policies pursuant to an issuing agency agreement was agent of insurer and not attorney for purposes of applicable statute of limitations in suit by insurer alleging negligent examination of title, even though statute provided that an agency could be operated by an attorney or attorneys; status as attorney was simply one of a number of possible preconditions for operating title insurance business. T.C.A. § 56-35-131. Ticor Title Ins. Co. v. Smith, 1990, 794 S.W.2d 734.

3. Savings and loan associations

The language of § 56-35-131(a)(2) regarding an entity "operated as a subsidiary of a financial institution with its primary business being that of accepting deposits and making real estate loans and subject to regulation, inspection, and supervision of the United States government or any agency thereof" only applies to savings and loan associations. Tenn. Op.Atty.Gen. No. 02-013, Feb. 1, 2002.