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BULLETIN

To: Title Insurers

Re: Title Insurance Producers

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The purpose of this Bulletin is to provide notice of the position of the Maryland Insurance Administration ("MIA") regarding the application of §10-101(i) of the Insurance Article of the Annotated Code of Maryland to notaries public who participate in real estate closings or settlements.

Pursuant to § 10-101(i), any person or company that provides escrow, closing, or settlement services that may result in the issuance of title insurance must be licensed by the MIA as a title insurance producer. A notary who merely attends a real estate closing or settlement that is conducted by another person or entity and who merely witnesses signatures in consideration of the statutory fees that a notary is permitted to charge does not, in the view of the MIA, fall within the scope of § 10-101(i) and is not required to secure a title insurance producer's license in order to perform such services. However, if the notary is the only individual other than the buyer who is present and the notary is presenting documents for signature which may result in the issuance of title insurance, collecting escrow funds, or otherwise performing any duty other than the witnessing of a signature, it is the position of the MIA that the notary is performing escrow, closing or settlement services that fall within the scope of § 10-101(i) and, thus, must be licensed as a title insurance producer to perform those services.

Questions concerning this Bulletin may be directed to Darlene Arnold, Enforcement Officer at 410-468-2354 or at darnold@mdinsurance.state.md.us.

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