

# STATE OF NEW YORK

38

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT in relation to establishing a temporary task force to examine and make recommendations upon the establishment of a public title insurance carrier; and to provide for the repeal of such provisions upon the expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. There is hereby established, within the department of  
2 financial services, a temporary task force to examine and make recommen-  
3 dations upon the establishment of a public title insurance carrier ("the  
4 task force"). The task force shall consist of nine members who shall be  
5 appointed as follows:
- 6 a. the superintendent of the department of financial services or his  
7 or her designee;
  - 8 b. four members to be appointed by the governor;
  - 9 c. two members to be appointed by the temporary president of the  
10 senate; and
  - 11 d. two members to be appointed by the speaker of the assembly.
- 12 § 2. No member of the task force shall be a current or former employee  
13 of the title insurance industry.
- 14 § 3. Task force members shall receive no compensation for their  
15 services but shall be reimbursed for actual and necessary expenses  
16 incurred in the performance of their duties.
- 17 § 4. The chairperson of the task force shall be the superintendent of  
18 the department of financial services or his or her designee. The task  
19 force shall meet at the call of the chairperson.
- 20 § 5. Any vacancies on the task force shall be filled in the manner  
21 provided for in the initial appointment.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 § 6. The task force shall be authorized to hold public hearings and  
2 meetings to enable it to accomplish its duties.

3 § 7. The task force shall consult with relevant stakeholders, includ-  
4 ing the title insurance industry, consumer advocacy groups, the real  
5 estate industry, and any other organization, educational institution,  
6 government entity or agency or person the task force deems necessary in  
7 the development of its report required by subdivision ten of this  
8 section.

9 § 8. The department of financial services shall provide the task force  
10 with such facilities, assistance and data as will enable the task force  
11 to carry out its powers and duties. Additionally, all other agencies of  
12 the state or subdivisions thereof may, at the request of the chair-  
13 person, provide the task force with such facilities, assistance and data  
14 as will enable the task force to carry out its powers and duties.

15 § 9. The purpose of the task force shall be to examine and make recom-  
16 mendations on issues including but not limited to:

17 a. the establishment of a public title insurance carrier, including  
18 but not limited to:

19 i. the structure and administration of public title insurance carriers  
20 in other jurisdictions, including Iowa;

21 ii. the impact the establishment of a public title insurance carrier  
22 would have on lenders and consumers, including the impact on title  
23 insurance premium rates;

24 iii. the impact the establishment of a public title insurance carrier  
25 would have on the current title insurance industry in the state;

26 iv. whether such public title insurance carrier should offer coverage  
27 for residential real estate, commercial real estate, or both;

28 v. the cost to the state of establishing such a public title insurance  
29 carrier; and

30 vi. whether such public title insurance carrier should be the only  
31 title insurance carrier authorized to do business in the state;

32 b. an analysis of the title insurance industry in New York State,  
33 including but not limited to:

34 i. current laws and regulations within this state addressing the title  
35 insurance industry;

36 ii. an analysis of title insurance premium rates in the state; and

37 iii. an analysis of the claim rates of title insurance policies in the  
38 state.

39 § 10. No later than one year after the effective date of this section,  
40 the task force shall transmit to the governor, the temporary president  
41 of the senate and the speaker of the assembly a report on its findings,  
42 including any recommendations for legislation or regulations.

43 § 11. This act shall take effect immediately and shall expire and be  
44 deemed repealed sixty days after transmission of the report of the find-  
45 ings of the task force to the governor, the temporary president of the  
46 senate and the speaker of the assembly, as provided in section ten of  
47 this act. Provided, however, that the commissioner of the department of  
48 financial services shall notify the legislative bill drafting commission  
49 upon the transmission of the report of the findings of the task force,  
50 as provided in section ten of this act, in order that the commission may  
51 maintain an accurate and timely effective data base of the official text  
52 of the laws of the state of New York in furtherance of effectuating the  
53 provisions of section 44 of the legislative law and section 70-b of the  
54 public officers law.