§ 2139. Title insurance agents; licensing. (a) The superintendent may issue a license to any person, firm, association or corporation that has complied with the requirements of this chapter, authorizing the licensee to act as a title insurance agent of any authorized title insurance corporation.

(b) Any such license issued to a firm or association shall authorize only the members thereof, named in such license as sub-licensees, to act individually as title insurance agents thereunder, and any such license issued to a corporation shall authorize only the officers and directors thereof, named in such license as sub-licensees, to act individually as title insurance agents thereunder. Every sub-licensee acting as title insurance agent pursuant to such a license shall be authorized so to act only in the name of the licensee. At least one designated sub-licensee must have a financial or other beneficial interest in the licensee.

(c) Every individual applicant for a license under this section and every proposed licensee shall be eighteen years of age or older at the time of the issuance of such license.

(d) Before any original title insurance agent's license is issued, there shall be on file in the office of the superintendent an application by the prospective licensee in such form or forms and supplements thereto, along with a fee in the amount of forty dollars for each year or fraction of a year in which the license shall be valid, and containing information the superintendent prescribes.

(e) The superintendent shall, in order to determine the competency of every individual applicant and of every proposed sub-licensee for the title insurance agent license, require such individual to submit to a personal written examination and to pass the same to the satisfaction of the superintendent. The examination shall be held at such times and places as the superintendent shall from time to time determine. Every individual applying to take any written examination shall, at the time of applying therefor, pay to the superintendent or, at the discretion of the superintendent, directly to any organization that is under contract to provide examination services, an examination fee of an amount that is the actual documented administrative cost of conducting said qualifying examination as certified by the superintendent from time to time. An examination fee represents an administrative expense and shall not be refundable. The superintendent may accept, in lieu of any such

examination, the result of any previous written examination, given by the superintendent, which in the superintendent's judgment, is equivalent to the examination for which it is substituted.

(f) Every individual seeking to qualify to obtain a license under subsection (b) of this section shall be required to pass the type or types of examination prescribed by the superintendent. An individual shall not be deemed qualified to take the examination unless the individual has successfully completed a course or courses, approved as to method and content by the superintendent, covering the title insurance business and requiring not less than twenty hours of classroom work or the equivalent in correspondence work or similar instruction. Such course or courses shall have been given by an institution meeting the standards prescribed by subparagraph (A) of paragraph one of subsection (c) of section two thousand one hundred four of this article.

(g) No such written examination or pre-licensing education shall be required of any:

(1) applicant who files an application under this section within one year after the effective date of this subsection and who demonstrates to the satisfaction of the superintendent that such applicant or its prospective sub-licensee has, without interruption, regularly and continuously performed the functions of a title insurance agent for a period of at least five years immediately preceding the filing of such application and is competent and trustworthy to act as a title insurance agent;

(2) applicant who has passed the written examination given by the superintendent for a title insurance agent's license and was licensed as such, or of an applicant who was licensed as a title insurance agent but did not pass such an examination, provided the applicant applies within two years following the date of termination of the applicant's license; or

(3) applicant seeking to obtain a license as a title insurance agent, when such applicant is a licensed attorney-at-law in this state provided that such attorney is in good standing with the New York state office of court administration.

(h) The superintendent may refuse to issue to an applicant a title insurance agent's license if, in the superintendent's judgment, the proposed licensee or any sub-licensee:

(1) is not trustworthy and competent to act as such agent;

(2) has given cause for the revocation or suspension of such a license; or

(3) has failed to comply with any prerequisite for the issuance of such license.

(i) (1) Every license issued to a business entity pursuant to subsection (a) of this section shall expire on June thirtieth of odd-numbered years.

(2) Every license issued to an individual born in an odd-numbered year shall expire on the individual's birthday in each odd-numbered year. Licenses issued to individuals born in even-numbered years shall expire on the individual's birthday in each even-numbered year.

(3) Every license may be renewed for the ensuing period of twenty-four months upon the filing of an application in conformity with this subsection.

(4) The license may be issued for all of such two year terms, or upon application made during any such term, for the balance thereof.

(5) Any license shall be considered in good standing within the license term unless:

(A) revoked or suspended by the superintendent pursuant to this article; or

(B) if at the expiration date of the license term, the licensee fails to file a renewal application, provided the license was in good standing during the term.

(6) Before the renewal of any title insurance agent's license shall be issued, the licensee shall have:

(A) filed a completed renewal application in such form or forms, and supplements thereto, and containing such information as the superintendent may prescribe; and

(B) paid such fees as are prescribed in this section.

(7) If an application for a renewal license shall have been filed with the superintendent before the expiration of such license, then the license sought to be renewed shall continue in full force and effect either until the issuance by the superintendent of the renewal license applied for or until five days after the superintendent shall have refused to issue such renewal license and shall have given notice of such refusal to the applicant and to each proposed sub-licensee. Before

refusing to renew any such license, except on the ground of failure to pass a written examination, the superintendent shall notify the applicant of the superintendent's intention to do so and shall give the applicant a hearing.

(8) The superintendent may, in issuing a renewal license, dispense with the requirements of a verified application by any individual licensee or sub-licensee who, by reason of being engaged in any military service for the United States, is unable to make personal application for such renewal license, upon the filing of an application on behalf of such individual, in such form as the superintendent shall prescribe, by some person or persons who in his or her judgment have knowledge of the facts and who make affidavit showing such military service and the inability of such title insurance agent to make personal application.

(9) An individual licensee or sub-licensee who is unable to comply with license renewal procedures due to other extenuating circumstances, such as a long-term medical disability, may request a waiver of such procedures, in such form as the superintendent shall prescribe. The licensee or sub-licensee may also request a waiver of any examination requirement or any other fine or sanction imposed for failure to comply with renewal procedures.

(10) An application for the renewal of a license shall be filed with the superintendent not less than sixty days prior to the date the license expires or the applicant shall be subject to a further fee of ten dollars for late filing.

(11) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time, and who (A) shall have been discharged therefrom under conditions other than dishonorable, or (B) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (C) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, in a current licensing period for the duration of such period.

(12) Except where a corporation, association or firm licensed as a title insurance agent is applying to add a sub-licensee or the date of the expiration of the license is changed, there shall be no fee required

for the issuance of an amended license.

(13) The superintendent may issue a replacement license for a currently in-force license that has been lost or destroyed. Before such replacement license shall be issued, there shall be on file in the office of the superintendent a written application for such replacement license, affirming under penalty of perjury that the original license has been lost or destroyed, together with a fee of fifteen dollars.

(j) The superintendent may refuse to issue a license or renewal license, as the case may be, to any applicant if the superintendent finds that the applicant has been or will be:

(1) receiving any benefit or advantage in violation of section six thousand four hundred nine of this chapter; or

(2) acting in a manner inconsistent with:

(A) regulations by the superintendent which are promulgated in accordance with the relevant provisions of the federal real estate settlement procedures act of 1974, as amended; or

(B) section twenty-one hundred thirteen of this article.

(k) For the purposes of this chapter, any person or entity performing any activity related to the procurement or issuance of a title insurance policy, as the result of an authorization or request from a licensed title agent or title insurance corporation, shall be presumed to be acting under the authority of such licensed agent or title insurance corporation, for the purpose of performing such activity so authorized or requested.