

Regular Session, 2013

HOUSE CONCURRENT RESOLUTION NO. 18

BY REPRESENTATIVE ABRAMSON

TITLE INSURANCE: Establishes the Title Insurance Committee to study title search periods relative to the required periods of mortgage and conveyance records for the issuance of title insurance policies

1 A CONCURRENT RESOLUTION

2 To establish and request the Title Insurance Committee to study land title search periods
3 provided by R.S. 22:512(17)(b)(vi)(gg), relative to the required search periods of
4 mortgage and conveyance records for the issuance of policies of title insurance in the
5 state of Louisiana, to develop recommendations to facilitate adequate safeguards for
6 the issuance of policies of title insurance, while ensuring that the process is efficient
7 and does not cause unnecessary expense or delay, and to report its findings to the
8 legislature no later than February 1, 2014.

9 WHEREAS, an overwhelming majority of mortgagees require the issuance of a
10 lender's policy of title insurance to be provided at the borrower's costs as part of each loan
11 transaction; and

12 WHEREAS, many purchasers of real property request the issuance of an owner's
13 policy of title insurance when purchasing real property; and

14 WHEREAS, there is a need to promote merchantability of title to all immovable
15 property located in the state of Louisiana, to keep the property in commerce, and to protect
16 the interest of owners and mortgagees; and

17 WHEREAS, Act No. 1028 of the 2010 Regular Session of the Legislature amended
18 R.S. 22:512(17)(b)(vi)(gg) in order to provide for minimum search periods for a sale or
19 mortgage; and

1 WHEREAS, some practitioners have expressed concern that the minimum search
2 period provided in R.S. 22:512(17)(b)(vi)(gg) may result in increased costs, duplication of
3 effort, and unnecessary delay in the transfer of immovable property and the issuance of title
4 policies; and

5 WHEREAS, officials of state, parish, and municipal governments and several
6 professional organizations have expressed an interest in solving these issues.

7 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
8 establish the Title Insurance Committee to study land title search periods provided by R.S.
9 22:512(17)(b)(vi)(gg) relative to the required search periods of mortgage and conveyance
10 records for the issuance of policies of title insurance in the state of Louisiana and to develop
11 recommendations to facilitate adequate safeguards for the issuance of policies of title
12 insurance, while ensuring that the process is efficient and does not cause unnecessary
13 expense or delay.

14 BE IT FURTHER RESOLVED that the committee shall consist of the following
15 persons:

16 (1) Three persons appointed by the Louisiana Land Title Association. One person
17 shall be an attorney; one person shall be an underwriter; and one person shall be a licensed
18 real estate agent.

19 (2) One person appointed by the chairman of the House Committee on Civil Law
20 and Procedure.

21 (3) One person appointed by the chairman of the House Committee on Insurance.

22 (4) One person appointed by the chairman of the Senate Committee on Judiciary A.

23 (5) One person appointed by the Louisiana Clerks of Court Association.

24 (6) One person appointed by the Louisiana Assessors' Association.

25 (7) One person appointed by the Louisiana State Bar Association.

26 (8) One person appointed by the Louisiana Bankers Association.

27 (9) One person appointed by the Louisiana State Law Institute.

28 (10) One person appointed by the chairman of the Senate Committee on Insurance.

29 (11) One person appointed by the Louisiana REALTORS.

1 (12) One person appointed by the Louisiana Association of Independent Land Title
2 Agents.

3 BE IT FURTHER RESOLVED that, to the extent practicable, the committee shall
4 be comprised of members who are geographically representative of all portions of the state.

5 BE IT FURTHER RESOLVED that the designation of membership set forth in this
6 Resolution shall be submitted to the chairman of the House Committee on Civil Law and
7 Procedure prior to July 31, 2013.

8 BE IT FURTHER RESOLVED that the committee shall meet upon the call of the
9 chairman of the House Committee on Civil Law and Procedure or his appointee prior to
10 August 15, 2013, and at its first meeting, the committee shall select a chairman and vice
11 chairman from among its members.

12 BE IT FURTHER RESOLVED that the members of the Title Insurance Committee
13 shall serve without compensation.

14 BE IT FURTHER RESOLVED that the committee shall submit a report to the
15 legislature no later than February 1, 2014.

16 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted
17 to the Louisiana Land Title Association, the House Committee on Civil Law and Procedure,
18 the House Committee on Insurance, the Senate Committee on Judiciary A, the Louisiana
19 Clerks of Court Association, the Louisiana Assessors' Association, the Louisiana State Bar
20 Association, the Louisiana Bankers Association, the Senate Committee on Insurance, the
21 Louisiana REALTORS, the Louisiana Association of Independent Land Title Agents, and
22 the Louisiana State Law Institute.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Abramson

HCR No. 18

Establishes the Title Insurance Committee to study title search periods relative to the required periods of mortgage and conveyance records for the issuance of title insurance policies.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Requires the committee to report to the legislature instead of reporting to the chairman of the House Committee on Civil Law and Procedure.
2. Provides that the La. State Bar Association appoints one person to the committee instead of the Real Property Section of the association making that appointment.
3. Adds appointments to the committee (one person each) by the chairman of the Senate Committee on Insurance, the La. REALTORS, and the La. Association of Independent Land Title Agents."
4. Removes provisions requiring the House of Representatives to facilitate, staff, and support the functions and duties of the committee.
5. Makes various technical changes.