

Abstractors Board

Administrative Rules Report | Executive Order 2020-03

Comprehensive Review of Administrative Rules as of July 21, 2020

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Method Used to Conduct Review: Statutes were reviewed by myself and our Rules Committee.

TOTAL NUMBER OF UNECESSARY, COSTLY, INEFFECTIVE, DUPLICATIVE OR OUTDATED REGULATIONS: 0

Our agency is fairly new in the grand scheme of things and our Rules Committees have taken great pains to ensure that our Act and Rules remain as clear and concise as possible. Since our inception on January 2008, the only changes to our administrative rules minor adjustments and tweaking to provide additional clarity and guidance the only true additions to the Rules were made in 2018 and 2020. These are noted below.

In 2010 we reduced the activities requiring a license, in 2011, we defined “supervision”, in 2014 we added further definitions for “abstract plant”, “up-front commitment to pay”, and “billing information”, in 2016 the definition for “abstract plant” was further tweaked. In 2018 we did have an addition of the requirement for “tail-end” insurance or other provision to ensure existing certificates were protected for consumers for the 5 year validity requirement when a Transfer of Ownership occurred through an asset purchase, and in 2020 we made an addition in response to the Governor’s requirement for felony specifications with regard to licensing.

Title 5 Rules and Regulations

Chapter 2 – Administrative Operations

Subchapter 1 – General Provisions

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
5:2-1-1	Purpose	1/1/2008						X	See above.
5:2-1-2	Definitions	1/1/2008 and tweaked in 2011, 2014, & 2016						X	See above.
5:2-3-1	Powers and duties	1/1/2008						X	See above.
Subchapter 3 – Administrative Operations									

5:2-3-2	Principal office, hours of operation, official website	1/1/2008						X	See above.
5:2-3-3	Communications	1/1/2008						X	See above.
5:2-3-4	Availability of records; copies	1/1/2008						X	See above.
5:2-3-5	Adoption, amendment, or repeal of rule	1/1/2008						X	See above.
5:2-3-6	Declaratory rulings	1/1/2008						X	See above.
5:2-3-7	Website availability of Board actions and activities	1/1/2008						X	See above.

Title 5 Rules and Regulations

Chapter 11 – Administration of Abstractors Act

Subchapter 1 – General Provisions

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
5:11-1-1	Purpose	1/1/2008						X	See above.
Subchapter 3 – Abstract Licenses, Certificates of Authority, and Permits									
5:11-3-1	Examinations for abstract license	1/1/2008						X	See above.
5:11-3-2	Who must hold an abstract license	1/1/2008 and tweaked in 2010						X	See above.
5:11-3-3	Bond required...	1/1/2008						X	See above.
5:11-3-4	Application fees...	1/1/2008						X	See above.
5:11-3-5	Licensing associations, corporations, partnerships	1/1/2008						X	See above.
5:11-3-6	Transfer of Certificate of Authority	1/1/2008 and added to in 2018						X	See above.
5:11-3-7	Licensing non-residents	1/1/2008						X	See above.
5:11-3-8	Change of employment forms	1/1/2008						X	See above.
5:11-3-9	Forms	1/1/2008						X	See above.

5:11-3-10	Report of change of controlling interest	1/1/2008						X	See above.
5:11-3-11	Eligibility	Added in 2020 – effective 11/1/20						X	See above.
Subchapter 5 – Regulation of Licensees, Certificate of Authority Holders and Permit Holders									
5:11-5-1	Inspections	1/1/2008						X	See above.
5:11-5-2	Penalties for failure to pay renewal fees	1/1/2008						X	See above.
5:11-5-3	Preparation of abstracts	1/1/2008						X	See above.
5:11-5-4	Minimum standards for preparation of abstracts	1/1/2008						X	See above.
5:11-5-5	Abstracts furnished without delay	1/1/2008						X	See above.
Subchapter 7 – Application for Permit to Develop an Abstract Plant									
5:11-7-1	Application for permit to develop an abstract plant	1/1/2008						X	See above.
5:11-7-2	Renewal of permit to develop an abstract plant	1/1/2008						X	See above.
5:11-7-3	Business activities of a permit holder	1/1/2008						X	See above.
5:11-7-4	Permit not transferrable	1/1/2008						X	See above.
Subchapter 9 – Application for Certificate of Authority									
5:11-9-1	Application for Certificate of Authority	1/1/2008						X	See above.
Subchapter 11 – Temporary Certificate of Authority									
5:11-11-1	Procedures to issue temporary certificate of authority	1/1/2008						X	See above.
5:11-11-2	Application for temporary certificate	1/1/2008						X	See above.
5:11-11-3	Duties, rights and obligation	1/1/2008						X	See above.
5:11-11-4	Administration of temporary certificate	1/1/2008						X	See above.
5:11-11-5	Period of suspension	1/1/2008						X	See above.

5:11-11-6	Extension of suspension	1/1/2008						X	See above.
5:11-11-7	Voluntary agreements	1/1/2008						X	See above.
Subchapter 13 – Application for Abstractor License									
5:11-13-1	Application for abstractor license	1/1/2008						X	See above.

Title 5 Rules and Regulations

Chapter 21

Subchapter 1 – Complaints and Enforcement

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
5:21-1-1	Administrative Procedures Act	1/1/2008						X	See above.
5:21-1-2	Filing Complaints	1/1/2008						X	See above.
5:21-1-3	Investigators	1/1/2008						X	See above.
5:21-1-4	Special prosecutors	1/1/2008						X	See above.
5:21-1-5	Cost of investigations	1/1/2008						X	See above.
Subchapter 3 – Complaint Investigation Procedures									
5:21-3-1	Enforcement committee procedures	1/1/2008						X	See above.
5:21-3-2	Responsibility of investigators	1/1/2008						X	See above.
Subchapter 5 – Formal Complaint Procedures									
5:21-5-1	Filing of formal complaint	1/1/2008						X	See above.
5:21-5-2	Violations	1/1/2008						X	See above.
5:21-5-3	Formal complaint hearing procedures	1/1/2008						X	See above.
5:21-5-4	Standards for making decisions	1/1/2008						X	See above.
5:21-5-5	Subpoenas of witnesses, documents or things	1/1/2008						X	See above.
5:21-5-6	Discipline for violations by applicants	1/1/2008						X	See above.
5:21-5-7	Violations by persons not holding certificate or permit	1/1/2008						X	See above.

5:21-5-8	Final orders	1/1/2008						X	See above.
5:21-5-9	Rehearings	1/1/2008						X	See above.

END OF REPORT