

**Kansas Administrative Regulations  
Agency 40. Insurance Department  
Article 3. Fire and Casualty Insurance**

**K.A.R. 40-3-43. Title insurance; controlled business; definitions; requirements.**

(a) For purposes of K.S.A. 40-2404 (14)(f) through (i) and amendments thereto, the following terms shall have the meanings specified in this subsection:

(1) “Closed title order” shall mean an order for which a policy or policies of title insurance have actually been issued.

(2) “Controlled business” shall mean any portion of a title insurer's or title agent's business in this state that was referred by any producer of title business if the producer of title business with a financial interest in the title insurer or title agent to which the business is referred initiates the referral.

(3) “Title insurance order” shall mean an order for an owner’s title insurance policy or an order for a loan policy of title insurance, or both. Each pair of orders for an owner’s title insurance policy and a loan policy of title insurance to be issued simultaneously for the same real estate transaction shall constitute one order. The policies of title insurance issued under this transaction shall constitute one closed title order only if both policies are issued by the same title insurer or title agency.

(b) Each title agent shall keep all records of escrow operations and escrow trust accounts for at least three years. (Authorized by K.S.A. 40-103, K.S.A. 40-1140, and K.S.A. 2009 Supp. 40-2404; implementing K.S.A. 40-1138 and K.S.A. 2009 Supp. 40-2404; effective, T-40-7-27-89, July 27, 1989; effective Sept. 11, 1989; amended March 10, 2006; amended Sept. 24, 2010.)