

Testimony in Support of HB 2042 as amended

Ashley Garr
Kansas Land Title Association

Senate Committee on Financial Institutions and Insurance
February 26th, 2025

Dear Senate Committee on Financial Institutions and Insurance members,

I submit testimony today on behalf of the Kansas Land Title Association (KLTA), pertaining to HB 2042 amending surety bond requirements, audit reporting, and controlled business exemptions for title insurance agents. My name is Ashley Garr, and I am a Regional Underwriting Director with First American Title Insurance Company. I submit this testimony as Co-Chair of the KLTA Legislative Committee.

KLTA represents the interests of title insurance agents, insurers, and abstracters who specialize in the secure transfer of real estate in Kansas. The Kansas Insurance Department (KID), in recognition of the potential impact that the proposed changes in HB 2042 will have on our industry, was communicative and responsive with KLTA leadership during the drafting process of this bill. As a result, KID addressed our concerns in the final draft, with one exception. KLTA suggested a friendly amendment to the bill regarding its effective date in our previous testimony at the first hearing on January 27, 2025, amending it from “after its publication in the statute book” to “January 1, 2026.”

Based on our discussions, KLTA and KID agree that title agents should be given until January 1, 2026, to plan accordingly for the change in the amount of surety bond or irrevocable letter of credit required per K.S.A. 40-1139. The current statute uses a tiered schedule to determine the amount of the surety bond or irrevocable letter of credit based on population of county where the property is located. The surety bond or irrevocable credit amount required for title agents ranges from \$25,000 to \$100,000. This bill, in part, removes the tiered schedule and replaces it with a standard requirement for a \$100,000 surety bond or irrevocable letter of credit, regardless of the county population. This amendment to HB 2042 will provide more time for title agents to budget for and obtain new surety bonds or irrevocable letters of credit in those counties that do not currently require the \$100,000 amount.

KLTA communicated this discrepancy in the bill as filed with KID and we agree that the intent was for the effective date to be January 1, 2026. KLTA thanks KID and the House Committee on Insurance for again being open to our comments and supporting the amendment to update the effective date that is included in the current version of the HB 2042. KLTA supports the bill as amended in Committee.

Thank you very much for your consideration today.