

# Senate Study Bill 3036

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED IOWA FINANCE  
AUTHORITY BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to coverage of closing protection letters in real  
2 estate transactions and providing an effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5295XD 82  
5 md/rj/8

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1 1 Section 1. Section 16.93, subsection 1, Code 2007, is  
1 2 amended to read as follows:  
1 3 1. The authority through the title guaranty division may  
1 4 issue a closing protection letter to a person to whom a  
1 5 proposed title guaranty is to be issued, upon the request of  
1 6 the person, if the division issues a commitment for title  
1 7 guaranty or title guaranty certificate. The closing  
1 8 protection letter shall conform to the terms of coverage and  
1 9 form of the instrument as approved by the division board and  
1 10 may indemnify a person to whom a proposed title guaranty is to  
1 11 be issued against loss of settlement funds due to only the  
1 12 following acts of the division's named participating attorney,  
1 13 ~~or~~ participating abstractor, or closer:

1 14 a. Theft of settlement funds.  
1 15 b. Failure by the participating attorney, ~~or~~ participating  
1 16 abstractor, or closer to comply with written closing  
1 17 instructions of the person to whom a proposed title guaranty  
1 18 is to be issued relating to title certificate coverage when  
1 19 agreed to by the participating attorney, ~~or~~ participating  
1 20 abstractor, or closer.

1 21 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
1 22 immediate importance, takes effect upon enactment.

1 23 EXPLANATION

1 24 Under the title guaranty program, the Iowa finance  
1 25 authority through the title guaranty division may issue a  
1 26 closing protection letter that conforms to the terms of  
1 27 coverage and form of the instrument and may indemnify a person  
1 28 to whom a proposed title guaranty is to be issued. A closing  
1 29 protection letter protects against loss of settlement funds  
1 30 due to the acts of the division's named participating attorney  
1 31 or participating abstractor. This bill adds "closer" to the  
1 32 list of participants whose acts may be covered by a closing  
1 33 protection letter in real estate transactions.

1 34 The bill takes effect upon enactment.

1 35 LSB 5295XD 82

2 1 md/rj/8