

## 2023 Kansas Statutes

**40-1136. Same; definitions.** As used in this act, unless the context otherwise requires:

- (a) "Commissioner" means the commissioner of insurance of the state of Kansas.
- (b) "Escrow" means written instruments, money or other items deposited by one party with a depository, escrow agent or escrow for delivery to another party upon the performance of a specified condition or the happening of a certain event.
- (c) "Person" means a natural person, partnership, association, cooperative, corporation, trust or other legal entity.
- (d) "Qualified financial institution" means an institution that is:
  - (1) Organized or (in the case of a U.S. branch or agency office of a foreign banking organization) licensed under the laws of the United States or any state and has been granted authority to operate with fiduciary powers;
  - (2) regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies;
  - (3) insured by the appropriate federal entity; and
  - (4) qualified under any additional rules established by the commissioner.
- (e) "Title insurance agent" or "agent" means an authorized person, other than a bona fide employee of the title insurer who, on behalf of the title insurer, performs the following acts, in conjunction with the issuance of a title insurance report or policy:
  - (1) Determines insurability and issues title insurance reports or policies, or both, based upon the performance or review of a search, or an abstract of title;
  - (2) collects or disburses premiums, escrow or security deposits or other funds;
  - (3) handles escrow, settlements or closings;
  - (4) solicits or negotiates title insurance business; or
  - (5) records closing documents.
- (f) "Title insurer" or "insurer" means a company organized under laws of this state for the purpose of transacting the business of title insurance and any foreign or non-U.S. title insurer licensed in this state to transact the business of title insurance.
- (g) "Title insurance policy" or "policy" means a contract insuring or indemnifying owners of, or other persons lawfully interested in, real or personal property or any interest in real property, against loss or damage arising from any or all of the following conditions existing on or before the policy date and not excepted or excluded:
  - (1) Defects in or liens or encumbrances on the insured title;
  - (2) unmarketability of the insured title;
  - (3) invalidity, lack of priority, or unenforceability of liens or encumbrances on the stated property;
  - (4) lack of legal right of access to the land; or
  - (5) unenforceability of rights in title to the land.

**History:** L. 1999, ch. 95, § 9; July 1.