

BEFORE THE NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE

IN THE MATTER OF THE 2026 AGENT'S AND)	
UNDERWRITER'S STATISTICAL REPORTS)	Docket No. 2026-0015
AND RELATED DOCUMENTS)	
_____)	

**ORDER REQUIRING SUBMISSION OF 2026 AGENCY STATISTICAL REPORTS
AND UNDERWRITER STATISTICAL REPORTS**

THIS MATTER comes before the New Mexico Superintendent of Insurance ("Superintendent" of "SOI") upon the Superintendent's own motion pursuant to the New Mexico Title Insurance Law (NMSA 1978, §59A-30-1, *et seq.*); pursuant to NMSA 1978, §59A-4-3 and §59A-1-18 of the New Mexico Insurance Code; and in accordance with the Title Insurance Rules, 13.14.1 NMAC, *et seq.* The Superintendent, being fully informed and advised in the premises, hereby issues this Order.

1. Pursuant to §59A-30-4 subsections (A) and (B), respectively, of the New Mexico Title Insurance Law, title insurers and title insurance producers shall operate in New Mexico under the control and supervision of the Superintendent, and no title insurer or title insurance producer shall collect any premium, issue any title insurance policy or agency agreement, or reinsure any portion of the risk assumed under any title insurance policy, other than in conformance with the New Mexico Title Insurance Law and rules adopted by the Superintendent as authorized by law.

2. As expressly authorized by §59A-30-7 of the New Mexico Title Insurance Law, the Superintendent promulgated reasonable rules, including rules providing statistical plans, for use by all title insurers and title insurance agents in the recording and reporting of revenue, loss, and expense experience so that the experience of title insurers and title insurance agents may be made available to the Superintendent at least annually in such form and detail as may be necessary to

aid the Superintendent in promulgating or approving premium rates, as authorized by NMSA 1978, §§59A-30-6(A) and 59A-30-8(A).

3. The Superintendent may direct an inquiry to any person subject to supervision under the Insurance Code with respect to any transaction or matter within the scope of such supervision. Upon receipt of the request, the person shall promptly furnish to the Superintendent requested information in possession or control of such person, and if specified the requested information must be furnished to the Superintendent under oath, as authorized by NMSA 1978, §59A-4-3.

4. Pursuant to NMSA 1978, §59A-1-18(B), if no other monetary penalty is expressly provided in the law, an administrative penalty may be assessed for violations of the Insurance Code. The administrative penalty shall be not over five thousand dollars (\$5,000) for each violation, except that if the violation is to be found willful and intentional, the penalty may be up to ten thousand dollars (\$10,000) for each violation. Every administrative penalty under NMSA 1978, §59A-1-18 must be imposed by written Order of the Superintendent made after hearing held as provided in Chapter 59A, Article 4 NMSA 1978.

5. Instructions and forms for completing the reports required by this Order may be obtained at:

<https://www.osi.state.nm.us/en/insurance-professionals/title-insurance-forms/asr-usr-schedules-instructions/>

Agency's Statistical Reports

6. The Title Insurance rules at 13.14.16 NMAC provide the forms and schedules for preparing the required Agency Statistical Report (commonly termed "ASR"). This rule applies to

all title insurers, title insurance agencies, and title insurance agents conducting title insurance business in New Mexico. *See* 13.14.16.2 NMAC.

7. Every agency shall report income and expenses annually on both county-by-county and summary-of-all counties bases. The agency shall use the ASR form schedules set forth in the rule (at 13.14.16.9 to 13.14.16.18 NMAC) and instructions published by OSI. Each insurer shall maintain such minimum basic records on each New Mexico transaction as shall be necessary to accurately report such transactions. *See* 13.14.16.8 NMAC.

Insurer's Statistical Reports

8. The Title Insurance rules at 13.14.17 NMAC provide the forms and schedules for preparing the required insurer, or underwriter, statistical report (commonly called "USR"). Rule 13.14.17 NMAC applies to all title insurers, title insurance agencies, and title insurance agents conducting title insurance business in New Mexico. *See* 13.14.17.2 NMAC.

9. Every title insurer shall report income and expenses annually on both county-by-county and summary-of-all counties bases. The title insurer shall use the USR form schedules set forth in the rule (at 13.14.17.9 to 13.14.17.15 NMAC) and instructions published by OSI. Each insurer shall maintain such minimum basic records on each New Mexico transaction as shall be necessary to accurately report such transactions. *See* 13.14.17.8 NMAC.

Filing Requirements

10. The Superintendent shall annually fix the date and location for filing of each agent's and underwriter's (insurer's) statistical report for the calendar year and shall notify each agent and underwriter of the date at least 60 days prior to the filing deadline; provided however, that in no event shall an agent or underwriter be required to file its statistical report prior to May 15th of the

year following the end of the calendar year being reported. *See* 13.14.16.8 (for ASRs) and 13.14.17.8 NMAC (for USRs).

11. As expressly authorized by NMSA 1978, §59A-4-3, the Superintendent hereby specifies that the contents of every statistical report required to be filed pursuant to this Order must be furnished under oath evidenced by a notarized affidavit.

12. All agents, agencies, and insurers (underwriters) shall submit electronic copies of all reports via email to: Title.Insurance@osi.nm.gov in the following required formats:

- Agent's and Underwriter's (Insurer's) Statistical Reports must be in Microsoft Excel 5.0 or higher. PDF versions of these reports will not be accepted.
- Notarized affidavits supporting statistical reports must be PDF documents.

13. Reports that do not meet these requirements shall be considered incomplete and marked as not received. Original reports will not be accepted. Any reports not submitted to the OSI in accordance with this Order shall be deemed to be incorrect and shall be returned to the submitter, who may be subject to a penalty of up to one thousand dollars (\$1,000) for violation of this requirement pursuant to NMSA 1978, §59A-1-18(A).

14. The OSI will not grant filing extensions.

IT IS THEREFORE ORDERED:

A. All title insurance agents, direct operations, affiliates, and insurers shall ensure that all 2026 Agency (Agent's) and Underwriter's (Insurer's) Statistical Reports (compiled from 2025 data in accordance with the statutes and rules cited in this Order) are received by OSI by May 15, 2026.

B. Statistical Reports received at OSI after May 15, 2026 shall be delinquent and may be subject to penalties of up to one thousand dollars (\$1,000.00) per day. Additional penalties may be imposed as authorized by the law in accordance with ¶¶ 4 and 13 of this Order.

C. Instructions and forms for completing the reports may be obtained at:
<https://www.osi.state.nm.us/en/insurance-professionals/title-insurance-forms/asr-usr-schedules-instructions/>.

D. The OSI Office of General Counsel shall upload this Order on the OSI Title Rates and Rules Newsletter and ensure this Order is sent out as large volume correspondence to all title licensees listed in the current State Based System (SBS). Copies of this Order shall be served on all persons listed on the attached Certificate of Service.

DONE AND ORDERED this 3rd day of February 2026.

SUPERINTENDENT OF INSURANCE

Handwritten signature of Alice T. Kane in cursive script.

ALICE T. KANE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of ~~January~~ ^{February} 2026, I filed the foregoing *Order Requiring Submission of 2026 Agency Statistical Reports and Underwriter Statistical Reports* through the OSI's e-filing system, <https://edocket.osi.state.nm.us/home>, which caused the individuals indicated below to be served by electronic means.

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