

BEFORE THE NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE

IN THE MATTER OF THE 2026 ANNUAL)	
ESCROW COMPLIANCE PROCEDURES)	Docket No. 2026-0016
REPORTS (AGREED UPON PROCEDURES))	
_____)	

**ORDER REQUIRING SUBMISSION OF
2026 ANNUAL ESCROW COMPLIANCE PROCEDURES 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. The objective of the Escrow Services Rules in 13.14.4 NMAC "is to establish requirements for title insurers and title insurance agencies and agents who provide escrow services and to protect parties to transactions who deposit funds with title insurers or agents." *See* 13.14.4.6 NMAC.

3. Rules 13.14.4.8, 13.14.4.9, and 13.14.4.10 NMAC specify the requirements for providing escrow services, for keeping books and records, and to provide accounting procedures

and internal controls, respectively.

4. The Annual Escrow Compliance Procedures ("AECP") Rule requires "title insurers and agencies, at their own expense" to "engage an independent certified public accountant [(CPA)] to certify the procedures required by OSI" under the AECP Rule. *See* 13.14.4.11(A) NMAC. The CPA must be licensed and in good standing. *See* 13.14.4.11(B) NMAC. The CPA should provide the title insurers and agents with an adequate number of reports in sufficient time to allow them to review and submit the reports to the Superintendent by May 15, 2026.

5. Guidance information about completing an AECP can be found on the OSI website at: <https://www.osi.state.nm.us/en/insurance-professionals/title-insurance-forms/asr-usr-schedules-instructions/>.

6. Section 59A-4-3 of the Insurance Code provides:

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. If so specified by the Superintendent, the requested information shall be furnished under oath.

The Superintendent hereby specifies that the contents of AECP report must be furnished under oath evidenced by a notarized affidavit.

7. Electronic PDF copies of AECP reports and of notarized affidavits must be submitted via email to: Title.Insurance@osi.nm.gov.

8. Subsections 59A-1-18(B), (C) and (E) of the Insurance Code provide:

* * *

B. Where other monetary penalty is not expressly provided for, 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 shall be imposed by written

order of the superintendent made after hearing held as provided in Chapter 59A, Article 4 NMSA 1978.

C. A monetary penalty imposed may be additional to any applicable suspension, revocation or denial of a license or certificate of authority.

* * *

E. The penalties contained in Subsections A through D of this section shall be in addition to any other penalty provided by law.

9. Reports that do not meet the requirements set forth in this Order shall be considered incomplete and marked as not received. Original reports will not be accepted.

10. Any reports not submitted to the OSI in accordance with this Order shall be deemed to be incorrect and will be returned to the submitter, who may become subject to a penalty of up to one thousand dollars (\$1,000.00) for violation of this requirement as authorized by NMSA 1978, §59A-1-18(B).

11. The OSI will not grant filing extensions.

IT IS THEREFORE ORDERED:

A. All title insurance agents shall ensure that all 2026 Annual Escrow Compliance Procedure reports (compiled from 2025 data in accordance with the statutes and rules cited in this Order) are transmitted and received by OSI by May 15, 2026.

B. Annual Escrow Compliance Procedures 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 in accordance with §§ 8 and 10 of this Order.

C. Instructions, forms, and guidance 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. Electronic PDF copies of AECP reports and notarized affidavits must be submitted via email to: Title.Insurance@osi.nm.gov.

E. 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



ALICE T. KANE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of February 2026, I filed the foregoing *Order Requiring Submission of 2026 Annual Escrow Compliance Procedures 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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