

WFG Underwriting Bulletin



To: All Maryland Policy Issuing Agents of WFG National Title Insurance Company
From: WFG Underwriting Department
Date: December 16, 2016
Bulletin No. MD 2016-02
Subject: Notaries Who Participate in Real Estate Closings or Settlements

In a recent Bulletin, the Maryland Insurance Administration reaffirmed the position it had taken in 2003 regarding the topic of “notary closings” in Maryland. A copy of Bulletin 16-34 is attached [HERE](#).

In general, any person who provides escrow, closing or settlement services that may lead to the issuance of a title insurance policy in Maryland must be licensed as a title insurance producer. Licensure is required if the notary’s activities extend beyond those of a notary witness so as to include activities that fall within escrow, closing or settlement services categories. A notary whose only purpose and function is to witness signatures in the context of a real estate closing is not necessarily required to be licensed. However, licensure is required if the notary is the only person present at a real estate closing other than the buyer and presents documents to the buyer for signature that may, ultimately, result in the issuance of title insurance. In such case and, in general, the license requirement is triggered whenever the notary performs acts that fall within the settlement, escrow or title insurance services category.

Please note that a notary engaged in the business of providing closing services as an independent contractor can become licensed in Maryland as a Title Insurance Producer Independent Contractor (“TIPIIC”). A notary licensed as a TIPIIC may conduct closings on behalf of a title agent as long as he or she has been authorized and approved by the agent’s title insurer. For more information regarding licensing, please visit the MIA website.

Should you have questions pertaining to this issue, please feel free to call.

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The Agent may be held responsible for any loss sustained as a result of the failure to follow the standards set forth above.