



State of New Jersey

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BULLETIN NO. 23-03

TO: ALL ADMITTED TITLE INSURERS, LICENSED TITLE INSURANCE PRODUCERS, TITLE INSURANCE UNDERWRITERS AND TITLE SEARCH BUSINESS ENTITIES

FROM: MARLENE CARIDE, COMMISSIONER

RE: TITLE SEARCH BUSINESS ENTITY REGISTRATION PURSUANT TO P.L.2021, c.371 IN SUPPORT OF DANIEL'S LAW

On January 12, 2022, P.L. 2021, c.371 (the "Act") was signed into law to support the implementation of P.L. 2020, c.125 ("Daniel's Law") and further its public policy objectives. Among other things, the Act requires title search business entities, as defined by the Act, to register with and be regulated by the Department of Banking and Insurance (the "Department"). This bulletin sets forth the procedure for title search business entities to register with the Department and provides guidance to ensure compliance with the Act by impacted persons and business entities.

Background

On November 20, 2020, Daniel's Law was signed into law. Daniel's Law amended the Open Public Records Act, N.J.S.A. 47:1A-1 to -13 and other statutes to protect the personal information of certain persons in public service. Daniel's Law restricts the disclosure of home addresses of active and retired law enforcement officers, judicial officers, prosecutors, and their immediate family members. The Act was subsequently adopted to support the implementation of Daniel's Law and further its public policy objectives.

The Act established the Office of Information Privacy ("OIP"), within the Department of Community Affairs, responsible for creating a secure process whereby covered persons¹ or their authorized representatives, as defined by the Act, may request the redaction or nondisclosure of

¹ The Act defines "Covered person" as an active, formerly active, or retired judicial officer or law enforcement officer, as those terms are defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and any immediate family member residing in the same household as the judicial officer, law enforcement officer, or prosecutor. N.J.S.A. 47:1B-1(a).

their home address from various public records and internet postings by public agencies. See, P.L. 2021, c.371, s.1. OIPs secure portal is operational and can be accessed on the Department of Community Affairs website, here: <https://www.nj.gov/dca/oip/>.

Unless an exception applies, once a request for redaction is approved by OIP, public agencies are required to redact or cease to disclose, in accordance with section 6 of P.L.2001, c.404 (N.J.S.A. 47:1A-5) and section 1 of P.L.1995, c.23 (N.J.S.A. 47:1A-1.1), respectively, the home address of a covered person approved by OIP not later than 30 days following the approval. Id at s.2.

Title Search Business Entities

The Act sets forth several categories of documents for which there is an exception to the general redaction or nondisclosure requirement. One such category is documents affecting title to real property², which may be provided, as unredacted, to title insurance companies and agents, approved attorneys, mortgage guarantee insurance companies, mortgage loan originators, real estate brokers, salespersons and broker-salespersons, any person making or receiving an offer for the purchase of property and registered title search business entities when requested in the ordinary course of business. Id at s.3.

The Act defines “title search business entity” as “any person or entity organized under the laws of this State or another state for the primary purpose of determining the existence of any lien, lawsuit, lease, easement, mortgage or other encumbrance or restriction, or ownership interest, on any property and regularly conducts business with any title insurance company or title insurance agent as defined in section 1 of P.L.1975, c.106 (C.17:46B-1).” Id at s.4.

Documents affecting title to real property, recorded and indexed by a county recording officer, or as otherwise held or maintained by the Division of Taxation, a county board of taxation, a county tax administrator, or a county or municipal tax assessor, that contain an address subject to redaction or nondisclosure, may be provided, as unredacted, to title search business entities that are duly registered with the Department, when such documents are requested in the ordinary course of business.

The Act requires title search business entities conducting business in New Jersey to register with the Department and provides that such entities shall be subject to regulation by the Department. P.L. 2021, c.371, s.4. The Department requires that all persons or entities that fall within the Act’s definition of title search business entity complete the registration process set forth below. A title search business entity’s failure to register with the Department in accordance with the Act, and as set forth herein, may result in business interruptions until registration is completed.

Title search business entities that are not registered with the Department may be denied access to documents affecting title to real property that contain an address subject to redaction or nondisclosure, pursuant to the Act.

² The Act adopts the definition of “documents affecting real property” set forth at N.J.S.A. 46:26A-2, which lists documents that that may be recorded in accordance with N.J.S.A. 46:26A-1 to -11. Id at s.3. The definition includes deeds and other conveyances, mortgages, liens, encumbrances and judgments, decrees and orders of courts of record. See, N.J.S.A. 46:26A-2.

Registration

All title search business entities must register with the Department. Applications for registration may be submitted electronically by completing the form and following the instructions https://www.state.nj.us/dobi/division_insurance/titlesearch/index.html. There is no cost to complete the registration process.

All registrants must maintain their information and immediately inform the Department of any changes to the information in the registration.

Direct any questions regarding the registration process to: TitleSearch@dobi.nj.gov.



4/3/2023
Date

Marlene Caride
Commissioner