

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Title Insurance Act is amended by changing
5 Section 18.1 as follows:

6 (215 ILCS 155/18.1)

7 Sec. 18.1. Choice of title insurance company.

8 (a) It is declared to be the public policy of this State
9 that, except as limited by subsection (b), parties to a
10 contract for the sale of residential real property who are
11 obligated to provide and pay for products and services
12 enumerated in Section 19 ~~title insurance~~ have the right to
13 choose the title insurance company, ~~and~~ title insurance agent,
14 or independent escrowee that will provide such products and
15 services ~~title insurance~~. No lender or producer of title
16 business, as the term is defined in this Act, shall, as a
17 condition of making a loan, providing services of any kind,
18 including, but not limited to, services as a broker, agent,
19 lender, attorney, or otherwise, require a party to a contract
20 for the sale of residential real property who is obligated by
21 that contract to furnish and pay for products and services
22 enumerated in Section 19 ~~title insurance~~ at their expense, to
23 procure such products and services ~~title insurance~~ from a title

1 insurance company, ~~or~~ title insurance agent, or independent
2 escrowee other than a title insurance company, ~~or~~ title
3 insurance agent, or independent escrowee that is chosen by the
4 party paying for the products and services enumerated in
5 Section 19 title insurance.

6 (b) This subsection (b) applies exclusively to counties in
7 Illinois having populations not less than 500,000. In a
8 transaction for the sale and purchase of residential real
9 property, as defined in this Act, the title insurance company
10 issuing the owner's title insurance policy shall issue the
11 lender's title insurance policy for that transaction if such a
12 policy is required by the lender, unless:

13 (1) the buyer and seller agree otherwise; or

14 (2) the buyer or seller is offered a discount of fees
15 as an inducement to split the title insurance policies,
16 unless, prior to the closing of the transaction, the title
17 insurance company chosen to issue the owner's policy agrees
18 to offer the same discount of fees.

19 As used in this Section, "fees" includes those fees for
20 products and services enumerated in Section 19.

21 (Source: P.A. 95-570, eff. 8-31-07.)