

CHAPTER 2830

DEPARTMENT OF COMMERCE

ABSTRACTERS AND ABSTRACTS

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2830.0010 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of these rules, the following terms have the meanings given them.

Subp. 2. **Abstract of title.** "Abstract of title" shall mean a compilation in orderly arrangement of the materials and facts of record affecting the title to a specific piece of land, issued under a certificate certifying to the matters therein contained.

Subp. 3. **Abstract office.** "Abstract office" shall mean a place of business wherein abstracts of title are made and compiled.

Subp. 4. **Commissioner.** "Commissioner" shall mean the Commissioner of Commerce.

Subp. 5. **Licensed abstracter.** "Licensed abstracter" means any official, person, firm, or corporation obtaining licenses pursuant to the terms of Minnesota Statutes 1976, sections 386.61 to 386.76, and includes present duly qualified and acting county recorders not now prohibited by law from the business of making abstracts; and any person, firm, or corporation engaged in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not.

Statutory Authority: *MS s 386.63 subd 3*

History: *L 1993 c 369 s 27,28*

2830.0020 BOARD MEETINGS.

Subpart 1. **Annual meeting.** The board shall hold its annual meeting in May of each year.

Subp. 1a. **Examination.** Examinations shall be conducted by the board or its authorized representatives prior to each annual meeting in April of each year and shall be graded at the annual meeting provided for in subpart 1.

Subp. 2. **Emergency meetings.** The board may schedule an emergency meeting and conduct an examination for good cause shown for any applicant upon 30 days written notice to the applicant and board members.

Subp. 3. **Special meetings.** The board may hold special meetings at such other times as may be necessary and as it may determine.

Subp. 4. **Call of meetings.** All meetings shall be called by the executive secretary.

Statutory Authority: *MS s 386.63*

History: *16 SR 1086; L 1993 c 369 s 27*

2830.0030 ABTRACTER'S LICENSE AND BOND OR INSURANCE.

No person, firm, or private corporation shall engage in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, without first obtaining a license and a bond or abstracter's liability insurance policy pursuant to Minnesota Statutes 1976, sections 386.61 to 386.76 for each county in which the abstracter is doing business.

Statutory Authority: *MS s 386.63 subd 3*

History: *17 SR 1279; L 1993 c 369 s 27*

2830.0040 TEMPORARY LICENSE.

Subpart 1. **Qualifications.** The commissioner may, upon application to it by any person succeeding to the ownership of any abstract business by any means other than by purchase, or any person who, by reason of the incapacity of any licensed abstracter owner of any abstract business, is required to assume the operation of such abstract business, grant to such person, without examination, a temporary license.

Subp. 2. **Supporting documents.** Each application for a temporary license shall be accompanied by an affidavit setting forth the applicant's name, address, occupation, length of and place of employment, and experience in preparing, compiling, and selling abstracts of title.

Subp. 3. **Fee.** The fee for such temporary license shall be \$25.

Subp. 4. **Expiration.** Such license shall expire six months after its date or upon the expiration of 60 days after the next regularly scheduled examination which could be taken by the applicant, whichever period is longer. The commissioner shall notify such applicant by mail of the time and place of such examination.

Statutory Authority: *MS s 386.63 subd 3*

History: *17 SR 1279; L 1993 c 369 s 27,28*

2830.0050 CHANGE OF NAME ON LICENSE.

A change of name on a license must be accompanied by payment of \$50 even though an examination may be waived.

Statutory Authority: *MS s 386.63 subd 3*

History: *L 1993 c 369 s 27*

2830.0060 EMPLOYING LICENSED ABSTRACTERS.

Every person, firm, or private corporation engaged in the business of abstracting in one county only shall have in its employ persons who are licensed abstracters. Every person, firm, or private corporation engaged in the business of abstracting in more than one county in this state shall have at least one person who is a licensed abstracter for each county in which it maintains an abstract office, provided that no person may satisfy this requirement for more than one abstract office. No licensed abstracter may fulfill the requirements of this part for more than one company at any one time. Every person, firm, or private corporation engaged in the business of abstracting shall comply with the requirements of this part.

Statutory Authority: *MS s 386.63*

History: *16 SR 1086; L 1993 c 369 s 27*

2830.0070 STANDARDS OF CONDUCT.

The methods, acts, or practices in this part are standards of conduct governing the activities of abstracters. The failure to comply with the standards shall constitute grounds for denial, refusal to renew, suspension, or revocation of the license of such person, or censure of the abstracter. An abstracter shall:

- A. refrain from using the abstracter's name or certification on an abstract, the preparation of which or part of which the abstracter was not directly responsible for;
- B. refrain from engaging in any discriminatory practices prohibited by law in the conduct of business;
- C. employ competent abstracters and employees;
- D. provide proper training and instruction for all employees; and
- E. refrain from splitting fees, or accepting or paying referral fees for abstracting services.

Statutory Authority: *MS s 386.63*

History: *16 SR 1086; L 1993 c 369 s 27*

2830.0080 FRAUDULENT, DECEPTIVE, OR DISHONEST PRACTICES.

The methods, acts, and practices contained in this part or similar thereto shall be presumed fraudulent, deceptive, or dishonest if engaged in by the abstracter or the abstracter's

agent and shall constitute grounds for denial, refusal to renew, suspension, or revocation of the license of the abstracter:

A. making any material misstatement in the application for a license or in any information furnished to the commissioner or to the attorney general pursuant to Minnesota Statutes, chapter 214;

B. causing to be published advertising, whether written or printed communication or any communication by recorded telephone message, radio, television, picture, or similar means, which is misleading or inaccurate in any material manner;

C. procuring, or attempting to procure, an abstracter's license for the abstracter or any other person by fraud, misrepresentation, or deceit;

D. violating any law, rule, regulation, or ordinance of this state or any of its political subdivisions, including the commissioner, or the United States government, or a United States agency relating to the practice of abstracters;

E. making a false statement as to the existence or amount of the bond or abstracter's liability insurance policy filed with the commissioner;

F. representing that the abstracter has a license or bond or abstracter's liability insurance policy when the abstracter, in fact, does not;

G. falsifying an abstract of title, or any entry, or the certification of an abstract; and

H. engaging in any other conduct which constitutes dishonest actions in the abstracter's practice as a licensed abstracter which endangers the interest of the public or any person, firm, or private corporation in connection with the performance of an abstract.

Nothing in this part shall limit the authority of the commissioner to take formal action against an abstracter for the use of fraudulent, deceptive, or dishonest activities of a type not specifically described.

Statutory Authority: *MS s 386.63*

History: *16 SR 1086; L 1993 c 369 s 27,28*

2830.0090 DISCLOSURE.

Every abstract of title to real property in the state of Minnesota shall contain the following disclosure affixed to or stamped on a prominent place on the abstract of title:

"This abstract of title is a history of the record title of the property described therein and does not represent that the title is good and marketable."

Statutory Authority: *MS s 386.63 subd 3*

History: *L 1993 c 369 s 27*

2830.0100 ABSTRACTER'S LIABILITY INSURANCE POLICY.

Liability policies as provided pursuant to Minnesota Statutes, section 386.66 must be written by an insurer authorized to do business in the state of Minnesota.

Statutory Authority: *MS s 386.63 subd 3*

History: *L 1993 c 369 s 27*