

1 This article shall not apply to cancellation fee waivers or
2 travel assistance services, except as expressly provided in this
3 article.

4 (c) All other applicable provisions of this State's
5 insurance laws shall continue to apply to travel insurance,
6 except that the specific provisions of this article shall
7 supersede any general provisions of law that would otherwise
8 apply to travel insurance.

9 **§431: -103 Definitions.** As used in this article:

10 "Aggregator site" means a website that provides access to
11 information regarding insurance products from more than one
12 travel insurer, including product and travel insurer
13 information, for use in comparison shopping.

14 "Blanket travel insurance" means a travel insurance policy
15 issued to any eligible group providing coverage for specific
16 classes of persons defined in the policy, with coverage provided
17 to all members of the eligible group without a separate charge
18 to individual members of the eligible group.

19 "Cancellation fee waiver" means a contractual agreement
20 between a supplier of travel services and the supplier's
21 customer to waive some or all of the non-refundable cancellation



1 fee provisions of the supplier's underlying travel contract
2 regardless of the reason for the cancellation or form of
3 reimbursement. A cancellation fee waiver is not insurance.

4 "Designated responsible producer" means the person
5 responsible for compliance with the travel insurance laws and
6 regulations applicable to the limited lines travel insurance
7 producer and its registrants.

8 "Eligible group" means two or more persons who are engaged
9 in a common enterprise, or have an economic, educational, or
10 social affinity or relationship. "Eligible group" includes but
11 is not limited to:

- 12 (1) Any entity engaged in the business of providing travel
13 or travel services, including but not limited to tour
14 operators, lodging providers, vacation property
15 owners, hotels and resorts, travel clubs, travel
16 agencies, property managers, cultural exchange
17 programs, and common carriers, or the operator, owner,
18 or lessor of a means of transportation of passengers,
19 including but not limited to airlines, cruise lines,
20 railroads, steamship companies, and public bus
21 carriers, wherein all members or customers of the



- 1 group have common exposure to risk attendant to any
2 particular travel or type of travel or travelers;
- 3 (2) Any college, school, or other institution of learning
4 covering students, teachers, employees, or volunteers;
- 5 (3) Any employer covering any group of employees,
6 volunteers, contractors, boards of directors,
7 dependents, or guests;
- 8 (4) Any sports team, camp, or sponsor thereof covering
9 participants, members, campers, employees, officials,
10 supervisors, or volunteers;
- 11 (5) Any religious, charitable, recreational, educational,
12 or civic organization, or branch thereof covering any
13 group of members, participants, or volunteers;
- 14 (6) Any financial institution or financial institution
15 vendor or parent holding company, trustee, or agent
16 of, or designated by, one or more financial
17 institutions or financial institution vendors,
18 including account holders, credit card holders,
19 debtors, guarantors, or purchasers;
- 20 (7) Any incorporated or unincorporated association,
21 including labor unions, having a common interest,



1 constitution, and bylaws, and that is organized and
2 maintained in good faith for purposes other than
3 obtaining insurance for members or participants of the
4 association covering its members;

5 (8) Any trust or the trustees of a fund established,
6 created, or maintained for the benefit of and covering
7 members, employees, or customers, subject to the
8 commissioner's permitting the use of a trust and this
9 State's premium tax provisions in section 431: -105
10 of one or more associations meeting the requirements
11 of paragraph (7);

12 (9) Any entertainment production company covering any
13 group of participants, volunteers, audience members,
14 contestants, or workers;

15 (10) Any volunteer fire department, ambulance, rescue,
16 police, court, or any first aid, civil defense, or
17 other such volunteer group;

18 (11) Preschools, daycare institutions for children or
19 adults, and senior citizen clubs;

20 (12) Any automobile or truck rental or leasing company
21 covering a group of individuals who may become



1 renters, lessees, or passengers of the rented or
2 leased vehicles; provided that the common carrier;
3 operator, owner, or lessor of a means of
4 transportation; or the automobile or truck rental or
5 leasing company shall be the policyholder under a
6 policy to which this paragraph applies; or

7 (13) Any other group for which the commissioner has
8 determined that:

9 (A) The members are engaged in a common enterprise or
10 have an economic, educational, or social affinity
11 or relationship; and

12 (B) Issuance of the policy would not be contrary to
13 the public interest.

14 "Fulfillment materials" means documentation sent to the
15 purchaser of a travel protection plan confirming the purchase
16 and providing the travel protection plan's coverage and
17 assistance details.

18 "Group travel insurance" means travel insurance issued to
19 any eligible group.

20 "Limited lines travel insurance producer" means a:



- 1 (1) Licensed managing general agent or third-party
- 2 administrator;
- 3 (2) Licensed insurance producer, including a limited lines
- 4 producer licensed under section 431:9A-107.5(a) (1); or
- 5 (3) Travel administrator.

6 "Offer and disseminate" means the act of providing general
7 information, including a description of the coverage and price,
8 processing an application, and collecting premiums.

9 "Primary certificate holder" means a person who elects and
10 purchases travel insurance under a group policy.

11 "Primary policyholder" means a person who elects and
12 purchases individual travel insurance.

13 "Travel administrator" means a person who directly or
14 indirectly underwrites, collects charges, collateral, or
15 premiums from, or adjusts or settles claims on, residents of the
16 State, in connection with travel insurance. "Travel
17 administrator" does not include:

- 18 (1) A person working for a travel administrator to the
- 19 extent that the person's activities are subject to the
- 20 supervision and control of the travel administrator;



1 (2) An insurance producer selling insurance or engaged in
2 administrative and claims-related activities within
3 the scope of the producer's license;

4 (3) A travel retailer offering and disseminating travel
5 insurance and registered under the license of a
6 limited lines travel insurance producer in accordance
7 with this article;

8 (4) An individual adjusting or settling claims in the
9 normal course of that individual's practice or
10 employment as an attorney and who does not collect
11 charges or premiums in connection with insurance
12 coverage; or

13 (5) A business entity that is affiliated with a licensed
14 travel insurer while acting as a travel administrator
15 for the direct and assumed insurance business of an
16 affiliated travel insurer.

17 "Travel assistance services" means non-insurance services:

18 (1) For which the consumer is not indemnified based on a
19 fortuitous event; and



1 (2) The provision of which does not result in the transfer
2 or shifting of risk that would constitute the business
3 of insurance.

4 "Travel assistance services" includes but is not limited to
5 security advisories, destination information, vaccination and
6 immunization information services, travel reservation services,
7 entertainment, activity and event planning, translation
8 assistance, emergency messaging, international legal and medical
9 referrals, medical case monitoring, coordination of
10 transportation arrangements, emergency cash transfer assistance,
11 medical prescription replacement assistance, passport and travel
12 document replacement assistance, lost luggage assistance,
13 concierge services, and any other service that is furnished in
14 connection with planned travel. Travel assistance services are
15 not insurance and not related to insurance.

16 "Travel insurance" has the same meaning as in section
17 431:9A-107.5(a) (1).

18 "Travel protection plans" means plans that provide travel
19 insurance, travel assistance services, or cancellation fee
20 waivers, or any combination of the foregoing.

21 "Travel retailer" means a business entity that:



- 1 (1) Makes, arranges, or offers planned travel; and
- 2 (2) May offer and disseminate travel insurance as a
- 3 service to the business entity's customers on behalf
- 4 of and under the direction of a limited lines travel
- 5 insurance producer.

6 **§431: -104 Licensing and registration.** (a) In
7 accordance with sections 431:9A-103 and 431:9A-107.5, the
8 commissioner may issue a limited lines travel insurance producer
9 license to an individual or business entity that has filed with
10 the commissioner an application for a limited lines travel
11 insurance producer license in a form and manner prescribed by
12 the commissioner. Each limited lines travel insurance producer
13 shall be licensed to sell, solicit, or negotiate travel
14 insurance through a licensed travel insurer. No person shall
15 act as a limited lines travel insurance producer or travel
16 retailer unless properly licensed or registered, respectively.

17 (b) No travel retailer shall offer and disseminate travel
18 insurance under a limited lines travel insurance producer
19 business entity license unless:

- 20 (1) The limited lines travel insurance producer or travel
- 21 retailer provides to purchasers of travel insurance:

