

**Effective 5/13/2014**

**Part 9  
Travel Insurance Act**

**31A-23a-901 Title.**

This part is known as the "Travel Insurance Act."

Enacted by Chapter 277, 2014 General Session

**31A-23a-902 Definitions.**

As used in this part, unless the context requires otherwise:

- (1) "Limited lines travel insurance producer" means one of the following designated by an insurer as the travel insurance supervising entity as provided in Subsection 31A-23a-905(4):
  - (a) a licensed managing general agent or third party administrator; or
  - (b) a licensed insurance producer, including a limited lines producer.
- (2) "Offer and disseminate" means:
  - (a) providing general information, including a description of the coverage and price;
  - (b) processing an application;
  - (c) collecting a premium; and
  - (d) performing activities that the state permits to be done by a person who is not licensed.
- (3)
  - (a) "Travel insurance" means insurance coverage for personal risks incident to planned travel, including:
    - (i) interruption or cancellation of a trip or event;
    - (ii) loss of baggage or personal effects;
    - (iii) damages to accommodations or rental vehicles; or
    - (iv) sickness, accident, disability, or death during travel.
  - (b) "Travel insurance" does not include a major medical plan that provides comprehensive medical protection for a traveler with a trip lasting six months or longer, including an individual working overseas or military personnel being deployed.
- (4) "Travel retailer" means a business entity that makes, arranges, or offers travel services and may offer and disseminate travel insurance as a service to its customers on behalf of and under the direction of a limited lines travel insurance producer.

Enacted by Chapter 277, 2014 General Session

**31A-23a-903 Issuance of limited lines travel insurance producer license.**

Notwithstanding any other provision of this chapter:

- (1) The commissioner may issue to an individual or business entity that has filed with the commissioner an application in a form and manner prescribed by the commissioner a limited lines travel insurance producer license that authorizes the limited lines travel insurance producer to sell, solicit, or negotiate travel insurance through a licensed insurer.
- (2) A limited lines travel insurance producer, and those registered under the license of the limited lines travel producer, are exempt from:
  - (a) the examination requirements under Section 31A-23a-108; and
  - (b) the continuing education requirements under Section 31A-23a-202.

Enacted by Chapter 277, 2014 General Session

**31A-23a-904 Travel retailers.**

Notwithstanding any other provision of this chapter, a travel retailer may offer and disseminate travel insurance under a limited lines travel insurance producer business entity license only if the following conditions are met:

- (1) The limited lines travel insurance producer or travel retailer shall provide to a purchaser of travel insurance:
  - (a) a description of the material terms or the actual material terms of the insurance coverage;
  - (b) a description of the process for filing a claim;
  - (c) a description of the review or cancellation process for the travel insurance policy; and
  - (d) the identity and contact information of the insurer and limited lines travel insurance producer.
- (2)
  - (a) At the time of licensure, the limited lines travel insurance producer shall establish and maintain a register on a form prescribed by the commissioner of each travel retailer that offers travel insurance on the limited lines travel insurance producer's behalf.
  - (b) The limited lines travel insurance producer shall maintain and update the register annually and include:
    - (i) the name, address, and contact information of the travel retailer;
    - (ii) the name, address, and contact information of an officer or person who directs or controls the travel retailer's operations; and
    - (iii) the travel retailer's federal tax identification number.
  - (c) The limited lines travel insurance producer shall submit the register to the department upon reasonable request by the department.
  - (d) The limited lines travel insurance producer shall certify that the travel retailer registered with the limited lines travel insurance producer has not violated 18 U.S.C. Sec. 1033.
- (3) The limited lines travel insurance producer shall designate one of its employees who is a licensed individual travel insurance producer as the designated responsible producer who is responsible for the limited lines travel insurance producer's compliance with the travel insurance laws and rules of the state.
- (4) The designated responsible producer, president, secretary, treasurer, and any other officer or person who directs or controls the limited lines travel insurance producer's insurance operations shall comply with the fingerprinting requirements applicable to insurance producers in the resident state of the limited lines travel insurance producer.
- (5) The limited lines travel insurance producer shall pay all applicable insurance producer licensing fees imposed in accordance with Section 31A-3-103.
- (6) The limited lines travel insurance producer shall require an employee or authorized representative of a travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training that may be subject to review by the commissioner. The training materials shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.

Enacted by Chapter 277, 2014 General Session

**31A-23a-905 Offering or disseminating travel insurance.**

- (1) A travel retailer offering or disseminating travel insurance shall make available to a prospective purchaser a brochure or other written material that:

- (a) provides the identity and contact information of the insurer and the limited lines travel insurance producer;
  - (b) explains that the purchase of travel insurance is not required to purchase any other product or service from the travel retailer; and
  - (c) explains that an unlicensed travel retailer is permitted to provide general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the prospective purchaser's existing insurance coverage.
- (2) A travel retailer's employee or authorized representative who is not licensed as an insurance producer may not:
- (a) evaluate or interpret the technical terms, benefits, and conditions of the offered travel insurance coverage;
  - (b) evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or
  - (c) hold the person out as a licensed insurer, licensed producer, or insurance expert.
- (3) Notwithstanding any other provision of this chapter, a travel retailer whose insurance-related activities, and those of its employees and authorized representatives, are limited to offering and disseminating travel insurance on behalf of and under the direction of a limited lines travel insurance producer meeting the conditions stated in this part, is authorized to do so and receive related compensation for services, upon registration of the limited lines travel insurance producer as described in Subsection 31A-23a-904(2).
- (4) As the insurer designee, the limited lines travel insurance producer is responsible for the acts of the travel retailer and shall use responsible means to ensure compliance by the travel retailer under this part.

Enacted by Chapter 277, 2014 General Session

**31A-23a-906 Travel insurance.**

Travel insurance may be provided under an individual policy or under a group or master policy.

Enacted by Chapter 277, 2014 General Session

**31A-23a-907 Market conduct and penalties.**

A limited lines travel insurance producer and any travel retailer offering and disseminating travel insurance under the limited lines travel insurance producer license are subject to Sections 31A-2-308, 31A-23a-402, and 31A-23a-402.5.

Enacted by Chapter 277, 2014 General Session