

Effective 5/4/2022

31A-23a-902 Definitions.

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

- (1) "Aggregator site" means a website that provides access to information regarding insurance products from more than one insurer, including product and insurer information, for use in comparison shopping.
- (2) "Blanket travel insurance" means a travel insurance policy that:
 - (a) an insurer issues to an eligible group; and
 - (b) covers:
 - (i) a specific class of persons defined in the policy; and
 - (ii) all members of the eligible group without a separate charge to an individual member of the eligible group.
- (3) "Cancellation fee waiver" means a contractual agreement that:
 - (a) is between a supplier of a travel assistance service and the supplier's customer; and
 - (b) waives a non-refundable cancellation fee provision of the supplier's underlying travel contract, with or without regard to:
 - (i) the reason for the cancellation; or
 - (ii) the form of reimbursement.
- (4)
 - (a) "Eligible group" means a group of two or more persons who:
 - (i) are engaged in a common enterprise; or
 - (ii) have an economic, educational, or social affinity or relationship.
 - (b) "Eligible group" includes:
 - (i) an entity engaged in the business of providing travel or a travel service in which, with regard to the particular travel or travel service or type of travel or travelers, all members or customers of the group have common exposure to risk attendant to that travel, including:
 - (A) a tour operator;
 - (B) a lodging provider;
 - (C) a vacation property owner;
 - (D) a hotel or resort;
 - (E) a travel club;
 - (F) a travel agency;
 - (G) a property manager;
 - (H) a cultural exchange program;
 - (I) a common carrier; and
 - (J) the operator, owner, or lessor of a means of transportation of passengers, including an airline, a cruise line, a railroad, a steamship company, and a public bus carrier;
 - (ii) a college, school, or other institution of learning, covering students, teachers, employees, or volunteers;
 - (iii) an employer covering employees, volunteers, contractors, a board of directors, dependents, or guests;
 - (iv) a sports team, camp, or a sponsor of a sports team or camp, covering participants, members, campers, employees, officials, supervisors, or volunteers;
 - (v) a religious, charitable, recreational, educational, or civic organization, or a branch of a religious, charitable, recreational, educational, or civic organization, covering members, participants, or volunteers;

- (vi) a financial institution, a financial institution vendor, or a parent holding company, trustee, or agent of or designated by a financial institution or a financial institution vendor, covering accountholders, credit card holders, debtors, guarantors, or purchasers;
 - (vii) an incorporated or unincorporated association, including a labor union, that:
 - (A) has a common interest, constitution, and bylaws;
 - (B) is organized and maintained in good faith for a purpose other than to cover members or participants of the association; and
 - (C) covers members of the association;
 - (viii) an entertainment production company covering participants, volunteers, audience members, contestants, or workers;
 - (ix) a volunteer fire department, ambulance, rescue, police, or court or a volunteer first aid, civil defense, or other volunteer group similar to first aid or civil defense, covering members, participants, or volunteers;
 - (x) a preschool, a daycare institution for children or adults, or a senior citizen club, covering attendees or participants;
 - (xi) an automobile or truck rental or leasing company:
 - (A) covering individuals who may become renters, lessees, or passengers depending on the travel status of the individual on a rented or leased vehicle; and
 - (B) if the common carrier, operator, owner or lessor of the means of transportation, or the automobile or truck rental or leasing company is the policyholder; and
 - (xii) a group not described in Subsections (4)(b)(i) through (xi), if the commissioner determines that:
 - (A) the members of the group are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship; and
 - (B) issuance of the policy would not be contrary to the public interest.
- (5) "Fulfillment material" means documentation that:
- (a) is sent to the purchaser of a travel protection plan;
 - (b) confirms the purchase of the travel protection plan; and
 - (c) provides the travel protection plan's coverage and assistance details.
- (6) "Group travel insurance" means travel insurance issued to an eligible group, covering each certificate holder in the eligible group.
- (7) "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.
- (8) "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.
- (9)
- (a) "Travel administrator" means a person who, in connection with travel insurance, directly or indirectly:
 - (i) underwrites;
 - (ii) collects a charge, collateral, or a premium from a resident of this state; or
 - (iii) adjusts or settles a claim on a resident of this state.
 - (b) "Travel administrator" does not include a person whose action that would otherwise cause the person to be considered a travel administrator is among the following:

- (i) a person working for a travel administrator to the extent that the person's activities are subject to the supervision and control of the travel administrator;
 - (ii) a travel retailer that, in accordance with this part:
 - (A) offers and disseminates travel insurance; and
 - (B) is registered under the license of a limited lines travel insurance producer;
 - (iii) an individual adjusting or settling claims:
 - (A) in the normal course of that individual's practice or employment as an attorney; and
 - (B) who does not collect a charge or premium in connection with insurance coverage; or
 - (iv) a business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer.
- (10)
- (a) "Travel assistance service" means a service:
 - (i) for which the consumer is not indemnified based on a fortuitous event;
 - (ii) where providing the service does not result in transfer or shifting of risk that would constitute the business of insurance; and
 - (iii) that is furnished in connection with planned travel.
 - (b) "Travel assistance service" includes:
 - (i) a security advisory;
 - (ii) destination information;
 - (iii) a vaccination and immunization information service;
 - (iv) a travel reservation service;
 - (v) entertainment;
 - (vi) activity and event planning;
 - (vii) translation assistance;
 - (viii) emergency messaging;
 - (ix) an international legal or medical referral;
 - (x) medical case monitoring;
 - (xi) coordination of transportation arrangements;
 - (xii) emergency cash transfer assistance;
 - (xiii) medical prescription replacement assistance;
 - (xiv) passport and travel document replacement assistance;
 - (xv) lost luggage assistance; and
 - (xvi) a concierge service.
- (11)
- (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;
 - (iv) sickness, accident, disability, or death during travel;
 - (v) emergency evacuation;
 - (vi) repatriation of remains; or
 - (vii) a contractual obligation that indemnifies or pays a specified amount to the traveler upon a determinable contingency related to 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.
- (12) "Travel protection plan" means a plan that provides:

- (a) travel insurance;
 - (b) a travel assistance service; or
 - (c) a cancellation fee waiver.
- (13) "Travel retailer" means a business entity that:
- (a) makes, arranges, or offers a travel service; and
 - (b) may offer and disseminate travel insurance as a service to the entity's customers on behalf of and under the direction of a limited lines travel insurance producer.

Amended by Chapter 364, 2022 General Session