

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 2540**

By Delegates Westfall, Hott, Espinosa and Rowe

[Introduced January 13, 2023; Referred to the  
Committee on Banking and Insurance then the  
Judiciary]



1 A BILL to repeal §33-12-32b of the Code of West Virginia, 1931, as amended; and to amend said  
2 code by adding thereto a new article, designated §33-62-1, §33-62-2, §33-62-3, §33-62-4,  
3 §33-62-5, §33-62-6, §33-62-7, §33-62-8, §33-62-9, §33-62-10, §33-62-11, §33-62-12,  
4 §33-62-13, relating to adopting the Travel Insurance Model Act; giving this act a short title;  
5 listing the scope and purposes; providing definitions; providing licensing and registration  
6 requirements; establishing a premium tax; establishing forms and rates; setting methods  
7 enabling the Commissioner to set pricing structure; establishing acceptable sales  
8 practices; establishing requirements for travel administrators; allowing for both individual  
9 and group policies; granting the Commissioner enforcement powers; granting rulemaking  
10 for the Commissioner; and setting an effective date.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 12. INSURANCE PRODUCERS AND SOLICITORS.**

**§33-12-32b. Travel Insurance Entity Producer Limited License Act.**

1 [Repealed.]

**ARTICLE 62. TRAVEL INSURANCE MODEL ACT.**

**§33-62-1. Short Title.**

1 This Act shall be known as the "Travel Insurance Model Act."

**§33-62-2. Scope and Purposes.**

1 (a) The purpose of this Act is to promote the public welfare by creating a comprehensive  
2 legal framework within which Travel Insurance may be sold in this state through the establishment  
3 of clear regulatory obligations for those involved in the development and distribution of Travel  
4 Insurance, preserving the unique aspects of Travel Protection Plans, and protecting and benefiting  
5 consumers by encouraging fair and effective competition within the market.

6 (b) The requirements of this Act shall apply to Travel Insurance, whether or not provided  
7 as part of a Travel Protection Plan, where policies and certificates are delivered or issued for

8 delivery in this state. It shall not be applicable to Cancellation Fee Waivers and Travel Assistance  
9 Services, except as expressly provided herein.

10 (c) All other applicable provisions of Chapter 33 of the code of West Virginia shall continue  
11 to apply to Travel Insurance, except that the specific provisions of this Act shall supersede any  
12 general provisions of law that would otherwise be applicable to Travel Insurance.

**§33-62-3.**

**Definitions.**

1 As used in this Article:

2 (1) "Aggregator Site" means a website that provides access to information regarding  
3 insurance products from more than one insurer, including product and insurer information, for use  
4 in comparison shopping.

5 (2) "Blanket Travel Insurance" means Travel Insurance issued to any Eligible Group  
6 providing coverage for specified circumstances and specific classes of persons defined in the  
7 policy with coverage provided to all members of the Eligible Group without a separate charge to  
8 individual members of the Eligible Group.

9 (3) "Cancellation Fee Waiver" means a contractual agreement between a supplier of travel  
10 arrangements or travel services and its customer to waive some or all of the non-refundable  
11 cancellation fee or penalty provisions of the underlying travel contract between the supplier and  
12 customer with or without regard to the reason for the cancellation or form of reimbursement. A  
13 Cancellation Fee Waiver is not insurance.

14 (4) "Commissioner" means the commissioner of insurance of this state.

15 (5) "Eligible Group" means any of the following:

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

21 (B) Any college, school, or other institution of learning covering students, teachers, or  
22 employees defined by reference to specified hazards incident to activities or operations of the  
23 institution of learning;

24 (C) Any employer covering any group of employees, volunteers, contractors, board of  
25 directors, dependents, or guests, defined by reference to specified hazards incident to activities or  
26 operations of the employer;

27 (D) Any sports team, camp, or sponsor thereof covering participants, members, campers,  
28 employees, officials, supervisors, or volunteers;

29 (E) Any religious, charitable, recreational, educational, or civic organization or branch  
30 thereof covering any group of members, participants, or volunteers defined by reference to  
31 specified hazards incident to any activity or activities or operations sponsored or supervised by or  
32 on the premises of such organization or branch;

33 (F) Any financial institution or financial institution vendor, or parent holding company,  
34 trustee, or agent of or designated by one or more financial institution or financial institution vendor,  
35 under which accountholders, credit card holders, debtors, guarantors, or purchasers are insured;

36 (G) Any incorporated or unincorporated association, including labor unions, having a  
37 common interest, constitution and bylaws, and organized and maintained in good faith for  
38 purposes other than obtaining insurance for members or participants of such association;

39 (H) Any trust or the trustees of a fund established, created, or maintained for the benefit of  
40 members or customers of one or more associations meeting the above requirements;

41 (I) Any entertainment production company covering any group of participants, volunteers,  
42 audience members, contestants, or workers;

43 (J) Any newspaper or other publisher covering its journalists and carriers;

44 (K) Any volunteer fire department, ambulance, rescue, police, court, or any first aid, civil  
45 defense or other such volunteer group, or agency having jurisdiction thereof, covering all or any  
46 group of the members, participants or volunteers of such group;

47 (L) Preschools, daycare institutions for children or adults, and senior citizen clubs;

48 (M) Any automobile or truck rental or leasing company covering a group of individuals  
49 who may become renters, lessees, or passengers defined by their travel status on the rented or  
50 leased vehicles. The common carrier, the operator, owner or lessor of a means of transportation,  
51 or the automobile or truck rental or leasing company, is the policyholder under a policy to which  
52 this section applies; or

53 (N) Any other group where the Commissioner has determined that the members are  
54 engaged in a common enterprise, or have an economic, educational, or social affinity or  
55 relationship, and that issuance of the policy would not be contrary to the best interests of the  
56 public.

57 (5) "Fulfillment Materials" means documentation sent to the purchaser of a Travel  
58 Protection Plan confirming the purchase and providing the Travel Protection Plan's coverage and  
59 assistance details.

60 (6) "Group Travel Insurance" means Travel Insurance issued to any Eligible Group.

61 (7) "Limited Lines Travel Insurance Producer" means a:

62 (A) Licensed managing general agent or third party administrator;

63 (B) Licensed insurance producer, including a limited lines producer; or

64 (C) Travel Administrator.

65 (8) "Offer and disseminate" means providing general information, including a description of  
66 the coverage and price, as well as processing the application, collecting premiums, and  
67 performing other non-licensable activities permitted by the state.

68 (9) "Primary Certificate Holder" means an individual person who elects and purchases  
69 Travel Insurance under a Group Policy.

70 (10) "Primary Policyholder" means an individual person who elects and purchases  
71 individual Travel Insurance.

72 (11) "Travel Administrator" means a person who directly or indirectly underwrites, collects  
73 charges, collateral or premiums from, or adjusts or settles claims on residents of this state, in  
74 connection with Travel Insurance, except that a person shall not be considered a Travel  
75 Administrator if that person's only actions that would otherwise cause it to be considered a Travel  
76 Administrator are among the following:

77 (A) A person working for a Travel Administrator to the extent that the person's activities are  
78 subject to the supervision and control of the Travel Administrator;

79 (B) An insurance producer selling insurance or engaged in administrative and claims  
80 related activities within the scope of the producer's license;

81 (C) A Travel Retailer offering and disseminating Travel Insurance and registered under the  
82 license of a Limited Lines Travel Insurance Producer in accordance with this Act;

83 (D) An individual adjusting or settling claims in the normal course of that individual's  
84 practice or employment as an attorney at law and who does not collect charges or premiums in  
85 connection with insurance coverage; or

86 (E) A business entity that is affiliated with a licensed insurer while acting as a Travel  
87 Administrator for the direct and assumed insurance business of an affiliated insurer.

88 (12) "Travel Assistance Services" means non-insurance services that may be distributed  
89 by Limited Lines Travel Insurance Producers or other entities, and for which there is no  
90 indemnification for the Travel Protection Plan customer based on a fortuitous event, nor any  
91 transfer or shifting of risk that would constitute the business of insurance. Travel Assistance  
92 Services include, but are not limited to: security advisories; destination information; vaccination  
93 and immunization information services; travel reservation services; entertainment; activity and  
94 event planning; translation assistance; emergency messaging; international legal and medical  
95 referrals; medical case monitoring; coordination of transportation arrangements; emergency cash  
96 transfer assistance; medical prescription replacement assistance; passport and travel document  
97 replacement assistance; lost luggage assistance; concierge services; and any other service that is

98 furnished in connection with planned travel. Travel Assistance Services are not insurance and not  
99 related to insurance.

100 (13) "Travel Insurance" means insurance coverage for personal risks incident to planned  
101 travel, including but not limited to:

102 (A) Interruption or cancellation of trip or event;

103 (B) Loss of baggage or personal effects;

104 (C) Damages to accommodations or rental vehicles;

105 (D) Sickness, accident, disability or death occurring during travel;

106 (E) Emergency evacuation;

107 (F) Repatriation of remains; or

108 (G) Any other contractual obligations to indemnify or pay a specified amount to the traveler  
109 upon determinable contingencies related to travel as approved by the Commissioner.

110 Travel insurance does not include major medical plans, which provide comprehensive  
111 medical protection for travelers with trips lasting six (6) months or longer, including for example,  
112 those working overseas as an expatriate or military personnel being deployed, or any other  
113 product that requires a specific insurance producer license.

114 (14) "Travel Protection Plans" means plans that provide one or more of the following:  
115 Travel Insurance, Travel Assistance Services, and Cancellation Fee Waivers.

116 (15) "Travel Retailer" means a business entity that makes, arranges or offers travel  
117 services and may offer and disseminate travel insurance as a service to its customers on behalf of  
118 and under the direction of a Limited Lines Travel Insurance Producer.

**§33-62-4. Licensing and registration.**

1 (a) The Commissioner may issue to an individual or business entity that has filed with the  
2 Commissioner an application for such limited license in a form and manner prescribed by the  
3 Commissioner, a Limited Lines Travel Insurance Producer License, which authorizes the Limited  
4 Lines Travel Insurance Producer to sell, solicit, or negotiate Travel Insurance through a licensed



5 insurer. No person may act as a Limited Lines Travel Insurance Producer or Travel Insurance  
6 Retailer unless properly licensed or registered, respectively.

7 (1) The annual fee for a Limited Lines Travel Insurance Producer License is shall not  
8 exceed \$200.

9 (b) A Travel Retailer may offer and disseminate Travel Insurance under a Limited Lines  
10 Travel Insurance Producer business entity ("licensed business entity") license only if the following  
11 conditions are met:

12 (1) The Limited Lines Travel Insurance Producer or Travel Retailer provides to purchasers  
13 of travel insurance:

14 (A) A description of the material terms or the actual material terms of the insurance  
15 coverage;

16 (B) A description of the process for filing a claim;

17 (C) A description of the review or cancellation process for the travel insurance policy; and

18 (D) The identity and contact information of the insurer and Limited Lines Travel Insurance  
19 Producer.

20 (2) At the time of licensure, the Limited Lines Travel Insurance Producer shall establish  
21 and maintain a register on a form prescribed by the commissioner of each Travel Retailer that  
22 offers Travel Insurance on the Limited Lines Travel Insurance Producer's behalf. The register shall  
23 be maintained and updated by the Limited Lines Travel Insurance producer and shall include the  
24 name, address, and contact information of the Travel Retailer and an officer or person who directs  
25 or controls the Travel Retailer's operations, and the Travel Retailer's Federal Tax Identification  
26 Number. The Limited Lines Travel Insurance Producer shall submit such register to the state  
27 insurance department upon reasonable request. The Limited Lines Travel Insurance Producer  
28 shall also certify that the Travel Retailer registered complies with 18 USC 1033. The grounds for  
29 the suspension, revocation and the penalties applicable to resident insurance producers under

30 §33-12-24 of this article code, shall be applicable to the Limited Lines Travel Insurance Producers  
31 and Travel Retailers.

32 (3) The Limited Lines Travel Insurance Producer has designated one of its employees who  
33 is a licensed individual producer as the person (a "Designated Responsible Producer" or "DRP")  
34 responsible for the Limited Lines Travel Insurance Producer's compliance with the travel  
35 insurance laws, rules, and regulations of the state.

36 (4) The DRP, president, secretary, treasurer, and any other officer or person who directs or  
37 controls the Limited Lines Travel Insurance Producer's insurance operations comply with the  
38 fingerprinting requirements applicable to insurance producers in the resident state of the Limited  
39 Lines Travel Insurance Producer.

40 (5) The Limited Lines Travel Insurance Producer has paid all applicable insurance  
41 producer licensing fees as set forth in applicable state law.

42 (6) The Limited Lines Travel Insurance Producer requires each employee and authorized  
43 representative of the Travel Retailer whose duties include offering and disseminating Travel  
44 Insurance to receive a program of instruction or training, which may be subject to review by the  
45 commissioner. The training material shall, at a minimum, contain instructions on the types of  
46 insurance offered, ethical sales practices, and required disclosures to prospective customers.

47 (c) Limited Lines Travel Insurance Producers, and those registered under their licenses,  
48 are exempt from the examination requirements under §33-12-9 of this code and the pre-licensing  
49 and continuing education requirements of §33-12-8 of this code.

50 (d) Any Travel Retailer offering or disseminating travel insurance shall make available to  
51 prospective purchasers brochures or other written materials that:

52 (1) Provide the identity and contact information of the insurer and the Limited Lines Travel  
53 Insurance Producer;

54 (2) Explain that the purchase of travel insurance is not required in order to purchase any  
55 other product or service from the Travel Retailer; and

56 (3) Explain that an unlicensed Travel Retailer is permitted to provide general information  
57 about the insurance offered by the Travel Retailer, including a description of the coverage and  
58 price, but is not qualified or authorized to answer technical questions about the terms and  
59 conditions of the insurance offered by the Travel Retailer or to evaluate the adequacy of the  
60 customer's existing insurance coverage;

61 (e) A Travel Retailer's employee or authorized representative, who is not licensed as an  
62 insurance producer may not:

63 (1) Evaluate or interpret the technical terms, benefits, and conditions of the offered travel  
64 insurance coverage;

65 (2) Evaluate or provide advice concerning a prospective purchaser's existing insurance  
66 coverage; or

67 (3) Hold himself or itself out as a licensed insurer, licensed producer, or insurance expert.

68 (f) Notwithstanding any other provision in law, a Travel Retailer whose insurance-related  
69 activities, and those of its employees and authorized representatives, are limited to offering and  
70 disseminating Travel Insurance on behalf of and under the direction of a Limited Lines Travel  
71 Insurance Producer meeting the conditions stated in this Act, is authorized to do so and receive  
72 related compensation, upon registration by the Limited Lines Travel Insurance Producer as  
73 described in Sub-section (b)(2) above.

74 (g) Responsibility: As the insurer designee, the Limited Lines Travel Insurance Producer is  
75 responsible for the acts of the Travel Retailer and shall use reasonable means to ensure  
76 compliance by the Travel Retailer with this Act.

77 (h) A licensee under this section is subject to the provisions of § 33-12-6b of this article as if  
78 it were an insurance agency.

79 (i) License renewal. – The commissioner shall annually renew, on the expiration date as  
80 provided in this subsection, the license of a licensee who qualifies and applies for renewal on a  
81 form prescribed by the commissioner and pays the fee set forth in subdivision one, subsection (a)

82 of this section: *Provided*, That the commissioner may fix the dates of expiration of Limited Lines  
83 Travel Insurance Producer licenses as he or she considers advisable for efficient distribution of the  
84 workload of his or her office:

85 (1) If the fixed expiration date would upon first occurrence shorten the period for which a  
86 license fee has been paid, no refund of unearned fee shall be made;

87 (2) If the fixed expiration date would upon first occurrence lengthen the period for which a  
88 license fee has been paid, the commissioner shall charge no additional fee for the lengthened  
89 period;

90 (3) If a date is not fixed by the commissioner, each license shall, unless continued as  
91 provided in this subsection, expire at midnight on June 30 following issuance; and

92 (4) A licensee that fails to timely renew its license may reinstate its license, retroactive to  
93 the expiration date, upon submission of the renewal application within twelve months after the  
94 expiration date and payment of a penalty in the amount of \$50.

95 (j) Appointment. – Limited Lines Travel Insurance Producer may not act as an agent of an  
96 insurer unless the insurer appoints the Limited Lines Travel Insurance Producer as its agent, as  
97 follows:

98 (1) The insurer shall file, in a format approved by the commissioner, a notice of  
99 appointment within fifteen days from the date the agency contract is executed and shall pay a  
100 nonrefundable appointment processing fee in the amount of \$25: *Provided*, That an insurer may  
101 elect to appoint a Limited Lines Travel Insurance Producer to all or some insurers within the  
102 insurer's holding company system or group by filing a single notice of appointment;

103 (2) Upon receipt of a notice of appointment, the commissioner shall verify within a  
104 reasonable time, not to exceed thirty days, that the Limited Lines Travel Insurance Producer is  
105 eligible for appointment: *Provided*, That the commissioner shall notify the insurer within five days  
106 of a determination that the Limited Lines Travel Insurance Producer is ineligible for appointment;  
107 and

108 (3) The insurer shall remit, no later than midnight on May 31 annually and in a manner  
109 prescribed by the commissioner, a renewal appointment fee for each appointed Limited Lines  
110 Travel Insurance Producer in the amount of \$25; and

111 (4) The insurer shall maintain a current list of Limited Lines Travel Insurance Producers  
112 appointed to accept applications on behalf of the insurer, and shall make the list available to the  
113 commissioner upon reasonable request for purposes of conducting investigations and enforcing  
114 the provisions of this chapter.

**§33-62-5. Premium tax.**

1 (a) A travel insurer shall pay premium tax, as provided in §33-34-14a of this Code on Travel  
2 Insurance Premiums paid by any of the following:

3 (1) An individual primary policyholder who is a resident of this state;

4 (2) A primary certificate-holder who is a resident of this state who elects coverage under a  
5 Group Travel Insurance policy; or

6 (3) An Eligible Group policyholder that is resident in, or has its principal place of business  
7 or the principal place of business of an affiliate or subsidiary in, this state that purchases a Blanket  
8 Travel Insurance policy for eligible blanket group members, subject to any apportionment rules  
9 that apply across multiple taxing jurisdictions or that permit the insurer to allocate premium on an  
10 apportioned basis in a reasonable and equitable manner in those jurisdictions.

11 (b) An insurer shall obtain and maintain documentation necessary to determine the state to  
12 which premium tax should be reported based on information provided by the policyholder or  
13 certificate-holder, as applicable and shall report as premium only the amount allocable to Travel  
14 Insurance and not any amounts received for Travel Assistance Services or Cancellation Fee  
15 Waivers.

**§33-62-6. Forms and rates.**

1 (a) Notwithstanding any other provision of Chapter 33 of this code, Travel Insurance shall  
2 be classified and filed for purposes of rates and forms under an inland marine line of insurance,

3 provided, however, that travel insurance that provides coverage for sickness, accident, disability  
4 or death occurring during travel, either exclusively, or in conjunction with related coverages of  
5 emergency evacuation or repatriation of remains, may be filed under either an accident and health  
6 line of insurance or an inland marine line of insurance.

7 (b) All Travel Insurance policies, certificates of insurance, endorsements, riders and rates  
8 delivered, issued for delivery, or charged in this state shall be filed with the commissioner before  
9 being used. No policy, certificate of insurance, or endorsement shall be issued until the expiration  
10 of 30 days after it has been filed, unless the commissioner shall have given prior written approval.

11 (c) Eligibility and underwriting standards for Travel Insurance may be developed and  
12 provided based on Travel Protection Plans designed for individual or identified marketing or  
13 distribution channels, and the Travel Insurance offered as part of the Travel Protection Plan may  
14 be offered as individual Travel Insurance, Group Travel Insurance, or Blanket Travel Insurance.

**§33-62-7. Travel protection plans.**

1 Travel Protection Plans may be offered for one price in this state if:

2 (a) The Travel Insurance, Travel Assistance Services and Cancellation Fee Waivers are  
3 clearly delineated in the Travel Protection Plan's fulfillment materials. The fulfillment materials  
4 shall include the Travel Insurance disclosures required under state law and the contact information  
5 for persons providing Travel Assistance Services and Cancellation Fee Waivers, as applicable;  
6 and

7 (b) The Travel Protection Plan clearly discloses to the consumer at or prior to the time of  
8 purchase and fulfillment that it includes Travel Insurance, Travel Assistance Services, and  
9 Cancellation Fee Waivers, as applicable, and provides an opportunity for the consumer to obtain  
10 additional information regarding the features and pricing of each.

**§33-62-8. Sales practices.**

1 (a) All persons offering Travel Insurance to residents of this state are subject to the Unfair  
2 Trade Practices provisions of §33-11-1, et seq. of this code, except as otherwise provided in this

3 section. In the event of a conflict between this article and other provisions of Chapter 33 of this  
4 code regarding the sale and marketing of Travel Insurance and Travel Protection Plans, the  
5 provisions of this Act shall control.

6 (b) Illusory Travel Insurance. Offering or selling a Travel Insurance policy that could never  
7 result in payment of any claims for any insured under the policy is an unfair trade practice under  
8 §33-11-1, et seq. of this code.

9 (c) Marketing.

10 (1) All documents provided to consumers prior to the purchase of Travel Insurance,  
11 including but not limited to sales materials, advertising materials, and marketing materials, shall be  
12 consistent with all Travel Insurance policy documents, including but not limited to, forms,  
13 endorsements, policies, rate filings and certificates of insurance.

14 (2) Travel Insurance policies or certificates that contain pre-existing condition exclusions  
15 must provide information and an opportunity to learn more about the pre-existing condition  
16 exclusions any time prior to purchase, and in the coverage's fulfillment materials.

17 (3) The Fulfillment Materials and the information described in §33-62-4(b)(1) shall be  
18 provided to a policyholder or certificate holder as soon as practicable, following the purchase of a  
19 Travel Protection Plan. Unless the insured has either started a covered trip or filed a claim under  
20 the Travel Insurance coverage, a policyholder or certificate holder may cancel a policy or  
21 certificate for a full refund of the Travel Protection Plan price from the date of purchase of a Travel  
22 Protection Plan until at least:

23 (a) Fifteen (15) days following the date of delivery of the Travel Protection Plan's  
24 Fulfillment Materials by postal mail; or

25 (b) Ten (10) days following the date of delivery of the Travel Protection Plan's Fulfillment  
26 Materials by means other than postal mail. For the purposes of this section, "delivery" means  
27 handing Fulfillment Materials to the policyholder or certificate holder or sending Fulfillment  
28 Materials by postal mail or electronic means to the policyholder or certificate holder.

29 (4) The company shall disclose in the policy fulfillment and documentation whether the  
30 Travel Insurance is primary or secondary to other applicable coverage.

31 (5) Where Travel Insurance is marketed directly to a consumer through an insurer's  
32 website or by others through an Aggregator Site, it shall not be an unfair trade practice or other  
33 violation of law where an accurate summary or short description of coverage is provided on the  
34 web page, so long as the consumer has access to the full provisions of the policy through  
35 electronic means.

36 (d) Opt out. Unless otherwise permitted by state or federal law, no person offering Travel  
37 Insurance or Travel Protection Plans on an individual or Group basis may do so using negative  
38 option or opt-out, which would require a consumer to take an affirmative action to deselect  
39 coverage such as unchecking a box on an electronic form when they purchase a trip.

40 (e) It shall not be an unfair trade practice to include Blanket Travel Insurance coverage with  
41 the purchase of a trip, provided the coverage is not marketed as free.

42 (f) Where a consumer's destination jurisdiction requires insurance coverage, it shall not be  
43 an unfair trade practice to require that a consumer choose between the following options as a  
44 condition of purchasing a trip or travel package:

45 (1) Purchasing the coverage required by the destination jurisdiction through the Travel  
46 Retailer or Limited Lines Travel Insurance Producer supplying the trip or travel package; or

47 (2) Agreeing to obtain and provide proof of coverage that meets the destination  
48 jurisdiction's requirements prior to departure.

**§33-62-9. Travel administrators.**

1 (a) Notwithstanding any other provisions of Chapter 33 of this code, no person shall act or  
2 represent itself as a Travel Administrator in this state unless that person:

3 (1) Is a licensed property and casualty insurance producer in this state for activities  
4 permitted under that producer license;

5 (2) Holds a valid managing general agent (MGA) license in this state; or



6 (3) Holds a valid third-party administrator (TPA) license in this state.

7 (b) A Travel Administrator and its employees are exempt from the licensing requirements  
8 of §33-12B-10 and §33-12B-12 of this code.

9 (c) An insurer is responsible for the acts of a Travel Administrator administering Travel  
10 Insurance underwritten by the insurer, and is responsible for ensuring that the Travel Administrator  
11 maintains all books and records relevant to the insurer to be made available by the Travel  
12 Administrator to the Commissioner upon request.

**§33-62-10.** **Policy.**

1 Travel insurance may be provided under an individual policy or under a group or blanket  
2 policy.

**§33-62-11. Enforcement.**

1 (a) The commissioner may conduct investigations or examinations of travel insurers,  
2 Limited Lines Travel Insurance Producers, Travel Retailers, and Travel Administrators to enforce  
3 the provisions of this Act to protect resident Travel Insurance consumers.

4 (b) The commissioner may take action, following notice and a hearing, necessary or  
5 appropriate to enforce the provisions of this Act, commissioner's orders, and state statutes to  
6 protect consumers of Travel Insurance in this state, pursuant to §33-2-13 of this code.

**§33-62-12.** **Rulemaking.**

1 The commissioner may promulgate rules to implement the provisions of this Act.

**§33-62-13. Effective Date.**

2 This Act shall take effect 90 days after enactment.

NOTE: The purpose of this bill is to establish the "Travel Insurance Model Act," set requirements for policies, allow rulemaking and enforcement for the Commissioner, setting standards for policies and pricing.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.